8.15. Planning Proposal 7/20 – 391-423 Pacific Highway, 3-15 Falcon Street and 8 Alexander Street, Crows Nest. Site known as "Fiveways Triangle Site"

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ATTACHMENTS:
1. Attachment 1 Planning Proposal Dec 2020 [**8.15.1** - 98 pages]
2. Attachment 2 Appendix A Urban Design Report Dec 2020 [**8.15.2** - 167 pages]
3. Attachment 3 NSLPP Minutes May 2021 [**8.15.3** - 9 pages]

PURPOSE:

To present to Council the assessment of a Planning Proposal which seeks to amend *North Sydney Local Environmental Plan 2013* (NSLEP 2013) as it relates to land at 391-423 Pacific Highway, 3-15 Falcon Street and 8 Alexander Street, Crows Nest (site known as "Fiveways Triangle Site") following its review by the North Sydney Local Planning Panel.

EXECUTIVE SUMMARY:

On 4 December 2020, Council received a Planning Proposal to amend NSLEP 2013 as it relates to land bound by Pacific Highway, Falcon Street and Alexander Street, Crows Nest, known as the 'Fiveways Triangle Site'.

The subject site is located within the area covered by two recently adopted and important planning instruments, being:

1. the *St Leonards and Crows Nest 2036 Plan* (2036 Plan), adopted by the Department of Planning, Industry and Environment (DPIE) on 29 August 2020; and
2. the *Civic Precinct Planning Study* (CPPS) adopted by Council on 30 November 2020.

The Planning Proposal seeks to amend NSLEP 2013 as follows:

- Increase the maximum building height control on the subject site from 16m to 75m;
- Increase the minimum Non-Residential Floor Space Ratio (FSR) control on the subject site from 0.5:1 to 2.5:1; and
- Establish an overall maximum FSR control on the subject site of 9.3:1.

The intent of the Planning Proposal is to deliver a 19-storey mixed-use development with a 3-4 storey commercial podium and 16-storey residential tower above. The indicative concept scheme submitted in support of the amendment, includes 233 residential apartments with a residential Gross Floor Area (GFA) of 21,818 sqm, a non-residential GFA of 8,002 sqm, and 385 car parking spaces over 7 basement levels.

The Planning Proposal is accompanied by an offer to enter into a Voluntary Planning Agreement (VPA) to provide either a monetary contribution for the purposes of improved open space and community facilities, or the dedication to Council of an unspecified number of 1 bedroom apartments within the proposed development for affordable key worker housing.
On 26 February 2021, Council wrote to the applicant to advise that it had undertaken a preliminary assessment of the Planning Proposal against the outcomes of the 2036 Plan and that it could not be supported in its current form. The applicant was requested to either withdraw their Planning Proposal or re-submit a revised Planning Proposal that is compliant with the 2036 Plan. No withdrawal request or revised scheme has been submitted.

An assessment of the Planning Proposal has been completed against the 2036 Plan and relevant Regional, District and Local Plans. It is recommended that the Planning Proposal not be supported to proceed to a Gateway Determination for the following reasons:

- The Planning Proposal is significantly inconsistent with the outcomes of the 2036 Plan in relation to the degree of non-compliance with building height and FSR. These non-compliances result in significant amenity impacts as detailed in this report.

- If such non-compliances are supported to any degree, the Planning Proposal will create a precedent for significant non-compliances with the maximum building height and FSR controls contained within the 2036 Plan and undermine the integrity of all strategic planning policies relating to the precinct including:

    - Greater Sydney Regional Plan (‘A Metropolis of Three Cities’) and North District Plan;
    - St Leonards and Crows Nest 2036 Plan and accompanying Special Infrastructure Contribution (SIC) Scheme;
    - North Sydney Local Strategic Planning Statement (LSPS); and
    - Civic Precinct Planning Study (CPPS).

- The Planning Proposal is inconsistent with *Direction 5.10 – Implementation of the Regional Plan* and *Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan* to section 9.1 Ministerial Directions under the Environmental Planning and Assessment Act 1979 (EP&A Act), which requires Planning Proposals to be consistent with the 2036 Plan and Greater Sydney Regional Plan.

The North Sydney Local Planning Panel (NSLPP) considered the Assessment Report on 5 May 2021 and resolved not to support the progression of the Planning Proposal to a Gateway Determination. The NSLPP agreed with the analysis and reasons for not supporting the Planning Proposal outlined in this report.

Despite the above, the applicant has lodged a request for a rezoning review with the DPIE. Council is yet to be advised when the review is likely to be considered by the Sydney North Planning Panel.

FINANCIAL IMPLICATIONS:

Nil

RECOMMENDATION:

1.THAT Council receive and consider the advice provided by the North Sydney Local Planning Panel at its meeting of 5 May 2021, in relation to this Planning Proposal.

2.THAT Council resolves not to support the Planning Proposal proceeding to Gateway Determination for the following reasons:

- The Planning Proposal is significantly inconsistent with the outcomes of the 2036 Plan in relation to the degree of non-compliance with building height and FSR.
- If such non-compliances are supported to any degree, the Planning Proposal will create a precedent for significant non-compliances with the maximum building height and FSR controls contained within the 2036 Plan and undermine the integrity of all strategic planning policies relating to the precinct including:
    - Greater Sydney Regional Plan ('A Metropolis of Three Cities') and North District Plan;
    - St Leonards and Crows Nest 2036 Plan and accompanying Special Infrastructure Contribution (SIC) Scheme;
    - North Sydney Local Strategic Planning Statement (LSPS); and
    - Civic Precinct Planning Study (CPPS).
- The Planning Proposal is inconsistent with *Direction 5.10 – Implementation of the Regional Plan* and *Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan* to section 9.1 Ministerial Directions under the Environmental Planning and Assessment Act 1979 (EP&A Act), which requires Planning Proposals to be consistent with the 2036 Plan and Greater Sydney Regional Plan.

3.THAT Council advise the Department of Planning, Industry and Environment of its decision and be provided with a copy of this report and its resolution in support of Council's decision.

4.THAT Council notifies the applicant of Council's determination in accordance with clause 10A of the Environmental Planning and Assessment Regulation 2000.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

1. Our Living Environment
1.2 North Sydney is sustainable and resilient
1.3 Quality urban greenspaces

2. Our Built Infrastructure
2.1 Infrastructure and assets meet community needs
2.2 Vibrant centres, public domain, villages and streetscapes
2.3 Sustainable transport is encouraged
2.4 Improved traffic and parking management

3. Our Future Planning
3.1 Prosperous and vibrant economy
3.4 North Sydney is distinctive with a sense of place and quality design

5. Our Civic Leadership
5.1 Council leads the strategic direction of North Sydney
5.3 Community is informed and consulted

DESCRIPTION OF PROPOSAL

On 4 December 2020, the subject Planning Proposal (refer to Attachment 1) was lodged by Deicorp Projects (Crows Nest) Pty Limited to amend *North Sydney Local Environmental Plan 2013* (NSLEP 2013) as it relates to land at 391-423 Pacific Highway, 3-15 Falcon Street and 8 Alexander Street, Crows Nest (also known as the 'Fiveways Triangle Site').

The Planning Proposal seeks to amend NSLEP 2013 as follows:

- Increase the maximum building height control on the subject site from 16m to 75m;
- Increase the minimum Non-Residential Floor Space Ratio (FSR) control on the subject site from 0.5:1 to 2.5:1; and
- Establish an overall maximum FSR control on the subject site of 9.3:1.

It is envisaged by the applicant that the proposed amendments will deliver a 19-storey mixed-use development with a 3-4 storey commercial podium broken into a collection of buildings creating internal laneways; a 16-storey tower above the podium comprising 233 residential apartments; and 7 basement levels with 385 car parking spaces.

A numerical overview of the indicative concept scheme, as outlined in the applicant's Planning Proposal, is provided below:

Building Height	75m (19 storeys) • Podium 3-4 storeys • Tower 16 storeys
Gross Floor Area	29,820sqm • 8,002sqm non-residential GFA • 21,818sqm residential GFA (233 dwellings)
Non-Residential Floor Space Ratio (FSR)	2.5:1
Floor Space Ratio (FSR)	9.3:1 (total)
Car Parking	385 car spaces 404 bicycle spaces 22 motorcycle spaces

Figure 1: Concept building as viewed from Fiveways Intersection (p.33 Planning Proposal)

BACKGROUND

Planning Proposal 2/18 (Withdrawn)

On 5 April 2018, Planning Proposal (2/18) was lodged by Eastern Property Alliance Pty Ltd to amend NSLEP 2013 as it relates to the land at the Fiveways Triangle Site. The Planning Proposal sought to amend NSLEP 2013 to increase the maximum building height for the subject site from 16m to 205m.
It was envisaged that the proposed amendment would deliver a 51-storey mixed-use development with a 5-storey commercial podium (comprising approximately 10,500sqm), and two residential towers of 45 and 55 storeys above (comprising approximately 750 apartments).

An assessment of the Planning Proposal against the strategic framework in place at the time (including the then *St Leonards Crows Nest Planned Precinct – Land Use and Infrastructure Implementation Plan)* was completed and referred to the North Sydney Local Planning Panel (NSLPP) for advice on 13 June 2018. The Panel recommended that Council not support the progression of the Planning Proposal to a Gateway Determination and noted that there were significant State and Council initiatives and studies that on completion will inform the future development, character and infrastructure needs of the Precinct.

On 19 June 2018, the applicant's consultants formally requested that Council not proceed with reporting the matter to Council until it had presented an alternative scheme and potential public benefit offer. With no revised scheme submitted, nor intention to do so, the Planning Proposal was formally withdrawn by the applicant on 29 October 2018.

Planning Proposal 4/20 (Withdrawn)

On 25 June 2020, Planning Proposal (PP4/20) was lodged by Deicorp Projects (Crows Nest) Pty Limited to amend NSLEP 2013 as it relates to land at the Fiveways Triangle Site. The Planning Proposal (PP4/20) sought to amend NSLEP 2013 as follows:

- Increase the maximum building height from 16m to 140m;
- Increase the Non-Residential Floor Space Ratio (FSR) from 0.5:1 to 3:1; and
- Establish an overall maximum FSR of 12:1.

It was envisaged that the proposed amendments would deliver a 36-storey mixed-use development with a 5-storey commercial podium (comprising approximately 8,000sqm); a 31-storey tower above (comprising 310 residential apartments); a 2,000sqm community space; and 3 basement levels with 400 car parking spaces.

The Planning Proposal included a non-binding letter of offer to enter into a Voluntary Planning Agreement (VPA) to provide:

- a 2,000sqm community building with landscaped rooftop open space within the site, and public footpath linkages and public furniture; OR
- affordable housing up to a total value of $20 million and public footpath linkages and public furniture.

On 23 September 2020, Council advised the applicant that it had progressed a preliminary assessment of the Planning Proposal against the strategic framework in place at the time of lodgement (i.e. the then *draft St Leonards and Crows Nest 2036 Plan*) and was unlikely to support the progression of the Planning Proposal to a Gateway Determination.

An initial review of the Planning Proposal against the final *St Leonards and Crows Nest 2036 Plan* (2036 Plan), published by the DPIE on 29 August 2020, had also been undertaken and due to the level of inconsistency between the proposal and outcomes of the final 2036 Plan, the Planning Proposal could not be supported.

The Planning Proposal (4/20) was formally withdrawn by the applicant on 29 September 2020, with the intention of submitting a new Planning Proposal responding to the final 2036 Plan.

Current Planning Proposal (the subject of this report)

On 4 December 2020, the subject Planning Proposal (refer to Attachment 1) was lodged by Deicorp Projects (Crows Nest) Pty Limited.

On 26 February 2021, Council wrote to the applicant to advise that it had undertaken a preliminary assessment of the Planning Proposal against the outcomes of the 2036 Plan and that the Proposal could not be supported. The applicant was advised to either withdraw their application or submit a revised Planning Proposal that is compliant with the 2036 Plan.

No withdrawal request or revised scheme has been submitted to Council by the applicant, nor any intention to do so.

CONSULTATION REQUIREMENTS

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

DETAIL

1. Applicant

The applicant for the proposal is Deicorp Projects (Crows Nest) Pty Limited. The applicant is the owner of 15 of the total 19 allotments comprising the subject site.

2. Owner's Consent

Council requires proponent instigated planning proposals to be accompanied by owner's consent. This is to ensure that all affected property owners are made aware of a change to planning controls on their land prior to Council making a determination of whether to allow that change to occur.

The applicant has obtained consent letters from the relevant owners for the parcels which remain under option agreements.

3. Site Description

The subject site comprises 19 allotments of land bound by the Pacific Highway, Falcon Street and Alexander Street, Crows Nest (refer to Figure 2). The land is legally described as follows:

TABLE 1: Legal Site Description			
No	**Street**	**Lot**	**DP / SP**
3*	Falcon Street	2	DP 29672
7-7A	Falcon Street	3	DP 29672
9-11	Falcon Street	1	DP 127595
15*	Falcon Street	1	DP 562 966
8	Alexander Street	11	DP 29672
391-393	Pacific Highway	6	DP 16402
395* (397)	Pacific Highway	5	DP 16402
		4	DP 16402
399	Pacific Highway	3	DP 16402
401	Pacific Highway	2	DP 16402
		1	DP 16402
407 (6)	Pacific Highway	10	DP 29672
	Alexander St	9	DP 29672
411	Pacific Highway	8	DP 29672
413	Pacific Highway	7	DP 29672
415	Pacific Highway	6	DP 29672
417	Pacific Highway	5	DP 29672
419	Pacific Highway	4	DP 29672
423*	Pacific Highway	1	DP 29672

* Sites under options agreement.

Figure 2: Subject Site

Figure 3: Aerial Photo

The site is bound by Falcon Street to the north, Alexander Street to the east, and the Pacific Highway to the south-west. The site is 3,200.6sqm in area. It is triangular in shape with a frontage of approximately 70m to Falcon Street, 85m to Alexander Street and 110m to the Pacific Highway. The land generally falls in a south-easterly direction from its north-western corner down to its south-eastern corner. There is an approximately 2m fall eastwards across the site's Falcon Street frontage; a 3m fall southwards along its Pacific Highway frontage an a 1m fall southwards across its Alexander Street frontage.

The site contains a number of buildings ranging from 1-4 storeys in height in a variety of building styles and sizes. All buildings are constructed to address their respective frontages, with the exception to Alexander Street, where vehicular access points and odd building angles to allotment boundaries are provided. All buildings appear to have been originally constructed prior to the 1980s and have had a low level of maintenance.

No details have been supplied, which indicate the extent of non-residential floorspace or number of dwellings currently provided on the subject site. The applicant suggests an estimated 4,600sqm GFA and 154 jobs is currently provided on the site.

The buildings are principally used for retail purposes (generally at ground level), commercial offices (generally above ground level) and shop-top housing. No 8. Alexander Street is currently being used as vehicle repair station. A large scale third party advertising sign is located atop the building, which is prominent at the intersection of the Pacific Highway and Falcon Street (i.e. at 423 Pacific Highway).

4. Local Context

The subject site is located in the southern portion of the Crows Nest Town Centre, which forms an integrated extension to the specialised centre of St Leonards, which is identified as a *Strategic Centre* under the relevant Regional Plan and District Plan. The immediate area is currently undergoing a significant transformation from typically 1-4 storey commercial buildings constructed between the 1920s and 1980s with contemporary mixed-use buildings up to 16 storeys in height, with generally 1 to 4 levels of commercial floor space at the lower levels of the building and residential apartments above.

St Leonards Railway Station is located approximately 800m walk to the north-west, which provides regular services to the south to Sydney City CBD, and to the north to Chatswood, Macquarie Park and Hornsby. The future Crows Nest Metro Station is located approximately 300m to the north-west of the site.

To the north of the subject site, on the opposite side of Falcon Street are:

- 1 Willoughby Road, which contains a 3 storey pub, which is also listed as a local heritage item under NSLEP 2013.
- 6-8 Falcon Street, which contains a 2 storey commercial building currently being used as a restaurant; and
- 10 Falcon Street, which contains a 3 storey building comprising ground level retail facilities (including a supermarket) and a mixture of commercial and public car parking above.

Further to the north lie a mixture of 2-4 storey commercial buildings and mixed-use buildings.

To the east of the subject site, on the opposite side of Alexander Street, are a mixture of 2-4 storey commercial and mixed-use buildings. Further to the east are a mixture of low scale detached and semi-detached residential buildings which form part of the Holtermann Estate Heritage Conservation Area as identified under NSLEP 2013. North Sydney Girls High School is also located to the south-east.

To the south-west of the subject site, on the opposite side of the Pacific Highway, are a mixture of 2-5 storey commercial buildings 5-6 storey mixed-use buildings. Further to the south-west are predominantly residential flat buildings ranging from 3 to 8 storeys in height, with a number of single storey attached dwellings fronting the northern side Sinclair Street.

5. Current Planning Provisions

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

5.1 NSLEP 2013

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

- Zoned *B4 Mixed Use* (refer to Figure 4);
- A maximum building height of 16m (refer to Figure 5);
- A minimum non-residential floor space ratio of 0.5:1 (refer to Figure 6).

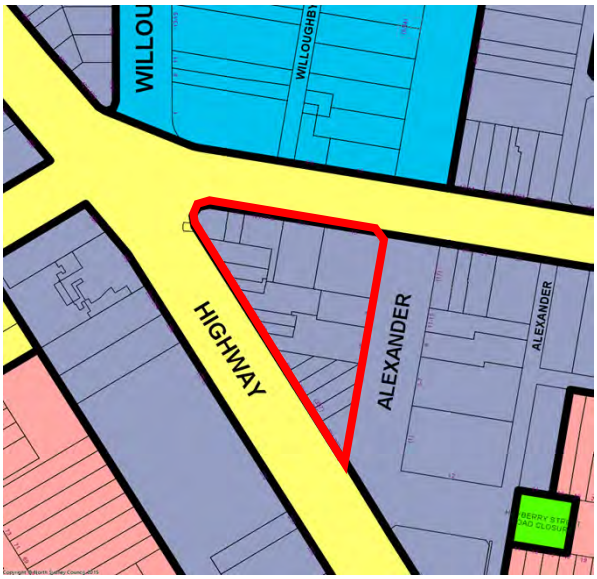

Figure 4: NSLEP 2013 Zoning Map extract
The subject site is zoned B4 Mixed Use

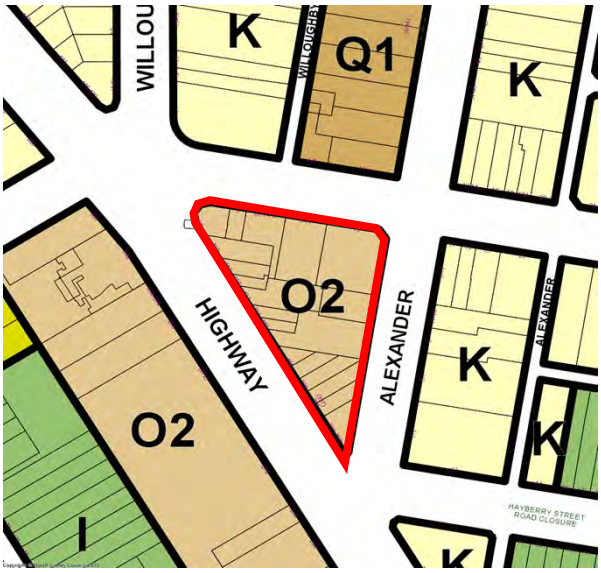

Figure 5: NSLEP 2013 Height of Buildings Map extract
The subject site has a maximum height of 16m

Figure 6: NSLEP 2013 Non-residential Floor Space Ratio Map extract

The subject site must provide a minimum non-residential floor space of 0.5:1

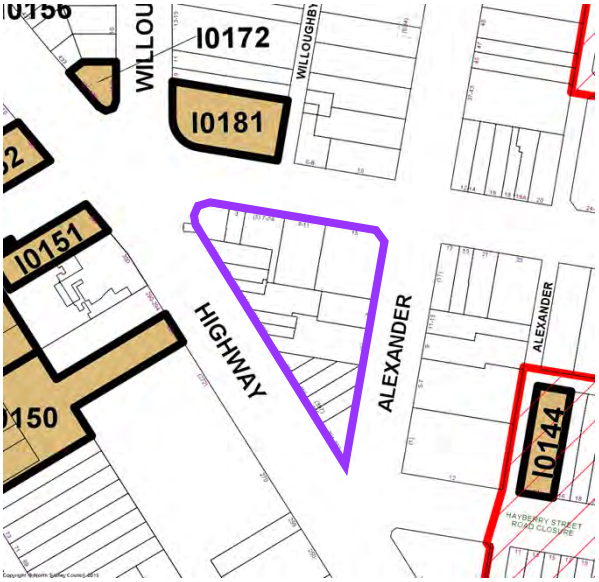

Figure 7: NSLEP 2013 Heritage Map extract

The subject site is identified as being in the vicinity of a number of local heritage items

The site is also located in the vicinity of the Holtermann Estate Conservation area and located directly opposite 5 items of heritage significance (refer to Figure 7), as follows:

- I0150 286–288 Pacific Highway Former North Shore Gas Co office
- I0151 306 Pacific Highway Bank
- I0152 308 Pacific Highway Former National Australia Bank
- I0172 429 Pacific Highway Willoughby House, former OJ Williams store
- I0181 1–3 Willoughby Road Crows Nest Hotel

5.2 St Leonards and Crows Nest 2036 Plan (2020)

In July 2016, the Minister for Planning announced that the Department of Planning, Industry and Environment (DPIE) would undertake a strategic planning investigation into the Crows Nest, St Leonards and Artarmon industrial areas (refer to Figure 8).

Figure 8: St Leonards and Crows Nest Precinct
(St Leonards and Crows Nest 2036 Plan extract)

On October 2018, the DPIE released the *draft St Leonards and Crows Nest 2036 Plan* (draft 2036 Plan) and a suite of supporting documents for public exhibition. The draft 2036 Plan outlined capacity for significant residential and employment growth within the precinct (principally as a result of the new Crows Nest Metro station opening in 2024) and identified desired building heights, density (FSR), employment (non-residential FSR), land use, overshadowing and building setback controls. In particular, the draft 2036 Plan nominated the subject site as a "Significant Site," with no specific height and FSR identified, but instead, a list of criteria to be met in determining an appropriate uplift in development potential.

On 29 August 2020, the 2036 Plan was published. The final 2036 Plan diverges from the draft version in a number of ways, including removing "Significant Sites" and including site specific built form controls. Site specific height and FSR controls set out in the 2036 Plan for the subject site are as follows:

- A building height of 16 storeys; and
- An overall FSR of 5.8:1.

An assessment against the 2036 Plan's criteria is undertaken under section 7.8.5 of this report. The finalised 2036 Plan was also accompanied by the Special Infrastructure Contribution (SIC) Scheme, to help support identified growth in the precinct.

5.3 Civic Precinct Planning Study (2020)

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 "Fiveways Triangle" site (refer to Figure 9). The CPPS was prepared in response to the construction of the Victoria Cross Metro Station northern portal with the intent of developing a holistic and long-term framework for guiding future development and improvements within the study area.

On 18 May 2020, Council endorsed the Draft CPPS for public exhibition. The draft CPPS as publicly exhibited, proposed an 8-storey height limit for the 'Fiveways Triangle' site.

Following the release of the DPIE's final 2036 Plan in August 2020 and accompanying section 9.1 Ministerial Direction that requires planning proposals be consistent with the 2036 Plan, the CPPS was amended to reflect the 16-storey height limit identified for the 'Fiveways Triangle' site under the 2036 Plan. Following public consultation, the amended draft CPPS was considered by Council on 20 November 2020, wherein Council resolved that the current maximum height control of 16m under NSLEP 2013 continue to apply to the 'Fiveways Triangle' site under this Study.

A comparison of the current and proposed built form controls applying to the 'Fiveways Triangle' site is summarised below (refer to Table 2).

TABLE 2: Built Form Controls Comparison (Fiveways Triangle Site)

	NSLEP 2013	**2036 Plan**	**CPPS**	**Planning Proposal**
Height	16m (4-storeys)	16 storeys	16m (4-storeys)	75m
FSR	Nil	5.8:1	Nil	9.3:1
Non-Residential FSR	0.5:1	2.5:1	1:1	2.5:1

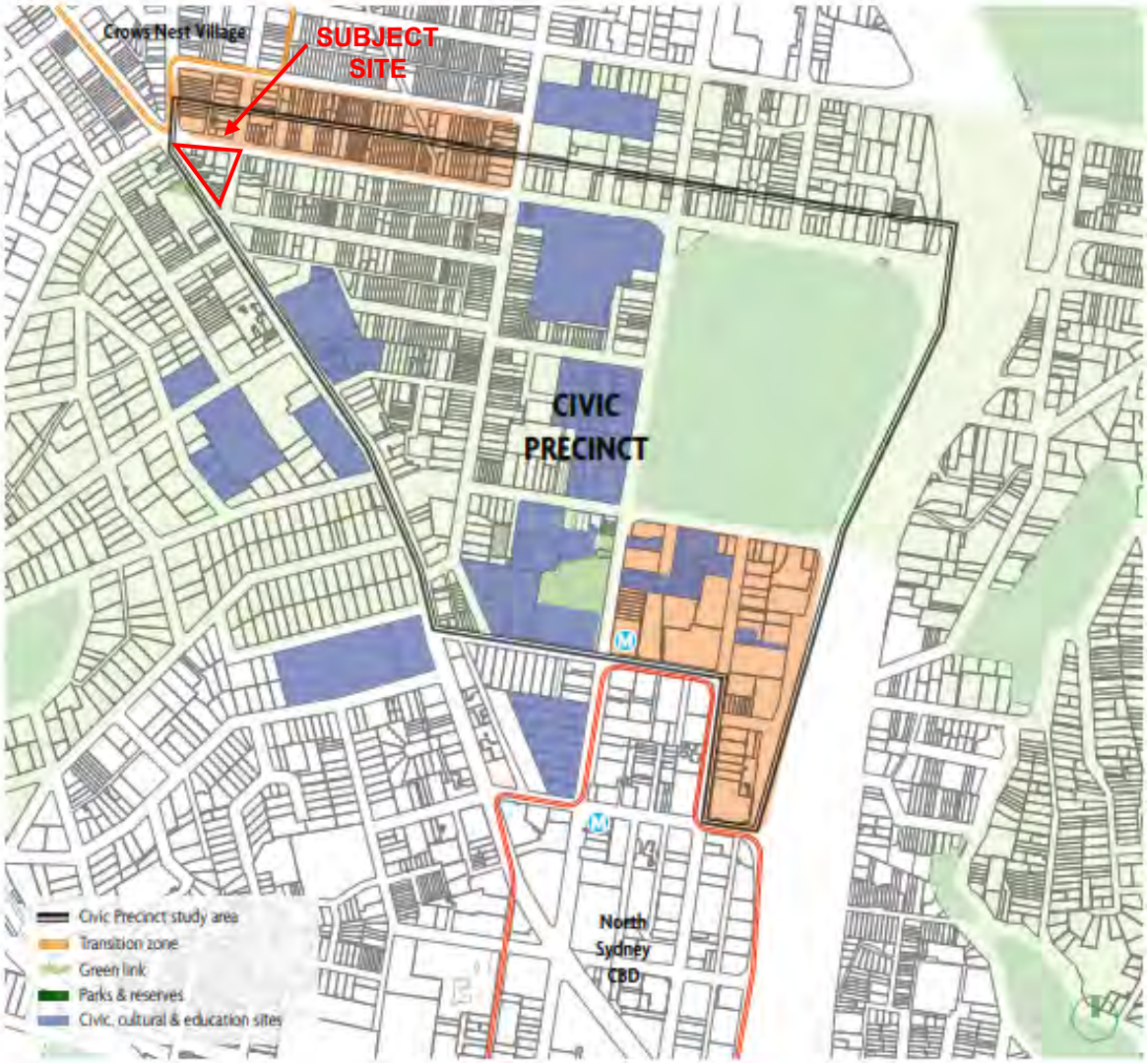

Figure 9: Civic Precinct – Design Concept Map
(Civic Precinct Planning Study extract)

6. Planning Proposal Structure

The Planning Proposal (attachment 1) is considered to be generally in accordance with the requirements of section 3.33 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the DPIE's 'A guide to preparing planning proposals' (December 2018).
The Planning Proposal adequately sets out the following:

- A statement of the objectives or intended outcomes of the proposed Local Environmental Plan (LEP);
- An explanation of the provisions that are to be included in the proposed LEP;
- Justification for those objectives, outcomes and provisions and the process for their implementation; and
- Details of community consultation that is to be undertaken on the Planning Proposal.

6.1 Statement of Objectives and Intended Outcomes

The objectives of the Planning Proposal as described by the applicant are as follows:

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

The intended outcomes of the Planning Proposal, as described by the applicant are as follows:

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

6.2 Proposed LEP Amendment

The Planning Proposal seeks to achieve the objectives and intended outcomes by amending NSLEP 2013 as follows:

- Increase the maximum building height control applying to the site from 16m to 75m:
- Establish an overall maximum Floor Space Ratio (FSR) control for the site of 9.3:1; and
- Increase the minimum Non-Residential FSR control applying to the site from 0.5:1 to 2.5:1.

6.3 Mapping Amendments

The Planning Proposal requires a number of mapping amendments which are described in detail below:

- Amend the *Height of Buildings Map* (ref: 5950_COM_HOB_001_010_20200709) to NSLEP 2013 such that the maximum building height for land bound by the Pacific Highway, Falcon and Alexander Streets, Crows Nest is increased from 16m to 75m;
- Amend the *Floor Space Ratio Map* (ref: 5950_COM_FSR_001_010_20200615) to NSLEP 2013 such that a maximum FSR of 9.3:1 applies to land bound by Pacific Highway, Falcon and Alexander Streets, Crows Nest; and
- Amend the *Non-Residential Floor Space Ratio Map* (ref: 5950_COM_LCL_001_010_20200615) to NSLEP 2013 such that the minimum non-residential FSR control for land bound by the Pacific Highway, Falcon and Alexander Streets, Crows Nest is increased from 0.5:1 to 2.5:1.

The applicant's Planning Proposal anticipates that the Maps would be amended similar to those depicted below in Figures 10, 11 and 12.

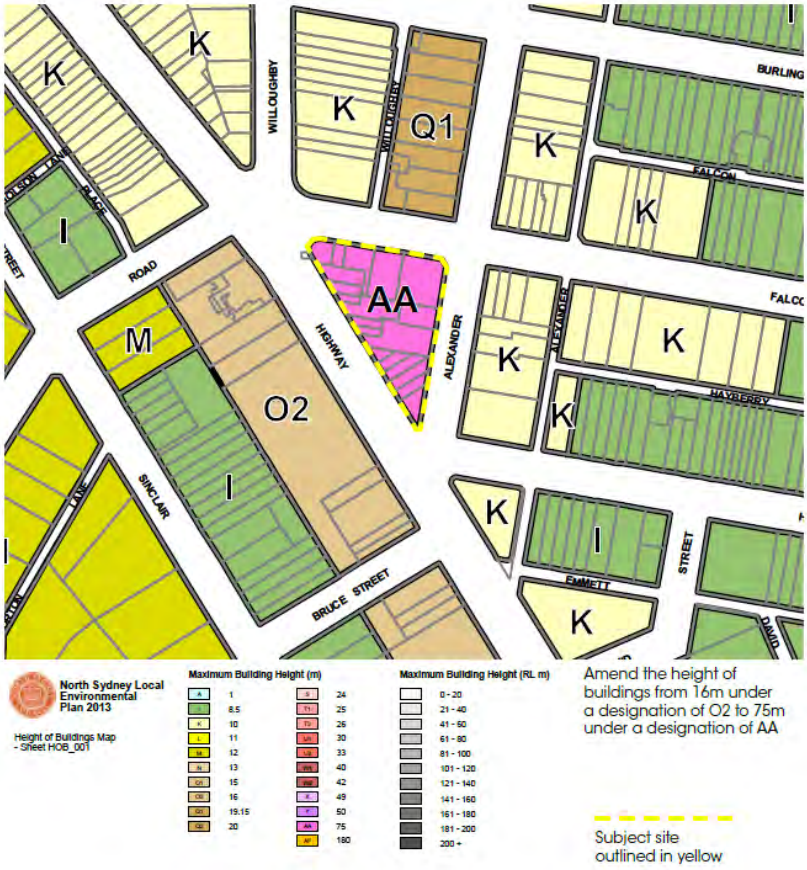

Figure 10: Proposed amendment to Height of Buildings Map HOB_001
Land subject to a change in maximum building height.

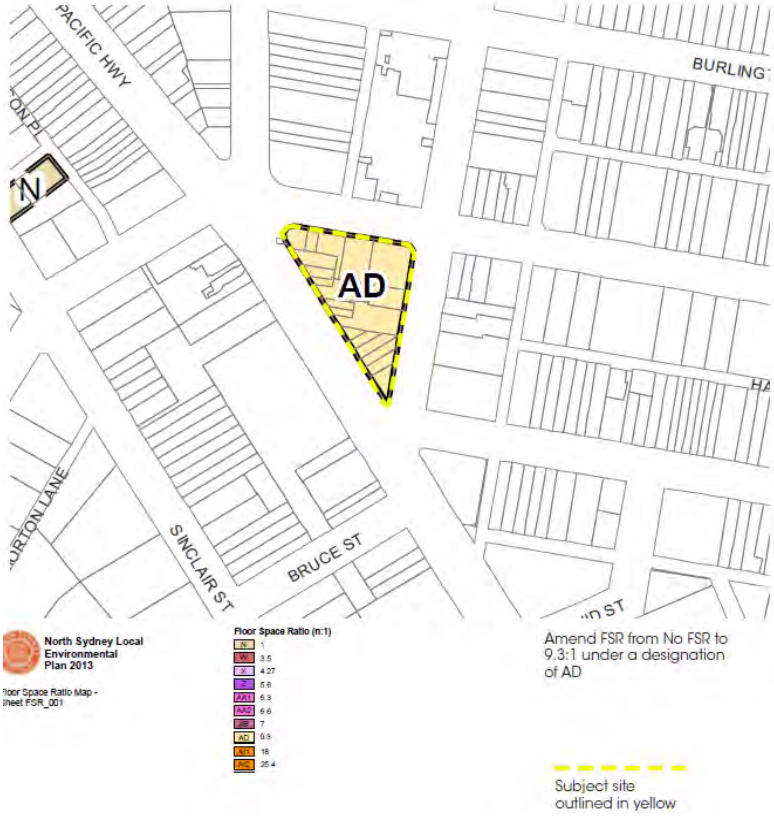

Figure 11: Proposed amendment to Floor Space Ratio Map FSR_001
Land subject to a change in maximum Floor Space Ratio.

Figure 12: Proposed amendment to Non-Residential Floor Space Ratio Map LCL_001
Land subject to a change in minimum non-residential Floor Space Ratio.

7. Justification of the Planning Proposal

7.1 Objectives of the Planning Proposal

Section 5 of the applicant's Planning Proposal sets out the objectives and intended outcomes of the Planning Proposal. Section 6 provides an explanation of the proposed amendments to NSLEP 2013 to achieve the stated objectives and outcomes.

On balance, it is considered that the proposed amendments to NSLEP 2013 do not achieve the objectives and intended outcomes of the Planning Proposal as outlined in Table 3. The key issues are as follows:

- The Planning Proposal has the ability to undermine the applicable strategic planning framework, including the 2036 Plan, Regional Plan and North District Plan and accompanying infrastructure delivery programs and funding mechanisms;
- The proposed height and density (FSR) controls significantly overreach what can reasonably be achieved on the subject site; and
- The planning controls contained within the 2036 Plan enable the site to be redeveloped for a mix of uses that will contribute to the vibrancy and activity of the precinct and meet the forecast jobs and housing needs of the North Sydney community.

TABLE 3: Analysis of Planning Proposal objectives and intended outcomes

Applicant's stated Objectives and Intended Outcomes	Comment
To implement the planning framework identified in the St Leonards and Crows Nest 2036 Plan, thereby satisfying the objectives of Greater Sydney Region Plan and the North District Plan;	☒ The height and density controls set within the *2036 Plan* have been determined with regard to a comprehensive analysis of the context of the precinct. The proposed variation to the height and density (FSR) controls contained within the 2036 Plan is not of minor significance. Due to the degree of non-compliance and impacts arising, the Planning Proposal is inconsistent with the objectives of the 2036 Plan, Regional Plan and North District Plan.
To establish planning controls that enable feasible development, allowing renewal of the site and realisation of its significant potential to contribute to Crows Nest;	☑ This objective is overstated. The height and density (FSR) controls contained within the 2036 Plan provide significant uplift compared to existing controls under NSLEP 2013 and have been determined having regard to the context, and desired future character of the precinct.

TABLE 3: Analysis of Planning Proposal objectives and intended outcomes	
Applicant's stated Objectives and Intended Outcomes	**Comment**
To provide infrastructure that meets the needs of the existing and future community;	☒ The projects identified under the *St Leonards and Crows Nest Special Infrastructure Contribution (SIC) Plan* have been determined based on an assumed level of uplift and funding generated within the precinct. The Planning Proposal will establish a precedent for significant breaches to the height and density (FSR) controls contained within the 2036 Plan and facilitate a level of growth and demand for local and regional infrastructure assets and services (such as open space, schools and road networks) that has not been planned for and cannot be supported under the established infrastructure programs and available funding mechanisms.
To meet the forecast housing needs of the North Sydney Community;	☑ This objective is overstated. The Planning Proposal indicates an additional 233 dwellings will be provided in the B4 zone on a single site. The North Sydney Local Housing Strategy (LHS) does not identify a housing supply gap, and the supply of housing in the North Sydney LGA does not rely on the redevelopment of the subject site over and above the built form controls contained in the 2036 Plan to meet its targets.
To provide non-residential floor space that enables and supports the growth of Crows Nest and St Leonards as a medical and education precinct.	☑ The proposed minimum non-residential FSR of 2.5:1 is generally consistent with the 2036 Plan.

7.2 Building Height

The 2036 Plan identifies a maximum building height of 16 storeys for the subject site. The Planning Proposal is seeking to increase the maximum building height applying to the site from 16m (under NSLEP 2013) to 75m to achieve a 19-storey mixed-use building. This is reflected in the applicant's indicative concept scheme (refer to Figure 13).

Figure 13: Design Proposal - General Arrangement Plans (p. 162 of Appendix A - Urban Design Report)

The Planning Proposal contends that the proposed height of 75m (19 storeys) is consistent with the 2036 Plan on the basis that:

- *a 16-storey commercial building would yield a height similar to a 19-storey mixed-use building (i.e. lower floor-to-floor heights for residential development).*
- *the building heights identified in the 2036 Plan are indicative built form parameters to achieve the key urban design principles envisaged by the 2036 Plan. The proposed 19-storey building is consistent with the height transition principles of the 2036 Plan where taller buildings and density is located in close proximity to the metro stations and Pacific Highway; and*
- *a taller built form at the Fiveways Triangle site is acceptable on the basis that it will act as a "gateway" element into the precinct.*

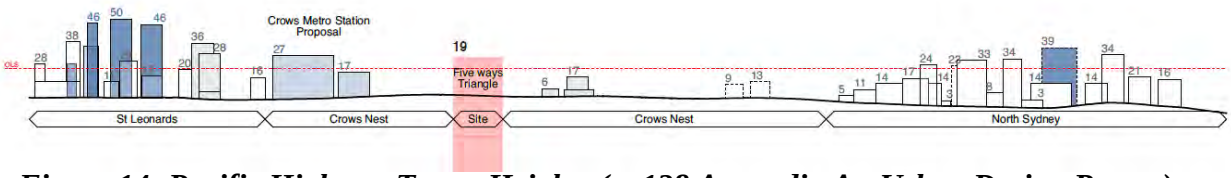

Figure 14: Pacific Highway Tower Heights (p. 138 Appendix A - Urban Design Report)

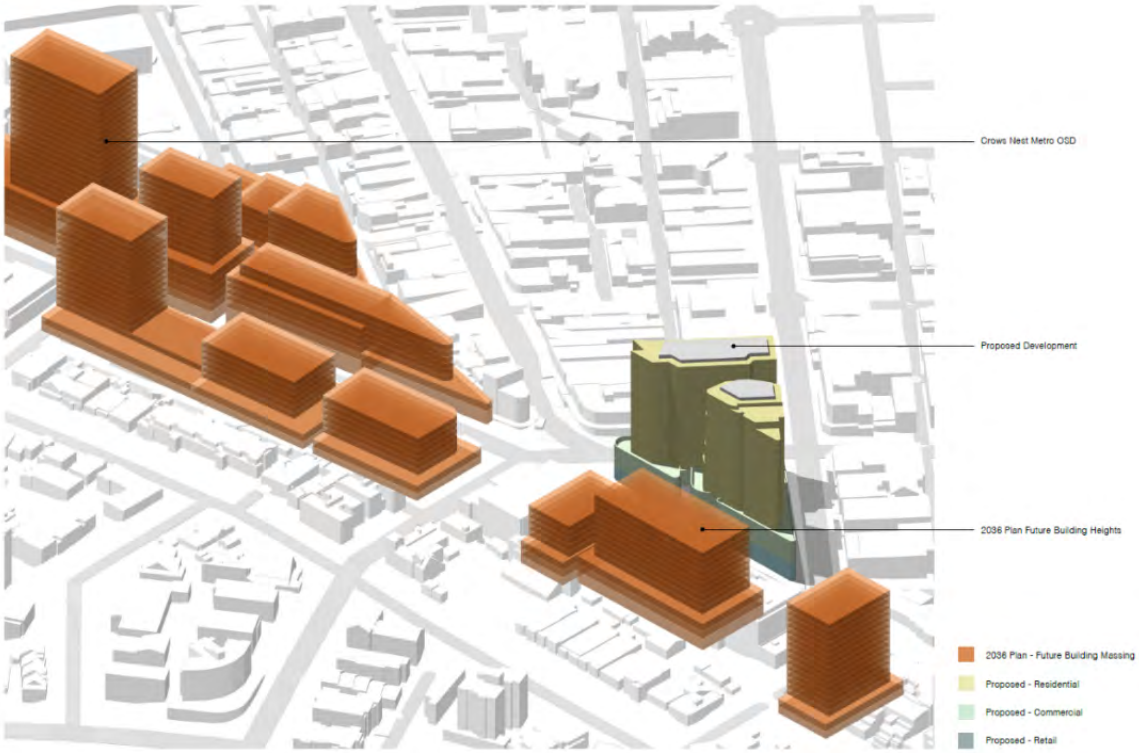

Figure 15: Future Building Massing (p.131 Appendix A - Urban Design Report)

It is considered, however, that the proposed height limit of 75m exceeds the maximum height envisaged for the site under the 2036 Plan for the following reasons:

- The Department of Planning and Environment's (DPIE's) building massing modelling (as illustrated in the *SJB Urban Design Study* which underpins the finalised built form outcomes in the 2036 Plan), assumes that a 16-storey height for the site is based on a mixed-use building with a commercial podium and residential tower. This is reflected in the Land Use and Activity Map (on page 51) of the *SJB Urban Design Study*. **It is therefore erroneous to rely upon a theoretical 16-storey pure commercial building height to justify a 19-storey proposal on the site**.

- The 2036 Plan's key transitional principle is termed the "Height Knuckle Area," where taller buildings are to be located 150-200m of either station and transition in height, and bulk and scale to the surrounding neighbourhood areas. The site is located approximately 300m from the proposed entrance ofCrows Nest Metro Station and outside the 'Knuckle Area' (refer to Figure 16). The site's proximity to Crows Nest metro station is only one part of the site's surrounding context, which includes a low-scale Heritage Conservation Area (HCA) to the south-east. The 2036 Plan states (on page 36) that:

  > *gradual height transitions are proposed to Willoughby Road and the Five Ways intersection… and along the Pacific Highway towards the Five Ways intersection.*

At 19-storeys, the proposal is close to or exceeds the maximum building heights for the Crows Nest metro site (21, 17 and 9 storeys) and is an abrupt increase in height from the adjacent 8-storey height limit immediately north (refer to Figure 17).

The concept scheme also proposes a massing of two 16-storey towers above a 3-4 storey podium, to create *'two separate forms instead of a singular mass,'* however no stepping down or lowering in heights between the towers is proposed. This results in the mass being read from most aspects as one, bulky tower form that overshadows and provides a poor transition to the low-scale HCA to the south-east of the site (this is discussed in further detail under section 7.7 of this report).

- The SJB Urban Design Study explicitly states on page 61 that the labelling of a site as a "gateway" does not relate to increased height:

  The location of land near 'gateways' does not relate to increased height. Land in these locations needs to function and respond to entry points to the area. This includes relating to the surrounding context and character of the area.

  It is further noted that the notion of "gateway" sites was abandoned in the finalisation of the adopted 2036 Plan as this did not create any certainty.

- The proposed height limit of 75m does not correspond with the concept proposal's maximum height. As illustrated in the General Arrangement Plans of the Urban Design Report (refer to Figure 15), the concept proposal would result in a building with a maximum height of 71m (RL169.1), measured from the ground level at the highest point of the site (Fiveways corner) to the top of the plantroom. It appears excessive floor-to-floor height assumptions have been applied for the non-residential components (resulting in an excessively tall podium for the number of storeys). Should the maximum 75m height limit be applied, an additional 2 residential levels could potentially be achieved above that shown.

In setting building height controls within the precinct, Council has consistently relied upon the Apartment Design Guideline (ADG) considerations. A building height of 56m for a 16-storey building has been considered appropriate on other mixed-use suites within the precinct with similar non-residential podium requirements. This is consistent with the height awarded more recently to 23-35 Atchison Street and 50-56 Atchison Street, St Leonards.

It is considered that the proposed height limit of 75m could potentially result in a building of approximately 22-storeys on the subject site. The proposed variation in height is not considered to be of minor significance and will ultimately result in a level of impact (overshadowing, visual, heritage) not envisaged under the 2036 Plan.

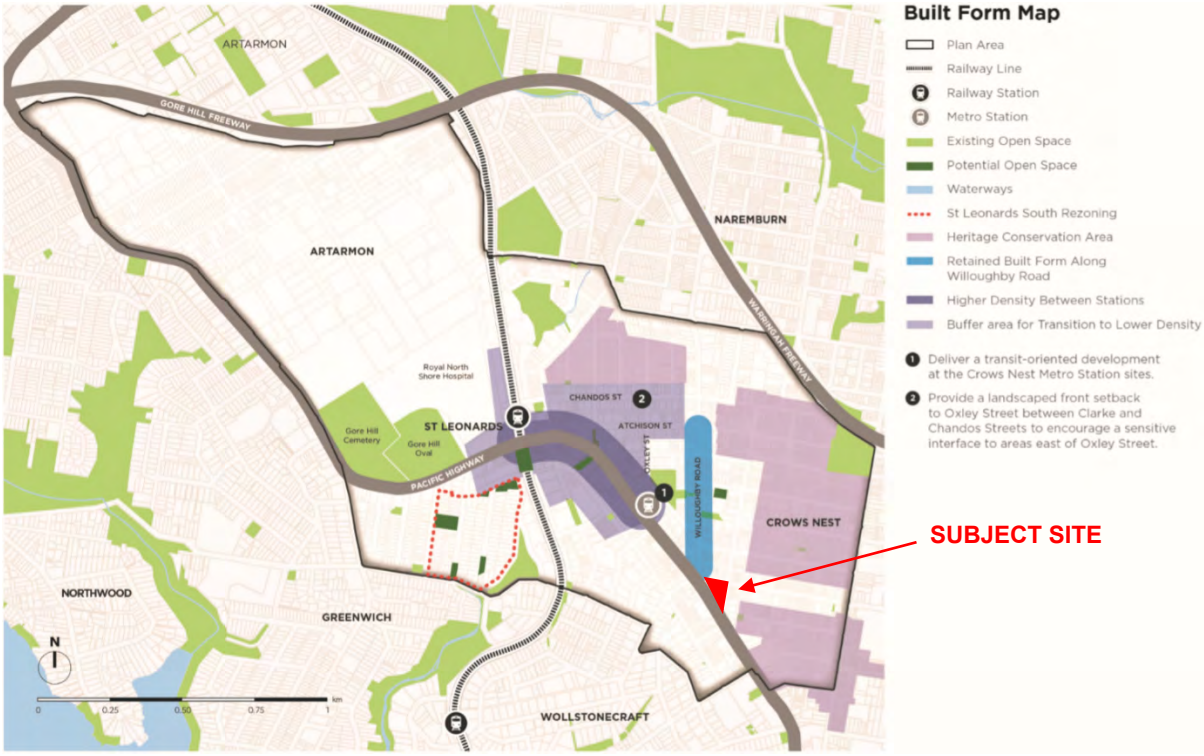

Figure 16: Built Form Map (p.32 of 2036 Plan)

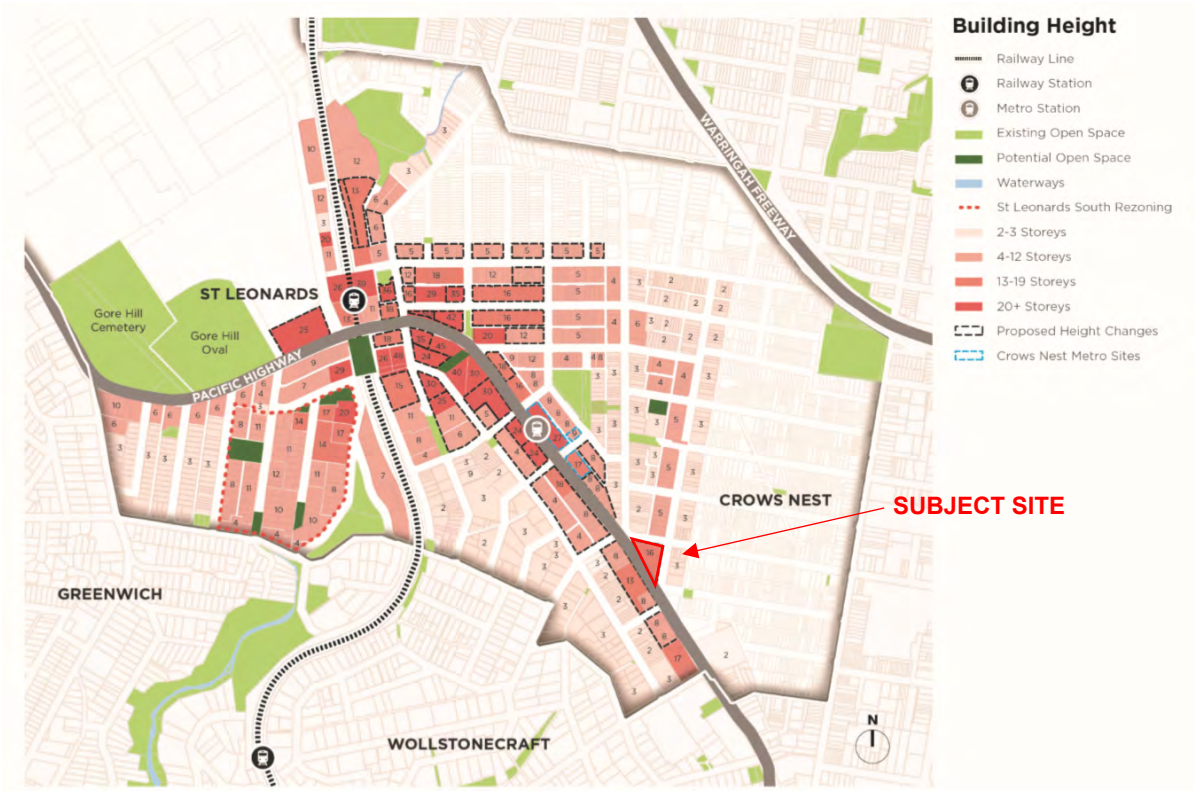

Figure 17: Building Height Map (p. 66 of 2036 Plan)

7.3 Floor Space Ratio (FSR)

The 2036 Plan identifies a maximum total FSR of 5.8:1 (approximately 18,560 sqm GFA) for the site. The Planning Proposal is seeking to establish an overall FSR of 9.3:1 (approximately 29,760 sqm GFA) for the subject site, representing a variation of 11,200 sqm (or 60%).

The justification provided within the Planning Proposal for the proposed FSR is based on site testing of solar access and visual impact to surrounding streets which demonstrates "*a greater density is possible within the envelope controls of the 2036 Plan.*" This justification is not accepted on the basis that FSRs are used in the 2036 Plan primarily to manage density and not envelope controls.

Insufficient information is provided to allow a detailed analysis of setbacks (no dimensions have been provided for setbacks above the podium). Notwithstanding, the proposed FSR of 9.3:1 is considered excessive on the basis that:

- a building height well above 16-storeys is proposed;
- no stepping down, lowering or differentiation in heights is proposed across the site in accordance with the objectives and urban design principles of the 2036 Plan;
- non-compliant ADG building separation is proposed between the two proposed towers above the podium; and
- the proposal results in a level of impact (overshadowing, visual) not envisaged under the 2036 Plan.

It is considered that a compliant FSR would be able to address the above non-compliances. An FSR of 5.8:1 assumes a maximum height of 16-storeys with adequate setbacks, building separation and variations in height across the site to ensure development at this prominent location is sympathetic to its context; achieves high on-site amenity; and provides an appropriate transition from the high density development to the north (between the stations) to the lower density development (Heritage Conservations Areas) to the south-east of the site, and minimises overshadowing and visual impacts to these sensitive areas.

7.4 Non-Residential FSR

The Planning Proposal suggests an estimated 4,600sqm of non-residential GFA and 154 jobs is currently provided on the site. This equates to an FSR of approximately 1.45:1. The Planning Proposal is seeking to increase the minimum non-residential FSR from 0.5:1 (under NSLEP 2013) to 2.5:1, which equates to 8,002 sqm of commercial and retail floorspace on the site. This is consistent with the minimum non-residential FSR requirements for the site under the 2036 Plan.

The Planning Proposal is accompanied by an Economic Impact Report prepared by Hill PDA, which estimates that the proposal has the potential to generate around 456 jobs, representing an increase of approximately 302 jobs for the precinct. However, the proposed level of commercial floor space generally reflects that permissible under the height and density controls of the 2036 Plan for the site. The incorporation of additional height and density for residential purposes will not necessarily help achieve the overall employment targets for the site and wider precinct.

7.5 Alternative Options

The DPIE's '*A Guide for Preparing Planning Proposals'* (2018) requires Planning Proposals to consider if there are alternative options to achieving the intent of the proposal.

The Planning Proposal does not consider any alternative options to achieving the objectives and intended outcomes of the 2036 Plan.

7.6 Public Benefits

The Planning Proposal is accompanied by a non-binding letter of offer to enter into a Voluntary Planning Agreement (VPA), which offers to provide:

- a monetary contribution of $10 million to Council to be used for public benefit including improved community meeting spaces, open spaces and the like; OR
- dedication to Council of an unspecified number of 1 bedroom apartments within the proposed development up to a total combined value of $10 million for affordable housing for key workers.

The Planning Proposal indicates the VPA will be provided in addition to the required Local Infrastructure Contribution and SIC. It is also suggested that the proposed scheme will provide the following additional public benefits:

- high quality public domain
- active street frontages
- large and flexible commercial floorplates; and
- more housing than that contemplated by the indicative built form controls identified within the 2036 Plan.

Part of the proposed justification for the additional height and density, is that the public benefits proposed to be delivered as part of the development proposal is of '*exceptional value, beyond what could be secured under a standard practice approach that should be considered within the precinct'* (page 36, 2036 Plan). The 2036 Plan suggests the delivery of public benefits in exchange for additional height and density may be considered, but only in instances where the proposal is consistent with the vision, objectives and actions, including solar access controls.

For the reasons outlined in this report, the variations sought to the height and density controls contained within the 2036 Plan are not considered to be of minor significance and by virtue of the degree of non-compliance and impacts (overshadowing, visual) arising the Planning Proposal is inconsistent with the vision, objectives and actions of the 2036 Plan. On this basis, the variations sought by the applicant is not considered to be of merit.

It is also suggested within the Planning Proposal that the additional height and density is required to cover the additional costs involved in delivering an amalgamated and coherent development on the site with the proposed public benefits. However, the height and density controls contained within the 2036 Plan provide significant uplift on the site compared to that currently permitted under NSLEP 2013. The commercial risk of landowner/developer decisions should not form the premise for delivering poor planning outcomes.

Further to this, no details have been provided to indicate what the uplift in value on the site will be as a result of the increased height and FSR. This makes it difficult for Council to make an informed decision as to what sought of public benefit should be considered reasonable and whether the value of the proposed public benefits are commensurate with the level of additional uplift sought.

7.7 Environmental Impacts

The Planning Proposal and accompanying studies/reports go to some effort to test the indicative concept scheme and demonstrate the implications of the proposed uplift in height and density in relation to overshadowing, visual, heritage and traffic and parking impacts. The Planning Proposal maintains that the outcomes and conclusions of the studies/reports show that the Planning Proposal *'does not include any unreasonable or unmanaged environmental impacts.'* Council must be satisfied that potential impacts arising from the Planning Proposal are not significantly different to those envisaged under the 2036 Plan.

7.7.1 Overshadowing

Retaining solar access to public open space, valued streetscapes and residential areas is a key objective of the 2036 Plan.

The Planning Proposal maintains that the *'proposed building envelope has been carefully designed to ensure compliance with the solar access objectives and principles of the 2036 Plan.'* The applicant's shadow analysis attempts to demonstrate that the proposed scheme complies with the solar access controls identified on page 38 of the 2036 Plan to the extent that there will be:

- no additional overshadowing of nominated public open spaces and streetscapes;
- no overshadowing of residential areas outside the precinct boundary between 9am and 3pm in mid-winter;
- residential dwellings within the precinct boundary will still achieve 2 hours solar access between 9am and 3pm in mid-winter, and
- Heritage Conservation Areas within the precinct boundary will still achieve 3 hours solar access between 9am and 3pm.

However, this is not the only primary consideration. The 2036 Plan includes an objective that requires the cumulative overshadowing impacts of new developments on existing areas be considered. The proposal is also required to demonstrate consistency with the 2036 Plan's urban design principles between areas of transition to minimise overshadowing of surrounding residential areas (refer to Table 4 below).

The applicant's shadow diagrams (refer Figure 18 and 19) clearly show that the proposed height and scale of the residential towers cast significant, far-reaching shadows to the east and west of the site onto residential dwellings within low-density areas, including the Holtermann Estate C HCA and North Sydney Girls High School (Heritage Item), which has been incorrectly identified by the applicant as a commercial property.

No detailed analysis has been undertaken in relation to the properties to be impacted by the additional height and density. The Planning Proposal assumes that the properties impacted by the proposal generally receive sufficient solar access and therefore the proposed impact is acceptable. Overshadowing of a future public open space at the western end of Hayberry Street, identified in the CPPS, has not been considered in the proposal's solar analysis, despite being located immediately south-east of the site.

It is considered that where significant variations to the height and FSR are sought, overshadowing impacts should be compared to that of a fully compliant scheme to determine the true extent of the proposal's impact. Council's internal modelling indicates that the proposed height and scale of the residential towers will result in a greater level of impact than that envisaged under the 2036 Plan between 9am-3pm in mid-winter, particularly properties along Hayberry Street, Crows Nest.

TABLE 4: Compliance with 2036 Plan overshadowing requirements	
'Sustainability' Objective	☑ no additional overshadowing of public open spaces and important places in accordance with solar access controls identified on page 38 of the Plan.
'Liveability' Objective	☒ Consider cumulative impacts of new developments on existing areas, including overshadowing.
'Built Form' Actions	☒ Apply design principles for solar amenity, configuration, and interface between areas of transition. ☒ Minimise overshadowing of key open spaces, public places and adjoining residential areas. Solar height planes should be adhered to as indicated within the Solar Access Map (page 38 of 2036 Plan).

Figure 18: Solar access to residential areas inside the precinct boundary (p. 129 Appendix A - Urban Design Report)

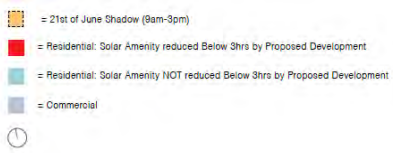

Figure 19: Solar access to heritage conservation areas inside precinct boundary (p. 130 Appendix A - Urban Design Report)

7.1.2 Bulk and Scale

The proposed built form seeks to maximise the Gross Floor Area (GFA) on the site, resulting in an excessively bulky and visually dominant built form contrary to the desired 'village' character of the locality set out in the 2036 Plan. The floorspace proposed on the site exceeds that that envisaged in the 2036 Plan by 11,200 sqm.

<u>Podium</u>
The concept proposal does not meet the street wall (podium) heights set out in the 2036 Plan. A 3-storey street wall height is required, with the exception of the Fiveways (north-western) corner wherein a 4-storey street wall height is permitted.

As shown in the applicant's General Arrangements Plans (refer to Figure 13), a street wall height of 16.2m is proposed for 3-storeys at the Fiveways (north-western) corner, which increases to approximately 19.3m for 4-storey s at the Alexander Street/Pacific Highway (southern) corner. It appears excessive floor-to-floor height assumptions have been applied to the non-residential levels, resulting in an excessive street wall height for the number of storeys.

The Planning Proposal maintains that the proposed street wall height is compatible with the height of the parapets of the heritage items that surround the Fiveways intersection. It is noted that the accompanying Heritage Impact Assessment recommends a number of design elements be incorporated to ensure the development fits contextually with the surrounding heritage items. However, no plans have been provided to demonstrate how the proposed height and scale of the podium aligns with the existing streetscape or heritage shopfronts at the Fiveways intersection.

The Planning Proposal maintains that the residential towers are appropriately setback above the podium to allow a 'human scale' at the street level. However, insufficient information is provided to allow a detailed analysis of setbacks (no dimensions or details have been provided on plans for setbacks above the podium). The NSDCP 2013 Crows Nest Town Centre Character Statement currently requires an above podium setback of at least 4m for the subject site. The Planning Proposal is accompanied by a draft DCP amendment which proposes a 3m setback above the podium.

Whilst the 2036 Plan does not specify minimum setbacks above the podium, it includes an objective that requires new development provide appropriate setbacks and street wall heights that:

- provide high on-site amenity;
- consider street width and character;
- achieve a human scale at the street; and
- is sympathetic to existing buildings.

Based on the excessive height of the proposed podium and minimal above podium setbacks, it is questioned whether the proposal is consistent with the prevailing scale and existing character of the locality at the pedestrian level. Detailed consideration of the proposed podium in the context of the surrounding heritage buildings on this prominent corner should be provided.

It is noted that the podium has been designed at the ground level to provide two arcade style pedestrian through-site-links, one connecting Pacific Highway to Alexander Street and one connecting Pacific Highway to Falcon Street (refer to Figure 20 and 21). However, this has not been supported by an analysis of pedestrian desire lines between surrounding land uses. The proposal should, as a priority, improve the building's interface with the existing street network. Should new pedestrian through-site links be proposed to activate the site internally, consideration should be given to the site's heritage (refer to section 7.7.5 of this report) and be designed as wide as possible to allow adequate amenity to these spaces. Section 2.4.9 NSDCP 2013 requires a minimum of 6m width for a through site link and for these spaces to be open to the sky. The proposed links would likely have compromised amenity due to these non-conforming elements.

The proposal also indicates that the pedestrian flow through the proposed laneway network will cross both Falcon Street and Alexander Street at points where there is no pedestrian crossing. The location of the through-site-link entries at Alexander Street and Falcon Street may promote potentially unsafe crossing of the streets at these points.

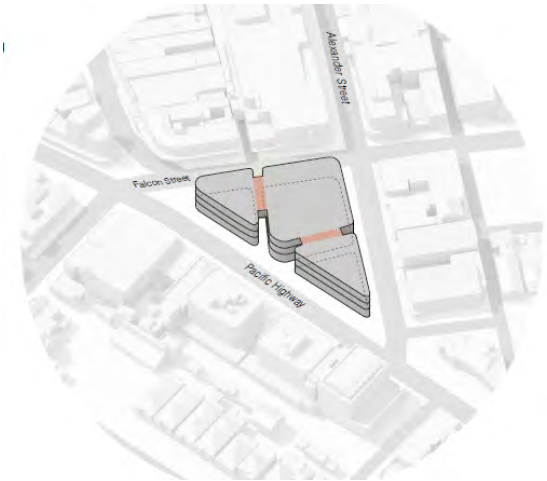

Figure 20: Podium
(p. 62 Appendix A - Urban Design Report)

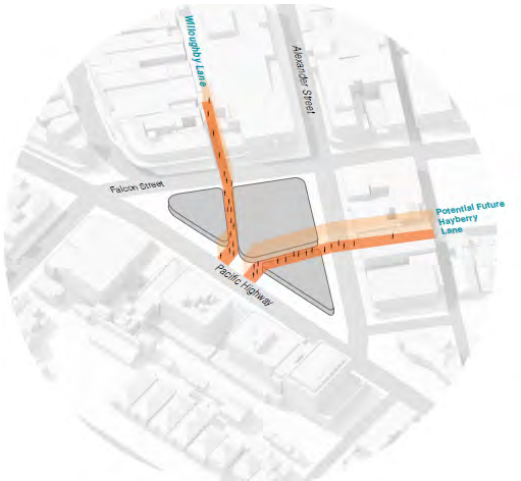

Figure 21: Proposed street level activation
(p. 61 Appendix A - Urban Design Report)

<u>Towers</u>

The proposed building envelope of two 16-storey towers above a 3-4 storey podium with no stepping down, lowering or differentiation of heights across the site, is inconsistent with the objectives and design principles of the 2036 Plan. The 2036 Plan clearly states (on page 36) that:

> *Setbacks, variations in height, floor space ratios and solar access controls will be used to ensure the level of transition from high density development to lower density development (e.g Heritage Conservation Areas) is appropriate.*

The 12m separation between the two proposed towers is substantially below the minimum requirements set out in the Apartment Design Guide (ADG). This results in the mass being read from most aspects as one, bulky tower form that overshadows and provides a poor transition to the low-scale HCA to the south-east of the site and offer poor on-site amenity (refer to section 7.7.3 of this report).

