



Crows Nest Sydney Metro Site Rezoning Proposal Finalisation Report

July 2020



NSW Department of Planning, Industry and Environment acknowledges the Traditional Custodians of the land, the Cammerraygal People of the Guringal language group, and pays respect to all Elders past, present and future.

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Overview

St Leonards is identified as a Strategic Centre in the Greater Sydney Commission's (GSC) North District Plan. The North District Plan includes a number of actions for the Department's strategic planning for the area including *'leverage the new Sydney Metro Station at Crows Nest to deliver additional employment capacity'*.

The existing planning controls for the Crows Nest Metro Station sites were adopted in 2013, prior to any commitment by the NSW Government to deliver the Sydney Metro project. Consequently, development controls do not reflect opportunities for jobs, housing and public services provided by a new transit-oriented development being the Crows Nest Metro Station.

The proposed *State Environmental Planning Policy (Crows Nest Metro Station) 2020 (SEPP Crows Nest Metro Station)* seeks to amend the planning controls in *North Sydney Local Environmental Plan 2013 (NSLEP 2013)* as they apply to the Crows Nest Metro Station sites to support over-station development and reflect the importance of the Sydney Metro as a city shaping project.

It is not proposed to amend the land use zoning of the site and the B4 Mixed Use zoning will continue to apply. The key amendments to the planning controls in the proposed SEPP include:

- Increasing the maximum buildings heights to RL 180m (equivalent of 27 storeys), RL 155m (equivalent 17 storeys), and RL 127m (equivalent 9 storeys).
- Introducing floor space ratios (FSR) of 11.5:1, 7.5:1, and 6:1 to apply for the sites.
- Increasing the minimum non-residential FSR of 10:1, 0.5:1 and 5:1 on the sites to encourage and protect employment generating land uses and ensure jobs are delivered on all three sites.
- Introducing a design excellence clause to ensure best practice urban, architectural, and landscape design and to protect the amenity of nearby public spaces.

The rezoning proposal, associated technical studies, and draft planning controls were on public exhibition for 16 weeks between 15 October 2018 and 8 February 2019. A total of 716 submissions were received during the exhibition period.

Sydney Metro has separately progressed a Concept State Significant Development Application (CSSDA) that was exhibited in late 2018 to 2019. The CSSDA will set the maximum building envelopes and outline the gross floor area and land uses for the over-station development.

There will be a further round of public exhibition for the CSSDA once Sydney Metro's report that responds to the issues raised in submissions has been lodged with the Department.

The CSSDA will then be determined following the introduction of new planning controls for the Crows Nest Sydney Metro Site through the proposed SEPP.

This report responds to issues raised in submissions and includes:

- A summary of the number, type and issues raised; and
- Responses to issues raised by the community, organisation, agencies and councils.

There was a range of views expressed in community submissions, including concerns associated with density, built form, height, affordable and social housing, land use, public open space, future capacity of the road network, upgrades needed to community facilities, and pedestrian and cyclist accessibility.

North Sydney Council and Lane Cove Council provided detailed submissions which raised matters related to land use, pedestrian connectivity, design excellence, overshadowing, local character, and community facilities.

The proposal has satisfactorily addressed the key issues raised for rezoning purposes, subject to the planning controls for the Crows Nest Metro Station sites being amended to reflect the recommendations of this finalisation report.

Background

Overview – Sydney Metro City and Southwest

Sydney Metro, Australia’s largest public transport project, is a city-shaping project. The NSW Government has invested more than \$11 billion on the Sydney Metro City and Southwest stage of the project. With this significant public investment in world-class transport infrastructure comes a number of benefits – opportunities for transit-oriented development to provide jobs, homes, a new public domain and community infrastructure around the new stations.

Figure 1 illustrates Sydney Metro City and Southwest in the context of the wider Metro project.

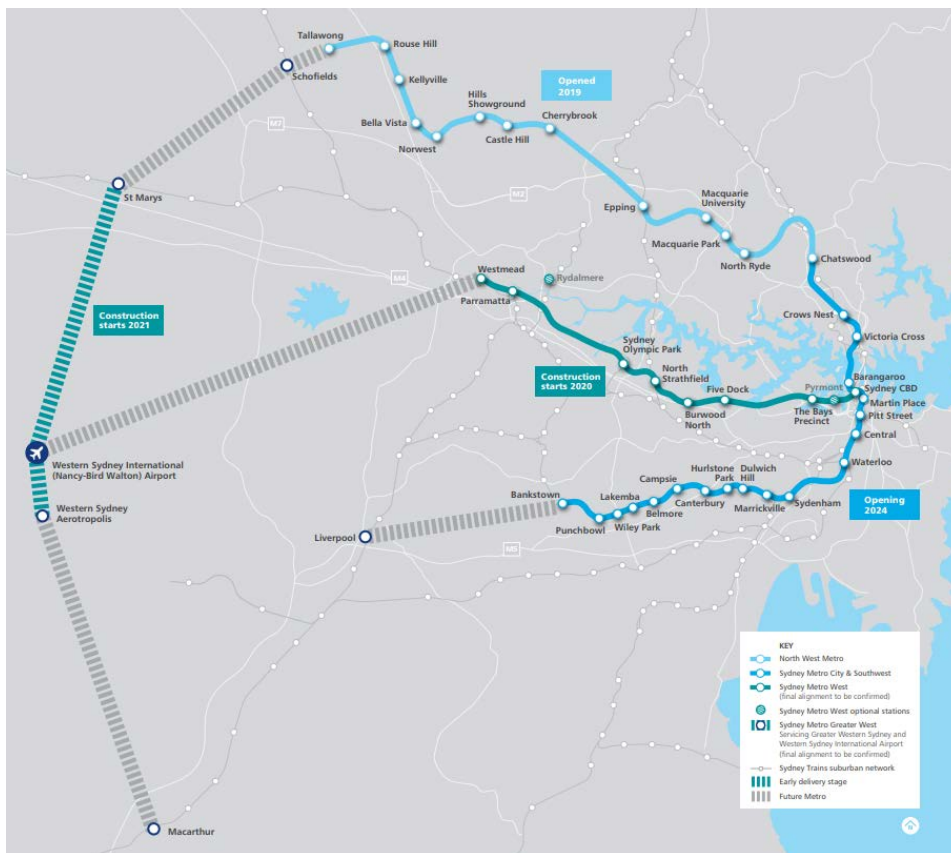


Figure 1 Proposed Sydney Metro Network

State Significant Infrastructure Approval

In January 2017, the Critical State Significant Infrastructure (CSSI) Application SSI 15_7400 for Sydney Metro City and Southwest: Chatswood to Sydenham was approved. The approval included construction and operation of a 16.5km metro rail line, between Chatswood and Sydenham, including construction of a tunnel under Sydney Harbour, links with the existing rail network, seven metro stations, and associated ancillary infrastructure.

Specifically, the CSSI identified the following Crows Nest Station design elements:

- New signalised pedestrian crossing on northern side of Pacific Highway / Oxley Street intersection.

- New pedestrian crossings on Clarke, Hume and Oxley streets.
- New bike parking on Hume and Oxley streets.
- New on-road marked cycle link on Hume Street.
- Existing bus stops close to the station retained on the Pacific Highway.
- New kiss-and-ride and taxi bays on Clarke Street.

Future development above the Crows Nest Sydney Metro station does not form part of the SSI approval, although the approved SSI design includes some above ground elements of the station and structural elements to support the Integrated Station Development (ISD).

The Proposed SEPP

The Department prepared a draft Crows Nest Sydney Metro Site Rezoning Proposal to support a proposal to amend NSLEP 2013. The proposal applies to land acquired by Transport for NSW for construction of the Crows Nest Metro Station over-station development.

The location of the proposed Crows Nest Metro Station requires an update to the existing planning controls and a review of the strategic context of the broader precinct. Without an update to planning controls, the existing height and floor space ratio (FSR) controls would apply to the site. These controls don't recognise the opportunity for jobs and public benefits that can be catalysed on the Metro station site and the wider precinct.

The rezoning proposal, including associated technical studies, was publicly exhibited for 16 weeks between 15 October 2018 to 8 February 2019. The proposed SEPP implements the new planning controls, making adjustments to exhibited controls to address issues raised by the community and during exhibition.

State Significant Development Application

In November 2018, a Concept State Significant Development Application (CSSDA) was lodged by Sydney Metro. The CSSDA seeks approval for a concept plan in accordance with the proposed amendments to planning controls sought for the sites. The key components of the CSSDA include:

- maximum building envelopes for three distinct buildings on the Metro Station sites with building heights for:
 - Site A up to approximately 27-storey for residential uses.
 - Site B up to approximately 17-storey for hotel and conference facilities.
 - Site C up to approximately 8-storey for commercial premises.
- a maximum Gross Floor Area of 55,400sq.m for the over station development, including 37,500sq.m for residential uses (Site A), 15,200sq.m for hotel or commercial uses (Site B) and 2,700sq.m of other commercial uses (Site C).
- social infrastructure (i.e. community facilities) on either Site A or Site C.
- maximum of 150 car parking spaces.
- indicative signage zones.

This application was publicly exhibited between 16 November 2018 to 8 February 2019.

The application is under assessment by the Department and will be determined following the finalisation of the rezoning process. Sydney Metro will be required to lodge a revised scheme as part of its response to submissions that will address the changed planning controls. As a result, there will be a further round of public exhibition for the CSSDA.

The CSSDA will then be determined following the introduction of new planning controls for the Crows Nest Sydney Metro Site through this proposed SEPP.

Context to the Planning Amendments

Site Description

The St Leonards and Crows Nest Planned Precinct area is located approximately five kilometres north-west of the Sydney CBD. The Crows Nest Metro Station sites are within the precinct boundary and located within the North Sydney local government area.

The rezoning proposal applies to land known as the 'Crows Nest Metro Station sites'. The Crows Nest Metro Station sites (comprising three separate sites) are located between the Pacific Highway and Clarke Street, above and adjacent to the approved (underground) Crows Nest Sydney Metro station, as shown in **Figure 2**.

The Crows Nest Metro Station sites has a total area of 6,356sqm and have been divided into three separate sites:

- Site A – bound by Pacific Highway, Hume Street, Clarke Lane and Oxley Street.
- Site B – part of the block bounded by Pacific Highway, Hume Street and Clarke Lane.
- Site C – part of the block bounded by Clarke Lane, Hume Street, Clarke Street and Oxley Street.

The sites were purchased by Transport for NSW for the new Crows Nest Metro Station. The sites are cleared to facilitate the development of the new Crows Nest Metro Station, approved under Critical State Significant Infrastructure approval (SSI 15_17400). The Crows Nest Metro Station is scheduled to open in 2024. The Integrated Station Development will link the Crows Nest Metro Station to the over-station development.

Previous land uses on site included 2-3 storey commercial strata buildings and a mix of retail shops.

