



New South Wales

# **State Environmental Planning Policy Amendment (Crows Nest Metro Station) 2020**

under the

**Environmental Planning and Assessment Act 1979**

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

Minister for Planning and Public Spaces

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### **1 Name of Policy**

This Policy is *State Environmental Planning Policy Amendment (Crows Nest Metro Station) 2020*.

### **2 Commencement**

This Policy commences on the day on which it is published on the NSW legislation website.

### **3 Maps**

The maps adopted by *North Sydney Local Environmental Plan 2013* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Policy.

### **4 Repeal of Policy**

- (1) This Policy is repealed on the day following the day on which this Policy commences.
- (2) The repeal of this Policy does not, because of the operation of sections 5(6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

## **Schedule 1      Amendment of North Sydney Local Environmental Plan 2013**

### **[1]    Clause 4.3A**

Insert after clause 4.3—

#### **4.3A    Exceptions to height of buildings**

- (1) Despite clause 4.3, the height of a building on land identified as “Area 1” on the Height of Buildings Map may exceed the maximum height shown for the land on that Map if—
  - (a) the height of the building does not exceed the maximum height by more than 5 metres, and
  - (b) that part of the building that exceeds the maximum height comprises either—
    - (i) roof-top plant or equipment, lift overruns and associated structures, or
    - (ii) an architectural roof feature that complies with subclause (2).
- (2) An architectural roof feature complies with this subclause if it—
  - (a) comprises a decorative element on the uppermost portion of a building, and
  - (b) is not an advertising structure, and
  - (c) does not include floor space area and is not reasonably capable of modification to include floor space area, and
  - (d) will cause minimal overshadowing, and
  - (e) has fully integrated into its design any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) that is contained in or supported by the roof feature.
- (3) Clause 5.6 does not apply to a building on land to which this clause applies.

### **[2]    Clause 6.19B**

Insert after clause 6.19A—

#### **6.19B    Design excellence in the area adjacent to Crows Nest Metro Station**

- (1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.
- (2) This clause applies to land identified as “Design Excellence” on the Design Excellence Map.
- (3) Development consent must not be granted for development on land to which this clause applies unless the consent authority considers that the development exhibits design excellence.
- (4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—
  - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
  - (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,

- (c) whether the development detrimentally impacts on view corridors from public spaces,
- (d) 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,
- (e) how the development ensures appropriate solar access to—
  - (i) Willoughby Road between 11.30 am and 2.30 pm in midwinter, and
  - (ii) Ernest Place between 10 am and 3 pm in midwinter,
- (f) how the development addresses the following matters—
  - (i) the suitability of the land for development,
  - (ii) existing and proposed uses and use mix,
  - (iii) heritage issues and streetscape constraints,
  - (iv) 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,
  - (v) bulk, massing and modulation of buildings,
  - (vi) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
  - (vii) the achievement of the principles of ecologically sustainable development,
  - (viii) pedestrian, cycle, vehicular and service access, circulation and requirements,
  - (ix) the impact on, and any proposed improvements to, the public domain,
  - (x) achieving appropriate interfaces at ground level between the development and the public domain,
  - (xi) active street frontages,
  - (xii) integration of landscape design.

**[3] Dictionary**

Insert in alphabetical order—

***Design Excellence Map*** means the North Sydney Local Environmental Plan 2013 Design Excellence Map.