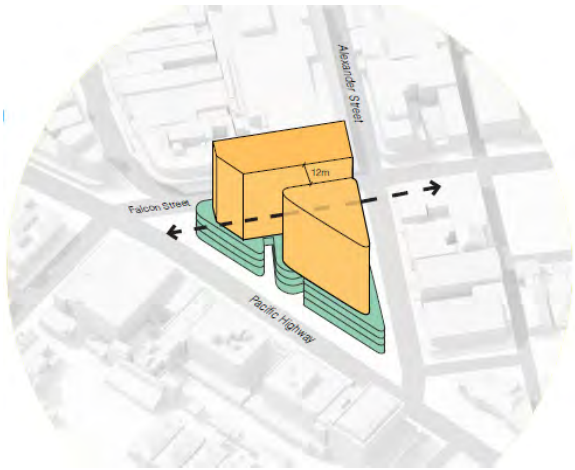

Figure 22: Tower Form
(p. 66 Appendix A - Urban Design Report)

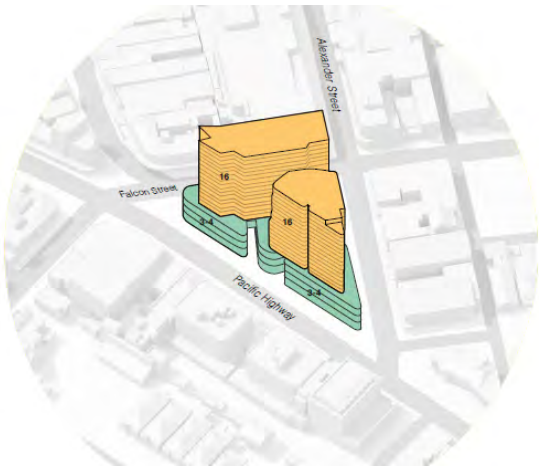

Figure 23: Urban Design Podium & Tower
(p. 67 Appendix A - Urban Design Report)

The maximum building height of 16-storeys identified under the 2036 Plan for the site is not an 'as of right' across the entire site, as consideration should be given to the provision of sufficient setbacks and building separation to provide acceptable levels of amenity to existing and future residents. The 2036 Plan includes an objective to increase upper-level setbacks to achieve optimal transitions that minimise overshadowing to HCA's. The impacts are exacerbated by the proposal seeking to provide 11,200 sqm GFA greater than that envisaged under the 2036 Plan.

Residential Amenity

Building separation/Privacy

The requirements of section 2F of the ADG require a minimum 24m separation between towers. A 12m tower setback measured from the centreline of each surrounding roadway is required. Whilst inadequate details are provided to allow a detailed consideration of setbacks, it is likely the proposed scheme can comply with these setbacks to their external boundaries.
However, the interface between the two towers in unacceptable as they fail to meet the minimum ADG setback/building separation requirements of 24m. Both internally facing facades contain habitable living rooms and bedrooms. It is unlikely that the proposed concept scheme could comply with ADG privacy requirements, even with the proposed outlook strategy and use of privacy screening. Privacy screening required to ameliorate privacy issues would result in compromised amenity, which is considered unjustified on the site, given the unobstructed three street frontages the site benefits from. Compliance with minimum ADG setback requirements and a high level of residential amenity is expected on this site.

Mix of dwellings

The mix of dwellings provided on the concept scheme does not comply with section 2.2.3 of NSDCP 2013 (refer to Table 5 below). The proposed mix is not supported, particularly the lack of studio apartments and over provision of 2-bedroom apartments. A compliant mix is expected and a redesign required.

TABLE 5: Dwelling mix requirements

	NSDCP 2013	Planning Proposal
Studios	10-20%	Nil
1 bedroom	25-35%	15%
2 bedrooms	35-45%	75%
3+ bedrooms	10-20%	10%

Whilst it is acknowledged that the concept scheme will be further refined at the Development Application (DA) stage, the need to redesign could potentially create a different set of issues. The non-compliance should be resolved to the extent that the Planning Proposal can demonstrate an acceptable level of amenity can be achieved.

Solar Access

The number of apartments within the concept proposal appears to be able to meet the minimum ADG solar access requirements of at least 70% of apartments receiving 2 hours solar access to both primary living areas and balconies. Notwithstanding, some internal redesign of apartments may be required to address other non-compliances with ADG requirements as outlined above.

View Loss

View loss impacts have not been adequately considered under the Planning Proposal. Further analysis should be undertaken in relation to the impacts from surrounding properties, particularly of those elements that fail to comply with the building height and FSR of the 2036 Plan.

7.7.4 Visual Impacts

The Planning Proposal includes a visual impact analysis which notes that the visual impact of the building massing is significant from several close and distant viewpoints. It also notes a loss of sky views from various viewpoints surrounding the site.
Despite the high level of visual impact, the proposed justification is based on the site's role as a "gateway" element to the precinct. As previously discussed, the proposed justification is not accepted on the basis that a 'gateway' site should relate to the existing surrounding context and character of the area, noting the SJB Urban Design Report (page 47) states that the Fiveways site should be retained *'as a human scale entry point.'* On this basis, there is no justification for the significant visual impact of the proposal on the notion that it acts as a 'gateway element.' The Planning Proposal also contends that greatest visual impact occurs in areas with low visual quality (such as the Pacific Highway), while in more sensitive areas such as Willoughby Road and the Holtermann Estate C HCA, *'the visual impact is largely obscured by mature landscaping.'* However, multiple viewpoints along these streets would be beneficial to provide a more accurate account of how the visibility of the proposal changes along each street.

The applicant's visual analysis highlights elements of the bulk and scale of the proposal that are considered unacceptable (refer to Figures 24-29). It is considered that the impacts of the proposal should be compared to those which would result from a built form compliant with the Height and FSR controls identified in the 2036 Plan.

As previously outlined in section 7.7.1 of this report, the proposed building envelope is inconsistent with the objectives and design principles of the 2036 Plan and increased setbacks, building separation and variations in height across the site should be considered to minimise view loss, maximise solar access and demonstrate a greater contextual response to Crows Nest village.

Figure 24: Photomontage – Fiveways Intersection looking south

Figure 25: Photomontage - Pacific Highway looking north

Figure 26: Photomontage – from junction of Sinclair Street and Bruce Street looking north-east

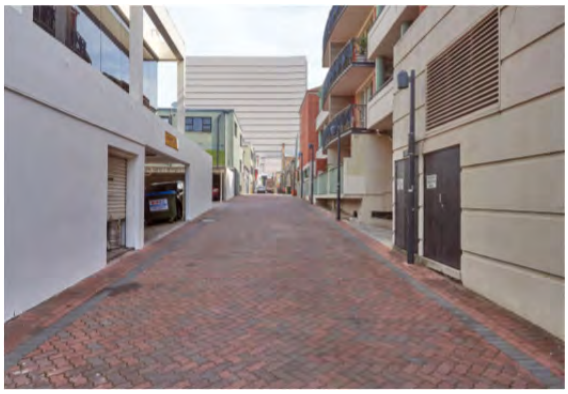

Figure 27: Photomontage – Willoughby Lane, Crows Nest looking south

Figure 28: Photomontage – Ernest Street, Crows Nest (Holterman Estate B Heritage Conservation Area) looking south-west

Figure 29: Photomontage – Hayberry Street, Crows Nest (Holtermann Estate C Heritage Conservation Area) looking west

7.7.5 Heritage Considerations

The objectives of the 2036 Plan require new development retain and enhance important heritage elements including preserving key views and vistas.

The Planning Proposal is accompanied by a Heritage Impact Statement prepared by Urbis, which considers the proposal's impact on heritage items in the vicinity of the subject site as well as the potential significance of existing buildings on the site. The report concludes:

- *the proposed height and FSR will have no material impact on vicinity items; and*
- *the subject property has unsubstantiated significance as a potential heritage item (all buildings located on the subject site have no contribution to the streetscape character of the Fiveways intersection).*

Despite the report's conclusion, section 4.4 of Urbis report acknowledges that the proposal will have some adverse impact on the visual setting of a number of surrounding heritage items located on the Pacific Highway, Willoughby Road and Shirley Road, Crow Nest.

The justification provided in the report of its recommendations is that future development within the precinct will alter the setting of neighbouring heritage items, and that the site is identified as suitable for additional density. It also asserts that principal views to and from heritage items are predominantly at street level, thereby the increased uplift above the existing façade heights of historic shopfronts has minimal impact on the interpretation of their heritage significance. However, no plans have been provided to demonstrate how the proposed height and scale of the podium aligns with the streetscape or surrounding heritage buildings at the Fiveways intersection. Arguably then the density proposed in not suitable to the site.

Whilst it is acknowledged that no buildings located on the site are currently listed as heritage items, consideration should be given to whether any buildings (particularly on the north-western corner), may have value as buildings of character. Crows Nest is identified as a place of character and all efforts should be made to retain elements that contribute to this character where possible.
Council's heritage planners have identified the commercial buildings at 391-393, 395 and 399 Pacific Highway, as potential heritage items for being significant (and largely intact) examples of North Sydney's Modernist Architectural phase. This assessment is based on NSW Heritage Office criteria.

Additionally, the curvilinear building at 423 Pacific Highway and its relationship with the heritage items at Crows Nest Hotel, 429 Pacific Highway, 308 Pacific Highway and 306 Pacific Highway has been identified as integral to the character and understanding of Crows Nest development at the intersection.

The interwar retail buildings on the site between 401 - 419 Pacific Highway have been identified for their important streetscape contribution to Pacific Highway, balancing the physical evidence of Crows Nests' Federation retail building groups further north on western side of Pacific Highway which are already identified as heritage items. There is also evidence of a laneway running behind these buildings, connecting Falcon Street through to Alexander Street, which should be retained and activated as part of a commercial laneway system in the area.

North Sydney's Local Strategic Planning Statement (LSPS) identifies the need for a heritage study/review to address gaps in North Sydney's heritage, particularly Modern Movement and

Twentieth Century Architecture. This period of North Sydney's development is integral to maintaining the character of the Fiveways intersection.

Subject to a detailed review, wholesale demolition of all the buildings on the site may not be supported. Consideration should be given to new towers siting behind the abovementioned existing built form along the Pacific Highway and the corner building at 423 Pacific Highway and include a review of height controls appropriate to the site context.

7.7.6 Transport Implications

The Planning Proposal is accompanied by a Traffic and Parking Study prepared by Barker Ryan Stewart. Council's strategic transport planner has provided the following comments:

General

Changes to signal phasing and road space re-allocation at/ to the south of the Fiveways junction were identified as key actions in the *North Sydney CBD Transport Masterplan (2018).* The applicant should engage with Council and the Transport for NSW's North Sydney Integrated Transport Program (NSITP) team to ensure that the proposed development of the Fiveways triangle site is consistent with NSITP objectives.

As well as discouraging the use of this section of the Pacific Highway by regional through traffic, reducing traffic capacity/road space reallocation south of Falcon Street would also support increased trips to/from the North Sydney CBD by walking, cycling, and public transport.

Car Parking & Traffic

The indicative concept design proposes 385 parking spaces over 7 basement levels. This is the maximum amount of car parking allowed under section 10.2 to Part B of NSDCP 2013.

The assessment estimates that the proposed development (containing 233 residential apartments, 6,172 sqm commercial and 1,830 sqm retail floorspace) will generate +125 net additional vehicle trips during the AM peak hour and +104 net additional vehicle trips during the PM peak hour. The assessment concludes that the traffic generated by the proposal will have a minor impact on the efficiency of the surrounding road network. Notwithstanding, the maximum car parking rates within Crows Nest do not contemplate a development of this scale.

The justification for the planning proposal includes the site's proximity to the future Crows Nest Metro Station. The proposed car parking provision is excessive considering its proximity to the future Crows Nest Metro Station, and significant reduction in car parking should be provided.

A revised draft travel plan for the site should demonstrate how providing less than maximum parking requirements can be supported at the site; how this will result in reduced car ownership and use at the site; and how this will result in increased uptake of walking, cycling and public transport by occupants, workers and visitors to the development and minimise traffic generation.

Consideration should also be given to proximity controls associated with the Metro tunnels when designing the basement levels of the development.

Car Share

The submitted documentation outline the future provision of 12 car share spaces within the basement. Further details would be requested to the viability of providing car share spaces within a private basement area.

Bicycle Parking & Associated Facilities

The proposal includes 404 secure bicycle spaces for residents within the basement levels in separate bicycle storage areas. Bicycle racks are proposed for the use of visitors. Consideration should be given to the varying design requirements for resident, worker and visitor bicycle parking, as outlined in section 10.5 to NSDCP 2013.

Resident cycle parking can be delivered within a 'Type 1' (storage lockers/cages) facility. However, workers cycle parking should be delivered within a 'Type 2' (lockable compound) facility. End of trip facilities (such as lockers, changing rooms and showers) have not been shown in the plans and should be provided for all workers at the site in line with NSDCP 2013 guidelines.

Visitor cycle parking can be delivered within a 'Type 3' (cycle hoops) facility, however this should be provided at grade, either within the site boundary or within the nearby road reserve (with Council's permission), as close as possible to building entrances for associated land uses. These spaces should be visible from the current/future cycling network (visibility), overlooked by adjacent land uses (security), covered (weather) and well lit (night-time security).

Walking

It appears the pedestrian laneway network proposed at the ground level of the podium is not underpinned by an analysis of pedestrian desire lines between surrounding land uses. The proposal should, as a priority, improve the building's interface with the existing street network.

The proposed setback to internalise key entries to commercial, residential and retail uses combined with the provision of planter beds in front of ground floor frontages limits the extent to which active/engaging interfaces can be provided between the site and the surrounding road network, particularly with the Pacific Highway and Alexander Street.

7.8 Policy and Strategic Context

7.8.1 Section 9.1 Ministerial Directions

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

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

- Direction 2.3 – Heritage Conservation
- Direction 2.6 – Remediation of Contaminated Land
- Direction 5.10 – Implementation of Regional Plans
- Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan

Direction 2.3 – Heritage Conservation

Direction 2.3 – Heritage Conservation applies when a relevant planning authority prepared a planning proposal. Subclause (4) to the Direction states:

> *A planning proposal must contain provisions that facilitate the conservation of:*
> *(a) items, places, buildings, works, relics or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place identified om the study of the environmental heritage of the area.*

Subclause (5) of the Direction states that a planning proposal maybe inconsistent with the terms of the direction only if the relevant planning authority can satisfy the Director-General of the DPIE (or an officer nominated by the Director-General) that:

> *(a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or*
>
> *(b) the provisions of the planning proposal that are inconsistent are of minor significance.*

As outlined in section 7.7.5 of this report, the Heritage Impact Statement prepared by Urbis recognises the proposal will have some visual impact on surrounding heritage buildings but reaches the conclusion that the proposal will have no material impact on vicinity items and that the site has unsubstantiated significance as a potential heritage item.

Council's assessment planner has identified several buildings on site as potential heritage items for being significant (and largely intact) examples of North Sydney's Modernist Architectural phase that is integral to maintaining the character of the Fiveways intersection.

Direction 2.6 – Remediation of Contaminated Land

Direction 2.6 – Remediation of Contaminated Land applies to land on which potentially contaminating land uses, activities, industries and chemicals is being, or is known to have been, carried out.

Subclause (4) of the Direction states that a planning proposal authority must not include in a particular zone any land on which potentially contaminating land uses, activities, industries

and chemical is being or is known to have been carried out, if the inclusion of the land in that zone would permit a change of use of the land, unless:

a) the planning proposal authority has considered whether the land is contaminated, and

b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and

c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.

Council records indicate that the subject site may have been used in the past for a potentially contaminating activity.

The Planning Proposal is accompanied by a Preliminary Site Investigation prepared by EI Australia. The report concludes that:

- a number of potential contamination sources have been identified including imported soil fills, weathering of exposed building structures, long-term application of pesticides beneath building footprints, historical operations at the auto-mechanics workshop and hazardous building materials; and
- impacted soils and groundwater do exist on the site; and
- further site investigations are required to achieve adequate environmental characterisation.

Due to the presence of closely spaced buildings and structures across the site, closure investigations are currently prevented and will need to be undertaken after building demolition, at which stage the site is made accessible for the completion of intrusive investigations.
The following further investigations will be required:

- a hazardous materials survey of the building structures. This will be required pre-demolition and carried out by a suitably qualified person. The recommendations of the survey report will be required to be adhered to with regard to the presence and treatment of any hazardous materials like asbestos and lead based paints for example.
- post-demolition and prior to any excavation at the site a detailed site investigation by a suitably qualified environmental consultant will be required. A Remediation Action Plan (RAP) will need to be prepared to address any land or ground water contamination at the site. The RAP will be required to be adhered to and the site validated as being suitably remediated and fit for its intended use prior to any construction works commencing; and
- an accredited site auditor may need to be engaged to oversee this aspect of the project and to sign off on the validation report.

Direction 5.10 – Implementation of Regional Plans

Direction 5.10 – Implementation of Regional applies to land to which a Regional Plan has been released by the Minister for Planning. The Sydney Regional Plan: *A Metropolis of Three Cities,* released in March 2018 applies to the subject land.

Subclause (4) to the Direction states that Planning Proposals must be consistent with a Regional Plan released by the Minister for Planning. However, subclause (5) to the Direction states:

> *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary), that the extent of inconsistency with the Regional Plan:*
> *(a) is of minor significance, and*
> *(b) the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of its vision, land use strategy, goals, directions or actions.*

The Planning Proposal is generally consistent with the strategic directions and objectives of the Regional Plan insofar it:

- increase housing supply within an identified 'Growth Area and Urban Renewal Corridor;'
- provide flexible, upgraded commercial floorspace to support jobs; and
- provide ground floor retail uses and active street frontages.

However, there are a number of inconsistences between the Planning Proposal and the directions and objectives of the Regional Plan that are not of minor significance and have the potential to undermine the goals and directions of the Regional Plan.

The Planning Proposal is seeking a significant variation to the maximum building height and density (FSR) controls identified within the 2036 Plan. If implemented, the Planning Proposal will establish a precedent for significant breaches to the height and density (FSR) controls contained with the 2036 Plan and facilitate a level of growth and demand for local and regional infrastructure assets and services (such as open space, schools and road networks) in the precinct that have not been planned for and cannot be supported under the established infrastructure delivery programs/funding mechanisms. The Planning Proposal is thereby inconsistent with the following directions:

> *Direction 1 - A city supported by infrastructure*
> *Direction 2 – A collaborative city*
> *Direction 3 – A city for people*
> *Direction 5 – A city of great places*

Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan

Direction 7.11 – *Implementation of St Leonards and Crows Nest 2036 Plan* applies when a relevant planning proposal authority prepares a Planning Proposal for land within the St Leonards and Crows Nest Precinct as identified on Map Sheet LAP_001 St Leonards and Crows Nest 2036 Plan Ministerial Direction Map.

Subclause (4) to the Direction states that a planning proposal authority must ensure that a planning proposal is consistent with the St Leonards and Crows Nest 2036 Plan, as approved by the Minister for Planning and Public Spaces and published on the DPIE website on 29 August 2020. However, subclause (5) to the Direction states:

> *A planning proposal may be inconsistent with the terms of this direction only if the planning proposal authority can satisfy the Secretary of the Department of Planning, Industry and Environment (or their nominee), that:*
>
> *(a) the provisions of the planning proposal that are inconsistent are of minor significance, and*
> *(b) the planning proposal achieves the overall intent of the Plan and does not undermine the achievement of the Plan's vision, objectives and actions.*

The Planning Proposal is generally consistent with the vision, objectives and actions of the 2036 Plan insofar it will:

- increase housing supply within close proximity to high frequency public transport, jobs and services;
- provide flexible, upgraded commercial floorspace to support jobs; and
- provide ground floor retail uses and active street frontages.

However, the Planning Proposal is inconsistent with the 2036 Plan with respect to building height and FSR, with the degree of variation not being of minor significance.

7.8.2 State Environmental Planning Policies

<u>SEPP 65 (Design Quality of Residential Apartment Development)</u>

The Planning Proposal includes an assessment against the provisions of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development*, and the associated Apartment Design Guide (ADG), in relation to building separation/privacy, solar access, natural ventilation, common circulation, apartment layout and apartment mix. However, insufficient details have been provided to allow a full detailed assessment against ADG requirements.

The concept proposal appears to comply with some of the key development standards, however, there are a number of non-compliances. As discussed in section 7.7.3 of this report, the concept proposal does not comply with ADG building separation/privacy considerations, as well as apartment mix. ADG compliance and a high level of residential amenity is expected on this site and a redesign is required to address the abovementioned non-compliances.

<u>SEPP Infrastructure 2007</u>

The subject site is directly affected by the alignment of the Sydney Metro rail corridor, with a small portion of the subject site being affected by the buffer zone to the tunnels (refer to Figure

20). Of particular concern is the proximity of the basement levels and any footings associated with the redevelopment of the site on the integrity of the Sydney Metro line.

Clause 86 of SEPP (Infrastructure) 2007 requires that developments located within or adjacent to rail corridors are required to obtain the concurrence of the relevant rail authority. The proponent has not provided any evidence of obtaining preliminary support from the Sydney Metro division of Transport for NSW in relation to the concept proposal. Should the Planning Proposal proceed to Gateway Determination, it is recommended that the Planning Proposal be referred to the Sydney Metro division of Transport for NSW for comment.

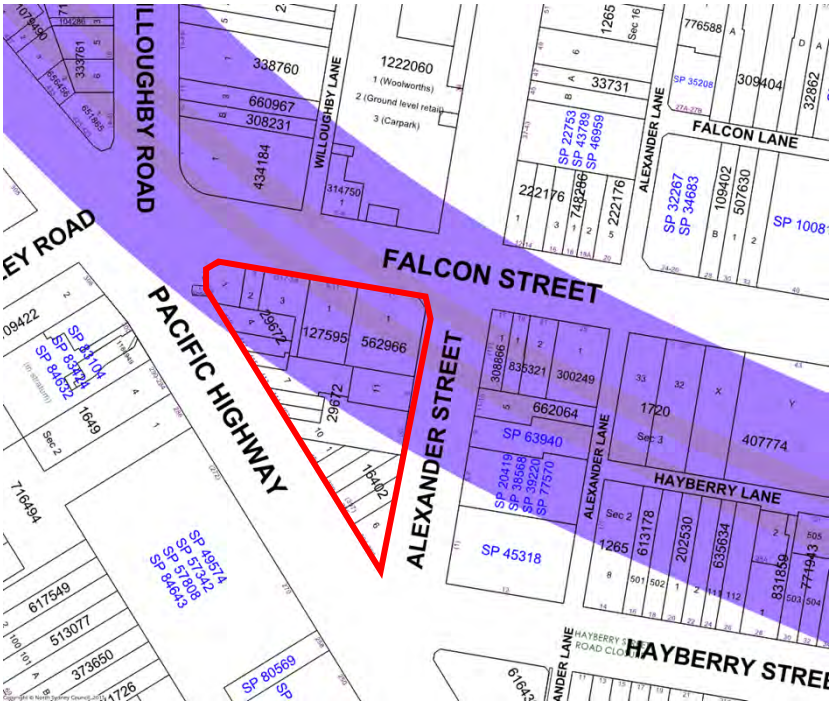

Figure 30: Metro influence

Land subject to ISEPP.

Metro Buffer

Metro alignment *(the tunnels)*

Subject Site

7.8.3 Greater Sydney Regional Plan (A Metropolis of Three Cities)

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

The Regional Plan is guided by a vision of three cities where most people live within 30 minutes of their jobs, education and health facilities, services and great places. The Regional Plan aims to provide an additional 725,000 new dwellings and 817,000 new jobs to accommodate Sydney's anticipated population growth of 1.7 million people by 2036.

St Leonards and Crows Nest is identified a 'Growth Area and Urban Renewal Corridor' under the Regional Plan.

An assessment of the Planning Proposal's consistency with the relevant Directions and Objectives of the Regional Plan is outlined in Table 6 below.

TABLE 6: Consistency with Regional Plan	
Relevant Direction and Objective	**Comments**
INFRASTRUCTURE & COLLABORATION	
Direction 1 – *A city supported by infrastructure* ***Objective 2 –****Infrastructure aligns with forecast growth* ***Objective 4 –*** *Infrastructure use is maximised*	☒ The proposal is accompanied by an offer to enter into a VPA to provide public benefits to the value of $10 million. This is in addition to the required SIC and Local Infrastructure Contributions. However, the projects identified for delivery under the *SIC Scheme* have been determined based on an assumed level of uplift and funding generated within the precinct. The Planning Proposal will establish a precedent for significant breaches to the height and density (FSR) controls contained within the 2036 Plan and facilitate a level of growth and demand for local and regional infrastructure assets and services (such as open space, schools and road networks) that has not been planned for and cannot be supported under the established infrastructure program/funding mechanisms.
Direction 2 – *A collaborative city* ***Objective 5 –*** *Benefits of growth realised by collaboration of governments, community and business*	☒ The proposal will establish a precedent for significant non-compliances with the outcomes of the 2036 Plan and undermine the integrity of all strategic planning policies relating to the St Leonards and Crows Nest Precinct.
LIVEABILITY	
Direction 3 – *A city for people* ***Objective 6 –*** *Services and infrastructure meet communities' changing needs*	☒ Refer to above comments under Direction 1.
Direction 4 – *Housing the city* ***Objective 10 –*** *Greater housing supply* ***Objective 11 –*** *Housing is more diverse and affordable*	☑ The proposal will increase housing supply within an identified 'Growth Area and Urban Renewal Corridor.' ☒ The proposed mix of dwellings does not comply with the requirements of NSDCP 2013. Some studio apartments should be incorporated to meet the requirements of NSDCP 2013 and provide a greater mix of more affordable private housing options in the area. These requirements should be met independent of the proposed VPA option to provide an unspecified number of 1 bedroom dwellings to Council for the purposes of Affordable Housing.
Direction 5 *– A city of great places* ***Objective 12 –*** *Great places that bring people together*	☒ The proposal seeks to maximise the GFA on the site, providing inadequate setbacks/building separation and variations in height across the site resulting in: • an excessively bulky and visually dominant built form at a prominent location within the St Leonards and Crows Nest Precinct, contrary to the desired 'village' character of the locality set out in the 2036 Plan; • an unacceptable level of on-site residential amenity; and • adverse environmental impacts (overshadowing, visual) contrary to that envisaged under the 2036 Plan.

TABLE 6: Consistency with Regional Plan	
Relevant Direction and Objective	**Comments**
PRODUCTIVITY	
Direction 6 – *A well connected city* ***Objective 14 –*** *A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities*	☑ The proposal provides a mix of uses, including new housing and employment opportunities within close proximity to high frequency public transport, services and facilities.
Direction 7 – *Jobs and skills for the city* ***Objective 22:*** *Investment and business activity in centres*	☑ The proposal will provide 8,002sqm of flexible, upgraded commercial floorspace, which is estimated to support an additional 302 jobs (total 456 jobs) on the site.
SUSTAINABILITY	
Direction 8 – *A city in its landscape* ***Objective 30 –*** *Urban tree canopy cover is increased* ***Objective 31 –*** *Public open space is accessible, protected and enhanced.*	☑ It is suggested that the proposal will provide the opportunity for street tree planting along the Pacific Highway and Falcon Street frontages. This may be further addressed at the DA stage. ☒ The proposal will overshadow an area located at the western end of Hayberry Street, Crows Nest which is identified as future public open under the CPPS.
Direction 9 – *An efficient city* ***Objective 33 –*** *A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change*	☒ The proposal will result in a net increase in traffic movements, greater than that envisaged under the 2036 Plan. ☑ Potential energy, water and waste minimisation may be addressed at the DA stage.
Direction 10 – *A resilient city* ***Objective 36 –*** *People and places adapt to climate change and future shocks and stresses* ***Objective 37 –*** *Exposure to natural and urban hazards is reduced* ***Objective 38 –*** *Heatwaves and extreme heat are managed*	☑ The subject site is not subject to flood or bushfire risk. However, contaminated soils and groundwater do exist on the site. A preliminary site investigation has been undertaken and further site investigations are required to achieve adequate environmental characterisation.

7.8.4 North District Plan

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

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

Jobs Target	St Leonards-Crows Nest
20-year (2016-2036)	+6,900-16,400 new jobs (2016-2036)

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

The North Sydney Local Housing Strategy (LHS) has been developed and endorsed by Council and is proceeding to be endorsed by DPIE. The LHS identifies that Council is on track to meet the housing targets set out in the North District Plan and does not rely on the redevelopment of this site to meet the targets, beyond the parameters and built form controls of the 2036 Plan. This is discussed further at section 7.8.6 of this report.

An assessment of the Planning Proposal's consistency with the relevant Directions and Objectives of the North District Plan is outlined in Table 7 below.

TABLE 7: Consistency with North District Plan	
Relevant Direction and Objective	**Comments**
INFRASTRUCTURE & COLLABORATION	
Direction 1 – *Infrastructure supporting new developments* ***Planning Priority N1 –*** *Planning for a city supported by infrastructure*	☒ The proposal is accompanied by an offer to enter into a VPA to provide public benefits to the value of $10 million. This is in addition to the required SIC and Local Infrastructure Contributions. However, the projects identified for delivery under the *SIC Scheme* have been determined based on an assumed level of uplift and funding generated within the precinct. The Planning Proposal will establish a precedent for significant breaches to the height and density (FSR) controls contained within the 2036 Plan and facilitate a level of growth and demand for local and regional infrastructure assets and services (such as open space, schools and road networks) that has not been planned for and cannot be supported under the established infrastructure program/funding mechanisms.
Direction 2 – *Working together to grow a Greater Sydney* ***Planning Priority N2 –*** *Working through collaboration*	☒ Refer to comments above.
LIVEABILITY	
Direction 3 – *Celebrating diversity and putting people at the heart of planning* ***Planning Priority N3:*** *Providing services and social infrastructure to meet people's changing needs*	☒ Refer to comments above.
Direction 4 – *Giving people housing choices* ***Planning Priority N5 –*** *Providing housing supply, choice and affordability with access to jobs, services and public transport.*	☑ The proposal will increase the housing supply within an identified 'Growth Area and Urban Renewal Corridor.' ☒ The proposed mix of dwellings does not comply with the requirements of NSDCP 2013. Some studio apartments should be incorporated to meet the requirements of NSDCP 2013 and provide a greater mix of more affordable private housing options in the area. These requirements should be met independent of the proposed VPA option to provide an unspecified number of 1 bedroom dwellings to

TABLE 7: Consistency with North District Plan	
Relevant Direction and Objective	**Comments**
	Council for the purposes of Affordable Housing.
Direction 5 *– Designing places for people* ***Planning Priority N6 –*** *Creating and renewing great places and local centres and respecting the District's heritage.*	☒ The proposal seeks to maximise the GFA on the site, providing inadequate setbacks/building separation and variations in height across the site resulting in: • an excessively bulky and visually dominant built form at a prominent location within the St Leonards and Crows Nest Precinct, contrary to the desired 'village' character of the locality set out in the 2036 Plan; • an unacceptable level of on-site residential amenity; and • adverse environmental impacts (overshadowing, visual) contrary to that envisaged under the 2036 Plan.
PRODUCTIVITY	
Direction 6 – *Developing a more accessible and walkable city* ***Planning Priority N12:*** *Delivering integrated land use and transport planning and a 30-minute city*	☑ The proposal provides a mix of uses, including new housing and employment opportunities, within close proximity to high frequency public transport, services and facilities.
Direction 7 – *Creating the conditions for a stronger economy* ***Planning Priority N8 –*** *Eastern Economic Corridor is better connected and more competitive.* ***Planning Priority N9 –*** *Growing and investing in health and education precincts* ***Planning Priority N10 –*** *Growing investment, business opportunities and jobs in strategic centres.* ***Planning Priority N13 –*** *Supporting growth of targeted industry sectors.*	☑ The proposal will provide 8,002sqm of flexible, upgraded commercial floorspace, which is estimated to support an additional 302 jobs (total 456 jobs) on the site.
SUSTAINABILITY	
Direction 8 – *Valuing green spaces and landscape* ***Planning Priority N1 –:*** *Increasing urban tree canopy cover and delivering Green Grid connections* ***Planning Priority N20 –*** *Delivering high quality green spaces.*	☑ It is suggested that the proposal will provide the opportunity for street tree planting along the Pacific Highway and Falcon Street frontages. This may be further addressed at the DA stage. ☒ The proposal will overshadow an area located at the western end of Hayberry Street that is identified as future public open under the CPPS.
Direction 9 – *Using resources wisely* ***Planning Priority N21 –*** *Reducing carbon emissions and managing energy, water and waste efficiently.*	☑ The proposal will result in a net increase in traffic movements, greater than that envisaged under the 2036 Plan. ☑ Potential energy, water and waste minimisation can be addressed at the DA stage.
Direction 10 – *Adapting to a changing world* ***Planning Priority N22 –*** *Adapting to the impacts of urban and natural hazards and climate change.*	☑ The subject site is not subject to flood or bushfire risk. However, contaminated soils and groundwater do exist on the site. A preliminary site investigation has been undertaken and further site investigations are required to achieve adequate environmental characterisation.

TABLE 7: Consistency with North District Plan	
Relevant Direction and Objective	**Comments**

7.8.5 St Leonards and Crows Nest 2036 Plan (2036 Plan)

The 2036 Plan is implemented under section 9.1 of the EP&A Act, requiring any planning proposals to be consistent with the Plan. The supporting section 9.1 Direction states that proposals may be inconsistent if those inconsistencies are of minor significance and the proposal achieves the overall intent of the Plan and does not undermine the achievement of the Plan's vision, objectives and actions.

The Plan states that changes to a site's existing statutory planning controls will be required to allow development to occur in accordance with the Plan. It explains that it will be the responsibility of each relevant council to progress planning proposals and give effect to the provisions of the Plan.

As the proposal deviates from the built form provisions of the Plan, namely the overall Height and FSR, Council must consider whether this discrepancy is of minor significance and whether the proposal satisfactorily addresses the Vision, Objectives, Actions and overall intent of the 2036 Plan.

The proposal's performance against these criteria is discussed below.

Vision

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

- approximately 8,002sqm GFA of flexible upgraded commercial floorspace, which will generate an additional 302 jobs on site;
- approximately 233 new private dwellings, within close proximity to jobs, services and high frequency public transport; and
- ground floor retail uses and activated street frontages, increased public domain and pedestrian movement.

However, the Planning Proposal is inconsistent with the 2036 Plan with respect to building height and FSR, with the degree of variation not being of minor significance. The proposal seeks to maximise the GFA on the site, resulting in an excessively bulky and visually dominant built form contrary to the desired 'village' character of the locality set out in the 2036 Plan.

If implemented, the Planning Proposal will establish a precedent for significant breaches to the height and density (FSR) controls contained with the 2036 Plan and facilitate a level of growth and demand for local and regional infrastructure assets and services (such as open space, schools and road networks) in the precinct that have not been planned for and cannot be supported under the established infrastructure delivery program/funding mechanisms.

It is therefore questioned whether the subject proposal *'embraces the precinct's unique local character'*, *'cater for the needs of people of all ages'* or ensure the precinct is *'supported by community services'* as outlined in the 2036 Plan's vision statement.

Objectives

An assessment of the Planning Proposal's consistency with the relevant Objectives of the 2036 Plan is outlined in Table 8 below.

TABLE 8: Consistency with St Leonards Crows Nest 2036 Plan	
Relevant Precinct Objectives	**Comments**
INFRASTRUCTURE & COLLABORATION	
Deliver key State and regional infrastructure to support long-term growth.	☒ The proposal is accompanied by an offer to enter into a VPA to provide public benefits to the value of $10 million. This is in addition to the required SIC and Local Infrastructure Contributions. However, the projects identified for delivery under the *SIC Scheme* have been determined based on an assumed level of uplift and funding generated within the precinct. The Planning Proposal will establish a precedent for significant breaches to the height and density (FSR) controls contained within the 2036 Plan and facilitate a level of growth and demand for local and regional infrastructure assets and services (such as open space, schools and road networks) that has not been planned for and cannot be supported under the established infrastructure program/funding mechanisms.
Enhance quality of life by providing infrastructure to support place outcomes.	☒ Refer to comments above.
Coordinate the delivery of infrastructure with growth to ensure infrastructure is available at the right time.	☒ Refer to comments above.
LIVEABILITY	
Ensure new development retains and enhances important heritage elements by using sympathetic building materials and reserving key views and vistas.	☒ The proposal does not satisfactorily demonstrate how the proposed height and scale of the podium and tower elements responds appropriately to surrounding heritage buildings. The proposal does not recognize the potential heritage significance/value of several existing commercial buildings on site to Crows Nest's local character or propose to retain any elements that contribute to the existing and future desired 'village' character of the locality.
Retain and enhance the village atmosphere in and around Crows Nest, particularly along Willoughby Road	☒ The site's proximity to Crows Nest Metro station is only one part of the site's surrounding context, which includes Willoughby Road (Crows Nest Village) to the immediate north and low-scale residential areas and HCAs to the south and east of the site. The proposal does not satisfactorily demonstrate how the proposed height and scale of the podium and

TABLE 8: Consistency with St Leonards Crows Nest 2036 Plan	
Relevant Precinct Objectives	**Comments**
	tower elements respond appropriately to its immediate context, including surrounding heritage buildings. The overall height, bulk and scale of the proposal appears excessive and contrary to the desired 'village' character of the locality set out in the 2036 Plan.
Apply casual surveillance and universal access principles to new development to create a safe, inclusive and comfortable environment.	☑ The proposal provides for retail uses at the ground level to promote casual surveillance and activate the street frontages.
New development should have consideration to wind impacts demonstrated through a wind assessment.	☒ The proposal is accompanied by a Pedestrian Wind Environment Statement prepared by Windtech Consultants. The report concludes that the proposal will result in adverse wind impacts at critical outdoor areas within and around the site but can be ameliorated with the suggested treatment strategies in the design of the development. Whilst wind impacts may be further addressed at the DA stage, the proposal should demonstrate satisfactory resolution of these issues before progressing to the next stage of the plan making process.
Consider cumulative impacts of new developments on existing areas, including overshadowing, wind impacts and view loss.	☒ The 2036 Plan does not contemplate a development of this scale on the site. The proposal seeks to maximise the GFA on the site, resulting in an excessively bulky and visually dominant built form and a level of impact (overshadowing, visual) not envisaged under the 2036 Plan. The proposal does not adequately consider cumulative wind and view loss impacts.
Contain taller buildings between St Leonards Station and Crows Nest Metro Station	☒ The subject site is located outside the 'Height Knuckle Area' identified in the 2036 Plan, where taller buildings are to be located 150-200m of either station. At 75m (over 19-storeys) the proposal is close to or exceeds the maximum building heights for the Crows Nest Metro site (21, 17 and 9 storeys) and is an abrupt increase in height from the adjacent 8-storey height limit to the immediate north of the subject site.
In transition areas between low and high-rise developments, new development should consider the prevailing scale and existing character in the design of their interfaces.	☒ The subject site is located within an identified transition area under the 2036 Plan. The site's proximity to Crows Nest Metro station is only one part of the site's surrounding context, which includes Willoughby Road (Crows Nest Village) to the immediate north and low-scale residential areas and HCAs to the south and east of the site. The overall height, bulk and scale of the podium and tower elements appears excessive, contrary to the desired 'village' character of the locality set out in the 2036 Plan.

TABLE 8: Consistency with St Leonards Crows Nest 2036 Plan	
Relevant Precinct Objectives	**Comments**
New building design should provide high on-site amenity and consider street width and character by providing ground and upper-level setbacks and awnings to achieve a human scale at street level.	☒ The height of the proposed podium appears excessive for the number of storeys, and minimal setbacks above the podium appear to be provided. In addition, the 12m separation between the two proposed towers is substantially below minimum ADG building separation/privacy requirements.
Ensure new development contributes to a range of dwelling types in the area to cater for all life cycles.	☒ The proposed mix of dwellings does not comply with the requirements of NSDCP 2013. Some studio apartments should be incorporated to meet the requirements of NSDCP 2013 and provide a greater mix of more affordable private housing options in the area. These requirements should be met independent of the proposed VPA option to provide an unspecified number of 1 bedroom dwellings to Council for the purposes of Affordable Housing.
PRODUCTIVITY	
Ensure new employment sites in the area cater to a range of business types and sizes.	☑ The proposal will provide 8,022sqm of flexible upgraded commercial floorspace to cater for a range of business types and sizes.
New development in mixed-use areas should contribute to the delivery of active streets by providing a range of uses at ground floor.	☑ The proposal provides for active retail uses at the ground level.
SUSTAINABILITY	
Ensure no additional overshadowing of public open spaces and important places in accordance with solar access controls identified on page 38 of the Plan.	☑ The proposal will not result in additional overshadowing to identified public open spaces and important places within the precinct under the 2036 Plan. However, a proposal of this height and scale is not envisaged under the 2036 Plan on this site and will result in overshadowing impacts to surrounding low-density residential areas and HCAs not envisaged under the 2036 Plan.
Incorporate new street trees to realise the tree canopy targets identified on Page 3 and increase the overall tree coverage in the area.	☑ It is suggested that the proposal will provide the opportunity for street tree planting along the Pacific Highway and Falcon Street frontages. This may be further addressed at the DA stage.

Actions

An assessment of the Planning Proposal's consistency with the relevant Actions of the 2036 Plan is outlined in Table 9 below.

TABLE 9: Compliance with St Leonards Crows Nest 2036 Plan	
Relevant Action	**Comments**
PLACE	
Transition heights from new development to surrounding Heritage Conservation Areas.	☒ The subject site is located outside the 'Height Knuckle Area' and within an identified transition area under the 2036 Plan. The site's proximity to Crows Nest Metro station is only one part of the site's surrounding context, which includes a low-scale HCA to the south and east. No stepping down, lowering or differentiation in heights across the site is proposed to ensure development on the site is sympathetic and more responsive to its low-scale context that minimizes overshadowing and visual impacts to these sensitive areas.
New development should adopt street wall height consistent with existing heritage shopfronts for new buildings in the same street.	☒ The concept proposal does not meet the street wall (podium) heights set out in the 2036 Plan nor adequately demonstrate how the proposed height and scale of the podium aligns with existing heritage shopfronts, particularly at the Fiveways Intersection.
BUILT FORM	
Apply design principles for solar amenity, configuration, and interface between areas of transition.	☒ Refer to comments above.
New development should be sympathetic to existing buildings with appropriate setbacks and street wall heights.	☒ Refer to comments above.
Provide appropriate transitions in height to adjoining low scale residential areas	☒ Refer to comments above.
Minimise overshadowing of key open spaces, public places and adjoining residential areas. Solar height planes should be adhered to as indicated within the Solar Access Map (page 38 of 2036 Plan).	☒ A proposal of this height and scale is not envisaged under the 2036 Plan on the subject site and will result in overshadowing impacts to surrounding low-density residential areas and HCAs not envisaged under the 2036 Plan.
LAND USE	
Commit SIC funding to provide infrastructure that caters for all age demographics including pedestrian and cycle links and parks.	☑ The proposal is accompanied by an offer to enter into a VPA to provide public benefits to the value of $10 million. This is in addition to the required SIC and Local Infrastructure Contributions.

TABLE 9: Compliance with St Leonards Crows Nest 2036 Plan	
Relevant Action	**Comments**
Include opportunities through amendments to planning controls to encourage a range of dwelling typologies to cater for the diverse community in St Leonards and Crows Nest.	☒ The proposed mix of dwellings does not comply with the requirements of NSDCP 2013. Some studio apartments should be incorporated to meet the requirements of NSDCP 2013 and provide a greater mix of more affordable private housing options in the area. These requirements should be met independent of the proposed VPA option to provide an unspecified number of 1 bedroom dwellings to Council for the purposes of Affordable Housing.
Concentrate higher density housing along the Pacific Highway between St Leonards Station and Crows Nest Metro Station and transition to lower density living options to surrounding area.	☒ The proposal is inconsistent with the 'Centre and Height Transition' principles of the 2036 Plan, which requires larger buildings to be located within 150-200m of either station and transition in height, bulk and scale to the surrounding low-density neighbourhoods and HCAs. At 75m (over 19-storeys) the proposal is close to or exceeds the maximum building heights for the Crows Nest Metro site (21, 17 and 9 storeys) and is an abrupt increase in height from the adjacent 8-storey height limit to the immediate north of the subject site.
Encourage a balance of commercial and residential uses within the St Leonards Core with a minimum non-residential floor space requirement for the B4 Mixed Use zone to meet North District Plan high jobs target.	☑ The proposal will provide 8,002 sqm of flexible, upgraded commercial floorspace to cater for a range of business types and sizes. This is consistent with the non-residential FSR of 2.5:1 identified in the 2036 Plan for the site.
Permit mixed-use development on key sites to encourage the renewal of St Leonards through the delivery of new A-grade commercial floor space.	☑ Refer to comments above.
Encourage the location of additional retail in the St Leonards Core and Crows Nest Village rather than the Artarmon Employment Area.	☑ The proposal provides for active retail uses at the ground level.
MOVEMENT	
Limit the amount of car parking provided for new developments.	☒ The indicative concept design provides 385 parking spaces over 7 basement levels. This is the maximum amount of car parking allowed under NSDCP 2013. However, the maximum car parking rates within Crows Nest do not contemplate a development of this scale.
Promote the provision of end of trip facilities to support cycling.	☑ The proposal includes the provision of end of trip facilities (lockers, showers and change rooms).
Encourage the use and implementation of car share facilities.	☑ The proposal incorporates 12 car share spaces.

7.8.6 North Sydney Local Strategic Planning Statement (LSPS)

Following receipt of a Letter of Support from the Greater Sydney Commission (GSC), Council adopted the North Sydney LSPS on 24 March 2020. This document sets out Council's land use vision, planning principles, priorities and actions for the North Sydney LGA for the next 20 years. It outlines the desired future direction for housing, employment, transport, recreation, environment and infrastructure. The LSPS will guide the content of Council's Local Environmental Plan (LEP) and Development Control Plan (DCP) and support Council's consideration and determination of any proposed changes to development standards under the LEP via Planning Proposals.

An assessment of the Planning Proposal against relevant North Sydney LSPS local planning priorities is undertaken in Table 10 below.

TABLE 10: Compliance with North Sydney LSPS

Relevant Local Planning Priority	Comments
I1 – Provide infrastructure and assets that support growth and change	☒ The proposal is accompanied by an offer to enter into a VPA to provide public benefits to the value of $10 million. This is in addition to the required SIC and Local Infrastructure Contributions. However, the projects identified for delivery under the *SIC Scheme* have been determined based on an assumed level of uplift and funding generated within the precinct. The Planning Proposal will establish a precedent for significant breaches to the height and density (FSR) controls contained within the 2036 Plan and facilitate a level of growth and demand for local and regional infrastructure assets and services (such as open space, schools and road networks) that has not been planned for and cannot be supported under the established infrastructure program/funding mechanisms.
I2 – Collaborate with State Government Agencies and the community to deliver new housing, jobs, infrastructure and great places.	☒ The proposal will establish a precedent for significant non-compliances with the outcomes of the 2036 Plan and undermine the integrity of all strategic planning policies relating to the St Leonards and Crows Nest Precinct.
L1 – Diverse housing options that meet the needs of the North Sydney community	☒ The proposed mix of dwellings does not comply with the requirements of NSDCP 2013. Some studio apartments should be incorporated to meet the requirements of NSDCP 2013 and provide a greater mix of more affordable private housing options in the area, independent of the proposed VPA option to provide an unspecified number of 1 bedroom dwellings to Council for the purposes of Affordable Housing.
L2 – Provide a range of community facilities and services to support a healthy, creative, diverse and socially connected North Sydney community.	☒ Refer to comments above addressing I1.

TABLE 10: Compliance with North Sydney LSPS	
Relevant Local Planning Priority	**Comments**
L3 – Create great places that recognise and preserve North Sydney's distinct local character and heritage.	☒ The overall height, bulk and scale of the proposal appears excessive and contrary to the desired 'village' character of Crows Nest. The proposal does not recognize the potential heritage significance/value of several existing commercial buildings on site to Crows Nest's local character or propose to retain any elements that contribute to the existing and future desired 'village' character of the locality.
P2 – Develop innovative and diverse business clusters in St Leonards/Crows Nest	☑ The proposal will provide approx. 8,002sqm of flexible, upgraded commercial floorspace to cater for a range of business types and sizes. This is consistent with the non-residential FSR of 2.5:1 identified in the 2036 Plan for the site.
P4 – Develop a smart, innovative and prosperous North Sydney economy.	☑ Refer to comments above.
P6 – Support walkable centres and a connected, vibrant and sustainable North Sydney.	☑ The proposal provides for active retail uses at the ground level, however it is questioned whether the proposed ground level setback and internalisation of key commercial/retail entries will provide active/engage interfaces with the street.
S2 – Provide a high quality, well-connected and integrated urban greenspace system.	☒ The proposal will overshadow land located at the western end of Hayberry Street, Crows Nest which is identified as future public open space under the CPPS.
S3 – Reduce greenhouse gas emissions, energy, water and waste	☒ The proposal will result in a net increase in traffic movements. The proposed increase is greater than that of compliant scheme. ☑ Potential energy, water and waste minimisation can be addressed at the DA stage.
S4 – Increase North Sydney's resilience against natural and urban hazards	☑ The subject site is not subject to flood or bushfire risk. However, contaminated soils and groundwater do exist on the site. A preliminary site investigation has been undertaken and further site investigations are required to achieve adequate environmental characterisation.

7.8.7 North Sydney Local Housing Strategy (LHS)

The North Sydney Local Housing Strategy (LHS) establishes Council's vision for housing in the North Sydney LGA and provides a link between Council's vision and the housing objectives and targets set out in the GSC's *North District Plan.* It details how and where housing will be provided in the North Sydney LGA over the next 20 years, having

consideration of demographic trends, local housing demand and supply, and local land-use opportunities and constraints.

Following public exhibition, on 25 November 2019, Council resolved to adopt the North Sydney LHS with an action to forward to the DPIE for their approval. Council is still awaiting final endorsement of the LHS by the DPIE.

The North Sydney LHS identifies the potential for an additional 11,870 dwellings by 2036 under the provisions of NSLEP 2013 and proposed changes envisaged by the DPIE under the draft *St Leonards and Crows Nest 2036 Plan.* The draft 2036 Plan identified planning controls to support the delivery of an additional 3,515 dwellings within the parts of the St Leonards and Crows Nest Planned Precinct located within the North Sydney LGA.

The concept proposal indicates an additional 233 residential apartments are to be accommodated on the site which contributes to the number of anticipated dwellings to be accommodated within the B4-Mixed Use zone in St Leonards on a single site. However, the North Sydney LHS does not identify a housing supply gap, and the supply of housing in the North Sydney LGA does not rely on the redevelopment of the subject site over and above the built form controls contained in the 2036 Plan, to meet its targets.

7.8.8 Civic Precinct Planning Study (CPPS)

The CPPS envisages the mixed-use areas of the precinct, which includes the Fiveways intersection, to function as transition zones between the CBD and the precinct. A key Action of the CPPS is to develop the Pacific Highway frontage into a medium-scale environment with increased amenity. This is to be achieved by:

- maintaining a maximum building height of 4-storeys (16m) along the Pacific Highway within the Civic Precinct, including the Fiveways site;
- provide a 3-storey street-wall height and a recessed 4th storey;
- provide a 15m whole building street setback along Pacific Highway to improve pedestrian amenity and street tree planting (exceptions to be considered when there is an existing heritage item built to the boundary);
- provide active frontages to the Pacific Highway where possible;
- continue the implementation of cycleways along the Pacific Highway; and
- Investigate ways to improve the Fiveways intersection by potentially reconfiguring the Fiveways intersection and diverting traffic to increase pedestrian amenity and quality and quantity of open space (refer to Figure 31).*

The CPPS identifies a minimum non-residential FSR of 1:1 for the Fiveways site to support small to medium sized business growth in the precinct. It also recognises the value heritage contributes to the character of the precinct and identifies opportunities to enhance the leafy character of the precinct with public open space improvements. In particular, the CPPS identifies opportunities within the precinct for the adaptive reuse of heritage buildings as well as the potential provision of public open space at the western end of Hayberry Street, Crows Nest.

Whilst it is recognised (in accordance with *Ministerial Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan*) that the provisions of the 2036 Plan prevail where it is inconsistent with the CPPS (i.e. height and non-residential FSR), the subject proposal does not demonstrate consistency with the objectives and principles of the CPPS.

Figure 31: Potential future review of Falcon Street (p. 38 of CPPS)

* The CPPS identifies the need to undertake further review/detailed Urban Design Study of the areas between Falcon Street between Fiveways and West Street, after the outcome of state government infrastructure projects (including the Western Harbour Tunnel) are known.

8. Submissions

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

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.

To date, a total of four (4) submissions have been received objecting to the Planning Proposal. Several major concerns were raised with respect to the proposed maximum building height and FSR for the site, and its inconsistency with the 2036 Plan's built form principles and local character statement. Concerns were also raised with respect to the proposed number of residential dwellings, car parking spaces and associated traffic generation which exceeds the number envisaged for the site under the 2036 Plan.

9. Local Planning Panel

By Ministerial direction, all Planning Proposals are required to be referred to the Local Planning Panel for their advice. Furthermore, a council may not make a determination to progress or not progress a Planning Proposal to Gateway Determination, unless it has considered the Local Planning Panel's advice.

The North Sydney Local Planning Panel (NSLPP) considered the Planning Proposal at its meeting on 5 May 2021, wherein it recommended that the *'Planning Proposal not proceed in its current form and endorses the analysis and reasons provided in the Council Officer's report'*.

The Panel considers that the Planning Proposal unacceptable for the following reasons:

a) *The Panel is not persuaded that the numeric controls of the St Leonards and Crows Nest 2036 Plan ("the 2036 Plan") can be ignored for a preference to the more general "vision, objectives and actions" in the Plan. The Planning Proposal is inconsistent with 2036 Plan, in particular the metrics relating to the number of storeys and FSR which are an integral part of the 2036 Plan that was developed after years of study, consultation and investigation.*
b) *The Planning Proposal if made would create an undesirable precedent and undermine the integrity of the recently adopted 2036 Plan.*
c) *The Planning Proposal is also contrary to Direction 5.10 – Implementation of the Regional Plan and Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan to section 9.1 Ministerial Directions under the Environmental Planning and Assessment Act 1979, which permits Planning Proposals to be inconsistent with the 2036 Plan but only if any inconsistencies are of minor significance.*
d) *The Planning Proposal does not satisfy all the requirements under the ADG and urban design excellence has not been established with the intensity of the development proposed.*
e) *The 2036 Plan is based on contributions from the uplift of all the sites, having regard to infrastructure, public domain and urban design. The consideration of planning proposals on a site by site basis undermines the integrity of the planning system.*

Minutes of the meeting and the Panel's advice is provided at Attachment 3 to this report.

CONCLUSION

The Planning Proposal seeks to amend NSLEP 2013 to:

- Increase the maximum building height control on the subject site from 16m to 75m;
- Increase the minimum Non-Residential Floor Space Ratio (FSR) control on the subject site from 0.5:1 to 2.5:1; and
- Establish an overall maximum FSR control on the subject site of 9.3:1.

The intent of the Planning Proposal is to deliver a 19-storey mixed-use development with a 3-4 storey commercial podium and 16-storey residential tower above. The indicative concept scheme submitted in support of the amendment, includes 233 residential apartments with a residential Gross Floor Area (GFA) of 21,818 sqm, a non-residential GFA of 8,002 sqm, and 385 car parking spaces over 7 basement levels.

Following an assessment of the Planning Proposal against the *St Leonards and Crows Nest 2036 Plan (2036 Plan)* and relevant Regional, District and Local Plans, it is recommended that the Planning Proposal not be supported to proceed to a Gateway Determination for the following reasons:

- The Planning Proposal is significantly inconsistent with the outcomes of the 2036 Plan in relation to the degree of non-compliance with building height and FSR. These non-compliances result in significant amenity impacts as detailed in this report.

- If such non-compliances are supported to any degree, the Planning Proposal will create a precedent for significant non-compliances with the maximum building height and FSR controls contained within the 2036 Plan and undermine the integrity of all strategic planning policies relating to the precinct including:

    - Greater Sydney Regional Plan ('A Metropolis of Three Cities') and North District Plan;
    - St Leonards and Crows Nest 2036 Plan and accompanying Special Infrastructure Contribution (SIC) Scheme;
    - North Sydney Local Strategic Planning Statement (LSPS); and
    - Civic Precinct Planning Study (CPPS).

- The Planning Proposal is inconsistent with *Direction 5.10 – Implementation of the Regional Plan* and *Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan* to section 9.1 Ministerial Directions under the Environmental Planning and Assessment Act 1979 (EP&A Act), which requires Planning Proposals to be consistent with the 2036 Plan and Greater Sydney Regional Plan.

The NSLPP agreed with the analysis and reasons for not supporting the Planning Proposal.

It is recommended that Council resolve not to support the forwarding of the Planning Proposal to the DPIE, for the purposes of seeking a Gateway Determination under section 3.34 of the EP&A Act 1979.

CITY PLAN

Planning Proposal

The Five Ways Triangle, Crows Nest

Lands bound by the Pacific Highway, Falcon and Alexander Streets, Crows Nest

Submitted to North Sydney Council
On Behalf of Deicorp

December 2020

REPORT REVISION HISTORY

Revision	Date Issued	Revision Description	
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		Lucy Langley *Associate*	Stephen Kerr *Executive Director*
02	02/12/2020	Final - Issue to client	
		Prepared by	Verified by
		Lucy Langley *Associate*	Stephen Kerr Executive Director
03	04/12/2020	Final Submission	
		Prepared by	Verified by
		Lucy Langley *Associate*	Stephen Kerr *Executive Director*

Disclaimer
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TABLE OF CONTENTS

Executive Summary **6**
Section A – Overview **8**
1. INTRODUCTION **8**
2. THE SITE AND LOCAL CONTEXT **11**
2.1. Location and Description 11
2.2. Land ownership and future development 14
2.3. Metro tunnels 15
2.4. Site Photos 15
2.5. Surrounding development 16
2.6. Character 19
2.7. Heritage 21
2.8. Access and Connectivity 23
2.9. Demographics and housing 25
3. STATUTORY CONTEXT **26**
3.1. Current Development Controls 26
3.1.1. Zoning and Permissibility 26
3.2. North Sydney Local Environmental Plan Review 2019 27
3.3. St Leonards and Crows Nest 2036 Plan 27
3.4. Development Approvals and Planning Proposals 27
4. CONCEPT **28**
4.1. Need for Redevelopment 28
4.2. Indicative Built Form 28
4.3. Proposed Statutory Amendments 31
4.4. Public Benefit 31
4.5. Concept Design 32
4.5.1. Built Form 33
4.5.2. Public Domain 34
4.5.3. Employment space 35
4.6. Consultation with North Sydney Council 35
4.7. Consultation with Department of Planning, Industry and Environment 40
Section B – Planning Proposal **41**
5. OBJECTIVES AND INTENDED OUTCOMES **41**
5.1. Objectives of the Planning Proposal 41

5.2. Intended development outcome 41
6. EXPLANATION OF PROVISIONS 42
7. JUSTIFICATION 43
7.1. Need for a Planning Proposal 43
7.1.1. Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report? 43
7.1.2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way? 43
7.2. Considering Strategic and Statutory Planning Framework 43
7.2.1. Greater Sydney Regional Plan and North District Plan 43
7.2.2. St Leonards and Crows Nest Plan 2036 (2036 Plan) 47
7.2.3. North Sydney Local Strategic Planning Statement 59
7.2.4. North Sydney Community Strategic Plan 2018-2028 61
7.2.5. North Sydney Civic Precinct and Surrounds Planning Study 62
7.2.6. State Environmental Planning Policies (SEPPs) 64
7.2.7. Ministerial directions (s.9.1 directions) 64
7.3. Environmental, Social and Economic Impact 65
7.3.1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats, will be adversely affected as a result of the proposal? 65
7.3.2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed? 65
7.3.3. Has the planning proposal adequately addressed any social and economic effects? 74
7.4. State and Commonwealth Interests 76
7.4.1. Is there adequate public infrastructure for the planning proposal? 76
7.4.2. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination? 77
7.5. Summary of the Strategic and Site-Specific Merits of the Planning Proposal 78
7.5.1. Strategic Merits 78
8. Part 4 – Mapping 80
9. Part 5 – Community Consultation 81
10. Part 6 – Project Timeline 82
11. CONCLUSION 83
Appendix A Urban Design Report 84
Appendix B Place Design Framework and Urban Design Rationale 85
Appendix C Traffic and Parking Impact Assessment and Draft Travel Plan 86
Appendix D Economic Impact Assessment 87

Appendix E Social Infrastructure Needs Study .....
Appendix F Heritage Impact Statement .....
Appendix G Structural Report and Letter of Support .....
Appendix H Planning Proposals and S9.1 Ministerial Directions .....
Appendix I State Environmental Planning Policies (SEPPS) .....
Appendix J Non-binding VPA Offer .....
Appendix K LEP Map Amendments .....
Appendix L Preliminary Contamination Report .....
Appendix M Pedestrian Wind Environment Statement .....
Appendix N Owners Consent Letters .....
Appendix O Site Specific DCP .....

EXECUTIVE SUMMARY

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

The planning proposal gives effect to the St Leonards and Crows Nest 2036 Plan (2036 Plan) in accordance with Ministerial Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan.

The Ministerial Direction requires that planning proposals be consistent with 2036 Plan, approved by the Minister for Planning and Public Spaces and published on the Department of Planning, Industry and Environment website on 29 August 2020.

The 2036 Plan establishes a Vision, Objectives, Actions and Urban Design Principles which are the basis for measuring consistency. The Vision, Objectives, Actions and Urban Design Principles are a mixture of qualitative and quantitative requirements. The quantitative requirements include prescribed minimum non-residential floor space requirements and stringent solar access controls.

The 2036 Plan also outlines changes to the existing planning controls which, as noted on page 63 of the 2036 Plan, are *'… indicative and demonstrate the planning and other interventions which would give effect to the changes described in earlier sections of this Plan. These potential built form parameters have been developed to achieve the key urban design principles envisaged by the Plan. Final planning controls will be developed as part of any future rezoning process*'. Page 36 of the 2036 Plan notes that '*There may be opportunities for specific sites to accommodate additional density and height where the public benefits proposed to be delivered as part of a development proposal is of exceptional value, beyond what could be secured under a standard practice approach that should be considered within the precinct. In these instances, the proposal would still need to be consistent with the vision, objectives and actions, including solar access controls, in this Plan.*'

This planning proposal, and in particular the Urban Design Report and Place Design Framework demonstrate that the Vision, Objectives, Actions and Urban Design Principles, including the strict prescriptive requirements, are achieved. The urban design and place analysis has demonstrated that the site is able to accommodate additional density and height which facilitates the consolidation of the currently disparate street block and the provision of public benefits of including an exceptional public domain and development contributions that are well in excess of the standard practice approach.

This planning proposal, therefore, is demonstrably consistent with the 2036 Plan the related Ministerial Direction and by extension the Greater Sydney Commission's North District Plan. Moreover, it will create a dynamic and vibrant extension to the Crows Nest Village without detracting from the character or any of its public qualities.

Accordingly, we commend the planning proposal to North Sydney Council.

SECTION A – OVERVIEW

1. INTRODUCTION

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

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

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

Background

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

In September 2020, the Applicant met with Council officers and agreed withdraw the June planning proposal so that it could be reconsidered in light of the 2036 Plan. Council provided written feedback to the Applicant following their initial assessment of the June planning proposal. The concept and planning proposal has therefore been significantly revised to address Council's comments and responds to feedback received in subsequent pre-lodgement meetings with Council and the Department of Planning, Industry and Environment (Department).

