

Department of Planning, Housing and Infrastructure

dphi.nsw.gov.au



# Finalisation Report

Crows Nest

Transport Oriented Development Precinct



November 2024



# Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Published by NSW Department of Planning, Housing and Infrastructure

[dphi.nsw.gov.au](http://dphi.nsw.gov.au)

Finalisation Report

First published: November 2024

Department reference number: IRF24/2587

Cover image source: SJB Architects

## Copyright and disclaimer

© State of New South Wales through the Department of Planning, Housing and Infrastructure 2024. Information in this publication is based on knowledge and understanding at the time of writing, November 2024, and is subject to change. For more information, please visit [nsw.gov.au/copyright](http://nsw.gov.au/copyright)

DPHI-MC-R-LC-V1.0

# Contents

<b>Acknowledgement of Country</b> .....	<b>2</b>
<b>Executive Summary</b> .....	<b>5</b>
<b>1 Introduction</b> .....	<b>6</b>
<b>2 Context</b> .....	<b>7</b>
2.1 Site Context.....	7
2.2 Strategic Context.....	9
<b>3 Exhibited Rezoning Proposal</b> .....	<b>12</b>
3.1 Amendments to Land Use Zoning.....	12
3.2 Design Guide.....	13
<b>4 Community Engagement</b> .....	<b>14</b>
4.1 How we consulted.....	14
4.2 Who we heard from.....	15
<b>5 Assessment of Key Issues</b> .....	<b>16</b>
5.1 Traffic and Transport.....	17
5.2 Infrastructure .....	19
5.3 Affordable Housing.....	21
5.4 Flooding and Biodiversity.....	23
5.5 Density and Building Heights.....	25
5.6 Urban Design and Built Form .....	26
5.7 Impacts on Non-Residential Uses.....	28
5.8 Development of Lot 4B, Herbert Street, St Leonards.....	30
5.9 Design Guide.....	32
<b>6 Post-Exhibition Amendments</b> .....	<b>33</b>
6.1 Amendments to Exhibited Planning Provisions.....	33
6.2 Changes to exhibited sites contributing to additional housing supply.....	35
6.3 Additional sites contributing to housing supply .....	41
6.4 Recommended future investigation areas.....	45
6.5 Savings and transitional provisions.....	47
6.6 Affordable housing.....	47
6.7 Amendments to Land Use Zones .....	48
6.8 Amendments to the Design Guide.....	48
<b>7 Amendments to the Planning Framework</b> .....	<b>50</b>
7.1 Local Environmental Plans.....	50

7.2	Consideration of State Policies and Plans.....	57
<b>8</b>	<b>Conclusion.....</b>	<b>59</b>

# Executive Summary

This Finalisation Report provides an assessment of the State-led Crows Nest Transport Oriented Development (TOD) Rezoning Proposal. The Crows Nest TOD Rezoning Proposal (Rezoning Proposal) seeks to:

- focus new development on land closest to the stations to maximise the number of residents and workers within an easy walk of the stations and shops
- locate taller buildings near stations and the commercial area
- transition heights down to areas with stand-alone houses
- plan for a mix of building heights to provide variety and interest and increase housing choice.

The Rezoning Proposal was exhibited from 16 July to 30 August 2024 and received a total of 671 submissions from individual community members, industry, organisations and community groups, major landowners, Government agencies, Lane Cove, North Sydney and Willoughby Councils. The issues raised in submissions have been considered by the Department of Planning, Housing and Infrastructure (the Department) in the finalisation of this Rezoning Proposal.

The *Lane Cove LEP 2009*, *North Sydney Local Environmental Plan (LEP) 2013* and the *Willoughby LEP 2012* will be amended through a self-repealing State Environmental Planning Policy (SEPP) to align existing instruments with the objectives and controls of the Rezoning Proposal.

This Finalisation Report has been drafted by the Department. The Department has worked in collaboration and consultation with Councils and Government agencies to prepare the Rezoning Proposal.

# 1 Introduction

This report presents the Department's assessment and finalisation of the proposed planning amendments to deliver the Precinct.

The Rezoning Proposal will support the transformation of Crows Nest and St Leonards to a high density (residential, commercial and recreational) transport-oriented precinct within walking distance of stations and supported by activated and attractive streetscapes, active transport links and open space.

The purpose of this report is to provide an overview of:

- the planning context for the Precinct
- the exhibited proposal and supporting documents
- consultation and public exhibition
- matters arising from public exhibition and resolution in the final plan.

Amendments to the Lane Cove LEP 2009, North Sydney LEP 2013 and Willoughby LEP 2012 will enable the delivery of:

- approximately 5,900 new homes
- capacity for approximately 2,500 new jobs
- a minimum of 3% affordable housing in all new residential development and between 5-18% for key sites
- floor space ratios (FSR) of up to 20:1
- a range of building heights, up to 62 storeys

The assessment of the Rezoning Proposal is based upon the proposed Urban Design Report, draft Design Guide, supporting technical studies exhibited by the Department from 16 July to 30 August 2024 and consideration of comments and feedback obtained during exhibition of the Rezoning Proposal.

# 2 Context

The Department is responsible for undertaking a comprehensive assessment of the Rezoning Proposal to determine its appropriateness, carefully considering environmental and social factors, and identifying the infrastructure needs of the future population. The Department has undertaken this assessment taking into considering feedback from the public and other stakeholders and in collaboration with relevant Government agencies and local government to make a recommendation to the Minister for Planning and Public Spaces for determination.

## 2.1 Site Context

The Precinct is located 5 kilometres north-west of the Sydney CBD (Figure 1) and incorporates approximately 270 hectares of land within the Local Government Areas (LGAs) of Lane Cove, North Sydney and Willoughby City Councils. Positioned along the Sydney Metro City and Southwest Line, the Chatswood to Sydenham service opened in August 2024.

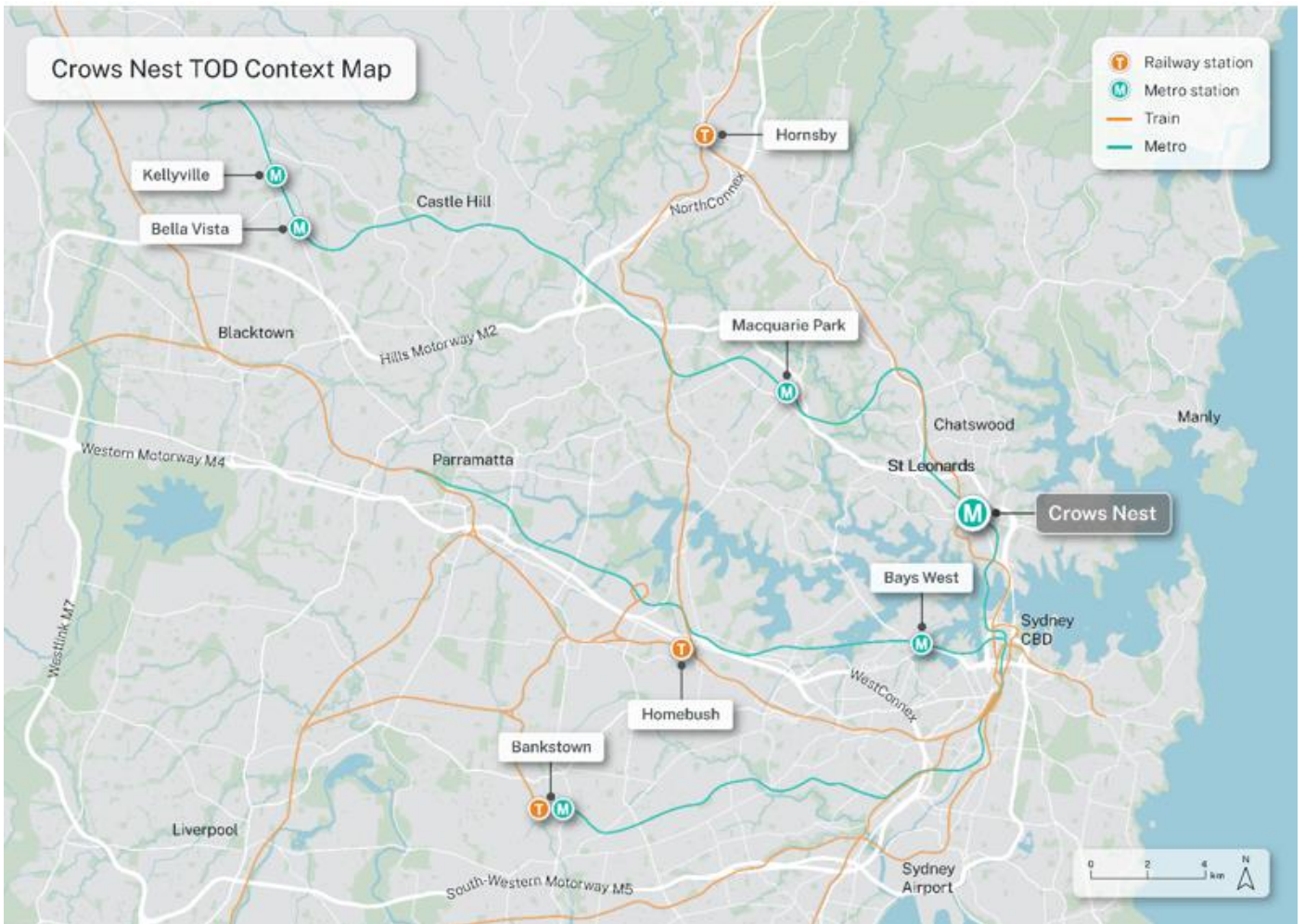


Figure 1: Crows Nest TOD Precinct regional context (source: DPFI, 2024)

The Precinct is in an area identified as a strategic centre within the Eastern Economic Corridor of the North District Plan and is an important health and education precinct.

Strategic planning investigations for St Leonards and Crows Nest have been ongoing with development leveraging the new Crows Nest Metro station and existing public transport infrastructure and services in the Precinct (see Figure 2).

The Precinct is identified with a focus area for accelerated rezoning within a wider boundary that reflects the 2036 Plan area.

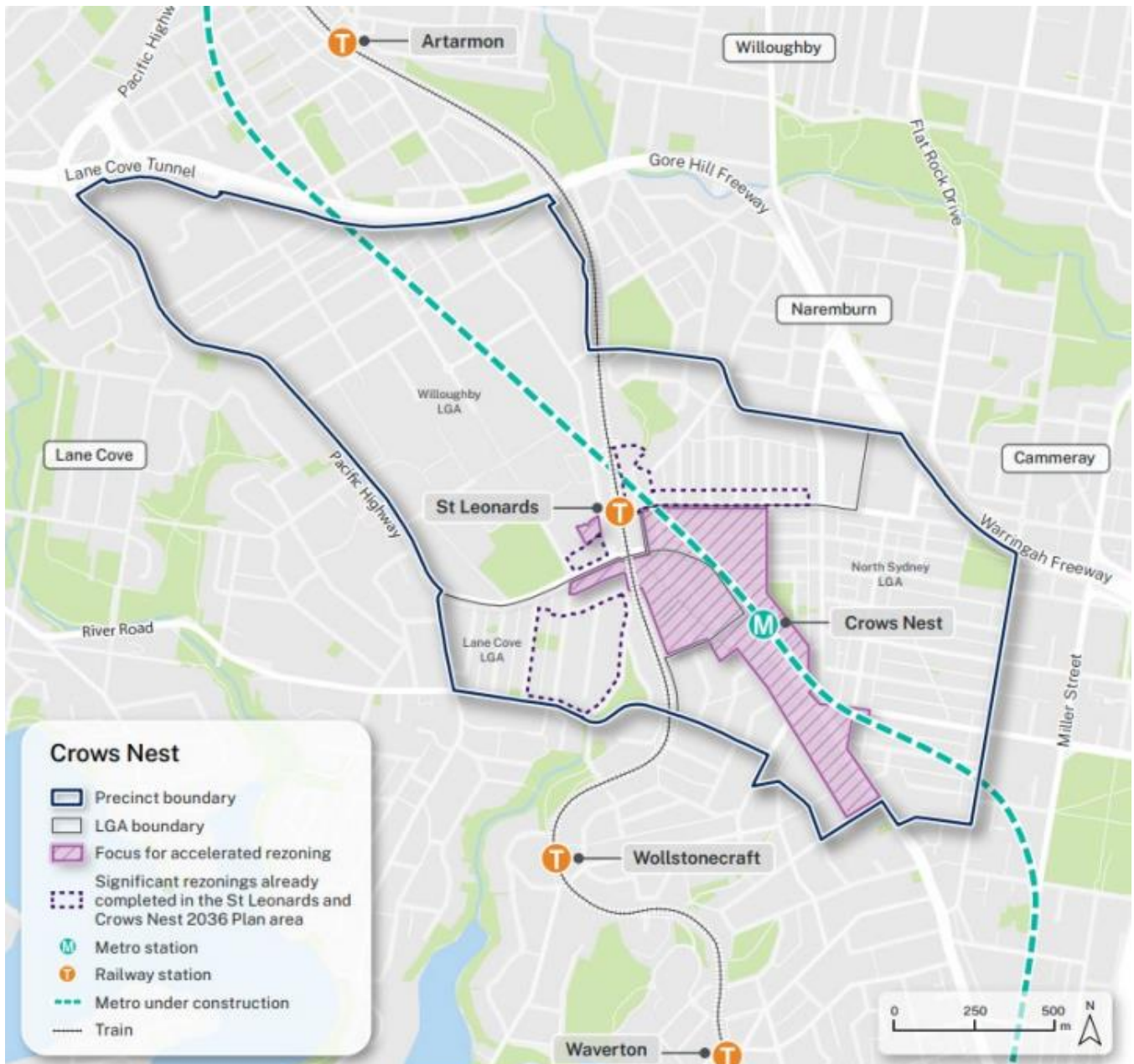


Figure 2: Crows Nest TOD Precinct exhibited ‘focus area for rezoning’ (source: DPHI, 2024)