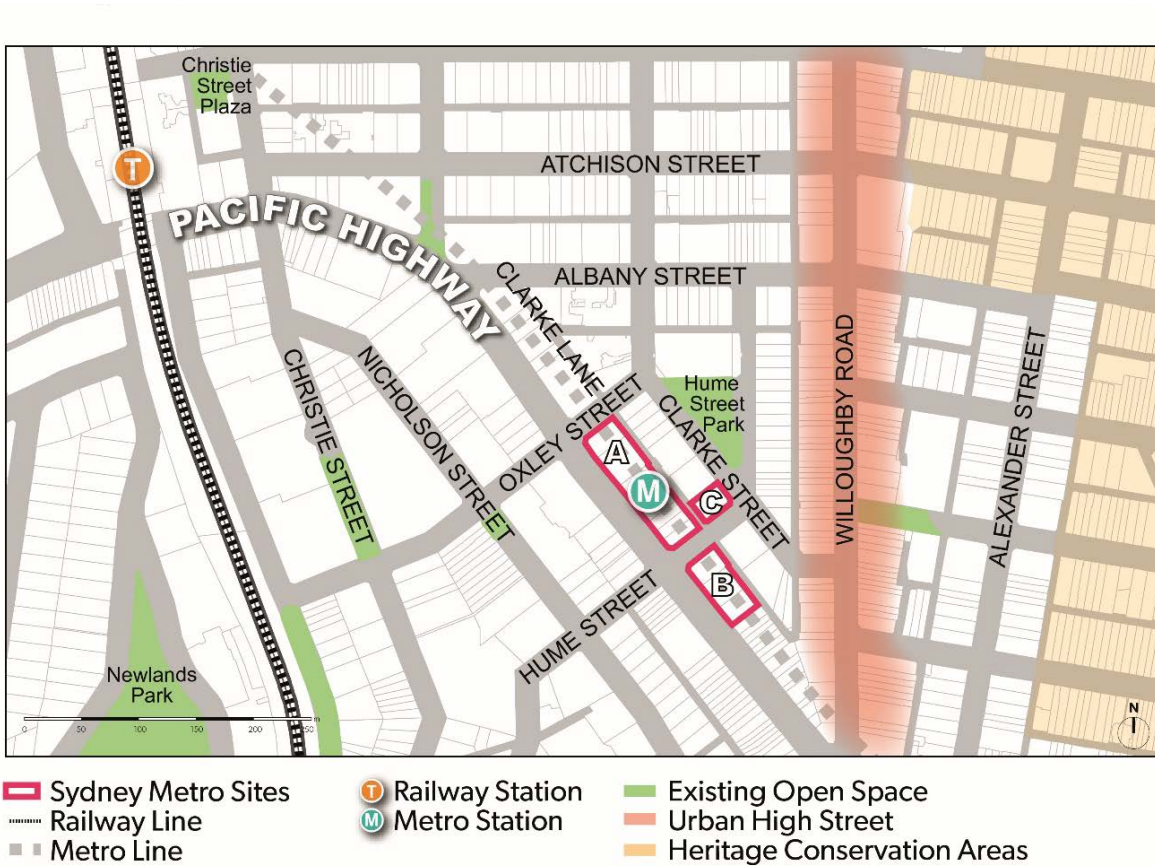


Figure 2: Location Map showing the Metro Station sites outlined in red.

Site Surrounds

Surrounding land uses include the St Leonards commercial area to the north-west and residential development to the south of the Pacific Highway. To the east includes commercial buildings between 3-6 storeys and public open space known as Hume Street Park. To the west includes a number of commercial and residential developments along Pacific Highway between four to six storeys. The Pacific Highway corridor is characterised by a range of building heights up to 44 storeys towards the St Leonards Core.

Pacific Highway is a major two-way arterial road with on-street parking which connects St Leonards and Crows Nest to the regional transport network. The road is characterised by heavy traffic with clearways both north and south bound providing two lanes in both directions during the am and pm peaks.

Planning and Policy Context

The rezoning proposal aims to establish an appropriate planning framework for the site that responds to the opportunities presented by the new Metro Station. In order to do this, the proposal must demonstrate how it responds to the broader strategic planning framework and the local policy context of the area.

The applicable planning and policy documents relevant to the site are identified below. These are considered in further detail as part of the assessment of the proposal in **Attachment A – Consistency with Strategic Plans** of this report.

State Planning Policies

Greater Sydney Region Plan: A Metropolis of Three Cities

The Greater Sydney Region Plan is a strategy for managing growth and change to guide integrated land use planning and infrastructure delivery for Greater Sydney to 2056.

The Greater Sydney Region Plan is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. The vision brings new thinking to land use and transport patterns to boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth.

The Crows Nest Metro Station sites are located within the Eastern Harbour City, as illustrated in **Figure 3**. The structure plan emphasises how the principal spatial elements are interconnected and integrated to best deliver on the vision for the Eastern Harbour City. Specifically, the integration of the transit network – in the case of the Crows Nest Metro Station its integration within the Eastern Economic Corridor, the connections it creates between the Strategic Centres of Macquarie Park, Chatswood, St Leonards and Crows Nest, North Sydney and the Sydney CBD is of key importance to increase Sydney's global competitiveness, boosting business to business connections and attracting skilled workers with faster commuting times.

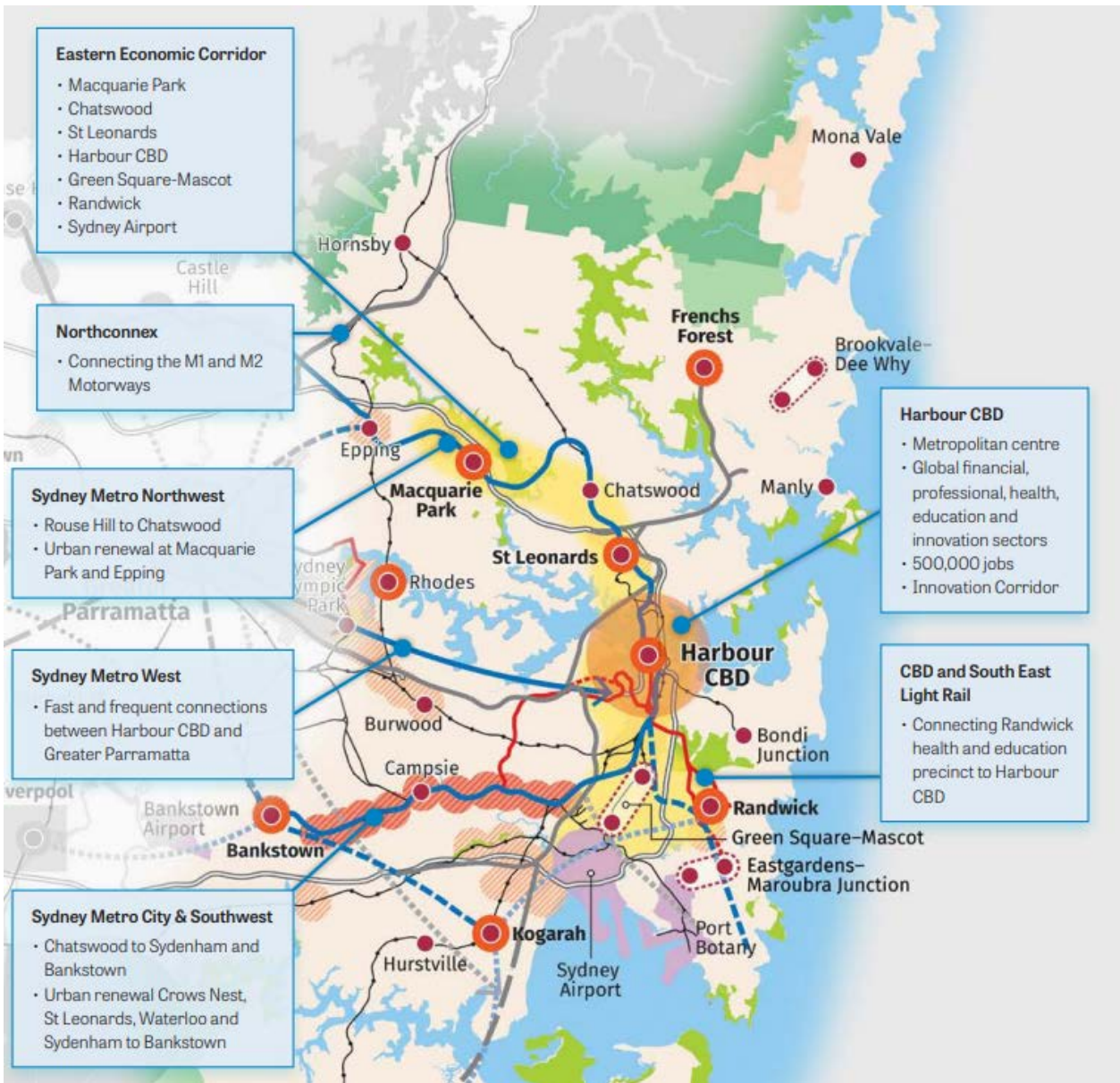


Figure 3: Structure Plan for the Eastern Harbour City Greater Sydney Region Plan (Greater Sydney Commission 2018).

North District Plan

The five District Plans, prepared by the GSC, are guides for implementing the Greater Sydney Region Plan at a District level, structured around the strategies for infrastructure and collaboration, liveability, productivity, sustainability, and implementation.

The Crows Nest Metro Station site is located in the North District, within the strategic centre of St Leonards. The North District Plan identifies the new Metro Station at Crows Nest as one of the key elements supporting future urban renewal of the area. The focus of growth will be on well-connected walkable places that build on local strengths and deliver quality places.

The delivery of the Crows Nest Metro Station is also earmarked as having the potential to deliver additional employment capacity. The key planning priorities to be addressed by the rezoning proposal include:

- Planning for a city supported by infrastructure (North District Planning Priority N1).

- Providing housing supply, choice and affordability with access to jobs, services and public transport (North District Planning Priority N5).
- Creating and renewing great places and local centres and respecting the District's heritage (North District Planning Priority N6).
- Delivering integrated land use and transport planning and a 30-minute city (North District Planning Priority N12).
- Growing investment, business opportunities and jobs in strategic centres (North District Planning Priority N10).
- Supporting growth of targeted industry sectors (North District Planning Priority N13).
- Reducing carbon emissions and managing energy, water and waste efficiency (North District Planning Priority N21).

Future Transport Strategy 2056

The Future Transport Strategy 2056, prepared by Transport for NSW in alignment with the Greater Sydney Commission's Plans, sets out a transport vision, directions and outcomes framework for NSW to guide transport investment and policy. The aim is to achieve greater capacity, improved accessibility to housing jobs and services and continued innovation in the transport sector.

The Future Transport Strategy 2056 also focuses on the role of transport in delivering movement and place outcomes that support the character of the places and communities we want for the future. Key priorities set out in the Future Transport Strategy 2056 which future development of the Crows Nest Metro Station will need to address include:

1. Customer focused.
2. Successful places.
3. Growing the economy.
4. Safety and performance.
5. Accessible services.
6. Financial and environmental sustainability.

NSW State Infrastructure Strategy 2018-2038

The NSW State Infrastructure Strategy 2018–2038 sets out the NSW Government's infrastructure vision for the state over the next 20 years, across all sectors. It is underpinned by, among others, the documents discussed earlier in this report – Greater Sydney Region Plan and Future Transport 2056 to bring together infrastructure investment and land-use planning.