The Site

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

The urban design rationale report prepared by Roberts Day identifies that without the site fulfilling this role, it will be continue to be perceived as 'lost space' – a traffic island at best – contributing nothing to the evolution of the precinct as a better place.

The site is located within walking distance of the Mater hospital, North Sydney Girls High School and Cammeraygal High School, which are part of a health and education sub precinct. The sites' location at the

top of Falcon Street makes it a gateway between the health and education precinct and the Crows Nest village. Its redevelopment will create an extension of the Crows Nest village and an anchor for the Medical and Education sub precinct.

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

The Proposal

The revised Fiveways Triangle planning proposal is entirely consistent with the vision, objectives, actions and urban design principles of the final St Leonards Crows Nest 2036 Plan.

This planning proposal demonstrates that the site can provide additional public benefits by accommodating more housing than contemplated by the indicative built form controls identified by the 2036 Plan.

This planning proposal was informed by a demographic, housing and social infrastructure needs study. The purpose of this study was to provide an evidence base to determine appropriate opportunities for public benefits which can be incorporated into the redevelopment of the site. A non-binding letter of offer to enter into a Voluntary Planning Agreement (VPA) to provide additional development contributions is submitted with this planning proposal. The proposed contributions are offered as:

- Provision of a monetary contribution of $10 million to Council to be used for public benefit including improved community meeting spaces, open spaces and the like; or
- Dedication to Council of 1 bedroom apartments within the proposed development up to a total combined value of $10million for affordable housing for key workers.

The final terms of the offer will be negotiated with Council. Either of the options will provide a substantial benefit to the community, above that required by Council's contributions plan and the newly created special infrastructure contribution (SIC) levy.

The planning proposal is accompanied by a concept building design which demonstrate the built form which would be achieved by the proposed planning controls. The concept building design was developed by Turner, with further critique and place making strategies and insights by Roberts Day. The design will continue to be developed as further comment is provided by Council's Design Review Panel and the community.

North Sydney LEP Amendments

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

- Amend the Height of Buildings map to change the maximum height shown for the site from 16 metres to 75 metres (sufficient to accommodate 16 commercial or 19 commercial and residential storeys)
- Amend the Non-Residential Floor Space Ratio (FSR) map to change the minimum provision of non-residential floor space from 0.5: to 2.5:1
- Amend the NSLEP 2013 FSR Map (Sheet FSR 01) to apply a FSR of 9.3:1 to the site.

Summary

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

- Consolidation of a currently lost space and the creation of a vibrant new public domain that will complement and extend the Crows Nest Village
- The provision of 233 apartments with a high standard of amenity that will contribute to the North Sydney LGA's long term housing needs creating greater housing diversity while relieving pressure on less suitable places.
- A quality arrival and departure point for users of the key bus stop serving the Crows Nest Village and surrounding locality.
- Significant commercial floor space that will serve the health and education precinct and provide walkable employment opportunities for the surrounding community. The floor space will accommodate 302 additional jobs and contribute $40 million to the local economy annually.
- Realisation of the economic, social and place making opportunities created by the public investment in the Sydney Metro.
- Implementation of the strategic vision identified in the Greater Sydney Regional Plan, the North District Plan, and the St Leonards Crow Nest 2036 Plan.
- Significant public benefits over and above baseline development contributions.
- Facilitates the foreshadowed future closure of Falcon Street between Alexander and Pacific Highway by providing alternate vehicle and service access for shops on Falcon Street.

2. THE SITE AND LOCAL CONTEXT

2.1. Location and Description

The site is located in Crows Nest in the North Sydney Local Government Area (LGA), 5.7km north of the Sydney CBD (Figure 1). The site is within the 'North District' of the Greater Sydney Region as defined by the Greater Sydney Commission.

Figure 1: Context Map, site marked red (Source: Google Maps)

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

The site is located at the southern end of the village. It is a prominent element of the Crows Nest village, occupying an entire street block and being located on the Five Ways intersection. The site is bound by the Pacific Highway, Falcon Street and Alexander Street (Figure 2).

Figure 2: Aerial image (Source: Google Maps)

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

Figure 3: Five Ways intersection

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

The site is an amalgamation of sixteen smaller sites (nineteen allotments) as illustrated in Figure 4 and described in Table 1. The site has an area of 3200.6m^2 and has the following street frontages:

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

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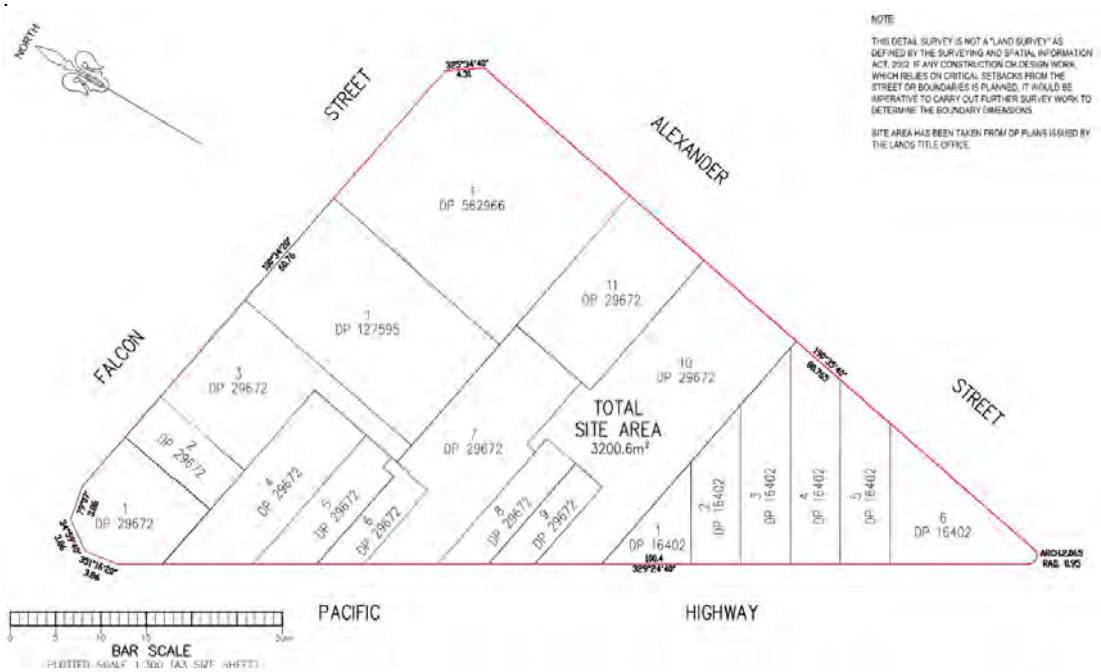


Figure 4: Site Survey (Source: Total Surveying Solutions)

Table 1: Allotment descriptions

Address	Lot	Deposited Plan	Ownership
3 Falcon Street	2	DP 29672	Owned by Applicant
7 Falcon Street	3	DP 29672	Owned by Applicant
9-11 Falcon Street	1	DP 127595	Owned by Applicant
15 Falcon Street	1	DP 562966	Under option in favour of Applicant
8 Alexander Street	11	DP 29672	Owned by Applicant
391-393 Pacific Highway	6	DP 16402	Owned by Applicant
395 Pacific Highway	4 and 5	DP 16402	Under contract in favour of the Applicant
399 Pacific Highway	3	DP 16402	Owned by Applicant
401 Pacific Highway	1 and 2	DP 16402	Owned by Applicant

Address	Lot	Deposited Plan	Ownership
407 Pacific Highway	10	DP 29672	Owned by Applicant
411 Pacific Highway	8 and 9	DP 29672	Owned by Applicant
413 Pacific Highway	7	DP 29672	Owned by Applicant
415 Pacific Highway	6	DP 29672	Owned by Applicant
417 Pacific Highway	5	DP 29672	Owned by Applicant
419 Pacific Highway	4	DP 29672	Owned by Applicant
423 Pacific Highway	1	DP 29672	Under contract in favour of the Applicant

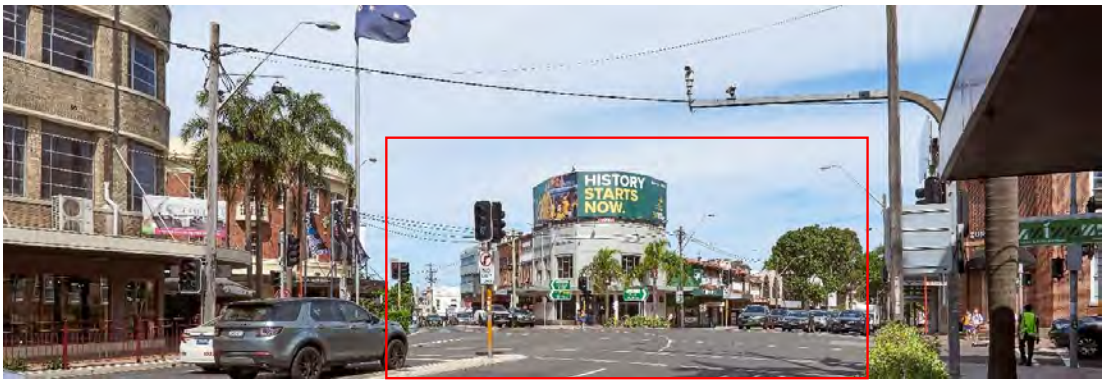


Figure 5: View from site from Fiveways intersection (Source: SkyMonkey)

The site contains a mix of 1-4 storey buildings. The buildings are generally constructed to their boundaries and do not have vehicular access. The Alexander Street frontage is an exception to this pattern, with the buildings having staggered alignments and multiple driveway crossings. The buildings are occupied by a range of uses including office, retail, education, mechanics and sex services. A number of the premises are vacant and have been for some time. It is estimated there is 4,600m^2 of gross floor area and 154 jobs contained upon the site.

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

2.2. Land ownership and future development

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

Consent letters have been obtained from the relevant owners for the parcels which remain under option which can be found at Appendix N.

2.3. Metro tunnels

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

Figure 6: Metro tunnel easements affecting the site. (Source BG&E)

2.4. Site Photos

Figure 7: View of northern end of eastern frontage (Alexander Street)

Figure 8: View of south end of eastern frontage (Alexander Street)

Figure 9: View of eastern end of northern frontage (Falcon St)

Figure 10: Existing development on subject site along Pacific Highway frontage (Source: City Plan)

Figure 11: View of northern end of western frontage (Pacific Highway)

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

2.5. Surrounding development

To the north of the site on the opposite side of Falcon St is the Crows Nest Hotel (Figure 13), which is a three storey building which is listed as a local heritage item under the NSLEP 2013. The Hotel adjoins Willoughby Lane at its eastern boundary. Located on the opposite side of the laneway is 6-8 Falcon Street, which contains a two small commercial building that is used as a restaurant. Further to the east is 10 Falcon St, which contains a three storey commercial building containing a supermarket, public car parking and other commercial uses. Its façade contains curve bands which bend around the façade and rise to define the corner. Coloured vertical panels fill the spaces between the curved bands.

Figure 13: Crows Nest Hotel, located opposite the site on the northern side of Falcon Street

Figure 14: No. 10 Falcon St, Crows Nest. Located opposite subject site on northern side of Falcon St

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

Figure 15: Development on eastern side of Falcon St, opposite the subject site (Source: Google maps)

To the south and west of the site on the western side of the Pacific Highway are a mixture of commercial and mixed-use buildings that are up to six storeys in height. The buildings are varied in their age and form and materiality, creating a disjointed streetscape. Further south along Pacific Highway is a 17-storey building located at 210-220 Pacific Highway (Figure 16). To the south of the site are the Mater Hospital, North Sydney Girls and Cammeraygal High Schools, which form part of an emerging cluster health and education precinct.

Figure 16: Development at 210-220 Pacific Highway (Source: Google Maps)

2.6. Character

The Urban Design Report (Appendix A) includes an analysis of the character of the wider Crows Nest and St Leonards area. The study concludes that the area is made up of a series of distinct sub-villages, with Crows Nest village at their centre. The location of the sub precincts is shown in as shown in Figure 17 and the characteristic of each is described in Table 2 below.

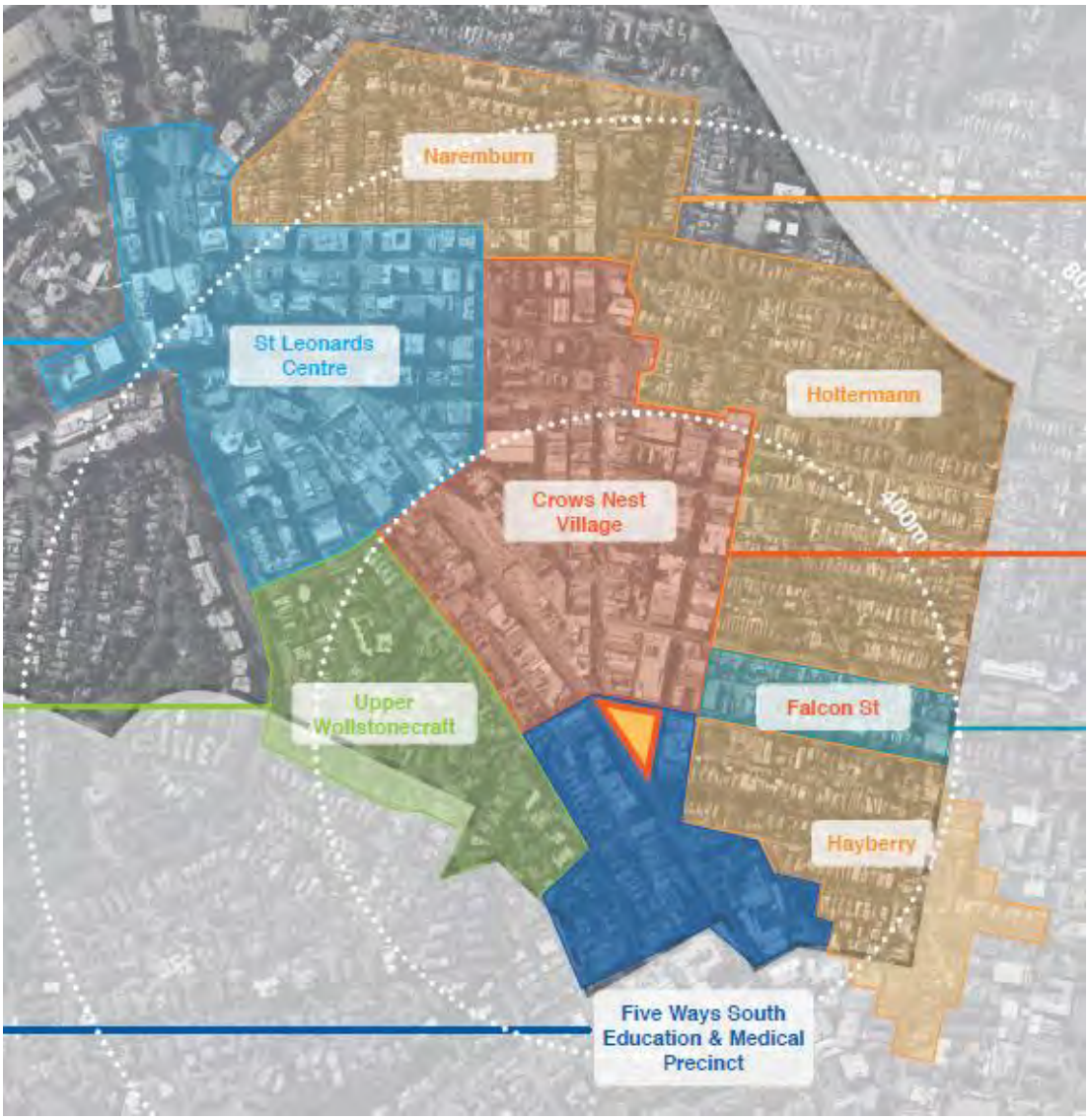


Figure 17: Local Context Analysis (Source: Turner - Urban Design Report)

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

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

2.7. Heritage

The site is located within close proximity to a number of heritage items (Figure 19), notably the buildings located on the other corners of the Five Way intersection, which are described in Table 3. In addition, the site is one block removed from the north eastern corner of the Holtermann Estate C conservation area and located to the south west of the Holtermann East B Conservation area as shown in Figure 18 with the site circled red.

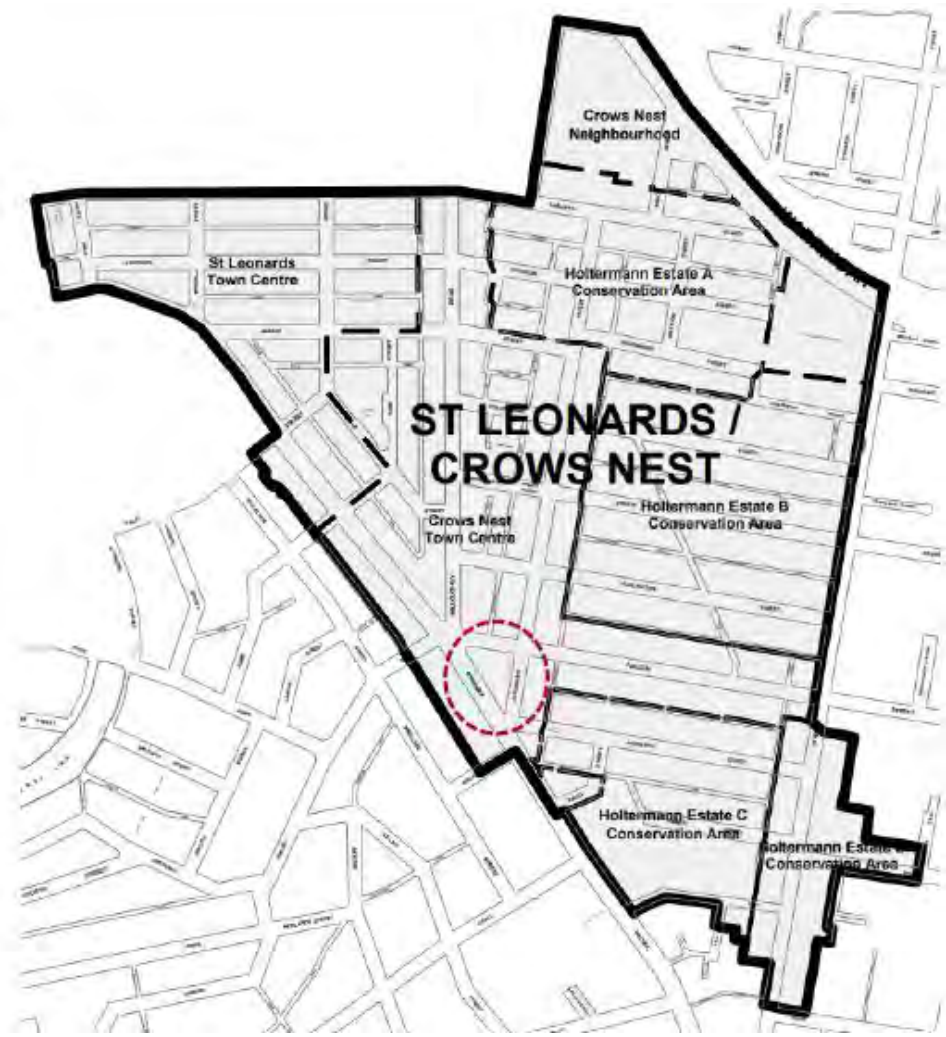


Figure 18: North Sydney DCP 2013, Part C Character Statements, site circled red.

Table 3: Description of heritage items on Five Ways intersection

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

(Source: Urbis Heritage Impact Statement).

Figure 19: NSLEP 2013 Heritage Map (Source: NSW Legislation)

The Holtermann Estate C conservation area is characterised by modest, speculative cottages in the Victorian Georgian and Filigree, Victorian Italianate, Federation Queen Anne and Federation Bungalow styles. There are also some Inter-War Californian Bungalow and Art Deco styles and later infill development

including the large campus of the Sydney Girls High School. Characteristic buildings in the Holtermann Estate C Conservation Area include detached, late Victorian, Federation and Edwardian semi-detached dwelling houses and gardens. There are intrusive off-street parking structures where rear lane access is not available. Other uncharacteristic elements include two storey additions constructed to the street, lot amalgamations and loss of original subdivision pattern, contemporary buildings with laneway frontages.

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

2.8. Access and Connectivity

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

Crows Nests' connection to other centres is shown in the North Sydney Transport Network map (Figure 20). The site lies at the junction of existing (North shore rail line) and future (Metro) city shaping infrastructure, on east-west and north-south operating city service bus routes and in close proximity to future regional active transport routes.

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

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

Table 4: Proximity and access to key centres

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

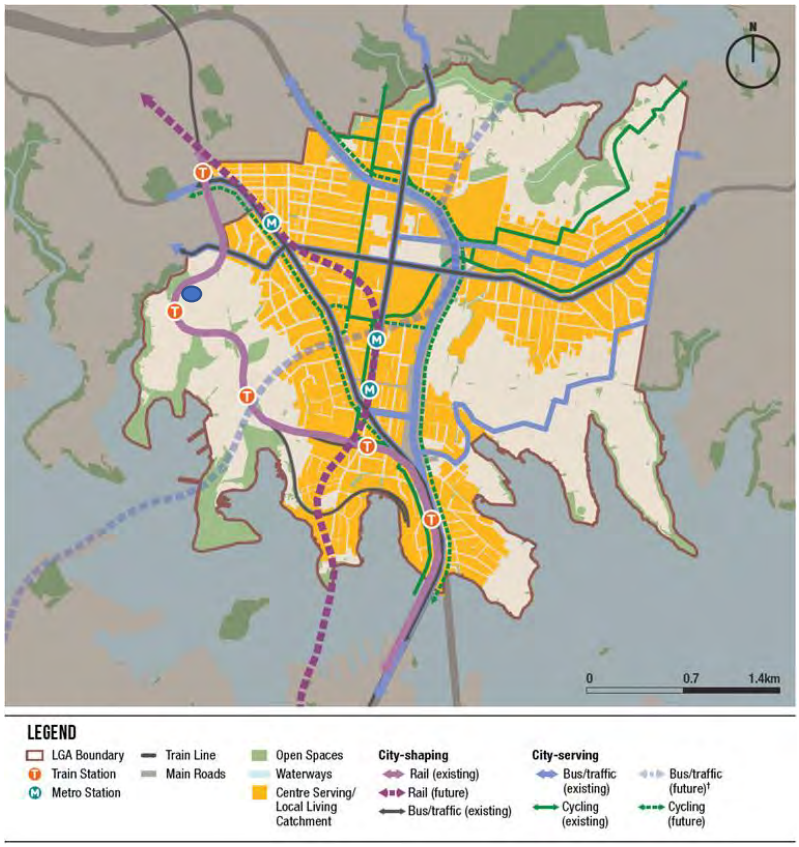


Figure 20: North Sydney Transport Network – Site marked blue circle (Source: North Sydney Council LSPS)

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

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

Table 5: Bus Services available from the site

Bus Services	
Bus stop:	Pacific Highway after Falcon Street
Number of bus routes serviced:	25
Key bus services:	200 (Chatswood to Bondi Junction), 261 (Lane Cove to City King Wharf via Longueville), 265 (Lane Cove to North Sydney via Greenwich), 286 (Denistone East to Milsons Point via St Leonards & North Sydney), 287 (Ryde to

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

2.9. Demographics and housing

This planning proposal is accompanied by a demographic, housing and social infrastructure needs study (Appendix E). The study was prepared to identify opportunities for public benefit. Key observations from the study on demographics and housing are:

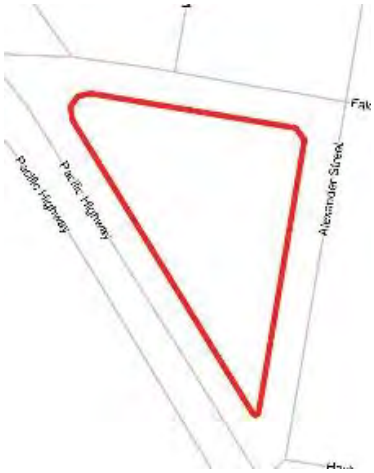
- Since 2016 the number of dwelling approvals in North Sydney LGA has steadily declined. Approvals have dropped by 85% from their peak in 2016 (920 approvals) to 140 approvals in 2019. As a result of the decline in approvals, the number of new homes completed has begun to decrease. In 2019, 563 new homes were completed, a drop of 16% when compared to the previous 5-year average of 674. Dwelling completions are expected to slow further reflecting the significant decline in dwelling approvals. This is likely to impact on future housing supply, potentially creating an undersupply in the local housing market in the longer term if not corrected.
- Modest population growth is projected. However, population projections are less reliable over the long term, and the unprecedented levels of infrastructure investment if matched by new housing supply could increase population growth.
- Crows Nest is an attractive place to live for young adults.
- There will be more seniors and children living locally.
- Lone person and couple households are the dominant household type.
- More people are living alone.
- Residents are typically well-educated young professionals.
- Residents work close by and are likely to catch public transport.

3. STATUTORY CONTEXT

3.1. Current Development Controls

3.1.1. Zoning and Permissibility

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

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

3.2. North Sydney Local Environmental Plan Review 2019

North Sydney Council undertook a review of the NSLEP 2013 and submitted a planning proposal to the Department in late 2019. The planning proposal received gateway determination on 18 April 2020 and was exhibited from 25 May 2020 to 22 June 2020 and was due to be submitted to the Department for finalisation by 31 August 2020.

The planning proposal does not propose to amend the planning controls in the St Leonards Crows Nest Precinct on the basis that any change may contradict recommendations in the 2036 Plan adopted by the Department.

3.3. St Leonards and Crows Nest 2036 Plan

The NSW planning system is strategically focused, with higher order plans setting strategic directions which are given effect through local plans. The purpose of this planning proposal is to give effect to the 2036 Plan) The 2036 Plan creates a vision for growth based upon the characteristics of the area, including access and proximity to centres and services, availability of infrastructure and investment in new infrastructure and local amenity. Further analysis is provided at Section 7.2.2.

3.4. Development Approvals and Planning Proposals

There are currently five planning proposals being considering by the Department within the St Leonards and Crows Nest Planned Precinct. These are predominately located around the St Leonards Station and the new Crows Nest Metro Station location. Details of these planning proposals are set out in Appendix H.

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

4. CONCEPT

4.1. Need for Redevelopment

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

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

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

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

4.2. Indicative Built Form

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

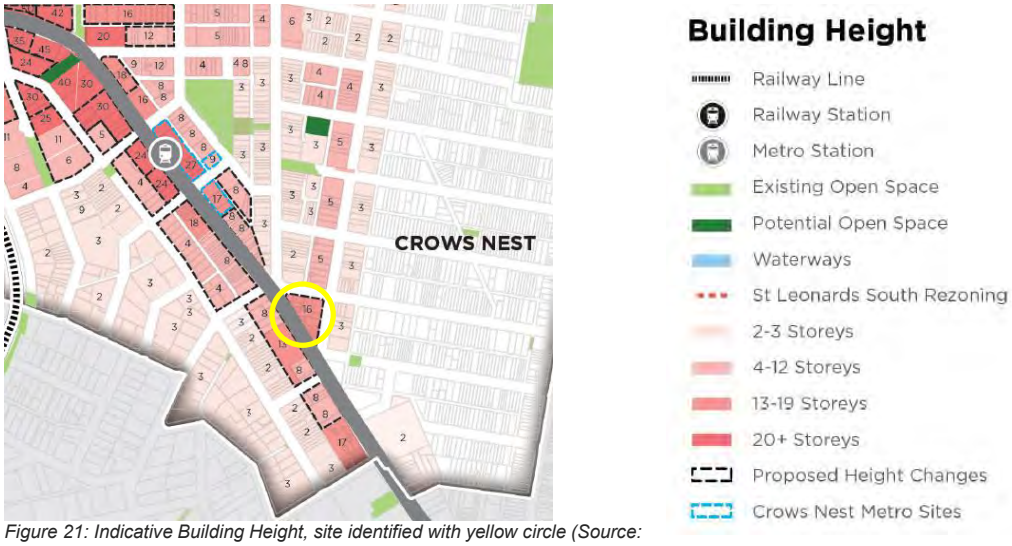


Figure 21: Indicative Building Height, site identified with yellow circle (Source: 2036 Plan)

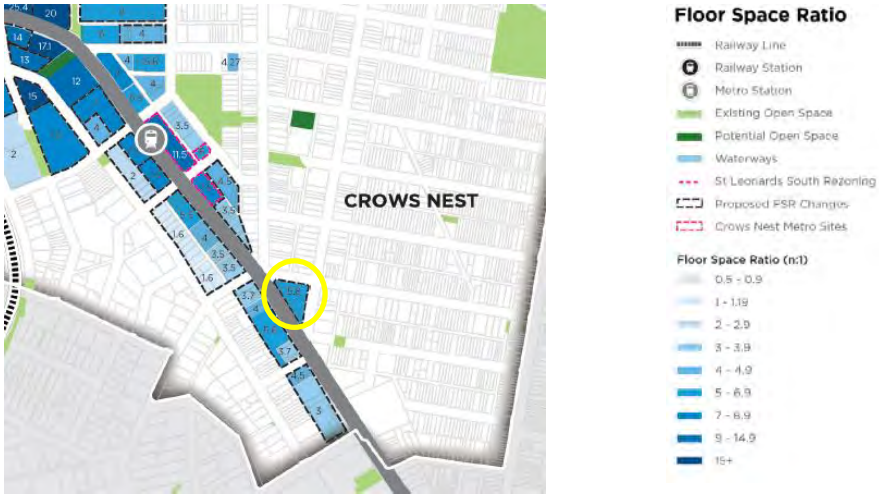
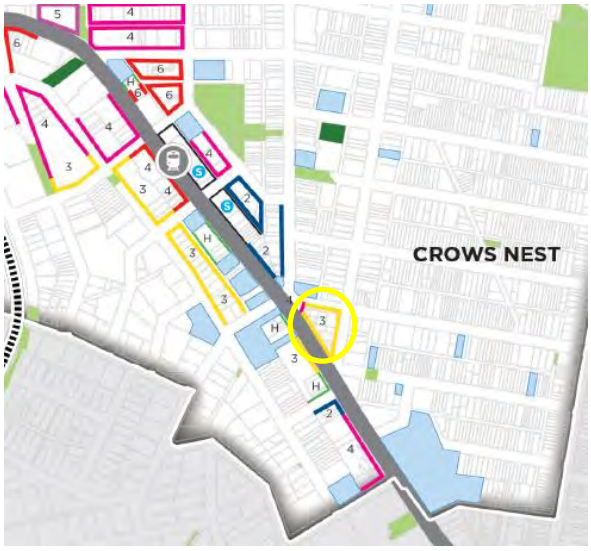


Figure 22: Indicative FSR, site identified with yellow circle (Source: 2036 Plan)



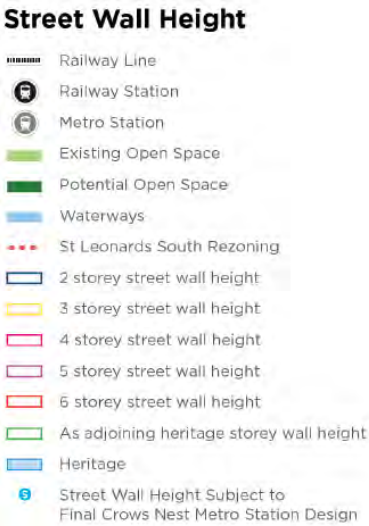
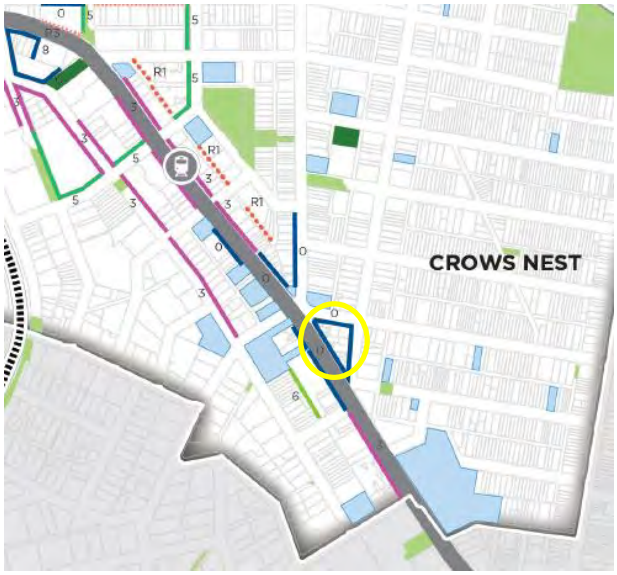


Figure 23: Indicative Street Wall Heights, site identified with yellow circle (Source: 2036 Plan)



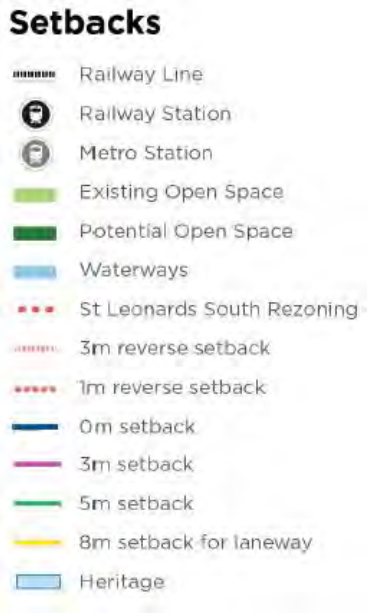


Figure 24: Indicative setbacks, site circled yellow (Source: 2036 Plan)

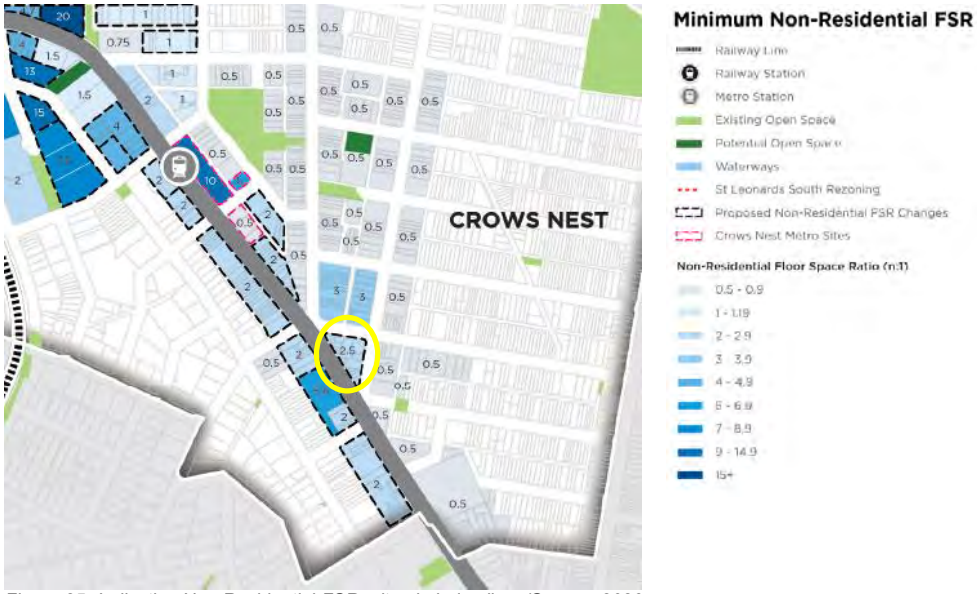


Figure 25: Indicative Non-Residential FSR, site circled yellow (Source: 2036 Plan)

4.3. Proposed Statutory Amendments

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

- Increase the maximum building height for the site from 16 metres to 75 metres
- Increase the minimum required non-residential FSR from 0.5:1 to 2.5:1
- Introduce a maximum FSR for the site of 9.3:1.

4.4. Public Benefit

Page 36 of the 2036 Plan notes that '*There may be opportunities for specific sites to accommodate additional density and height where the public benefits proposed to be delivered as part of a development proposal is of exceptional value, beyond what could be secured under a standard practice approach that should be considered within the precinct. In these instances, the proposal would still need to be consistent with the vision, objectives and actions, including solar access controls, in this Plan.*'

This planning proposal is accompanied by a non-binding letter of offer to enter into a Voluntary Planning Agreement (VPA) to provide additional development contributions. The proposed contributions may comprise either:

(a) the provision of a monetary contribution of $10 million to Council to be used for public benefit; or
(b) the dedication to Council of 1 bedroom apartments within the Proposed Development with no car parking up to a total combined value of $10 million to be used for the purpose of key worker housing.

As well as the additional development contributions, the additional height and density enables the 19 allotments which comprise the street block to be amalgamated and developed as a coherent whole with only a single vehicle access. This allows the creation of a dynamic and highly permeable activated ground plane that will provide an extension to the Crows Nest Village public domain. It also allows the creation of large and flexible commercial floorplates which are in short supply in the locality and yet much needed to serve the health and education precinct. These are all arguably public benefits that accrue from the additional cost involved in consolidating such a large number of individual allotments and developing them as one whole.

4.5. Concept Design

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

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

Table 6: Development Statistics

Element	Proposed
Land uses	▪ Commercial and retail ▪ Residential
Built form	▪ Podium broken into a collection of buildings, creating internal laneways that reflect the fine grain nature of the Crows Nest village and make the block permeable.
Indicative yield	233 dwellings
Gross Floor Area (GFA) Total	29,820m^2
Residential FSR	6.8:1 (21,818m^2)
Non-Residential FSR	2.5:1 (8000m^2)
Building Height	▪ 3/4 storey podium ▪ 16 storey tower (75 metres)
Car parking	▪ 385 car spaces (including 12 allocated car share spaces) ▪ 404 bicycle spaces ▪ 22 motorcycle spaces ▪ 7 basement levels

Figure 26: Concept building as viewed from Fiveways intersection (Source: Turner - Urban Design Report)

4.5.1. Built Form

The urban design rationale (Appendix B) prepared by Roberts Day considers the sites place in the area and the significant transformational impacts its development can have. Key observations of its analysis are:

- The Five Ways forms the southern gateway to the precinct.
- Triangular sites (e.g. Sydney dental hospital and Flatiron Building, New York) have transformational qualities when developed. When undeveloped, they are perceived as lost space, a traffic island at best.
- Concept building reinvents world best practice design of placing skinny tower above a low-rise podium. The proposed podium is a mixed scale urban village reflecting the human scale and character of its neighbours.
- The successful juxtaposition of tall buildings against low rise neighbourhoods is a desirable quality in cities.

4.5.2. Public Domain

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

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

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

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

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

4.5.3. Employment space

A focus of the 2036 Plan is to create 1,440 additional jobs in connection with Mater Hospital and encourage the growth of health uses throughout the area, supported by non-residential floorspace requirements along the Pacific Highway corridor towards the hospital. In addition, the objectives of 9.1 Ministerial Direction 1.1 "Business and Industrial Zones" are to:

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

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

The Economic Impact Assessment prepared by Hill PDA (Appendix D) concludes that the planning proposal will create 302 new jobs above the base case and approximately 387 jobs directly on site during construction.

4.6. Consultation with North Sydney Council

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

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

Council Comment	Applicant Response
Owners Consent	The site is now entirely controlled by the Applicant. Consent letters for those allotments which remain under option are included at Appendix N.
Not consistent with the North Sydney LSPS, in particular the Civic Precinct & Surrounds Planning Study	The Civic Precinct and Surrounds Planning Study was prepared in advance of the finalisation of the 2036 Plan. The Applicant notes that the study identified the site with an indicative 8 storey height, however presumes that Council will now revise the study to accord with the finalised 2036 Plan, adopting a similar approach as it has with the North Sydney LEP Review which sought not to contradict the outcomes of the 2036 Plan.
Contrary to the objectives of the regional and district plans, in particular: ▪ Does not promote strategic planning response to Planning Precinct ▪ Impact on significant of nearby heritage and conversation areas ▪ Does not minimise traffic generation ▪ Not required to meeting housing targets	The proposal is entirely consistent with the 2036 Plan, achieving the objectives, actions and urban design principles to develop appropriate planning controls for the site. The impact of the proposal on the nearby heritage items and heritage conservation areas has been considered in details by the Heritage Impact Statement (Appendix F). The Heritage Impact Statement concludes that the proposal will have no

Council Comment	Applicant Response
	material impact on the heritage items in the vicinity of the site. The physical separation of the site from the heritage context of the surrounds will remain unaffected by the proposed uplift. The car parking provision on site has been reduced and includes car share spaces and substantial bicycle parking. The vehicular access to the site will be from Alexander Street, as identified in the site specific DCP to reduce the impact on Pacific Highway and Falcon Street. In addition, a draft Travel Plan has been prepared to encourage the ongoing management of traffic impacts of the development. The site is located in walking distance of two mass transit transport nodes and a high frequency bus stop is located on the site. The housing product provided by this proposal is likely to become available post 2026. As noted in section 7.3.3.1, the number of development approvals in the North Sydney LGA has steadily declined since 2016 and as a consequence the number of completed new homes has begun to decrease. The redevelopment of the site will assist Council with achieved housing targets beyond 2026.
Inconsistent with Section 9.1 Direction 2.3 Heritage Conservation	A Heritage Impact Assessment (see Appendix F) has been prepared in support of the proposal which concludes that the interpretation of the existing streetscape character of the Holterman B and Holterman C Heritage Conservation Areas does not rely on the subject site. The proposed uplift does not impede on the reading of dominant typologies of the conservation areas. The proposal does not propose any changes to the planning controls which currently conserve the heritage items and the heritage conservation areas within the vicinity of the site.
Undermines strategic planning works being undertaken by DPIE	The 2036 Plan has now been finalised and this proposal has been developed to be entirely consistent with the vision, objectives, actions and urban design principles of the 2036 Plan.
Unclear if public benefits offered are reasonable within respect to anticipated uplift	Further consultation with Council has guided the VPA offer as part of this proposal.
Does not demonstrate site specific merit, in particular due to: ▪ Insufficient information on potential increased overshadowing ▪ Adverse impacts on heritage buildings and conservation areas ▪ Inappropriate height, Civic Precinct Study identifies 8 storeys	Further overshadowing analysis has been provided - see urban design report (Appendix A) and section 7.3.2.1 of this document. As noted above the Heritage Impact Statement (Appendix F) conclusion that the development does not impede the reading of the dominated typologies of the conservation areas. The Heritage Impact Statement consider the heritage items in the vicinity

Council Comment	Applicant Response
	of the site and generally concludes that whilst the proposal will have some impact on the visual setting of some heritage items, this change is anticipated within the area and forms part of the future urban character of Crows Nest. The Civic Precinct Study is inconsistent with the 2036 Plan.
Incorrect basement plans	Updated basement plans to reflect the revised concept design have been provided.
Provide plans and montages to demonstrate the impact of the height in its context with the surrounding Crows Nest Village	As visual analysis has been undertaken as part of the Urban Design Report (see Appendix A).
Provide details to assess against SEPP65 and associated ADG including indicative apartment sizes, building elevations etc. Relevant matters include potential non-compliance with communal open areas, solar access, apartment sizes and common circulation	An assessment of the concept design has been undertaken against Part 2 of the Apartment Design Guide. Future detailed design development through the development approval process will ensure compliance with the detailed requirements of the ADG.
Preliminary contamination study	See Appendix L.
Preliminary wind study	See Appendix M.
Consider incorporating any existing buildings into the design of the proposal to assist in retaining the character and in recognition of potential heritage values of the site	The Heritage Impact Statement (Appendix F) concludes that the existing buildings on the site have no heritage significance, thus their retention is not supported. .
Demonstrate how proposal addresses the objectives and key actions of the North Sydney CBD Transport Masterplan	The site is within close proximity to the Crows Nest Station and within a walkable distance to St Leonards which will ensure that growth provided by the development is complimented by transport infrastructure. The improvements to the public domain around the high frequency bus stop located on the site will also improve the safety and amenity for users. The close proximity of the development to a number of public transport option, the provision of significant bicycle parking on the site will encourage the use of sustainable transport methods and minimise the impact of traffic (see Traffic Impact Assessment - Appendix C).
Provide a draft Travel Plan	See Appendix C.
Address how the ground floor design is consistent with the 2036 Plan objectives	This is addressed in the Urban Design Report (Appendix A).
Revised and address cycle parking provision	The proposal includes 404 bicycle parking spaces in the draft Travel Plan (see Appendix C) includes measures to support and encourage the use of sustainable transport methods to the site.

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

Table 7: Summary of pre-lodgement discussions with Council

Date of Meeting/Telephone Meeting	Purpose of Meeting	Summary of meeting discussion
23 September 2020	Meet with Council to discuss previous planning proposal in light of recently finalised 2036 Plan	▪ Agreement that planning proposal would need to be significantly amended to ensure it was consistent with the 2036 Plan. ▪ Agreement that previous planning proposal would be withdrawn and a fresh planning proposal submitted. ▪ Discussion regarding the relationship between the indicative built form controls. In particular that the indicative FSR control did not appear to match the indicative height control.
7 October 2020	Meet with Council to discuss ongoing development of proposal.	▪ Importance of active frontages, Council commented that the through site link could cause the development to "turn its back" on Falcon Street and Pacific Highway. ▪ Separation between residential towers, a minimum of 10metres to ensure a sense of light and space ▪ Residential tower setback to Pacific Highway and Falcon Street needs to be 3 metres ▪ Wind impacts and downdraft need to be considered. ▪ Indicative FSR controls outlined in the 2036 Plan ▪ Extent of overshadowing and understanding of impact on education sites and surrounding residential areas ▪ Civic Precinct and Surrounds Study ▪ Site is should not diminish the 'knuckle' established at the St Leonards and Crows Nest stations. ▪ Car parking provision on site. ▪ Provides opportunity to extend Crows Nest.
28 October 2020	Public benefit requirements	▪ Except potentially for affordable housing, Council did not require additional capital assets given the existing facilities in the locality and other recent VPA offers. ▪ The need for additional affordable housing has been flagged in the District Plan and other studies, however, a policy position has not been settled at this stage. ▪ Otherwise, a cash contribution would enable existing capital assets to be upgraded and adapted for future needs.

4.7. Consultation with Department of Planning, Industry and Environment

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

Table 8: Summary of meetings between the Applicant and the Department

Date of Meeting	Purpose of Meeting	Summary of meeting discussions
28 November 2019	Meet DPIE strategic planning teams and discuss Fiveways site	▪ Status of and timing for finalisation of Crows Nest and St Leonards 2036 plan. Ability to make submission on plan before finalisation ▪ The significant task in aggregating the numerous sites in the Fiveways triangle, and the significant opportunity it creates ▪ Ideas on how to engage with Council, given unsuccessful efforts ▪ Conceptual ideas for redevelopment of Fiveways site. Design excellence framework to be used in developing methodology. ▪ Community infrastructure needs and public benefits.
27 February 2020	Present design concepts	▪ Site context. ▪ Design approach – 'bottom up'. ▪ Podium and ground plane explorations – fine grain. ▪ Potential public building with roof top. ▪ Tower forms tested. ▪ Resolved envelope and resultant development form.
20 October 2020	Presentation of revised design concept	▪ Proposed FSR. ▪ Council's view of height of building. ▪ Interpretation of the s9.1 Direction and its structure to allow flexibility. ▪ DPIE wants to see growth outcomes from 2036 Plan. ▪ Increased density needs to be context driven.

SECTION B – PLANNING PROPOSAL

5. OBJECTIVES AND THE INTENDED OUTCOMES

5.1. Objectives of the Planning Proposal

The objectives of the planning proposal are to:

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

5.2. Intended development outcome

The following development outcomes are intended:

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

6. EXPLANATION OF THE PROVISIONS

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

- Amend the Height of Buildings Map (Sheet HOB_001) to change the maximum height shown for the site from 16 metres to 75 metres
- Amend the Non-Residential FSR Map (Sheet LCL_001) to change the minimum provision of non-residential floor space from 0.5: to 2.5:1
- Amend the NSLEP 2013 FSR Map (Sheet FSR 01) to apply an FSR of 9.3:1 to the site.

A draft site specific DCP (Appendix O) has been prepared which reflects the urban design principles outlined in the 2036 Plan and seeks to secure the public domain improvements proposed in the concept design.

7. JUSTIFICATION

7.1. Need for a Planning Proposal

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

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

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

Yes. This planning proposal is the best means of achieving the objectives and intended outcomes of the 2036 Plan.

7.2. Considering Strategic and Statutory Planning Framework

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

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

7.2.1. Greater Sydney Regional Plan and North District Plan

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

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

Greater Metropolitan Sydney is divided into five districts, with each having its own plan. The District plans are a guide to implementing the Regional Plan and provide the basis for future strategic planning at a local level. The site is site located within the North district. A key feature of the North district is the eastern economic corridor, which contains a series of centres and accounts for one-third of Sydney's economic growth. An important factor in strengthening the corridor is growing and investing in health and education precincts, such as the St Leonards Health and Education precinct of which Crows Nest is a part (Figure 28). The District Plan identifies the need for more housing to be placed in the right location and linked to local infrastructure. Criteria for areas that may be suitable for urban renewal, include:

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

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

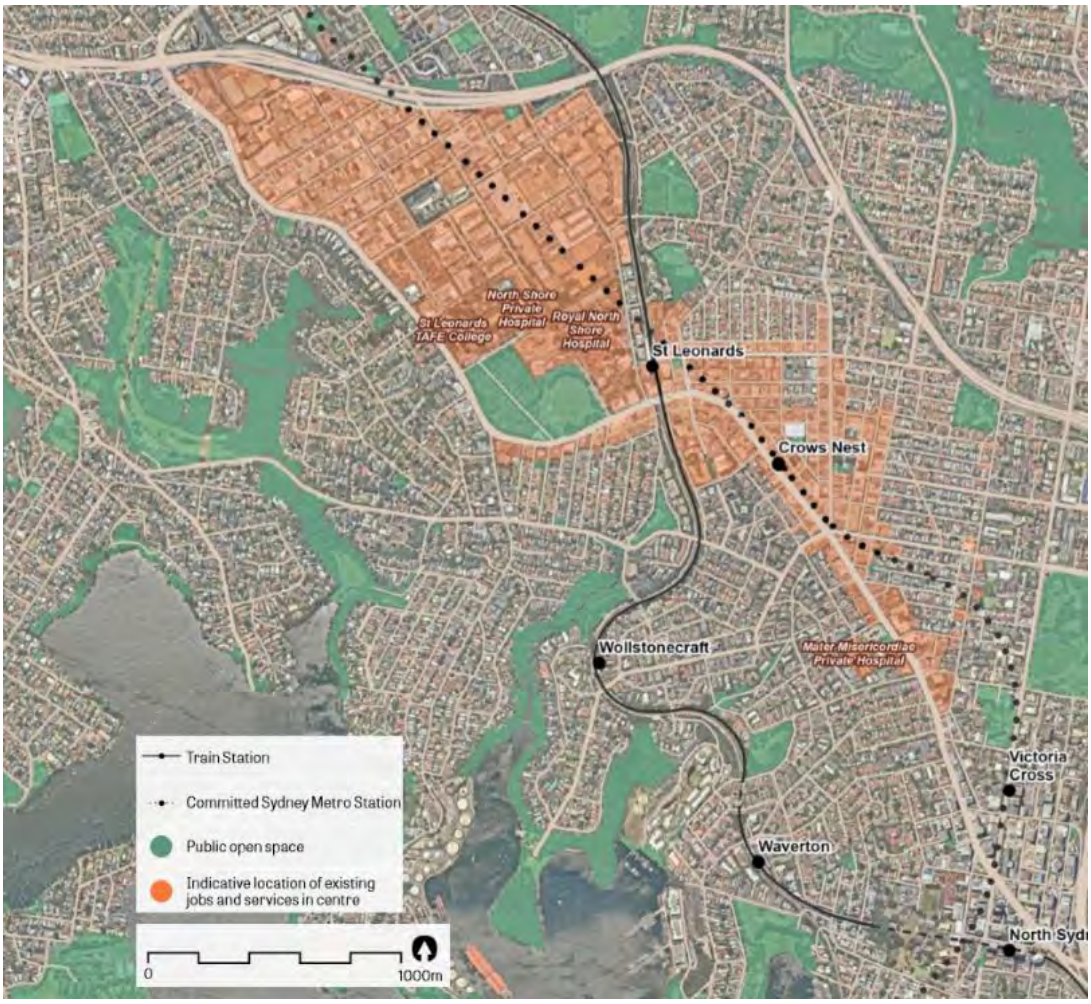


Figure 28: St Leonards and Crows Nest Precinct Public Open Space and existing jobs and services location from North District Plan (Source: North District Plan)

An analysis of the consistency of the planning proposal with the objectives of the Regional Plan and Planning Priorities in the District Plan are made in Table 9.

Table 9: Consideration for the Greater Sydney Region Plan and North District Plan

Greater Sydney Plan	North District Plan	Response
Objective 1 - Infrastructure supports the three cities **Objective 2 - Infrastructure aligns with forecast growth (GIC)** **Objective 3 - Infrastructure adapts to meet future needs** **Objective 4 - Infrastructure is optimised**	Planning Priority N1 - Planning for a city supported by infrastructure	This planning proposal will increase residential and employment floorspace in a location which is or will be well serviced by road and metro based public transport routes, including road, metro, bus and cycle routes. These provide access to the Sydney CBD, St Leonards strategic centre and other location along the Eastern Economic Corridor. This planning proposal will optimise use of existing infrastructure (e.g. heavy rail) and future infrastructure (Metro) by providing new housing and employment floor space in close proximity to it.
Objective 5 - Benefits of growth realised by collaboration of governments, community and business	Planning Priority N2 - Working through collaboration	This planning proposal will implement the vision and growth outcomes of 2036 Plan, which was collaboratively developed by government, the community, and business. The concept design for the site will continue to be developed with council and the community through the design excellence process. Developer contributions for the site will be negotiated with council, based on the needs of the existing and future community.
Objective 6 - Services and infrastructure meet communities changing needs	Planning Priority N3 - Providing services and social infrastructure to meet people's changing needs	This planning proposal is accompanied by a letter of offer to enter into a planning agreement to provide additional development contributions of $10 million. The offer and its terms were informed by a Demographic, Housing and Social Infrastructure Needs study (Appendix E) and discussions with Council.
Objective 7 - Communities are healthy, resilient and socially connected	Planning Priority N4 - Fostering healthy, creative, culturally rich and socially connected communities	This objective recognises streets and public places as key contributors to wellbeing by encouraging spontaneous social interaction and community cultural life when they are designed at a human scale for walkability. Active street life provides the greatest social opportunities when they are inclusive, intergenerational and multipurpose. This planning proposal provides the opportunity for active street life through active laneway retail at street level. The planning proposal will create framework to deliver a unique building, that activates the neighbourhood level and

Greater Sydney Plan	North District Plan	Response
		enhances connectivity from the site to the southern end of Willoughby Road.
Objective 10 - Greater housing supply **Objective 11 - Housing is more diverse and affordable**	Planning Priority N5 - Providing housing supply, choice and affordability, with access to jobs, services and public transport.	This objective notes the importance of providing ongoing housing supply and a range of housing types in the right locations to create more liveable neighbourhoods and support Greater Sydney's growing population. This planning proposal will provide housing in a location that is in close proximity to existing and soon to be completed city shaping infrastructure, and is readily accessible to the Sydney/North Sydney metropolitan centre and multiple strategic and regional centres and the jobs and services they offer. In addition, the VPA offer provides for a key worker housing offering which will assist in meeting the need for affordable housing within the District.
Objective 12 - Great Places that bring people together **Objective 13 - Environmental Heritage is identified, conserved and enhanced**	Planning Priority N6 - Creating and renewing great places and local centres, and respecting the District's heritage	This planning proposal will facilitate the renewal of a rundown street block. The proposed articulated podium and the wide roads which surround the site will mitigate any impacts on adjacent heritage items. The site is located on the southern side of the Crows Nest village and will not overshadow any of the key spaces identified in the 2036 Plan. The proposed building envelope envisages a permeable development at ground/podium level to provide active laneways, walkways and connections to the Willoughby Road area and the Crows Nest centre from the southern part of the Planning Precinct. The residential tower element will be visible from Willoughby Rd, but its small footprint and segmented form minimise its visual bulk.
Objective 14 - A Metropolis of Three Cities - integrated land use and transport create walkable and 30 minutes cities	Planning Priority N12 - Delivering integrated land use and transport planning and a 30 minutes city	The subject site is 240 metres from the new Crows Nest Sydney Metro station and is also well serviced by bus routes. The subject site's location will offer its residents and users access to Crows Nest and wider Sydney using low carbon transport methods. The accessibility to public transport of the site will reduce private vehicle dependency

Greater Sydney Plan	North District Plan	Response
		and access to a walkable and 30-minute city.
Objective 21 - Internationally competitive health, education, research and innovation precincts	Planning Priority N9 - Growing and investing in health and education precincts	The subject site is an interface between the Education and Medical facilities in south Crows Nest and the Crows Nest village. The development of the subject site will provide non-residential floor space to accommodate complimentary uses and act as catalyst for investment south of Falcon Street. This planning proposal will bring forward non-residential floor space identified within the 2036 Plan. The space can be used by education and medical facilities and complimentary services, strengthening and supporting the role of the precinct.
Objective 22 - Investment and business activity in centres	Planning Priority N10 - Growing investment, business opportunities and jobs in strategic centres	St Leonards has been identified as a strategic centre. This planning proposal will support the development, servicing and housing supply of the St Leonards centre in a planned and strategic manner. The redevelopment of the site will increase commercial floorspace within the precinct.
Objective 33 - A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	Planning Priority N21 - Reducing carbon emissions and managing energy, water and waste efficiently.	The objective seeks to mitigate climate change by reducing the emission of greenhouse gases to prevent more severe climate change and adapting to manage the impacts of climate change. This planning proposal seeks to facilitate greater use of public transport to combat the use of private vehicles and in doing so reduce greenhouse emissions. The site is well located in proximity to road and metro based public transport, as well as local employment opportunities in the St Leonards strategic centre, to enable access to jobs and services without reliance on private motor vehicles.

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

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

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

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

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

The s9.1 Ministerial Direction allows for there to be minor inconsistences, if a proposal achieves the overall intent of the 2036 Plan and does not undermine the achieve of the Plan's vision, objectives and actions.

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

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

Table 10: Consistency with the objectives of the St Leonards and Crows Nest 2036 Plan

Consistency with the objectives of the St Leonards and Crows Nest 2036 Plan		
Infrastructure and Collaboration	✓	The site is within a short walking distance of the Crows Nest Metro Station, a substantial new infrastructure provision within the area. The revitalisation of the area is a direct response to the infrastructure update associated with the new Sydney Metro station which is located within 240m of the proposal. The area is also easily access via existing rail and bus services, one of which is position within the site. The new transport connections create capacity for additional density for retail, commercial, civic and high amenity residential uses. The redevelopment of the site will support the long term growth of the Crows Nest area and its delivery will be coordinated with the provision of additional infrastructure within the precinct. The concept design will provide commercial floorspace in commercially attractive and flexible floor plates not currently available in the precinct ranging in size from 200m² to 500m2. The proposal will provide approximately 233 new homes particularly suited to the changing lifestyle needs of people living in the local area. The carefully designed ground plane creates an extension to the Crows Nest Village providing a lattice work of new public places around viable retail, commercial and active spaces replacing a currently barren and hostile environment.
Liveability	✓	The proposal has been developed to be sympathetic to the surround heritage conservation areas and heritage items to ensure key views and vistas are maintained. The ongoing design excellence and detailed development approval process

		will ensure that materials are enhance and compliment the heritage built forms in the vicinity of the site. Connection and compatibility with the Crows Nest Village is a critical concern of the Fiveways proposal. A fine-grain podium, diverse retail, commercial uses, civic component directed at highly permeable and active ground plane, and civic component are essential elements of the proposal. These elements seek to connect into the village character of Crows Nest and provide a similar village experience. New laneways connection into the existing street-grid and suggest new connections to the residential areas to the east of the site. The location and form of the tower reduces the visual form of the building and the location of the site allows no overshadowing to Crows Nest Village or Willoughby Road. The proposed built form controls have been developed to consider the overshadowing, wind and view loss impacts of the surrounding area as shown in the supporting Urban Design Report (Appendix A) and Wind Study (Appendix M). The podium height, with a 4-storey element addressing the Fiveways intersection response to the scale and existing character of the interchange, with the 3-storey podium elements complimenting both the existing and future character of Pacific Highway, Falcon Street and Alexander Street. The upper residential towers is appropriately setback to allow the podium to provide a human scale at street level. The concept design proposed approximately 233 residential units of varying sizes, together with a key worker housing offering to provide a range of dwelling types to cater for all life cycles.
Productivity	✓	The proposal offers approximately 8002m^2 of commercial and retail floorspace, providing the opportunity to support the Mater hospital education and medical precinct. The flexible floorplates will enable a range of business types and scales within the development. The proposal and site specific DCP promotes active frontages along all street frontages and within through site links, contributing to the activation and place making of the precinct.
Sustainability	✓	The proposal complies with the solar access controls outlined in the 2036 Plan as shown in Section 7.3.2.1. In addition, the proposal and site specific DCP encourages the provision of street trees and planting along the street frontages. Increased setbacks have been provided at entrances to the through site links and around bus stops, to improve the public domain. The concept design includes a variety of "greening" measures to support a sustainable and greening of the Crows Nest area.

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

Priority	Action	Comment
	heritage by (at least) consulting with the Metropolitan Local Aboriginal Land Council.	its place within country and Aboriginal heritage.
Sustainability	Widen key streets (including Atchison Street) to support more active uses and allow for green elements e.g. planter boxes.	N/A. However, the concept design and site specific DCP includes the provision for increased setbacks at the through site links and key bus stop to allow for green element and more active uses along the retail frontages.
Landscape		
Infrastructure and collaboration	Leverage the improved amenity and connectivity opportunities from Lane Cove Council's proposed St Leonards Plaza, through: ▪ Investigate improvements for pedestrian crossings of Pacific Highway. ▪ New/improved connections to the regional pedestrian cycling link. ▪ Support for investigation of an indented bus stop as part of the plaza. ▪ Support for links to recent and proposed development either side of Council's future St Leonards Plaza.	N/A
Sustainability	Protect and enhance natural links through the area. Refer to final Green Plan.	The proposal includes two pedestrian walks connecting the three street frontages and providing enhanced visual permeability through the site. The proposal also includes an integrated approach to landscape, green view and canopy cover place metrics.
	Work with North Sydney Council to redevelop Holtermann Street carpark by bringing forward development contributions.	N/A. It is noted that the proposal includes a significant financial contribution that could be applied by Council to achieve this action.
	Investigate opportunities to upgrade Hume Street Park consistent with North Sydney Council policy.	N/A
	Introduce landscaped street setbacks along Oxley, Mitchell, and Chandos Streets to allow for additional street trees.	N/A. However, the proposal does incorporate provision for street trees along Pacific Highway and Falcon Street, together with increased setbacks to enable placemaking.
	Maintain and expand tree canopy in St Leonards South to meet tree canopy target for the area identified at page 3. Investigate opportunities to expand	N/A. As noted above, the proposal provides the opportunity for street tree

Priority	Action	Comment
	Newlands Park and new public park in St Leonards South.	planting along the Pacific Highway and Falcon Street frontages.
Built form		
Infrastructure and collaboration	Deliver a transit-oriented development at the Crows Nest Metro Station sites.	N/A. The site is located 240 metres from the Crows Nest Metro station and provides the opportunity for further transit-orientated development in addition to the Crows Nest Metro Station sites.
Liveability	Apply design principles for solar amenity, configuration, and interface between areas of transition.	The proposal complies with the solar access controls in the 2036 Plan as shown in Section 7.3.2.1. The 3/4 storey podium provides an appropriate transition to surrounding areas, together with the existing and future character of the St Leonards and Crows Nest area outlined in the 2036 Plan vision.
	New development should be sympathetic to existing buildings with appropriate setbacks and street wall height (pages 69 and 70).	The proposal complies with the setback and street wall heights outlined by the 2036 Plan.
	Adopt reverse setbacks and active street frontages to improve the interface between new buildings and the public domain along Atchison Street and Clarke Lane.	N/A. Although the concept design and site specific DCP encourages active frontage throughout the ground floor of the development to improve the interfaces with Pacific Highway and Falcon Street.
	Provide stepped setbacks for properties on the south side of Henry Lane to provide a sympathetic interface with Naremburn Heritage Conservation Area.	N/A
	Provide appropriate transitions in height to adjoining low scale residential areas.	The site has been identified for significant increases in built form by the 2036 Plan. The future character of the St Leonards and Crows Nest precinct will be higher density development to support the infrastructure investment within the area. The site is located at a key intersection, bounded by high volume roads. The combination of the site isolation from the surrounding residential areas and the physical separation by the surround blocks, provide the appropriate transition in height.