---

## 2.2 Strategic Context

### 2.2.1 Transport Oriented Development Program (2024)

On 7 December 2023, the NSW Government announced the Transport Oriented Development (TOD) Program to create more well-located homes close to transport, jobs and services. As part of the TOD Program, the NSW Government identified eight Sydney transport hubs (TOD Accelerated Precincts) for state-led accelerated rezoning to deliver up to 47,800 new, well-located, high and mid-rise homes over the next 15 years.

The TOD Program has stemmed from the National Housing Accord announced by the Australian Government in October 2022 as part of the Federal Budget to address the supply and affordability of housing. The Accord includes an initial aspirational target to build 1.2 million new well-located homes over 5 years from July 2024. NSW has been tasked to provide 377,000 new homes by June 2029.

The Crows Nest Precinct is one of 8 priority high growth areas near transport hubs in Greater Sydney for accelerated rezoning.

### 2.2.2 Greater Sydney Region Plan

The Greater Sydney Region Plan establishes directions, objectives and actions to achieve the 40-year vision which are focused on infrastructure and collaboration, liveability, productivity and sustainability. The plan identifies Crows Nest and St Leonards as key growth areas for urban renewal. Also, the plan recognises St Leonards as a strategic centre with opportunities to enhance its role as a major employment, health and education precinct.

### 2.2.3 North District Plan

The North District Plan identifies St Leonards as a strategic centre within the Eastern Economic Corridor contributing significantly to NSW's economic growth. In this area, it is identified that there is further potential for urban renewal to align with infrastructure investment.

### 2.2.4 St Leonards and Crows Nest 2036 Plan (2020)

The St Leonards and Crows Nest 2036 Plan was finalised in August 2020 and provides the strategic planning framework to guide future development in the area (Figure 3).

The 2036 Plan recognised the changes in accessibility and opportunity provided by the new Crows Nest metro station, particularly as a catalyst for urban renewal and to deliver homes, jobs, new and upgraded public spaces and community infrastructure.

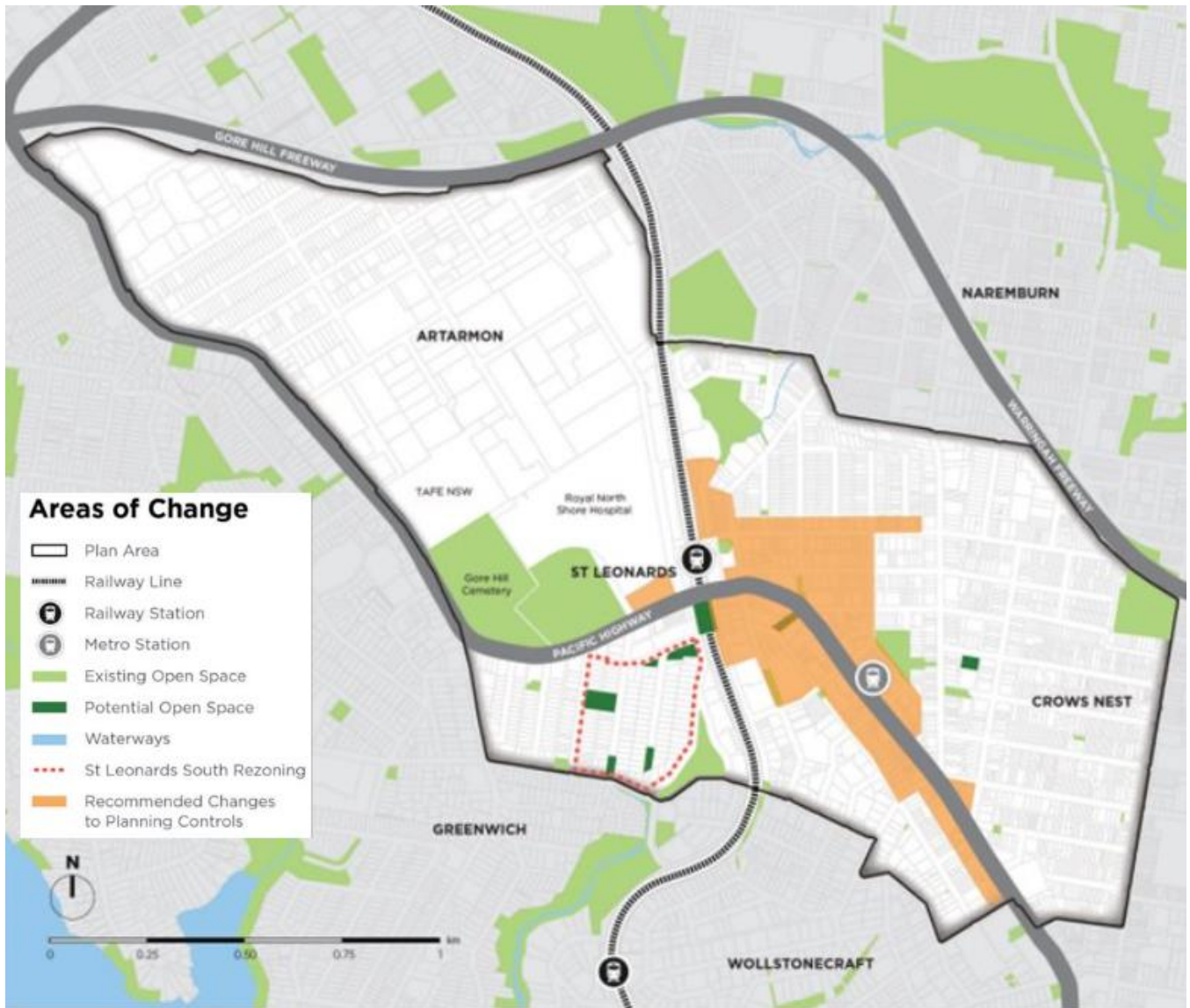


Figure 3: St Leonards Crows Nest 2036 Plan 'areas of change' (source: SJB, Urban design report, 2024)

The recommended planning controls under the 2036 Plan provided for close to 6,700 new homes, 16,500 new jobs and supporting infrastructure within walking distance of St Leonards and Crows Nest stations by 2036. Since the 2036 Plan was finalised, subsequent rezonings have added capacity for 3,200 homes in the target area (see Figure 3). Additionally, 2,000 homes have already been developed within the 2036 Plan area.

The Rezoning Proposal builds upon this work by providing the changes to deliver the remaining capacity for around 1,500 new homes still not realised under the 2036 Plan. Also, the Rezoning Proposal provides capacity for roughly an additional 4,400 new homes – equaling capacity for around 5,900 new homes within the Precinct.

The focus of the exhibited Rezoning Proposal concentrated on land predominantly in the Lane Cove and North Sydney LGAs with one site located in Willoughby LGA. The focus area for the Rezoning Proposal is indicated in Figure 2.

## 2.2.5 Governance

A Governance framework has been implemented to enable NSW Government agencies work collaboratively to deliver the precinct. These governance arrangements include the:

- Executive Advisory Group (EAG) – Senior Executive level representatives from the Department, State agencies and the Councils. Provides oversight and direction for the planning activities in the Precincts, including matters identified by the Project Working Group (PWG).
- Project Working Group (PWG) – Executive and Officer level representatives from the Department, State agencies, and the Councils. A forum for discussion and resolution of strategic matters, facilitating an opportunity for comments and advice on the rezoning proposal, and related technical studies for the Precincts by relevant state and local Government agencies.

# 3 Exhibited Rezoning Proposal

## 3.1 Amendments to Land Use Zoning

The Rezoning Proposal was exhibited to seek public feedback. The exhibited Rezoning Proposal identified areas of the Precinct that could support new homes and proposed amendments to land use zoning and other planning controls for future development.

The proposed amendments to the Lane Cove LEP 2009, North Sydney LEP 2013 and Willoughby LEP 2012 will establish land uses and controls for future development to enable high quality outcomes and mitigate impacts in relation to future development.

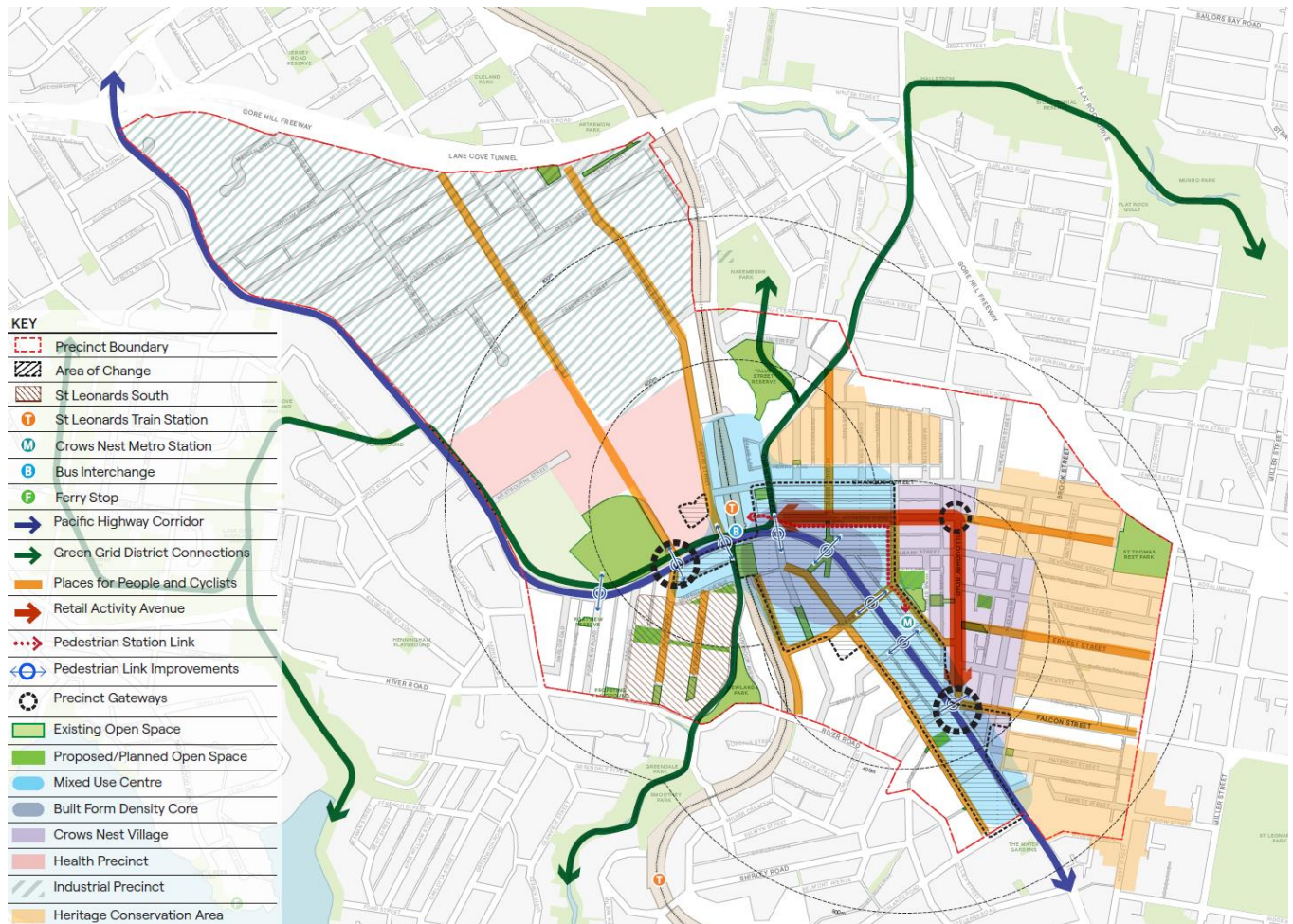


Figure 4: Exhibited Structure Plan (source: SJB, Urban design report, 2024)



Figure 5: Exhibited render of the concept plan – looking north-west (source: SJB, 2024)

---

## 3.2 Design Guide

A new provision was proposed to require the consent authority to be consistent with a Design Guide before granting consent to development in the Precinct. The Design Guide will be made by the Planning Secretary's delegate and will apply to all new local and State Significant Development (SSD) applications within the Precinct. This provision in the LEP will give legislative weight to the Crows Nest Transport Oriented Development Precinct Design Guide.

