



## Report to General Manager

Attachments:  
Nil

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**SUBJECT:** St Leonards/Crows Nest Planning Study - Progress Report

**AUTHOR:** Alex Williams, Team Leader - Policy

**ENDORSED BY:** Joseph Hill, Director City Strategy

### EXECUTIVE SUMMARY:

At its meeting on 22 October 2012, Council resolved that there be half yearly progress reports to the Planning and Development Committee (now Legal and Planning Committee) on the implementation of the St Leonards/Crows Nest Planning Study. This report constitutes the sixth progress report as required by Council's resolution.

Following adoption of the St Leonards/Crows Nest Planning Study - Precinct 1 in 2012, Council has successfully progressed a number of site specific Planning Proposals and associated Voluntary Planning Agreements (VPAs) in the precinct. This process is facilitating developments that are consistent with Council's strategic vision for the area and which also contribute funds towards the expansion of Hume Street Park, a key public benefit identified by the Precinct 1 study.

In September 2015, Council adopted a preferred concept design for an expanded Hume Street Park. The concept design involves a whole of site redevelopment including undergrounding of the indoor sports centre and car parking, a new childcare centre, the potential for an underground cinema space and the provision of more than 5000m<sup>2</sup> of new open space. Council staff are working to deliver the adopted concept design.

Following adoption of the St Leonards/Crows Nest Planning Study - Precincts 2 and 3 in May 2015, Council staff have been working with developers and property owners to negotiate Planning Proposals that will facilitate the built form and public benefit outcomes endorsed by the study. It is anticipated that representatives of a number of consolidated sites will be in a position to lodge Planning Proposals consistent with the adopted study in the short term.

In August 2015, Council resolved to defer work on Precinct 4 of the planning study pending an announcement by the NSW Government regarding the location of a new St Leonards/Crows Nest Metro station. In November 2015, the Premier of NSW announced the location of the proposed Metro station at Crows Nest. In February 2016, Council therefore resolved to commence background work for a planning study including a broad consultation process to gauge general community and other stakeholder views regarding the development and growth implications of the proposed Metro station at Crows Nest. The feedback gained in this first stage of the project will be used as input, along with other specialist work, to generate a detailed draft strategy for the purpose of further consultation. Council has also formally acknowledged that in the context of a Metro station at Crows Nest, this project will

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result in the consideration of built form, density and public domain implications beyond the previously identified “Precinct 4” boundaries.

**FINANCIAL IMPLICATIONS:**

Nil

**RECOMMENDATION:**

**1. THAT** the St Leonards/Crows Nest Planning Study Progress Report be noted.

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## **LINK TO DELIVERY PROGRAM**

The relationship with the Delivery Program is as follows:

Direction: 1. Our Living Environment

Outcome: 1.2 Quality urban greenspaces  
1.5 Public open space, recreation facilities and services that meet community needs

Direction: 2. Our Built Environment

Outcome: 2.2 Improved mix of land use and quality development through design excellence  
2.3 Vibrant, connected and well maintained streetscapes and villages that build a sense of community  
2.5 Sustainable transport is encouraged

Direction: 3. Our Economic Vitality

Outcome: 3.1 Diverse, strong, sustainable and vibrant local economy

Direction: 4. Our Social Vitality

Outcome: 4.1 Community is connected  
4.7 Community is active and healthy  
4.8 Enhanced community facilities, information and services

## **BACKGROUND**

On 29 November 2010, Council resolved to undertake a planning study of the St Leonards/Crows Nest area with the following objectives:

- New open space in St Leonards/Crows Nest;
- Increased investment in St Leonards and decreased commercial vacancy rates, with particular focus on the rejuvenation of the Pacific Highway between St Leonards train station and the intersection of Pacific Highway and Willoughby Road;
- Improved connectivity, particularly between St Leonards/Pacific Highway and Willoughby Road;
- Improved urban design and street level amenity particularly in St Leonards and along the Pacific Highway; and
- Improved building design and residential amenity in St Leonards.

The St Leonards/Crows Nest study area was divided into four precincts to allow detailed analysis and targeted planning solutions.

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Figure 1 - Study Area

The St Leonards/Crows Nest Planning Study - Precinct 1 was adopted by Council on 5 December 2011 with an addendum to that study adopted on 22 October 2012. The study of Precinct 1 presents an Open Space and Pedestrian Masterplan and a Built Form Masterplan that together provide a holistic approach to planning and development in the precinct. The masterplans include provision for:

- An expanded Hume Street Park with a pedestrian link to Willoughby Road;
- Widened footpaths along the Pacific Highway and key pedestrian routes; and
- High amenity mixed use buildings on key sites.