Priority	Action	Comment
	Minimise overshadowing of key open spaces, public places and adjoining residential areas. Solar height planes should be adhered to as indicated within the Solar Access Map (page 38).	The proposal complies with the solar height planes indicated in the 2036 Plan Solar Access Map.
	Provide transitions in height from the lower scale development at Willoughby Road, Crows Nest, to tall buildings in the St Leonards Core.	The proposal provides a transition in height from the 30 - 40 storey developments within the St Leonards core. The proposal includes a medium sized tower located on an island site, providing appropriate transition from the core into the lower scale residential areas.
	Adopt objectives from the Government Architect NSW's Evaluating Good Design Policy in the drafting of new planning provisions.	The development of the concept design and built form controls proposed by this proposal have been developed through an iterative process, to ensure its contextual fit within the future character of Crows Nest, creating places that a inclusion, connected safe and liveable. The redevelopment of the site will improve the functionality and efficiency of the site, creating an inviting and attractive development on a underused, isolated site.
Sustainability	Provide a landscaped front setback to Oxley Street between Clarke and Chandos Streets to encourage a sensitive interface to areas east of Oxley Street.	N/A
Land Use		
Infrastructure and collaboration	Investigate further opportunities to strengthen the health and education precinct including the identification of education pathways through TAFE and other institutions, physical connection to support collaboration and identify opportunities to share new and existing facilities.	The proposal includes the provision of approximately 8002m$_2$ of commercial floorspace located on the Pacific Highway corridor, offering the opportunity to support the Mater Hospital precinct with complimentary business and commercial offering within a shared location.
	Commit SIC funding to provide infrastructure that caters for all age demographics including pedestrian and cycle links and parks.	N/A. For Council to address.
Liveability	Include opportunities through amendments to planning controls to encourage a range of dwelling typologies to cater for the diverse community in St Leonards and Crows Nest.	The proposal will enable the development of a range of dwelling sizes, together with a key worker housing offering. This will assist in providing a range of affordable housing

Priority	Action	Comment
		to support the growing St Leonards and Crows Nest community.
	Concentrate higher density housing along the Pacific Highway between the St Leonards Station and Crows Nest Metro Station and transition to lower density living options in the surrounding area.	The site is located within 240m of the Crows Nest Metro Station on the Pacific Highway and is an entirely appropriate location for the scale of density proposed by this proposal.
	Encourage a mixture of densities in St Leonards South.	N/A.
	Undertake investigations to identify an appropriate target for affordable housing in the area, consistent with each Councils affordable rental housing target schemes.	A Social Needs and Infrastructure Study (Appendix E) has been prepared in support of this Proposal which has informed the public benefit offering as part of the VPA offer, together with discussions with Council
	Explore build-to-rent opportunities within the precinct.	A BTR element is not currently envisaged as part of the concept design.
Productivity	Encourage a balance of commercial and residential uses within the St Leonards Core with a minimum non-residential floor space requirement for the B4 Mixed Use zone to meet North District Plan high jobs target.	N/A
	Permit mixed-use development on key sites to encourage the renewal of St Leonards through the delivery of new A-grade commercial floor space (page 65).	N/A
	Retain B3 Commercial Core zone on appropriate sites to maintain future viability of the St Leonards Core (page 65).	N/A
	Protect and manage the Artarmon Employment Area	N/A. This proposal will not impact the Artarmon Employment Area.
	Enable flexibility in planning controls to consider innovative and complementary health and education related uses on a site by site basis within the Artarmon Employment Area and health and education precinct	N/A
	Investigate new early childhood, schools and tertiary education facilities in the Precinct, supported via SIC funding.	The facilitation of the redevelopment of the site will enable Council to secure the associated SIC funding to support these investigations.
	Investigate introduction of Complying Development Provisions for cafes,	N/A. For Council to investigate.

Priority	Action	Comment
	restaurants and retail with extended trading hours	
	Ensure land is available at Royal North Shore Hospital for future expansion of health uses.	N/A
	Encourage the location of additional retail in the St Leonards Core and Crows Nest Village rather than the Artarmon Employment Area.	The proposal includes a retail offering with the Crows Nest Village which will activate the area and provide additional retail floorspace in an appropriate location.
	Support investigations into the Herbert Street Precinct to provide new health services, affordable and key worker housing and additional education facilities.	N/A
Movement		
Infrastructure and collaboration	Provide clear, continuous and direct pedestrian and cycle routes to priority destinations such as St Leonards Station and surrounding commercial core, the future Crows Nest Sydney Metro Station, Royal North Shore Hospital and St Leonards TAFE.	The site is well located to connect into the number existing pedestrian and cycling links across the precinct. The public domain improvements at ground level will improve the permeability of the site. In addition, the draft Travel Plan (Appendix C) supports and encourages the use by residents and users of the site of these existing and future sustainable connections.
	Investigate footpath improvements: ▪ Enhance amenity and connectivity along Clarke Lane to support access to the Crows Nest Metro Station with a continuous shared path treatment and reverse setbacks at ground level. ▪ Widen the footpath along Sergeants Lane to support access to St Leonards Station and complement plans for active retail along Atchison Street. ▪ Provide shade and shelter for pedestrians with reverse setbacks along Atchison Street and tree lined green streets along Chandos, Oxley and Mitchell Streets.	N/A. However, it is noted that the proposal will provide significant public domain improvements to the footpaths surrounding the site and providing access to a key transit (bus) stop.
	Investigate cycle path improvements: ▪ Prioritise delivery of cycle infrastructure identified by North Sydney Council and Bike North	N/A. Although it is noted that the provision of ample bicycle parking within the development and the promotion of sustainable travel within the draft Travel Plan will support this action.

Priority	Action	Comment
	including dedicated cycle lanes on Henry Lane and Burlington Street. ▪ Bicycle crossing facilities should form part of upgrades to the signalised intersections along cycling routes including where they cross Pacific Highway and Oxley Street. ▪ Cycling infrastructure along the Pacific Highway is identified as a long-term consideration contingent upon a detailed assessment of the effects of major infrastructure investments as part of detailed traffic and transport modelling currently underway.	
	Deliver a regional pedestrian and cycling link to connect the area and regional open space.	N/A. For Council to address, however SIC contributions from the redevelopment of the site may assist with delivery of this action.
	Improve pedestrian crossings: ▪ Investigate providing an additional pedestrian crossing on the Pacific Highway at Portview Road, to be funded through the SIC. ▪ Investigate providing an additional pedestrian crossing at existing intersections on the Pacific Highway at Oxley Street to be funded through the SIC. ▪ Investigate delivery of the crossing at Oxley Street as part of Crows Nest Station integration works. ▪ Investigate access over the railway line at River Road to link Duntroon Avenue to Lithgow Street by widening the rail bridge on the northern side of River Road to allow pedestrians and cyclists to pass each other. ▪ Review the crossing on the eastern side of River Road for lights or a signal. ▪ Investigate providing improved pedestrian crossings along key walking and cycling streets including but not limited to Chandos Street, Willoughby Road, Atchison Street, and Clarke Lane. ▪ Investigate a new pedestrian tunnel under the Pacific Highway	N/A. For Council to address, however SIC contributions from the redevelopment of the site may assist with delivery of this action.

Priority	Action	Comment
	connecting the new Crows Nest Metro Station and areas south of the Pacific Highway.	
	Undertake road network improvements: ▪ Investigate the provision of dual lanes along Chandos Street from Willoughby Road to Mitchell Street, including a dual circulating lane for the westbound direction of the roundabout. This will require the removal of parking in the AM peak (consideration of retention during PM). ▪ Investigate signalisation of Oxley Street and Albany Street from its existing roundabout configuration and ban parking on Albany Road between the Pacific Highway and Willoughby Road. ▪ Short lane for the right-hand turn into RNSH on Herbert Street by removing 30m of parking (to allow for southbound through vehicles to go around right turning vehicles) ▪ Parking bans in the northbound direction on Greenwich Road between River Road and Pacific Highway in the PM peak. Consideration can be given to retain parking in the AM peak. ▪ Clearways along Pacific Highway between Albany and Falcon Street.	For Council to address, however SIC contributions from the redevelopment of the site may assist with delivery of this action.
	Provide a pedestrian and cyclist extension from the Herbert Street bridge to improve east west connectivity.	For Council to address, however SIC contributions from the redevelopment of the site may assist with delivery of this action.
	Limit the amount of car parking provided for new developments.	Car parking is proposed to be limited to the rates set out in the North Sydney DCP. As noted in the Traffic Impact Assessment (Appendix C) the predominate employment location of residents in the North Sydney council area is the City of Sydney and North Sydney. Given, the number and accessibility of rapid mass transit modes (train, metro, bus) within close proximity of the site, residents will travel by public transport for most daily trips, in favour of private vehicles. Private vehicles will tend to be used to access destinations

Priority	Action	Comment
		not adequately served by public transport, typically on weekends and outside of peak hours. Proximity to convenient public transport, as well as shops, services and amenities is a greater driver of transport mode shift than restrictions on car parking spaces. It is important, therefore, that opportunities to provide housing and employment floorspace on unique sites such as the Fiveways Triangle are realised. To maximise the transport mode shift that can achieved from appropriate redevelopment of the Fiveways Triangle site, a Draft Travel Plan accompanies the planning proposal. The draft Travel Plan proposes initiatives and demonstrates how through a range of initiatives including but not limited to car share and the preparation and promotion of a green travel plan for businesses and residents the reduction of single occupancy car trips can be accelerated and maximised.
	Subject to further investigations, provide funding of a right hand turn only movement from the Pacific Highway to Oxley Street for south bound traffic to reduce traffic in St Leonards Core created by the current limitation on this movement.	For Council to address, however SIC contributions from the redevelopment of the site may assist with delivery of this action.
Sustainability	Improve pedestrian and cyclist comfort with tree lined streets along Reserve Road, Westbourne, Herbert, and Frederick Streets.	N/A.
	Promote the provision of end of trip facilities to support cycling.	This will be considered as part of the detailed design phase and commercial tenant requirements.
	Encourage the use and implementation of car share facilities.	The proposal includes the provision of 12 car share spaces within the basements which will support and encourage the use of car share schemes both by residents and users of the commercial elements of the development.

7.2.3. North Sydney Local Strategic Planning Statement

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

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

Table 11: Consideration of the North District Plan and North Sydney LSPS

Local Planning Priority	LSPS Action	Response
Infrastructure and Collaboration		
I2 - Collaborate with State Government Agencies and the community to deliver new housing, jobs, infrastructure and great places	I2.6 - Continue to seek opportunities to collaborate with Willoughby and Lane Cove Councils, the DPIE and other relevant State Government agencies to further refine and finalise the St Leonards and Crows Nest 2036 Plan, State Levy and Metro rezoning proposal to ensure the delivery of new housing, jobs, infrastructure and services within the Planning Precinct are well managed and development phased, drawing on place based studies and community consultation carried out by Council.	The 2036 Plan has been the result of numerous consultations between State Government Agencies, local government and the community, which developers and landowners form part of. The identification of the subject site as a 'significant site' enables further collaboration with State Government Agencies, local government and the community throughout the process of the facilitating and delivering the redevelopment of the subject site.
Liveability		
L1 - Diverse housing options that meet the needs of the North Sydney community	L1.3 - Collaborate with the DOPIE to refine and finalise the St Leonards and Crows Nest 2036 Plan and prepare a development phasing plan , to achieve coordinated and well managed housing growth in the St Leonards / Crows Nest Planned Precinct, drawing on the outcomes of the NSLHS and adopted place-based studies.	This planning proposal offers Council the opportunity to facilitate delivery of development in a coordinated manner, aligned with the provision of transport infrastructure delivery. Council has the ability to capture public infrastructure and community benefit through the redevelopment of the subject site and provision of additional housing units.
	L1.5 - Only support Planning Proposals that are consistent with Council's endorsed planning studies, that have identified growth being delivered in locations that support the role of centres and have critical	The 2036 Plan envisages that planning proposals will be submitted for these significant sites which is the reason for this planning proposal. The 2036 Plan identifies indicative building form controls

Local Planning Priority	LSPS Action	Response
	infrastructure and services in place to support the North Sydney community.	which will be developed through the re-zoning process which this proposal seeks to achieve.
L2 - Provide a range of community facilities and services to support a healthy, creative, diverse and socially connected North Sydney community	L2.7 - Investigate opportunities for affordable and accessible long-term exhibition and creative spaces, including: ▪ Develop inclusive planning strategies which aim to generate cultural activity through the provision of creative private and public spaces; and ▪ Develop partnerships with external stakeholders and the business section regarding provision of creative spaces	This planning proposal proposes to offer community benefit through enhanced public domain, activation of the Fiveways site and retail/commercial floorspace and key worker housing. The planning proposal will facilitate the delivery of these services within the Southern part of the Planned Precinct.
L3 - Create great places that recognise and preserve North Sydney's distinct local character and heritage		This planning proposal provides the opportunity to develop the subject site into a gateway development to the Planned Precinct. It also facilitates the renewal of an underperforming part of Crows Nest and amalgamation of a key site to create a new and interesting element within the Planned Precinct.
Productivity		
P6 - Support walkable centres and a connected, vibrant and sustainable North Sydney	P6.1 - Implement the North Sydney Transport Strategy (2017) to deliver the community's vision for transport in North Sydney.	North Sydney's Transport Strategy vision is that transport will play a positive role in supporting a happy, healthy and prosperous North Sydney community. This planning proposal will allow its residents and users access to a variety of public transport nodes and improve the connectivity through the site and local area.
Sustainability		
S3 - Reduce greenhouse gas emissions, energy, water and waste		This planning proposal provides the opportunity to deliver high amenity residential apartments which exceed cross ventilation and solar access requirements which will reduce energy consumption. The site will be serviced by public transport to

Local Planning Priority	LSPS Action	Response
		enable residents' access to a walkable 30 minute city contributing to reducing greenhouse gases and reliance of private motor vehicles.

7.2.4. North Sydney Community Strategic Plan 2018-2028

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

Table 12: Community Strategic Plan 2018-2028 Review and Commentary

Direction	Outcome	Comment
1. Our Living Environment	1.2 North Sydney is sustainable and resilient	The planning proposal will promote sustainable energy, water and waste practices throughout its design and on-going use to assist in the conservation of energy, water and natural resources.
	1.3 Quality Urban Spaces	This planning proposal proposes improved public domain area, street planting and activation of the street to enable place making as set out in the Place Making Study (Appendix B).
2. Our Built Environment	2.1 Infrastructure and assets meet community needs	The proposal includes the provision of improved public domain and connections in the new infrastructure provision in the area. The VPA offer includes a key worker housing offer on site.
	2.3 Sustainable transport is encouraged	This planning proposal will promote sustainable transport given its close proximity to the new Crows Nest Metro Station, which will enable people to travel to work, services and home without reliance on the private motor vehicle. In addition, the site is located on a regular bus route with a bus stop located on the Pacific Highway boundary of the site, offering residents, employers and user of the site access to an alternative form of public transport to the new metro line.
3. Our Future Planning	3.1 Prosperous and Vibrant Economy	The proposed retail and commercial floorspace within the proposed development will offer a diverse mix of business size through laneway retail and larger floorplates within the podium level. The site is located within the Education and Medical precinct and provides the opportunity for innovative medical and

Direction	Outcome	Comment
		education businesses to be closely located to the Mater Hospital site.
	3.3 North Sydney is smart and innovative	This planning proposal will increase available floorspace within the St Leonards and Crows Nest Planned Precinct to promote innovation and attract new businesses to the area to support the educational and medical innovation precinct.
	3.4 North Sydney is distinctive with a sense of place and quality design	The concept proposal has been designed as a natural extension to the Crows Nest Village and to reinforce connections to the existing street grid and create new connections to enhance permeability for the neighbourhood. Place approach has been the focus at the podium and ground plane which results in the design being conceived from ground up rather that top down. The concept design for the site will continue to be developed with council and the community through the design excellence process.
4. Our Social Vitality	4.1 North Sydney is connected, inclusive, healthy and safe.	As demonstrated by the place performance scores (Appendix B) the planning proposal will transform a currently barren and lost place into a healthy, loveable, equitable, inclusive and resilient place with an active and safe ground plane.

7.2.5. North Sydney Civic Precinct and Surrounds Planning Study

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

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

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

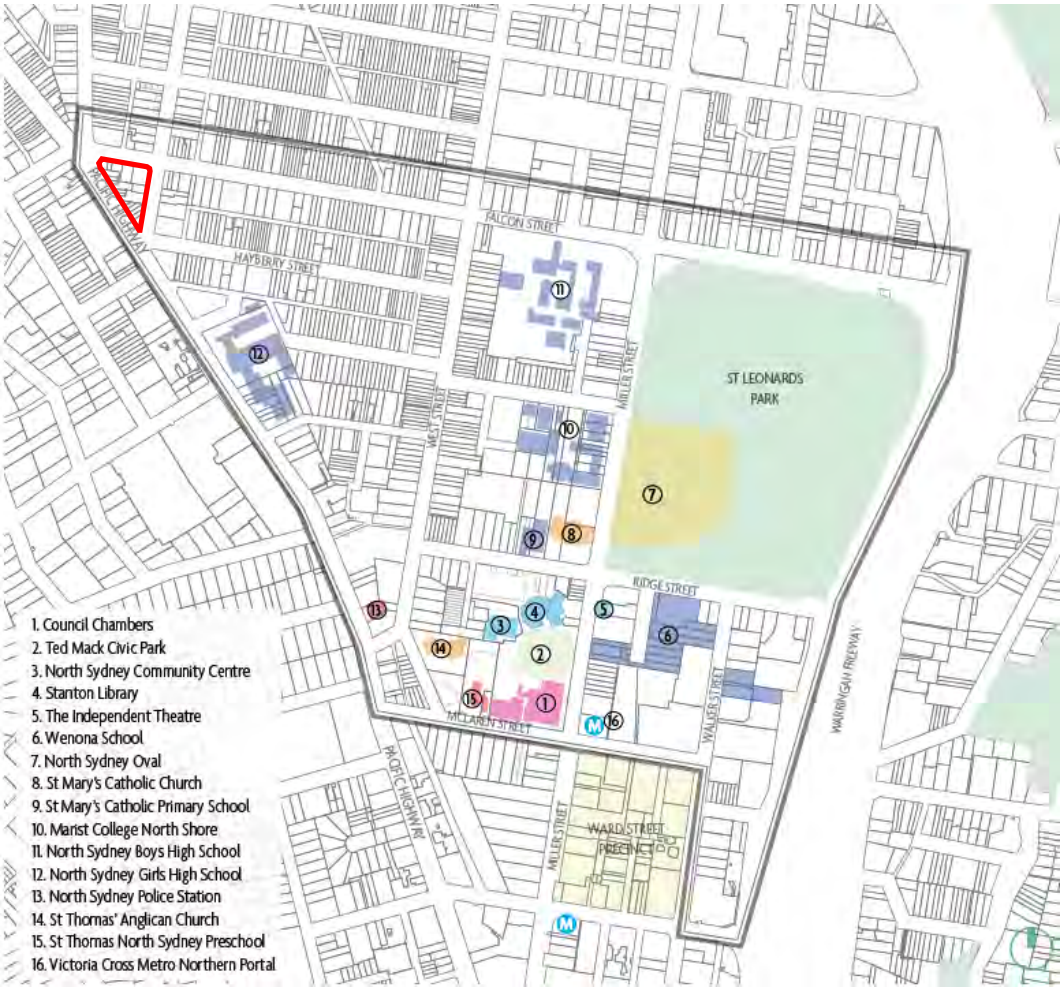


Figure 29 - Civic precinct study area with Fiveways Triangle Site outlined in red. (Source: North Sydney Civic Precinct Study Area and City Plan)

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

When the Study was finally adopted by North Sydney Council on 30 November 2020, the Council resolved that the current maximum height controls under North Sydney LEP 2013 continue to apply to the "Fiveways Triangle" site, well aware that this was contrary to the 2036 Plan and Ministerial Direction 7.11.

7.2.6. State Environmental Planning Policies (SEPPs)

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

SEPP Title	Consistency
55. Remediation of Land	**Yes**
65. Design Quality of Residential Apartment Development	**Yes**
70. Affordable Housing (Revised Schemes)	**Yes**
SEPP (Affordable Rental Housing) 2009	**Yes**
SEPP (Building Sustainability Index: BASIX) 2004	**Yes**
SEPP (Educational Establishments and Child Care Facilities) 2017	**Yes**
SEPP (Exempt and Complying Development Codes) 2008	**Yes**
SEPP (Housing for Seniors or People with a Disability) 2004	**Yes**
SEPP (Infrastructure) 2007	**Yes**
SEPP (Vegetation in Non-Rural Areas) 2017	**Yes**

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

7.2.7. Ministerial directions (s.9.1 directions)

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

Direction Title	Consistency
1.1 Business and Industrial Zones	**Yes**
2.3 Heritage Conservation	**Yes**
2.6 Remediation of Contaminated Land	**Yes**
3.1 Residential zones	**Yes**
3.4 Integrating land use and transport	**Yes**
5.1 Implementation of Regional Strategies	**Yes**
6.3 Site Specific Provisions	**Yes**
7.1 Implementation of the Metropolitan Plan for Sydney 2036	**Yes**
7.11 Implementation of St Leonards and Crows Nest 2036 Plan	**Yes**

7.3. Environmental, Social and Economic Impact

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

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

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

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

7.3.2.1. Overshadowing and Solar Access to Adjoining Properties

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

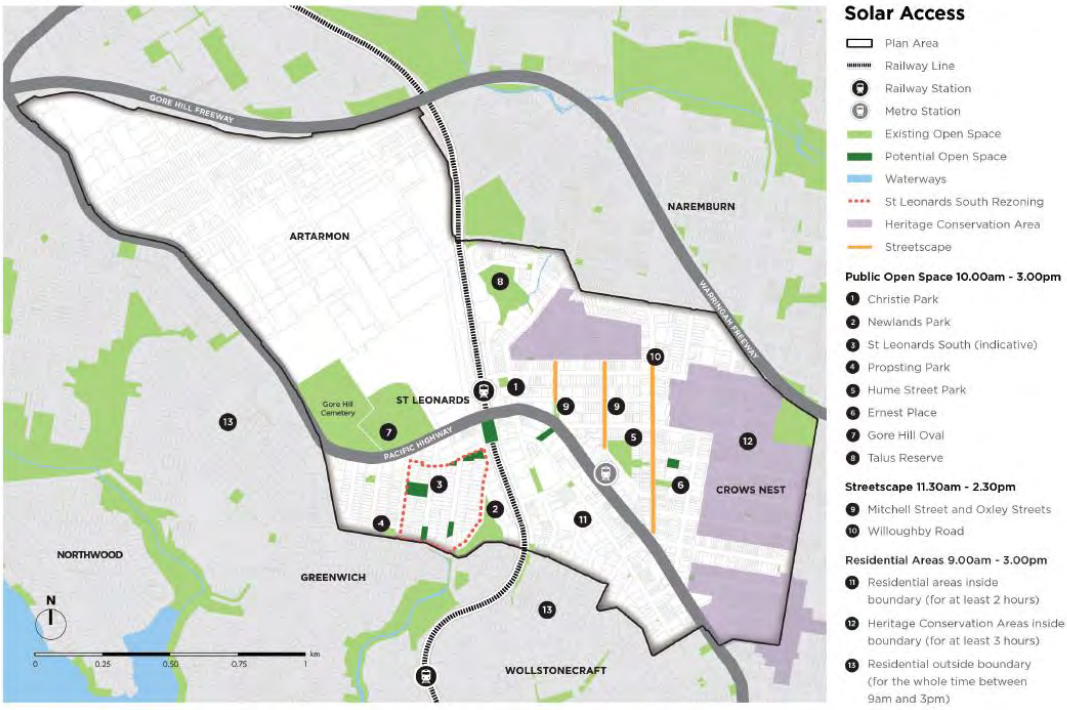


Figure 30: Solar Access Map (Source: 2036 Plan)

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

- No additional overshadowing of nominated public open space between 10am - 3pm (winter solstice)
- No additional overshadowing of nominated streetscapes between 11.30am - 2.30pm (winter solstice)
- Maintain solar access to residential areas inside boundary of plan area (for at least 2 hours)
- Maintain solar access to residential areas outside boundary (for whole time between 9am - 3pm)
- Maintain solar access to Heritage Conservation Areas inside boundary (for at least 3 hours).

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

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

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

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

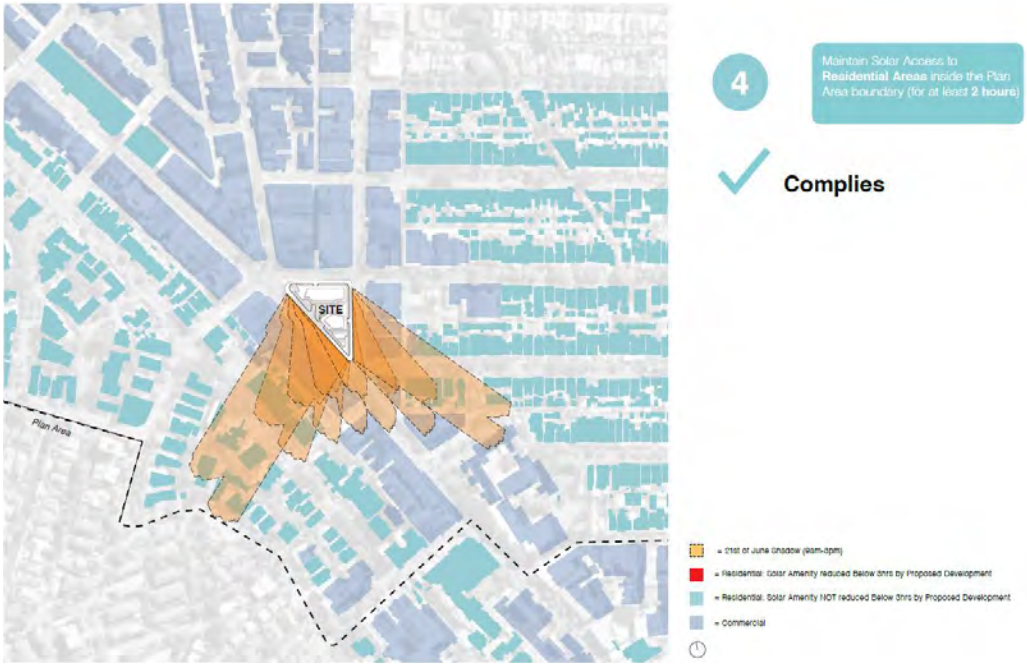


Figure 34: Overshadowing analysis - Residential areas inside 2016 Plan area boundary (Source: Turner - Urban Design Report)

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

In addition, the proposal has considered the cumulative impact of overshadowing of both the proposal and the future built forms proposed under the 2036 Plan and the overshadowing impact of a 16 storey commercial tower, which is of a similar height to the proposed concept scheme (see Urban Design Report - Appendix A).

7.3.2.2. Visual Impacts

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

The visual impact analysis concludes that:

> *The visual impact is greatest in areas of low visual quality and areas where most observations will be from vehicles, namely the Pacific Highway and other arterial approach roads to the site.*
>
> *In areas where the visual impact is more sensitive, particularly the well-established residential lots to the east of the subject site, the mature landscaping largely obscures much of the proposal.*
>
> *As described in the individual view assessments, the site offers the opportunity for a landmark building that reflects other growth areas along the Pacific Highway on the North Shore. The scale of the building will serve to visually signpost the centre of Crows Nest and be a strong 'seed' for the future growth plan.*

There is an opportunity for the podium architectural treatment to respond sensitively to the human scale of the existing urban fabric, whilst the delicate towers above serve a larger scale purpose in relation to urban growth and the inter-relationship of suburbs on the north shore.

The visual impact does not create any material view loss, rather visual impact upon the sky only. This is as a result of the subject site ' s elevated position, relative to its surroundings on all sides.

In conclusion, the planning proposal would allow the unification of the site and the creation of a gateway development, linking Crows Nest to it surrounding neighbouring suburbs. The visual impact is, in this respect, a positive feature of the proposal, where it is observed from main arterial routes. Whilst the well-established landscaping of the surrounding neighbourhood [including the heritage conservations areas] minimises the visual impact on the more local and personal scale.

7.3.2.3. Heritage Impacts

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

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

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

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

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

- Ensuring the envelope of the proposed podium is deferential to the heritage items by using scale, articulation and materiality to response to the heritage character of the context.
- Ensuring the podium is compatible with the height of the parapets of the heritage items that surround the Five-Ways intersection to respect the heritage character of the place.
- Consideration should be given to setting the tower well-back from the Five Ways intersection to provide rooftop activation overlooking the public domain.
- Provision of through site links that form part of the fine-grain character of the subject site-division pattern.
- Create elevations, particularly along Pacific Highway and Falcon Street, which take cues from the floor level arrangement of the heritage listed buildings in proximity.
- Height is not the most significant factor in any new development, but setbacks (as described above) are key to retaining the heritage significance of the Crows Nest Town Centre.
- The proposal could consider the provision of heritage interpretation for the heritage items surrounding the Five Ways Crows Nest site, by including history and photographs of its original use to enhance the significance of the site to the general public including users of the nearby Crows Nest Metro Station.

- Design the development with a series of different elements/components that relate to the connection with laneways in the local area and provide increased levels of street activation.
- Create a variety of building footprints joined together to form a building development.
- By adopting these design principles, the proposal will have a positive impact on the historic character of the Crows Nest Town Centre.

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

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

7.3.2.4. Traffic and Parking Impacts

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

Existing Transport Context

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

Bus stops are located within 100 metres of the site in the Pacific Highway, Falcon Street, Shirley Road and Alexander Street.

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

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

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

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

Traffic Generating Potential (Existing and Proposed)

The existing developments on the site consist of a mix of retail and commercial sites covering an area of approximately 3,200m². Table 13 shows the existing and proposed traffic generation based on the existing and proposed future uses on the site.

Table 13: Existing and proposed traffic generation

	AM Peak Hour Trips	PM Peak Hour Trips
Existing retail use traffic generation rate	23	32
Existing commercial use traffic generation rate	32	24
Total existing generation rate	55	56
Proposed residential use traffic generation rate	45	35
Proposed retail use traffic generation rate	36	51
Proposed commercial use traffic generation rate	99	74
Total proposed generation rate	180	160
Net change from existing to proposed	+125	+104

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

- For residential developments it is generally assumed that in the AM peak 80% of trips will be outbound and 20% inbound with the reverse situation during the PM peak.
- For commercial developments the distribution of trips is assumed to be 80% inbound and 20% outbound in the AM peak with the reverse situation during the PM peak.
- For the retail developments and the distribution of trips is assumed to be 50% inbound and 50% outbound in the AM and PM peaks.

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

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

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

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

Car Parking

The concept design includes a three-level basement carpark, which has been designed having regard to the constraints imposed by the Sydney Metro tunnels. An assessment of the proposed parking provisions against the requirements of the North Sydney Development Control Plan 2013 is made in the traffic and parking impact assessment report and as summary is provided in Table 14.

Table 14: Concept car parking assessment

Land Use	North Sydney DCP 2013	Proposed parking provision
Residential ▪ 34 x 1-bedroom units; ▪ 176 x 2-bedroom units ▪ 230 x 3-bedroom units Total = 233 units Non-Residential 8,002m2 GFA	DCP Rates ▪ 0.5 space per 1-bed = 17 spaces ▪ 1 space per 2 bed = 176 spaces ▪ 1 space per 3 bed = 23 spaces Total: 216 residential spaces 1 space per 60m2 = 134 spaces Total spaces: 216 + 134 = 350 spaces	385 spaces ▪ 216 residential ▪ 23 residential visitors ▪ 134 non-residential ▪ 12 car share

A total of 404 secure bicycle parking for residents will be provided within the each of the basement carparks in separate bicycle storage areas. Bicycle racks will be provided in Basements 01 and 02 for the use of visitors to the various land uses within the site (residential, commercial and retail).

7.3.2.5. Structural Impacts

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

The engineering assessment recommends that further detail engineering modelling is undertaken, in collaboration Sydney Metro, in the next phases of the project.

7.3.2.6. Pedestrian Wind Environment Statement

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

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

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

An assessment of the social impacts of the planning proposal has been undertaken by City Plan as detailed in the accompanying Demographic, Housing Market and Social Infrastructure Needs Study provided at Appendix E and an assessment of the economic impacts of the planning proposal has been undertaken by Hill PDA as detailed in the Economic Impact Assessment provided at Appendix D.

7.3.3.1. Social Impacts

Housing

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

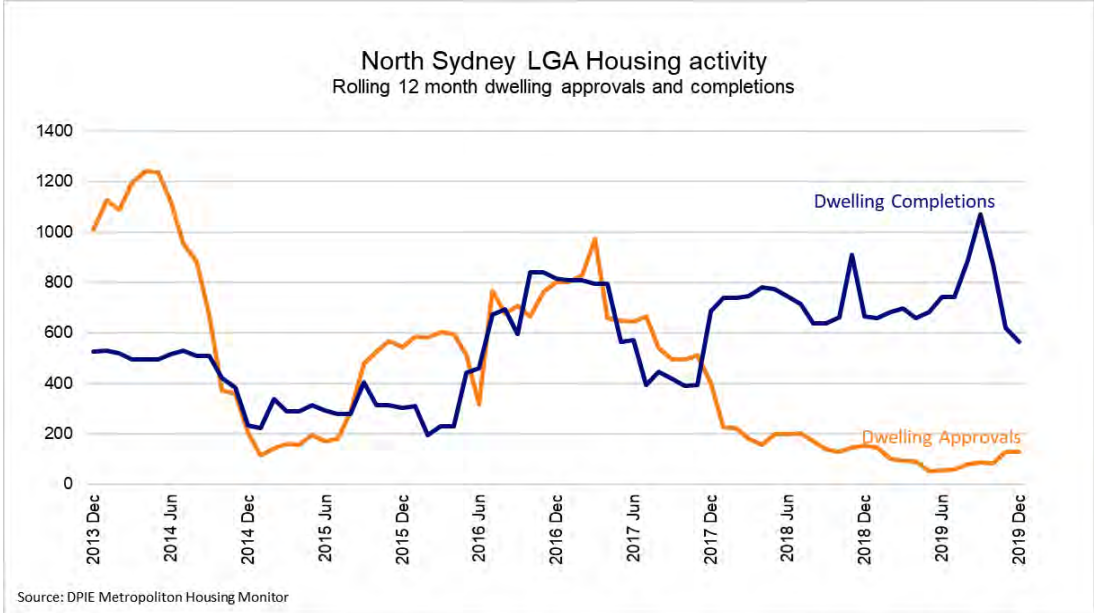
Analysis has shown that lone person and couple only households in the North Sydney LGA are generally choosing to live in one and two bedroom apartments. Of all new households forming in the North Sydney LGA over the 20-year period between 2016 and 2036, around 4,100 (55%) are estimated to be lone person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

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

The indicative concept plans which accompany this planning proposal incorporate approximately 233 apartments. The proposed residential development will help address the identified gaps in specific types of housing to meet the needs of the current and future community.

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

Since 2016 the number of dwelling approvals in North Sydney LGA has steadily declined. Approvals have dropped by 85% from their peak in 2016 (920 approvals) to 140 approvals in 2019. As a result of the decline in approvals, the number of new homes completed has begun to decrease. In 2019, 563 new homes were completed, a drop of 16% when compared to the previous 5-year average of 674. Dwelling completions are expected to slow further reflecting the significant decline in dwelling approvals. This is likely to impact on future housing supply, potentially creating an undersupply in the local housing market in the longer term if not corrected.



Community Facilities

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

Open Space, Sports and Recreation Facilities

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

Improved Public Domain

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

Existing Uses

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

Construction Economic Benefits

The estimated direct construction cost of $155 million would generate approximately $494 million in construction generated economic activity and would generate 387 job years directly in construction. It is estimated that in total, the planning proposal would generate a total of 1,554 job years directly and indirectly.

Employment Generation

Based on the estimated land use split (70% retail space attributed to food, restaurants and food services and 30% non-food general retail), the proposal has the potential to generate 456 jobs upon operation and full occupation. This represents an increase of around 302 jobs over the base case. Total wages from these jobs are estimated at $32.2 million per annum, an increase of around $24.6 million per annum over the base case. The proposed land uses would potentially contribute $51.7 million every year in terms of GVA to the local economy, an increase of around $40 million per annum over the base case.

Worker Retail Expenditure

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

Resident Retail Expenditure and Floorspace Demand

The planning proposal would benefit St Leonards Strategic Centre and its existing retailers by increasing the resident population and hence retail expenditure. When combined with workers on the site, the planning proposal would provide sources for an increase in retail sales captured by Crows Nest and St Leonards retailers likely in the order of $6.2 million per annum, an increase of around $6 million per annum over the base case.

The resident population would also increase the demand for local retail services to be provided locally. It is estimated that the residents on-site would generate demand for retail floorspace in the order of around 865sqm. Given that St Leonards is a Strategic Centre the majority of this floorspace would likely be directed towards the centre, further increasing its vibrancy and viability.

Investment Stimulus

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

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

7.4. State and Commonwealth Interests

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

Yes. The site is within an area that is currently well serviced by public infrastructure. The site is in close proximity to a range of essential health, education and emergency services. The site is located approximately 1 kilometre from one of Sydney's key health precincts anchored by the Royal North Shore Hospital and providing a range of supporting health and emergency services. This precinct has been subject

to around $1billion worth of public and private investment over the last decade, with upgrades ongoing to ensure that it is equipped to manage future demand. There are also 14 schools, one TAFE and one University Campus within 2 kilometres of the site. These schools offer primary and secondary education in both the public and private system.

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

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

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

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

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

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

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

7.5.1. Strategic Merits

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

Table 15: Strategic Merit Test

Strategic Merit Test	Response
Give effect to the relevant district plan within the Greater Sydney region, or corridor, precinct plans applying to the site, including any draft regional, district or corridor precinct plans released for public comment;	As discussed in Table 9, this planning proposal is consistent with the Greater Sydney Region Plan and the North District Plan. The proposal will facilitate additional commercial floorspace, significant community benefits such as improved public domain, key worker housing and additional residential dwellings within the established St Leonards strategic centre and Crows Nest Metro Station.
Give effect to relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement	The planning proposal is consistent with: ▪ 2036 Plan The proposal is entirely consistent with the vision, objectives, actions and urban design principles set out by the 2036 Plan. This proposal will facilitate the implementation of the 2036 Plan and positively contribute to growth within the Crows Nest area, securing additional non-residential floorspace, dwellings and public domain improvements. ▪ North Sydney LSPS As outlined in Section 7.2.3, the planning proposal is aligned with the North Sydney LSPS and seeks to implement and facilitate to achievement of a number of its objectives and actions.
Respond to a change in circumstances, such as investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.	The planning proposal responds to the increase in infrastructure provision within the St Leonards and Crows Nest Planning Precinct and delivery of the new Crows Nest Metro Station. The site is situated in close proximity to transport infrastructure links and within 240m of the new Crows Nest Metro Station. Facilitation of the redevelopment of the site in a timely manner will enable delivery alongside the metro station. This in turn will assist the Department in realising its investment in infrastructure within the Planned Precinct.

Table 16: Site Specific Merit Test

Site specific Merit Test	Comment
The natural environment (including known significant values, resources or hazards),	There are no known site-specific environmental considerations identified in the planning proposal and supporting material that would preclude further consideration of the proposed urban renewal.
The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and	The Fiveways site is located within the St Leonards and Crows Nest Planned Precinct. Within the Planned Precinct it is envisaged that developments should be achieving heights and densities commensurate with its accessibility to public transport (metro, train and buses). Existing building heights in Crows Nest and St Leonards are around 35 storeys. Several planning proposals and development applications will exceed this, with towers up to 50 storeys. Subject to further urban design testing and overshadowing analysis within Precinct 4, it is envisaged that buildings within the vicinity of the site and in close proximity to Pacific Highway could accommodate a significant increase in building height, with buildings extending from 13 to 35 storeys along Pacific Highway. The planning proposal has taken into consideration the surrounding context and its likely future context. The planning proposal reinforces Fiveways as a place of importance and interest, appropriate with its role as the marker and entry point to the Crows Nest Village retail precinct.
The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.	A Traffic Impact Assessment has been prepared and is submitted with the planning proposal at Appendix C. There are no traffic matters identified on the site that would preclude further consideration of the proposed urban renewal. There is sufficient infrastructure (water, electricity, sewer, etc.) available to accommodate the proposed development.

8. PART 4 – MAPPING

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

9. PART 5 – COMMUNITY CONSULTATION

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

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

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

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

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

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

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

10. PART 6 – PROJECT TIMELINE

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

Table 17: Indicative Timeline

Step	Indicative Timeframe
Lodgement of Planning Proposal	December 2020
Presentation to Design Review Panel	January 2021
Report to North Sydney Local Planning Panel	March 2021
Report to Council	May 2021
Gateway Referral	July 2021
Gateway Determination received	August 2021
Exhibition	August – September 2021
Consideration of Submissions	October 2021
Report to Council	November 2021
Department Referral (for making of Plan)	January 2022
Notification of Determination	March 2022

11. CONCLUSION

This Planning Proposal is a proposal between North Sydney Council and Deicorp. It will enable the construction of a 19 storey mixed-use development comprising: -

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

The Planning Proposal: -

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

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

Appendix A

Urban Design Report

Appendix B

Place Design Framework and Urban Design Rationale

Appendix C

Traffic and Parking Impact Assessment and Draft Travel Plan

Appendix D

Economic Impact Assessment

Appendix E

Social Infrastructure Needs Study

Appendix F

Heritage Impact Statement

Appendix G

Structural Report and Letter of Support

Appendix H

Planning Proposals and S9.1 Ministerial Directions

Appendix I

State Environmental Planning Policies (SEPPS)

Appendix J

Non-binding VPA Offer

Appendix K

LEP Map Amendments

Appendix L

Preliminary Contamination Report

Appendix M

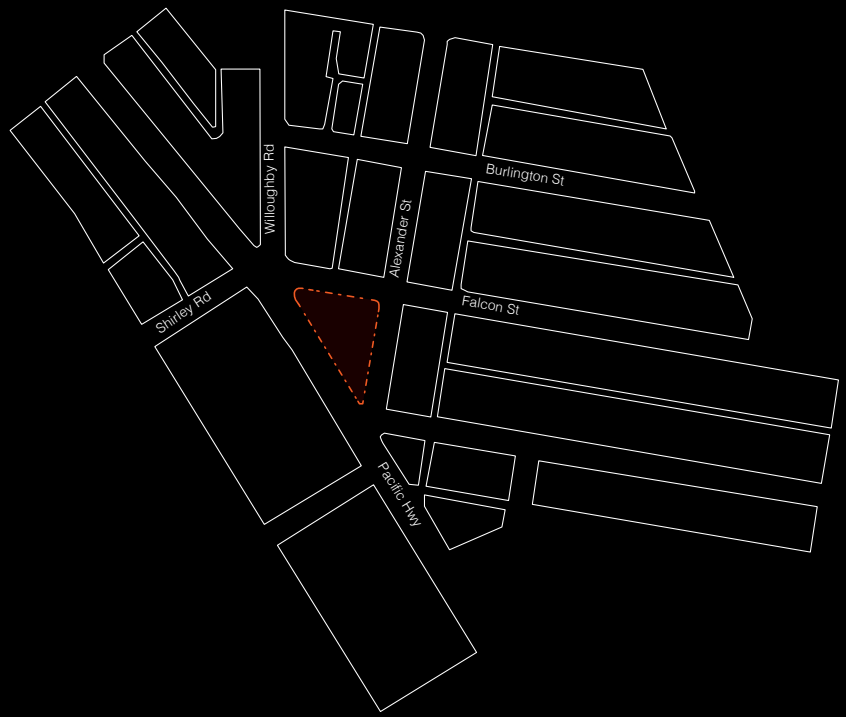
Pedestrian Wind Environment Statement

Appendix N

Owners Consent Letters

Appendix O

Site Specific DCP



URBAN DESIGN REPORT

FIVE WAYS CROWS NEST

4 December 2020

Issue A

Contents

01 Introduction 3

02 Vision, Design Criteria and Area Wide Design Principles 5

03 The 2036 Plan 7

04 Site Observations 32

05 Project Vision 41

06 Design Principles 43

07 Building Program 47

08 Program Options 54

09 Design Proposal 57

10 Apartment Design Guide Response 74

11 Placemaking Strategies 79

12 Visual Analysis 104

13 Shadow Analysis 124

14 The Vision 146

15 Conclusion 151

16 Indicative Plans 153

Plans 154
Section 162
Elevations 163
Development Metrics 166

01
Introduction

Introduction

Five Ways Junction Crows Nest is a landmark site at the intersection of Pacific Highway, Alexander and Falcon Streets. It sits at the terminus of Willoughby Road and the Crows Nest Village a popular shopping, restaurant precinct and local destination. The site is a short walk from the new Crows Nest Metro station entrance which will soon become an important transportation hub along the $12.5 billion metro line.

The site lies within the St Leonards and Crows Nest 2036 Plan, a strategical planning document which will facilitate the urban regeneration of St Leonards and Crows Nest as an employment centre and support the growing residential community of the Plan area and the surrounding suburbs. The 2036 Plan is planned to provide additional commercial floor space for employment, new and upgraded open space, mixed-use sites, transport orientated development as well as responding to the local character of the area and protecting heritage conservation areas.

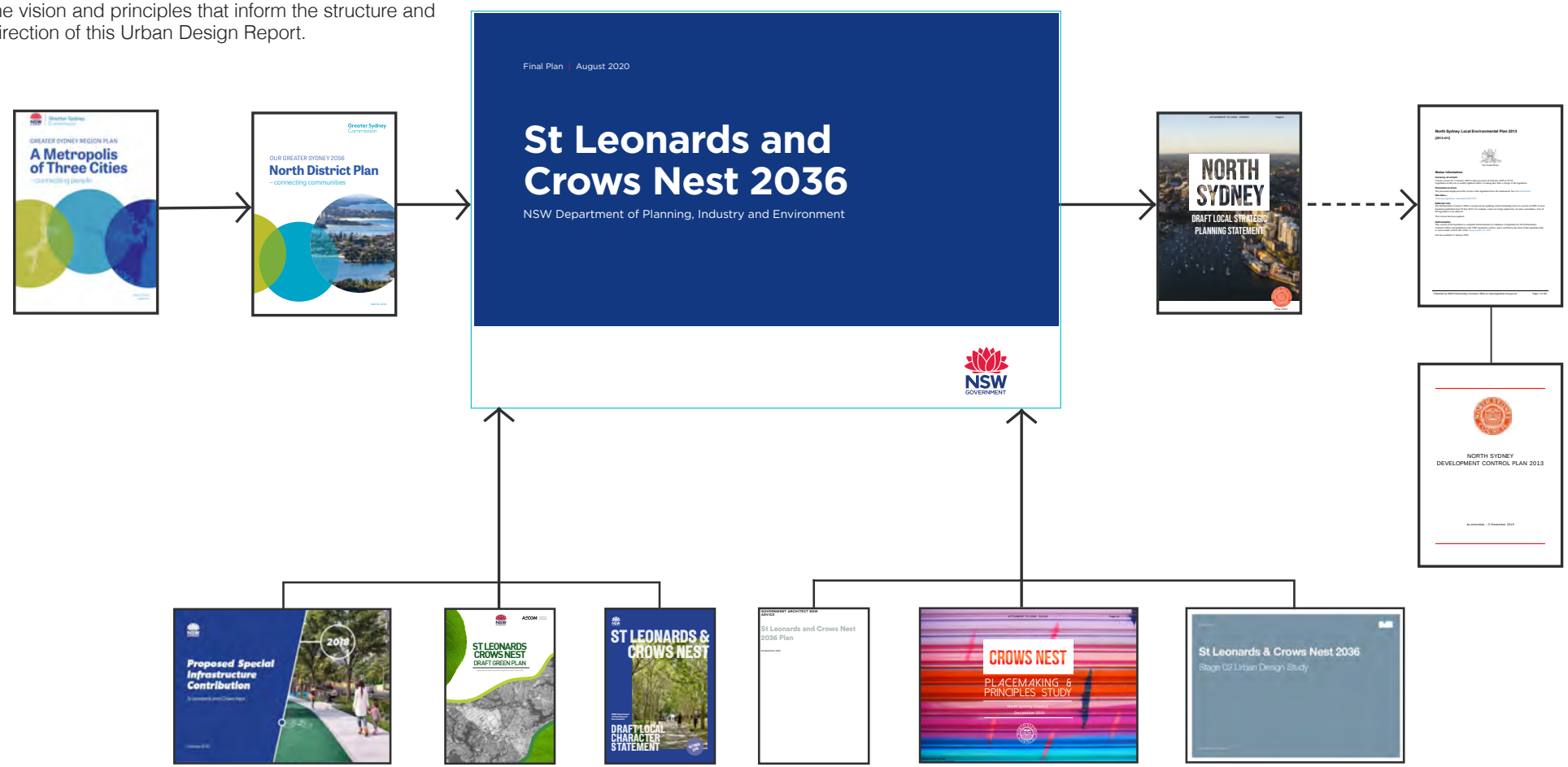
This proposal has been formulated by the project team to embrace the vision, objectives, actions and urban design principles of the 2036 Plan, to create the opportunity for new employment spaces, locally sensitive retail and key-worker and private dwellings with excellent amenity.

This urban design report documents a rigorous design process that was commissioned to determine the appropriate density, form, arrangement and other design details that will achieve a proposal that is entirely consistent with the 2036 Plan.

02
Vision, Design Criteria and Area Wide Design Principles

Planning framework

The planning framework, illustrated here, provides the vision and principles that inform the structure and direction of this Urban Design Report.



Vision, Design Criteria and Area Wide Design Principles

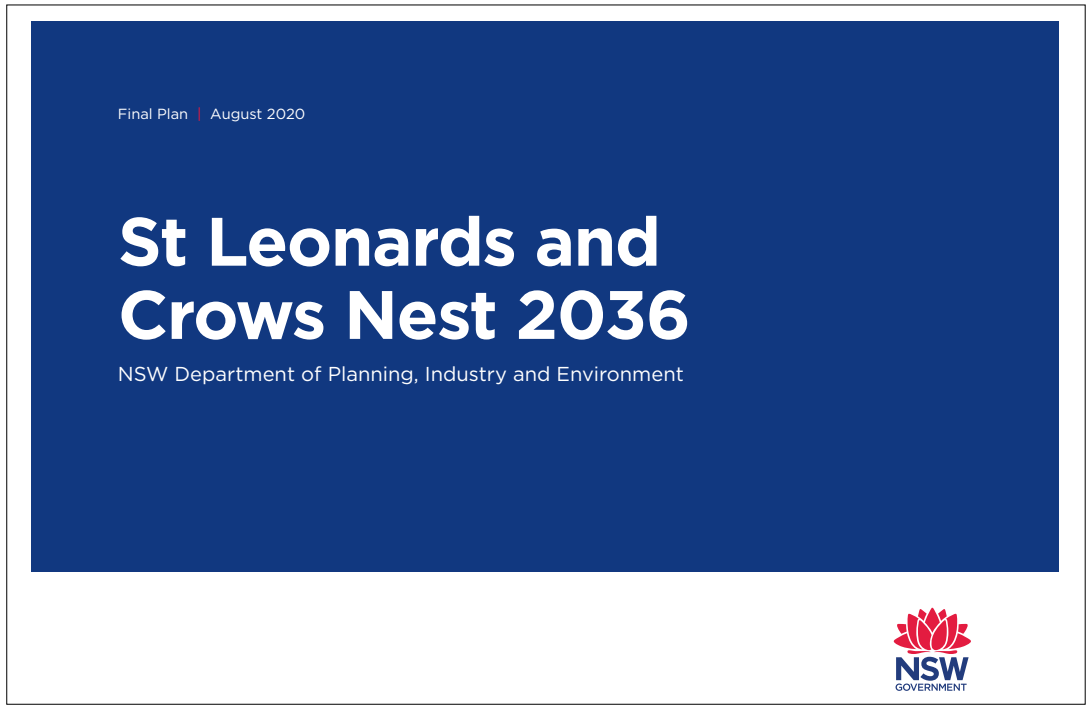
Planning Framework

03
The 2036 Plan

The 2036 Plan

The St Leonards and Crows Nest 2036 embeds objectives to achieve positive urban renewal for the area.

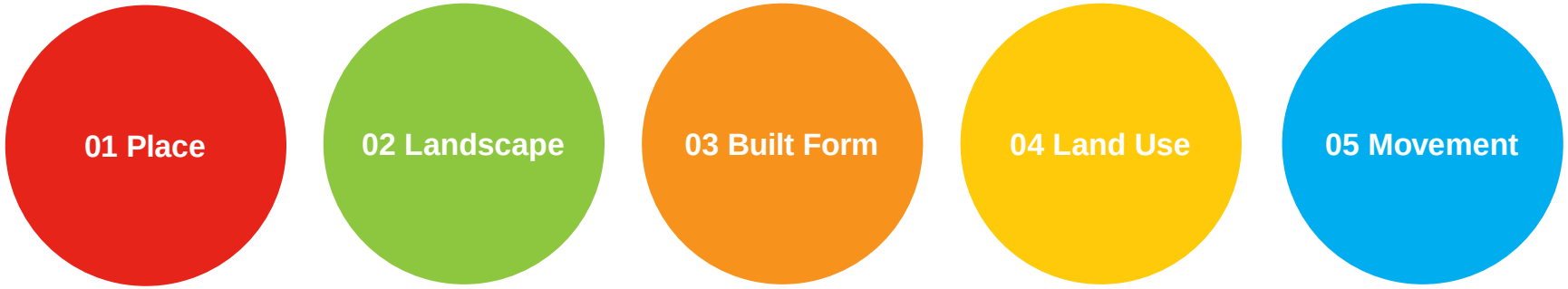
The 2036 Plan informs the following design proposal, reflecting shared objectives to regenerate the district as an employment centre and to grow residential communities while maintaining the existing and distinctive character of Willoughby Road and Crows Nest Village.



The 2036 Plan

The vision and objectives of the 2036 Plan are translated into the five key themes identified as part of the Local Character Statement and identifies actions to realise the opportunities for urban renewal within St Leonards and Crows Nest. These five themes are then expanded into sub-categories and actions to consider the potential outcomes of the Plan including specific localities and areas.

The following section considers the proposal in light of these themes, sub-categories and actions.



The 2036 Plan

Sub Category	The Proposal
Public domain New development offers opportunities for improvements to public places including plazas, activated laneways and safe and well-designed pedestrian links. The Plan identifies opportunities for new through site links and street-widening using building setbacks.	The current streetscapes and public domain of the site are under utilised and in need of redevelopment. The proposal is designed to provide a significant redefinition of the public domain, creating a streetscape which is activated, variegated and supplemented by public walkways connecting the three streets. The activation of the ground plane is enhanced by the public walkways providing additional frontage for retail tenancies and lobbies. The central section of each street frontage is setback an additional metre to allow space for the bus interchange, street trees, retail activation and outdoor dining. For further detail, see Sections *09 Design Proposal* and *11 Placemaking Strategies.*

'Heritage and culture Community feedback has emphasised the significance of local community places on cultural heritage in the area. There is strong value placed on the tree-lined streets and the style, scale and design features of heritage dwellings in these areas.	The proposal adopts a fine grain approach to the ground and podium levels responding to the observed grain, pattern and scale of the Crows Nest Village and the urban grain of the surrounding context. Two public walks divide the podium into three elements. The public walks respond to the street grid of the context and provide impetus for future connections to the east of the site. The elements are then further divided into building forms similar in scale to buildings in the immediate context and nearby heritage items. Material selections and detailing provides additional connections to the local character. Towers are setback from the edges of the site to provide a visual distinction from the street. The retail strategy of the proposal is designed to complement the popular and distinctive character of the Crows Nest Village. The idea is to extend the active hub of Crows Nest to the streets south of Falcon Street. For further detail, see Sections *09 Design Proposal* and *11 Placemaking Strategies.*

Comfort and safety New planning controls are recommended to protect solar access to key streets and open spaces during mid-winter to maximise usability and amenity to these places. A focus on improving active streets and pedestrian movement will create a more vibrant streetscape which will contribute to passive surveillance and safer places.	The proposal follows the urban controls outlined in the 2036 Plan adopting building and street wall heights identified in the plan. Shadow analysis tested the solar access to streets, dwellings and heritage conservation areas around the site. The ground plane and podium is designed to activate the ground plane offering new spaces and opportunities for retail and commercial tenancies to connect into the Crows Nest Village. For further detail, see Sections *09 Design Proposal*, *11 Placemaking Strategies* and *13 Shadow Analysis*

01 Place

The 2036 Plan

Sub Category

Local economy
Local shops along Willoughby Road and the village character are highly valued amongst the community. The Plan will protect and maintain this village character by retaining the existing planning controls and protecting local retail areas (Ernest Place and Willoughby Road). This village character will also be extended through the identification of Atchison Street as a 'civic street'. The Plan supports more active retail uses on Atchison Street and the role and function of this street as an active space should be enhanced as future rezoning occurs.

The Proposal

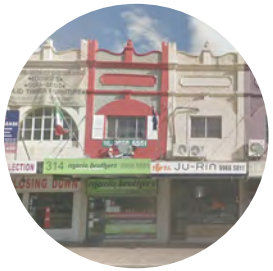
Crows Nest Village and Willoughby Road have a special quality that has set the precinct apart in the Lower North Shore for many years.

The village has an active retail street that serves the local residents and encourages visitors from further afield to enjoy the unique retail, restaurants and night life.
The proposal is designed to complement the local character and retail streets with smaller tenancies, activated streets and a flexible ground plane.

The street wall podium responds to the grain of existing retail High-Streets. New pedestrian connections through the site connect into the existing street grid.

The proposal seeks to activate and regenerate the streets adjacent to the site and extend the vibrancy and activity of Crows Nest Village to the precinct south of Falcon Street.
For further detail, see Sections *09 Design Proposal*, *11 Placemaking Strategies* and *14 The Vision*.

The 2036 Plan



Actions	The Proposal
Investigate opportunities for improved connections to the health and education precinct.	The proposal is situated nearby the Mater Hospital and local schools. Podium retail and commercial space would be suitable for tenants connected with these institutions. Additional dwelling supply, including much needed Key-worker housing, contributes to the supply and diversity of housing supply and broadens the accessibility to the area for new residents and young people.
Retain the current heritage status in existing planning controls.	The proposal is designed to respond positively to the heritage assets and conservation areas in the vicinity of the site. The key responses of the proposal are the fine-grain approach to the street wall, the extension of the local street-grid through the site with pedestrian walks, and the extension of the vibrant and street activated retail character of Crows Nest Village. For further detail, see Section *09 Design Proposal*.
Transition heights from new development to surrounding Heritage Conservation Areas.	The proposal follows the urban design principles of the 2036 plan where taller buildings and density are located in close proximity to metro stations and the Pacific Highway. A taller form is located at the Five Ways intersection which acts a gateway element into the Precinct. Mixed-use sites adjacent to the site assist to provide transitory heights to the surrounding lower-scale residential areas. For further analysis, see Section *08 Program Options*.
New development should adopt the street wall height consistent with existing heritage shopfronts for new buildings in the same street.	The 2036 Plan nominates a 3-storey street wall with a 4-storey component to the Five Ways intersection corner. The street wall pattern responds to the context where 3- and 4-storey buildings are observed. The proposal is consistent with the plan adopting the 3- and 4-storey street-wall height which is variegated similar to the pattern of shop-top development in the area For further detail, see Section *16 Indicative Plans - Sections & Elevations*
Maintain current planning controls along Willoughby Road to retain its village feel and character.	The proposal is located near the southern end of Willoughby Road and is consistent with the 2036 Plan massing as a gateway element for the precinct. The ground plane approach is designed to extend the activation and vibrancy of the Crows Nest Village to the precinct south of Falcon Street For further detail, see Sections *09 Design Proposal* and *14 The Vision*

01 Place

The 2036 Plan

Actions	The Proposal
Maintain current planning controls along Willoughby Road to retain its village feel and character.	The proposal allows additional workplace, retail and dwellings to be provided in close proximity to the new Metro Station while maintaining the current planning controls to Willoughby Road. The proposal also provides a Gateway element to the precinct. For further detail, see Sections *09 Design Proposal* and *11 Placemaking Strategies.*
Improve the public domain by introducing 'green streets' along Oxley, Mitchell, and Chandos Streets to allow for setbacks with grass and canopy trees.	Not applicable to this proposal
Investigate inclusion of shared zones along Clarke Lane including the provision of traffic calming measures.	Not applicable to this proposal
New development should consider its place within country, including Aboriginal heritage by (at least) consulting with the Metropolitan Local Aboriginal Land Council.	The proposal anticipates an aboriginal heritage and consideration of country process through the detailed design stage. The proposal outlines a public art strategy which might form a component of the indigenous interpretation strategy.
Widen key streets (including Atchison Street) to support more active uses and allow for green elements e.g. planter boxes.	Although the 2036 Plan indicates a 0m setback to the three street frontages of the site, the proposal includes an additional setback in the mid-section of each block to allow additional tree planting, space for the bus interchange and opportunities for street retail and outdoor dining. For further detail, see Sections *09 Design Proposal* and *16 Indicative Plans*.

01 Place

The 2036 Plan

Actions	The Proposal
Public open space High quality and variety of public open spaces is valued highly within the community. The Plan is supported by a Green Plan which identifies open space opportunities for implementation as part of this Plan and aspirational, long term projects for future investigation.	The proposal is designed to allow the integration of landscape into the building form. The ground plane and public domain include integrated landscape components and allow space for street trees. For further detail, see Section *11 Place Making Strategies*.
Tree canopy A key aspect of the Plan is to retain and enhance the existing network of tree lined streets.	As part of the place making strategy, a tree canopy index place metric is adopted to encourage and optimise tree canopy to soften the highly urban setting of the existing site. For further detail, see Section *11 Place Making Strategies*.
Topography The steep topography in parts of the area is integral to its character. The Plan identifies opportunities to work with the grade of the land to achieve improve use of open spaces and capture views towards the city.	The proposal responds to the topography of the site, using the grades to minimise basement ramps and vehicle entries. The falls on the site are designed to allow fully accessible routes to all retail tenancies, commercial and residential lobbies. For further detail, see Section *16 Indicative Plans.*.
Natural environment Connections to the natural environment are critical in dense urban areas. The area has both formal and informal landscape elements that provide this connection to the natural environment.	The proposal is located in a highly urbanised setting. An integrated landscape approach, including additional setbacks to the street frontages and planting on structures and roof gardens, provides an enhanced green-view index and visual relief from the existing built-up and urbanised character of the area. For further detail, see Section *11 Place Making Strategies*.

02 Landscape

The 2036 Plan

Actions	The Proposal
Leverage the improved amenity and connectivity opportunities from Lane Cove Council's proposed St Leonards Plaza, through: • Investigate improvements for pedestrian crossings of Pacific Highway. • New/improved connections to the regional pedestrian cycling link. • Support for investigation of an indented bus stop as part of the plaza. • Support for links to recent and proposed development either side of Council's future St Leonards Plaza.	Not applicable to this proposal The proposal adopts a similar strategy of permeability, connectivity and providing additional space to public areas such as bus stops.
Protect and enhance natural links through the area. Refer to final Green Plan.	The local street grid is extended through the site through the implementation of two new pedestrian walks connecting the three street frontages. The new walks enhance visual permeability and create spaces for landscape and public art. For further detail, see Sections *09 Design Proposal* and *11 Placemaking Strategies.*
Work with North Sydney Council to redevelop Holtermann Street carpark by bringing forward development contributions.	Not applicable to this proposal
Investigate opportunities to upgrade Hume Street Park consistent with North Sydney Council policy.	Not applicable to this proposal
Introduce landscaped street setbacks along Oxley, Mitchell, and Chandos Streets to allow for additional street trees.	Not applicable to this proposal The proposal includes areas with additional ground floor setbacks to allow for street trees and landscaping along the three street frontages.
Maintain and expand tree canopy in St Leonards South to meet tree canopy target for the area identified at page 3. Investigate opportunities to expand Newlands Park and new public park in St Leonards South	The proposal includes mid-block setbacks to allow street trees along the site frontages For further detail, see Section *09 Design Proposal.* A tree canopy index is adopted as a place measure for the site. The proposal is designed to bring additional spaces for landscape and tree canopy cover in a highly urbanised setting. For further detail, see Sections *09 Design Proposal* and *11 Placemaking Strategies.*

02 Landscape

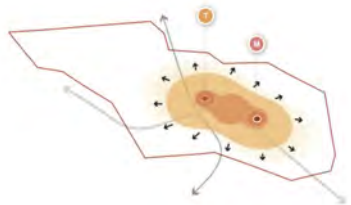
The 2036 Plan

Urban Design Principles

The proposed built form controls and actions are informed by key urban design principles. These principles form the design criteria which should be considered for future development in the area.