The Design Guide sets out a suite of built form and urban design provisions that facilitates high quality outcomes for built form, public domain and infrastructure enhancement. Specifically, the Design Guide addresses:

- built form
- public open space
- movement and active transport
- landscape and public domain
- site specific provisions for certain sites.

# 4 Community Engagement

The Rezoning Proposal was publicly exhibited on the NSW Planning Portal from 16 July 2024 to 30 August 2024. A total of 671 submissions were received during the exhibition period.

Consideration of the issues raised in submissions is presented in Section 5 of this report. All submissions will be published on the Planning Portal. In addition, the Department held meetings with landowners and other key stakeholders during the exhibition period, including continuing to collaborate with other Government agencies and technical specialists in finalising the Rezoning Proposal.

We would like to take this opportunity to thank the community and other key stakeholders for their ongoing interest, feedback and support.

---

## 4.1 How we consulted



7,353 letters issued to landowners



3,144 emails to contacts who opted in for project updates



150 people attended 6 in-person community sessions



205 people engaged via an online information session



30,465 website visits via digital channels



497,405 ads displayed via targeted digital and social media advertising campaigns



Advertisements in the North Shore Times and the Australian Chinese Daily



One on one meetings with landowners and other key stakeholders

---

## 4.2 Who we heard from



631 submissions were from community members



8 submissions were from community organisations



15 submissions were from Government agencies



17 submissions were from industry

# 5 Assessment of Key Issues

The Department has considered the issues raised in submissions during the exhibition of the Rezoning Proposal and prepared revisions to the draft planning controls in response to submission issues. The following key assessment issues have been identified:

1. Traffic and Transport
2. Infrastructure
3. Affordable Housing
4. Flooding and Biodiversity
5. Density and Building Heights
6. Urban Design and Built Form
7. Impacts on Non-Residential Uses
8. Development of Lot 4B, Herbert Street, St Leonards
9. Design Guide

Where necessary, further amendments to the exhibited planning framework have been introduced to address submission issues. These amendments form part of the Department's assessment.



---

## 5.1 Traffic and Transport

### 5.1.1 Road Congestion

Submission points	Response
<ul style="list-style-type: none"><li>• Submissions from the public raised concerns with potential traffic increases and some intersection performance.</li><li>• Submissions from the public suggest a new traffic study should be carried out as the existing study was completed some time ago.</li></ul>	<ul style="list-style-type: none"><li>• The Department has taken an integrated approach to land use and transport by locating new homes within walking distance of public transport, amenities, parks and schools.</li><li>• The Rezoning Proposal will:<ul style="list-style-type: none"><li>○ Give people more travel choices to their destinations, with infrastructure improvements to facilitate more trips that can be made by walking, cycling and catching public transport</li><li>○ Help reduce reliance on car use, especially for short, local trips</li><li>○ Minimise congestion on the surrounding road network</li><li>○ By building new homes within walking distance of the Crows Nest metro station and St Leonards train station, the reliance on private vehicle use is minimised.</li></ul></li><li>• A transport technical note has been prepared to supplement the transport study and traffic modelling undertaken for the 2036 Plan. The technical note continues to focus on measures encouraging more use of the metro services, enhancing active transport infrastructure, and making targeted road improvements to balance transport demand across modes.</li><li>• Specific intersection upgrades have been included in the transport technical note. Some will require further technical investigation and consultation by Council and Transport for NSW and addressed at the development assessment stage.</li></ul>

## 5.1.2 Car Parking

Submission points	Response
<ul style="list-style-type: none"> <li>• Submissions from the public were generally supportive of parking reductions for all land uses.</li> <li>• Submissions from the public raised concerns about potential impact of parking in residential areas because of the reduced parking in new developments.</li> </ul>	<ul style="list-style-type: none"> <li>• The Design Guide has been updated for all new residential flat building developments to be consistent with the maximum parking rates in section 10.2 of the North Sydney DCP 2013. This will mitigate potential impacts to the road network.</li> <li>• The Design Guide outlines that car parking is to be in-line with North Sydney Council’s rate for ‘high accessibility areas’ in the E2 Commercial Centre and MU1 Mixed Use zones. Reduced parking rates will also apply to the R4 High Density Residential zone.</li> <li>• The Design Guide has also been updated for all new development to consider Green Travel Plans that encourage transport alternatives to private vehicle use.</li> </ul>

## 5.1.3 Active Transport

Submission points	Response
<ul style="list-style-type: none"> <li>• Submissions from the public requested that future planning integrate and fund bike paths in certain areas, and other bike and pedestrian infrastructure for safe, continuous and/or separated routes. Adequate bike parking is needed.</li> <li>• Submissions from the public were supportive of pedestrian amenity improvements, however, some submissions stated the plan does not recognise key missing links.</li> <li>• Submissions from the public also raised concerns about the proposed redevelopment of Hume Street Park and the Holtermann Street Carpark.</li> </ul>	<ul style="list-style-type: none"> <li>• Provisions have been included in the Design Guide to prioritise pedestrian and cycleway connections through and across the Precinct.</li> <li>• All councils are supportive of active transport, particularly in an area with excellent public transport. The relevant DCPs include provisions to support active transport such as bike parking requirements and end-of-journey facilities. Bike parking can be investigated as part of a future DA.</li> <li>• The Design Guide includes provisions for the consideration of the provisions of public open space, through-site links and increased and enhanced pedestrian connections particularly to public transport hubs as public benefits.</li> <li>• Hume Street Park and Holtermann Park upgrades and embellishments can be funded through local infrastructure requirements and future planning agreements negotiated with North Sydney Council.</li> </ul>

---

## 5.2 Infrastructure

### 5.2.1 Stormwater and Sewerage

Submission points	Response
<ul style="list-style-type: none"><li>Submissions from the public raised concerns that infrastructure such as the sewerage system, stormwater, schools, hospitals, community facilities and public open space are not sufficient to cater for the increase in population.</li></ul>	<ul style="list-style-type: none"><li>Sydney Water advised that the sewerage and water supply would be upgraded in the Precinct, with drinking water supply improved from 2026 and wastewater from 2026-2028. Further assessment will need to be carried out at the DA stage.</li><li>Further information can be found in Section 7 of this report.</li></ul>

### 5.2.2 Education Facilities

Submission points	Response
<ul style="list-style-type: none"><li>Submissions from the public raised concerns there are insufficient schools to cater for the increase in population.</li><li>Submissions raised concerns that Lot 4B Herbert Street was previously proposed to include a primary school.</li></ul>	<ul style="list-style-type: none"><li>School Infrastructure (DoE) is responsible for planning, delivering and maintaining school infrastructure in NSW.</li><li>DoE have advised that the demand for primary schools can be met into the long term and high school demand can be met by providing additional capacity as required.</li><li>DoE will continue to monitor growth to ensure adequate capacity is provided to support the future population of the Precinct. New schools and upgrades will be programmed subject to further due diligence investigations, timing and staging analysis.</li></ul>

### 5.2.3 Additional Infrastructure

Submission points	Response
<ul style="list-style-type: none"><li>Submissions from the public raised concerns about how additional infrastructure was to be funded, how the proposed \$520 million funding was to be</li></ul>	<ul style="list-style-type: none"><li>The Government has committed \$520 million from the Housing and Productivity Fund (HPC) to be spent on community infrastructure in the TOD Accelerated Precincts. The Department will work with councils to build on existing strategic planning work and nominate projects for assessment.</li></ul>

Submission points	Response
distributed, and that it may not be adequate.	<ul style="list-style-type: none"> <li>• Further information can be found in <b>Section 7</b> of this report.</li> <li>• In addition to HPC funding, local contributions plans may also be updated to support post exhibition changes in the Crows Nest TOD. The Department will continue to work with Lane Cove, North Sydney and Willoughby Councils to update local contributions plans.</li> </ul>

## 5.2.4 Proposed Park in Sinclair Street

Submission points	Response
<ul style="list-style-type: none"> <li>• Submission from the public and council suggested that the proposed park in Sinclair Street is unsuitable due to overshadowing. .</li> </ul>	<ul style="list-style-type: none"> <li>• The Department sought feedback on an opportunity for a new proposed open space area in Sinclair Street, which was identified on currently vacant land.</li> <li>• The proposed planning controls aimed to encourage the development of the adjoining land and dedication of this land to North Sydney Council.</li> <li>• Council raised concerns about this land proceeding ahead of already endorsed and prioritised open space projects including Hume St Park. Community submissions also raised concerns with its location and functionality.</li> <li>• It is proposed to allow a 9-storey development on this site, in line with other proposed height and FSR on adjoining sites.</li> <li>• Delivery of an area of open space will be considered for another site within the Precinct.</li> </ul>

## 5.3 Affordable Housing

### 5.3.1 Affordable Housing Contribution Rates

Submission points	Response
<ul style="list-style-type: none"> <li>• Landowners and some business associations were generally concerned that the 10-15% affordable housing provisions would negatively impact on development feasibility.</li> <li>• Business associations raised concern that the affordable housing proposed is a departure from the model used for the Affordable Housing bonus provision under the State Environmental Planning Policy (Housing) 2021 (Housing SEPP).</li> <li>• Submissions raised that information is needed on how contributions could be supplemented to maximise the total yield of affordable housing.</li> <li>• Submissions also raised the need for the final planning framework to prescribe clear requirements for each site, not a target range.</li> <li>• Submissions recommended making any Affordable Housing height and GFA exempt.</li> <li>• Submissions recommended publishing a consistent methodology for determining contribution rates based on the level of uplift beyond existing controls.</li> </ul>	<ul style="list-style-type: none"> <li>• The Department had suggested an affordable housing contribution rate in the exhibition for the Precinct between 10% and 15% to be provided in perpetuity across all sites in the Precinct.</li> <li>• During exhibition, concerns were raised about the rate at which affordable housing contributions are being enforced and whether they were feasible enough for development occur.</li> <li>• The Department has sought to strike a balance between the need for affordable homes in Greater Sydney and the feasibility barriers occurring to delivering market and affordable homes.</li> <li>• In response to submissions, feasibility testing has been undertaken to determine evidence based Affordable housing contribution rates within the Precinct.</li> <li>• As a result, a base contribution rate of 3% applies, to be provided in perpetuity across all sites and higher percentages between 5% and 18% on key sites in the Rezoning Proposal.</li> <li>• Key sites are required to deliver a higher rate linked to higher amount of uplift and have been feasibility tested.</li> <li>• The following sites have been determined to deliver the higher rate of Affordable Housing Contribution within the Precinct: <ul style="list-style-type: none"> <li><b>Lane Cove LGA</b></li> <li>○ 8% - 58-64 Pacific Highway, St Leonards</li> <li>○ 18% - 448-456 Pacific Highway, Crows Nest</li> <li><b>North Sydney LGA</b></li> <li>○ 5% - 2-12 Clarke Street, Crows Nest</li> <li>○ 6% - 391-423 Pacific Highway, 3-15 Falcon Street and 8 Alexander Street, Crows Nest</li> <li>○ 6% - 308a-338 Pacific Highway, Crows Nest</li> <li>○ 8% - 238-242 Pacific Highway and 1 Bruce Street, Crows Nest</li> </ul> </li> </ul>