Council also resolved that there be six monthly reports to the Planning and Development Committee (now Legal and Planning Committee) on the progress and implementation of the St Leonards/Crows Nest Planning Study. This report constitutes the sixth progress report as required by Council's resolution.

## CONSULTATION REQUIREMENTS

Community engagement has been and will continue to be undertaken in accordance with Council's Community Engagement Protocol.

## **SUSTAINABILITY STATEMENT**

The sustainability implications were considered and reported on during the initiation phase of this project.

## **DETAIL**

### **1. Precinct 1**

The adopted St Leonards/Crows Nest Planning Study - Precinct 1 identifies the following implementation strategies:

- Landowner initiated changes to local planning provisions; and
- Initiatives and works undertaken by Council:
  - Land acquisition;
  - Closure of Hume Street and widening of verges on Clarke and Oxley Streets; and
  - Embellishment of expanded Hume Street Park.

#### **1.1. Implementation - Landowner initiated changes to local planning provisions**

Since adoption of the final study of Precinct 1 in October 2012, Council staff have been working with developers and property owners in implementing the Built Form Masterplan and maximising open space and public amenity for the community through implementation of the Open Space and Pedestrian Masterplan. This is occurring via site specific Planning Proposals and Voluntary Planning Agreements (VPAs).

##### ***1.1.1. 545 Pacific Highway, St Leonards***

The first site specific Planning Proposal relating to the site at 545-553 Pacific Highway, St Leonards (North Sydney LEP 2001 Amendment No. 54) sought to amend the North Sydney Local Environmental Plan (LEP) 2001 by increasing the height control from 26 metres to 50 metres, consistent with the Built Form Masterplan, and by introducing a site specific FSR control of 6.6:1. The Planning Proposal was accompanied by a VPA which provides for, among other things, building setbacks to allow for an improved public domain and a \$1,527,500 monetary contribution towards the expansion of Hume Street Park.

The amendments to NSLEP brought about by the Planning Proposal came into force on 24 May 2013 and a Development Application for a 50 metre building (DA 455/12) was subsequently approved. The Planning Proposal process and associated VPA has ensured that this development is consistent with Council's strategic vision for the area as articulated by the Built Form Masterplan and Open Space and Pedestrian Masterplan contained in the St Leonards/Crows Nest Planning Study - Precinct 1.

##### ***1.1.2. 7-19 Albany Street, St Leonards***

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The second site specific Planning Proposal relating to the site at 7-19 Albany Street, St Leonards (NS LEP 2013 Amendment No. 4) sought to amend LEP 2013 by increasing the height control from 26 metres to 40 metres, consistent with the Built Form Masterplan, and by introducing a site specific FSR control of 5.6:1. The Planning Proposal was accompanied by a VPA which provides for, among other things, building setbacks to allow for an improved public domain and a \$700,000 monetary contribution towards the expansion of Hume Street Park.

The amendments to LEP 2013 brought about by the Planning Proposal came into force on 11 July 2014 and a Development Application for a 40 metre building (DA167/14) was approved in November 2014 and is now under construction. The Planning Proposal process and associated VPA is ensuring that the approved development is consistent with Council's strategic vision for the area as articulated by the Built Form Masterplan and Open Space and Pedestrian Masterplan contained in the St Leonards/Crows Nest Planning Study - Precinct 1.

### ***1.1.3 521 Pacific Highway, Crows Nest***

The third site specific Planning Proposal relating to the site at 521 Pacific Highway, Crows Nest, seeks to amend LEP 2013 by increasing the height control from 20 metres to 40 metres, consistent with the Built Form Masterplan, and by introducing a site specific FSR control of 5.3:1. The Planning Proposal is accompanied by a draft VPA which provides for, among other things, a 6 metre building setback from Oxley Street to allow for a widened footpath, landscaping and outdoor seating as well as a \$1,600,000 monetary contribution towards the expansion of Hume Street Park. These outcomes are consistent with Council's strategic vision for the area as articulated by the Built Form Masterplan and Open Space and Pedestrian Masterplan contained in the St Leonards/Crows Nest Planning Study - Precinct 1.

The Planning Proposal and draft VPA were publically exhibited in February and March 2015 and were formally endorsed by Council at its meeting on 20 April 2015. The VPA was executed on 17 August 2015. Council is now awaiting receipt of a bank guarantee for the monetary contribution. Once this occurs, the Planning Proposal will be sent to the Department of Planning and Environment with a request that the LEP amendments be made.