The Plan

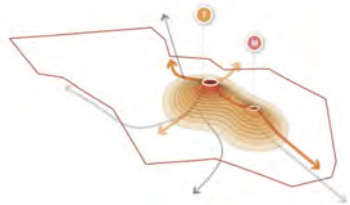
Proximity to Stations – Epicentre
Density is located close to a transport hub such as St Leonards Station or the Crows Nest Metro Station. Taller buildings are to be located within 150-200m of either station and transition in height to the surrounding areas



The Proposal

The 2036 Plan identifies sites in close proximity to the stations for taller buildings, particularly in the range of 150-200m.
The Five Ways site is located approximately 240m from the new Crows Nest Metro station entry in Hume Street. The location of the site provides excellent amenity for the retail, commercial and residential components of the building with Crows Nest Village and Metro a short walk away.

Centre and Height Transition Height 'Knuckle Area'
St Leonards is to be read as the predominant centre to reinforce its commercial role and Crows Nest as a secondary lifestyle destination. Large developments are to be located between the stations and transition in height, bulk and scale from the highway to the surrounding neighbourhood areas. The focus of height is referred to as the 'knuckle area' within St Leonards mixed use commercial core.



The proposal is consistent with the 2036 Plan guidelines for height and urban massing. The Plan identifies the areas around St Leonards and Crows Nest Stations as the dominant features of the urban landscape with building heights of 50- and 27-storeys respectively.
The Plan identifies additional sites for taller building heights around the Five Ways Crows Nest site with a cluster of buildings shown along the Pacific Highway with building heights of 13- to 17-storeys. The The Five Ways island site, in particular, has a taller building height to provide a gateway element for Willoughby Road and Crows Nest Village.
The height in this precinct also facilitates additional density closely linked to the amenity of the Crows Nest Village and Metro Station without affecting solar access to Willoughby Road and the Village.
For further analysis, see Section *08 Program Options*.

The 2036 Plan

The Plan

Maintain Willoughby Road
Willoughby Road is an important place within the Plan area that is to be protected. New development is to ensure minimal overshadowing and avoid unreasonable visual impact to the public domain.

The Proposal

The proposal is consistent with the 2036 Plan allowing Willoughby Road to be protected and additional height and density to be located in close proximity to the Crows Nest Village and Metro without additional overshadowing of the retail precinct.
The proposal is also designed to extend the distinctive character of Willoughby Road south of Falcon Street to regenerate the area as a retail destination and employment area.
For further details, see Section *13 Shadow Analysis.*

Reduce Impact on Heritage Conservation Areas
Heritage Conservation Areas are to be protected. New development nearby is to ensure minimal overshadowing and avoid unreasonable visual impact to the public domain or private open spaces of dwellings within these areas.

The proposal is consistent with the 2036 Plan. Solar analysis tested the extent of mid-winter overshadowing of the proposed form to demonstrate compliance with the Plan.
The fine-grain approach to the podium is designed to link to the character, massing and rhythm of the High-Street retail urban grain.
For further details, see Section *13 Shadow Analysis.*

The 2036 Plan

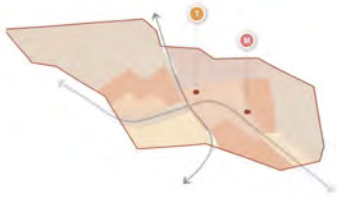
The Plan

Expand Open Space Network and Protect Amenity
Investigate opportunities to provide additional open space in the Plan area. New developments are not to cause unacceptable overshadowing to any key existing or proposed public open spaces.

The Proposal

The proposal includes two pedestrian walks connecting the three street frontages and providing enhanced visual permeability through the site. The proposal also includes an integrated approach to landscape, green view and canopy cover place-metrics.
Like the existing Crows Nest Village, the streetscapes of the proposal are designed to be vibrant and activated and allow retail tenancies to open-out to the public domain.
For further detail, see Sections *09 Design Proposal* and *11 Placemaking Strategies.*

Response to Character Area
New development must respond appropriately to built form character of sub-precincts, including height, bulk and scale, as well as the existing and proposed uses.



The proposal is consistent with the 2036 plan adopting the street wall height common in the vicinity and a building height responding to the solar access controls to areas around the site and outside of the 2036 Plan area.
For further detail, see Sections *09 Design Proposal* and *11 Placemaking Strategies.*

The 2036 Plan

The Plan

Transition between Character Areas
The interface between two-character areas should respond to the adjacent character area to create an appropriate transition.

The Proposal

The proposal seeks to improve the vibrancy and activation of the retail streets located south of Falcon Street. Following the indicative heights of the 2036 plan, the proposal brings new retail, workplace space and residents into the area.
For further detail, see Sections *09 Design Proposal* and *11 Placemaking Strategies.*

Fine Grain Approach
New development should consider its relationship to surrounding context and urban grain, while seeking to provide improved accessibility through appropriate frontage treatment and provision of arcades, laneways, and enhanced public domain.

The proposal embraces a fine-grain approach seeking to mediate the overall form through the introduction of pedestrian walks through the site, articulation of massing and material detailing.
For further detail, see Sections *09 Design Proposal* and *11 Placemaking Strategies.*

The 2036 Plan

The Plan	The Proposal
Density St Leonards and Crows Nest will continue to grow as an employment centre over the next 20 years.	The proposal responds to the vision of the 2036 Plan to regenerate the district as an employment centre over the next 20 years. The site has excellent amenity afforded by the proximity to Crows Nest Village and the Metro Station. The density outcomes of the proposal were explored within the height expectations of the 2036 Plan. For further detail, see Sections *08 Program Options*, *09 Design Proposal* and *11 Placemaking Strategies.*
Transitions and interfaces New development presents an opportunity for well-designed interfaces to sensitive places within the area.	The Five Ways intersection is characterised by mixed-use buildings with predominantly ground floor retail on both sides of the streets. Away from the retail High-Streets, subsequent blocks transition into lower-scale residential areas. The proposal is located in the island site at the intersection of the three main roads allowing additional height and density indicated by the 2036 Plan to transition to the nearby residential zones.
Height A height expectation of taller buildings (up to 50 storeys) between the St Leonards and Crows Nest stations has already been set by recent approvals along the Pacific Highway between Oxley Street and Herbert Street.	The 2036 Plan identifies the strategic location of the Five Ways site as a gateway element to Willoughby Road and Crows Nest Village. The proposal is consistent with the indicate height identified in the plan. For further detail, see Sections *08 Program Options* and *09 Design Proposal*.
Solar Access Retaining solar access to public open space, valued streetscapes, and residential areas is a key objective of the Plan. Solar access controls – are outlined in the Solar Access Map.	The proposal includes solar access analysis and is consistent with the principles identified in the 2036 Plan For further details, see Section *13 Shadow Analysis.*

03 Built Form

The 2036 Plan

Public open space
High quality and variety of public open spaces is valued highly within the community. The Plan is supported by a Green Plan

The Proposal

As the location of the proposal is within a highly urbanised precinct, the proposal adopts a strategy of street activation, integration of landscape and a fine-grain urban in response. For further detail, see Sections *09 Design Proposal* and *11 Placemaking Strategies.*

The 2036 Plan

Actions	The Proposal
Deliver a transit-oriented development at the Crows Nest Metro Station sites.	The proposal is consistent with the 2036 Plan vision to facilitate the renewal of St Leonards and Crows Nest as a regenerated employment centre. In its immediate context, the proposal seeks to extend the vibrancy and activation of Crows Nest Village to the precinct south of Falcon Street. The residential component of the proposal provides dwellings within walking distance of the Metro station.
Apply design principles for solar amenity, configuration, and interface between areas of transition.	The proposal includes solar access analysis and is consistent with the principles identified in the 2036 Plan For further details, see Section *13 Shadow Analysis.*
New development should be sympathetic to existing buildings with appropriate setbacks and street wall height (pages 69 and 70).	The proposal is consistent with the action for setbacks and streetwall For further detail, see Section *09 Design Proposal.*
Adopt reverse setbacks and active street frontages to improve the interface between new buildings and the public domain along Atchison Street and Clarke Lane	Not applicable to this proposal
Provide stepped setbacks for properties on the south side of Henry Lane to provide a sympathetic interface with Naremburn Heritage Conservation Area.	Not applicable to this proposal
Provide appropriate transitions in height to adjoining low scale residential areas.	The proposal is located in the island site at the intersection of the three main roads allowing additional height and density indicated by the 2036 Plan to transition to the nearby residential zones.
Minimise overshadowing of key open spaces, public places and adjoining residential areas. Solar height planes should be adhered to as indicated within the Solar Access Map (page 38).	The proposal is consistent with the overshadowing actions. See Section *13 Shadow Analysis.*
Provide transitions in height from the lower scale development at Willoughby Road, Crows Nest, to tall buildings in the St Leonards Core.	The proposal is located in the island site at the intersection of the three main roads allowing additional height and density indicated by the 2036 Plan to transition to the nearby residential zones. For further analysis, see Section *08 Program Options*.

03 Built Form

The 2036 Plan

Actions	The Proposal
Adopt objectives from the Government Architect NSW's Evaluating Good Design Policy in the drafting of new planning provisions.	The proposal responds positively to the seven objectives of the Evaluating Good Design Policy. The rationale is outlined in following sections as the design concept for the proposal is explained. The proposal also responds to a specific study by the Government Architect NSW of the Five Ways site. This study considered the option of a considerable uplift to height and density of the site with attention to the visual outcomes in the area. An analysis of the visual impact of the proposal is included as part of the report. For further detail see Section *14 View Analysis*
Provide a landscaped front setback to Oxley Street between Clarke and	Not applicable to this proposal
Chandos Streets to encourage a sensitive interface to areas east of Oxley Street.	Not applicable to this proposal

03 Built Form

The 2036 Plan

	The Proposal
Education There are currently 25 education facilities within close proximity to the plan area (Figure 17). The Local Character Statement identifies an importance to the local community to see more schools and education facilities in the area to support the growing community. The NSW Department of Education is actively investigating new early childhood, schools and tertiary education facilities in the precinct.	The proposal is consistent with the support of educational uses in close proximity to the site. Commercial spaces could be tenanted by educational support services and Key-worker housing may be suitable for educational staff.
Community facilities There are opportunities for additional community meeting places, libraries and schools within the Plan area.	The proposal is consistent with the delivery and activation of community facilities in the precinct. The inclusion of key-worker housing is positive for diversity and community need.
Housing The Local Character Statement identifies a desire to see more affordable housing and a greater variety of housing types in the area.	The development contributes to a range of dwelling types adaptable to cater for all life cycles. The inclusion of key-worker housing is consistent with the aims of the Plan. For further detail, see Sections *09 Design Proposal* and *16 Indicative Plans*.
Emerging Land Use Build-to-Rent Build-to-rent housing is purpose-built rental housing, held in single ownership and professionally managed. It is designed to attract institutional investment and provide for a more stable rental sector.	The proposal includes a component of key-worker and private dwellings. Build-to-rent housing is not currently proposed for the site.

04 Land Use

The 2036 Plan

Retail
Retail and leisure activities in the area are varied and reflect the area's diverse character. The Plan supports the retention and expansion of the boutique retail and hospitality character of the area.

The Proposal

The proposal contains a diverse mix of uses including retail, commercial, civic/community and residential. Retail and commercial spaces allow flexibility for different tenants and operators including pop-up retail. These retail tenancies and commercial spaces are configured to complement existing spaces in the area in order to emphasize the local aspect.
For further detail, see Section *09 Design Proposal.*

Health
The area is well serviced by existing health infrastructure, The Plan proposes the following measures to promote jobs growth in the health sector

The proposal is consistent with the support of health related uses in close proximity to the site. Commercial spaces could be tenanted by health services and Key-worker housing may be suitable for staff.

Employment
The Greater Sydney Region Plan identified the following employment opportunities for the growth of the area

The development fosters new employment hubs to a range of business types and sizes. It delivers active streets by providing a range of potential uses at ground floor with additional setbacks to allow outdoor dining and retail out-go trading zones.
The ground floor and podium provides 8,000m² of retail and commercial floorspace in commercially attractive and flexible floor plates not currently available in the precinct ranging in size from 300m² to 2,500m² .

The 2036 Plan

Actions	The Proposal
Investigate further opportunities to strengthen the health and education precinct including the identification of education pathways through TAFE and other institutions, physical connection to support collaboration and identify opportunities to share new and existing facilities.	Not applicable to this proposal
Commit SIC funding to provide infrastructure that caters for all age demographics including pedestrian and cycle links and parks.	Refer to Design Proposal: Urban Design Ground Plane Pedestrian, Vehicular, Servicing Principles & Public Walks
Include opportunities through amendments to planning controls to encourage a range of dwelling typologies to cater for the diverse community in St Leonards and Crows Nest.	Refer to 04 Land use - Housing
Concentrate higher density housing along the Pacific Highway between the St Leonards Station and Crows Nest Metro Station and transition to lower density living options in the surrounding area.	Refer to 03 Built Form - Transitions and interfaces
Encourage a mixture of densities in St Leonards South.	Not applicable to this proposal
Undertake investigations to identify an appropriate target for affordable housing in the area, consistent with each Councils affordable rental housing target schemes.	The proposal includes a component of key-worker housing to assist Council in their target schemes.
Explore build-to-rent opportunities within the precinct.	Not applicable to this proposal
Encourage a balance of commercial and residential uses within the St Leonards Core with a minimum non-residential floor space requirement for the B4 Mixed Use zone to meet North District Plan high jobs target.	See Section *09 Design Proposal: Urban Design Podium & Tower Development Metrics*

04 Land Use

The 2036 Plan

Actions	The Proposal
Permit mixed-use development on key sites to encourage the renewal of St Leonards through the delivery of new A-grade commercial floor space (page 65).	See Section *09 Design Proposal: Urban Design Podium & Tower Development Metrics*
Retain B3 Commercial Core zone on appropriate sites to maintain future viability of the St Leonards Core (page 65).	Not applicable to this proposal
Protect and manage the Artarmon Employment Area.	Not applicable to this proposal
Enable flexibility in planning controls to consider innovative and complementary health and education related uses on a site by site basis within the Artarmon Employment Area and health and education precinct.	Not applicable to this proposal
Investigate new early childhood, schools and tertiary education facilities in the Precinct, supported via SIC funding.	Not applicable to this proposal
Investigate introduction of Complying Development Provisions for cafes, restaurants and retail with extended trading hours.	See Section *11 Placemaking Strategies: Loveable Places* *18 Hour City*
Ensure land is available at Royal North Shore Hospital for future expansion of health uses.	Not applicable to this proposal
Encourage the location of additional retail in the St Leonards Core and Crows Nest Village rather than the Artarmon Employment Area.	See Section *09 Design Proposal: Urban Design Podium & Tower Development Metrics*
Support investigations into the Herbert Street Precinct to provide new health services, affordable and key worker housing and additional education facilities.	Not applicable to this proposal

04 Land Use

The 2036 Plan

Public transport
Supporting public transport is critical in ensuring the effective growth of St Leonards and Crows Nest as a strategic centre. The existing community relies heavily on public transport routes as reflected in Figure 24 and Figure 25, which show that a large proportion of residents utilise public transport

The Proposal

The proposal is strategically located, approximately 240m from the Hume Street entrance to the Crows Nest Metro station. The proposal is designed to support the regeneration of the Crows Nest area to connect and expand the active and vibrant destination by regenerating the High-Streets particularly to the south of Falcon Street and providing workplaces and dwellings adjacent to the amenity of the Village and transportation.
For further detail, see Section *09 Design Proposal.*

Active transport
The Local Character Statement identifies that many community members walk or cycle around the area. The North Shore has one of the highest walking mode shares in Sydney at over 25 per cent. The Plan seeks to strengthen walkability and cycle connectivity within the precinct.

The new development contributes to the improvement of the walking and cycling network in the area by allowing public walks connecting the three street frontages (Pacific Highway, Falcon and Alexander Streets). These public walks also improve safety for pedestrians, increased area for the existing major bus stop, and opportunity for retail tenancies to open out to the public domain.
For further detail, see Section *09 Design Proposal.*

Parking
Availability and accessibility for parking is correlated with traffic generation. Limiting parking and/or identifying a cost for parking can influence private vehicle demand, reduce congestion and reinforce sustainable travel goals by facilitating mode shift towards active and public transport modes.

The development encourages the use of public transport by being located close to the new Metro and also by allowing for innovative solutions such as car sharing.
For further detail, see Section *09 Design Proposal.*

Road network
The proposed changes to transport infrastructure for the precinct have been modelled within future year 2026 and 2036 scenarios to confirm if these can be supported in conjunction with the forecasted increase in travel demand. The majority of these upgrades are feasible in both the 2026 and 2036 scenarios.

A traffic study, included as part of the proposal, considers the affect of the development on existing and future traffic networks.
For further detail, refer to the Traffic Report submitted as part of the proposal.

05 Movement

The 2036 Plan

Actions	The Proposal
Provide clear, continuous and direct pedestrian and cycle routes to priority destinations such as St Leonards Station and surrounding commercial core, the future Crows Nest Sydney Metro Station, Royal North Shore Hospital and St Leonards TAFE.	Refer to 05 Movement - Public & active transport
Investigate footpath improvements	The proposal includes additional setbacks designed to improve the pedestrian experience on the three site frontages. See Sections *11 Placemaking Strategies: Loveable Places, Footpath Width and Pedestrian Microclimate .*
Investigate cycle path improvements:	Refer to 05 Movement - Active transport
Deliver a regional pedestrian and cycling link to connect the area and regional open space.	
Improve pedestrian crossings	Refer to 05 Movement - Active transport
Undertake road network improvements	
Provide a pedestrian and cyclist extension from the Herbert Street bridge to improve east west connectivity.	Not applicable to this proposal
Limit the amount of car parking provided for new developments.	The proposal follows the North Sydney DCP parking requirements.
Subject to further investigations, provide funding of a right hand turn only movement from the Pacific Highway to Oxley Street for south bound traffic to reduce traffic in St Leonards Core created by the current limitation on this movement.	Not applicable to this proposal
Improve pedestrian and cyclist comfort with tree lined streets along Reserve Road, Westbourne, Herbert, and Frederick Streets.	N/A
Promote the provision of end of trip facilities to support cycling.	N/A
Encourage the use and implementation of car share facilities.	The proposal includes car sharing facilities. See Sections *11 Placemaking Strategies: Conscious Mobility Mobility on Demand Network - Optimised Access to Car Share*

05 Movement

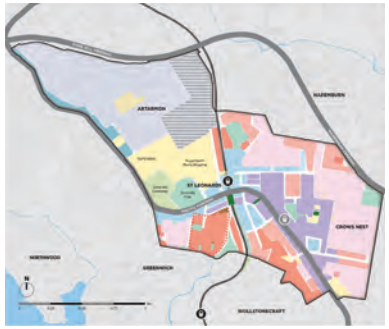
Proposed planning controls

The proposed planning controls are outlined in the the 2036 Plan to understand the changes from the existing controls.

The following diagrams are sourced from pages 64-67 of the St Leonards and Crows Nest 2036 Plan. Analysis of how the proposal responds to the revised planning controls are listed in the 'response' section below.

Areas of Change

Land Zoning



Building Height

Floor Space Ratio

Response:

- Control: The site is zoned as 'Recommended Changes to Planning Controls'.
- The site is identified as appropriate for changes in zoning, density and degree of significance as a local landmark.

- Zoning: B4 Mixed Use
- Proposed Programmes:
  - Retail
  - Commercial
  - Basement Parking
  - Residential

- Indicative Building Height: 16-Storeys
- Building Height consistent with protection of sunlight to residential areas: 16-storeys commercial (equivalent to 19-storeys residential)
- The proposed envelope is sensitive to the protection of sunlight for existing residential and Heritage Conservation Areas.
- The proposed height is compatible with the transition and local clusters of tall buildings at St Leonards, North Sydney and the future density of the Crows Nest OSD.

- Design Study consistent with Urban Design Principles approximately FSR 9.3:1 (including commercial FSR of 2.5:1)

Proposed planning controls

The diagrams are sourced from pages 64-67 of the St Leonards and Crows Nest 2036 Plan. Analysis of how the proposal responds to the revised planning controls are listed in the 'response' section below.

Minimum Non-Residential FSR

Street Wall Height

Setbacks

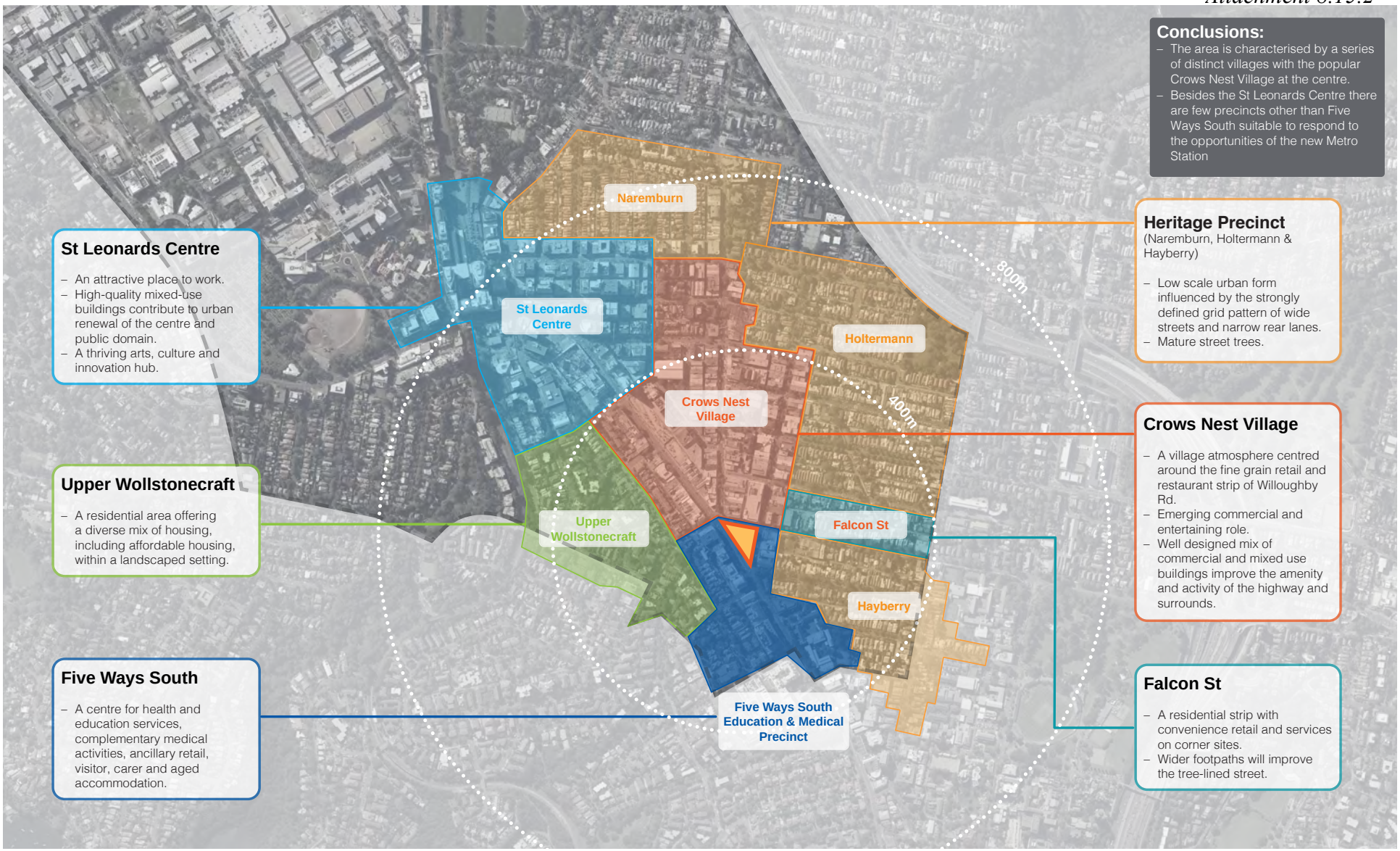
Response:

- Non Residential FSR Zoning: 2.5:1
- Proposed Non-Residential FSR: 8,002m^2 (2.5:1)
- Proposed within podium (3 levels + Mezzanine)

- Proposed podium street wall: 3 storeys
- Approximately 13.8m (Falcon St) and 17.1m (Corner of Alexander and Pacific Hwy)

- 0m setback (Podium levels: ground - level 2)
- 1m setback (ground level mid-block for street activation, outdoor dining and retail out-go trading zones)
- 3m typical setback with articulation zones (Tower forms)

04 Site Observations



Conclusions:

- The area is characterised by a series of distinct villages with the popular Crows Nest Village at the centre.
- Besides the St Leonards Centre there are few precincts other than Five Ways South suitable to respond to the opportunities of the new Metro Station

St Leonards Centre

- An attractive place to work.
- High-quality mixed-use buildings contribute to urban renewal of the centre and public domain.
- A thriving arts, culture and innovation hub.

Upper Wollstonecraft

- A residential area offering a diverse mix of housing, including affordable housing, within a landscaped setting.

Five Ways South

- A centre for health and education services, complementary medical activities, ancillary retail, visitor, carer and aged accommodation.

Heritage Precinct

(Naremburn, Holtermann & Hayberry)

- Low scale urban form influenced by the strongly defined grid pattern of wide streets and narrow rear lanes.
- Mature street trees.

Crows Nest Village

- A village atmosphere centred around the fine grain retail and restaurant strip of Willoughby Rd.
- Emerging commercial and entertaining role.
- Well designed mix of commercial and mixed use buildings improve the amenity and activity of the highway and surrounds.

Falcon St

- A residential strip with convenience retail and services on corner sites.
- Wider footpaths will improve the tree-lined street.

Site Observations

Precincts

Site Observations

Infrastructure Amenities

Religious Institution Youth Care Childcare

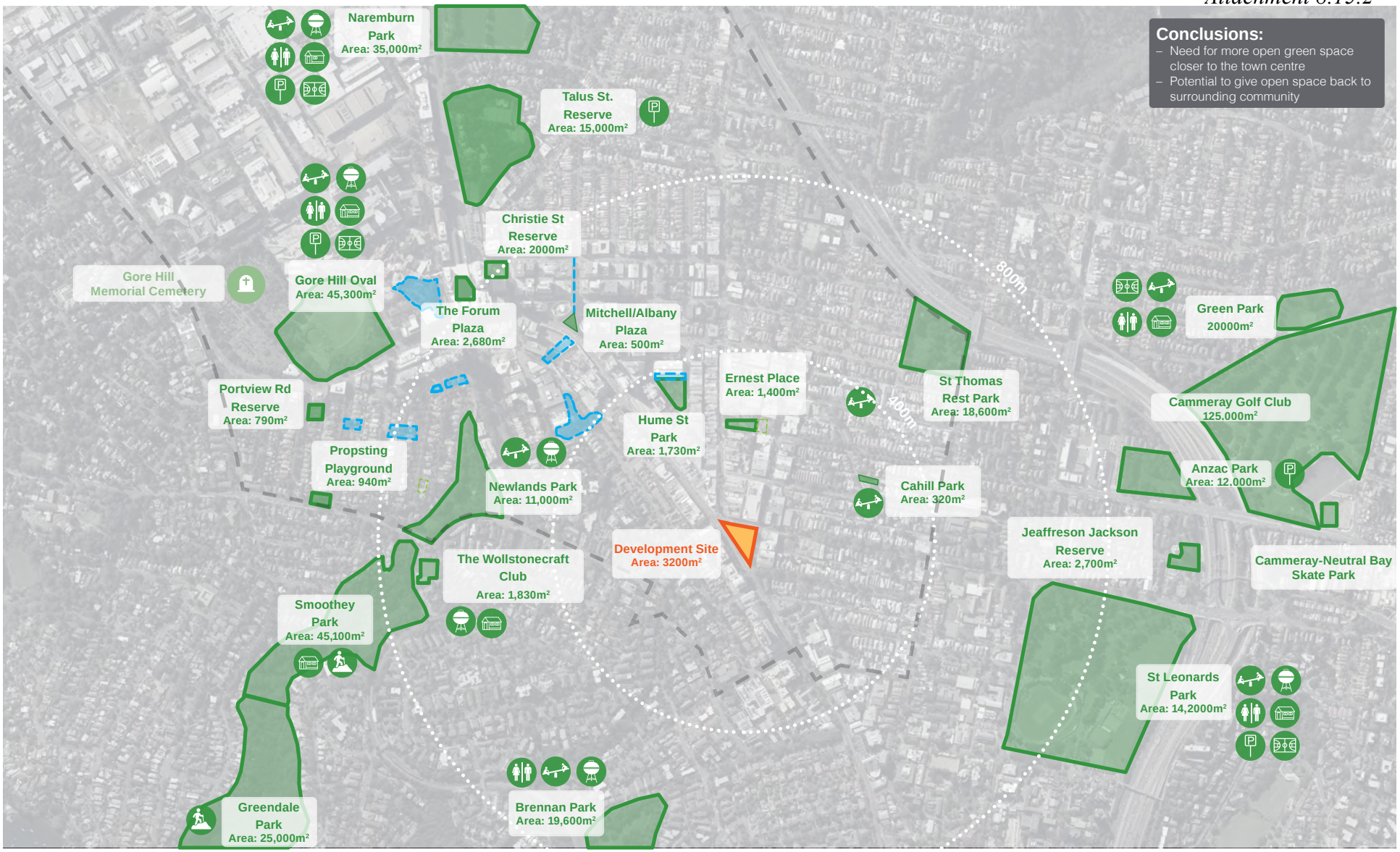
Site Observations

Community Amenities

Site Observations

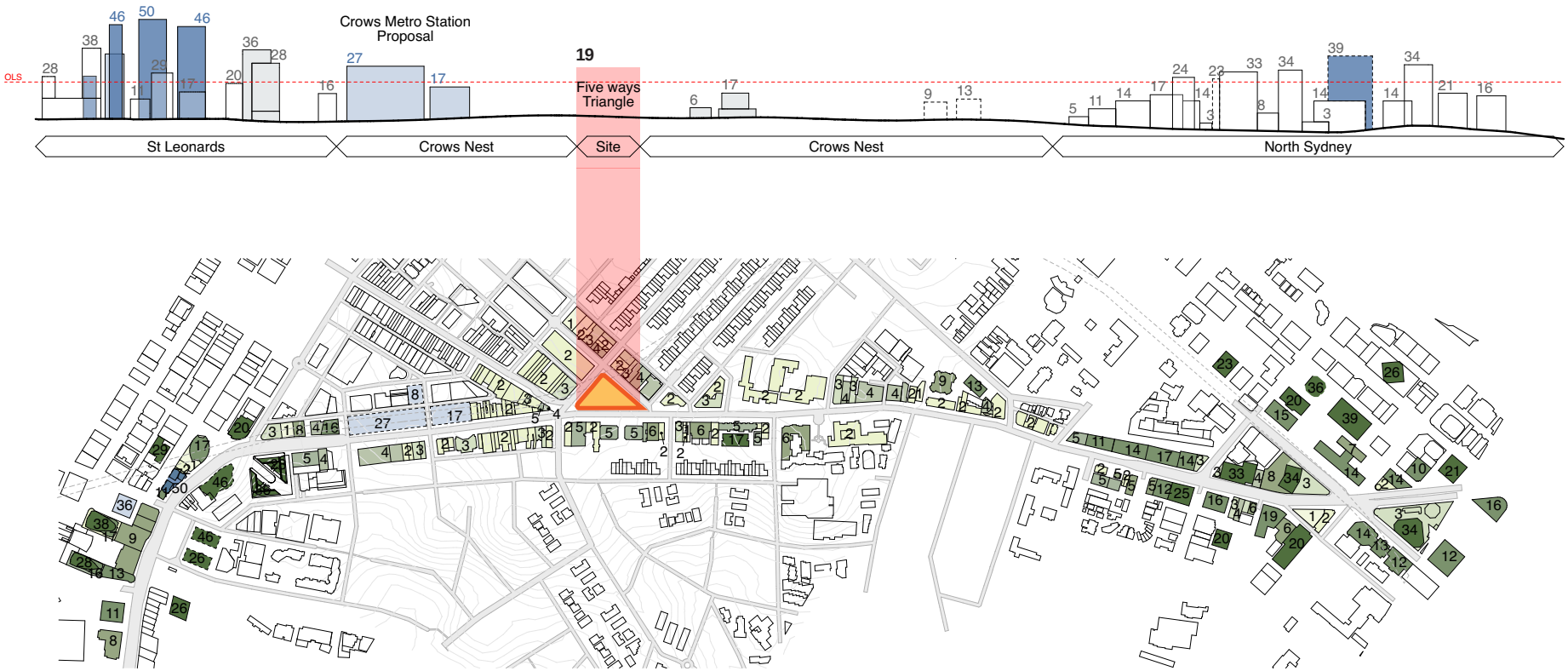
Amenities

TURNER



Site Observations

Green Space Mapping Study



Site Observations

Pacific Highway Tower Heights

Site Observations

Pacific Highway Street Height

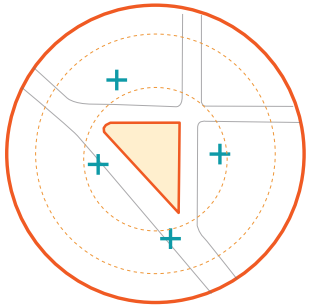
Site Observations

Heritage Significance

05 Project Vision

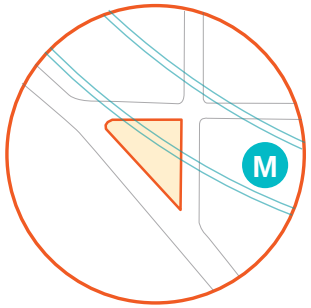
The project vision

The project vision is informed by a series of key factors to help guide and create a framework for the Five Ways Crows Nest Planning Proposal.



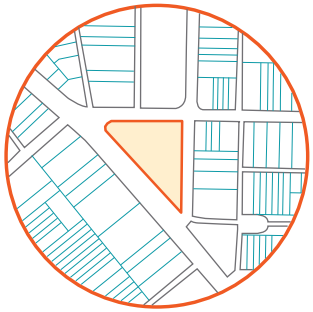
1. Crows Nest as an urban centre & active urban hub

The Crows Nest area will be a major Urban Centre for workers, residents, students and visitors. This site is part of a plan that will create new opportunities for urban revitalisation and will accommodate new jobs, open space, infrastructure and dwellings in walking distance to 'turn up and go' rail services. The 2036 Plan identifies the Five Ways intersection as a gateway element into the precinct.



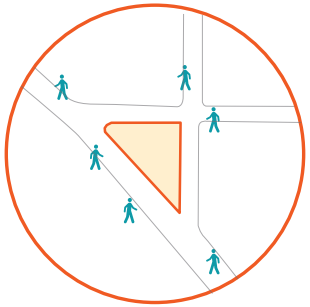
2. The proximity to the new development of the Metro Line Station

The revitalisation of the area is a direct response of the infrastructure upgrades associated with the new Sydney Metro station due to be operational in 2024.



3. Fine grain town centre

Five Ways triangle seeks to retain the mixed-use character of the area while taking advantage of opportunities for renewal along the Pacific Highway corridor. The village atmosphere and fine grain nature of Crows Nest is one of the most important features of the area and will be maintained.
The materiality and articulation of the podium responds to the rhythm and character of the existing retail High-Streets.



4. Urban Design responding to community needs

The Five Ways Proposal is designed to integrate into the existing locality responding to the distinctive retail High-Street character of the area and connecting through to the existing street grid via new pedestrian walks.
Setbacks are defined to activate street frontages and find space for trees and landscaping.
Commercial tenancy space contributes to the 2036 Plan vision of a regenerated employment area and residential dwellings create new communities connected to the city by the new Metro.

5. Benefiting the community through improved services & amenity

The public domain and ground floor level is designed to extend the Crows Nest Village with activated retail, opportunities for outdoor dining, street trees, public art and landscaping.
Retail tenancies are designed to complement the local offering. Key-worker housing assists housing diversity and provides much need options for local workers who have difficulty accessing market housing.

06 Design Principles

Key design insights

Key design insights were formed from our site observations and review of the strategic planning documents.

The analysis of both the 2036 Plan and the Better Placed document informed the following key design insights, providing a framework for testing options and interrogating the design.

LR

1. Be local & responsive to context

Local character makes neighbourhoods distinctive. A place-based approach will ensure the retention of local character

Proposing developments which are **sympathetic to the existing history and local character** of places is important in achieving successful design outcomes which are responsive to context.

NC

2. Responds to the needs of the community

It is critical for new developments to be responsive to the needs and aspirations of the local community, **promoting innovative uses, healthy habitation, social interaction, productivity and enjoyment.**

New developments must also **enhance safety and comfort** to further facilitate activities of working, living, relaxing and social interaction.

BC

3. Better for the community

The design outcomes of new developments must be better for the community, wherein all **streets and public walks are inviting, accessible and community focused**

The contribution to the built environment must seek to address growing economic and social disparity, creating equitable environments.

IR

4. Integrated relationships

The urban environment is inherently complex, diverse and multi-layered, reflecting the evolving nature of all cities.

An **integrated relationship between the parts and elements of the built environment at differing scales is critical** to the holistic success of spaces and places.

This involves working at multiple scales with common goals and aspirations that defines the overall design principles of all developments, irrespective of scale.

AE

5. Resilient to adapt & evolve

The success of new developments highly depends on the embodied degree of resilience and adaptability.

This relates to architecture which is **resilient and dynamic in overcoming the challenges of evolving social, environmental and political environments**, whilst retaining the essentialness of quality design and practical programmatic requirements of the building use(s).

LR NC BC

These key design icons are repeated in the report to show where the insights are implemented in the proposal

Design Principles

Key Design Insights

CS

6. Celebrates the streetscape

Celebrating the streetscape and creating attractive places invites visitors, residents and business activity, **fostering a sense of local identity and pride.**
Furthermore, streets and public spaces which are visually attractive, engaging, welcoming and accessible embody **greater vibrancy and interest.**
A celebration of streetscape is further enhanced through the longevity of materials and detailing which weather gracefully and develop patina over time.

VH

7. Variety in housing

A variety in housing accommodates and recognises the diversity in the community.

Developments which contain different housing and tenure options provide **resilience to continuously changing demographics and needs of the local population.**

DE

8. Different employment options

A range of different spaces and tenancies cater for both small, medium and large business, thus promoting different employment options.

Successful towns and cities provide the **infrastructure which facilitates access to different employment, education, social and cultural spaces** wherein a diverse working population is supported.

VU

9. Promote a variety of uses

To promote diversity and longevity, the design of the built environment must seek to accommodate a variety of different programs and uses.

This includes **spaces which are easily adaptable** with inherent flexibility to serves a number of different uses with different programmatic requirements.

Ultimately, buildings which successfully serve their proposed use will remain well-utilised and valuable.

LR NC BC

These key design icons are repeated in the report to show where the insights are implemented in the proposal

Design Principles

Key Design Insights

07 Building Program

The Five Ways Triangle

The Five Ways triangle site creates opportunities for urban regeneration and will accommodate new jobs, retail tenancies and residential dwellings in walking distance to Crows Nest Village and rail services.

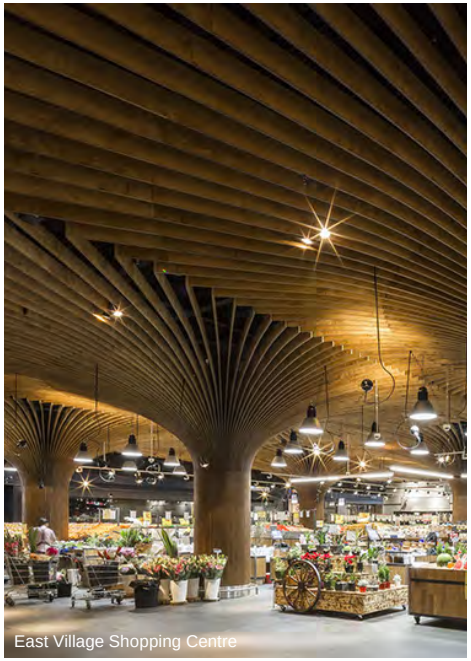
The development of the Five Ways site will be an innovative hybrid building which responds to the 2036 vision, the new Metro and the needs of the Crows Nest community. It will be instrumental in the regeneration of the Five Ways Precinct and the future delivery of high quality mixed-use retail, commercial workplaces, and high-amenity residential apartments.

Retail

Precedent projects to demonstrate the potential program of the Retail spaces on the Ground Floor.

Dangrove Art Space

White Rabbit Gallery


East Village Shopping Centre

Forest Kitchen

Public Domain

Precedent projects to demonstrate the potential program and activation of the Public Walks creating pedestrian links through the Podium.

Hardware Lane Melbourne

Llankelly Lane Potts Point

Chophouse Row Seattle

Angel Place Sydney

Kensington St Chippendale

Building Program

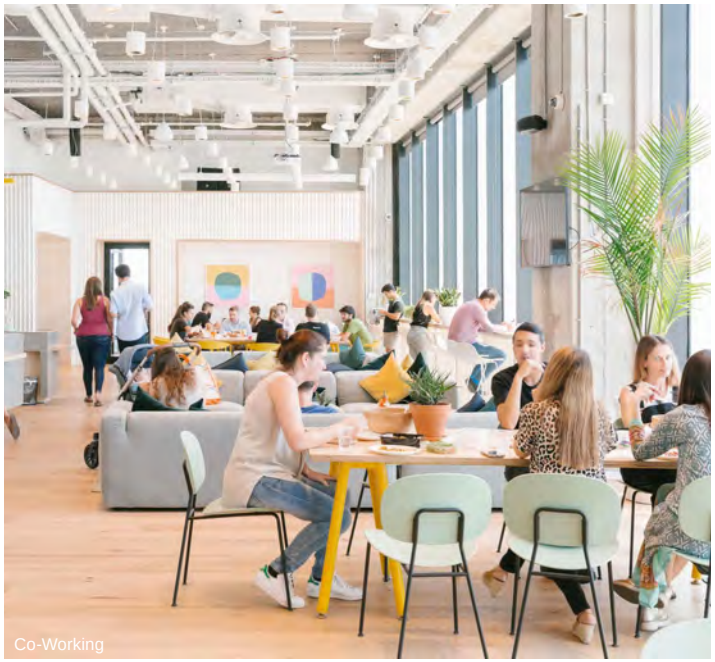
Public Walk Precedents

Housing Diversity

Precedent projects to demonstrate the potential for housing diversity through the integration of key-worker and market housing configured as 1-, 2- and 3- bedroom apartments with various features including garden apartments, study nooks, penthouse apartments.

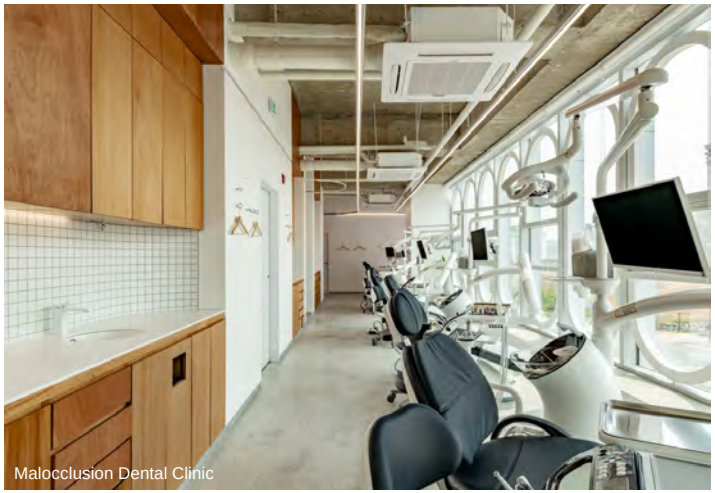
Commercial Space

Precedent projects to demonstrate the potential for commercial space in the Podium for co-working, medical facilities, office space and council chambers.


Co-Working

Paramount

Nieuwegein City Hall


Malocclusion Dental Clinic

New City Hall in Buenos Aires

Building Program

Commercial Precedents

Landscape & Sustainability

Precedent projects to demonstrate the potential program of the landscaped pockets throughout the proposed development including podium and rooftop gardens.

High Line NY

Paramount Rooftop

Tokyo Plaza

Observatory Tower Sydney

Rooftop Terrace Copenhagen

Alley 24 Seattle

Building Program

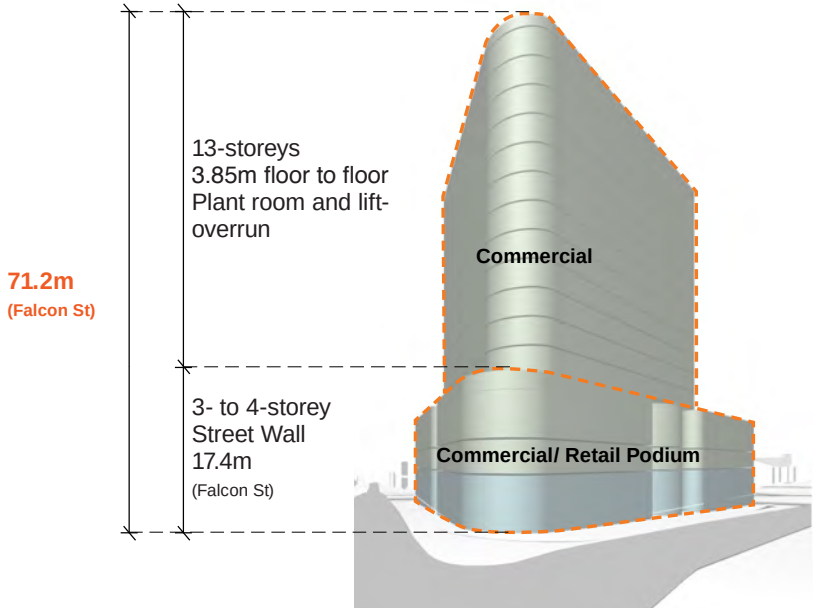
Public Spaces Precedents

08 Program Options

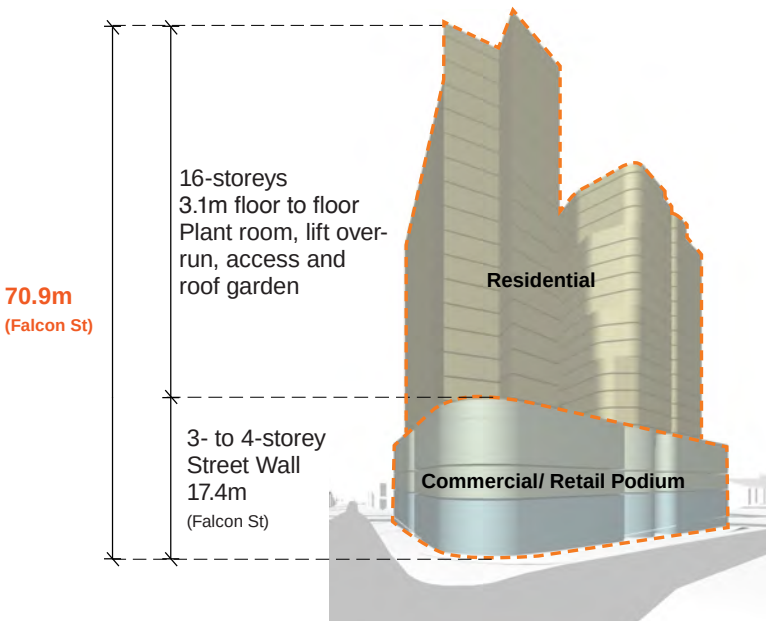
The 2036 Plan: Height

The 2036 Plan proposes amendments to the current planning controls including a 16-storey height for the Five Ways site.

As the site is zoned **B4 Mixed Use**, a comparative massing study has been undertaken to compare the height of a 16-storey commercial building with an equivalent residential development. The massing of both studies was then compared through solar analysis to examine consistency with the 2036 Plan on the various precincts around the development.



Commercial Tower



Residential Tower

2036 Plan: Solar Analysis

The comparative shadow analysis demonstrates a similar overshadowing of the two program options, commercial and residential. Shadow diagrams at hourly intervals are included later in the report.

Commercial Tower

Residential Tower

Program Options

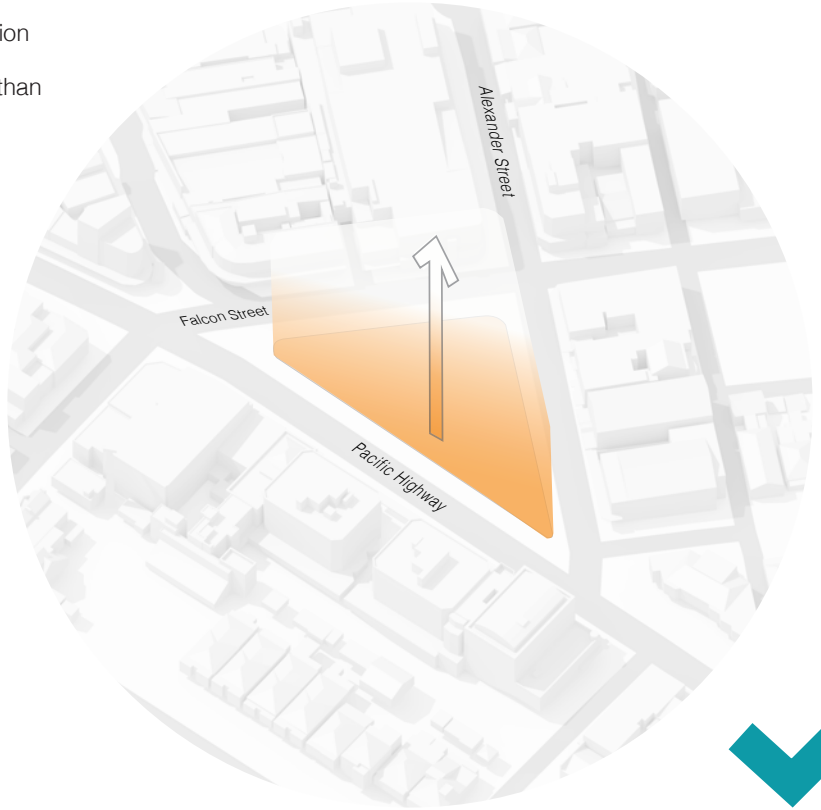
Residential & Commercial - Shadow Analysis

09 Design Proposal

Ground plane and podium

The ground plane and podium are conceived as an extension of the Crows Nest Village atmosphere.

This podium strategy offers vibrant street level activation and contribution to the public domain. As such, the proposal has been driven from the ground-up rather than top-down.



LR NC BC IR AE CS VH DE VU

Design Proposal: Urban Design Ground Plane

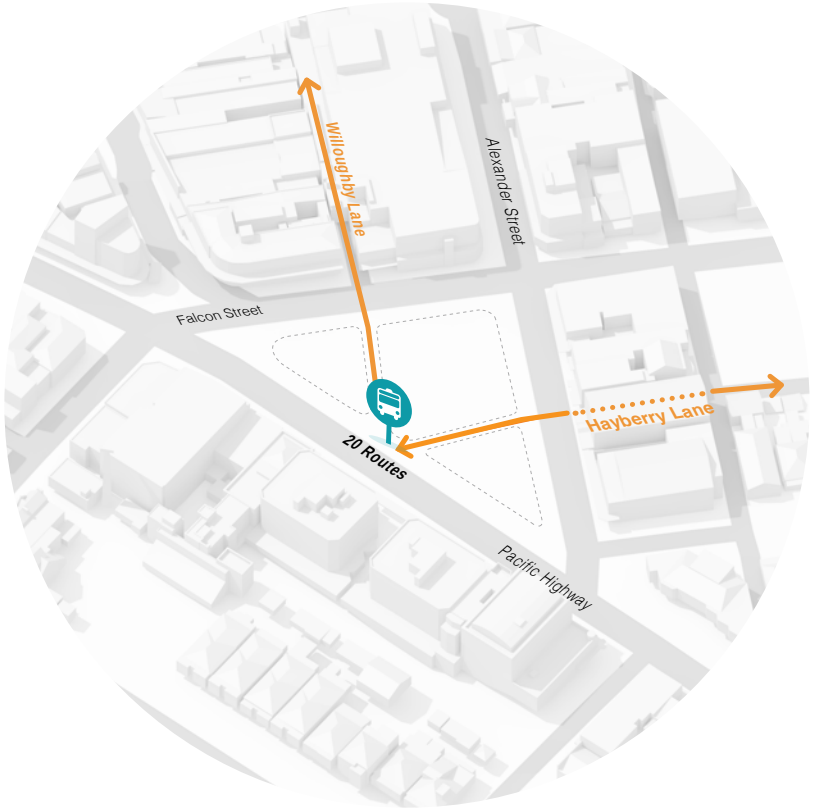
Ground-Up Design Approach

The built form

The built form is responsive to the existing connections and networks across the site.

This includes the existing bus stop which provides access to over 20 routes to areas including the CBD, Inner West, North Shore, Northern Beaches and Eastern Suburbs.

The division of the ground plane includes pedestrian pathways connecting the bus stop with desire-lines from the wider street-grid.



LR NC BC IR AE CS VH DE VU

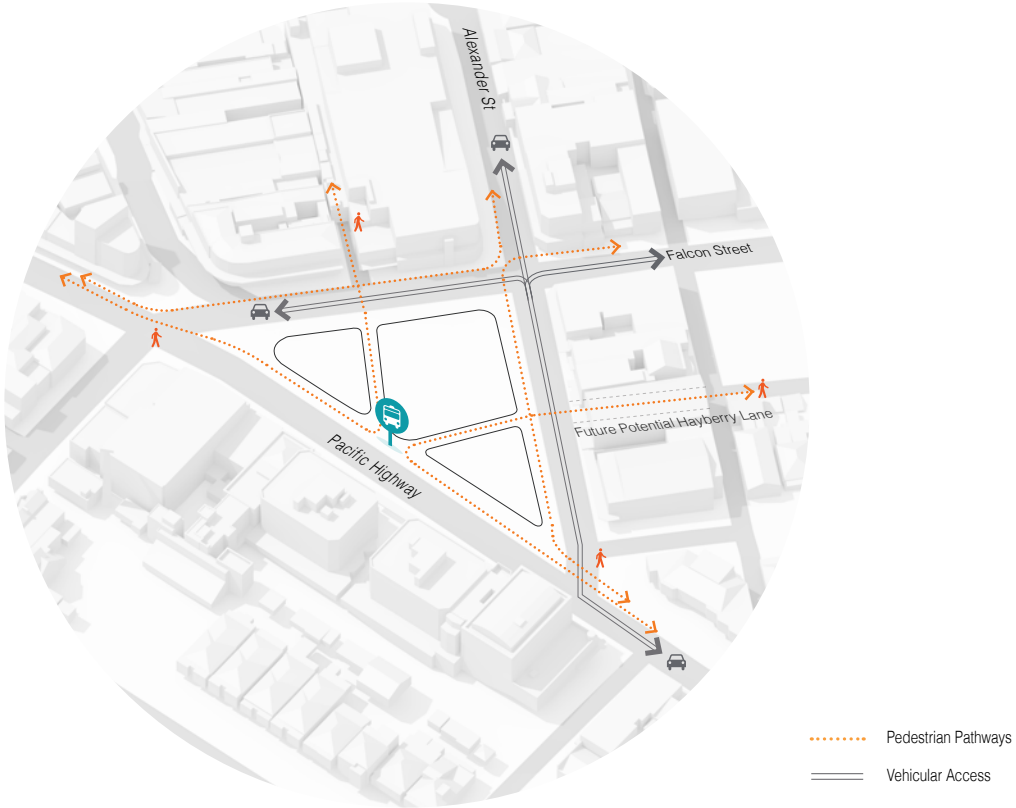
Design Proposal: Urban Design Ground Plane

Connection to Existing Nodes & Networks

Sustainable, walkable & liveable cities

Sustainable, walkable and liveable cities are important aspects of the signficant site design criteria.

This results in a fine grain podium form which connects into the existing pedestrian, vehicular and transport nodes of the site.



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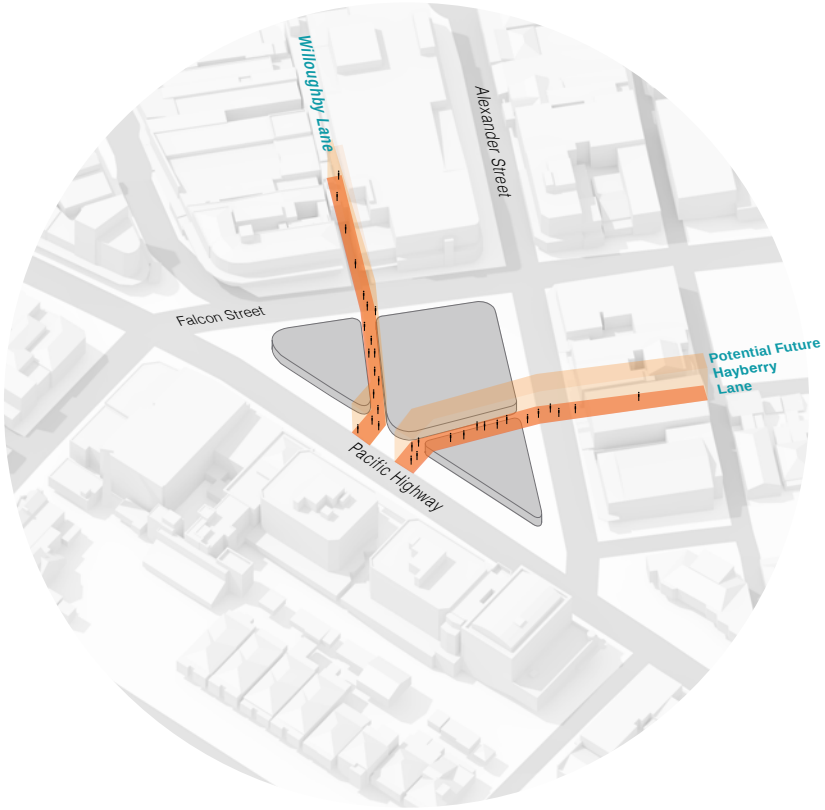
Design Proposal: Urban Design Ground Plane

Pedestrian, Vehicular & Servicing Principles

Street level activation

Street level activation and contribution to the public domain with ground level setbacks and public walk connections through the site create a sense of 'place'.

The new public walks increase site permeability and create new retail frontages and interesting, active spaces.



LR NC BC IR AE CS VH DE VU

Design Proposal: Urban Design Ground Plane

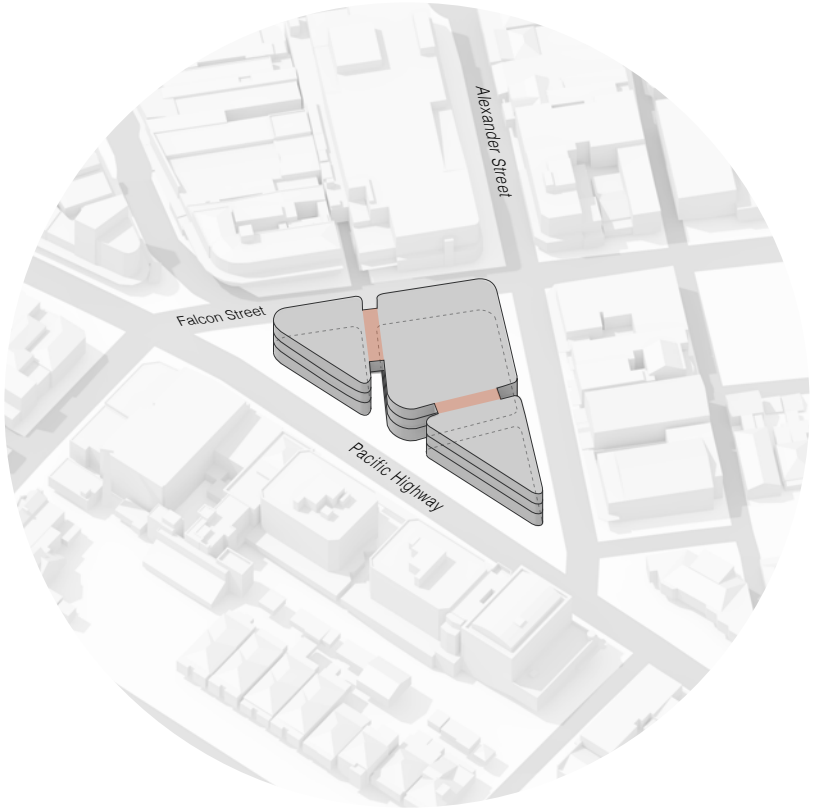
Public Walks

The podium

The podium form connects floorplates on upper levels with areas which bridge over the public walks below.

These bridging floorplates not only promote flexible workplace tenancies but also creates coverage for the activity of the public walks below. The changing scale through the walk from street to street creates a dynamic experience for pedestrians and retail frontages.

The podium includes flexibility for the tenancies to connect vertically and to the ground floor.



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Design Proposal: Urban Design Ground Plane

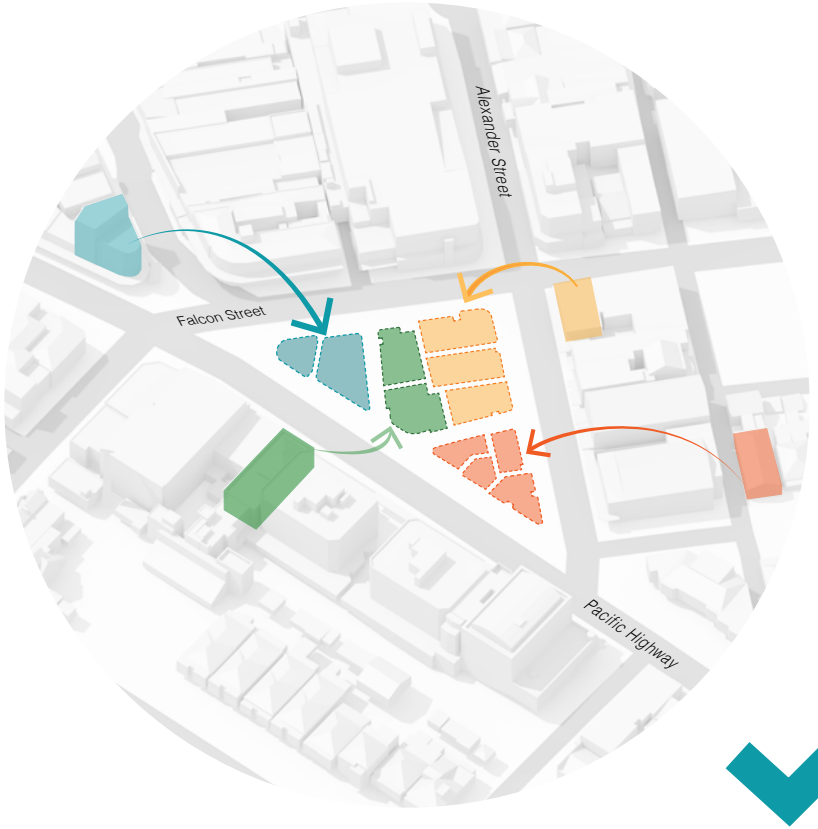
The Podium

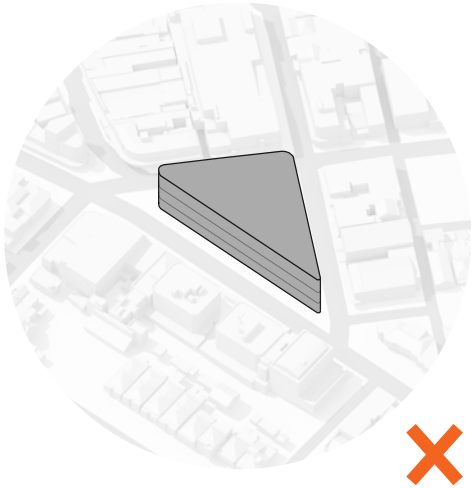
Fine grain and scale

The proposal adopts an intentional strategy of fine-grain and human scale in response to the character of Crows Nest Village, the retail High-Streets and the surrounding heritage items.

Indentation and articulation to the podium walls accentuate the individual retail tenancies and create a sense of scale similar to the surrounding buildings and the character of retail High-Streets around Crows Nest.

The materiality and detail of the podium also contributes to the fine-grain approach.





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Design Proposal: Urban Design Ground Plane & Podium

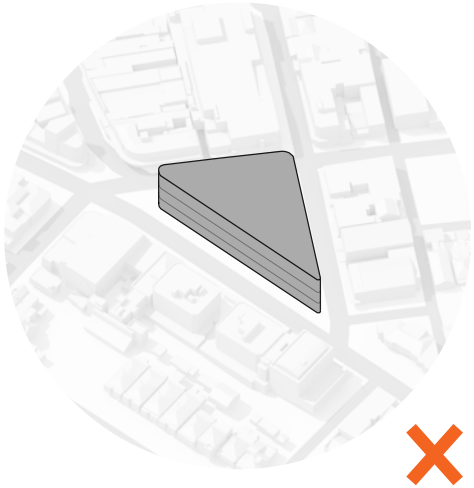
Adopted Grain & Scale

A collection of buildings

A collection of smaller buildings is the result, avoiding a singular monolithic form.