The new strategy switches the focus from developing an infrastructure project pipeline to achieving sustainable growth in the NSW population and economy – aligning investment in infrastructure with the creation of communities to achieve innovation. Coordinated investment in growth areas across transport, health, education and water is prioritised as a way to create new places over individual assets. The State Infrastructure Strategy aims to ensure capital investment keeps pace with new homes and jobs in priority locations, to support population growth while maintaining local amenity.

The State Infrastructure Strategy reinforces the importance of enabling the future development of the Crows Nest Metro Station sites to maximise the capital investment in significant transport infrastructure to provide a well-connected, well serviced and accessible precinct.

Draft St Leonards and Crows Nest 2036 Plan

St Leonards and Crows Nest Priority Precinct was announced for strategic planning investigations in July 2016 and was subsequently announced as a Planned Precinct on 1 June 2017.

The draft St Leonards and Crows Nest 2036 Plan (draft 2036 Plan) sets out the strategic land use and infrastructure planning to guide future development within the precinct and identifies the infrastructure needs to support this growth.

The precinct area (**Figure 4**) incorporates three local government areas of North Sydney Council, Lane Cove Council, and Willoughby City Council.

The key project deliverable is a land use master plan referred to as St Leonards and Crows Nest – 2036 Plan, a Special Infrastructure Contribution framework, and a Section 9.1 Direction to support future land use changes to relevant LEPs in accordance with the 2036 Plan.

The draft St Leonards and Crows Nest planning package (including the draft 2036 Plan) was released for public exhibition for 16 weeks from 15 October 2018 to 8 February 2019. In response, the Department received 2,169 submissions.

The planning package included the rezoning proposal for the Crows Nest Metro Station sites to amend planning controls within the NSLEP 2013 to enable a significant opportunity for transit-oriented development.

Local Plans and Policies

The local plans and policies that apply to the Crows Nest Metro sites are listed as follows.

North Sydney Local Strategic Planning Statement 2020 – The North Sydney Local Strategic Planning Statement (LSPS) identifies that the delivery of the Crows Nest Metro Station will transform the Crows Nest Precinct, delivering increased regional access and anticipated growth to the area.

Other relevant policies

Other relevant policies that will need to be considered in the development and assessment of future development applications on the site include:

- Apartment Design Guide 2015.
- Sydney Green Grid (NSW Government Architect).
- Greener Places (NSW Government Architect).
- Better Placed (NSW Government Architect).
- Evaluating Good Design (NSW Government Architect).



Figure 4: St Leonards and Crows Nest Planned Precinct Locality Map

Exhibited Proposal

The proposed SEPP seeks approval for new planning controls required to develop the over-station development on the Crows Nest Metro Station sites. The Crows Nest Sydney Metro Site Rezoning Proposal as exhibited outlined the following proposed amendments to the existing planning controls:

- Increase maximum building heights for the Crows Nest Metro sites:
 - Site A – RL 183 (equivalent to 27 storeys).
 - Site B – RL 155 (equivalent to 17 storeys).
 - Site C – RL 127 (equivalent to 8 storeys).
- Introduce a maximum FSR for the Crows Nest Metro sites:
 - Site A – 12:1.
 - Site B – 8:1.
 - Site C – 4:1.
- Increase the maximum non-residential FSR for the Crows Nest Metro sites:
 - Site A – from 1.5:1 to 3:1.
 - Site B – from 0.5:1 to 2:1.
 - Site C – from 0.5:1 to 2:1.
- Introduce a design excellence clause to ensure best-practice design.

The exhibited rezoning proposal was underpinned by a concept design (**Figure 5**) to support the built form controls and land use planning.



Figure 5: Draft indicative concept design exhibited with proposed SEPP

Consultation

The Department and Sydney Metro undertook an extensive program of consultation for the Crows Nest Sydney Metro Sites Rezoning Proposal and the Sydney Metro City and Southwest project. The details of consultation are described below.

Draft St Leonards and Crows Nest Plan

The Department exhibited the draft 2036 Plan concurrently with the proposed SEPP between 15 October 2018 and 8 February 2019.

Submissions received on the rezoning proposal which relate to the draft 2036 Plan were referred for consideration in a separate report. Similarly, submissions received on the draft 2036 Plan which relate to the rezoning proposal have been addressed in this finalisation report.

A total of 600 pro-forma letters and other formal submissions were received on the rezoning proposal as part of the draft 2036 Plan exhibition.

Concept State Significant Development Application

As described above, the CSSDA was publicly exhibited between 16 November 2018 to 8 February 2019.

Submissions received on the rezoning proposal which relate to the CSSDA were referred to the relevant team for consideration. Similarly, submissions received on the CSSDA which relate to the rezoning proposal have been addressed in this finalisation report.

As part of the preparation of the CSSDA, Sydney Metro undertook a comprehensive consultation campaign.

Public Exhibition

The draft Crows Nest Sydney Metro Site Rezoning Proposal and associated technical studies were placed on public exhibition for 16 weeks between 15 October 2018 to 8 February 2019. In response to feedback from North Sydney Council and the community, the exhibition period was extended on two separate occasions.

Letters notifying the community of the public exhibition were distributed to 12,372 properties in and adjacent to the St Leonards and Crows Nest precinct. Notification letters were also distributed to 24 Government agencies and utility providers including Transport for NSW, Roads and Maritime Services, Office of Environment and Heritage, Department of Education and Environment Protection Authority. Notification letters were also sent to Lane Cove, North Sydney and Willoughby Councils.

The face to face engagement activities held during the exhibition period are outlined in **Table 1**.

Table 1 – Engagement activities

Session	Date	Time	Location
1	Tuesday 30th October 2018	4pm-7pm	The Crows Nest Centre 2 Ernest Place, Crows Nest
2	Thursday 8th November 2018	4pm-7pm	
3	Saturday 10th of November 2018	12pm-3pm	
4	Wednesday 21st November 2018	4pm-7pm	

Two additional drop-in sessions were scheduled to provide the community further opportunity to talk to the project team in person:

Session	Date	Time	Location
5	Saturday 24 November 2018	11am-2pm	Terrace Function Room 1 Pottery Lane, Lane Cove
6	Tuesday 11 December 2018	4pm-7pm	Lane Cove

A dedicated St Leonards and Crows Nest Precinct page was established on the Department's website, which included a tab with specific details on the Crows Nest Metro Rezoning Proposal. Additional hard copies of the exhibition material were made available at council libraries.

Overview of Submissions

A total of 716 submissions (**Table 2**) in relation to the proposed SEPP were received during the exhibition period.

The breakdown comprises:

- 708 community submissions.
- Five (5) non-government organisation submissions.
- North Sydney and Lane Cove Council's submissions.
- One (1) government agency submission.

A detailed review and analysis of the submissions is provided below.

Receipt of Submissions

Each community submission has been assigned an individual number by the Department. Submitters can contact the Department to obtain their individual submission number or access via the Department’s website: <https://www.planning.nsw.gov.au/Plans-for-your-area/Priority-Growth-Areas-and-Precincts/St-Leonards-and-Crows-Nest/St-Leonards-and-Crows-Nest-2036-plan>

Due to the volume of submissions received, not all individual submissions have been referenced throughout this report, however, the content of each community submission has been carefully reviewed and captured. The issues raised have been categorised according to key issues (e.g. height/bulk/scale, overshadowing, traffic/parking).

Community Submissions

Table 2 – Community Submissions Summary

Submission Type	No. submissions recorded
Total community submissions	708
Submissions in support	4
Submissions in objection	697
Comments on the proposal	7
Proforma submissions	433
Proforma templates	6
Duplicates	9

The purpose of community engagement is to raise awareness of a proposal, obtain the community’s views and identify those areas of the proposal that require further consideration in deciding whether or not to proceed. While engagement is a critical part of the decision making process, it is not the only part of the decision to support or refuse a proposal.

Summary of Key Issues: Community

Table 3 identifies the key issues raised in submissions from the community, with most submissions raising a number of issues.

Table 3 also identifies the percentage of submissions that raised each key issue.

Table 3 – Community Submissions Key Issue Analysis

Key Issue	No. of Submissions Raising Issue	% of Submissions Raising Key Issue
Built form (height, bulk, scale, setbacks)	681	96.2
Height transition	139	19.6
Overshadowing (public and private space)	612	86.4
Land use (residential component)	557	78.7

Traffic/parking	559	79.0
Employment targets	553	78.1
Open space	152	21.5
Social infrastructure/public facilities	528	74.6
Social/affordable housing	14	2.0
Protecting Crows Nest village	626	88.4
Governance and process	99	14.0

In reviewing and collating the community submissions, a number of sub-issues and concerns have been identified under these key issues. This is further explored and a response to these issues provided in the **Response to Community Submissions** section of this report.

Non-government Organisations

A total of five (5) submissions were received from non-government organisations. The key issues raised in these submissions are broadly covered by the community submissions summary provided earlier in this section. However, a number of organisation-specific matters were also raised, as summarised below.

- Wollstonecraft Precinct
 - Concerned with building heights, floor space ratios, overall bulk and scale, inadequate setbacks, overshadowing and visual impacts.
- Holtermann Precinct Company
 - Concerned that neither SIC nor Section 7.11 contributions are to be paid, overshadowing of Ernest Place, Willoughby Road and Hume St Park, loss of fine grain character and precedence for out of scale buildings, loss of village atmosphere, visual and view impacts including Hume St Park, insufficient employment generation, in favour of Councils submission to remove above ground parking, not in favour of proposed hotel use, limited public benefit and requests greater collaboration with local government and the community.
- Naremburn Progress Association
 - Concerned with building heights on site A and B, preference for provision of office space or hotel accommodation, provision of residential uses could lead to oversupply in the area, inappropriate height transitions will lead to amenity impacts on surrounds, suggests a range of building heights it deems appropriate.
- Greenwich Community Association Company
 - Inconsistency with the North District Plan, provision of residential uses instead of office space, precedence for nearby development, bulk and scale and timing against completion and consultation surrounding the 2036 Plan.
- Milsons Precinct Company
 - Height and mass, above ground parking, open space and lack of green plan, provision of social infrastructure, solar access, precedent for surrounding development, insufficient setbacks, provision of affordable housing

Other Submissions

A total of 3 submissions were registered under other submissions covering government agency and industry. Two (2) submissions were from local government; North Sydney and Lane Cove Councils and one (1) submission was received from the Urban Development Institute of Australia.

Summary of Key Issues: Other Submissions

The following outlines the key issues raised in submissions made by government and industry during the exhibition period.

North Sydney Council

- Zoning and proposed non-residential FSR controls do not deliver enough local jobs.
- Proposed height controls will overshadow Ernest Place and Willoughby Road.
- Built form controls do not fit the character and community aspirations for Crows Nest.
- Further detail is needed on the design excellence clause.
- Above ground parking is not supported for design and transport planning reasons.
- Proposed exemption to state and local infrastructure contributions is not supported.
- Community facilities in the Metro should be further negotiated with Council.
- Timing of exhibited documents (2036 Plan, Rezoning proposal and CSSDA) not 'best practice planning'.