However, it should be noted that the site at 521 Pacific Highway, Crows Nest, forms part of the metro station site announced by the Premier of NSW in November 2015. While Council is seeking to have negotiated outcomes respected, including monetary contributions towards new open space, it is highly likely that the status of the Planning Proposal and associated VPA for this site will be impacted by the station design and construction process. The detailed design and local infrastructure implications of the new station are not yet known to Council.

### ***1.1.4. 575-583 Pacific Highway, St Leonards***

The fourth site specific Planning Proposal relating to the site at 575-583 Pacific Highway, St Leonards, seeks to amend LEP 2013 by increasing the height control from 26 metres to 56 metres, consistent with the Built Form Masterplan, and by introducing a site specific FSR control of 7.37:1. The Planning Proposal is accompanied by a draft VPA which provides for, among other things, retention of the Old Marco Building heritage item and a \$5,002,800 monetary contribution towards the expansion of Hume Street Park. These outcomes are consistent with Council's strategic vision for the area as articulated by the Built Form

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Masterplan and Open Space and Pedestrian Masterplan contained in the St Leonards/Crows Nest Planning Study - Precinct 1.

In December 2015, Council endorsed the Planning Proposal for the purpose of public exhibition subject to minor administrative amendments being made to the draft VPA. Council is now awaiting an amended version of the draft VPA to be provided by the proponent. Once this occurs, the Planning Proposal will be sent to the Department of Planning and Environment with a request for a Gateway Determination. Following receipt of a Gateway Determination the Planning Proposal and draft VPA will be placed on public exhibition.

#### ***1.1.5. 31-33 Albany Street, Crows Nest***

The fifth site specific Planning Proposal relating to the site at 31-33 Albany Street, Crows Nest, seeks to amend LEP 2013 by increasing the height control from 13 metres to 26 metres, consistent with the Built Form Masterplan, and by introducing a site specific FSR control of 4.27:1. The Planning Proposal is accompanied by a draft VPA which provides for, among other things, a \$1,150,000 monetary contribution towards the expansion of Hume Street Park. These outcomes are consistent with Council's strategic vision for the area as articulated by the Built Form Masterplan and Open Space and Pedestrian Masterplan contained in the St Leonards/Crows Nest Planning Study - Precinct 1.

In October 2015, Council endorsed the Planning Proposal and draft VPA for the purpose of public exhibition and the Planning Proposal was sent to the Department of Planning and Environment with a request for a Gateway Determination. Council received a Gateway Determination in early February 2016 which contains a number of unusual conditions that alter the Planning Proposal as endorsed by Council. This is the subject of more detailed discussion in a separate report to the Legal and Planning Committee.

### **1.2. Implementation - Initiatives and works undertaken by Council**

The current status of each initiative/work required to achieve the Open Space and Pedestrian Masterplan for Precinct 1 is summarised below:

#### ***1.2.1. Expansion of Hume Street Park***

In August 2014, Council resolved to engage Tonkin Zulaikha Greer (TZG) and James Mather Delaney Design (JMD) to lead a consultancy team for the concept and feasibility planning for the expansion of the park. TZG+JMD came up with three concept design options. Consistent with the St Leonards/Crows Nest Planning Study - Precinct 1, the three concept design options all involve the partial closure of Hume Street and the creation of a new urban plaza and link to Willoughby Road. Concept design options 1 and 2 proposed different locations for a relocated Kelly's Place Children's Centre but each included over 3000m<sup>2</sup> of additional open space (over 6,000m<sup>2</sup> in total). Concept design option 3 represented a whole of block redevelopment outcome that includes over 5,000m<sup>2</sup> of new open space (over 8,000m<sup>2</sup> in total).

In May 2015, North Sydney Council resolved to exhibit the draft Hume Street Park concept design options including all four volumes of TZG+JMD work. The concept design options were placed on public exhibition from Thursday 11 June 2015 to Friday 10 July 2015. A wide-ranging consultation exercise was undertaken with key stakeholders.

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On 21 September 2015, Council considered a post-exhibition report which included an analysis of public submissions. Council formally adopted concept design option 3 as the preferred vision for the expansion of Hume Street Park.