In turn, this creates gradual transitions, sensitive interfaces and an appropriate response to the scale of the street.

The articulated forms assist the transition from 3- to 4-storeys creating a rhythm to the street wall that responds to the character of the local High-Street retail.



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Design Proposal: Urban Design Ground Plane & Podium

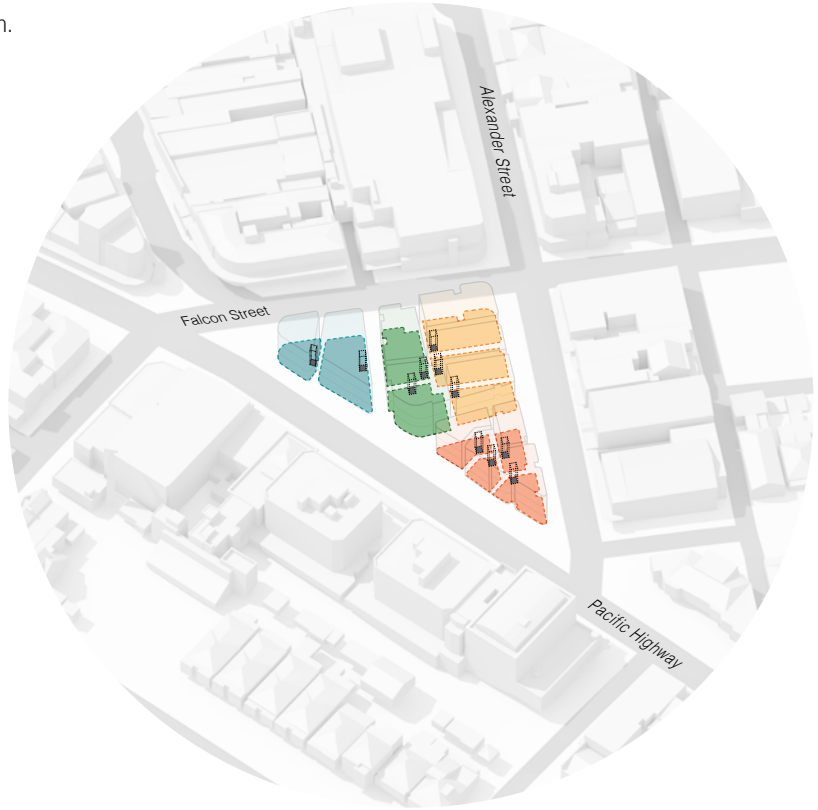
A Collection of Buildings

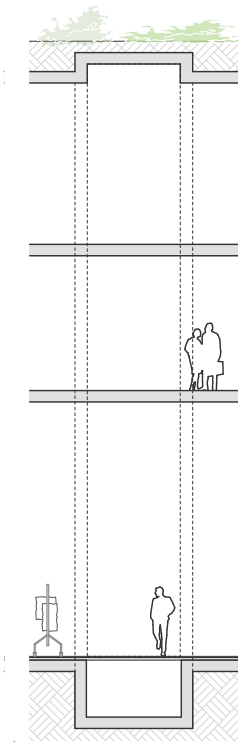
Adaptable floor plates

Commercial floor plates are highly flexible and adaptable. This is achieved through the provision for vertical ciruclation in floorplate sections of the podium.

The provision and integration of lift pits enables flexibility to unite tenancies across multiple floors.

Commercial tenancy can connect into the ground plane if required.





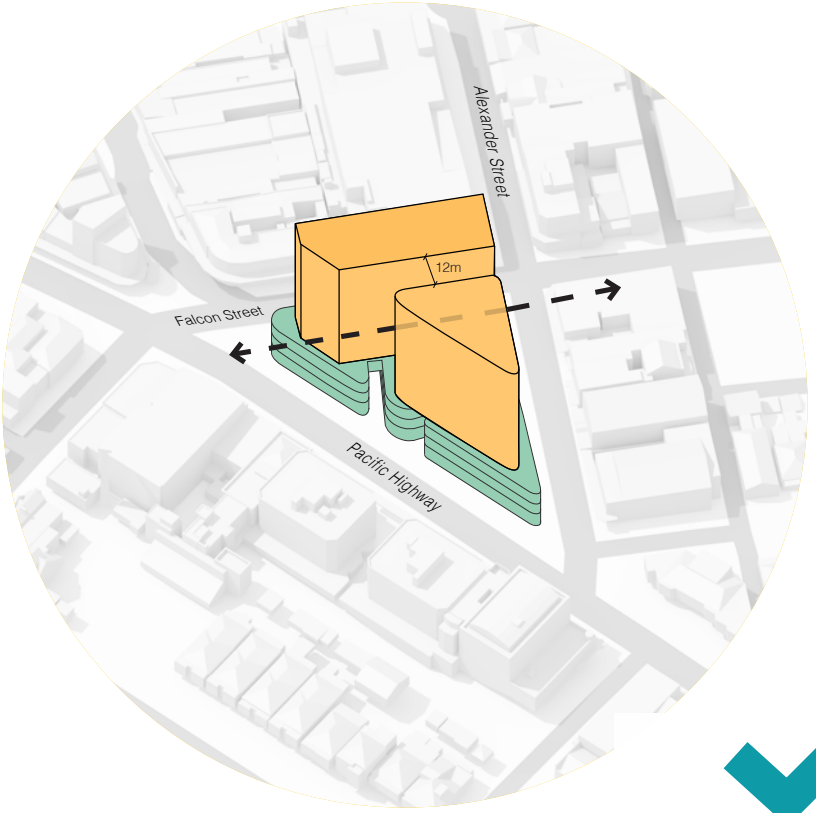
Lift Pit Indicative Section

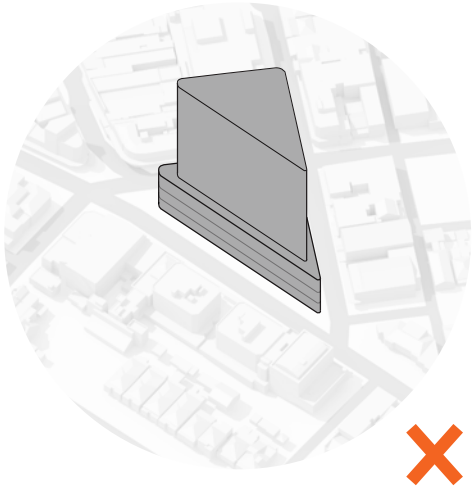
LR NC BC IR AE CS VH DE VU

The residential tower

The residential component is conceived as two separate forms instead of a singular mass to create slender massing and allow sight lines and visual permeability through the site.

The form generates a positive outcome for view lines and vistas from the public domain. The outcome is consistent with the 2036 Plan sense of a gateway element for the southern end of Willoughby Road and Crows Nest Village.





LR NC BC IR AE CS VH DE VU

Design Proposal: Urban Design Podium & Tower

Tower Form

The proposal

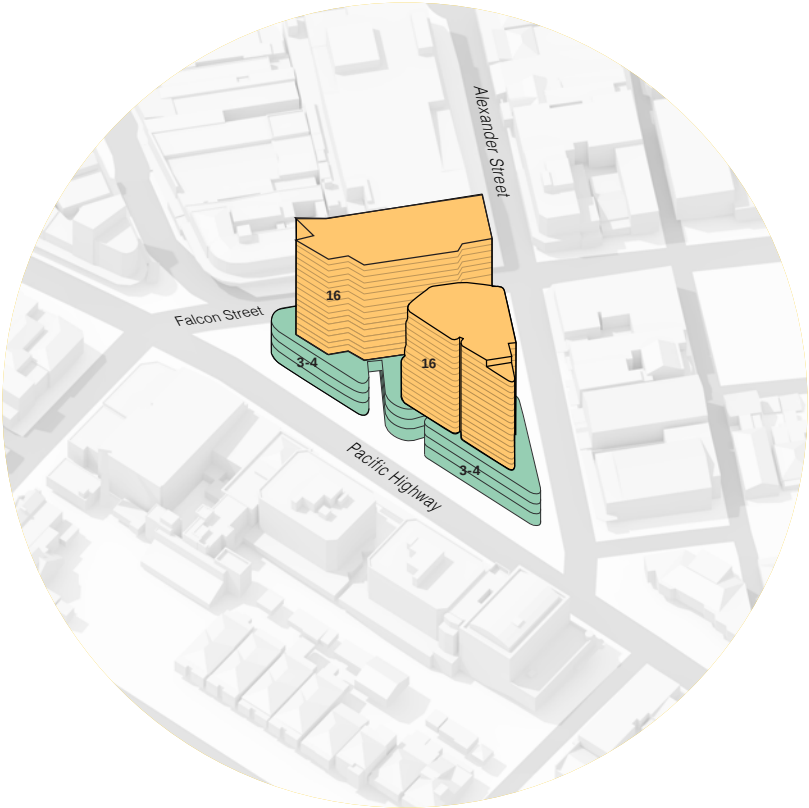
The proposal includes is composed of a 3-4 level podium and 16-storeys of residential apartments.

The height of the proposal is based on the revised planning control of the 2036 Plan and a comparative mixed-use building.

There is a 3- to 4-storey high podium, aligning with the 2036 Plan street wall control. The 16-storey residential towers above align with the height-in-metres expectations for the site.

Within each tower the 6 to 9 apartments are arranged around a circulation core and communal corridors with access to natural daylight.

The design includes podium & rooftop landscape spaces for the use of residents.



Total Height (Including Podium)

19 Storeys

Podium GFA (3 levels)

8,002m²

Tower GFA (16 levels)

21,818m²

Typical Tower Floorplate GFA

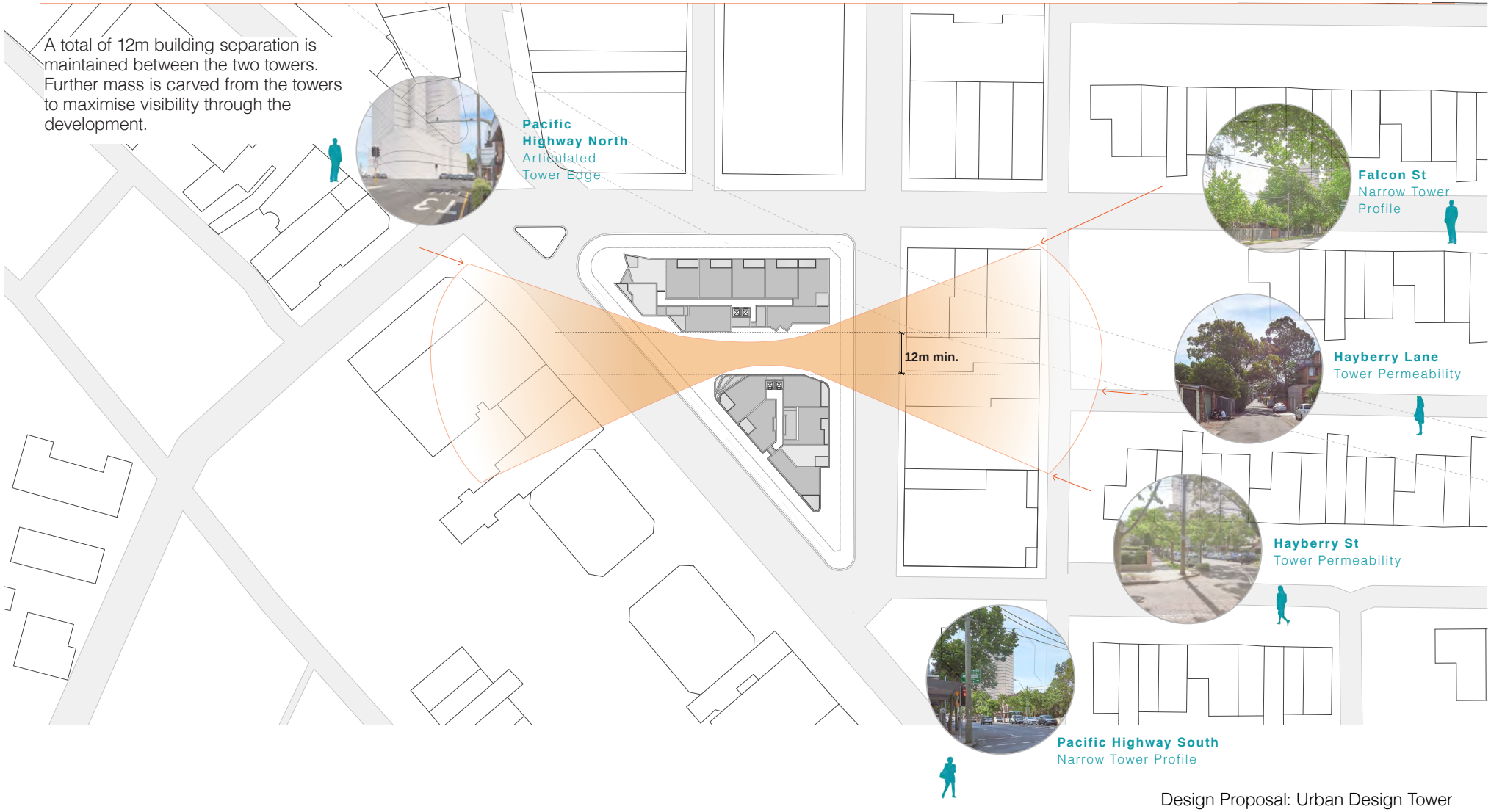
800m² & 540m²

LR NC BC IR AE CS VH DE VU

Design Proposal: Urban Design Podium & Tower

Development Metrics

Tower separation & view corridor



Design Proposal: Urban Design Tower

Tower Separation & View Corridor

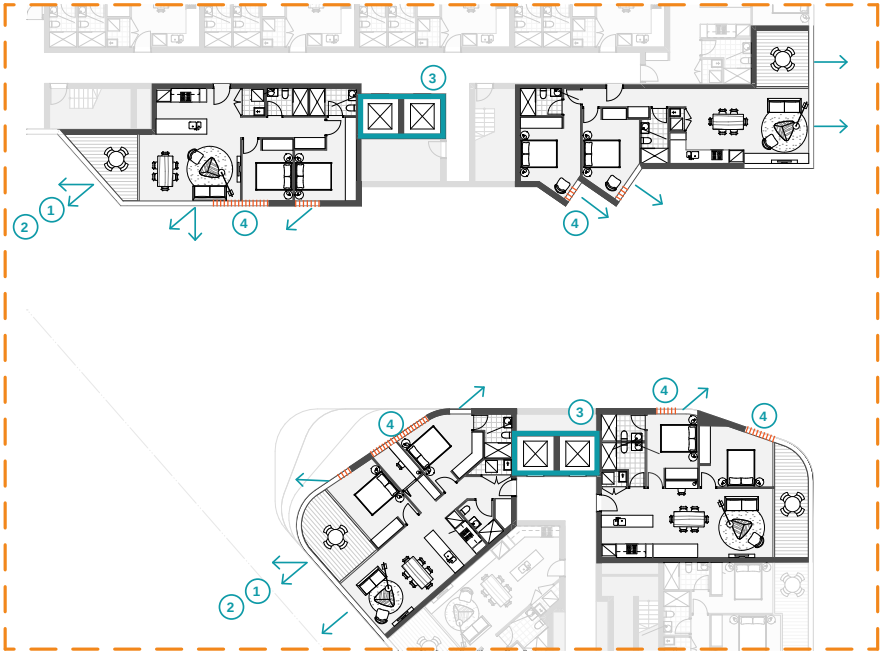
Primary aspect and mediated privacy

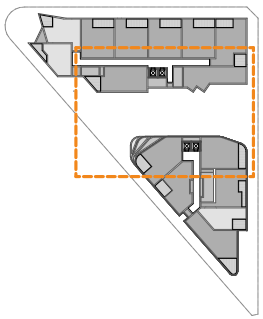
Privacy is mediated through employing a series of design strategies that maximise city and district views for each apartment.

Secondary views are mediated where necessary to achieve the ADG objectives for visual privacy.

Apartment Design Guide - Visual privacy

Objective 3F-2 - Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space





Key Plan

Privacy Screens

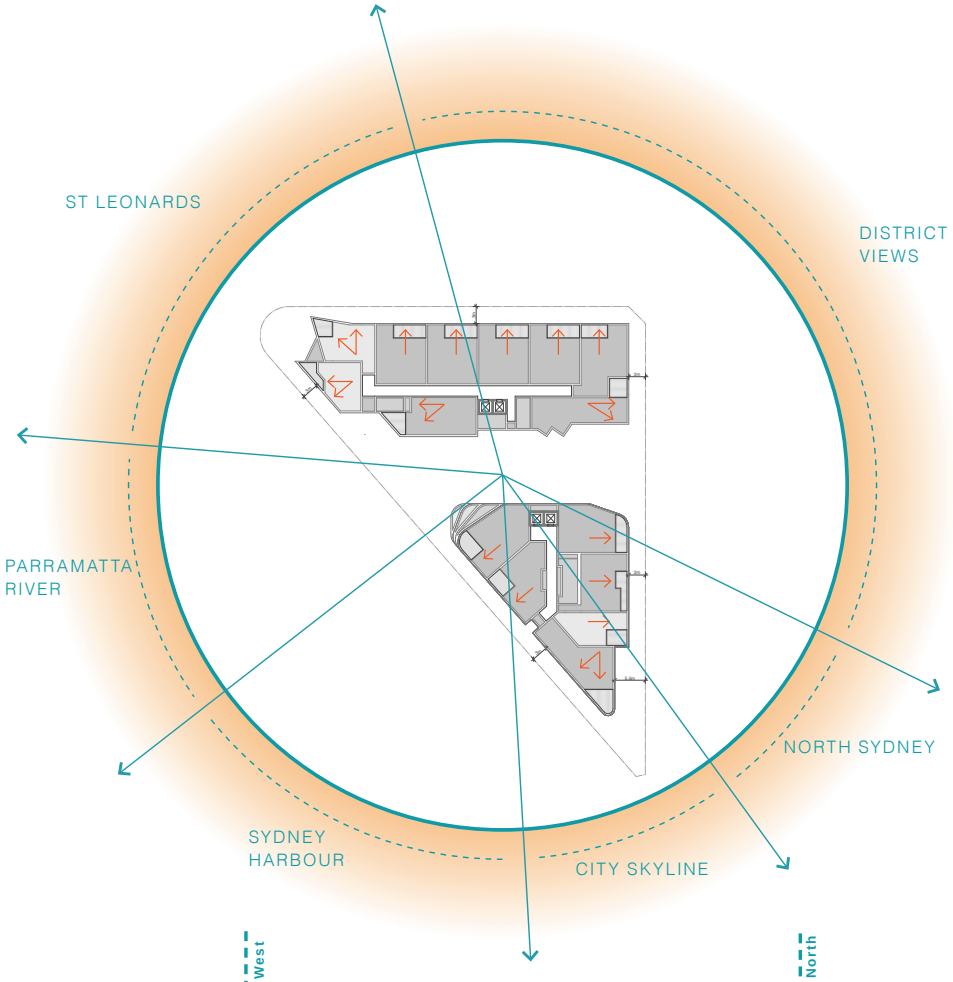
Outlook

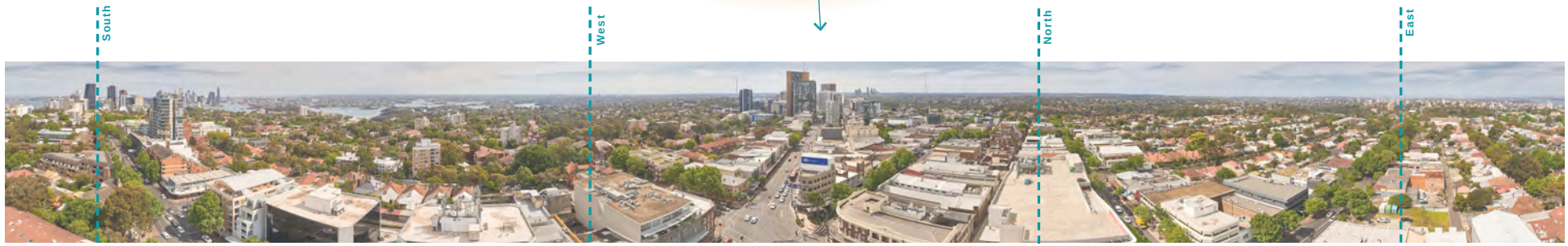
1. All apartments have primary aspects that are significantly greater than ADG objectives
2. Harbour, City and District Views are maximised.
3. Cores are located specifically for views and privacy mitigation.
4. Screening is used sparingly to maximise outlook whilst preserving privacy where required.

Design Proposal: Urban Design Tower

Privacy Mitigation

Apartments are orientated to maximise views to the district, North Sydney, St Leonards, Sydney City CBD and the harbour.





View Panorama - Level 15

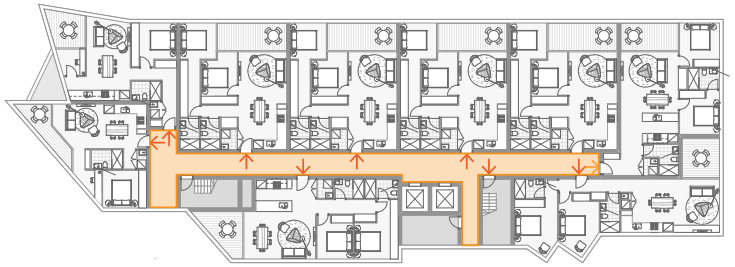
Design Proposal: Urban Design Podium & Tower

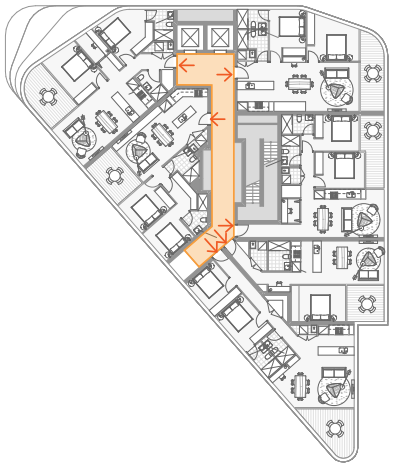
Views

Circulation & lobby strategy

Each common corridor has at least one window open for natural ventilation and daylight access.

Apartment Design Guide - Common Circulation
Objective 4F-1 – Common circulation spaces achieve good amenity and properly service the number of apartments.





Apartment Entries
Lobby/ Corridors

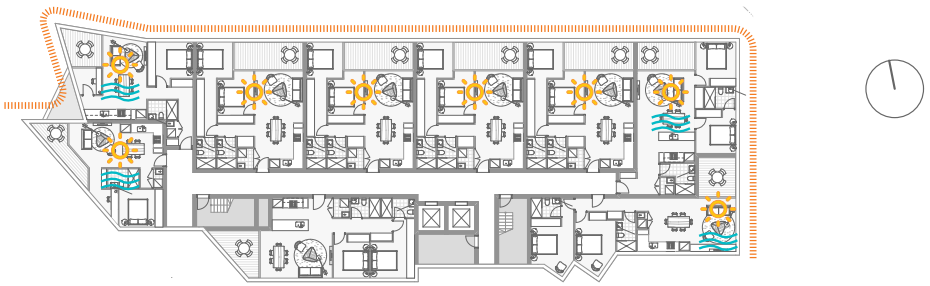
Design Proposal: Urban Design Tower
Arrival Strategy

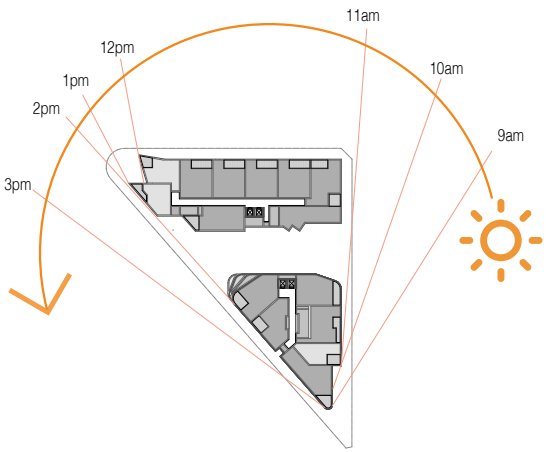
Tower amenity

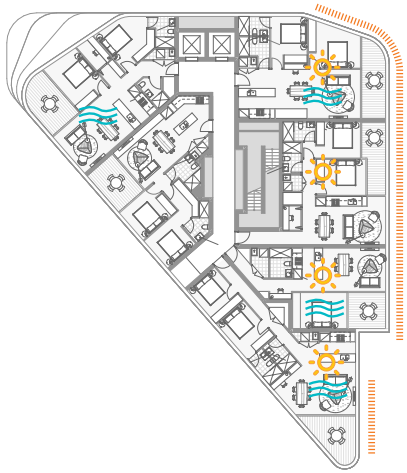
Apartment Design Guide - Solar and daylight access and Natural Ventilation

The two tower forms meet and in ways also exceed the ADG objectives for solar access (min 70%) and natural cross ventilation (min 60%).

All apartments receive daylight during the 9am - 3pm mid-winter period.







Apartments achieving minimum ADG solar access requirements

Apartments achieving minimum ADG cross ventilation requirements

Facade with Solar Access

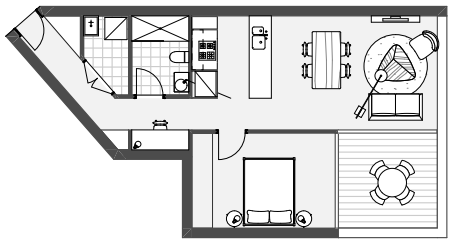
Design Proposal: Urban Design Tower

Solar and Cross Ventilation

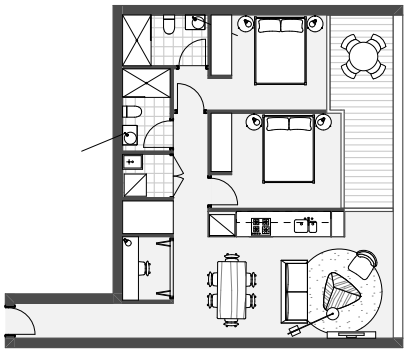
Residential amenity

The separate towers allow the design of the apartments to be logically organised and achieve excellent amenity. This is supplemented through the provision of generous balconies, ample storage space and integrated study areas with WFH capacity. Windows and walls are placed to optimise views and maintain privacy.

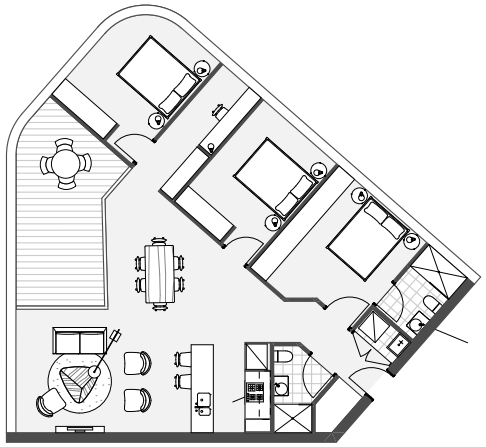
The plans demonstrate how ADG objectives for apartment size, planning, apartment depth and storage are achieved.



1 Bed + Study



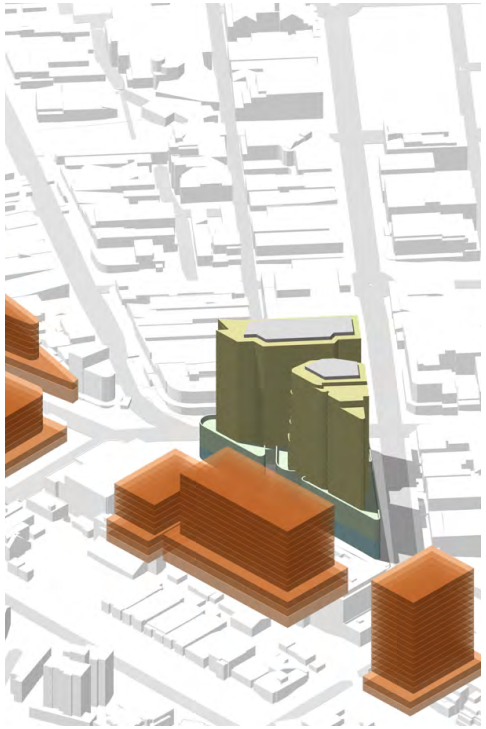
2 Bed + Study



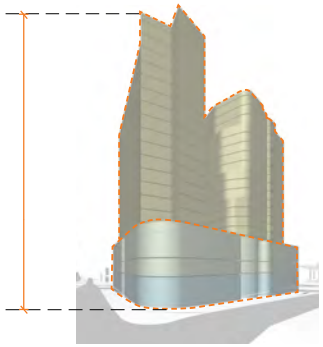
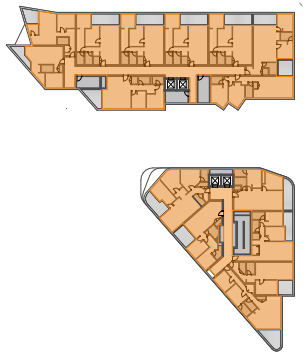
3 Bed + Study

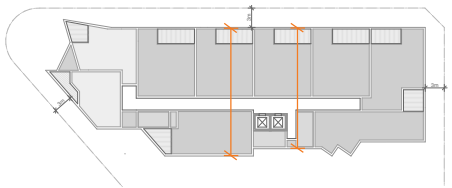
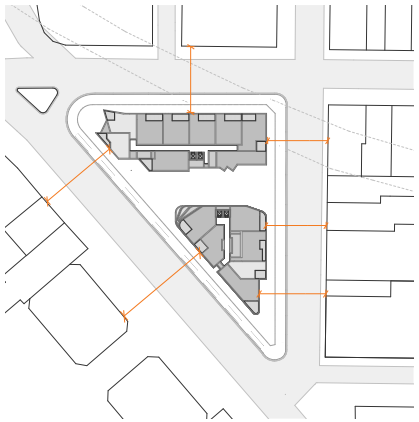
10

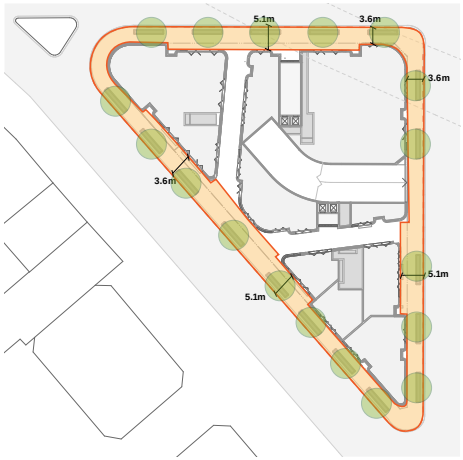
ADG Response



ADG Guidance	Response
2A Primary Controls *Primary controls should be developed taking into account sunlight and daylight access, orientation and overshadowing, natural ventilation, visual and acoustic privacy, ceiling heights, communal open space, deep soil zones, public domain interface, noise and pollution.*	The St Leonards and Crows Nest 2036 Plan outlines a set of key Urban Design Principles that are derived from the overall Plan Vision of a regenerated employment centre and growing residential community. These principles include increased density in close proximity to the stations, transition from larger development to lower density areas, and consideration of solar access to transition areas and areas outside of the Plan. Further consideration of the proposal in light of the individual Urban Design Principles are outlined elsewhere in this report. Regarding the Five Ways site, the Urban Design Principles are translated into a series of new planning controls which outline zones, heights (overall and street walls), setbacks and densities. Responding to these principles and indicative planning controls, a series of design solutions was tested on the site including consideration of the solar access to areas in the vicinity of the site, transitionary heights and visual impact. The indicative plans included in the proposal demonstrate a solution which is consistent with the 2036 Plan.
2B Building Envelopes *A building envelope should be 25-30% greater than the achievable floor area (see section 2D Floor space ratio) to allow for building components that do not count as floor space but contribute to building design and articulation such as balconies, lifts, stairs and open circulation space.*	The 2036 Plan indicates a basic outline of the building envelope for the Five Ways Crows Nest site defined by new set of planning controls: street wall, tower setback, height and density. For the proposal, a number of options were tested with respect to the over arching Urban Design Principles and the revised planning controls. The indicative plans demonstrate an outcome within the spatial controls including an assessment of the solar access to areas in the vicinity of the site. The urbanised nature of the site included consideration of landscape and tree canopy for the proposal. Planting on buildings including vertical gardens, street trees and roof-top gardens were included which necessitated the loose fit intended by the ADG.

	ADG Guidance	Response
	**2C Building Height** *Building height helps shape the desired future character of a place relative to its setting and topography. It defines the proportion and scale of streets and public spaces and has a relationship to the physical and visual amenity of both the public and private realms.* *Height controls should be informed by decisions about daylight and solar access, roof design and use, wind protection, residential amenity and in response to landform and heritage.*	The 2036 Plan identifies height and street wall height controls for the site based on an Urban Design Study of the wider Crows Nest and St Leonards district. The heights in the 2036 Plan include consideration of the overall Vision to regenerate the Crows Nest and St Leonards precinct for an expanding employment centre and growing residential community. The Plan outlines indicative planning controls showing a 16-storey overall height limit with a 3- to 4-storey street wall. The proposal tested a commercial solution for the B4 zone establishing a height in metres for a commercial building and verified consistency with the solar access controls. An equivalent height 16-storey residential tower with a retail/commercial podium was then used as an equivalent height building. This was also tested against the solar access controls and the Urban Design Principle for transitionary height from larger developments to neighbouring low-density areas.
	**2D Floor Space Ratio** *Floor space ratio (FSR) is the relationship of the total gross floor area (GFA) of a building relative to the total site area it is built on. It indicates the intended density. FSR is a widely used method for estimating the development potential of a site.*	The 2036 Plan includes indicative plans outlining potential densities for both residential and non-residential components for the Five Ways Crows Nest site. The location of the proposal has excellent amenity being in close proximity to the Crows Nest Village and Willoughby Road precinct and also in close proximity to the Hume Street entry of the new Crows Nest Metro station (240m). The proposal includes the minimum floor space for non-residential uses. Several residential densities were then tested to understand the potential yield for the site testing each option with respect to solar access and visual impact from the surrounding streets. The indicative plans of the proposal demonstrates that a greater density is possible within the envelope controls of the 2036 Plan. The plans include consideration of building articulation, landscape, communal space and a creative design outcome. Given the amenity of the area and proximity to the Metro Station and the 2036 Plan Vision of a regenerated employment area and growing residential neighbourhood the proposal is considered consistent with the Plan and the aims of the ADG.

	ADG Guidance	Response
	**2E Building Depth** *Building depth is an important tool for determining the development capacity of a site. It is the overall cross section dimension of a building envelope. Building depth dimensions typically include articulation such as projecting balconies, gallery access, eaves, overhangs, sun hoods, blades and other architectural features.*	The 2036 Plan seeks the optimise the liveability of the Crows Nest and St Leonards neighbourhood in both the placement of density and height and the amenity of the regenerated sites. The preparation of the proposal investigated several outcomes for the site. The residential tower is arranged in a building with two tower forms each with 7-9 apartments. This arrangement was tested in light of the ADG criteria, particularly solar access, natural cross ventilation and the amenity of common space. The indicative plan demonstrates the slim profile of the northern tower (13 - 20m). The building form changes at street wall height into a commercial/retail building with a series of public walks to create a more permeable ground plane and commercial levels with optimised access to natural daylight.
	**2F Building Separation** *Building separation is the distance measured between building envelopes or buildings. Separation between buildings contributes to the urban form of an area and the amenity within apartments and open space areas.*	The Five Ways Crows Nest site is located at the junction of three different roads and hence is a characterised as an island site. The orientation and placement of apartments allows the design to meet the ADG objectives. Within the site there is a fine-grain approach to privacy with the placement of individual apartments determined by access to outlook, solar access and natural cross-ventilation. While the ADG allows apartments to directly face another building at 24m, a strategy of outlook has been adopted so all apartments have a primary aspect much greater than the ADG minimum. All apartments look out to the street and many apartments enjoy views to the district, the city scape of St Leonards, North Sydney, Sydney CBD and Sydney Harbour. In limited positions, a secondary view is mediated by the use of privacy screens. The indicative floor plans proposal have considered ADG objectives including for solar access, natural cross-ventilation and privacy. The floor plans indicate that the ADG objectives are obtainable by the scheme allowing excellent amenity for the residential dwellings.

	ADG Guidance	Response
	**2G Street Setbacks** *Street setbacks establish the alignment of buildings along the street frontage, spatially defining the width of the street. Combined with building height and road reservation, street setbacks define the proportion and scale of the street and contribute to the character of the public domain.*	The 2036 Plan Urban Design Principles include consideration of the existing character of the Crows Nest and St Leonards district. Part of the character of the area is the distinctive street wall heights and alignments of the main retail streets, particularly around the Crows Nest Village precinct. The proposal follows the indicative controls of the 2036 Plan and adopts a 3- and 4-storey height to the street frontages. An additional setback is included in the central block area to allow additional space for retail activation, landscape elements including street trees and for the bus interchange on site. The street wall elements of the proposal are articulated and modulated to speak to the typical rhythm of different buildings observed in the surrounding retail streets. A fine-grain materiality is designed to respond to material cues in the context while providing a building enclosure that can develop a handsome patina. The residential tower is setback from the street wall to allow a clear visual distinction between street wall and tower and also to provide landscape terraces to the podium level apartments. The ground floor of the proposal contains the most public spaces of the development. The commercial levels above are serviced by ground floor lobbies. The residential areas above have a clear separation from the public areas at grade and the commercial levels in between. Residential and commercial lobbies are legible from the public domain and do not detract from the retail activation at grade.
	2H Side and Rear Setbacks	Side and rear setbacks do not apply to this proposal as the subject site is an isolated island site separated from neighbouring properties by streets.

11

Placemaking Strategies

Human-scale design

A series of human-scale design moves are deliberately integrated into the Planning Proposal as part of the place making strategy.

The following categories have been addressed to assist in creating a sense of place and identity for the development site.

GREENERY
Greener People & Places

EQUITY
Equitable & Inclusive

MOBILITY
Conscious Mobility

WELLNESS
Healthy Streets & Places

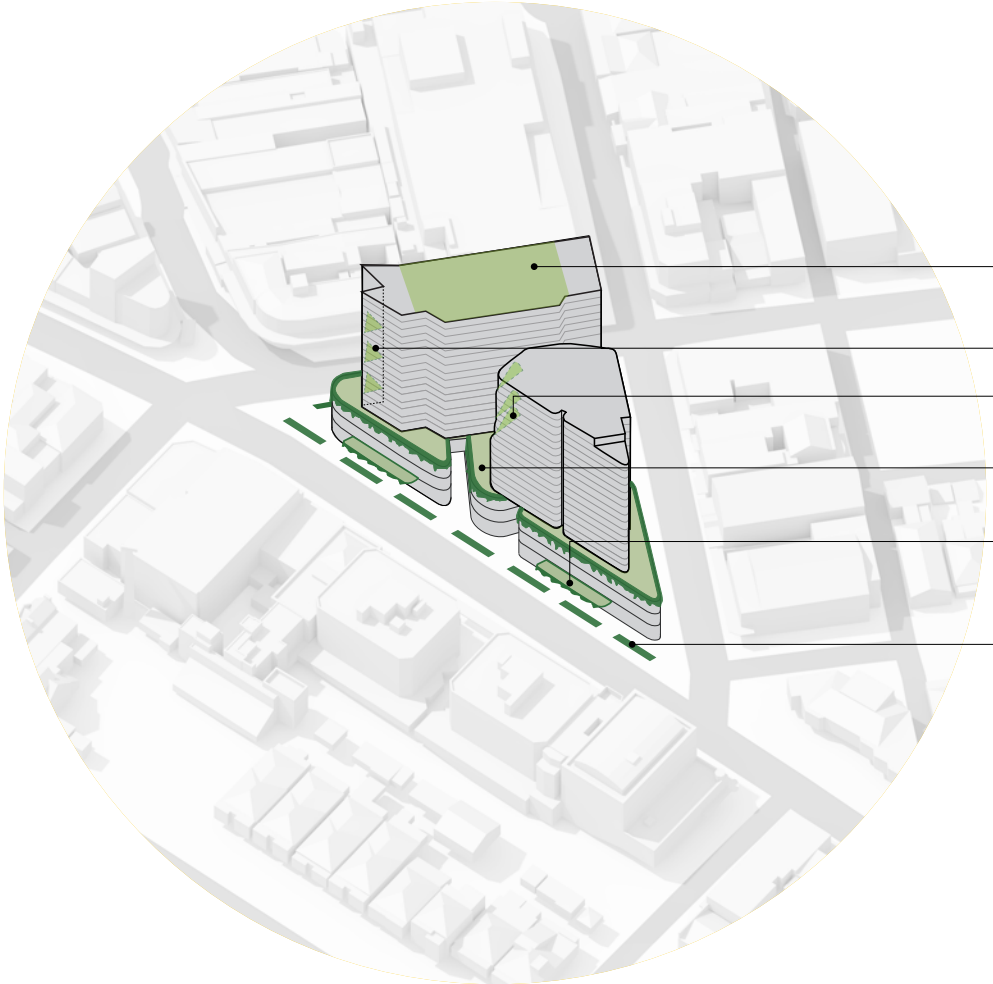
RESILIENCE
Adaptable & Resilient

IDENTITY
Celebrate Unique Character & Create Attachment

URBANITY
Loveable Places

Landscape Replacement Area Control

Communal landscape zones and/or vertical plantings to encourage abundant and accessible greenery in high-rise urban environments.



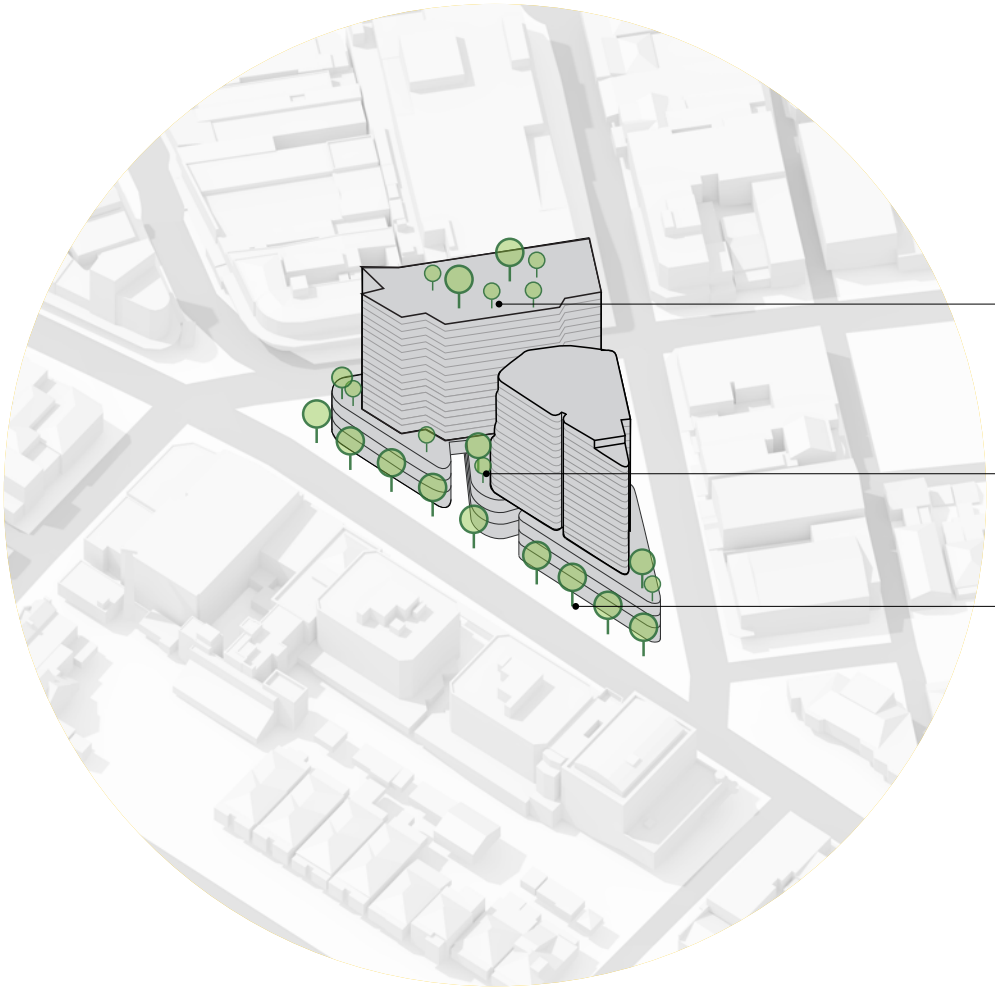
LR NC BC IR AE CS VH DE VU

Placemaking Strategies: Greener People & Places

Landscape Replacement Area Control

Green View Index & Tree Canopy

A healthy and well-managed tree canopy provides multiple environmental, social and economic benefits.



Tower roof tree canopy

Residential podium roof tree canopy

Ground floor pedestrian pathway tree canopy

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Placemaking Strategies: Greener People & Places

Green View Index & Tree Canopy

Mobility on Demand Network - Optimised Access to Car Share

Building upon the sharing economy, the opportunity to reduce the number of vehicles in our cities and neighbourhoods assist in mitigating issues of vehicles on the road, parking, pollution, accidents and congestions on the roads. As such, the proposed development includes the provision of 12 car share spaces.

Car Share Spaces

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Placemaking Strategies: Conscious Mobility

Mobility on Demand Network - Optimised Access to Car Share

TURNER

Food & Water

The increasing shift towards safeguarding the environment is leading to a rise in demand for environmentally friendly goods locally made products, organic foods and access to water.

To support this sustainability consideration agenda, local retail and businesses need to be prioritised in local communities to safeguard these values.

Fresh Produce Retailers

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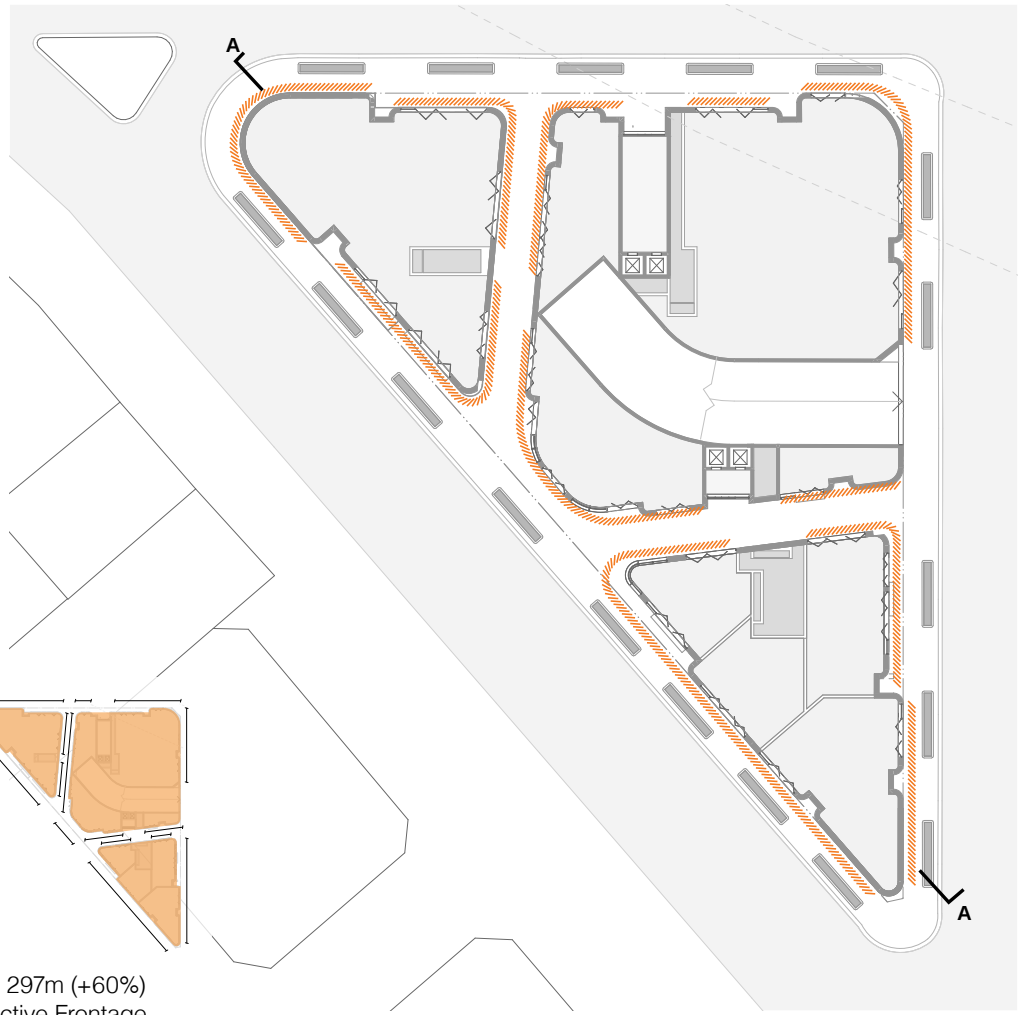
Placemaking Strategies: Healthy Streets & Places

Food & Water

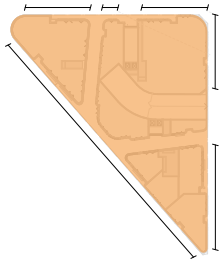
Adaptable Ground Floors

Activated building frontages maximise pedestrian pleasure and enjoyment, and in turn increase opportunities for social interaction and street commerce.

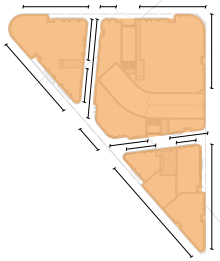
The segmented podium and generous arcades of the proposed development maximises opportunity for active frontages on the Ground Floor.



Active Edges



= 201m
Active Frontage



= 297m (+60%)
Active Frontage

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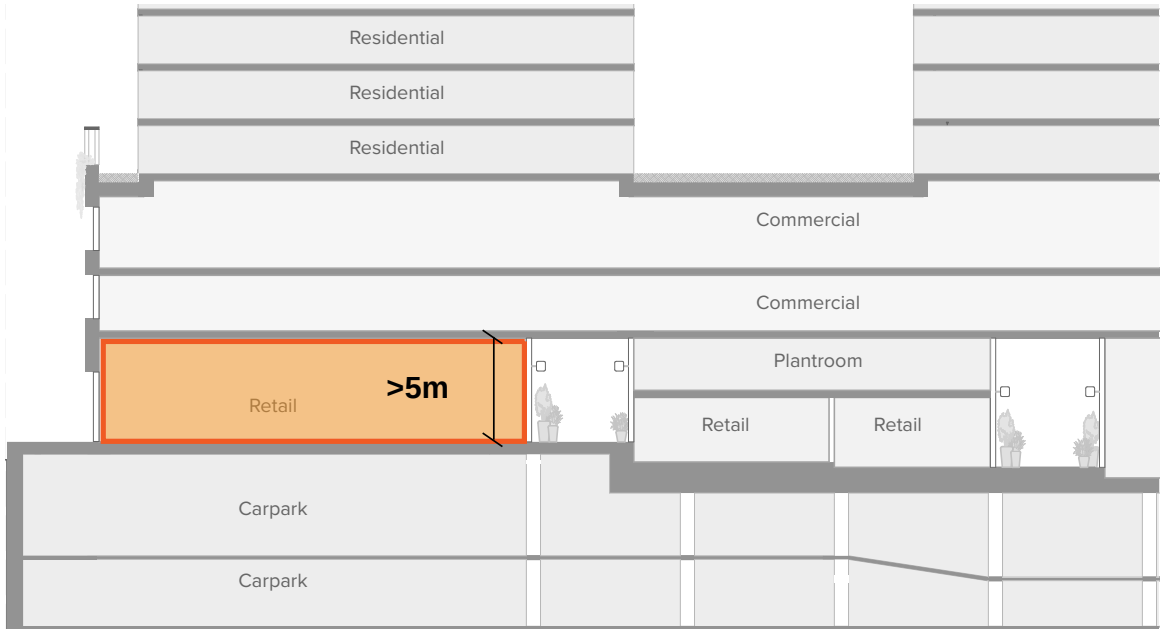
Placemaking Strategies: Adaptable & Resilient

Active Edges

Adaptable Ground Floors

Adaptable ground floors have a generous floor-to-ceiling height, active frontages and awnings to create shelter for pedestrians (for commercial and retail uses).



Ground Floor Retail Space

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Placemaking Strategies: Adaptable & Resilient

Adaptable Ground Floors

Flexible Parking

For a variety of reasons urban residents will increasingly drive fewer cars and as a result the need for parking spaces will diminish over time. The zone within Basement 01, as highlighted above, is proposed with an appropriate ceiling height to enable the space to be easily adaptable to alternative future uses.

Adaptable Basement Zone

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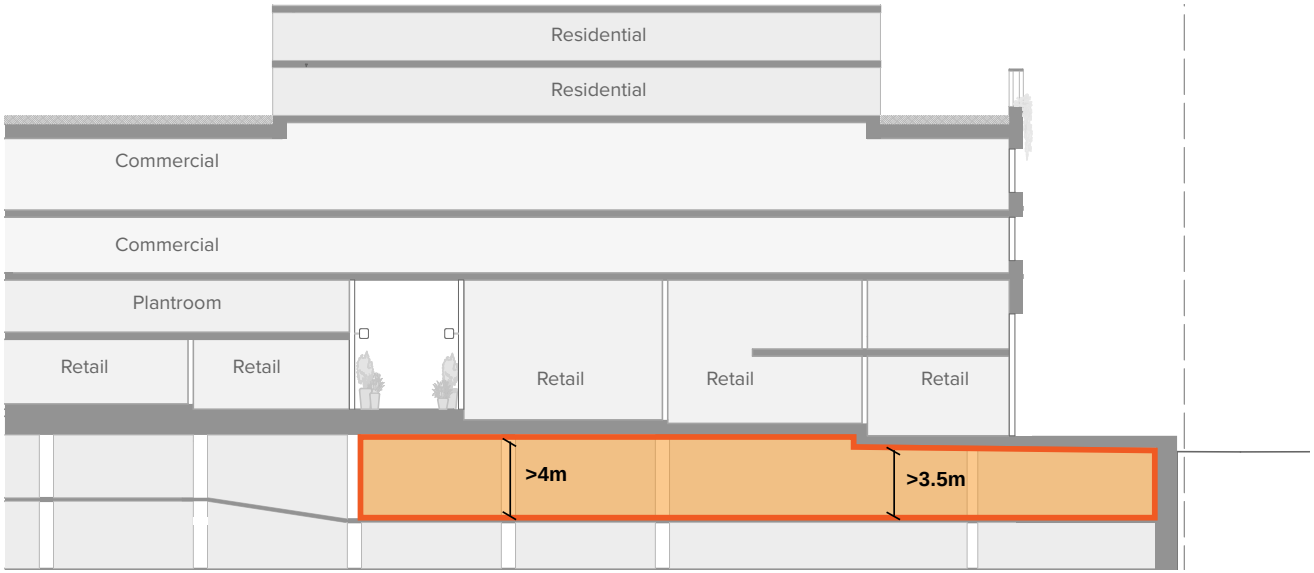
Placemaking Strategies: Adaptable & Resilient

Flexible Parking



Section B: The increased ceiling heights of over 3.5m in the adaptable basement zone enables flexibility for future uses.

Adaptable Basement Zone

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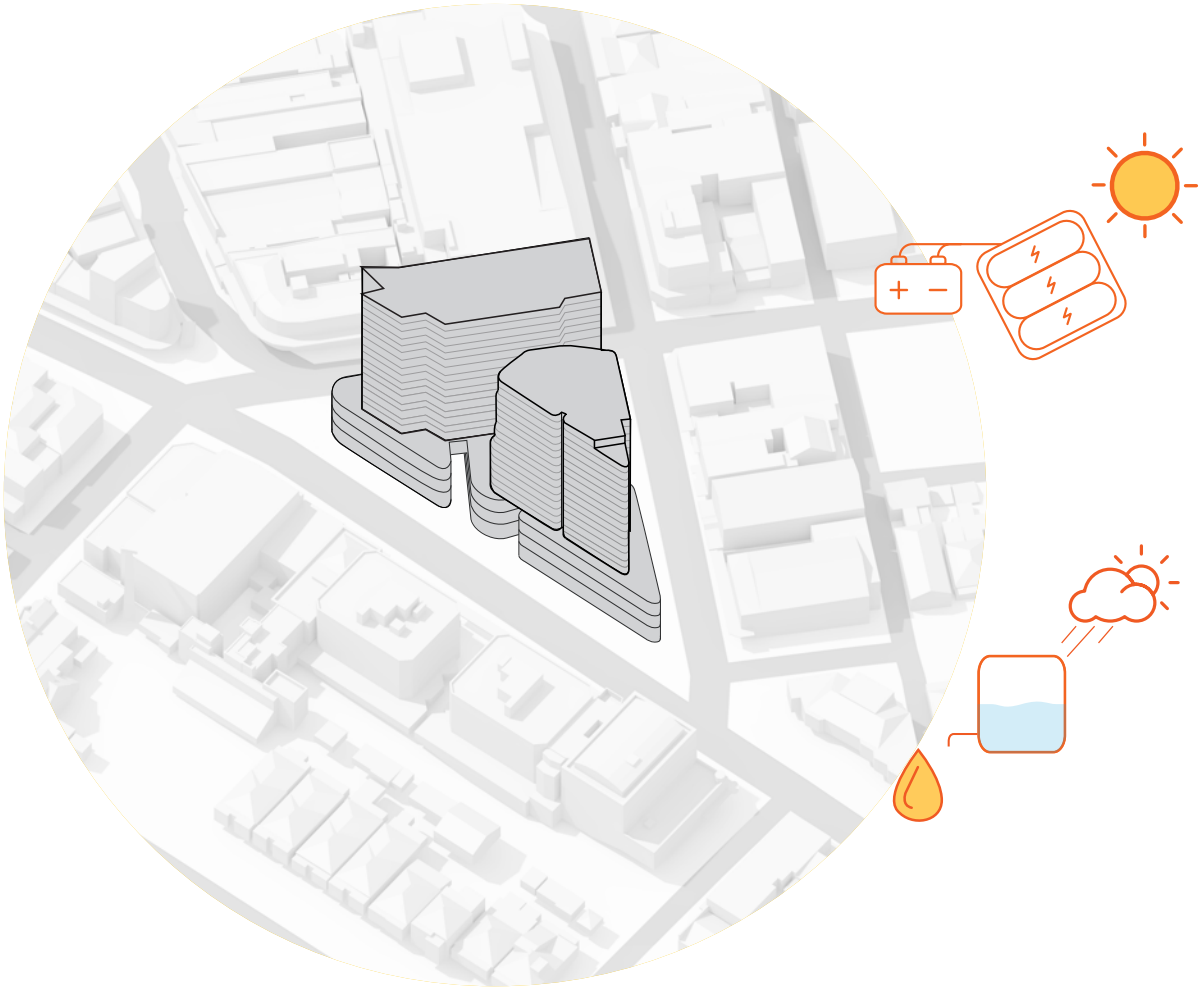
Placemaking Strategies: Adaptable & Resilient

Flexible Parking

Net Positive Energy & Water

The living building challenge envisions a safe, reliable and decentralized power grid, powered by renewable energy, supplied to incredibly efficient buildings and infrastructure without the negative externalities associated with combustion or fusion. It also envisions a future whereby all developments are configured based on the carrying capacity of the site: harvesting sufficient water to meet the needs of a given population while respecting the natural hydrology of the land, the water needs of the ecosystem the site inhabits, and those of its neighbours.



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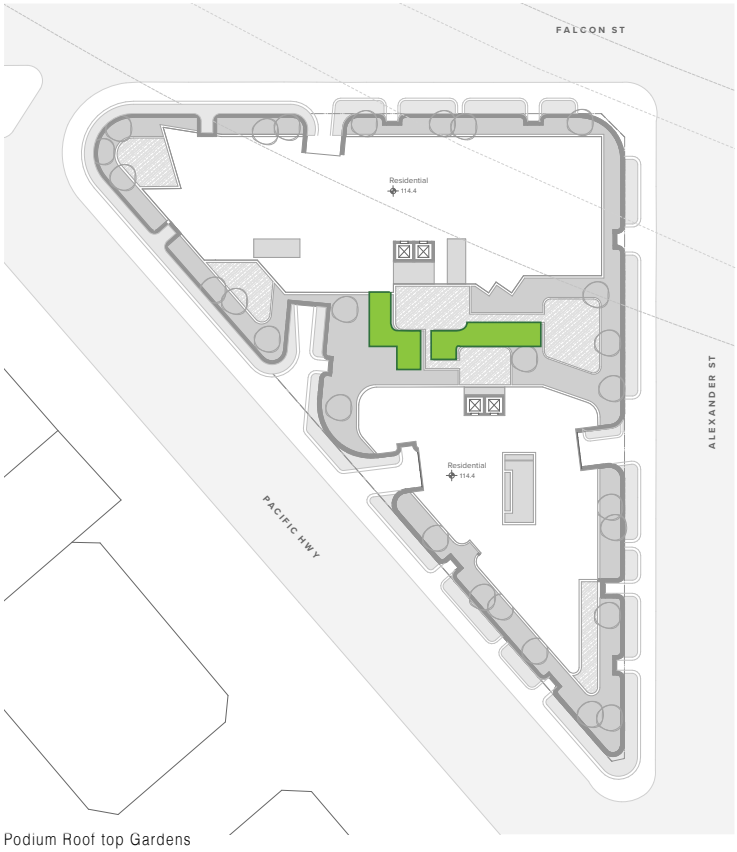
Placemaking Strategies: Adaptable & Resilient

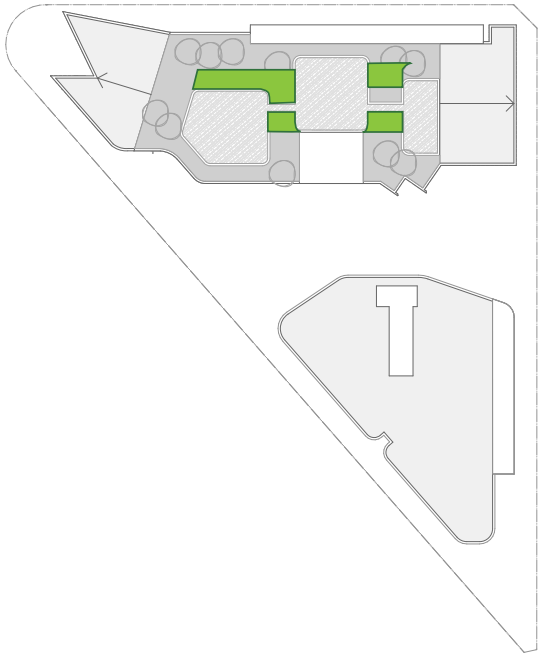
Net Positive Energy & Water

Productive Gardens

This productive garden space aims to build community cohesion and self sufficiency whilst encouraging involvement and integration.



Podium Roof top Gardens



Tower Roof top Gardens

Potential Areas for Productive Gardens

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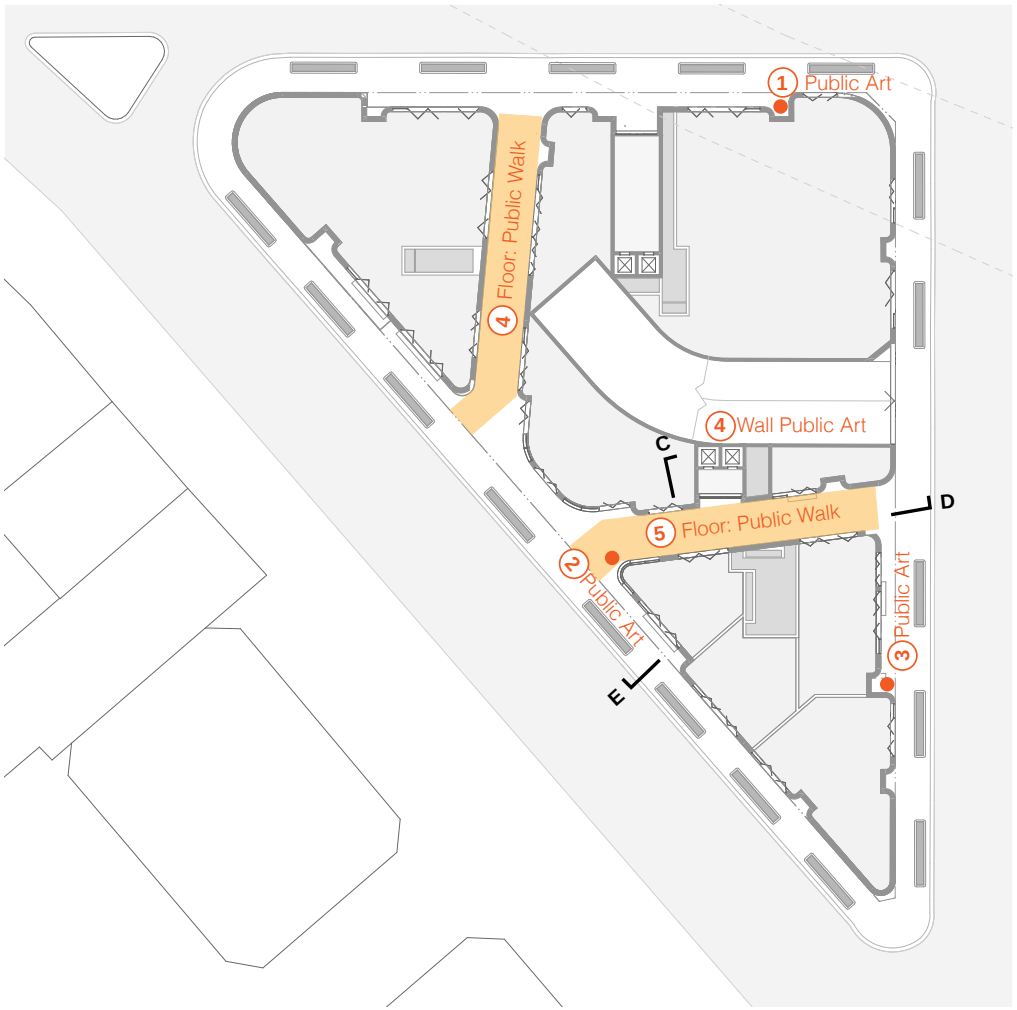
Placemaking Strategies: Adaptable & Resilient

Productive Gardens

Local Public Art

Public artists are sense agents of change and are highly influential in the process of place making. Murals, sculptures, lighting and other forms of public art can act as 'pause points' along streets and within public spaces.