Lane Cove Council

- Request for mapping errors in the Urban Design Study to be rectified.
- Impacts on pedestrian connectivity.
- Inadequate provision of community facilities and commercial floorspace.
- Inadequate built form transitioning to surrounding areas.

Urban Development Institute of Australia

The Urban Development Institute of Australia made a submission to the draft St Leonards and Crows Nest 2036 Plan, but referenced the proposed SEPP. The issues raised in relation to the Crows Nest Metro Station sites rezoning proposal was:

- Maximise the advantage of transit-oriented development opportunities.
- Provision of further floorspace for employment uses, without reducing floorspace for critical residential uses.
- The region needs to leverage the significant investment in Metro to become a jobs centre with adequate residential to support a 24/7 economy.

Amended Proposal

In response to the submissions received, Sydney Metro in collaboration with the Department have undertaken key amendments to the proposal.

Sydney Metro provided a revised scheme to the Department on 24 June 2019, which proposed the following:

- Amendments to the building envelopes and heights, including a 20 per cent reduction in the overall size of the building envelope.
- Changes in proposed land use and allocation of gross floor space to increase employment opportunities.

- Changes to the configuration and quantity of car parking.

Taking into account the proposed amendments, the overall purpose of the project and general project parameters remain generally consistent with the original exhibited rezoning proposal.

The new range of uses can still be accommodated within the existing zoning and it is not proposed to amend the land use zoning of the site. The B4 Mixed Use zone will continue to apply across the Crows Nest Metro Station sites. To address and improve the development controls and consideration for to the metro sites, the following key amendments are proposed to the exhibited planning controls.

- A change in the maximum building height limit:
 - Site A – from RL 183 to **RL 180m**.
 - Site B – retain **RL 155m**.
 - Site C – retain **RL 127m**.
- A change in the maximum floor space ratio for the Sydney Metro sites:
 - Site A – from 12:1 to **11.5:1**.
 - Site B – from 8:1 to **7.5:1**.
 - Site C – from 4:1 to **6:1**.
- A change in the minimum non-residential floor space ratio for the Sydney Metro sites:
 - Site A – from 3:1 to **10:1**.
 - Site B – from 2:1 to **0.5:1**.
 - Site C – from 2:1 to **5:1**.
- Introduce a clause that provides an exception to the height of buildings clause to allow for rooftop plant and services to exceed the maximum building height limit control for Site C.
- Incorporate a consolidated heads of consideration within a design excellence clause.

These amended controls will modify the planning controls in *North Sydney Local Environmental Planning Policy 2013* via a self-repealing State Environmental Planning Policy (SEPP).

Response to Community Submissions

This section of the finalisation report provides a response to the key issues raised in the 708 community submissions received. The response is set out by the key issues raised as follows:

- Excessive built form (height, bulk, scale, setbacks).
- Inadequate height transition.
- Overshadowing.
- Issues with land use (residential component).
- Impacts from traffic/parking.
- Inadequate commercial floor space to reach employment targets.
- Lack of open space.
- Inadequate social infrastructure/public facilities.
- Lack of social/affordable housing.
- Protecting Crows Nest village.
- Governance and process.

Built Form

Issue

Submissions considered the proposed building heights and density (expressed in the FSR controls) to be excessive and requested that they be reduced. Key concerns were:

- The proposed heights for the over station development are too high.
- Height of buildings over the Metro Station should be limited to around 6 to 8 storeys, or the height of surrounding buildings.
- The buildings do not provide an appropriate transition between the taller buildings in St Leonards and the existing low-rise character of Crows Nest, particularly Willoughby Road.
- The bulk and scale of the towers is excessive.
- The proposed setbacks at podium level and setbacks from street alignment are inadequate.

Response

Height

The maximum building height controls proposed for the Crows Nest Metro over-station development align with the height concept developed as part of the Department's St Leonards and Crows Nest 2036 Plan.

This height concept details that increased density should be concentrated between the St Leonards Station and Crows Nest Metro Station as this presents opportunities for transit oriented development and the accessibility of this location is attractive to businesses. This is consistent with the height expectation set in the Pacific Highway corridor by recent Council approvals for buildings up to 50 storeys.

An Urban Design Study with specific consideration of the future built form vision for the Sydney Metro sites was undertaken and builds on the supporting urban design analysis for the 2036 Plan. The study details further urban design testing of built form concepts for the Sydney Metro sites to determine an appropriate built form outcome for the sites.

Based on the recommendations of the Urban Design Study, taller buildings are concentrated above and adjacent to St Leonards Station and the new Crows Nest Metro Station. The maximum building heights have been driven by the need to retain solar access to Willoughby Road between 11:30am - 2:30pm, Ernest Place between 10:00am -3:00pm in mid-winter and to create a transition in height to the character and scale of built form within the existing context.

In this regard, a transition in building height is provided from the St Leonards Town Centre Core and Significant Sites to the northwest (characterised by 30-50 storeys) down towards the Sydney Metro sites (27 storey maximum – Site A). The Sydney Metro sites provide further built form transition, stepping down to 17 storeys (Site B) and 9 storeys (Site C) at the interface with Hume Street Park and towards Willoughby Road.

In response to concerns that the maximum building height on Site A would overshadow the important public domain at Ernest Place, this has been reduced from RL 183 to RL 180 to alleviate the extent of overshadowing and ensure Ernest Place maintains solar access during mid-winter to at least 3:00pm.

Peaks of taller buildings are located between the two stations along the Pacific Highway, with staggered heights incorporated between the peaks to avoid monotonous building forms and maximise solar access to residential properties to the south. Lower heights are focussed toward the east of the Sydney Metro sites to minimise overshadowing on Willoughby Road.

The proposed height controls enable key opportunities for new homes, jobs, and community infrastructure above the new metro station. In light of the above, the proposed building heights are

considered to be appropriate and will retain a high level of amenity to key streets, public open spaces, and residential areas.

Density

The proposed FSR controls have been designed to align with the proposed height controls. This will deliver a built form outcome across the sites that responds sensitively to the undulating topography along the Pacific Highway and the character of the surrounding Heritage Conservation Areas, Willoughby Road, and the established residential areas to the south.

In response to community concerns on the FSR, further testing has been undertaken and the FSRs for the sites have been amended to respond to the proposed change in land use, be more reflective of the proposed built form envelope, and ensure the bulk and mass of the sites are minimised.

In this regard, the highest density (FSR 11.5:1) is proposed for the tallest buildings on Block A, decreasing to a FSR of 7.5:1 (Block B) and 5:1 (Block C) adjacent to Hume Street Park and towards Willoughby Road. High density mixed use has been balanced with the need to respect existing character and manage the amenity impacts of the surrounding residential areas.

Building podiums and articulation of built form will ensure towers are adequately set back to minimise bulk and scale as experienced from the street.

The proposed FSR controls will ensure the density of development on the Crows Nest Metro Station sites are compatible with the proposed building heights, limiting the bulk and scale of development.

Setbacks

The street setbacks proposed for the Crows Nest Metro Station sites are guided by the CSSI approval for the station development. This rezoning proposal has included a requirement for a design excellence process for the sites within the *North Sydney Local Environmental Plan 2013*.

This applies to new buildings and alterations to existing buildings on the sites. As part of this, the consent authority is to take into account:

*'the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, **setbacks**, amenity and urban form.'*

It is the intention of this control to ensure that setbacks are adequate to provide pedestrian comfort from the Pacific Highway, allow street tree planting, and activation of laneways.

Similarly, the podium level setbacks will break down the bulk and scale of future development, ensure built form elements are appropriately setback and not visually dominant, and provide a buffer to residential uses from the Pacific Highway.

Height Transition

Issue

Concerns were raised that the buildings do not provide an appropriate transition between the taller buildings in St Leonards and the existing low-rise character of Willoughby Road.

Response

Height is clustered around the St Leonards Train Station and Crows Nest Metro. This aligns with the height concept described above for the St Leonards and Crows Nest 2036 Plan.

The height transitions down towards Willoughby Road and at the interface with Hume Street Park, from 27 storeys to 17 and 9 storeys respectively. This is to minimise overshadowing of Willoughby Road between 11:30am and 2:30pm and respond to the character and scale of built form within the existing context.

Additionally, as part of the design excellence process for the sites, the consent authority is to take into account:

'bulk, massing and modulation of buildings.'

Overshadowing and amenity impacts

Issue

Overshadowing of the surrounding area and wind impacts were key concerns raised by the community. Specifically:

- The buildings would cause unacceptable overshadowing of neighbouring properties and public open space, particularly relating to Hume Street Park and from the Five Ways intersection along Willoughby Road up to Ernest Place.
- Concern that the shadow analysis undertaken in the Urban Design Study is incorrect, particularly regarding overshadowing impacts on Willoughby Road and Ernest Place in the afternoon during daylight savings hours and also on the western side of the Pacific Highway over Nicholson Street residences in the early mornings.
- Requests for a decrease in height to improve transitions, reducing overshadowing and decrease density.
- Buildings of the proposed height and bulk will have a significant visual impact on Crows Nest, parts of Wollstonecraft and the surrounding area.
- Tall buildings will create wind tunnels of dirt and noise.

Response

Solar access and overshadowing

The proposed built form of the 2036 Plan and Crows Nest Metro Station sites has been informed by the importance of protecting solar access to public spaces and minimise overshadowing of existing properties. Rigorous solar access modelling was undertaken for the Crows Nest Metro Station sites which demonstrates that the proposed built form minimises overshadowing of key public spaces (such as Hume Street Park and Ernest Place) and the nearby Heritage Conservation Areas.

The model also shows that the rezoning proposal will not create additional overshadowing of residential areas within the 2036 Plan boundary for more than 2 hours between 9:00am and 3:00pm on June 21 (winter solstice). Furthermore, no additional overshadowing of residential areas outside of the 2036 Plan between 9am or 3pm, or Willoughby Road between 11:30am and 2:30pm during winter solstice. Overall, the study demonstrates that the rezoning proposal satisfies the solar access requirements.

The modelling undertaken was based on a conceptual building of a broad design. Any future development application would include details of a specific building designed for the Crows Nest Metro Station sites, and the residential flat building component will be required to address the solar access provisions (amongst others) of the *NSW Apartment Design Guide (ADG)* and *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65)*. The overshadowing impacts of the proposed design and the ADG provisions would be taken into account in the merit assessment process of the development application.

Wind and noise impacts

Sydney Metro undertook a Wind Impact Assessment as part of the CSSDA. It was concluded that wind conditions at most locations around the site would be expected to be similar to or marginally stronger than the existing wind conditions and suitable for pedestrian standing/walking activities. Several mitigation measures are proposed to mitigated any adverse wind impacts. This will be further assessed as part of the CSSDA.

The proposed building podiums will assist in minimising wind impacts on the public domain and provide a buffer to residential uses from the Pacific Highway. As mentioned above, any future development application would include details of a specific building designed for the Crows Nest Metro Station sites. A detailed assessment of wind and noise impacts will be undertaken at this stage.