**Figure 2 – Adopted concept design option for Hume Street Park (looking north)**



**Figure 3 – Adopted concept design option for Hume Street Park (looking south-east)**

Council's resolution of 21 September 2015, also outlined steps for the delivery of the adopted

concept design including:

- Amending LEP2013 and Development Control Plan (DCP) 2013 to enable the development of the preferred concept design;
- Detailed design and the preparation of a Development Application;
- Resolution of the preferred use of the void located under the proposed plaza.
- Planning for progressive implementation of the works generally in accordance with the exhibited staging plan.

In December 2015, Council endorsed a Planning Proposal for the purpose of public exhibition. The Planning Proposal seeks to amend LEP 2013 to facilitate the redevelopment of Hume Street Park consistent with the concept design option endorsed by Council. In particular, the proposed amendments seek to:

- Rezone the entire site to RE1 Public Recreation;
- Introduce recreation facilities (indoor), child care centres, health consulting rooms, entertainment facilities, business premises, retail premises, and car parks as site specific uses via Schedule 1 of NSLEP 2013 (Clause 11);
- Remove height controls from the site on the Building Height Control Map;
- Remove non-residential floor space ratio controls from the site on the Non-Residential Floor Space Ratio Range Map;
- Identify the site at 90 Willoughby Road (Lot 11 Sec. 4 DP2872) on the Land Reservation Acquisition Map;
- Classify the land (with the exception of 90 Willoughby Road) as “operational” in accordance with Part 2 of Chapter 6 of the Local Government Act 1993 by listing the subject site within Part 2 of Schedule 4 of LEP2013.

Similarly, Council resolved to exhibit proposed amendments to North Sydney DCP 2013 which seek to facilitate the expansion of Hume Street Park and protect its future function as high amenity open space. The proposed DCP amendments will be exhibited concurrently with the subject Planning Proposal conditional upon receiving a Gateway Determination.

In accordance with the staging and funding plan exhibited, the project will be progressed in stages, as funding and approvals permit. A “stage 1” development application is being prepared comprising the property demolition works necessary to establish the plaza and associated link, closure of Hume Street and temporary embellishment of these spaces. Consultant's proposals to facilitate the production of the detailed design for stage 1 documentation have been received and are currently being considered. It is expected that the detailed design for stage 1 will take approximately 6 months.

In addition, an expression of interest process is currently being initiated for the cinema space in order to gauge the feasibility of this use. It is expected this will be ready for advertising within two months.

### ***1.2.2. Land acquisition***

Council has now purchased three properties in a row in Hume Street as part of its long term strategy to expand Hume Street Park and improve pedestrian connectivity in accordance with the Open Space and Pedestrian Masterplan for Precinct 1. Council's Property Management Agents are now focusing on negotiations with property owners on the eastern side of the identified area to secure properties that will allow the desired link to Willoughby Road.

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### ***1.2.3. Cycleways and streetscape upgrades***

Rollout of the Integrated Cycling Strategy is progressing apace with cycle lane marking on Clarke Street being undertaken in 2015. Associated pedestrian improvements, cycleways and associated public domain upgrades and landscaping will commence in late March 2016. The works include a section of separated cycleway in Oxley Street.

Planning for a general upgrade of the public domain, including improving paving, lighting and street trees, is underway with the first upgrade having occurred on the western side of the Pacific Highway south of Hume Street. Further upgrades are planned including on the eastern side of the Pacific Highway south of Hume Street. However streetscape upgrades for the frontages impacted by the location of the proposed Crows Nest Metro station are being deferred pending more information regarding station design and construction.

### ***1.2.4. Amendments to DCP2013***

In February 2014 Council adopted an amendment to North Sydney DCP 2013. In particular, the DCP was amended to include provisions for increased setbacks and site specific podium heights at locations identified by the St Leonards/Crows Nest Planning Study - Precinct 1.

The amendment ensures that more detailed built form requirements envisaged by the adopted planning study are achieved, regardless of whether a particular site is the subject of a site specific Planning Proposal and VPA.

## **2. Precincts 2 and 3**

Following public exhibition in late 2014 and early 2015 the St Leonards/Crows Nest Planning Study - Precincts 2 and 3 was formally adopted by Council on 18 May 2015. The adopted study aims to:

- Establish a liveable, high amenity mixed use centre;
- Support creative/innovative industries establish and grow;
- Improve urban design and street level amenity;
- Improve building design and residential amenity; and
- Increase investment in St Leonards.

The adopted St Leonards/Crows Nest Planning Study - Precincts 2 and 3 is being implemented via the following strategies:

- Landowner initiated changes to local planning provisions and associated VPAs; and
- Initiatives and works undertaken by Council.