The provision of potential locations for Public Art has been incorporated into the proposal, allowing for diversity in form and expression.



Public Walk Floor Area

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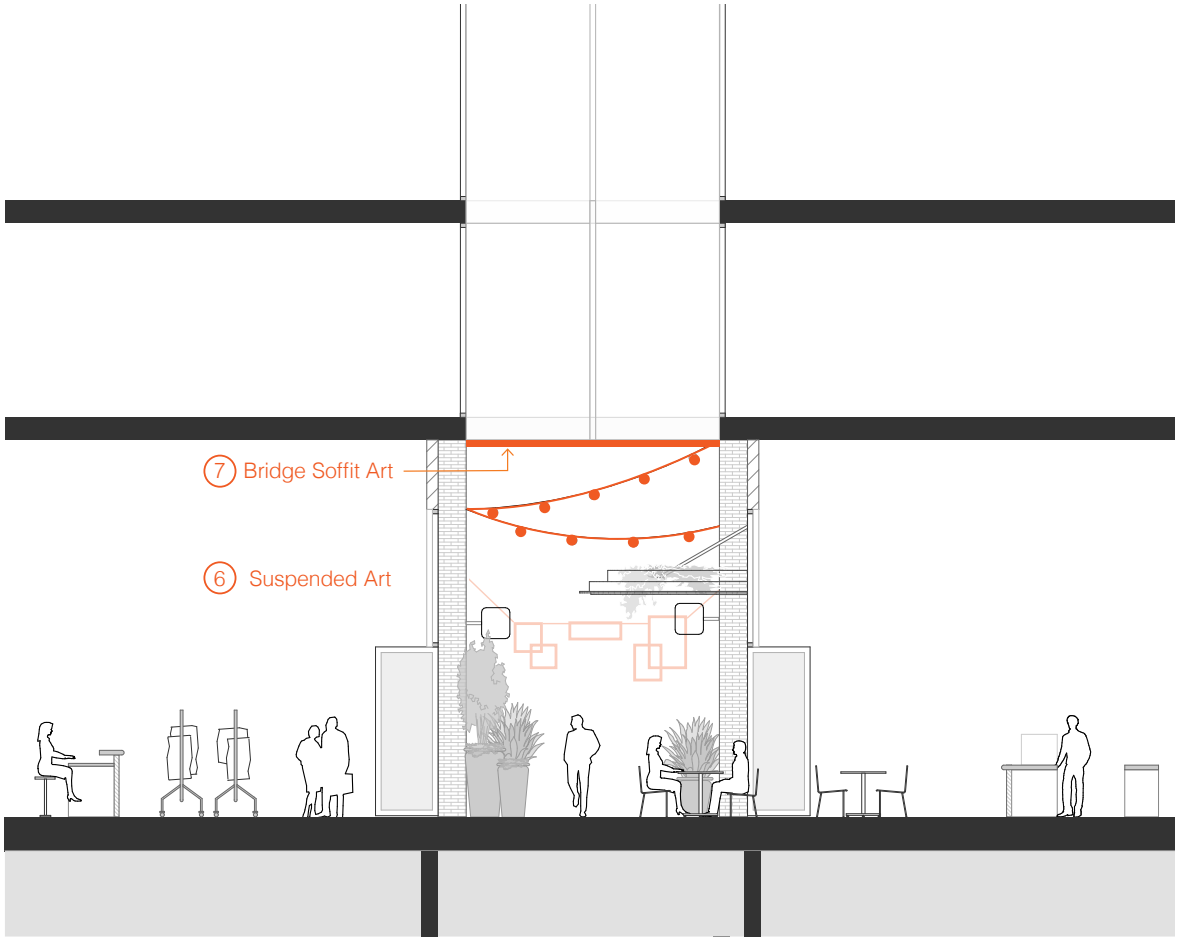
Placemaking Strategies: Celebrate Unique Character & Create Attachment

Local Public Art

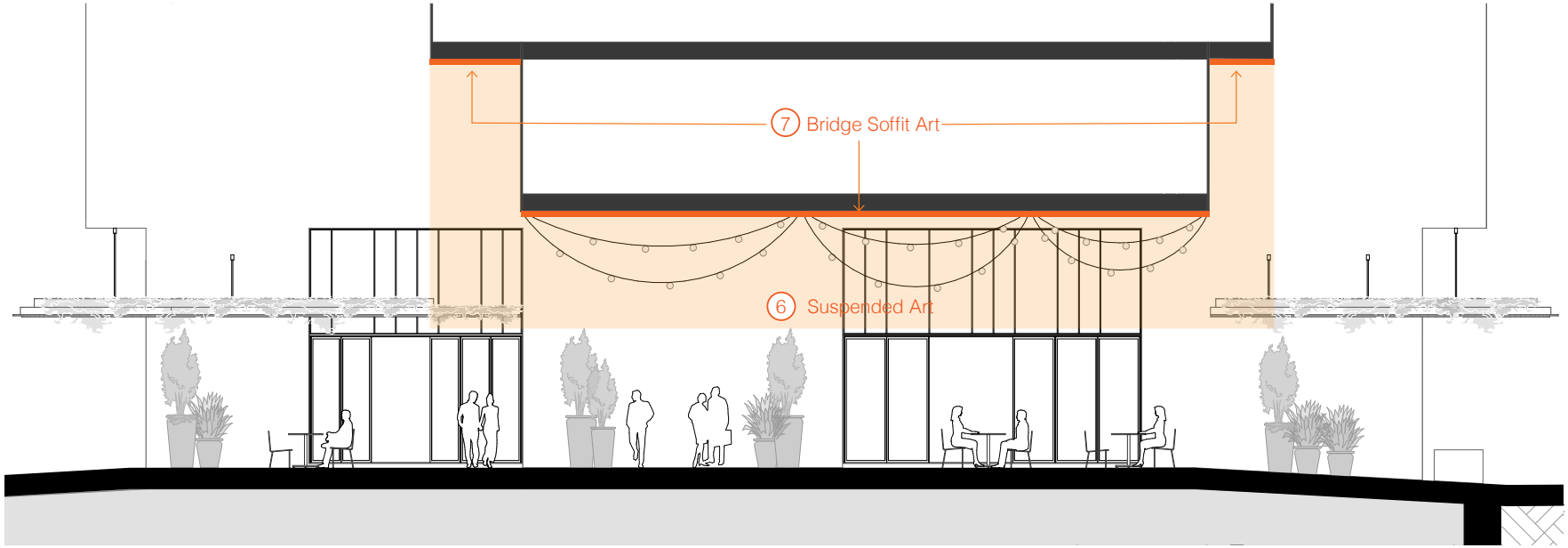


Section C: Public Walk Suspended Art Locations

LR NC BC IR AE CS VH DE VU

Placemaking Strategies: Celebrate Unique Character & Create Attachment

Local Public Art

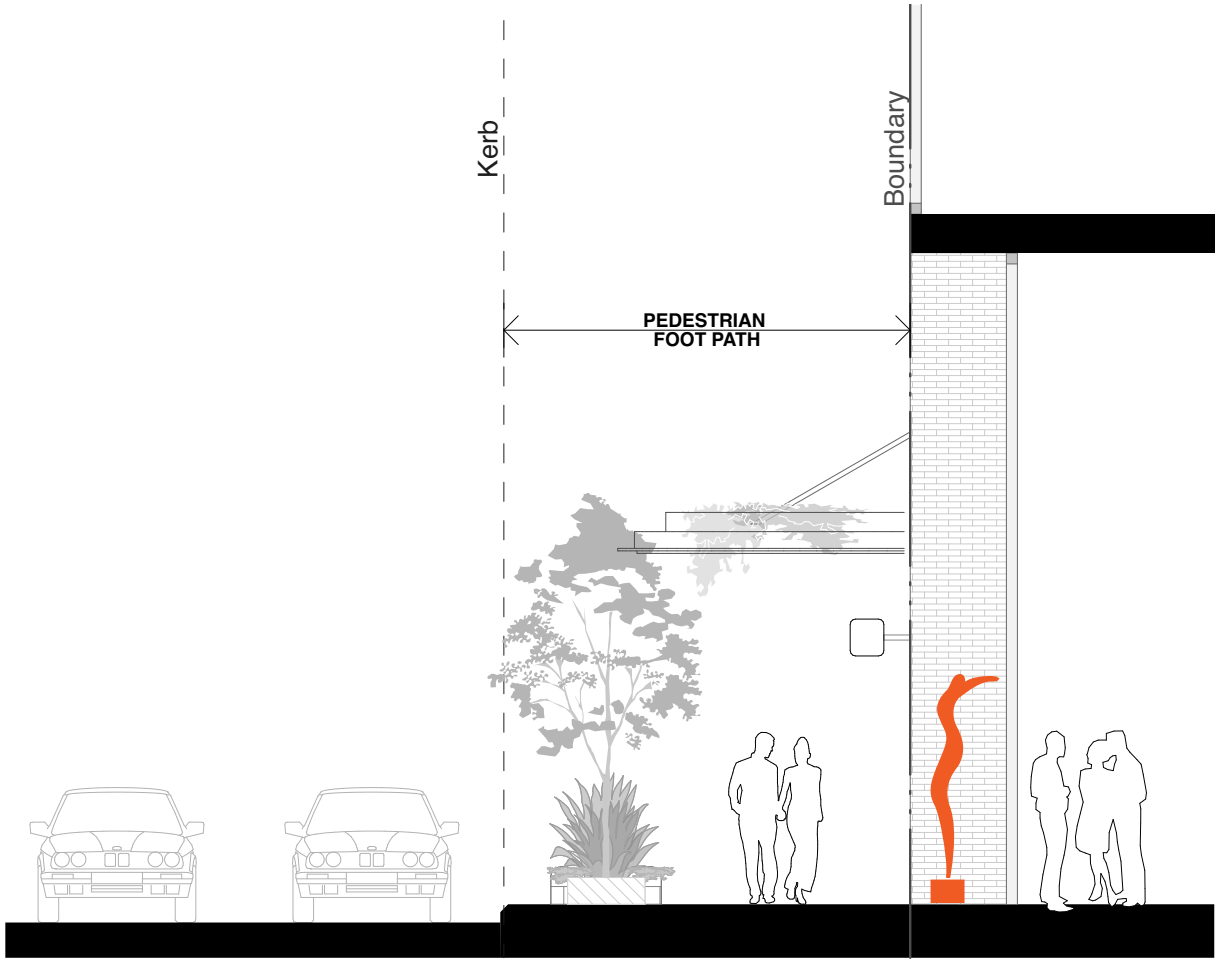


Section D: Public Walk Suspended Art Locations

LR NC BC IR AE CS VH DE VU

Placemaking Strategies: Celebrate Unique Character & Create Attachment

Local Public Art



Section E: Example of freestanding public art piece

LR NC BC IR AE CS VH DE VU

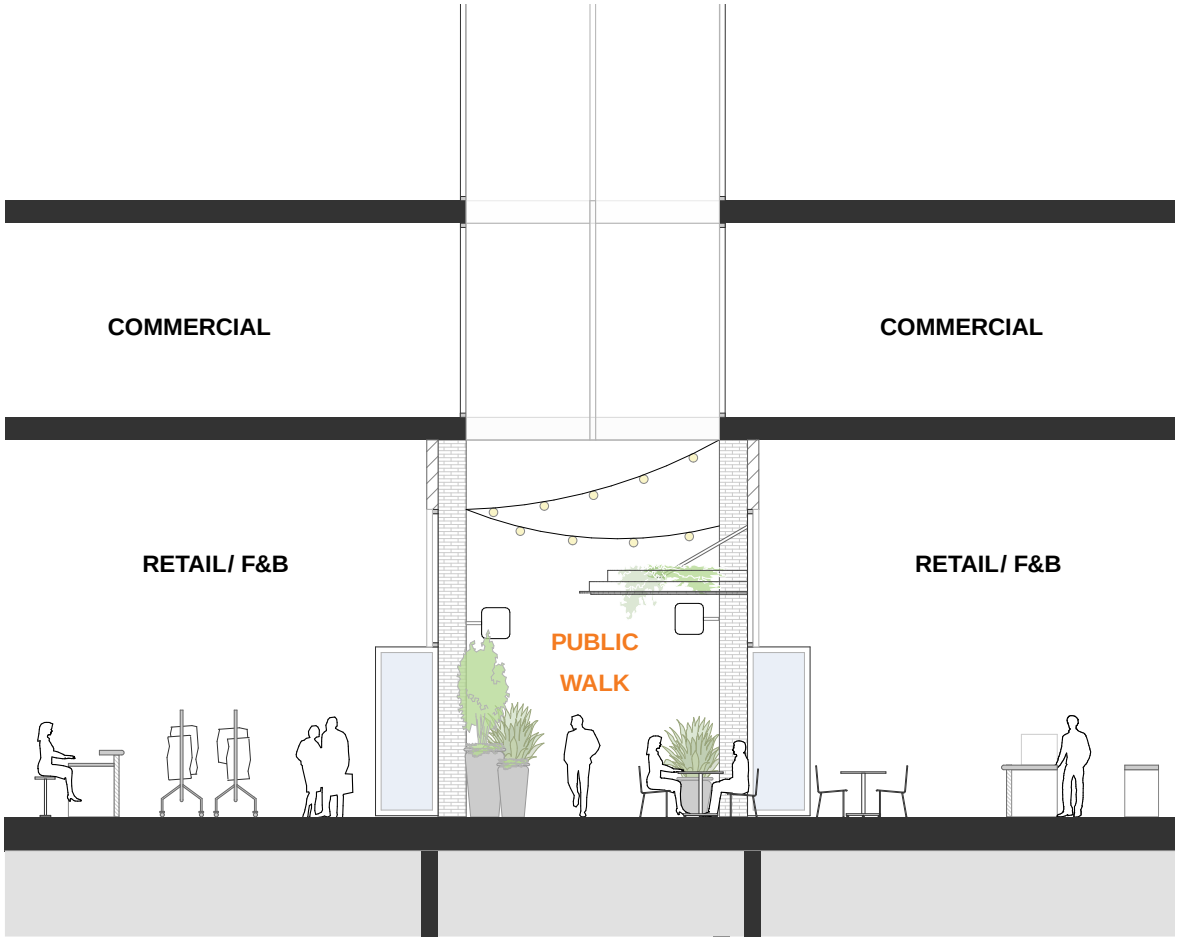
Placemaking Strategies: Celebrate Unique Character & Create Attachment

Local Public Art

Public Walk as
"Outdoor Rooms"

Designing public walks and arcades as places means incorporating multiple activities with regular affordances.

An affordance is a mix of public and private elements grouped at key locations to help furnish outdoor rooms,create delight, lingering and chance social encounters.



LR NC BC IR AE CS VH DE VU

Placemaking Strategies: Celebrate Unique Character & Create Attachment

Arcades and Public Walks as "Outdoor Rooms"

Creative Live/ Work Places

Creative live/work spaces are dwellings that cater for working-from-home and/ or there is shared office space in the building.

These contribute value to places by offering spaces for those who work flexibly or are involved in creative, entrepreneurial or start-up industries.

Integrated Home Studies

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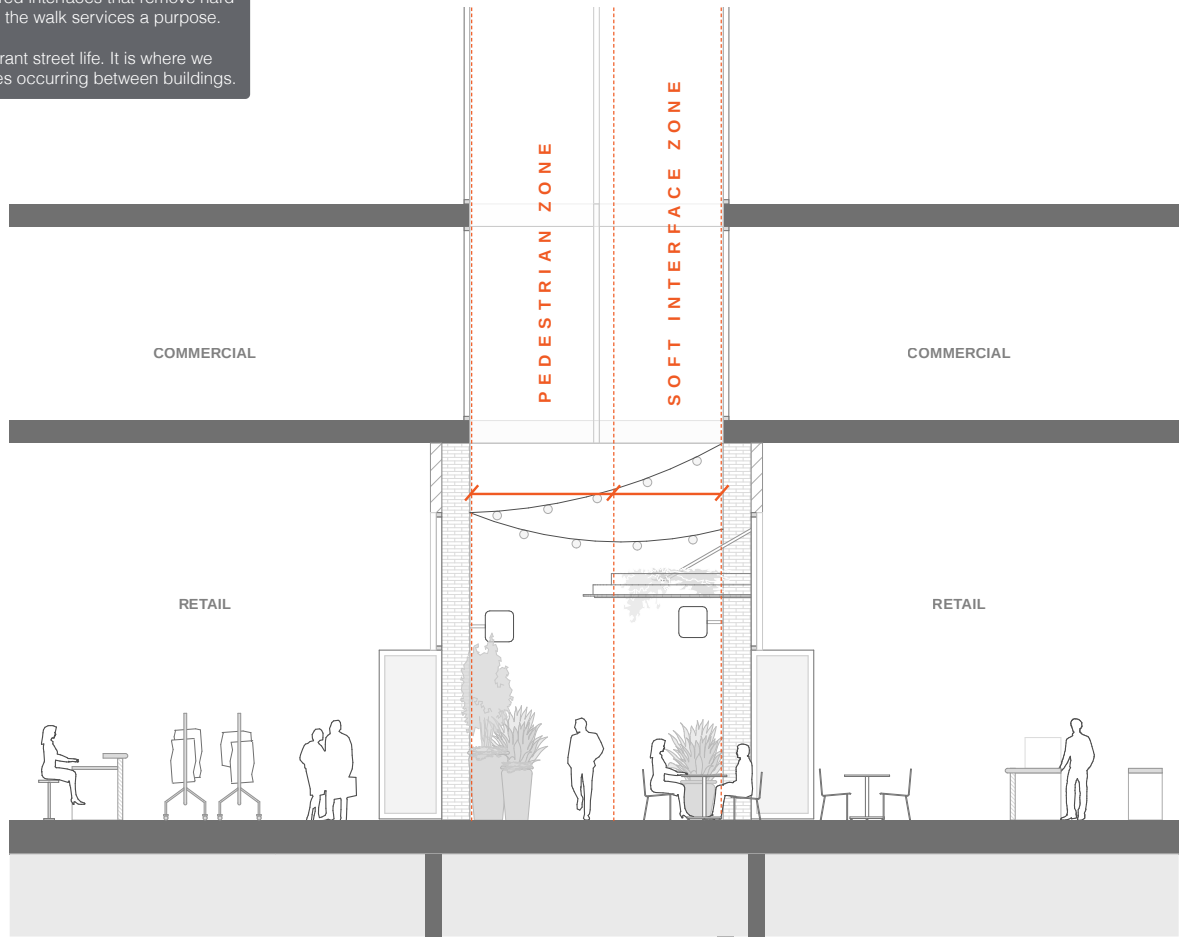
Placemaking Strategies: Celebrate Unique Character & Create Attachment

Creative Live/ Work Places

Soft City & Diversity at the Ground Floor

A soft city approach is centred on providing layered interfaces that remove hard boundaries in city spaces. People will walk when the walk services a purpose. Therefore, mixing and layering uses.
Diversity at the ground floor helps to create a vibrant street life. It is where we can find a range of activities, uses and exchanges occurring between buildings.



LR NC BC IR AE CS VH DE VU

Placemaking Strategies: Loveable Places

Soft City & Diversity at the Ground Floor

Footpath Width

Footpaths should be wide enough to include space for the active frontage zone, pedestrian clear path, furniture zone and street buffer zone.

Footpath Area

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Placemaking Strategies: Loveable Places

Footpath Width

Pedestrian Microclimate

Positive pedestrian microclimates enhance the safety and comfort of uses at the street level. A comfortable relationship to the sun and wind creates a good microclimate, essential for sitting, and people lingering and enjoying the space (Source: Jan Gehl).

This protection can be achieved through awning coverage, landscaped elements and trees. Shrubbery can provide mid-height buffering from nearby traffic and wind, whilst trees can provide mid to high-height protection.

Low-height buffering

Mid to high-height buffering

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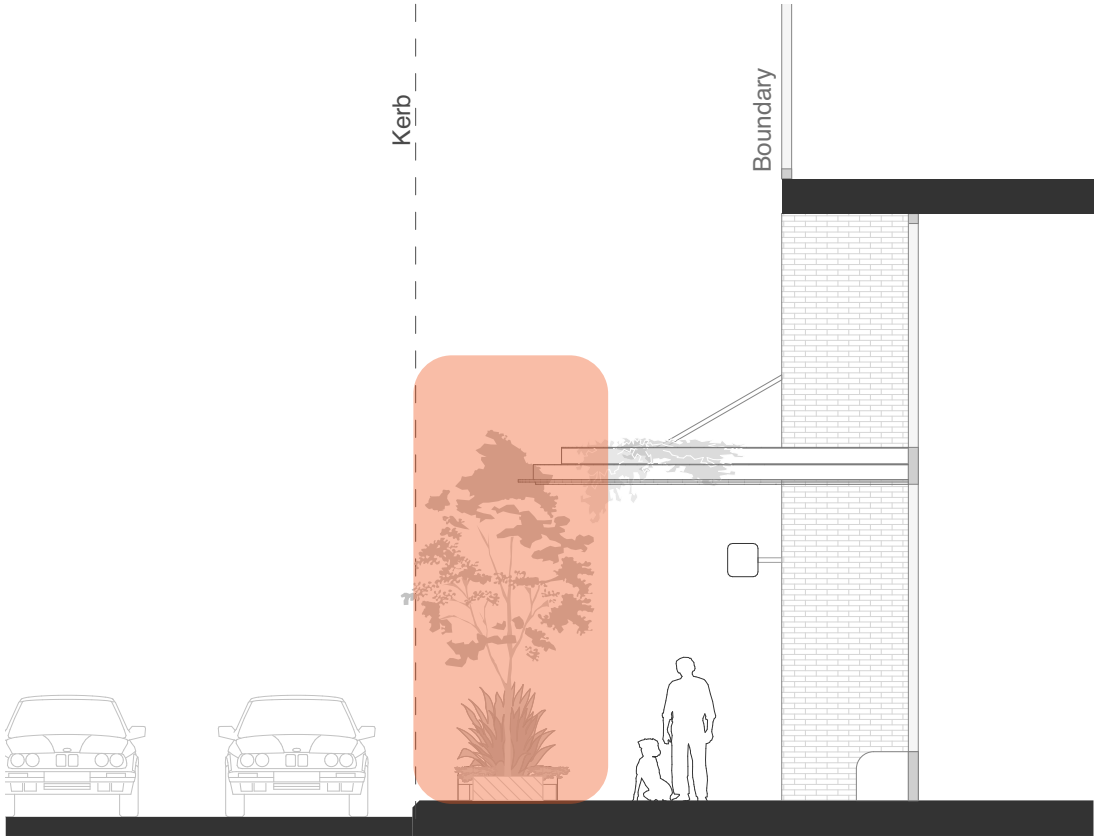
Placemaking Strategies: Loveable Places

Pedestrian Microclimate



Mid to high-height buffering

Section E: Mid-height footpath buffering

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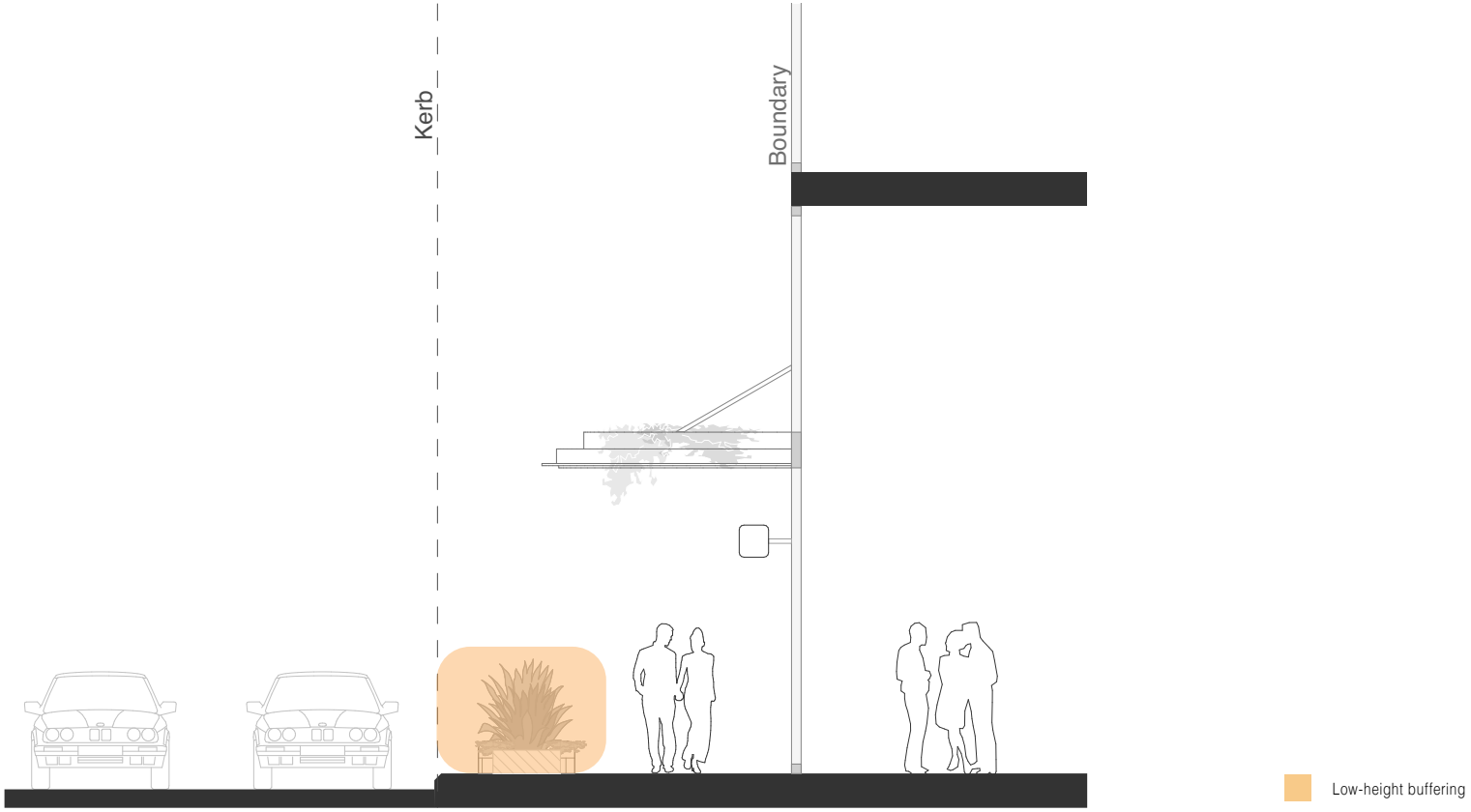
Placemaking Strategies: Loveable Places

Pedestrian Microclimate



Section F: Low-height footpath buffering

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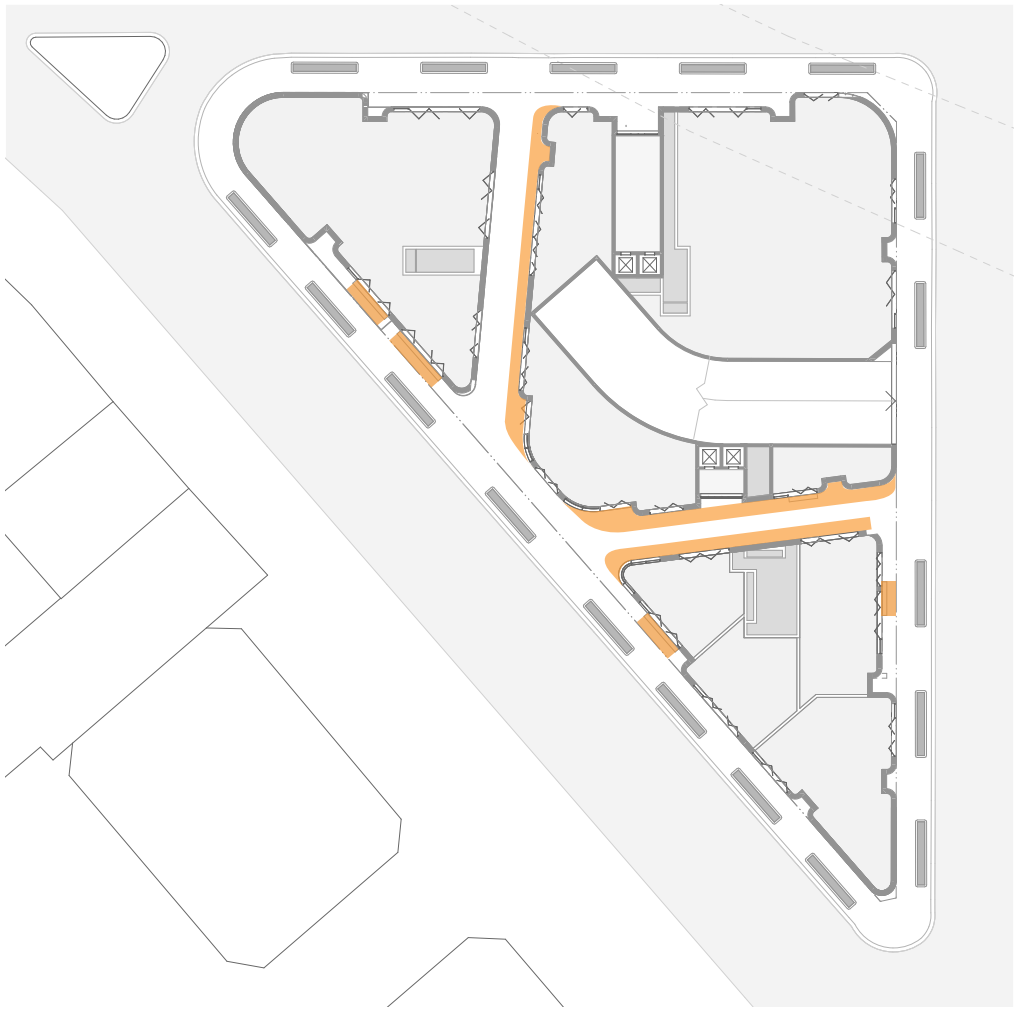
Placemaking Strategies: Loveable Places

Pedestrian Microclimate

Places to Stop & Rest

Number, frequency and variety (e.g. benches, bubblers, etc.) of public furnishings have been incorporated to allow people to stop and rest. Street furniture should be inclusive with carefully considered locations to allow for a variety of uses and interactions available for different people's needs and preferences.



Rest Zones

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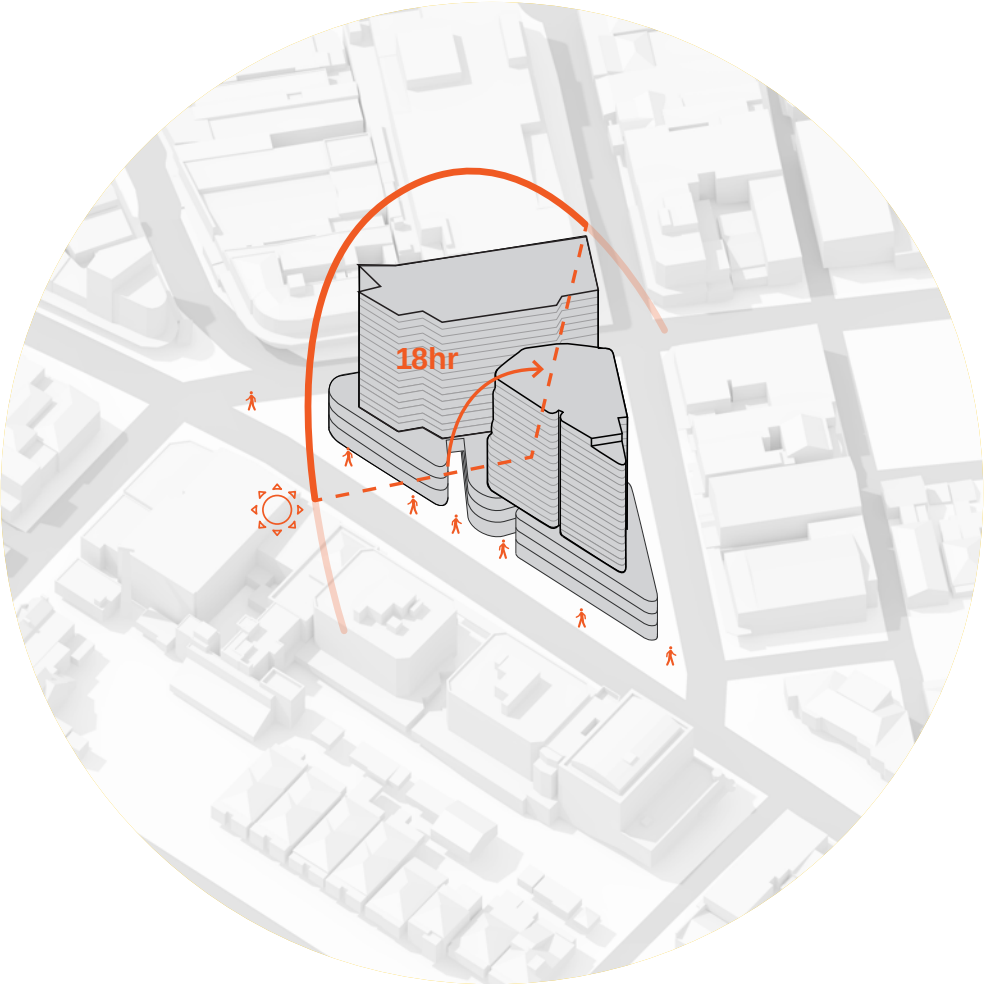
Placemaking Strategies: Loveable Places

Places to Stop and Rest

18hr City

18-hour cities is an emerging trend which can be generally defined as second-tiered metros, whereby many businesses operate beyond the typical 9-5 hours, but less than the 24h operations commonly seen in bigger cities. This classification is relevant to the subject site, which will contain retail spaces operating beyond typical hours, creating prolonged daily activity in the area.



LR NC BC IR AE CS VH DE VU

Placemaking Strategies: Loveable Places

18 Hour City

12

Visual Analysis

View Analysis

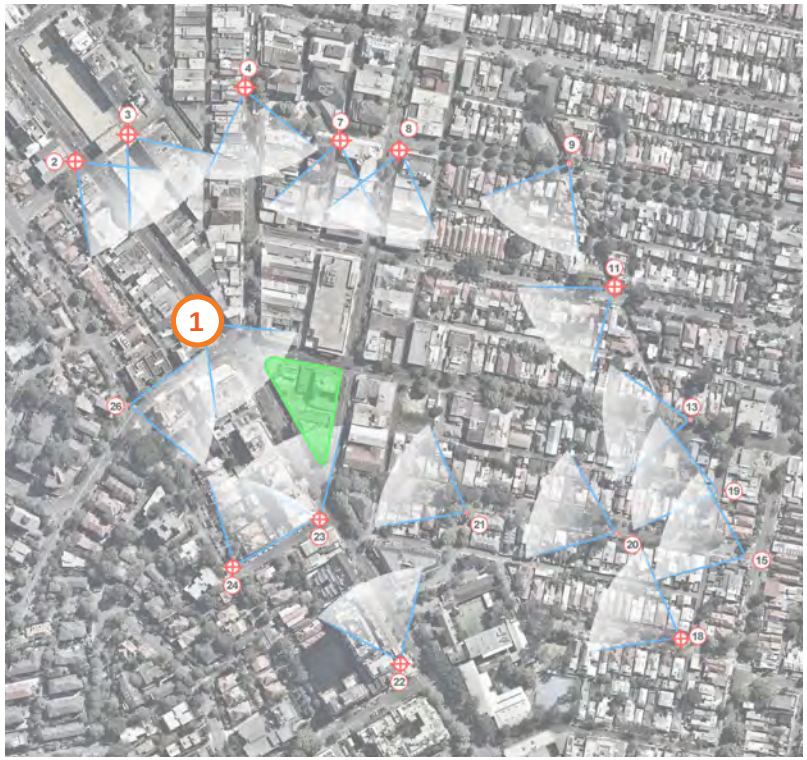
A view analysis study for the proposal was prepared based on site photography from streets and the public domain around the site.

The analysis is an updated of earlier studies prepared by the Government Architect NSW as part of the urban design analysis of the precinct.

The following images consider the envelope form of the proposed building in the local context.

The visual analysis imagery and analysis was prepared by Urbaine Architectural following a methodology based on the requirements of the Land and Environment Court 'Use of photomontages' policy.

Photomontage of Building Extents



Location & View Map

Analysis of Visual Impact: View 1

This is a dynamic, public viewpoint, looking south east towards the subject site, with an unobstructed view of the new proposal, across the junction with Pacific Highway, Falcon Street and Shirley Road.

The extent of visual impact is considerable from this location, as the building stands as a focal landmark point or gateway element at the geographical centre of Crows Nest, a symbolic position reinforced as a positive attribute within both the 2036 Plan and the Roberts Day place making report.

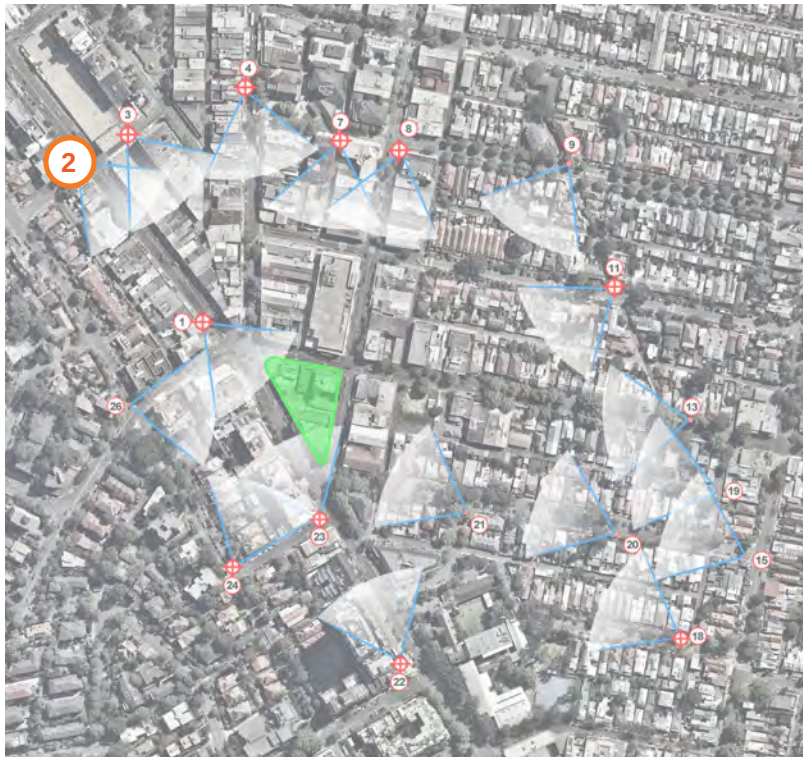
The surrounding buildings are all of commercial and retail use and of varied architectural styles and heights, between 2 and 6 storeys. This area of Pacific Highway in Crows Nest is the most elevated part of the immediate vicinity and, as such the visual impact of the new proposal does not result in any material view loss, only sky view loss.

The use of a defined podium will assist in creating a sense of separation of the building elements, allowing the lower levels to integrate into the existing urban fabric and the upper towers to act as the landmark icon.

Visual Analysis

Viewpoint 01

Photomontage of Building Extents



Location & View Map

Analysis of Visual Impact: View 2

This is a dynamic, public viewpoint, looking south east towards the subject site, with a partial view of the upper levels of the new proposal but with most of the podium level obscured by foreground buildings, particularly at the main junction.

The extent of visual impact is significant at a distance, but not oppressively so. The retail buildings along Pacific Highway are mostly 2 and 3 storeys and of mixed quality.

The raised position of the new proposal clearly allows the new proposal to act as a beacon for the suburb of Crows Nest and the core of its future development plans.

Across the Pacific Highway is a new train station development, part of the plan for growth for this suburb and in keeping with the intent of the new proposal.

Visually, the upper portions of the built form will be lighter and more open in their structure and materiality than the podium, serving to diminish the visual impact against the sky. There is no loss of view as a result of the low viewing angle relative to the raised site.

Visual Analysis

Viewpoint 02

Photomontage of Building Extents

Location & View Map

Analysis of Visual Impact: View 3

This is a dynamic, public viewpoint, looking south east towards the subject site, with a partial view of the upper levels of the new proposal but with all of the podium level obscured by foreground buildings, particularly those located at the main Five Ways junction.

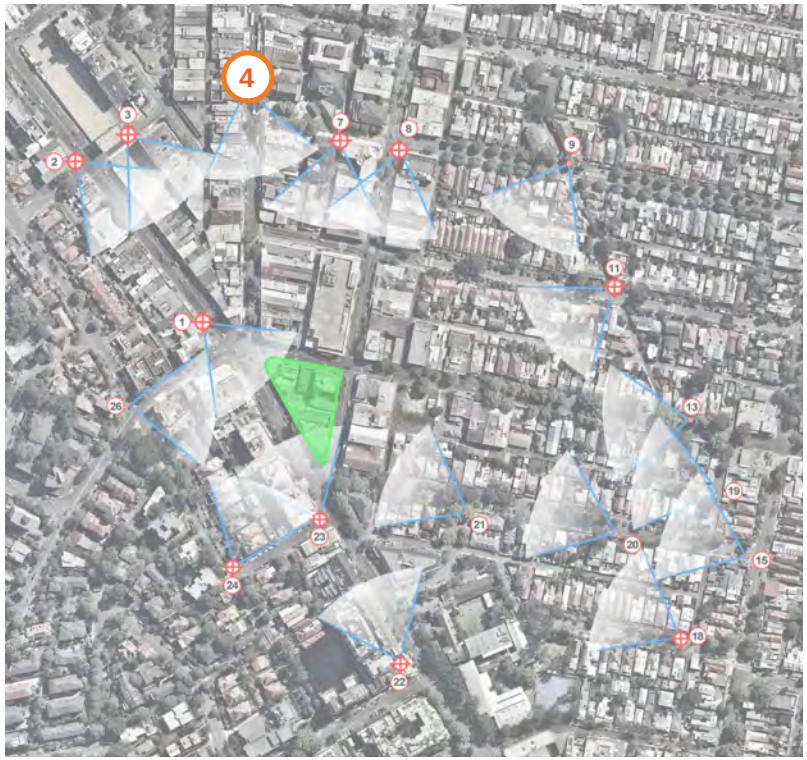
The extent of visual impact is relatively significant at a distance but will be obscured further with the completion of the new metro station building, currently underway on the corner of Pacific Highway and Hume Street. The buildings in the foreground are commercial and between 4 and 6 storeys in height, with little architectural merit.

The visibility of the proposal from this location again serves to reinforce its role as a central visible landmark or 'gateway element' for the hub of the suburb.

Visual Analysis

Viewpoint 03

Photomontage of Building Extents



Location & View Map

Analysis of Visual Impact: View 4

This is a dynamic, public viewpoint on the main shopping street of Crows Nest, being Willoughby Road. The view looks south towards the subject site, with a partial view of the upper levels of the new proposal but with almost all of the podium level obscured by foreground buildings, particularly those located at the main Five Ways junction.

Willoughby Road is lined with mature trees which serve to conceal a large portion of the upper levels of the proposal.

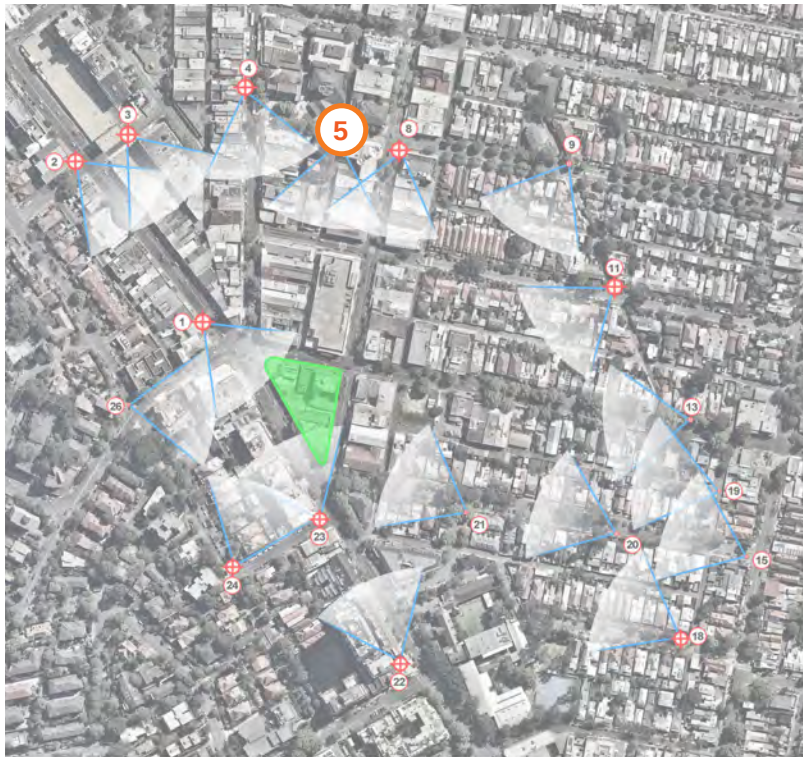
The visual glimpses seen between the trees assist in maintaining the proposal's purpose as a symbolic and visual focal point for the suburb, particularly in its heightened position in the area.

The larger amount of traffic in this area will be pedestrian and the building's architecture and built form will need to relate to a human scale in terms of its materiality and break down of overall massing. Materiality will reflect the buildings function, whilst also serving the secondary purpose as an 'sign-posting' or 'gateway element' landmark.

Visual Analysis

Viewpoint 04

Photomontage of Building Extents



Location & View Map

Analysis of Visual Impact: View 5

This is a dynamic, public viewpoint, on a rear access lane, being Willoughby Lane. The view looks south west towards the subject site, with a significant view of the upper levels of the new proposal, but with almost all of the podium level obscured by foreground buildings, particularly those located at the north west of the Five Ways junction.

This is a relatively utilitarian area, mostly for vehicular access and deliveries.

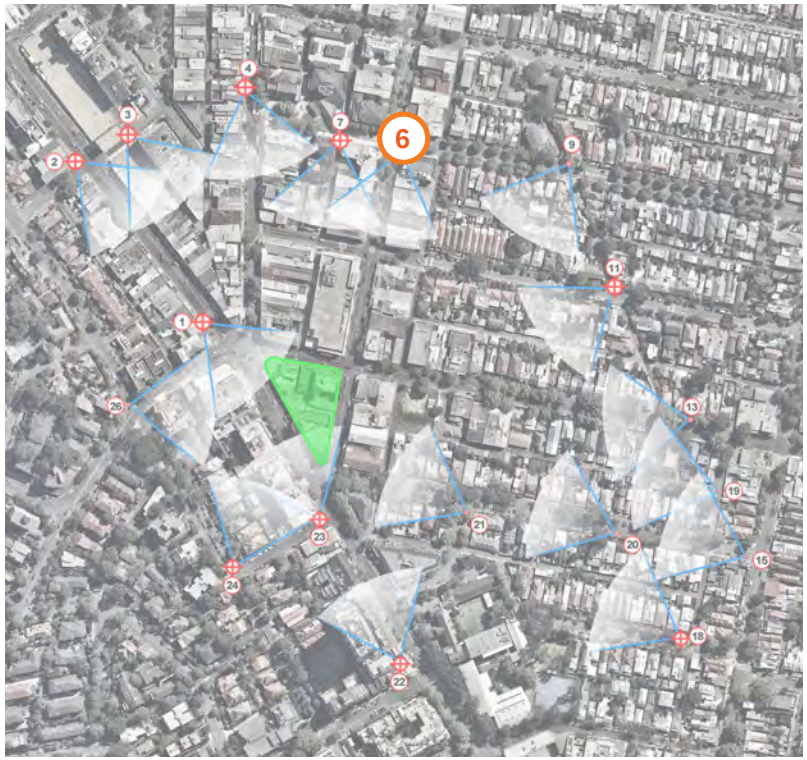
The visual impact, whilst significant, causes no material view loss, only loss of sky view.

The building effectively terminates the vista visually, which is largely in keeping with the role of 'sign-posting' of its central location.

Visual Analysis

Viewpoint 05

Photomontage of Building Extents



Location & View Map

Analysis of Visual Impact: View 6

This is a dynamic, public viewpoint, on a main vehicular route and shopping street of Crows Nest, being Alexander Street, which approaches the Five Ways junction from the north. The view looks south west towards the subject site, with a very small partial view of the upper levels of the new proposal, but with almost all of the proposed built form being obscured by foreground buildings and mature trees along Alexander Street.

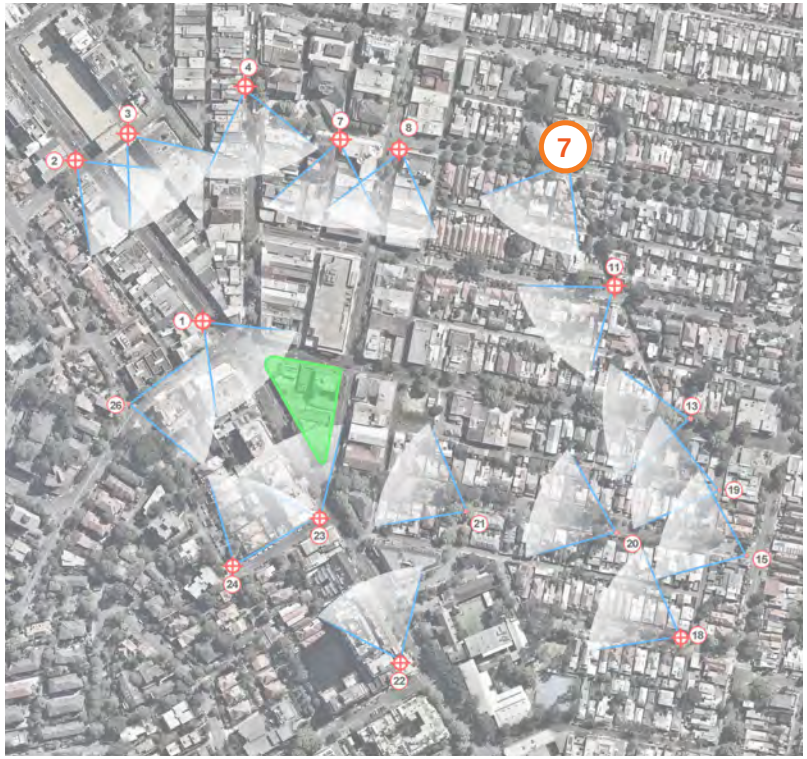
The nature and spacing of the trees will facilitate small glimpses of the proposal as the observer approached the 5 ways junction and subject site. These glimpses reinforce the secondary role of the upper towers of the proposal – to indicate the Five Ways junction location and the central hub of Crows Nest, which, over time will become the centre of new development.

Seasonal variations in the landscape will permit greater visibility of the proposed buildings over time. Alexander Street, although housing retail uses, is not as pedestrian focused as Willoughby Road and the views will more likely be experienced in a dynamic manner, either vehicular, or walking.

Visual Analysis

Viewpoint 06

Photomontage of Building Extents



Location & View Map

Analysis of Visual Impact: View 7

This is a dynamic, public viewpoint, on a main vehicular street of Crows Nest, being Alexander Street which approaches the Five Ways junction from the east. This area is almost entirely residential, consisting of various Federation style houses of one and 2 storey construction, alongside small scale residential apartments up to 3 storeys.

These streets are generally lines on both sides with mature, well maintained trees which serve to break up the visual lines of the residential houses and also of the proposed tower structures in the distance.

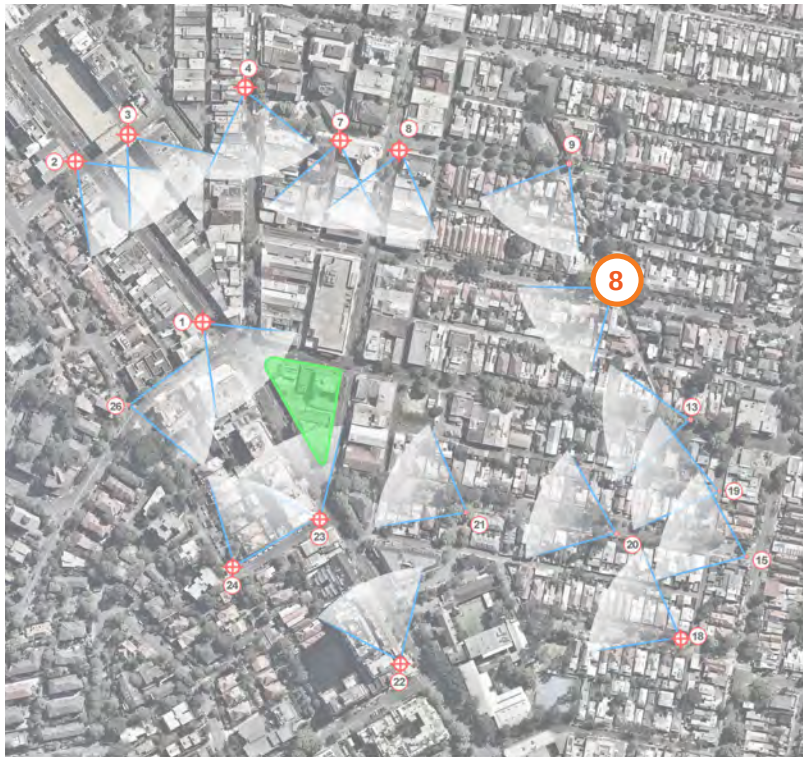
Despite its raised elevation, the proposal is barely visible from this location behind the high, raked roofs of the houses on the southern side of Ernest Street.

As in previous views, the glimpses of the proposal between trees and houses serves to act as a 'gateway element' for the suburb's commercial centre and also the starting point for future growth and expansion.

Visual Analysis

Viewpoint 07

Photomontage of Building Extents



Location & View Map

Analysis of Visual Impact: View 8

This is a dynamic, public viewpoint, on a main vehicular and residential street of Crows Nest, being Alexander Street, which approaches the Five Ways junction from the east. This area is almost entirely residential, consisting of various Federation style houses of one and 2 storey construction, alongside small scale residential apartments of up to 3 storeys and modern house interventions.

This street, although well planted with trees, does not have the visual screening of larger, higher tree canopies, as are observed on many of the adjoining residential streets. As a result of this, the proposal is significantly visible above the single storey house roof lines, between the observer and the subject site.

The upper levels of the proposal are visible, while the podium is entirely obscured by the foreground elements.

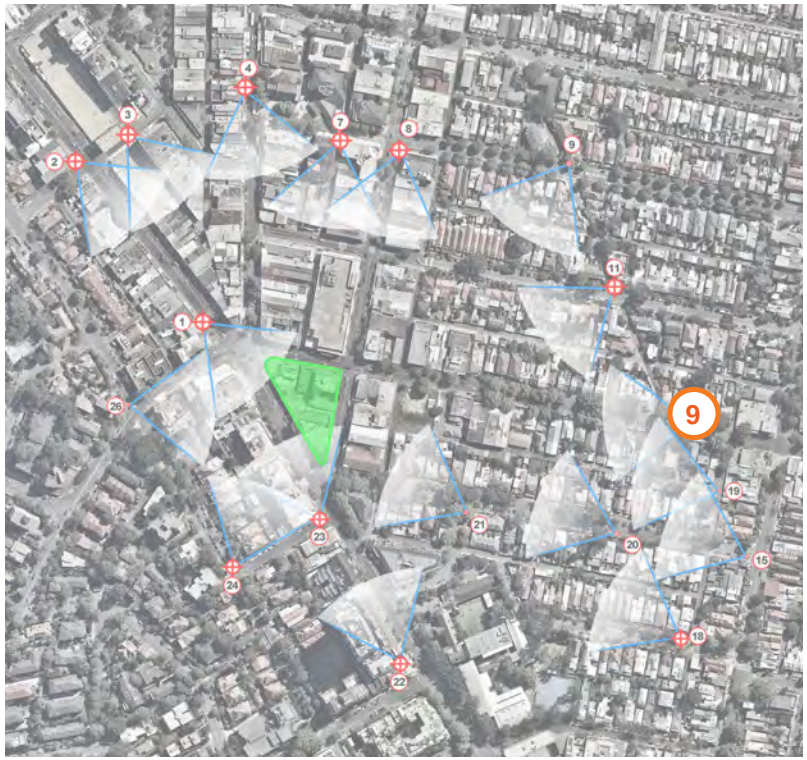
The orientation of the towers permit a view of the separation of the two structures, helping to break up the overall visual impact of the massing.

As a result of its raised position, there is no material view loss, only a loss of sky view in the distance.

Visual Analysis

Viewpoint 8

Photomontage of Building Extents



Location & View Map

Analysis of Visual Impact: View 9

This is a dynamic, public viewpoint, on a main vehicular street of Crows Nest, being Falcon Street, which approaches the Five Ways junction from the east. This area is almost entirely residential, interspersed with a small number of commercial and retail conversions. The street consists of various Federation style houses of one and 2 storey construction, alongside small scale residential apartments up to 3 storeys and various modern interventions.

Falcon Street is lined on both sides with mature, well-maintained trees which serve to break up the visual lines of the residential houses and also of the proposed tower structures in the distance. Despite its raised elevation, the proposal is only partially visible at its upper levels from this location behind the large trees on the street, towards the west.

As in previous views, the glimpses of the proposal between trees and houses serves to act as a 'gateway element' for the suburb's commercial centre and also the starting point for future growth and expansion.

None of the lower podium levels are visible from this location and, as in previous views, the elevated site position ensures there are no material view losses incurred.

Visual Analysis

Viewpoint 9

Photomontage of Building Extents

Location & View Map

Analysis of Visual Impact: View 10

This is a dynamic, public viewpoint, at the junction of 2 residential streets in Crows Nest, being Hayberry Street and West Street. Hayberry Street approaches the Five Ways junction from the east. This area is almost entirely residential, interspersed with a small number of commercial and retail conversions. The street consists of various Federation style houses of one and 2 storey construction, alongside small scale residential apartments up to 3 storeys and various modern interventions.

Hayberry Street is lined on both sides with mature, well maintained trees which serve to break up the visual lines of the residential houses and also of the proposed tower structures in the distance. Despite its raised elevation, the proposal is only partially visible, at its upper levels, from this location behind the large trees on the street, towards the west.

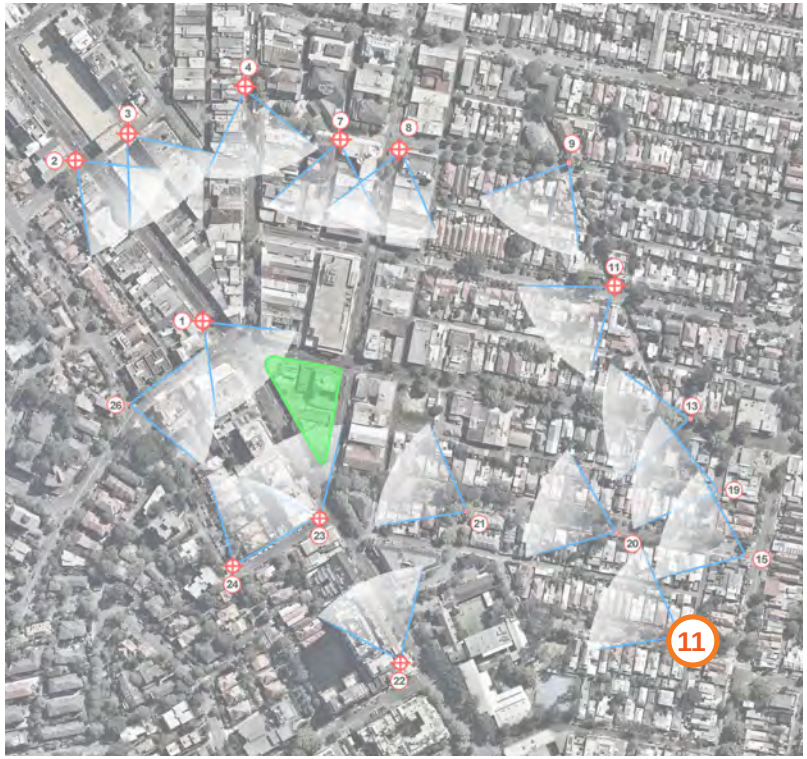
As in previous views, the glimpses of the proposal between trees and houses serves to act as a 'gateway element' for the suburb's commercial centre and also the starting point for future growth and expansion.

None of the lower podium levels are visible from this location and, as in previous views, the elevated site position ensures there are no material view losses incurred.

Visual Analysis

Viewpoint 10

Photomontage of Building Extents



Location & View Map

Analysis of Visual Impact: View 11

This is a dynamic, public viewpoint, at the junction of 2 residential streets in Crows Nest, being Myrtle Street and Eden Street. Myrtle Street connects to Pacific Highway at its eastern end. This area is almost entirely residential, interspersed with a small number of commercial and retail conversions. The street consists of various Federation style houses of one and 2 storey construction, alongside small scale residential apartments up to 3 storeys and various modern interventions.

Myrtle Street is lined on both sides with mature, well maintained trees, which serve to break up the visual lines of the residential houses and also of the proposed tower structures in the distance. Despite its raised elevation, the proposal is only partially visible, at its upper levels, from this location behind the large trees on the street and the roof line of nos.42-44 Myrtle Street, towards the north west.

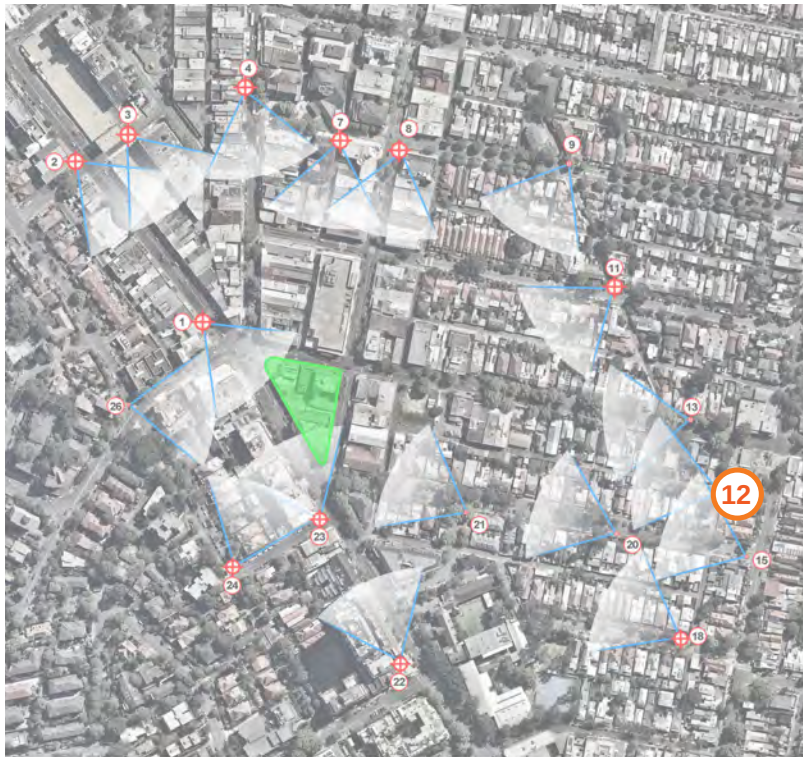
As in previous views, the glimpses of the proposal between trees and houses serves to act as a 'gateway element' for the suburb's commercial centre and also the starting point for future growth and expansion.

None of the lower podium levels are visible from this location and, as in previous views, the elevated site position ensures there are no material view losses incurred.