Wind and noise impacts will also be addressed via the design excellence provision in the assessment of environmental impacts including acoustic measures, wind and reflectivity.

Local Character

Issue

A large number of submissions considered the proposed height and density to be excessive and inconsistent with the character of the surrounding area. Key concerns were:

- The proposed heights do not fit the local character and community aspirations for Crows Nest village.
- The proposed heights are inconsistent with the objectives stated in the rezoning proposal to protect the village atmosphere of Crows Nest.
- The proposal is not in-keeping with the existing leafy character and village feel of the area.
- The Metro site should be developed to more fully accord with the St Leonards and Crows Nest Draft Character Statement.

Response

The 2036 plan has been informed by the St Leonards and Crows Nest Local Character Statement. The key findings of the Local Character Statement emphasised the need to protect the village atmosphere in and around Crows Nest, particularly along Willoughby Road, its local retail character and its importance as a thriving community eat street.

The proposed amendments respect the local character of Crows Nest Village including Willoughby Road through appropriate transitions and built form controls. The importance of Willoughby Road as the heart of Crows Nest Village and the fine grain character that provides the “village feel” will be retained and protected through sunlight controls, and the retention of building envelopes. In this regard, the rezoning proposal will not make any changes to the existing planning controls for the Crows Nest Village incorporating Willoughby Road and Alexander Street.

Whilst it is acknowledged that the rezoning proposal would bring about change in the local character of the area with an increase in population and a change in the size and architectural style of buildings, this change in the local character would also involve a number of positive changes.

For example, the local character of Crows Nest will be enhanced through:

- Improved pedestrian linkages.
- Greater opportunities for employment and establishment of a variety of local businesses.
- Increased and enhanced open space areas. In particular, the embellishment of the Hume Street Park will further intensify the retail strip along Willoughby Road as a desirable location and create a “village green” in the heart of the area.
- Street level improvements such as wider footpaths for alfresco dining, street trees and landscaping, improved pedestrian safety and active uses at ground level for a more energetic atmosphere.
- Provision of active frontages on key streets including the Pacific Highway, Hume Street and Oxley Street, and use of Clarke Lane as an active laneway and shared pedestrian/vehicle zone.
- Public benefit through new community facilities.

Measures such as the proposed design excellence clause in the proposed amendments to the NSLEP 2013 local and regional infrastructure upgrades will ensure that the local character of the area is maintained and enhanced.

Urban Design

Issue

Some respondents raised concern about the urban design aspects of new development. Key concerns were:

- The appearance and quality of proposed development and carpark.
- Potential repetition of urban design mistakes of high-rise development in Chatswood, St Leonards and North Sydney, along the Pacific Highway in the Upper North Shore.
- The design excellence provisions make no reference to public amenity.
- Concern regarding lack of sustainability initiatives and utilisation of "green" technology.

Response

Design excellence is a key consideration of the rezoning proposal. A new clause is proposed to be inserted into the NSLEP 2013 that requires any future development on the Crows Nest Metro Station sites to undertake a design excellence process. The introduction of the proposed clause will ensure any future development demonstrates the highest standard of architectural, urban and landscape design.

The clause will include a list of matters for the consent authority to consider when assessing an application and includes matters such as public amenity, architectural design, form and external appearance, sustainability, building separation, bulk and massing, public domain, landscaping etc.

Matters in the design excellence clause have effectively addressed and incorporated the heads of consideration of the exhibited rezoning proposal.

The design excellence clause has been developed to inform and guide the assessment of future development on the Crows Nest Metro Station sites so that it is consistent with the Department's St Leonards and Crows Nest 2036 Plan and the supporting technical analysis. In deciding whether to grant development consent to the development application, the consent authority is to ensure consistency with a range of key principles, such as height, setbacks, articulation, land use, activation, solar amenity, amenity, heritage, movement and landscape/opens space.

Sustainability

The importance of sustainable development is recognised in the rezoning proposal. The design excellence clause includes sustainability performance criteria to ensure that future development on the Crows Nest Metro Station sites achieves high quality sustainable outcomes.

The clause requires the consent authority to ensure that future development achieves the principles of ecologically sustainable development and to consider strategies that minimise water production, energy and water use, and maximise active connections and public transport use.

Future development will be required to comply with sustainability policies and regulatory requirements at the detailed design stage, particularly the *Environmental Planning and Assessment Regulation 2000*, Building Code of Australia, and rating tools such as National Australian Built Environment Rating System (NABERS), Building Sustainability Index (BASIX) and Green Star Design.

The residential flat building component of any future development will also need to comply with the sustainable performance controls outlined in the ADG and SEPP 65.

Land Use and Employment Targets

Issue

Submissions raised concerns the Crows Nest Metro sites should have a larger component of employment, with little if any residential. Key concerns included:

- The proposed development does not meet the goals for increased employment in the area.
- There is a lack of job creation initiatives in the rezoning proposal.
- The proposal does not meet GSC job targets outlined in the North District Plan.

Response

Employment targets

There are approximately 47,000 jobs in St Leonards. Estimates drawn from the North District Plan identify that the area requires 16,500 new jobs by 2036 to achieve the target of 63,500 jobs across the whole precinct.

The 2036 Plan, informed by an Economic Feasibility Study, recommends a range of objectives to promote employment growth within the area and forecasts additional commercial floorspace required to meet demand in different zones within the Precinct by 2036.

Key objectives of the 2036 Plan that relate to the Crows Nest Metro Station sites include:

- Ensure new employment sites in the area cater to a range of business types and sizes.
- New development in the mixed-use zone should contribute to delivery of active streets by providing a range of uses at ground floor.
- Protect large commercial core zoned sites to ensure employment uses are protected into the future.

The Economic Feasibility study found that the new Crows Nest Metro Station will increase demand for commercial floor space in the area and create future employment opportunities leveraging off the increased transport capacity of the new metro station. Based on these findings, the rezoning proposal seeks to increase the minimum non-residential FSR controls on the Crows Nest Metro Station sites to align with the 2036 Plan and ensure that the development responds to the aspirations of the North District Plan for significant employment growth within the St Leonards and Crows Nest Precinct.

The changes to minimum non-residential floor space requirements could provide approximately 2,160 new jobs on the Crows Nest Metro Station sites. As such, the rezoning proposal will make a significant contribution toward achieving the high jobs target for St Leonards.

Residential development

The North District Plan sets a five-year housing supply target of 25,950 dwellings across the North District, with 3,000 of these dwellings to be delivered in North Sydney by 2021. North Sydney Council's LSPS also establishes a further 6-10 year housing target of 2,835 to be delivered by 2026. The targets are generally consistent with known housing approvals and construction activity. It is important to note that these are minimum targets.

The changes to land use proposed as part of the rezoning proposal and total FSR would result in approximately 140 dwellings proposed as part of the Crows Nest Metro Station over-station development.

The Crows Nest Metro Station sites are an appropriate location to provide additional housing given the highly accessible location above the new Crows Nest Metro Station and close proximity to bus stops/St Leonards Station. This will act as a stimulus for additional housing supply and enable the delivery of housing in accordance with the Greater Sydney Region Plan vision for residents to live within 30 minutes of their jobs and services.

While the rezoning proposal will contribute towards achieving the North District Plan housing targets for North Sydney, it should be noted that the proposed dwelling numbers are indicative only. The delivery of housing is highly dependent on market conditions and feasibility and, for this reason, the specific dwelling numbers and mix delivered on the sites will be determined as part of any future development application.

Traffic Impacts

Issue

Submissions noted that the proposal would result in a rise in traffic volumes on the existing road network and exacerbate existing congested roads. More specifically, concerns were raised in relation to the following:

- The Pacific Highway, River Road, Willoughby Road and the intersection of Albany and Oxley Street cannot cope with the existing traffic issues.
- Local and adjoining roads are already congested and increasing the density of development in the area would intensify congestion.
- Uncertainty whether a traffic study has been undertaken which takes into account all new and proposed development in the area.

Response

The rezoning proposal enables higher density urban development above the planned Crows Nest Metro Station to provide homes and jobs in an easily accessible location. This seeks to provide residents with alternative options for travelling to work, shops and services by means other than driving. The precinct is well serviced by public transport, noting:

- Existing train services from St Leonards Station on the T1 North Shore, Northern and Western heavy rail lines. The line links north to Chatswood through to Berowra and a metro service to North Ryde, Macquarie Park and Macquarie University. The line also connects heavy rail to St Leonards south to the city and then towards Strathfield and Parramatta.
- The area is well serviced by the Sydney bus network. The Pacific Highway is a major arterial route for bus services to and from the North Sydney CBD, other major centres on the North Shore, the Hills and Sydney CBD. There are also a number of local routes which pass through the area, with destinations such as Neutral Bay, Wollstonecraft and Lane Cove. Transport for NSW have indicated bus coverage and services will be reviewed when investment decisions for major road projects, including the Western Harbour Tunnel and Northern Beaches Link, are made and their impacts can be tested.
- Sydney Metro will more than double the current rail capacity of the area. The Crows Nest Metro Station will link to Victoria Cross (North Sydney), Barrangaroo and Central Station to the south and Chatswood to the north. Travel times are estimated at 11 minutes to Central Station and 7 minutes to Martin Place Metro Station, with an ultimate capacity to run a metro train every two minutes each way through the centre of Sydney.

A Strategic Transport Study, including future year scenario modelling, was prepared to inform the actions of the 2036 Plan. The modelling found that the precinct's road network (with some upgrades) has an ability to generally absorb the expected increase in traffic.

There is a need for additional transport infrastructure improvements in the network to support additional capacity, however these generally relate to intersection upgrades and active transport changes. The study does not recommend major improvements to the road network as substantial mode shift to more sustainable transport modes is encouraged.

The proposed uplift in density requires policy measures and infrastructure upgrades supporting active and public transport to support a productive residential and workforce population. For this to be achieved, opportunities to improve pedestrian, cycling, and public transport infrastructure have

been identified in the 2036 Plan to encourage more use of these modes and to support future growth in the precinct.

The 2036 Plan recommends improving pedestrian connections between Crows Nest Metro Station, St Leonards Station, Willoughby Road, and Hume Street Park to increase the attractiveness of active transport (walking and cycling) and maximise public transport usage. Footpath improvements are also recommended on all streets surrounding the Crows Nest Metro Station sites.

The rezoning proposal (and broader CSSDA application) is supported by the approved Crows Nest Station Transport Integration Plan, which proposes the following supporting infrastructure (subject to design development):

- Two pedestrian crossings at the intersection of Clarke Street and Hume Street.
- A pedestrian crossing across Clarke Street, opposite Kelly's Place Children's Centre.
- An additional signalised pedestrian crossing leg across the Pacific Highway (north side) at the intersection with Oxley Street (subject to approval by Roads and Maritime Services).
- Enhanced pedestrian amenities around the station.
- Wayfinding signage and Sydney Metro information.
- Kiss and ride and taxi bays on Clarke Street.
- Bike parking at the station entrances.
- On-road cycle facilities on Hume Street and Oxley Street.

Overall, the improved public transport accessibility of the site is expected to lead to a significant reduction in passenger vehicle traffic generation. Restricted parking availability will further constrain traffic generation, as discussed below.