Submission points	Response
<ul style="list-style-type: none"> <li>Councils and the community consider that NSW Government owned land should have a higher rate of affordable housing that remains in perpetuity.</li> </ul>	<ul style="list-style-type: none"> <li>10% - 378-398 Pacific Highway, Crows Nest</li> <li>10% - 20-22 Atchison Street, St Leonards</li> <li>10% - 20 Clarke Street, Crows Nest</li> <li>15% - 17-25 Falcon Street, Crows Nest</li> <li>15% - 38 Oxley Street, St Leonards</li> <li>15% - 340-376 Pacific Highway, Crows Nest</li> <li>15% - Crows Nest Over Station Development (Site A)</li> <li>16% - 402-420 Pacific Highway, Crows Nest</li> </ul> <p><b>Willoughby LGA</b></p> <ul style="list-style-type: none"> <li>15% - Lot 4B, Herbert Street, St Leonards</li> </ul> <ul style="list-style-type: none"> <li>The contribution will be administered through the relevant LEP. The clause will include an Affordable Housing contribution scheme that allows Council or the consent authority to impose, as a condition of consent for development applications, the collection of an affordable housing contribution on floor space. The contribution would be applicable to homes with a minimum of 50m<sup>2</sup> and/or be payable through a monetary contribution equivalent to the floor space.</li> <li>All development that results in at least an additional 200m<sup>2</sup> of floor space within the Rezoning Proposal will be required to pay contributions.</li> <li>Exempt Development and Complying Development Certificates will not be captured under the clause.</li> <li>Further information about the Government owned site known as Lot 4B is in Section 6.</li> </ul>

## 5.4 Flooding and Biodiversity

### 5.4.1 Flooding and stormwater

Submission points	Response
<ul style="list-style-type: none"> <li>• Biodiversity, Conservation and Science (BCS) in DCCEEW, the State Emergency Service and Willoughby Council raised flooding issues.</li> <li>• BCS highlighted the need for a Flood Impact and Risk Assessment (FIRA) for certain lots impacted by flooding, either at rezoning stage or at the DA stage.</li> <li>• Concerns were also raised that the three councils each have different flood planning controls and may not require future development in the rezoning area to follow their flood planning controls (e.g. because it's not on council's flood maps).</li> <li>• SES and BCS recommend ensuring that all entry points to basements (ramp, vents, etc) are situated above the PMF or reconsidering basement carparking if this is not feasible to reduce risk to life and property.</li> <li>• Submissions raised concerns regarding access and emergency management, and whether a shelter in place approach was justified for the Crows Nest precinct.</li> </ul>	<ul style="list-style-type: none"> <li>• A qualified water engineer and hydrologist has assessed the Precinct and reviewed issues raised by agencies and councils.</li> <li>• Most land being rezoned for increased capacity has a minimal chance of having a flood impact issue.</li> <li>• For areas likely to be affected, interventions were recommended for inclusion in the Design Guide.</li> <li>• To address both of these issues, the Design Guide has been revised to include a <i>Flood Consideration Lots Map</i> that identifies lots that are in the vicinity of significant overland flow, and then specify requirements for Flood Impact and Risk Assessment (FIRA) for these lots at the DA stage.</li> <li>• This includes identifying appropriate building floor levels, flood exclusion mechanisms, basement flood protection and flood impact assessment.</li> <li>• This will ensure that any gaps in councils' flood mapping are accounted for, and that new development manages the flood risk in the area.</li> <li>• Controls have now been included in the Design Guide for all lots to ensure that all basement entry points are 0.3m above surrounding ground levels and protected from the effects of flooding.</li> <li>• Shelter in place is the default option for areas where there does not appear to be any basis for building evacuation, which would put building occupants at greater risk in every case.</li> <li>• Flooding in the area is in most cases caused by heavy, localised rainfall of short duration (1-2 hours or less).</li> <li>• The flooding itself would generally occur for less than one hour. Significant flooding of more than 2-3 hours is not expected.</li> <li>• These flood characteristics make the use of buildings for shelter in place a viable option.</li> <li>• The Design Guide has been updated for all new development to consider and include Water Sensitive Urban Design (WSUD) measures.</li> </ul>

Submission points	Response
<ul style="list-style-type: none"> <li>Water Sensitive Urban Design (WSUD) controls should be applied to the entire Precinct</li> </ul>	

## 5.4.2 Wildlife and Tree Preservation

Submission points	Response
<ul style="list-style-type: none"> <li>In response to consultation under s.3.25 of the <i>Environmental Planning and Assessment Act 1979</i> the Department of Climate Change Energy, the Environment and Water (DCCEEW) - Biodiversity, Conservation and Science (BCS) identified that there is potential for threatened species (Powerful Owl) and Blue Gum High Forest (BGHF), Critically Endangered Ecological Community to be present on some sites and recommended that DA studies include analysis of biodiversity values.</li> <li>Submissions from the public were supportive of the requirement to increase the tree canopy, widening of grass verges and the need to increase public open space to support the increased density.</li> <li>Submissions raised concerns that building setbacks are too narrow to allow for the tree canopy benchmarks.</li> </ul>	<ul style="list-style-type: none"> <li>The exhibited Design Guide requires that there be no additional overshadowing of public open spaces that may impact threatened species habitat and requires that tree canopy cover should be maintained and enhanced.</li> <li>The final Design Guide will include requirements recommended by BCS at the DA stage to determine the extent and location of the biodiversity values.</li> <li>The Design Guide outlines benchmarks which must be considered in all new developments including revised benchmarks to incorporate deep soil areas and tree canopy and plantings relative to the area size.</li> <li>It is acknowledged that some setbacks such as those to the Pacific Highway may not be able to provide sufficient areas to support tree growth. Tree planting to meet benchmarks and landscaping can be carried out on other parts of the site. DAs will be assessed on a case-by-case basis.</li> </ul>



## 5.5 Density and Building Heights

### 5.5.1 Height and FSR Controls

Submission points	Response
<ul style="list-style-type: none"> <li>• Submissions from landowners sought to increase development potential of sites through greater height and FSR controls to provide more homes.</li> <li>• Several landowners made requests to include new sites in the Rezoning Proposal, including some outside of the Crows Nest TOD Investigation Area.</li> <li>• Submissions and concepts were received from neighbouring landowners collectively indicating a willingness to sell and incorporate their land.</li> <li>• Submissions from landholders raised concerns that existing R3 Medium Density Residential and R4 High Density Residential zoned land within 400m or 800m of the Crows Nest Metro and St Leonards Stations have not received an increase in density.</li> <li>• Submissions raised concerns that areas have not been examined because they were out of scope or recently had State Significant Development Application (SSDAs) determinations. Concerns were raised that once complete the TOD rezoning will prevent consideration of new planning proposals.</li> </ul>	<ul style="list-style-type: none"> <li>• The Department has reviewed landowner submissions seeking further uplift on sites within the TOD boundary.</li> <li>• These have been assessed against the urban design principles from the Urban Design Report, as well as considered likely impacts on surrounding land.</li> <li>• Submissions have been collectively considered to maintain a built form outcome in context with neighbouring and surrounding sites.</li> <li>• Further detail on recommended amendments to height and FSR is provided in the Urban Design Report.</li> <li>• Where landowners have requested the inclusion of new sites outside the TOD boundary, these have also been considered.</li> <li>• The Department considers that two future investigation areas warrant further consideration via subsequent rezoning applications</li> <li>• The Department has determined to incorporate land in Lithgow Street and to the south of Nicholson and Sinclair Streets in response to a landowners group submission.</li> <li>• The inclusion of this land provides for uplift to allow residential flat buildings if a 2000 square metre public park is delivered. Further details on this proposed concept are provided in the Design Guide. The new boundary is provided in Figure 6.</li> <li>• Post-exhibition changes are discussed in Section 7 of this report.</li> <li>• Additional land has been identified post-exhibition as suitable for increased density in the R3 and R4 zones up to 400m from Crows Nest Metro, mainly to the south-west of the Precinct. Sites in these zones have increased development potential and provide a better transition from high density areas on the Pacific Highway.</li> <li>• Sites subject to SSDAs are being assessed under current planning policies and may already receive a significant uplift.</li> <li>• Any sites with a submitted SSDAs will be 'saved' and may continue to use the provisions in the Housing SEPP.</li> </ul>

Submission points	Response
<ul style="list-style-type: none"> <li>Submissions from industry groups raised that Crows Nest can deliver more growth than the accelerated rezoning is seeking that does not reach the announced 1.2km rezoning catchment.</li> </ul>	<ul style="list-style-type: none"> <li>Some submissions requesting changes are inconsistent with the outlined principles of the rezoning, isolated sites, too distant from the rezoning boundary or seeking to change land uses that have been reviewed and considered unsuitable for change.</li> </ul>

## 5.6 Urban Design and Built Form

### 5.6.1 Density and overshadowing

Submission points	Response
<ul style="list-style-type: none"> <li>Submissions from the public raised concerns that the scale of proposed buildings will result in overshadowing to properties and public open space.</li> <li>Other submissions considered that higher densities should be provided.</li> </ul>	<ul style="list-style-type: none"> <li>Built form and scale has been carefully reviewed and tested to minimise additional overshadowing to surrounding areas. The Precinct is a high-density urban area and some overshadowing to other buildings is to be expected.</li> <li>Consistent with the 2036 Plan, public open space is to be protected by solar access controls. These controls have been included in the Design Guide and must be considered at the development stage to apply to: <ul style="list-style-type: none"> <li>existing and planned public open space;</li> <li>certain streets such as Willoughby Road;</li> <li>heritage conservation areas; and low-density residential areas inside and outside the Precinct.</li> </ul> </li> <li>In response to submissions, the area south of Nicholson and Sinclair Streets has been reviewed and allows for a better transition from development along Pacific Highway to the south, as well as with sites outside the boundary to the south.</li> </ul>

## 5.6.2 Aboriginal engagement

Submission points	Response
<ul style="list-style-type: none"> <li>Submissions raised that consultation is needed with the First Nations People.</li> </ul>	<ul style="list-style-type: none"> <li>The Metropolitan Local Aboriginal Land Council (MLALC) and other groups have been consulted on the Precinct. The Design Guide contains a framework to integrate Country with consultation into proposed developments such as art, wayfinding features and place naming. Further consultation can be carried out at development application stage and in a future detailed design phase for the open space.</li> </ul>

## 5.6.3 Airspace

Submission points	Response
<ul style="list-style-type: none"> <li>Willoughby Council requested the removal of clause 6.6 Airspace operations – subclause (4) to reduce DA timeframes.</li> </ul>	<ul style="list-style-type: none"> <li>This clause is proposed to be retained in the Willoughby LEP 2012. This subclause (4) was introduced into Clause 6.6 to require an aviation report be submitted for particular sites to protect the helicopter airspace in and around the RNSH.</li> </ul>

## 5.6.4 Heritage

Submission points	Response
<ul style="list-style-type: none"> <li>Submissions from landowners raised concern that the increase in density would impact on character areas such as Willoughby Road, heritage conservation areas (HCAs) such as the Naremburn HCA, Holtermann Estate HCAs and the Crows Nest Town Centre.</li> <li>Some submissions stated it is unclear how conservation areas will be protected.</li> </ul>	<ul style="list-style-type: none"> <li>The Department acknowledges that heritage items form part of the local character, contributing significantly to the quality of built form and historical nature of Crows Nest in particular.</li> <li>The Rezoning Proposal does not propose development within any HCA or high character area. The Urban Design Framework has transitioned heights where possible from new development to these areas to minimise the visual impact and overshadowing. Sites considered for change are mostly along Pacific Highway.</li> <li>The local built forms adjacent to the Five Ways Intersections including a pub, fire station and old shop fronts are to be preserved with consideration of integrating future development with these structures to preserve their value and visual importance to the community.</li> <li>Areas identified for ‘further investigation’ in the exhibited Urban Design Report are not HCAs.</li> </ul>