Visual Analysis

Viewpoint 11

Photomontage of Building Extents



Location & View Map

Analysis of Visual Impact: View 12

This is a dynamic, public viewpoint, at the junction of two residential streets in Crows Nest, being Hayberry Lane and Bernard Lane. Hayberry Lane approaches the Five Ways junction from the east. This lane is predominantly for vehicular access to the garages at the rear of houses on Falcon Street and Hayberry Street. The character of the area is almost entirely residential, interspersed with a small number of commercial and retail conversions.

There are a mixture of random garages, mixed with residential conversions and 3 and 4 level apartments. Towards the western end of Hayberry Lane, a number of larger, mature trees are located in rear residential gardens, alongside the edge of the road. These conjoin at various locations to effectively obscure large parts of the upper elements of the new proposal. The podium levels are entirely obscured by the buildings surrounding the site

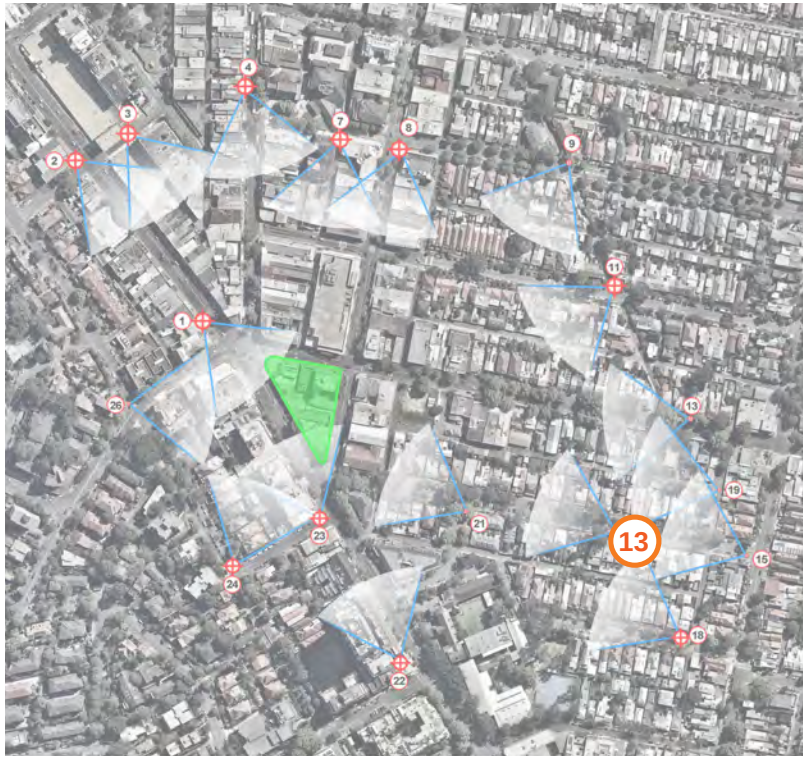
As in previous views, the glimpses of the proposal between trees and houses serves to act as a 'gateway element' for the suburb's commercial centre and also the starting point for future growth and expansion.

The elevated site position ensures there are no material view losses incurred, only partial sky view losses.

Visual Analysis

Viewpoint 12

Photomontage of Building Extents



Location & View Map

Analysis of Visual Impact: View 13

This is a dynamic, public viewpoint, approximately at the midpoint of a wide, established residential street, being Hayberry Street. This street approaches the Five Ways junction from the east. The area is almost entirely residential, interspersed with a small number of commercial and retail conversions. The street consists of various Federation style houses of one and 2 storey construction, alongside small scale residential apartments up to 3 storeys and various modern interventions.

Hayberry Street is lined on both sides with mature, well maintained trees, which serve to break up the visual lines of the residential houses and also of the proposed tower structures in the distance. Despite its raised elevation, the proposal is not visible from this location.

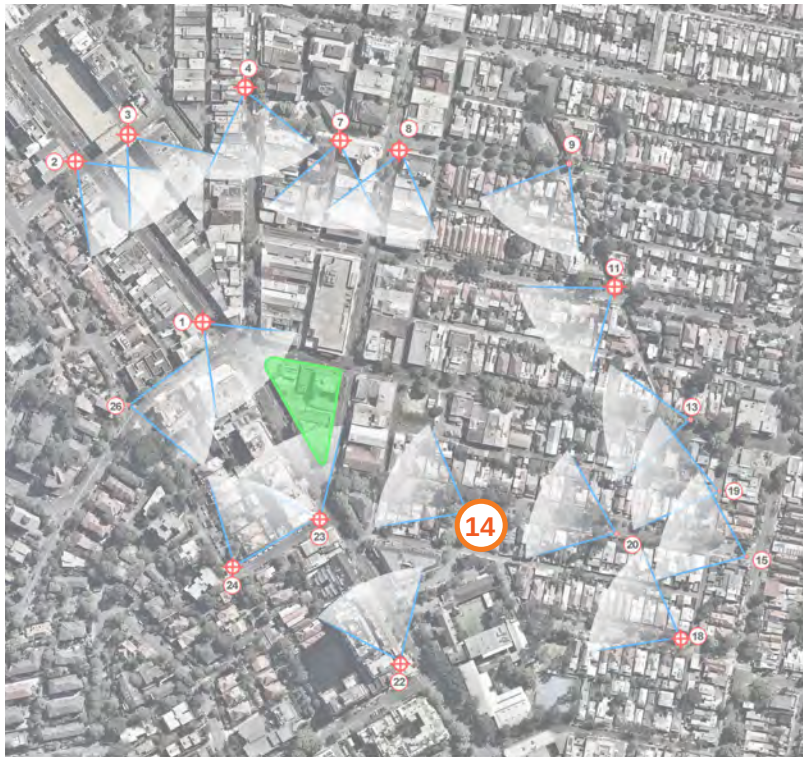
As in previous views, the glimpses of the proposal between trees and houses serves to act as a 'gateway element' for the suburb's commercial centre and also the starting point for future growth and expansion.

None of the lower podium levels are visible from this location and, as in previous views, the elevated site position ensures there are no material view losses incurred.

Visual Analysis

Viewpoint 13

Photomontage of Building Extents



Location & View Map

Analysis of Visual Impact: View 14

This is a dynamic, public viewpoint, at the junction of two residential streets in Crows Nest, being Hayberry Street and David Street. Hayberry Street approaches the Five Ways junction from the east. This area is almost entirely residential, interspersed with a small number of commercial and retail conversions. The street consists of various Federation style houses of one and 2 storey construction, alongside small scale residential apartments up to 3 storeys and various modern interventions. Beyond the eastern end of the street the commercial buildings surrounding the subject site terminate the vista.

Hayberry Street is lined on both sides with mature, well maintained trees, which serve to break up the visual lines of the residential houses and also of the proposed tower structures. The mid to upper levels are largely visible from this location, with the lower levels being largely obscured by a mixture of mature trees and existing buildings.

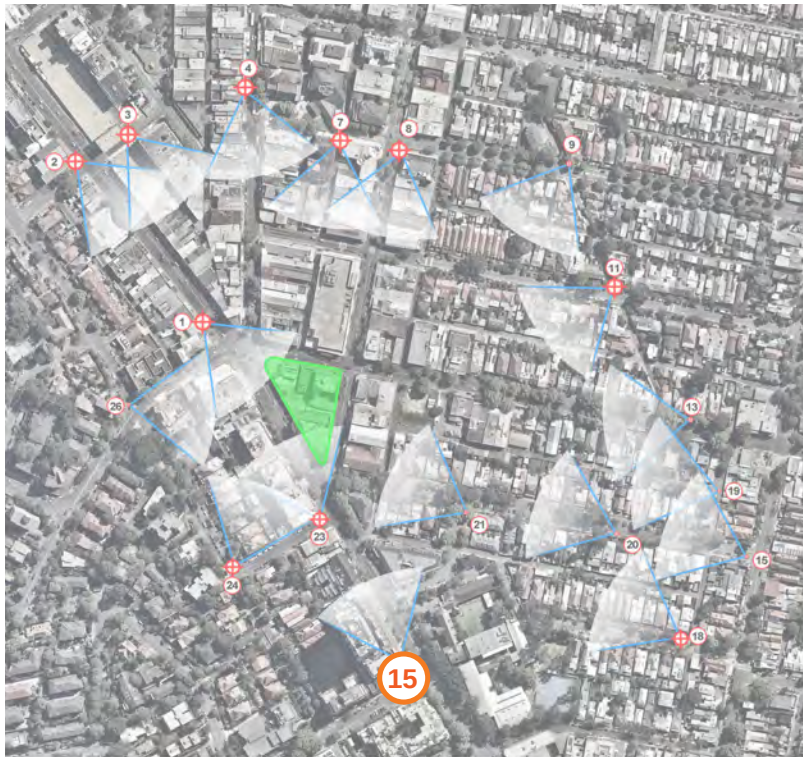
As in previous views, the glimpses of the proposal between trees and houses serves to act as a 'gateway element' for the suburb's commercial centre and also the starting point for future growth and expansion.

None of the lower podium levels are visible from this location and, as in previous views, the elevated site position ensures there are no material view losses incurred.

Visual Analysis

Viewpoint 14

Photomontage of Building Extents



Location & View Map

Analysis of Visual Impact: View 15

This is a dynamic, public viewpoint, at the junction of Pacific Highway and Rocklands Road. Pacific Highway is the main traffic thoroughfare approaching Crows Nest and the new proposal's form and location will be very significant in terms of its ability to locate the centre of Crows Nest.

Pacific Highway is lined by large commercial and residential buildings on its western side, with a combination of school and smaller commercial buildings on the east. There are various mature trees established along the road and also set back, within the ground of the school.

Pacific Highway approached the subject site from the south and from a lower elevation. This makes the new proposal more prominent visually, but ensures that no actual views are lost – the only visual impact being on the sky.

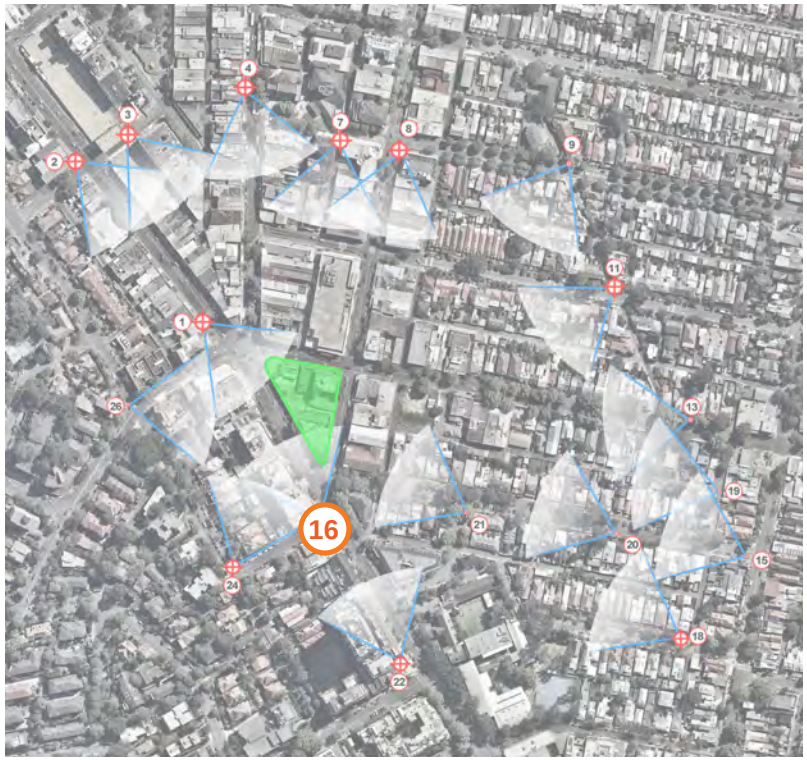
The Pacific Highway is the main arterial route through the North Shore suburbs, which progressively have been developed into larger commercial centres, such as North Sydney, St Leonards and Chatswood. The proposal seeks to articulate the various suburbs further by defining Crows Nest's location through its form and prominence.

Any visual impact should therefore be assessed in this context of way-finding and identification.

Visual Analysis

Viewpoint 15

Photomontage of Building Extents



Location & View Map

Analysis of Visual Impact: View 16

This is a dynamic, public viewpoint, at the junction of Pacific Highway and Bruce Street. Pacific Highway is the main traffic thoroughfare approaching Crows Nest and the new proposal's form and location will be very significant in terms of its ability to locate the centre of Crows Nest.

From this location, the building is visible almost in its entirety, being obscured only partially by mature trees along the roads. Pacific Highway is lined by large commercial and residential buildings on its western side, with smaller commercial buildings on the east. There are various mature trees established along the pavements.

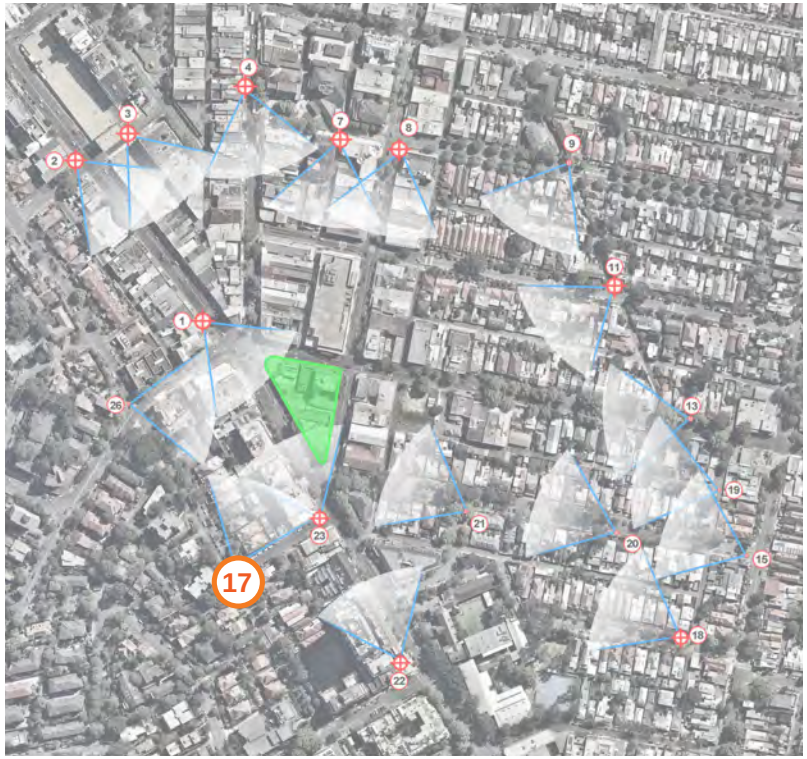
Pacific Highway approaches the subject site from the south and from a slightly lower elevation. This makes the new proposal more prominent visually, but ensures that no actual views are lost – the only visual impact being on the sky. The Pacific Highway is the main arterial route through the North Shore suburbs, which progressively have been developed into larger commercial centres, such as North Sydney, St Leonards and Chatswood. The proposal seeks to articulate the various suburbs further by defining Crows Nest's location through its form and prominence.

Any visual impact should therefore be assessed in this context of the proposal's purpose of way-finding and identification.

Visual Analysis

Viewpoint 16

Photomontage of Building Extents



Location & View Map

Analysis of Visual Impact: View 17

This is a dynamic, public viewpoint at the junction of Sinclair Street and Bruce Street. The landform drops steeply to the west from Pacific Highway creating a greater elevation of the new proposal from this location.

The buildings to the west of Pacific Highway are 6 to 8 storey residential and commercial buildings which already help to define the area as the centre of the suburb in terms of scale and interaction. The new proposal rises above the roof lines of the residential properties on Sinclair Street and obscure sky views only.

From this location, the mid to upper levels of the building are visible almost in their entirety, being obscured only partially by mature trees existing roof lines.

Visual Analysis

Viewpoint 17

Photomontage of Building Extents

Location & View Map

Analysis of Visual Impact: View 18

This is a dynamic, public viewpoint along Shirley Road, which is one of the main arterial roads approaching the Five Ways Junction site from the west. The landform drops steeply to the west from Pacific Highway, creating a greater elevation of the new proposal from this location.

The buildings to the west of Pacific Highway are 6 to 8 storey residential and commercial buildings, which already help to define the area as the centre of the suburb in terms of scale and interaction. The new proposal rises above the roof lines of the institutional properties on Shirley Road and obscure sky views only.

From this location, the mid to upper levels of the building are visible in parts, for the northern tower, whilst the second tower is more significantly obscured by the 3 storey brick buildings in the foreground.

Visual Analysis

Viewpoint 18

13 Shadow Analysis

In order to assess the effects of overshadowing in the context, 5 principles where generated arising from the 2036 plan.

1. No additional overshadowing of **nominated public open spaces** between **10am - 3pm (Winter solstice)**

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

3. Maintain Solar Access **Residential Areas** inside boundary (for at least **2 hours**)

4. Maintain Solar Access to **Residential Areas** outside boundary (**for the whole time between 9am and 3pm**)

5. Maintain Solar Access to **Heritage Conservation Areas** inside boundary (for at least **3 hours**)

1

No additional overshadowing of **nominated public open spaces** between **10am - 3pm (Winter solstice)**

Complies

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

Nominated Public Open Spaces

Shadow Analysis

No Additional Shadow To Nominated Public Open Spaces

2

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

Complies

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

Nominated Streetscapes

Shadow Analysis

No Additional Shadow To Nominated Streetscapes

3

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

Complies

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

Shadow Analysis

Maintain Solar Access to Residential Areas Outside the Plan Area Boundary

4

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

Complies

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

= Residential: Solar Amenity reduced Below 3hrs by Proposed Development

= Residential: Solar Amenity NOT reduced Below 3hrs by Proposed Development

= Commercial

Shadow Analysis

Maintain Solar Access to Residential Areas Inside the Plan Area Boundary

TURNER

5

Maintain Solar Access to **Heritage Conservation Areas** inside boundary (for at least **3 hours**)

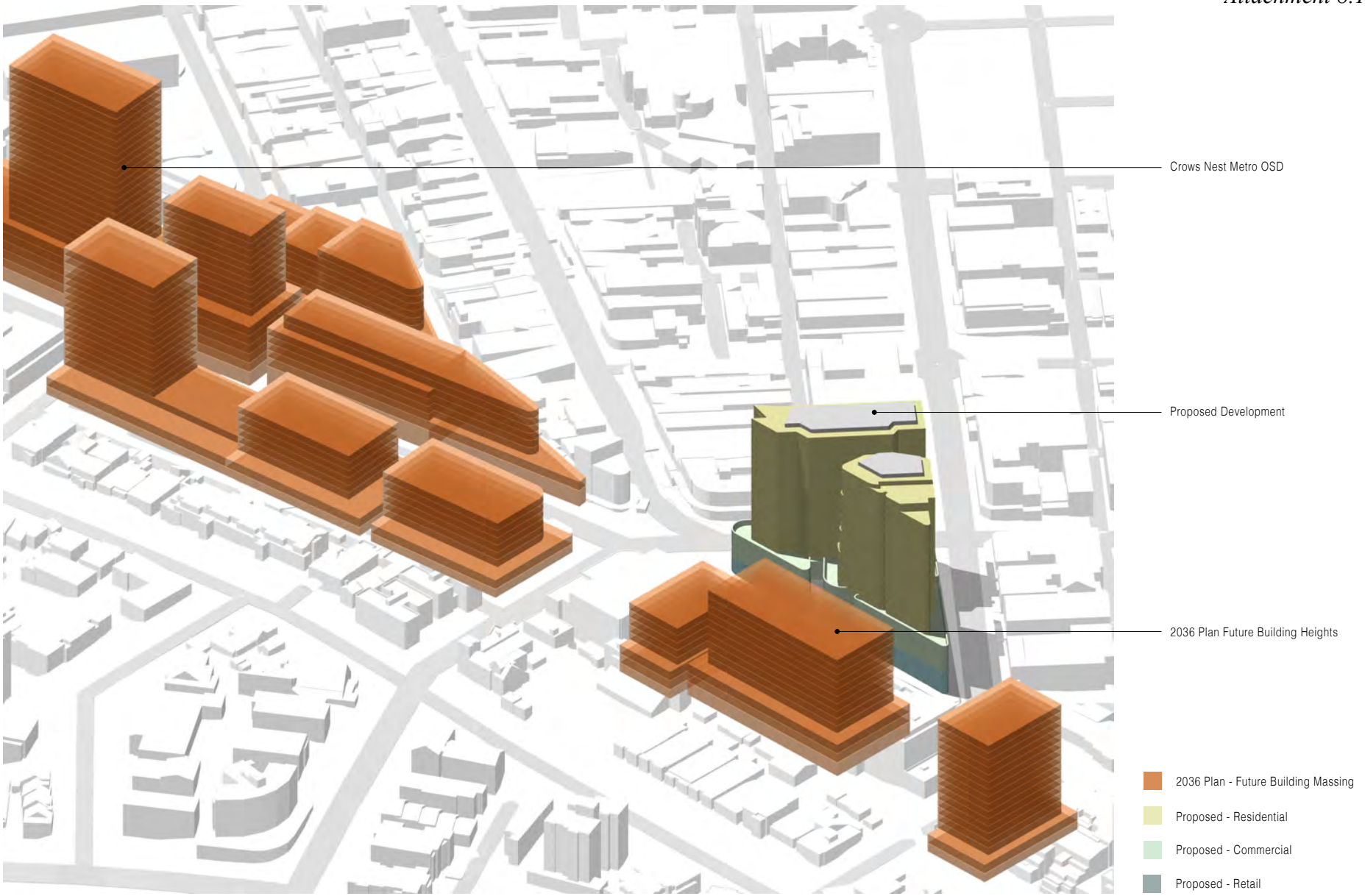
Complies

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

Heritage Conservation Area

Shadow Analysis

Maintain Solar Access to Heritage Conservation Areas



Shadow Analysis

2036 Plan Future Building Heights

Site

2036 Plan Area

Existing Shadows

Additional Shadow from Proposal

Shadow Analysis

9:00AM Shadow (21st June) - Existing & Proposed

TURNER

Site

2036 Plan Area

Existing Shadows

Additional Shadow from Proposal

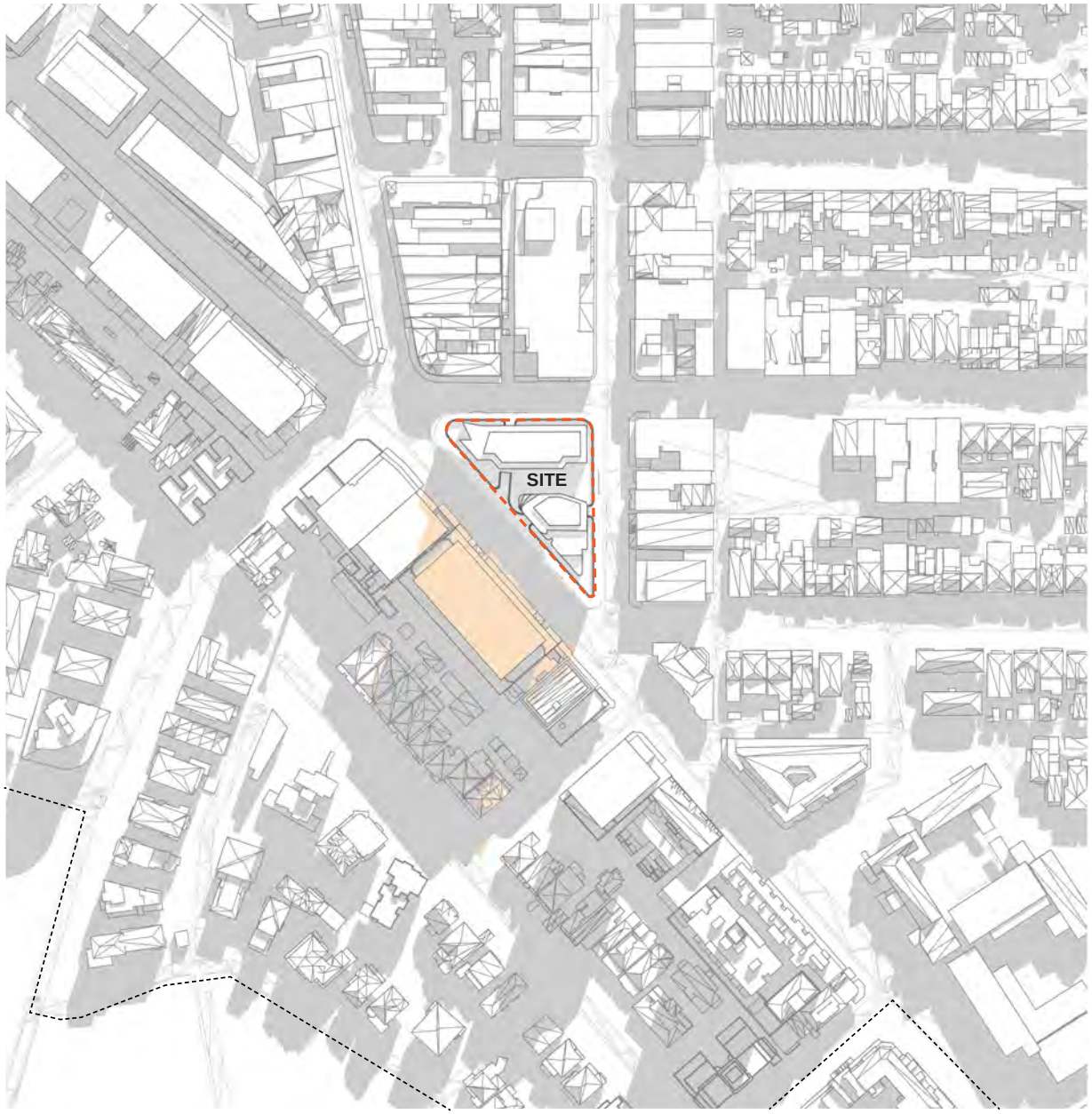
Shadow Analysis

9:00AM Shadow (21st June) - 2036 Plan & Proposed

Shadow Analysis

10:00AM Shadow (21st June) - Existing & Proposed

TURNER



Site

2036 Plan Area

Existing Shadows

Additional Shadow from Proposal

Shadow Analysis

10:00AM Shadow (21st June) - 2036 Plan & Proposed

Site

2036 Plan Area

Existing Shadows

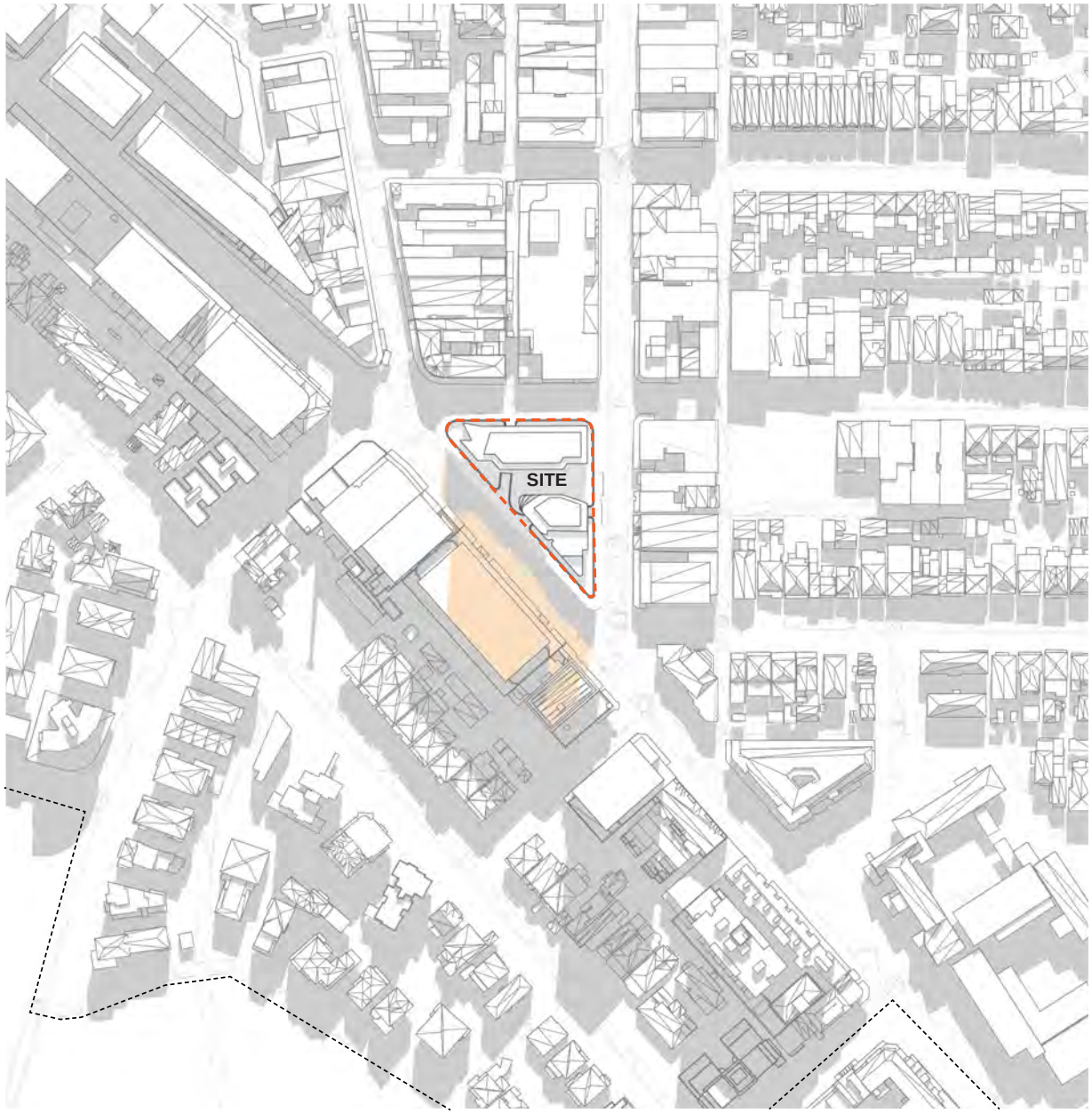
Additional Shadow from Proposal

Shadow Analysis

11:00AM Shadow (21st June) - Existing & Proposed

TURNER

p 138



Site

2036 Plan Area

Existing Shadows

Additional Shadow from Proposal

Shadow Analysis

11:00AM Shadow (21st June) - 2036 Plan & Proposed

TURNER

Shadow Analysis

12:00PM Shadow (21st June) - Existing & Proposed

TURNER

p 133

Shadow Analysis

12:00PM Shadow (21st June) - 2036 Plan & Proposed

TURNER

p 133

Site

2036 Plan Area

Existing Shadows

Additional Shadow from Proposal

Shadow Analysis

1:00PM Shadow (21st June) - Existing & Proposed

TURNER

Site

2036 Plan Area

Existing Shadows

Additional Shadow from Proposal

Shadow Analysis

1:00PM Shadow (21st June) - 2036 Plan & Proposed

Site

2036 Plan Area

Existing Shadows

Additional Shadow from Proposal

Shadow Analysis

2:00PM Shadow (21st June) - Existing & Proposed

Site

2036 Plan Area

Existing Shadows

Additional Shadow from Proposal

Shadow Analysis

2:00PM Shadow (21st June) - 2036 Plan & Proposed

Site

2036 Plan Area

Existing Shadows

Additional Shadow from Proposal

Shadow Analysis

3:00PM Shadow (21st June) - Existing & Proposed

TURNER

Site

2036 Plan Area

Existing Shadows

Additional Shadow from Proposal

Shadow Analysis

3:00PM Shadow (21st June) - 2036 Plan & Proposed

TURNER

14 The Vision

The Vision

Access and integration to green rooftops is a important goal for the development. The design significantly increases green coverage and communal planting to encourage community integration and sustainable living.

It also provides a green buffer from the roads and creates places of interest for a variety of uses.

The Vision

Podium Rooftop Garden Visualisation

The Vision

The public domain enhances the vibrant community by the use of public walks used as "outdoor rooms", abundant green areas, local public art , wide footpaths for layered activities, diversity at ground, places to stop and rest and an 18 hour city strategy for activation.

The Vision

Street & Cafe Visualisation

The Vision

The form of the ground and podium levels in particular connects with the existing street walls along Falcon St, Alexander St and Pacific Highway creating elements that relate in scale and detail to nearby heritage buildings. The nature of the retail, commercial and civic spaces complement existing spaces in the neighbourhood while also providing an unique, new and engaging contribution to the streetscape.

The Vision

Day-time Street View Visualisation

The Vision

The new public walks reinforce connections to the existing street-grid and suggest new connections to create additional permeability for the neighbourhood. The proposal is an extension of the Crows Nest Village connecting through to retail and commercial areas.

The Vision

Day-time Alexander Street Visualisation

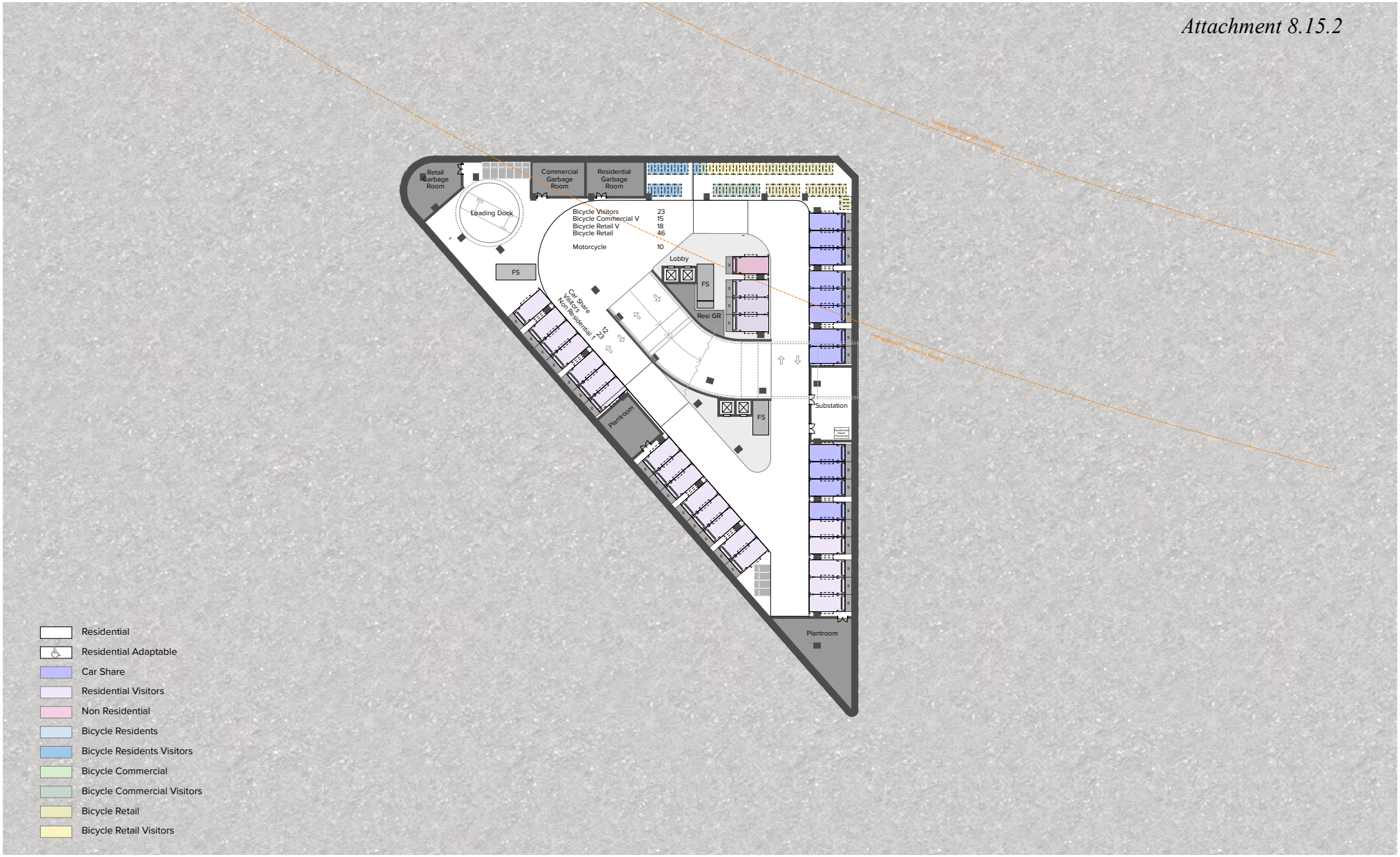
15
Conclusion

Five Ways Conclusion

As demonstrated in this report, the urban form proposed for the Five Ways Crows Nest site achieves the vision, area-wide design principles, and design criteria as outlined in the St Leonards and Crows Nest 2036 Plan. In particular:

- The project delivers significant new commercial floorspace in large flexible floorplates that will contribute to the regeneration of employment space in the district. Commercial tenancy space is designed to be flexibility and potentially suitable for the workplaces connected to Crows Nest Village and also for nearby education and health facilities such as the Mater Hospital.
- The amalgamation of the 19 allotments that currently make up the Five Ways site will enable this currently 'lost space' to be transformed as a vibrant and welcoming gateway to the Crows Nest Village.
- The new ground plane will offer shade, soft landscape, urban furniture and a pedestrian friendly environment which will provide easy and safe connections to the major bus stop on Pacific Highway and to adjacent precincts.
- The ground floor and podium spaces will contain a diverse range of spaces including retail and commercial uses. The mix of shopping and services responds to the needs of the community. The configuration of the retail spaces, new pedestrian links is designed to expand the active and vibrant experience of Crows Nest Village and to provides a catalyst to under performing retail and commercial spaces in the retail High-Streets adjacent to the site.
- The provision of new dwellings within a short walking distance of the $12.5 billion Crows Nest Metro is responsible planning which helps to create a city where people can live within 30-minutes of their employment.
- The provision of key-working housing contributes to the community demand, Council priorities and ultimately assists local workers who may currently have difficultly accessing private housing.
- The new homes will help satisfy housing demand in the 2027-2036 period and reduce the pressure on less appropriate locations in the LGA.
- The proposal creates a 'gateway element' as anticipated in the 2036 Plan and is the only site capable of supporting a landmark building.

16
Indicative Plans



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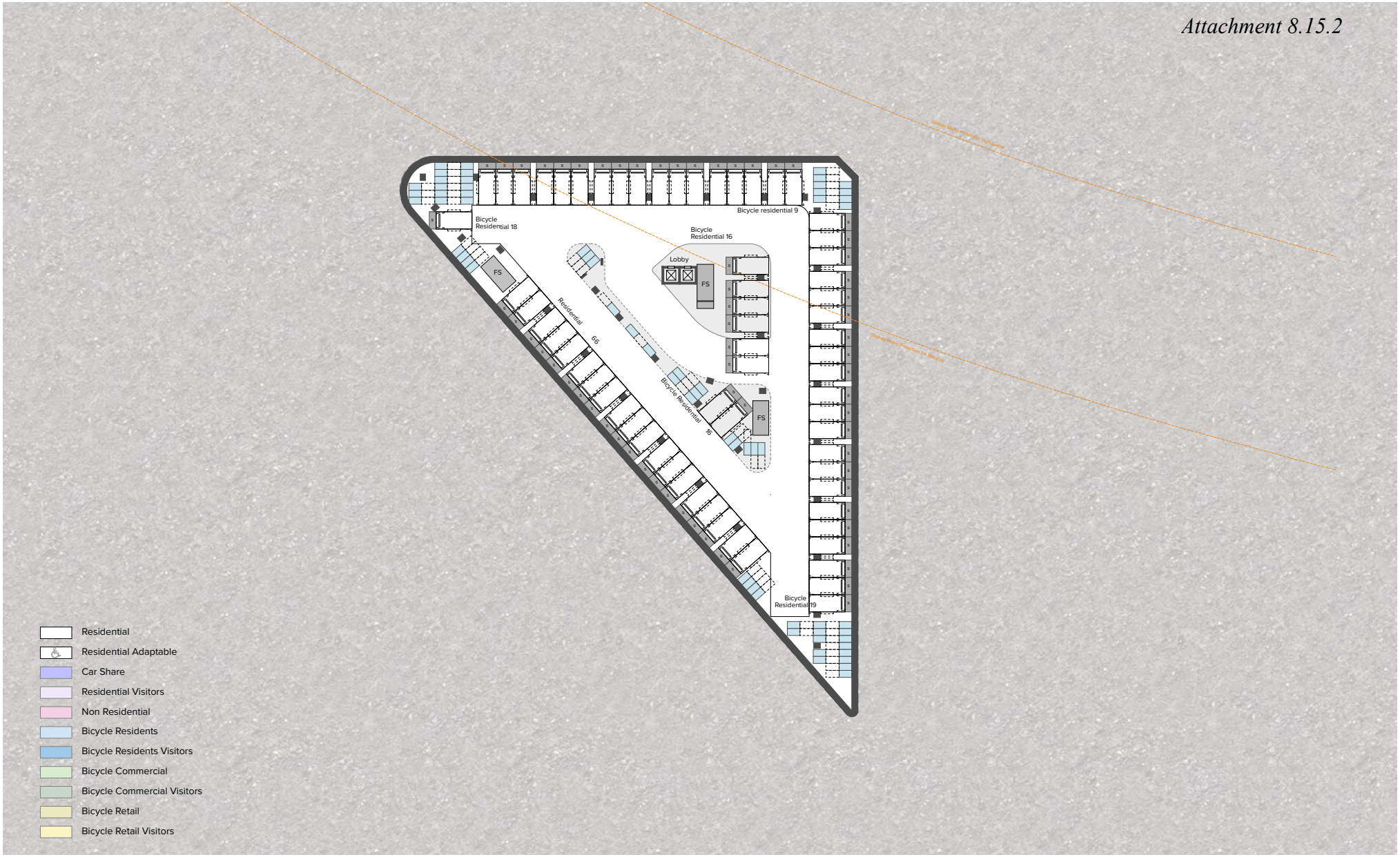
Design Proposal: General Arrangement Plans

Basement Level 1

TURNER



1:500 @ A3

Design Proposal: General Arrangement Plans

Basement Level 7

TURNER

1:500 @ A3

Design Proposal: General Arrangement Plans

Ground Floor

TURNER

1:500 @ A3

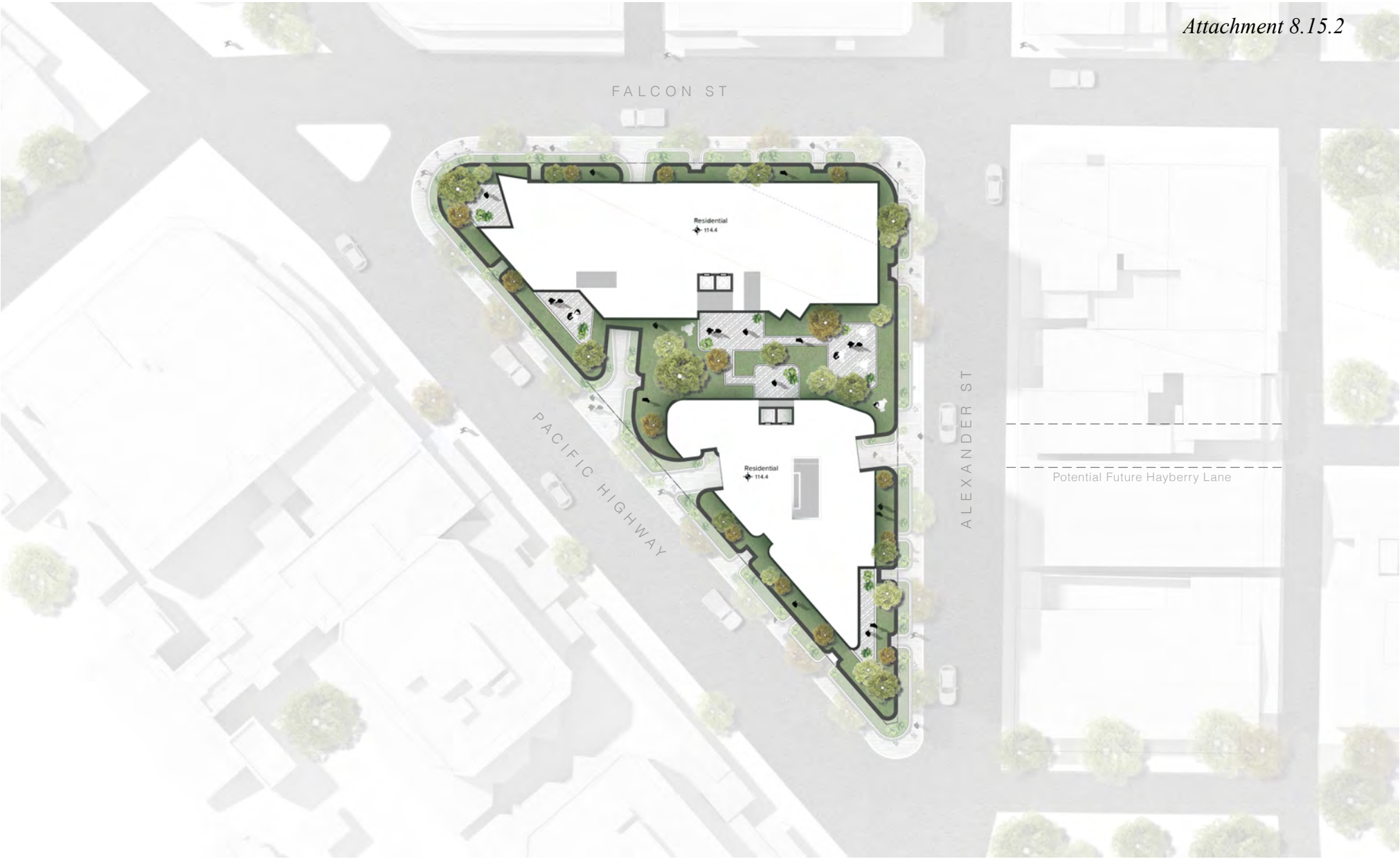
Design Proposal: General Arrangement Plans

Level 1

1:500 @ A3

Design Proposal: General Arrangement Plans

Level 2



1:500 @ A3

Design Proposal: General Arrangement Plans

Level 3 - Podium Roof

1:500 @ A3

Design Proposal: General Arrangement Plans

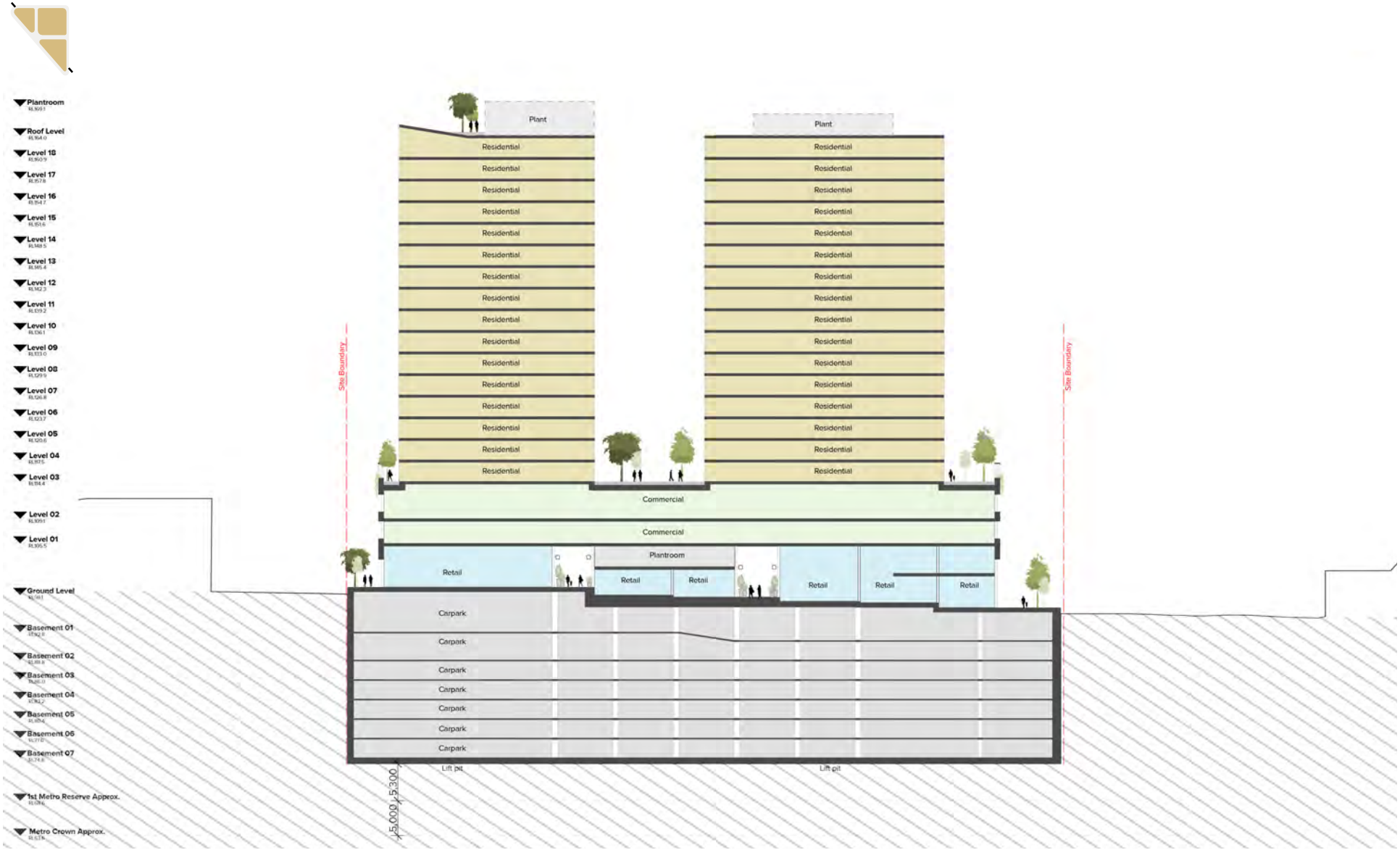
Tower - Typical Floor

1:500 @ A3

Design Proposal: General Arrangement Plans

Level 19 - Tower Rooftop

TURNER



1:500 @ A3

Design Proposal: General Arrangement Plans

Section

2036 Future Building Heights

1:700 @ A3

Design Proposal: General Arrangement Plans

Pacific Highway Street Elevation

2036 Future Building Heights

1:700 @ A3

Design Proposal: General Arrangement Plans

Alexander Street Elevation

TURNER

2036 Future Building Heights

1:700 @ A3

Design Proposal: General Arrangement Plans

Falcon Street Elevation

TURNER

Development Metrics

Total Height (Including Podium)
19 Storeys

Podium GFA (3 levels)
8,002m²

Tower GFA (16 levels)
21,818m²

Typical Tower Floorplate GFA
800m² & 540m²
Apartment Numbers per Floor
9 & 6

Basement Levels
7

Indicative Apartment Mix
1 BED: **15%**
2 BED: **75%**
3 BED: **10%**

Indicative Basement numbers as per North Sydney DCP

Residential	**216**	Car Spaces
Non Residential	**134**	Car Spaces
Car Share	**12**	Car Spaces
Motorcycles	**22**	Spaces
Bicycles	**404**	Spaces

(Residential, Non Residential & Visitors)

ART GALLERY

N O R T H S Y D N E Y C O U N C I L

NORTH SYDNEY LOCAL PLANNING PANEL

DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING HELD IN THE SUPPER ROOM, COUNCIL CHAMBERS, NORTH SYDNEY, ON WEDNESDAY 5 MAY 2021, AT 2.00PM.

PRESENT

Chair:
Grant Christmas

Panel Members:
Jan Murrell (Panel Member)
Caroline Pidcock (Panel Member)
Kenneth Robinson (Community Representative)

Staff:

George Youhanna, A/Manager Development Services
Robyn Pearson, Team Leader Assessments
David Hoy, Team Leader Assessments
Josh Jongma, Governance Co-Ordinator (Minutes)

Apologies: Nil

1. **Minutes of Previous Meeting**

The Minutes of the NSLPP Meeting of 7 April 2021 were confirmed at that meeting.

2. **Declarations of Interest**

There were no declarations of interest

3. **Business Items**

The North Sydney Local Planning Panel is a NSW Government mandated Local Planning Panel exercising the functions of North Sydney Council, as the Consent Authority, under Section 4.8(2) of the Environmental Planning and Assessment Act, 1979 as amended, and acts pursuant to a Direction of the Minister for Planning issued under Section 9.1 of the Act, dated 23 February 2018.

Panel Members inspected sites independently and have had access to Council's electronic file, including details of all written submissions, plans, site photographs and supporting documentation. This meeting was recorded for the purposes of preparing minutes in accordance with the NSW Panel Secretariat's Panel Operating Guidelines.

The Panel has considered the following Business Items and resolves to determine each matter as described within these minutes.

ITEM 1

DA No:	287/20
ADDRESS:	13 Eden Street, North Sydney
PROPOSAL:	To extend operating hours of ground floor tenancies G01 to G07 (inclusive) to 24 hours a day, seven days a week.
REASON FOR NSLPP REFERRAL	The application is referred to the North Sydney Local Planning Panel for determination because of the number of submissions that have been received. The notification of this proposal has attracted 18 unique submissions.
REPORT BY NAME:	Leonie Derwent, Consultant, Ingham Planning Pty Ltd
APPLICANT:	Myrtle 29 Pty Ltd

Public Submissions

5 Written Submissions

Submitter	**Applicant/Representative**
Amanda Judd	James Lovell - Applicant's Town Planner

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting.

The Council Officer's Report and Recommendation is endorsed by the Panel and the Development Application is refused.

Panel Reason

The Panel considers that the application to extend the trading hours for the commercial suites is inappropriate having regard to the close proximity of the residential apartments above and the common courtyard.

Voting was as follows:

Panel Member	**Yes**	**No**	**Community Representative**	**Yes**	**No**
Grant Christmas	**Y**		Kenneth Robinson	**Y**	
Jan Murrell	**Y**				
Caroline Pidcock	**Y**				

ITEM 2

DA No:	339/20
ADDRESS:	13 Eden Street, North Sydney
PROPOSAL:	To change of use of six (6) "business/retail" tenancies to studio apartments.
REPORT BY NAME:	Leonie Derwent, Consultant, Ingham Planning Pty Ltd
REASON FOR NSLPP REFERRAL:	The application is referred to the North Sydney Local Planning Panel for determination due to the level of public interest expressed and the total number of unique submissions that have been received objecting to the proposal.
APPLICANT:	Myrtle 29 Pty Ltd

Public Submissions

5 Written Submissions

Submitter	Applicant/Representative
Amanda Judd	James Lovell - Applicant/Town Planner

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting.

Pursuant to the provisions of Clause 4.6 of the North Sydney Local Environmental Plan 2013 ("the LEP"), the Panel is not satisfied that the written request in relation to the contravention of the non-residential Floor Space Ratio development standard, in clause 4.4A of the LEP, adequately addresses the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written request does not demonstrate that compliance with the development standard is unnecessary or unreasonable in the circumstances of the case. Further, the Panel considers that the proposed development will not be in the public interest because it is inconsistent with the objectives of the standard and the zone objectives.

The Council Officer's Report and Recommendation is endorsed by the Panel. The Development Application is refused.

Panel Reason:

The Panel considers that the proposed conversion of the suites from commercial to residential is unacceptable because of the lack of amenity and private open space for future residents of those suites.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Grant Christmas	**Y**		Kenneth Robinson	**Y**	
Jan Murrell	**Y**				
Caroline Pidcock	**Y**				

ITEM 3

DA No:	40/21
ADDRESS:	1B Pine Street, Cammeray
PROPOSAL:	Construction of a two storey detached dwelling.
REPORT BY NAME:	Robin Tse, Senior Assessment Officer
REASON FOR NSLPP REFERRAL:	The application is referred to the North Sydney Local Planning Panel for determination because the application has received more than 10 submissions.
APPLICANT:	Kyoung Lim Choi

Public Submissions

No Written Submissions

Submitter	**Applicant/Representative**
Vitalii Tyshchenko	Raouf Saadeh - Applicant
Linda Quinn (assisted by Alice Cook)	

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting.

The Council Officer's Report and Recommendation is endorsed by the Panel subject to the deferred commencement conditions in the report and the following additional conditions:

A. A dilapidation report to be prepared detailing the visible external condition of the immediately adjoining properties at 491 and 495 Miller Street and a copy is to be provided to the property owners.
B. The removal of the 'new natural screen bambu' (sic) adjacent to the common boundary with 491 Miller Street.
C. The proposed brick wall adjacent to the driveway of 497 Miller Street is to be reduced in height to a maximum of 1.8 metres.
D. A design change requiring the concrete roof to be replaced with a sloping Colorbond roof.

The deferred commencement conditions requires the applicant to submit amended plans for the approval of Council's Manager Development Services before the consent can operate.

Panel Reason:

The Panel considers a deferred commencement consent is necessary in the circumstances to provide certainty and an improvement to the outcome.

Voting was as follows:

Panel Member	**Yes**	**No**	**Community Representative**	**Yes**	**No**
Grant Christmas	**Y**		Kenneth Robinson	**Y**	
Jan Murrell	**Y**				
Caroline Pidcock	**Y**				

ITEM 4

DA No:	26/21
ADDRESS:	37 Carr Street, Waverton
PROPOSAL:	Alterations and additions to the existing heritage listed dwelling including the addition of a balcony to the side dormer, infill of the indoor swimming pool and the construction of a pergola over the deck in the rear yard.
REPORT BY NAME:	Luke Donovan, Senior Assessment Officer
REASON FOR NSLPP REFERRAL:	The application is reported to the North Sydney Local Planning Panel for determination as the proposal involves demolition works to a heritage listed item.
APPLICANT:	WEN Architects

Public Submissions

No Written Submissions

Submitter	Applicant/Representative
	Hao Yan – Wen Architects – Applicant

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting.

The Council Officer's Report and Recommendation is endorsed by the Panel.

Pursuant to the provisions of Clause 4.6 of the North Sydney Local Environmental Plan 2013 ("the LEP"), the Panel is satisfied that the written request in relation to the contravention of the height of buildings development standard, in clause 4.3 of the LEP, adequately addresses the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written request does demonstrate that compliance with the development standard is unnecessary in the circumstances of the case. Further, the Panel considers that the proposed development will be in the public interest because it is consistent with the objectives of the standard and the zone objectives.

Panel Reason:

The Panel considers that the proposed development has a minimal environmental impact and will not impact on the heritage significance of the building on the site.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Grant Christmas	**Y**		Kenneth Robinson	**Y**	
Jan Murrell	**Y**				
Caroline Pidcock	**Y**				

ITEM 5

DA No:	336/20
ADDRESS:	2-4 Winslow Street, Kirribilli
PROPOSAL:	Torrens title subdivision into three separate lots, use of the existing federation style terrace buildings as semi-detached dwellings including alterations and additions, and alterations and additions to the existing office premises under existing use rights provisions.
REPORT BY NAME:	Michael Stephens, Senior Assessment Officer
REASON FOR NSLPP REFERRAL:	The application is reported to the North Sydney Local Planning Panel for determination as the proposed development results in a variation to the development standards by more than 10%
APPLICANT:	Cerno Management Pty Ltd

Public Submissions

No Written Submissions

Submitter	Applicant/Representative
	Tony Robb – Town Planner
	Tai Ropiha - Architect
	Paul Di Cristo -Applicant

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting.

Pursuant to the provisions of Clause 4.6 of the North Sydney Local Environmental Plan 2013 ("the LEP"), the Panel is satisfied that the written requests in relation to the contravention of the height of buildings development standard in clause 4.3 of the LEP and the minimum subdivision lot size development standard in clause 4.1 of the LEP, adequately address the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written requests demonstrate that compliance with the development standards are unnecessary in the circumstances of the case. Further, the Panel considers that the proposed development will be in the public interest because it is consistent with the objectives of the standards and the zone objectives.

The Council Officer's Report and Recommendation is endorsed by the Panel subject to:

(i) an amendment to condition AA1 to read:

"Disabled access is to be provided from the ground floor to the lower ground floor of lot 1 commercial office premises."

(ii) Condition AA2 being deleted.

The Panel delegates the power to attach and impose standard conditions to the Council's Manager Development Services.

Panel Reason:

The Panel considers that the proposed development will improve the existing development on the site and is more compatible with the surrounding existing development in the locality.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Grant Christmas	**Y**		Kenneth Robinson	**Y**	
Jan Murrell	**Y**				
Caroline Pidcock	**Y**				

ITEM 6

DA No:	397/19/2
ADDRESS:	2 Folly Point, Cammeray
PROPOSAL:	Section 4.55(2) Modifications to development consent for alteration and additions to an existing dwelling house.
REPORT BY NAME:	Michael Stephens, Senior Assessment Officer
REASON FOR NSLPP REFERRAL:	The application is reported to the North Sydney Local Planning Panel for determination as the proposed amendments relate to a condition of consent added by the Panel, and the development application set out in the Schedule relate to a departure from a development standard Cl 4.3 Building Height.
APPLICANT:	Mark Solomon – Plan Urbia

Public Submissions

No Written Submissions

Submitter	Applicant/Representative
	Mark Solomon – Applicant's Town Planner

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting.

The Council Officer's Report and Recommendation is endorsed by the Panel.

Panel Reason:

The Panel considers that the proposed modification is minor and will have negligible environmental impact.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Grant Christmas	**Y**		Kenneth Robinson	**Y**	
Jan Murrell	**Y**				
Caroline Pidcock	**Y**				

PLANNING PROPOSAL

ITEM 7 (Considered after Development Applications)

PROPOSAL No:	**7/20**
ADDRESS:	**Fiveways Triangle Site (Land bound by Pacific Highway, Falcon Street and Alexander Street, Crows Nest)**
PROPOSAL:	**To amend North Sydney Local Environmental Plan 2013 as follows:** • Increase the maximum building height on the subject site from 16m to 75m; • Increase the minimum Non-Residential Floor Space Ratio (FSR) on the subject site from 0.5:1 to 2.5:1; and • Establish an overall maximum FSR on the subject site of 9.3:1.
REPORT BY NAME:	**Katerina Papas, Strategic Planner**
APPLICANT:	**Deicorp Projects (Crows Nest) Pty Limited**

Public Submisions

1 Written Submission

Submitter	**Applicant/Representative**
John Hancox - Representation from Wollstonecraft Precinct	Fouad Deiri -Deicorp – Applicant
Sue Yelland - Resident of Wollstonecraft	Stephen Kerr - City Plan – Applicant's Planning Consultant
	Stephen Cox - Turner Architects – Applicant's Architect

Panel Recommendation to Council:

The Planning Proposal seeks to amend NSLEP 2013 as follows:

- Increase the maximum building height control on the subject site from 16m to 75m;
- Increase the minimum Non-Residential Floor Space Ratio (FSR) control on the subject site from 0.5:1 to 2.5:1; and
- Establish an overall maximum FSR control on the subject site of 9.3:1.

The Panel recommends that the Planning Proposal not proceed in its current form and endorses the analysis and reasons provided in the Council Officer's report.

The Panel considers that the Planning Proposal in unacceptable for the following reasons:

a) The Panel is not persuaded that the numeric controls of the St Leonards and Crows Nest 2036 Plan ("the 2036 Plan") can be ignored for a preference to the more general "vision, objectives and actions"in the Plan. The Planning Proposal is inconsistent with 2036 Plan, in particular the metrics relating to the number of storeys and FSR which are an integral part of the 2036 Plan that was developed after years of study, consultation and investigation.
b) The Planning Proposal if made would create an undesirable precedent and undermine the integrity of the recently adopted 2036 Plan.

c) The Planning Proposal is also contrary to *Direction 5.10 – Implementation of the Regional Plan* and *Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan* to section 9.1 Ministerial Directions under the Environmental Planning and Assessment Act 1979, which permits Planning Proposals to be inconsistent with the 2036 Plan but only if any inconsistencies are of minor significance.
d) The Planning Proposal does not satisfy all the requirements under the ADG and urban design excellence has not been established with the intensity of the development proposed.
e) The 2036 Plan is based on contributions from the uplift of all the sites, having regard to infrastructure, public domain and urban design. The consideration of planning proposals on a site by site basis undermines the integrity of the planning system.

It is noted that the applicant emphasised the public benefit of the Planning Proposal by the doubling of monetary contributions however the Panel does not consider this as justification for a height and FSR exceedance not envisaged in the 2036 Plan.

The Panel does not recommend that the Planning Proposal proceed to Gateway Determination as a site specific planning proposal given the significant processes that have occurred in finalising the 2036 Plan.

Voting was as follows:

Panel Member	**Yes**	**No**	**Community Representative**	**Yes**	**No**
Grant Christmas	**Y**		Kenneth Robinson	**Y**	
Jan Murrell	**Y**				
Caroline Pidcock	**Y**				

The public meeting concluded at 4.05pm.

The Panel Determination session commenced at 4.15pm pm.
The Panel Determination session concluded at 6.03pm.

Endorsed by Grant Christmas
Chair North Sydney Local Planning Panel
5 May 2021