Further detailed traffic modelling will be required to be provided with any future development application for the Crows Nest Metro Station sites to analyse the impacts of development uplift and to test proposed infrastructure changes.

Parking

Issue

Parking was raised in submissions in conjunction with traffic impacts. The community expressed differing views on how best to manage parking and traffic congestion with some wanting to see more parking provided in the future, and others preferring to see alternative transport solutions.

Respondents were particularly concerned with:

- The 175-spot parking designed for the local residents in the towers, with no parking provided for local residents or commuters using the station.
- The proposal will exacerbate existing traffic congestion issues in the area.
- Objection to the provision of above-ground parking on-site. This structure will ruin the view and amenity at street level and create further traffic congestion.
- The proposed above ground parking structure is counter to the notion of transit-oriented development. Car dependence needs to be reduced.
- Parking should be underground only.

Response

The rezoning proposal does not set car parking requirements for the Crows Nest Metro Station sites. Car parking will be resolved as part of the CSSDA.

The Department understands that the proposed change in land use will result in a reduction in total car parking for the site, especially given previous uses being commercial strata buildings and a mix of retail shops.

Given the highly accessible location of the Crows Nest Metro Station sites, the Department considers that a reduced car parking rate is appropriate. This will encourage residents, workers and visitors to use public transport and active transport to reduce overall car reliance in the area. The growth of local jobs should also promote greater self-containment and less reliance on private cars and the road network.

The NSW Government operates a car parking space levy scheme to discourage car use around St Leonards Station. The Crows Nest Metro Station will provide additional transport capacity to further reduce the need for parking and support public transport use. Car share schemes can also play an important role in reducing car use and parking demand.

It is recognised that there would be an increased demand for on-street parking with the increase in population from the rezoning. Council would be responsible for specifying and approving on-street parking and monitoring demand for parking as development of the area occurs.

Given the constraints of the new Crows Nest Metro Station beneath the site, parking will likely be provided above ground. Appropriate treatment for any above-ground parking will be addressed through the design excellence process, which will discourage open car parking in favour of concealed car parking solutions integrated within the design of the building.

Open Space

Issue

Submissions expressed the following concerns relating to the provision of open space:

- No placemaking, lack of central space and inadequate public domain.
- Lost opportunity to create a parkland or other civic open space area above the railway station.
- There are limited existing open space areas in Crows Nest and the green open spaces proposed are inadequate.
- The site should be retained for public purposes (in full or part) as open space or a new primary school.
- The rezoning should include public open space proportionate to the density and scale of the anticipated development on site.

Response

The provision of public space as part of the integrated station design will be assessed as part of the CSSDA.

The Department recognises that the site has the potential to create significant public domain improvements. The design resolution of this will be addressed through the preparation of an Interchange Access Plan and a Station Design and Precinct Plan. The final design of the public domain, building form and entries/access, station design and spatial arrangements for the over-station development will be resolved through these plans and assessed by the Department.

The proposed design excellence clause will ensure that consent authority has consideration for:

'the impact on, and any proposed improvements to, the public domain'

'achieving appropriate interfaces are ground level between the development and the public domain'

'integration of landscape design'

Open space has been considered more broadly as part of the St Leonards and Crows Nest 2036 Plan, which is supported by a Green Plan. This recommends actions to enhance open space within the precinct:

- Enhancement of Hume Street Park to create a large multi-function green open space area in the heart of St Leonards and Crows Nest. Improving Hume Street Park will create a ‘village green’ in the heart of Crows Nest adjacent to the Crows Nest Metro Station sites. Future residents, workers or visitors to the Crows Nest Metro Station sites are likely to benefit from the proximity to the park.
- Improving the pedestrian experience along the Pacific Highway through increased building setbacks for wider streets, articulated frontages and avenue tree planting on both sides of the highway.
- Clarke Lane as an active laneway that will provide a key connection for pedestrians between Willoughby Road, Crows Nest Metro Station and St Leonards Station.
- The Special Infrastructure Contribution (SIC) scheme will support the 2036 Plan by providing approximately \$78.4 million in funding toward the open space improvements.

Social Infrastructure

Issue

Some submissions expressed the following concerns with regard to existing and proposed community infrastructure:

- Development above the Crows Nest Metro Station should focus on community benefits as well as transport and developer outcomes.
- Local schools (Naremburn, Greenwich, North Sydney Dem and Anzac Park) are all approaching or past capacity and cannot cope with the Precinct’s likely increased population. There is a desperate need for at least one new primary school and a comprehensive high school in the area.
- The proposal will place further strain on community infrastructure such as schools, green spaces, roads, hospitals, sporting facilities, car parks etc.
- The area needs more community infrastructure to support the increase in residents such as schools, childcare facilities, medical services, sporting facilities, road upgrades and parks.
- There is no community space proposed such as community centres, sports facilities, parks etc.

Response

Additional social infrastructure required in the community can be accommodated in the increased development capacity facilitated by the rezoning proposal. The location of the sites provides an opportunity to deliver community facilities which are highly accessible by active/public transport and functional to improve outcomes for the community.

The community facilities that will be provided on the Crows Nest Metro Station sites are subject to a voluntary planning agreement between Sydney Metro and North Sydney Council. These facilities would be subject to assessment by Council as part of future development applications.

Social Impacts

Issue

Key issues raised include:

- There is not enough social housing and aged care housing being provided.
- Concern about the negative health and social impacts of high density living.
- Rezoning proposal does not address safety and security.

Response

Social and affordable housing

Sydney Metro has committed to delivering 5% of residential floor space as affordable housing for 10 years to be dedicated to a Community Housing Provider or North Sydney Council. This will be addressed as part of the CSSDA.

Health and social impacts of high-density development

High density residential development is commonplace in cities such as Sydney, and more people are now choosing to live in residential flat buildings. Apartments help improve housing supply and affordability, providing a convenient place to live for residents in close proximity to jobs, services and places they love.

The NSW Government promotes better apartment design across NSW through *State Environmental Planning Policy No 65– Design Quality of Residential Apartment Development* (SEPP 65) and the NSW Apartment Design Guide (ADG). These policies aim to deliver a better living environment for the residents now choosing this form of housing.

In relation to the rezoning proposal, the residential flat component of any future development application would be required to address the provisions of SEPP 65 and the ADG. These policies provide minimum standards for the design of apartment buildings to ensure a high level of amenity is provided to the future residents and include controls to address matters such as solar access, natural ventilation, ceiling heights, apartment size and layout, private open space areas, acoustic privacy and noise and pollution.

Compliance with the above guidelines and policies will minimise the risk of health and/or social impacts resulting from residential apartment development on the Crows Nest Metro Station sites. Investment in the public domain and improvements identified in the integrated station access plan will assist in creating streets as shared spaces.

Safety and security

Any future development application would be assessed against the 'Safer by Design' guidelines and 'Crime Prevention Through Environmental Design' (CPTED) principles. These strategies require consent authorities to ensure that development provides safety and security to users and the community. The aim of the program is to ensure that development application proposals are routinely assessed for crime risk, and that preventable risk is reduced before the development is approved.

Governance and process

Issue

Key consultation concerns raised include:

- The documents are large and additional time is required to adequately review and respond.
- Concerns regarding the transparency of the planning and approval process.
- The draft plans are not written in a way that is accessible to everyone. Only those who are conversant in building and development jargon will understand the proposals.

Response

Consultation period

The Department considers the consultation measures undertaken for the rezoning proposal to be satisfactory. The rezoning proposal was originally placed on exhibition for a period of seven weeks. In response to community feedback, the exhibition period was extended on two separate occasions until 8 February 2019. The exhibition period of over 16 weeks is considered adequate

for the local community to familiarise themselves with the proposed changes and lodge a submission.

There will be further opportunities for community feedback on the detailed design during consultation of any future development application on the sites.

Transparency of the planning process

The community has been consulted throughout various stages of the planning process, with regular updates provided on the Department's and Sydney Metro website. The community had an opportunity to have their say on the proposal during the 16 week consultation period between February 2018 and October 2018. Six community drop-in sessions were also held to enable the public to have a face to face conversation about the proposal.

Submissions received during the exhibition periods have been reviewed and addressed in this report.

Complexity of information

The complexity and detail of the documentation and information prepared to support the rezoning proposal must meet certain statutory and policy requirements. Where possible this has been presented in a format which can be understood by the community, however for some aspects this is not entirely possible.

Response to Government and Industry Submissions

This section of the finalisation report provides a response to the key issues raised in Government and Industry submissions received.

North Sydney Council

North Sydney Council raised a number of concerns in their response to the rezoning proposal. The following key issues are raised in Council's submission:

- Zoning and proposed non-residential FSR controls do not deliver enough local jobs.
- Proposed height controls will overshadow Ernest Place and Willoughby Road.
- Built form controls do not fit the character and community aspirations for Crows Nest.
- Further detail is needed on the design excellence clause.
- Above ground parking is not supported for design and transport planning reasons.
- Proposed exemption to state and local infrastructure contributions is not supported.
- Community facilities in the Metro should be further negotiated with Council.
- Timing of exhibited documents (2036 Plan, Rezoning, SSDA) not 'best practice planning'.

Lack of Local Jobs

Issue

Council raised the following concerns with the proposed land use mix:

- The rezoning proposal will not support enough local jobs and fall short of the strategic directions set out by the GSC in the Greater Sydney Region Plan and District Plan.
- Request that the Department prepare an employment strategy that specifically examines how to leverage new employment capacity from the new Crows Nest Metro Station sites.
- Request that Council work with Sydney Metro and the Department to establish agreed non-residential FSR controls for the site.

Response

The St Leonards and Crows Nest 2036 Plan outlines that the remaining jobs required to meet the North District Plan's jobs target can be supported across the broader precinct.

Key actions of the 2036 Plan that relate to the site to promote jobs growth include:

- 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.
- Permit mixed-use development on key sites to encourage the revitalisation of St Leonards through the delivery of A-grade commercial floor space.
- Encourage the location of additional retail in the St Leonards Core and Crows Nest Village rather than the Artarmon Employment Area.

The proposed SEPP responds to the aspirations of the North District Plan and 2036 Plan for significant employment growth within the St Leonards and Crows Nest Planning Precinct.

The amended proposal has increased the non-residential FSR controls in the design and operation of the development for the sites, which will ensure the delivery of a significant amount of commercial floor space. Non-residential FSR controls for the site will be amended as follows:

- Site A – from 3:1 to **10:1**.
- Site B – from 2:1 to **0.5:1**.

- Site C – from 2:1 to **5:1**.

The revised concept scheme proposes approximately 43,400sqm of commercial GFA (excluding station) which could result in an additional 2,160 jobs for the precinct. The specific land use mix for the development will be assessed under the CSSDA.

Overshadowing

Issue

Council raised the following issues relating to overshadowing:

- The rezoning proposal will overshadow Ernest Place and Willoughby Road which are both highly valued places in the local and wider community.
- The proposed height limits are generally in accordance with the solar protections of the draft 2036 Plan but fall short of the stronger protections under the Crows Nest Placemaking and Principles Study.
- Request that Council work with Sydney Metro and the Department to establish agreed solar protections to Ernest Place and Willoughby Road that protect afternoon sunlight to these spaces year-round and still achieve reasonable built form outcome on the Metro landholdings.