Submission points	Response
	<ul style="list-style-type: none"> <li>• There are some locally listed heritage items. Existing planning requirements will require a heritage study be considered and incorporated into any proposed development.</li> </ul>

## 5.7 Impacts on Non-Residential Uses

### 5.7.1 Build-to-rent (BTR)

Submission points	Response
<ul style="list-style-type: none"> <li>• Submissions from landowners raised concerns that build-to-rent (BTR) will not be permitted in the E2 Commercial Core zone in the precinct area.</li> <li>• Submissions expressed concerns that BTR will decrease the amount of non-residential floorspace and undermine the economic function of St Leonards and Crows Nest.</li> </ul>	<ul style="list-style-type: none"> <li>• Build-to-rent (BTR) was introduced into the NSW Planning System in February 2021 and is controlled by <i>State Environmental Planning Policy (Housing) 2021</i> (Housing SEPP).</li> <li>• The Housing SEPP makes BTR permissible in E2 Commercial Centre land use zones across New South Wales, including in the Precinct area.</li> <li>• The Rezoning Proposal does not seek to introduce BTR housing as a permissible use in the Precinct area; it is already permissible via the Housing SEPP.</li> <li>• BTR is purpose-built rental housing held in single ownership and professionally managed.</li> <li>• Allowing BTR housing in the E2 zone will support the viability of BTR housing as an emerging diverse housing type in typically well-located areas.</li> <li>• This is consistent with Government policy to encourage residential development.</li> <li>• This Rezoning Proposal does not propose any location-specific changes to the way the Housing SEPP is applied; and as such tenure of BTR housing is not affected by the rezoning.</li> <li>• BTR housing with consent in the E2 zone does not necessarily mean that the use will be approved on any site.</li> <li>• A development application must still be assessed on its merits by the relevant consent authority.</li> </ul>

## 5.7.2 Jobs capacity in Precinct

Submission points	Response
<ul style="list-style-type: none"> <li>North Sydney Council raised concerns over rapid rezoning for predominately residential purposes that will reduce jobs capacity.</li> <li>Submissions from the public supported the protection of commercial zones to support jobs near transport hubs to reduce private vehicle use.</li> </ul>	<ul style="list-style-type: none"> <li>The Rezoning Proposal builds on the strategic framework under the St Leonards and Crows Nest 2036 Plan and the location of the Precinct near the new Crows Nest metro station.</li> <li>The increase in residential density will allow people to live close to employment and accessible transport. Non-residential uses will be retained to continue to support the area's importance as a strategic centre. Most sites will be required to provide a minimum amount of non-residential floorspace to support employment uses.</li> <li>Under the 2036 Plan many sites were recommended to be rezoned from E2 Commercial Centre to MU1 Mixed Use with a minimum non-residential FSR to retain employment floor space.</li> <li>In the Precinct, all land that is being zoned MU1 Mixed Use will need to provide a minimum amount of non-residential floorspace.</li> <li>The Rezoning Proposal will facilitate 85,976 sqm of non-commercial floorspace supporting 2,500 jobs.</li> </ul>

## 5.7.3 Non-residential floorspace

Submission points	Response
<ul style="list-style-type: none"> <li>Submissions from landowners stated that the intention of the Accelerated Precincts is the delivery of residential housing. Minimum non-residential floorspace requirements are not viable considering already significant commercial office vacancies. Some supported their concerns with economic feasibility reports. Decreasing non-residential floorspace would enable the increase in the number of dwellings therefore increasing the housing supply.</li> </ul>	<ul style="list-style-type: none"> <li>The Precinct is identified as a strategic centre in the Eastern Economic Corridor in the Greater Sydney Region Plan and the North District Plan. As such, it is a major area for employment especially in the health and education sectors.</li> <li>A key principle of the strategic framework for the Precinct is to provide for a high-density mixed-use centre. Continuing to mandate non-residential floorspace will encourage activation of the streetscape and support the local and regional economy.</li> <li>Some sites have been determined to be suitable for bonus provisions including reduced amounts of non-residential floorspace for an increased amount of affordable housing.</li> </ul>

## 5.8 Development of Lot 4B, Herbert Street, St Leonards

### 5.8.1 Affordable Housing

Submission points	Response
<ul style="list-style-type: none"> <li>The submission from Willoughby Council recommended an affordable rental housing contribution of 15% or greater on the site.</li> </ul>	<ul style="list-style-type: none"> <li>An affordable housing contribution rate of 15% applies to Lot 4B Herbert Street. This rate was informed by feasibility analysis by Property and Development NSW.</li> <li>By requiring an affordable housing contribution rate of 15% on the site, the Department has attempted to provide homes for essential workers, including nurses, paramedics and allied health care workers.</li> </ul>

### 5.8.2 Flooding and Stormwater

Submission points	Response
<ul style="list-style-type: none"> <li>Lot 4B Herbert Street, was singled out as a particular site where emergency management would be difficult during a significant flood event.</li> <li>BCS raised a potential inconsistency with Section 9.1 Ministerial Direction - 4.1 Flooding. Lot 4B Herbert St is currently zoned SP2 Infrastructure – Hospital and is within the flood planning area. BCS considers that the SEPP enabling residential development is not consistent with the Direction, which aims to prevent flood affected Special Purpose land being rezoned to allow residential development.</li> </ul>	<ul style="list-style-type: none"> <li>Access and emergency management can be addressed at 4B Herbert St given there is only an access issue in events much rarer than a 1% AEP.</li> <li>The pedestrian path, and associated easement at the north boundary of Lot 4B and the adjoining Lot 4A through to Reserve Road and the hospital would meet emergency response requirements during the PMF if required.</li> <li>The objectives and intent of the 9.1 Direction can be met.</li> <li>The majority of Lot 4B Herbert St is not flood affected, and the bulk of any development would be flood free, with emergency access maintained for any rare PMF event.</li> </ul>

### 5.8.3 Overshadowing and Design

Submission points	Response
<ul style="list-style-type: none"> <li>Submissions raised concerns were raised about the excessive height and impact of the Herbert Street proposal, particularly overshadowing and views impact.</li> </ul>	<ul style="list-style-type: none"> <li>The Department considers it is considered appropriate to have the highest building adjacent to the St Leonards rail station. Analysis in the Urban Design Report concludes that a building within the proposed building envelope would not cause substantial additional overshadowing to nearby open space during specific hours in mid-winter (21 June).</li> <li>An additional review of solar impact post-exhibition found that the shadow of a building would not impact Gore Hill Oval beyond the shadow from already zoned sites on the Pacific Highway.</li> <li>The Design Guide requires building massing, setbacks and articulation zones to be designed to minimise wind impacts.</li> <li>Design excellence provisions will need to be considered for development of the Herbert Street site.</li> </ul>

### 5.8.4 Proposed Land Use

Submission points	Response
<ul style="list-style-type: none"> <li>Submissions raised concerns that buildings on the site should be used for medical purposes.</li> <li>Submissions raised concerns about the appropriateness of applying the SP2 Infrastructure (Hospital) zone and adding additional permitted uses (residential accommodation, commercial and community facilities).</li> </ul>	<ul style="list-style-type: none"> <li>The Herbert St land is no longer needed for hospital purposes.</li> <li>The RNSH Campus Master Plan identifies areas for long term expansion of clinical and non-clinical supporting services over the next 40 years and demonstrates that the RNSH campus (Health owned land) can accommodate future anticipated growth and clinical services.</li> <li>The MU1 zoning is more appropriate for the intended use in a high-density area and negates the need for any proposed additional permitted uses.</li> <li>As the site is no longer owned or managed by the RNSH the SP2 Infrastructure zone is no longer appropriate.</li> <li>Concerns about the impact of zoning change on the operation of the hospital are not well founded as the MU1 zone contains an objective</li> <li>To minimise conflict between land uses within this zone and land uses within adjoining zones”.</li> </ul>

## 5.8.5 Traffic, Parking and Pedestrian Connections

Submission points	Response
<ul style="list-style-type: none"> <li>• Submissions raised concerns about traffic impact and congestion, with objections based on parking impacts during construction.</li> <li>• Submissions suggested that the proposed development must deliver improved access to the St Leonards Forum Plaza space and connection with the St Leonards train station.</li> </ul>	<ul style="list-style-type: none"> <li>• A traffic and transport study was undertaken for the proposed development and identified that the proposal will not have a significant impact on increasing traffic.</li> <li>• Management of construction traffic for future development will be addressed through the DA process.</li> <li>• Design Principles in section 4.2.2 of The Design Guide require: the maintenance of access to and from the site, RNSH and St Leonards station (Forum Plaza); consideration of if a new or upgraded pedestrian bridge is needed; and improved public safety and line of site through a new public lift and stair connection.</li> </ul>

## 5.8.1 Emergency Helicopter Access

Submission points	Response
<ul style="list-style-type: none"> <li>• A submission raised an objection due to impact on emergency helicopter access to Royal North Shore Hospital (RNSH). NSW Health requested that the rezoning be supported by aviation advice prepared by a suitably qualified consultant.</li> </ul>	<ul style="list-style-type: none"> <li>• Expert aviation advice informed the Master Planning process, and the location of the proposed development does not impact on the aviation operations of the RNSH helicopter landing site.</li> </ul>

## 5.9 Design Guide

### 5.9.1 Revisions to Design Guide

Submission points	Response
<ul style="list-style-type: none"> <li>• Submissions requested changes to the Design Guide for items including setbacks, tree canopy requirements and to protect flora.</li> </ul>	<ul style="list-style-type: none"> <li>• The Design Guide has been amended to address issues raised in submissions and with advice from various consultants. Amendments to the Design Guide are discussed in <b>Section 6.6</b>.</li> </ul>



# 6 Post-Exhibition Amendments

In response to the issues raised by the community, landowners and other stakeholders', further refinements to aspects of the plan and additional testing were conducted by the Department. This has resulted in several refinements to the Rezoning Proposal.

---

## 6.1 Amendments to Exhibited Planning Provisions

The Department has reviewed the requests for increased development potential on certain sites and requests for new sites to be included in the TOD Accelerated Precinct. The review was carried out with consideration of the principles and recommendations of the exhibited Rezoning Proposal and Urban Design Study.

The Department's review also considered the public benefits offered such as greater affordable housing contributions to support the change in density.

Post exhibition changes have resulted in a change to the boundary of the Crows Nest TOD Accelerated Precinct (Figure 6). Planning control changes are also proposed which will unlock an additional 2,600 homes resulting in a total potential future supply of 5,900 new homes.

The proposed changes are the result of a design led review and increase maximum building height and density, including extending the rezoning boundary to incorporate more sites capable of delivering well-located homes. These changes address concerns with the feasible delivery of affordable housing, urban design issues or rectify mapping errors. A base affordable housing contribution rate of 3% is to be provided for all new residential development.

The Telstra Exchange site, in St Leonards is within the Crows Nest TOD Precinct. This site has been subject to a separate State-led rezoning and concurrent State Significant DA (SSDA) process. The Rezoning Proposal for the site will deliver 272 build-to-rent apartments, 10 affordable housing dwellings and 84 serviced apartments. The developer will also pay \$12.8 million in contributions for local and regional infrastructure that will benefit the community.

To reduce duplication, the proposed changes to planning controls and the Design Guide for the Telstra site have been included into the Crows Nest TOD package, providing a single SEPP amendment and enabling the SSDA to be determined.