### ***2.1. Implementation - Landowner initiated changes to local planning provisions***

Since adoption of the final study, Council staff have commenced negotiations with developers and property owners on Planning Proposals that facilitate the built form outcomes endorsed by the study. The Planning Proposal negotiations seek to facilitate the following public benefits by way of Voluntary Planning Agreements (VPAs):

- Upgrade of Christie Street Reserve and Mitchell Street Plaza;
  - Creation of new, landscaped 'linear parks' along Mitchell St and Oxley Streets;
  - Provision of a multi-purpose art centre and 60-place long day childcare facility;
  - Provision of affordable commercial space for start-up businesses;
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- Provision of affordable housing.

It is anticipated that a number of consolidated sites will be in a position to lodge Planning Proposals consistent with the adopted study in the short term.

### ***2.1.1. Auswin Planning Proposal***

In January 2015, Auswin TWT lodged a Pre-Gateway review of a planning proposal for their landholding at 75-89 Chandos St, 23-35 and 58-62 Atchison St, with the Department of Planning and Environment (the 'Department'). The proposal seeks, in part, to increase the height limit to enable up to an estimated 35 and 55 storey mixed use towers - significantly exceeding what is available under the adopted St Leonards/Crows Nest Planning Study - Precincts 2 and 3.

On 22 June 2015, Council resolved to request Auswin withdraw the Pre-Gateway review and proposed that a masterplanning process be undertaken in line with the Study. The letter was sent on 29 June 2015. Auswin did not respond.

In October 2015, the NSW Department of Planning and Environment gave in-principle support to a 36 storey development in St Leonards that would:

- tower over the neighbouring 2 and 4 storey buildings;
- cast shadows over Hume Street Park; and
- undermine the planning frameworks that have been carefully developed for the area.

On 18 November 2016, the Joint Regional Planning Panel made a unanimous recommendation regarding the proposal in favour of Council's position. Council is now awaiting a final decision on the Gateway Review by the Department of Planning and Environment.

### ***2.1.2 6-16 Atchison Street VPA***

On 1 May 2012, the Planning and Assessment Commission approved a Part 3A application for a mixed use development on the site. On 10 February 2015, the Minister for Planning approved a 75W modification of that consent, to increase the height of the development. Condition B11A of the 75W modification, required that a VPA be entered into with Council prior to the issue of the first occupation certificate for the development.

The condition requires a contribution to Council of \$3,287,975 to be allocated towards public domain improvements and/or open space and/or local services and/or infrastructure works in the St Leonards/Crows Nest precinct west of Willoughby Road.

On 20 July 2015, Council resolved to exhibit a VPA for the site of 6-16 Atchison Street, St Leonards. Condition 3 of the Council resolution also included that should no submissions be received, that the VPA be signed and executed by the General Manager.

The draft VPA was on public exhibition for 28 days from Thursday 6 August to Wednesday 2 September 2015. No submissions were received.

On 21 December 2015, the VPA was executed and formally entered into.

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The contribution will pay for a significant upgrade to Mitchell Street Plaza as a critical first step in transforming St Leonards into a vibrant mixed use centre and employment hub. Detailed design for this week is scheduled to be undertaken in the 2015-16 financial year.

## ***2.2. Implementation - Initiatives and works undertaken by Council***

The adopted study identifies a range of initiatives and works to be undertaken by Council including:

- A suite of streetscape improvements under the Public Domain Style Guide;
- Transform St Leonards into a transit oriented centre by downgrading the traffic role of
- Atchison, Mitchell and Oxley Streets and installing new bike paths and infrastructure;
- Install pedestrian crossings, and traffic lights over time, on key intersections;
- Investigate establishing a dedicated taxi rank near the station;
- Promote innovative on-site parking arrangements that reduce the demand for parking;
- Target small-medium businesses and creative industries;
- Actively promote St Leonards as a place to do business;
- New ground level, whole building and above podium setbacks to improve built form;
- Set design principles to encourage tall, slender towers with good separation;
- Design to be considered upfront by referring schemes to the Design Excellence Panel.

### ***2.2.1. Cycleways and streetscape upgrades***

As per Precinct 1, construction of pedestrian improvements, cycleways and associated public domain upgrades and landscaping will commence in late March this year. In Precinct 2, the works include an improved pedestrian crossing point at the intersection between Willoughby Road and Atchison Street. Further works on Atchison Street are scheduled to start early in the 2016/2015 financial year.