Response

As outlined in the **Response to Community Submissions** section of this report, rigorous solar access modelling was undertaken for the Crows Nest Metro Station sites to determine solar access and overshadowing impacts from the proposal. The modelling demonstrates that the proposed built form minimises overshadowing to key public spaces and demonstrates that cumulative impacts of taller buildings can be adequately managed.

The amended proposal has reduced the building height control for Site A by 3 metres from RL 183 to RL 180 to ensure overshadowing is minimised to key public places (Willoughby Road and Ernest Place).

Shadow diagrams and analysis of the revised concept scheme indicate that the proposal will result in no additional overshadowing to Willoughby Road between 11:30am and 2:30pm during any time of the year and no additional overshadowing to Ernest Place between 10:00am and 4:00pm on 21 March, 21 June, and 21 December. Overshadowing does not occur to Ernest Place until close to 4pm during 21 September.

The shadow diagrams demonstrate consistency with the solar access controls identified in the draft St Leonards and Crows Nest 2036 Plan. These controls are further reinforced within the rezoning proposal via the design excellence clause, with the consent authority to have regard to:

‘ensuring appropriate solar access to—

(A) Willoughby Road between 11.30 am and 2.30 pm in midwinter, and

(B) Ernest Place between 10.00 am and 3.00 pm in midwinter,’

The Department considers the above controls and overshadowing impacts from the proposal are appropriate. This matter will be further assessed at the CSSDA stage as a more refined building envelope is considered.

Inconsistency with Local Character

Issue

- Proposed built form controls do not fit the local character and community aspirations for Crows Nest village. There is an overwhelming community desire to retain the village feel of Crows Nest.

- The rezoning proposal's justification relies in part on the 50 storey 'height expectation' set by North Sydney Council. This justification does not reflect best practice as St Leonards is of very different scale and character to Crows Nest and was subject to 5-year design process to inform the height.
- The buildings will have a significant visual impact on the future character of Crows Nest. Council request that the Department commission more accurate visual impact analysis for Council and the community's consideration.
- The proposed floor space ratios result in wide towers with poor separation and sunlight impacts.

Response

The Department acknowledges that the delivery of the Sydney Metro project and Crows Nest Metro Station sites will bring about change in the local character of the area with an increase in population and a change in the size and architectural style of buildings. This change reflects the changes in accessibility and opportunity created by the Crows Nest Metro. The benefits of this change are outlined in the **Response to Community Submissions** section of this report.

The proposal is consistent with the height model proposed as part of the St Leonards and Crows Nest 2036 Plan and is supported by transit-oriented development principles. Great effort has been made to reflect the local character of the Crows Nest Village throughout the planning process.

The inclusion of the design excellence clause for the site will ensure that view corridors, quality of buildings and amenity of the public domain, and relationship to surrounding development is considered as the proposal progresses through CSSDA and development application stages.

The Department considers that whilst the protection of the Crows Nest village character is an important factor in the planning for the area, there is a need to respond to the emerging character of St Leonards and delivery of new mass transit infrastructure. Therefore, the proposal adequately responds to the context of the site.

Design Excellence Clause

Issue

Council expressed concern regarding the design excellence clause, particularly:

- Concern that a draft design excellence clause has not been prepared for review.
- The information provided for critical elements such as solar amenity contains vague, unmeasurable statements that provide little security or certainty to the community.
- Given how advanced the detailed design appears to be for the site, a greater level of assurance should be provided to the community via solar protection area maps and specific clauses that prohibit overshadowing.

Response

The design excellence clause has been developed and is included as part of this rezoning proposal to form a site-specific provision for the Crows Nest Metro Station sites.

The objective of this clause is to deliver the highest standard of architectural, urban and landscape design. The clause has been developed for the future development to address key matters of urban design and includes specific solar access controls for the site.

Further, the clause is underpinned by future design guidelines by ensuring that the consent authority has regard for:

'...the consistency of the development with any guidelines issued by the Planning Secretary relating to the design and amenity of the area adjacent to the Crows Nest Metro Station,'

The Department considers that the clause is comprehensive and adequate to ensure design excellence can be achieved. This will be assessed as part of the CSSDA.

Above Ground Parking

Issue

Council do not support the provision of above ground parking on the following grounds:

- Above ground parking reduces the amount of floor space that can support local jobs and community facilities.
- Is contrary to the design excellence intent of the development.
- Request that no above ground parking is provided as part of the development and the FSR and non-residential FSR controls be amended accordingly.

Response

The rezoning proposal does not set car parking requirements for the Crows Nest Metro Station sites. Car parking will be resolved as part of the CSSDA.

Notwithstanding, due to the inherent constraints of over-station development above the Crows Nest Metro Station alternative car parking methods will need to be explored as part of any future development application.

Appropriate treatment for any above-ground parking will be addressed through the design excellence process. It is intended that any above ground parking will be integrated into the design of the buildings.

State and Local Infrastructure Contribution

Issue

Council raised infrastructure contribution issues relating to:

- Concern that Sydney Metro do not intend to contribute to state and local infrastructure contributions arising from the additional dwellings and commercial floorspace proposed.
- Concern that there will be a significant funding shortfall to meet the additional demand placed on community facilities.

Response

While the SIC will apply to all new residential development within the St Leonards and Crows Nest 2036 Plan area, the Department has made a determination that the Crows Nest Metro Station sites will be exempt from the application of the SIC.

It is considered that the Crows Nest Metro Station sites will contribute towards state and regional infrastructure through other means, in particular the delivery of the Crows Nest Metro Station and its associated public domain and traffic improvements. A further state contribution through the SIC would be considered 'double dipping'.

The Sydney Metro project has a significant State and regional benefit for NSW including St Leonards and Crows Nest. The same principle would apply to other sites across NSW where a state infrastructure contribution has been made through other arrangements including the State Voluntary Planning Agreement.

The proposed St Leonards Crows Nest SIC will continue to contribute towards the delivery of state and regional infrastructure and support the objectives identified in the St Leonards Crows Nest 2036 Plan.

The Department is also supporting the delivery of critical local infrastructure through grant funding programs such as the Precinct Support Scheme which has already committed over \$10 million in

funding to North Sydney, Lane Cove and Willoughby City Councils. This includes a \$3.5m grant to support North Sydney Council's delivery of Stage 1 of the Hume St Park upgrade.

Inadequate Provision of Community Facilities

Issue

Council expressed the following key concerns:

- The draft 2036 Plan has not made adequate provision for much needed community facilities to support the significant increase in residential population.
- The Crows Nest Metro Station represents the most viable location for a district library and co-located youth centre. Affordable housing is also an appropriate inclusion in any residential development over a Metro station.
- These facilities could be delivered, in addition to the proposed day care, via a Voluntary Planning Agreement (VPA). The VPA could potentially offset obligations under the SIC.
- Request that a VPA is negotiated with Sydney Metro as part of the rezoning proposal to ensure adequate space for community facilities is incorporated into the design.

Response

The rezoning proposal does not specify any specific community facilities.

Community facilities provided as part of the Crows Nest Metro Station sites are subject to a voluntary planning agreement between Sydney Metro and North Sydney Council. These facilities would be subject to assessment by Council as part of future development applications.

Lane Cove Council

The following key issues are raised in Lane Cove Council's submission:

- Request for mapping errors in the Urban Design Study to be rectified.
- Impacts on pedestrian connectivity.
- Inadequate provision of community facilities and commercial floorspace.
- Inadequate built form transitioning to surrounding areas.

Mapping Errors

Issue

Council identified a number of minor mapping errors in the Figures on page 23 and 24 of the "Crows Nest Sydney Metro Sites: Detailed Urban Design Study". Council request that the information be updated.

Response

The Department has reviewed the errors identified by Council in the Urban Design Study. The mapping errors that relate to the Figures on page 23 and 24 are located outside of the Crows Nest Metro Station sites and apply to the wider draft 2036 Plan area. These discrepancies will be addressed in further revisions of the 2036 Plan.

Pedestrian Connectivity

Issue

Council raised concern that the plans and information released do not address pedestrian connectivity West to East and across the Pacific Highway to provide access the Crows Nest Metro Station. Council discourages reliance on signalised pedestrian signals and recommends that an overpass or underpass be considered.

Response

The Department acknowledges the importance of safe and efficient pedestrian connectivity to and from the Crows Nest Metro Station sites.

Pedestrian connectivity west to east and across the Pacific Highway is addressed as part of the St Leonards and Crows Nest 2036 Plan through the recommendation of future active transport upgrades. A new signalised pedestrian crossing is proposed on the north-western leg of the Oxley Street / Pacific Highway intersection, to be funded by the SIC.

Future upgrades required to the pedestrian network, including the potential for underground connections or elevated pedestrian bridges, will be investigated at the development application stage and will require referral to transport agencies for comment.

Community Facilities

Issue

Key issues raised include:

- The proposal is not delivering any large-scale community facilities that are typically delivered with large scale infrastructure projects.
- Recommend a library or additional community facilities are provided in buildings A or B.

Response

Refer community facilities response in North Sydney Council response above.

The rezoning proposal does not specify any specific community facilities. Any community facility will be subject to a voluntary planning agreement with Sydney Metro and North Sydney Council as part of future development applications.

Commercial Floor Space

Issue

Council raised the following concerns with regard to commercial floorspace:

- It is unclear as to the final amount and mix of commercial floor space to be provided.
- It is recommended that the applicant investigate and consider alternative and/or additional commercial floor space as part of the future development application.
- No clear justification for a hotel has been provided.

Response

The rezoning proposal recommends retention of the B4 Mixed Use zone. Any permissible use within this zone can be pursued under the CSSDA.

The amended proposal has sought to increase non-residential FSR controls for the site, which will ensure the delivery of a significant amount of commercial floor space. Non-residential FSR controls for the site will be amended as follows:

- Site A – from 3:1 to **10:1**.
- Site B – from 2:1 to **0.5:1**.
- Site C – from 2:1 to **5:1**.

The revised concept scheme proposes approximately 43,400sqm of commercial GFA (excluding station) which could result in an additional 2,160 jobs for the precinct. The specific land use mix for the development will be assessed under the CSSDA.

Built Form Transition

Issue

Council raised concerns that the scale of the proposal provides minimal transitions to the surrounding area and extends the height from the St Leonards Commercial centre into the Crows Nest Village precinct.

Response

The Crows Nest Metro Station sites provide an appropriate transition in building height from the St Leonards Core to the Crows Nest Metro Station under the height model of the St Leonards and Crows Nest 2036 Plan.

The site provides a stepping down transition from 27 storeys on Site A to 17 and 9 storeys at the interface with Hume Street Park and towards Willoughby Road.

The design excellence clause includes a list of matters for the consent authority to consider when assessing future development on the Crows Nest Metro Station sites. The matters for consideration will assist in providing a built form that provides an appropriate transition to the Crows Nest Village precinct.