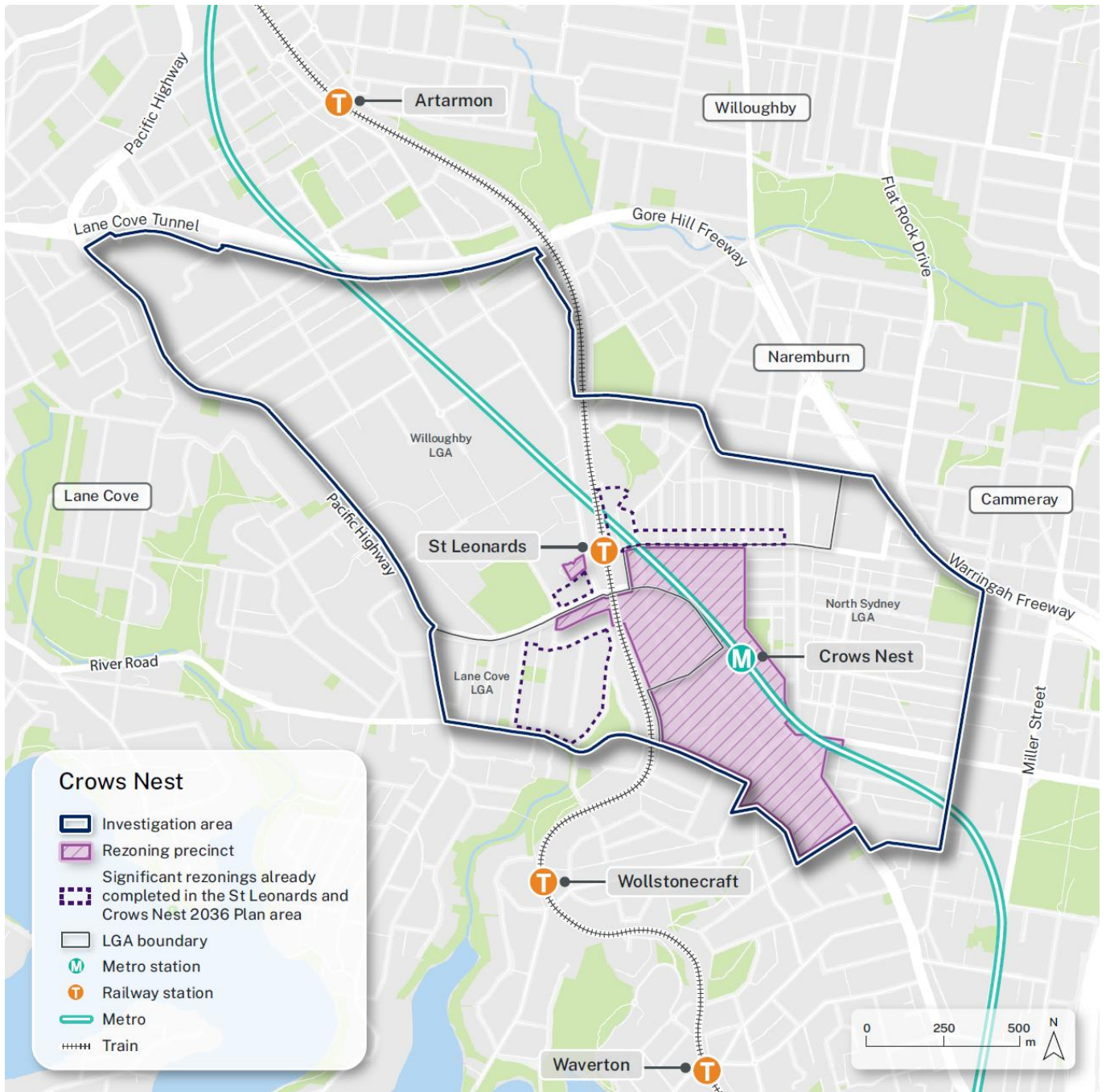


Figure 6: Finalisation - Crows Nest TOD Precinct (source: DPHI, 2024)



**Figure 7:** Finalised render of the Crow's Nest TOD – looking north-west (source: SJB, 2024)

---

## 6.2 Changes to exhibited sites contributing to additional housing supply

Post-exhibition amendments to the sites below have been made to:

- Increase the availability of well-located housing supply within walking distance of Crow's Nest metro station and St Leonards station.
- Increase the supply of affordable housing, supported by public benefits such as through-site links and pedestrian connections.
- Maximise the appropriate scope of the rezoning, ensuring potential for accelerated delivery of housing on sites that are described as development ready.
- Address feasibility concerns that may have inhibited housing delivery in the initial Rezoning Proposal.

The Department notes that increased density as a result of post-exhibition changes do not excessively increase overshadowing or urban design issues. The finalisation package is supported by an updated Transport Technical Note and Urban Design Report demonstrating the changes remain within the prescribed principles of the exhibited Rezoning Proposal.



Figure 8: Exhibited sites where a post-exhibition change has been made (Source: SJB, 2024)

## 6.2.1 Pacific Highway opposite Crows Nest metro and towards Crows Nest

### 6.2.1.1 378-398, 402-420, 448-456 Pacific Highway, Crows Nest

Exhibited Controls	Post-exhibition amendments
<ul style="list-style-type: none"> <li>• Planning controls: <ul style="list-style-type: none"> <li>- Zone: MU1 Mixed Use</li> <li>- FSR: Varies between 9.3:1, 12:1 and 14.6:1</li> <li>- Minimum non-residential FSR: Varies between 1:1 and 1.5:1</li> <li>- HOB: Varies between 106m (30 storeys) and 111m (35 storeys) and 133m (40 storeys)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Planning controls: <ul style="list-style-type: none"> <li>- Zone: No change</li> <li>- FSR: Varies between 12:1, 14.4:1 and 16.7:1</li> <li>- Minimum non-residential FSR: No change</li> <li>- HOB: 135m (40 storeys)</li> </ul> </li> </ul>
Public Benefits	
<ul style="list-style-type: none"> <li>• Affordable Housing contribution: <ul style="list-style-type: none"> <li>- Levy rate 448-456 Pacific Highway 18%</li> <li>- Levy rate 402-420 Pacific Highway: 16%</li> <li>- Levy rate 378-398 Pacific Highway: 10% (site previously rezoned)</li> </ul> </li> <li>• Infrastructure to be delivered: <ul style="list-style-type: none"> <li>- Safeguard future pedestrian connection opposite Pacific Highway to Crows Nest metro station</li> <li>- Through site links to St Leonards Centre and St Leonards South</li> </ul> </li> </ul>	

### 6.2.1.2 308A-376 Pacific Highway, Crows Nest

Exhibited Controls	Post-exhibition amendments
<ul style="list-style-type: none"> <li>• Planning controls: <ul style="list-style-type: none"> <li>- Zone: MU1 Mixed Use</li> <li>- FSR: Varies, between 4:1 and 8:1</li> <li>- Minimum non-residential FSR: Varies between 1.6:1 and 2:1</li> <li>- HOB: Varies between 44m (12 storeys) and 86m (22 storeys)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Planning controls: <ul style="list-style-type: none"> <li>- Zone: No change</li> <li>- FSR: Varies between 7:1 and 12:1</li> <li>- Minimum non-residential FSR: No change</li> <li>- HOB: Varies between 56m (16 storeys) and 126m (37 storeys)</li> </ul> </li> </ul>
Public Benefits	
<ul style="list-style-type: none"> <li>• Affordable Housing contribution: <ul style="list-style-type: none"> <li>- Levy rate 340-376 Pacific Highway: 15%</li> <li>- Levy rate 308A-338 Pacific Highway: 6%</li> </ul> </li> </ul>	

### 6.2.1.3 238-242 Pacific Highway and 1 Bruce Street, Crows Nest

Exhibited Controls	Post-exhibition amendments
<ul style="list-style-type: none"> <li>• Planning controls:               <ul style="list-style-type: none"> <li>- Zone: MU1 Mixed Use</li> <li>- FSR: 6:1</li> <li>- Minimum non-residential FSR: 2:1</li> <li>- HOB: 44m (12 storeys)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Planning controls:               <ul style="list-style-type: none"> <li>- Zone: No change</li> <li>- FSR: 8.6:1</li> <li>- Minimum non-residential FSR: No change</li> <li>- HOB: 60m (17 storeys)</li> </ul> </li> </ul>
Public Benefits	
<ul style="list-style-type: none"> <li>• Affordable Housing contribution:               <ul style="list-style-type: none"> <li>- Levy rate: 8%</li> </ul> </li> </ul>	

### 6.2.1.4 Five Ways Triangle site (391-423 Pacific Highway, 3-15 Falcon Street and 8 Alexander Street, Crows Nest)

Exhibited Controls	Post-exhibition amendments
<ul style="list-style-type: none"> <li>• Planning controls:               <ul style="list-style-type: none"> <li>- Zone: MU1 Mixed Use</li> <li>- FSR: 5.8:1</li> <li>- Minimum non-residential FSR: 2.5:1</li> <li>- HOB: 58.5m (16 storeys)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Planning controls:               <ul style="list-style-type: none"> <li>- Zone: No change</li> <li>- FSR: No change</li> <li>- Minimum non-residential FSR: 1:1</li> <li>- HOB: No change</li> </ul> </li> </ul>
Public Benefits	
<ul style="list-style-type: none"> <li>• Affordable Housing contribution:               <ul style="list-style-type: none"> <li>- Levy rate: 6%</li> </ul> </li> </ul>	

### 6.2.1.5 17-25 Falcon Street, Crows Nest

Exhibited Controls	Post-exhibition amendments
<ul style="list-style-type: none"> <li>• Planning controls:               <ul style="list-style-type: none"> <li>- Zone: MU1 Mixed Use</li> <li>- FSR: N/A</li> <li>- Minimum non-residential FSR: 1:1</li> <li>- HOB: 22m (6 storeys)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Planning controls:               <ul style="list-style-type: none"> <li>- Zone: No change</li> <li>- FSR: 6.5:1</li> <li>- Minimum non-residential FSR: No change</li> <li>- HOB: 50m (14 storeys)</li> </ul> </li> </ul>
Public Benefits	
<ul style="list-style-type: none"> <li>• Affordable Housing contribution:               <ul style="list-style-type: none"> <li>- Levy rate: 15%</li> </ul> </li> </ul>	

### 6.2.1.6 4, 6-8, 10-12 Clarke Street, Crows Nest

Exhibited Controls	Post-exhibition amendments
<ul style="list-style-type: none"> <li>• Planning controls:               <ul style="list-style-type: none"> <li>- Zone: MU1 Mixed Use</li> <li>- FSR: 4.5:1</li> <li>- Minimum non-residential FSR: 2:1</li> <li>- HOB: 31m (8 storeys)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Planning controls:               <ul style="list-style-type: none"> <li>- Zone: No change</li> <li>- FSR: 6:1</li> <li>- Minimum non-residential FSR: No change</li> <li>- HOB: Varies between 44m (12 storeys) and 63m (18 storeys)</li> </ul> </li> </ul>
Public Benefits	
<ul style="list-style-type: none"> <li>• Affordable Housing contribution:               <ul style="list-style-type: none"> <li>- Levy rate: 5%</li> </ul> </li> </ul>	

## 6.2.2 St Leonards Centre

### 6.2.2.1 72-80 Christie Street, St Leonards

Exhibited Controls	Post-exhibition amendments
<ul style="list-style-type: none"> <li>• Planning controls:               <ul style="list-style-type: none"> <li>- Zone: E2 Commercial Centre</li> <li>- FSR: Varies between 7:1 and 10:1</li> <li>- Minimum non-residential FSR: Varies between 7:1 and 10:1</li> <li>- HOB: Varies between 54m (13 storeys) and 68m (17 storeys)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Planning controls:               <ul style="list-style-type: none"> <li>- Zone: No change</li> <li>- FSR: Varies between 8.75:1 and 10:1</li> <li>- Minimum non-residential FSR: Varies between 8.75:1 and 20:1</li> <li>- HOB: 72m (20 storeys)</li> </ul> </li> </ul>

### 6.2.2.2 601 Pacific Highway, St Leonards

Exhibited Controls	Post-exhibition amendments
<ul style="list-style-type: none"> <li>• Planning controls:               <ul style="list-style-type: none"> <li>- Zone: E2 Commercial Centre</li> <li>- FSR: 20:1</li> <li>- Minimum non-residential FSR: No control</li> <li>- HOB: RL259m (42 Storeys)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Planning controls:               <ul style="list-style-type: none"> <li>- Zone: No change</li> <li>- FSR: No change</li> <li>- Minimum non-residential FSR: 20:1</li> <li>- HOB: No change</li> </ul> </li> </ul>