### ***2.2.2. Amendments to DCP2013***

At its meeting on 18 May 2015, North Sydney Council resolved to place a draft amendment to North Sydney Development Control Plan 2013 (DCP2013) on public exhibition. The draft amendment identified a number of changes to planning controls for land bound by Chandos Street, Oxley Street, Albany Street and the Pacific Highway east of St Leonards railway station. The draft amendments addressed community concerns regarding traffic generation and its impacts on the local road network. Specifically, the proposed amendments were intended to:

- Reduce maximum parking rates for new residential development;
- Strengthen travel planning requirements for new development; and
- Remove existing impediments to the provision of innovative parking schemes in new developments.

Proposed amendments were placed on public exhibition from 16 July 2015 to 14 August 2015. A post-exhibition report was submitted to Council's meeting of the 19 October 2015. Council adopted the recommendations of the post-exhibition report and the "St Leonards/Crow's Nest Planning Study Precincts 2/3 Supporting Amendments" came in to effect on the 5 November 2015.

These changes will help to create a St Leonards that is welcoming, interesting and safe and

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that prioritises walking, cycling and public transport use over the use of private vehicles.

Further changes to DCP2013 are being implemented to ensure built form and public domain recommendations of the Precinct 2/3 study are given consideration in the assessment of future development applications. A report regarding these amendments are being sent to the March 2016 Legal and Planning Committee meeting.

### 3. Precinct 4

In August 2015, Council resolved to defer work on Precinct 4 of the planning study pending an announcement by Transport for NSW regarding the location of a new St Leonards/Crows Nest metro station. In November 2015, the Premier of NSW announced the location of the proposed Metro station at Crows Nest (see Figure 4).

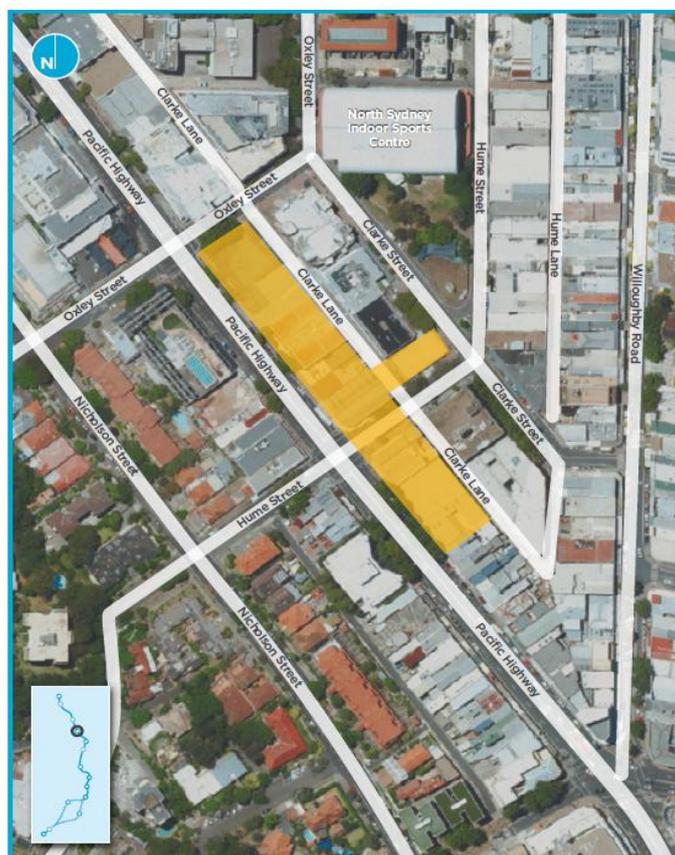


Figure 4 – Proposed location of Crows Nest Metro station

Council has therefore resolved to commence background work for a planning study including a broad consultation process to gauge general community and other stakeholder views regarding the development and growth implications of the proposed Metro station at Crows Nest. The feedback gained in this first stage of the project will be used as input, along with other specialist work, to generate a detailed draft strategy for the purpose of further consultation.

Council has also formally acknowledged that in the context of a Metro station at Crows Nest, this project will result in the consideration of built form, density and public domain implications beyond the previously identified “Precinct 4” boundaries.

Whilst the Department of Planning and Environment has indicated a willingness to commence a “Priority Precinct” process in the broader St Leonards/Crows Nest area, Council is progressing the planning study work regardless as it has demonstrated a strong capacity to deliver such work in a responsible, consultative and meaningful manner.

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