Urban Development Institute of Australia

The Urban Development Institute of Australia made a direct submission to the draft St Leonards and Crows Nest 2036 Plan. This submission had specific comments on the Crows Nest Metro Station sites rezoning proposal as follows:

- Maximise the advantage of transit-oriented development opportunities.
- Provision of further floorspace for employment uses, without reducing floorspace for critical residential uses.
- The region needs to leverage the significant investment in Metro to become a jobs centre with adequate residential to support a 24/7 economy.

Response

Transit-oriented development principles were key in developing the planning control changes in the rezoning proposal. The Department considers that the proposed planning framework maximises the advantage of the delivery of the Crows Nest Metro Station to deliver additional jobs and homes in St Leonards and Crows Nest.

As described in the sections above, the non-residential FSR controls over the Crows Nest Metro Station sites has been increased to support additional commercial floor space and deliver additional employment generating land uses.

The Department considers that the rezoning proposal will allow for an appropriate development outcome to be progressed over the site as aligned with the priorities of the North District Plan.

Conclusion

The Department acknowledges that the delivery of the Sydney Metro project and Crows Nest Metro Station sites will bring about change in the local character of the area with an increase in population and a change in the size and architectural style of buildings. This change reflects the changes in accessibility and opportunity created by the Crows Nest Metro.

With this significant public investment in world-class transport infrastructure comes a number of benefits – opportunities for transit-oriented development to provide jobs, homes, a new public domain and community infrastructure around the new metro station.

The Department recommends the rezoning be supported to enable the benefits of the Crows Nest over station development to be realised, delivering positive outcomes for the community. The approval of the rezoning will allow for:

- The unlocking of jobs within the area as a result of the delivery of the new Crows Nest Metro Station.
- The delivery of the Crows Nest Metro Integrated Station development which has strong commercial focus and will serve as an important catalyst for investment in commercial development in the area.
- The protection of key public spaces and ensuring an appropriate land use mix on the Crows Nest Metro Station sites.

There was a range of views expressed in community submissions, including concerns associated with density, built form, height, affordable and social housing, land use, public open space, future capacity of the road network, upgrades needed to community facilities, and pedestrian and cyclist accessibility.

Community feedback has led to significant improvements to the rezoning proposal, including:

- A new design excellence requirement to ensure future buildings exhibit a high standard of urban, architectural and landscape design and to protect the amenity of nearby public spaces.
- A 20% reduction in size of the building envelopes, and reduction in maximum permitted building heights.
- Land use changes to increase job opportunities. This will increase the number of ongoing commercial and retail jobs at the site through a revised floor space allocation from 900 (exhibited) to 2,160 through an increased non-residential FSR control.
- Reduction in the number of new dwellings planned for the site, from 350 (exhibited) to less than 150.
- Reinforcing solar access controls via the new design excellence clause to minimize overshadowing to Ernest Place and Willoughby Road

The Department has undertaken a detailed assessment of the rezoning proposal and the issues raised in submissions and is satisfied the proposal has satisfactorily addressed the key issues raised for rezoning purposes. Where matters have not been addressed, this will be further assessed as part of the CSSDA.

Attachment A - Consistency with Strategic Plans

Table 1 – Consistency with North District Plan

Action	Consistency
Leverage the new Sydney Metro station at Crows Nest to deliver additional employment capacity	The Crows Nest Metro Station sites are located above and adjacent to the new Crows Nest Metro Station. The Department is proposing to increase the minimum non-residential FSR to ensure jobs are provided in this highly accessible location and the District Plan's jobs target can be achieved.
Grow jobs in the centre	The delivery of the Crows Nest Metro Station will allow the Precinct to achieve the jobs target as identified within the North District Plan for St Leonards and Crows Nest and will ensure that the Eastern Economic Corridor continues to be better connected and more competitive.
Reduce the impact of vehicle movements on pedestrian and cyclist accessibility	The new Crows Nest Metro Station will significantly improve accessibility to the area and change the way people move in Crows Nest. The station will ideally reduce car reliance in the area and encourage active transport by providing connections to key destinations and existing and proposed cycleways.
Protect and enhance Willoughby Road's village character and retail/restaurant strip	A key objective of the proposal is to ensure that any proposed amendments respect the local character of Crows Nest Village, including Willoughby Road. Appropriate transitions and built form controls are recommended to ensure this area is protected.
Deliver new high quality open space, upgrade public areas and establish collaborative place-making initiatives	The provision of additional open space will be assessed at the development application stage; however, the site has the potential to create significant public domain improvements including providing strong connections to the adjacent Hume Street Park.
Promote synergies between Royal North Shore Hospital and other health and education related activities in partnership with NSW Health	<p>Whilst the Crows Nest Metro Station sites are not located within the health and education sub-precinct, the site has the potential to provide jobs in the health and education sectors.</p> <p>The Crows Nest Metro Station allows greater interaction between sites and promotes associated health and medical research uses.</p>
Retain and manage the adjoining industrial zoned land for a range of urban services	Not applicable.

Table 2 - Consistency with State Environmental Planning Policies

SEPP		Consistency
No. 1	Development Standards	Not applicable.
No. 19	Bushland in Urban Areas	Not applicable.
No. 21	Caravan Parks	Not applicable.
No. 30	Intensive Agriculture	Not applicable.
No. 33	Hazardous and Offensive Development	Not applicable.
No. 36	Manufactured Home Estates	Not applicable.
No 44.	Koala Habitat Protection	Not applicable.
No. 47	Moore Park Showground	Not applicable.
No. 50	Canal Estate Development	Not applicable.
No. 52	Farm Dams	Not applicable.
No.55	Remediation of Land	The proposed amendments do not propose to change the existing B4 Mixed Use zone on the Crows Nest Metro Station sites. However, any future integrated Station Development would be above and integrated with the station at Crows Nest approved under CSSI 7400. Any potential contamination impacts have been identified and addressed in accordance with the CSSI approval.
No. 62	Sustainable Aquaculture	Not applicable.
No. 64	Advertising and Signage	The proposed amendments do not affect the operation of this SEPP. Any proposed advertising and signage will need to comply with the SEPP as required.
No. 65	Design Quality of Residential Apartment Development	The proposed amendments have had consideration of this SEPP in determining the proposed controls. Any future development application for residential apartments will need to comply with the SEPP as required.
No. 70	Affordable Housing (Revised Schemes)	The proposed amendments do not make the provision for affordable housing; however, this does not preclude the delivery of affordable housing through a voluntary planning agreement on the site.
SEPP	(Affordable Rental Housing) 2009	The proposed amendments do not affect the operation of this SEPP. Future development for affordable rental housing types will need to have regard to the SEPP.
SEPP	(Building Sustainability Index: BASIX) 2004	Any future development application will need to comply with the SEPP as required.

SEPP	(Coastal Management) 2018	Not applicable.
SEPP	(Educational Establishments and Child Care Centres) 2017	Any development that is subject to this SEPP, will need to comply with the provisions of this SEPP as required.
SEPP	(Exempt and Complying Development Codes) 2008	The proposed amendments do not affect the operation of this SEPP.
SEPP	(Housing for Seniors or People with a Disability) 2004	The proposed amendments do not affect the operation of this SEPP.
SEPP	(Infrastructure) 2007	The ISEPP is likely to be applicable to any future Over Station Development as it involves development within, above, or adjacent to a rail corridor. Any future development may also constitute a traffic generating development depending on the scale proposed and would need to be refer to the relevant government agency.
SEPP	(Integration and Repeals) 2016	Not applicable.
SEPP	(Kosciuszko National Park – Alpine Resorts) 2007	Not applicable.
SEPP	(Kurnell Peninsula) 1989	Not applicable.
SEPP	(Mining, Petroleum Production and Extractive Industries) 2007	Not applicable.
SEPP	(Miscellaneous Consent Provisions) 2007	Not applicable.
SEPP	(Penrith Lakes Scheme) 1989	Not applicable.
SEPP	(Rural Lands) 2008	Not applicable.
SEPP	(State and Regional Development) 2011	The proposed amendment does not affect the operation of this SEPP. However, an Over Station Development is likely to be considered as State Significant Development (SSD) under this SEPP and will need to comply with the provisions of this SEPP as required.
SEPP	(State Significant Precincts) 2005	Not applicable.
SEPP	(Sydney Drinking Water Catchment) 2011	Not applicable.
SEPP	(Sydney Region Growth Centres) 2006	Not applicable.
SEPP	(Three Ports) 2013	Not applicable.

SEPP	(Urban Renewal) 2010	Not applicable.
SEPP	(Vegetation in Non-Rural Areas) 2017	Consistent, there is very limited vegetation cover on the site.
SEPP	(Western Sydney Employment Area) 2009	Not applicable.
SEPP	(Western Sydney Parklands) 2009	Not applicable.

Table 3 – Consistency with North Sydney LEP

Clause	Consistency
2.3 Zone Objectives	The site is currently zoned B4 Mixed Use. No amendments to land zoning are proposed. The proposal would encourage a mix of residential and commercial uses within the subject site.
4.3 Height of buildings	<p>The current maximum building height on the site is 20m (6-7 storeys) and 10m (3-4 storeys). The proposal seeks to amend these controls to enable development of the Crows Nest Metro Station which would allow development up to RL 180m.</p> <p>Any future development would be required to be consistent with the objectives of the clause by ensuring the maintenance of views, solar access and privacy to the neighbouring properties while being of a bulk and scale consistent with the desired future character of the area.</p> <p>The proposal will include an exception to clause 4.3 for a portion of the site, although the exception is only for plant, equipment, lift overruns or architectural roof features and will not contribute to substantial additional bulk.</p>
4.4 Floor Space Ratio	<p>No floor space ratio (FSR) controls are currently applicable to the subject site. However, the proposal intends to introduce new FSR controls of 11.5:1, 7.5:1 and 7:1 across the site.</p> <p>The controls will ensure that any future development will be of an appropriate scale and intensity and not result in an adverse amenity impact to the surrounding area.</p>
4.4A Non-residential floor space ratios	<p>The minimum non-residential floor space on the site ranges between 0.5:1 and 1.5:1. The proposal seeks to increase this amount to 0.5:1, 5:1 and 10:1.</p> <p>The inclusion of a minimum non-residential FSR control seeks to ensure that employment uses on site will be protected and to achieve a true transit oriented mixed-use development above the new Crows Nest Metro Station.</p>

Clause	Consistency
5.10 Heritage Conservation	<p>The site is located within close proximity to a number of local heritage items listed under the NSLEP 2013. This includes the St Leonards Centre (Item 0141), The Higgins Building (Items 0166-0171) and several heritage listed shops (Item 0153-0164).</p> <p>The Crows Nest Metro proposal would not result in any adverse impacts to heritage items and conservation areas in the vicinity of the proposed development. This would be considered in further detail as part of the subsequent State Significant Development Application.</p>
6.19B Design Excellence in the area adjacent to Crows Nest Metro Station	<p>The proposal intends to introduce a new design excellence clause into the NSLEP 2013 to ensure that any future development within the site demonstrates a high degree of building design and minimises any adverse amenity impact to neighbouring public spaces.</p>