### 6.2.2.3 40 Oxley Street, St Leonards

Exhibited Controls	Post-exhibition amendments
<ul style="list-style-type: none"> <li>• Planning controls:               <ul style="list-style-type: none"> <li>- Zone: E2 Commercial Centre</li> <li>- FSR: 4.5:1</li> <li>- Minimum non-residential FSR: 4.5:1</li> <li>- HOB: 34m (8 Storeys)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Planning controls:               <ul style="list-style-type: none"> <li>- Zone: No change</li> <li>- FSR: 7:1</li> <li>- Minimum non-residential FSR: 7:1</li> <li>- HOB: 64m (16 Storeys)</li> </ul> </li> </ul>

### 6.2.2.4 58-64 Pacific Highway, St Leonards

Exhibited Controls	Post-exhibition amendments
<ul style="list-style-type: none"> <li>• Planning controls:               <ul style="list-style-type: none"> <li>- Zone: MU1 Mixed Use</li> <li>- FSR: 8.5:1</li> <li>- Minimum non-residential FSR: 2.5:1</li> <li>- HOB: 82m (24 Storeys)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Planning controls:               <ul style="list-style-type: none"> <li>- Zone: No change</li> <li>- FSR: 9.8:1</li> <li>- Minimum non-residential FSR: 1.6:1</li> <li>- HOB: 104m (35 Storeys)</li> </ul> </li> </ul>
<b>Public Benefits</b>	
<ul style="list-style-type: none"> <li>• Affordable Housing contribution:               <ul style="list-style-type: none"> <li>- Levy rate: 8%</li> </ul> </li> </ul>	

### 6.2.2.5 20-22 Atchison Street, St Leonards

Exhibited Controls	Post-exhibition amendments
<ul style="list-style-type: none"> <li>• Planning controls:               <ul style="list-style-type: none"> <li>- Zone: MU1 Mixed Use</li> <li>- FSR: 11.5:1</li> <li>- Minimum non-residential FSR: 3:1</li> <li>- HOB: 103m (35 Storeys)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Planning controls:               <ul style="list-style-type: none"> <li>- Zone: No change</li> <li>- FSR: 13.8:1</li> <li>- Minimum non-residential FSR: No change</li> <li>- HOB: 139m (40 Storeys)</li> </ul> </li> </ul>
<b>Public Benefits</b>	
<ul style="list-style-type: none"> <li>• Affordable Housing contribution:               <ul style="list-style-type: none"> <li>- Levy rate: 10%</li> </ul> </li> </ul>	



### 6.2.2.6 55-69 Chandos Street, St Leonards

Exhibited Controls	Post-exhibition amendments
<ul style="list-style-type: none"> <li>• Planning controls:               <ul style="list-style-type: none"> <li>- Zone: MU1 Mixed Use</li> <li>- FSR: 4:1</li> <li>- Minimum non-residential FSR: 3:1</li> <li>- HOB: 42m (12 Storeys)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Planning controls:               <ul style="list-style-type: none"> <li>- Zone: No change</li> <li>- FSR: 6.3:1</li> <li>- Minimum non-residential FSR: 1:1</li> <li>- HOB: No change</li> </ul> </li> </ul>
Public Benefits	
<ul style="list-style-type: none"> <li>• Affordable Housing contribution:               <ul style="list-style-type: none"> <li>- Levy rate: 3%</li> </ul> </li> </ul>	

### 6.2.3 Nicholson and Sinclair Streets, Wollstonecraft (includes 8-24 Nicholson Street and north east of Nicholson/Sinclair St)

Exhibited Controls	Post-exhibition amendments
<ul style="list-style-type: none"> <li>• Planning controls:               <ul style="list-style-type: none"> <li>- Zone: R4 High Density Residential, R2 Low Density Residential</li> <li>- FSR: Varies between 1.6:1 and 2:1</li> <li>- HOB: Varies between 23m (6 storeys) and 29m (8 storeys)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Planning controls:               <ul style="list-style-type: none"> <li>- Zone: R4 High Density Residential</li> <li>- FSR: Varies between 2.5:1 and 3.5:1</li> <li>- HOB: Varies between 33m (9 storeys) and 43m (12 storeys)</li> </ul> </li> </ul>
Public Benefits	
<ul style="list-style-type: none"> <li>• Affordable Housing contribution:               <ul style="list-style-type: none"> <li>- Levy rate: 3%</li> </ul> </li> </ul>	

## 6.3 Additional sites contributing to housing supply

Post-exhibition amendments have been made to:

- Expand the availability of well-located housing supply within 400m and 800m of Crows Nest metro station to the southwest of the Precinct. This land is within the broader investigation area of the 2036 Plan boundary. The 2036 Plan did not identify this land
- Respond to the willingness to provide additional housing, with the potential for accelerated delivery.

- Increase the available supply of affordable housing and public benefits such as through-site links and pedestrian connections.
- Incentivise the delivery of open space in the southern portion of the precinct, addressing the identified open space deficit and encouraging the expansion of green street spaces.
- Respond to the objectives of the TOD Program while adhering to the urban design principles and recommendations of the Rezoning Proposal.
- Reassess some sites close to Crows Nest metro station previously overlooked due to assumed constraints in preparing the Rezoning Proposal.
- Provide for a considered transition away from Pacific Highway to land in Wollstonecraft outside the precinct.

Figure 9 identifies the new sites introduced to the Crows Nest TOD Rezoning Proposal.

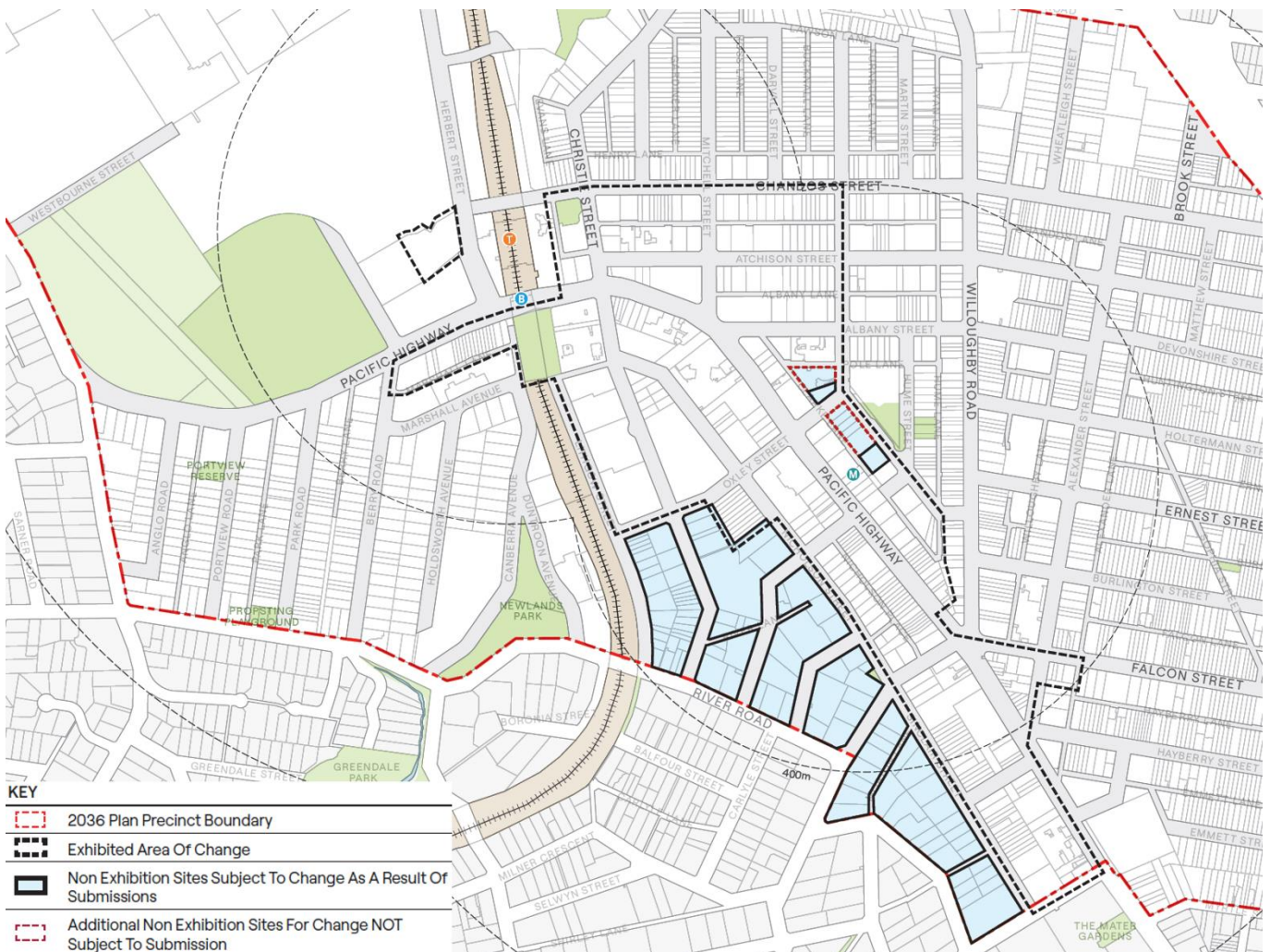


Figure 9: New sites introduced as a post-exhibition change (Source: SJB, 2024)

### 6.3.1 20, 22-26, 28-34 Clarke Street, Crows Nest

Exhibited Controls	Post-exhibition amendments
<ul style="list-style-type: none"> <li>• Planning controls:               <ul style="list-style-type: none"> <li>- Zone: MU1 Mixed Use</li> <li>- FSR: No control</li> <li>- Minimum non-residential FSR: 0.5:1</li> <li>- HOB: 20m (5 storeys)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Planning controls:               <ul style="list-style-type: none"> <li>- Zone: No change</li> <li>- FSR: Varies between 6:1 and 10:1</li> <li>- Minimum non-residential FSR: Varies between 1:1 and 1.5:1</li> <li>- HOB: 62m (18 storeys)</li> </ul> </li> </ul>
Public Benefits	
<ul style="list-style-type: none"> <li>• Affordable Housing contribution:               <ul style="list-style-type: none"> <li>- Levy rate: 20 Clarke Street: 10%</li> <li>- Levy rate: 22-26 Clarke Street: 3%</li> <li>- Levy rate: 28-34 Clarke Street: 3%</li> </ul> </li> </ul>	

### 6.3.2 34-38 Oxley Street, St Leonards

Exhibited Controls	Post-exhibition amendments
<ul style="list-style-type: none"> <li>• Planning controls:               <ul style="list-style-type: none"> <li>- Zone: MU1 Mixed Use</li> <li>- FSR: No control</li> <li>- Minimum non-residential FSR: 1:1</li> <li>- HOB: 26m (6 storeys)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Planning controls:               <ul style="list-style-type: none"> <li>- Zone: No change</li> <li>- FSR: Varies between 9:1 and 10:1</li> <li>- Minimum non-residential FSR: Varies between 1:1 and 4:1</li> <li>- HOB: 66m (19 storeys)</li> </ul> </li> </ul>
Public Benefits	
<ul style="list-style-type: none"> <li>• Affordable Housing contribution:               <ul style="list-style-type: none"> <li>- Levy rate 38 Oxley Street: 15%</li> <li>- Levy rate 34 Oxley Street: 3%</li> </ul> </li> </ul>	

### 6.3.3 South west of Nicholson/Sinclair Streets to River Road, Wollstonecraft (includes 124-126 Shirley Road)

Exhibited Controls	Post-exhibition amendments
<ul style="list-style-type: none"> <li>• Planning controls: <ul style="list-style-type: none"> <li>- Zone: R4 High Density Residential, R3 Medium Density Residential,</li> <li>- FSR: No control</li> <li>- HOB: Varies between 8.5m (2 storeys) and 30m (8 storeys)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Planning controls: <ul style="list-style-type: none"> <li>- Zone: No change</li> <li>- FSR: Varies between 2:1 and 2.5:1</li> <li>- HOB: Varies between 23m (6 storeys) and 30m (8 storeys)</li> </ul> </li> </ul>
Public Benefits	
<ul style="list-style-type: none"> <li>• Affordable Housing contribution: <ul style="list-style-type: none"> <li>- Levy rate: 3%</li> </ul> </li> </ul>	

### 6.3.4 Lithgow Street Block (land bound by Lithgow Street, Oxley Street, Christie Street and River Road)

Exhibited Controls	Post-exhibition amendments
<ul style="list-style-type: none"> <li>• Planning controls: <ul style="list-style-type: none"> <li>- Zone: R3 Medium Density Residential</li> <li>- FSR: No control</li> <li>- HOB: 8.5m (2 storeys)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Planning controls: <ul style="list-style-type: none"> <li>- Zone: No change</li> <li>- Additional Permitted Use to allow residential flat buildings.</li> <li>- Incentive FSR: 3.2:1</li> <li>- Incentive HOB: Varies between 30m (8 storeys) and 55m (16 storeys)</li> </ul> </li> </ul>
Public Benefits	
<ul style="list-style-type: none"> <li>• Affordable Housing contribution: <ul style="list-style-type: none"> <li>- Levy rate: 3%</li> </ul> </li> <li>• Infrastructure to be delivered <ul style="list-style-type: none"> <li>- Provision of at least 2,000sqm of new public open space.</li> <li>- Pedestrian through site links.</li> </ul> </li> </ul>	

## 6.4 Recommended future investigation areas

In reviewing submissions, two consolidated areas have been identified as opportunities for future master planning. These sites have not been incorporated as a post-exhibition change as the Department considers detailed master planning, in consultation with the respective authority, is necessary to achieve an outcome. Figure 10 identifies these locations, and each is explained below.



Figure 10: Identified areas for future master planning and investigation (Source: SJB, 2024)

### 6.4.1 Western extension to St Leonards South

A total of 23 submissions were received from community members residing near St Leonards South requesting an extension to planning controls previously enacted for the investigation area.

Specifically, the investigation area would be bound by the Pacific Highway (including extension along the frontage), Park Road, River Road and Greenwich Road (Figure 10).

The Department recommends investigation of this area to:

- Expand the availability of well-located housing supply within 800m of St Leonards station and 1,200m of Crows Nest metro station.
- Mirror the planning controls already applied to St Leonards South to achieve approximately 1,500 to 2,200 new homes, including affordable housing.
- In consultation with Lane Cove Council, expand the provision of open space and other potential public benefit servicing a growing number of residents.
- Consider the site-specific submissions made in relation to 66 Pacific Highway, St Leonards and 154 Pacific Highway, Greenwich.

### 6.4.2 2-10 Chandos Street, 12 Chandos Street and 110-120 Christie Street, St Leonards

Separate submissions were received by Ethos Urban representing the respective landowners of 2-10 Chandos Street and 12 Chandos Street. These sites, in conjunction with 110-120 Christie Street are outlined in Figure 10.

The Department recommends investigation of this area to:

- Expand the availability of well-located housing supply within very close proximity to St Leonards station and 800m to Crows Nest metro station.
- Achieve approximately 500-600 new homes by consolidating the development potential of land under separate ownerships of private, Willoughby Council and Transport Asset Holding Enterprise (TAHE).
- Ensure delivery of affordable housing nearby to Royal North Shore Hospital.
- Promote the provision of new open space in consultation with Willoughby Council, including investigating the opportunity to provide a connection through to Herbert Street and the Royal North Shore Hospital.
- Maintain solar amenity to Christie Street Reserve.

## 6.5 Savings and transitional provisions

Exhibited Rezoning Proposal	Post-exhibition Amendments
<ul style="list-style-type: none"> <li>No details regarding savings and transitional provisions applying to development applications.</li> </ul>	<ul style="list-style-type: none"> <li>A savings provision is to be included to apply to all three LGAs to provide that the amendments made by the proposed self-repealing SEPP do not apply to development applications (DAs) which were lodged prior to the commencement date of the SEPP but which have not been finally determined. The intent is that the changes made by the proposed SEPP should only apply to DAs lodged after it has commenced.</li> <li>The savings provisions will apply to DAs and State Significant Development Applications (SSDAs) with the exception of 530–542 Pacific Highway, St Leonards for which new controls are introduced.</li> </ul>

## 6.6 Affordable housing

Exhibited Rezoning Proposal	Post-exhibition Amendments
<ul style="list-style-type: none"> <li>The EIE set out a proposed affordable housing contribution rate of 10% to 15% in perpetuity to be applied to all new residential development within the Crows Nest TOD Precinct.</li> <li>6 sites were identified as incentive sites capable of contributing 15% affordable housing.</li> </ul>	<ul style="list-style-type: none"> <li>Many detailed submissions received from landowners suggest development is not feasible under the proposed planning controls, making requests for more development potential or a reduced affordable housing requirement.</li> <li>An affordable housing feasibility review was undertaken of all submissions received that identify feasibility as a key constraint of development.</li> <li>The Department in response to this review have made a post-exhibition amendment to the affordable housing contribution to be levied on all new residential development in Crows Nest. A base rate of 3% in perpetuity will be applied.</li> <li>Sites near St Leonards Train station are most capable of contributing to affordable housing supply. These sites receive the most significant increase in density and are subject to site-specific affordable housing contribution rates ranging from 5% to 18%.</li> <li>Sites previously identified as subject to incentive provisions for affordable housing will have a site-specific rate applied to ensure development potential is completely realised.</li> </ul>

---

## 6.7 Amendments to Land Use Zones

Exhibited Controls	Post-exhibition Amendments
<ul style="list-style-type: none"><li>The EIE outlined a series of additional permitted uses for residential accommodation, commercial and community facilities for a mixed use building at Lot 4B, Herbert Street.</li></ul>	<ul style="list-style-type: none"><li>On review, the exhibited SP2 Infrastructure (Hospital) zoning of Lot 4B, Herbert Street did not reflect the proposed land use of the site.</li><li>Consistent with the remainder of the Precinct, Lot 4B, Herbert Street will be rezoned from SP2 Infrastructure (Hospital) to MU1 Mixed Use to accurately reflect intended future uses of the site.</li></ul>

---

## 6.8 Amendments to the Design Guide

Based on exhibition feedback, a number of amendments are proposed to the Design Guide post-exhibition. These include:

- Part 2 Precinct Statement - minor changes to the wording and maps;
- Part 3 Precinct-wide Design Guidelines;
  - minor changes to the wording and maps;
  - revision to the floor-to-floor height assumptions for residential uses on the ground floor and service zone up to 20 storeys;
  - Table 2 - revision to the solar amenity and overshadowing relating to public open space and minor changes to the solar access map;
  - Tables 3 and 4 - minor changes to the wording and relating to tree provision benchmarks;
  - updating of the wording to clarify the new temporary Design Excellence provisions;
  - minor changes to maps including required setbacks and street wall heights;
  - changes to require development is consistent with the parking provisions as outlined in Part B section 10.2 of the North Sydney DCP relating to parking provisions in 'high accessibility areas'; and
  - require an assessment of the flood conditions on potential development sites identified as having flood risk.
- Part 4 - Site Specific Guidelines - minor changes to the wording.



- Part 5 – Site Specific Guidelines - Integrate the St Leonards Telstra Exchange Design Guide into the Crows Nest TOD Precinct Design Guide.
- Part 6 – Addition of a glossary.

# 7 Amendments to the Planning Framework

The following outlines the amendments to the Lane Cove LEP 2009, North Sydney LEP 2013 and the Willoughby LEP 2012 and other supporting SEPPs to give effect to Precinct's rezoning and provide development controls that support future development. These amendments will be given effect through a self-repealing and amending SEPP.

---

## 7.1 Local Environmental Plans

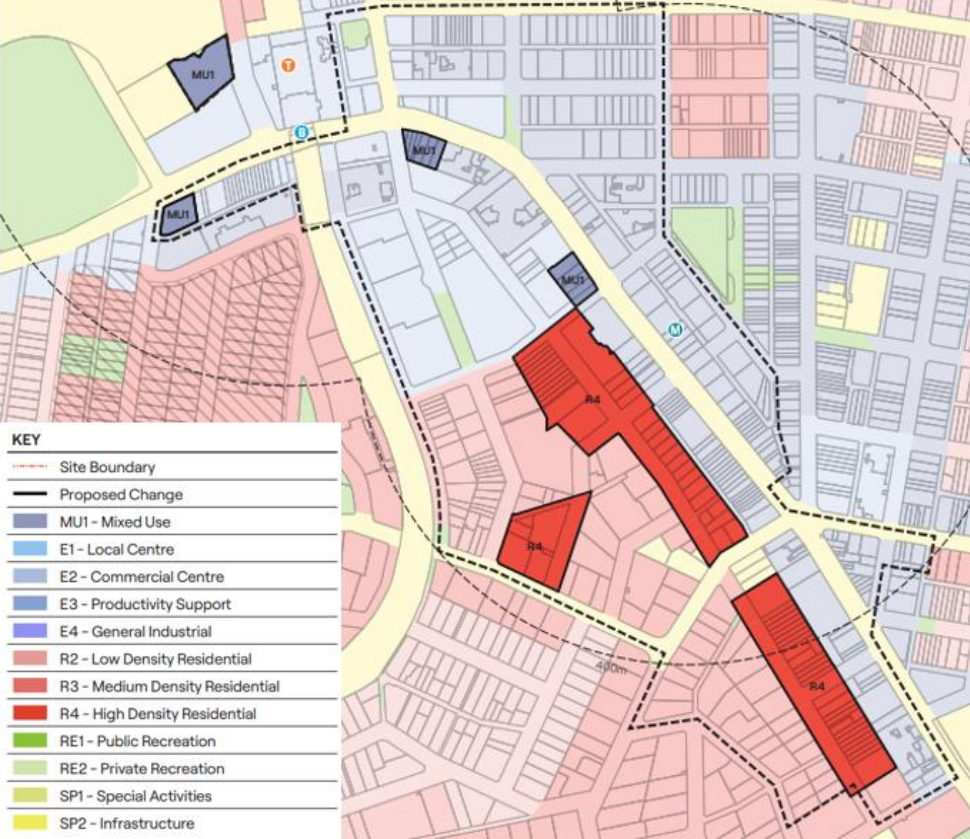
For Lane Cove LEP 2009, North Sydney LEP 2013 and Willoughby LEP 2012, a new provision is to be included requiring the consent authority to ensure development is consistent with the Crows Nest TOD Precinct Design Guide made by the Planning Secretary before granting consent to development in the Crows Nest TOD Precinct.

Affordable Housing maps will be introduced for the Lane Cove LEP 2009 and North Sydney LEP 2013 to apply a base affordable housing contribution rate of 3% in the Crows Nest TOD Precinct.

Some key sites will be able to have bonus heights and FSR and reduced minimum non-residential FSR for an increased provision of affordable housing. The bonus sites will be included on new or amended incentive maps.

The Precinct area will be identified on the relevant Key Sites Map in each LEP.

## 7.1.1 Mapping

Provision	Intended outcome
Land use zoning	 <p data-bbox="440 1193 1010 1223">Figure 11: Proposed changes to the Land Zone Map</p> <p data-bbox="440 1263 778 1294">Rezone parts of the land:</p> <ul data-bbox="485 1305 1423 1624" style="list-style-type: none"> <li data-bbox="485 1305 1423 1384">• Lane Cove Local Environmental Plan 2009 – <ul data-bbox="580 1346 1423 1384" style="list-style-type: none"> <li data-bbox="580 1346 1423 1384">○ from E2 Commercial Centre to MU1 Mixed Use.</li> </ul> </li> <li data-bbox="485 1391 1423 1541">• North Sydney Local Environmental Plan 2013 - <ul data-bbox="580 1435 1423 1541" style="list-style-type: none"> <li data-bbox="580 1435 1423 1541">○ from R2 Low Density Residential, R3 Medium Density Residential and E1 Local Centre to R4 High Density Residential.</li> </ul> </li> <li data-bbox="485 1547 1423 1624">• Willoughby Local Environmental Plan 2012 – <ul data-bbox="580 1592 1423 1624" style="list-style-type: none"> <li data-bbox="580 1592 1423 1624">○ from SP2 Infrastructure (Hospital) to MU1 Mixed Use zone.</li> </ul> </li> </ul>

Height of Buildings

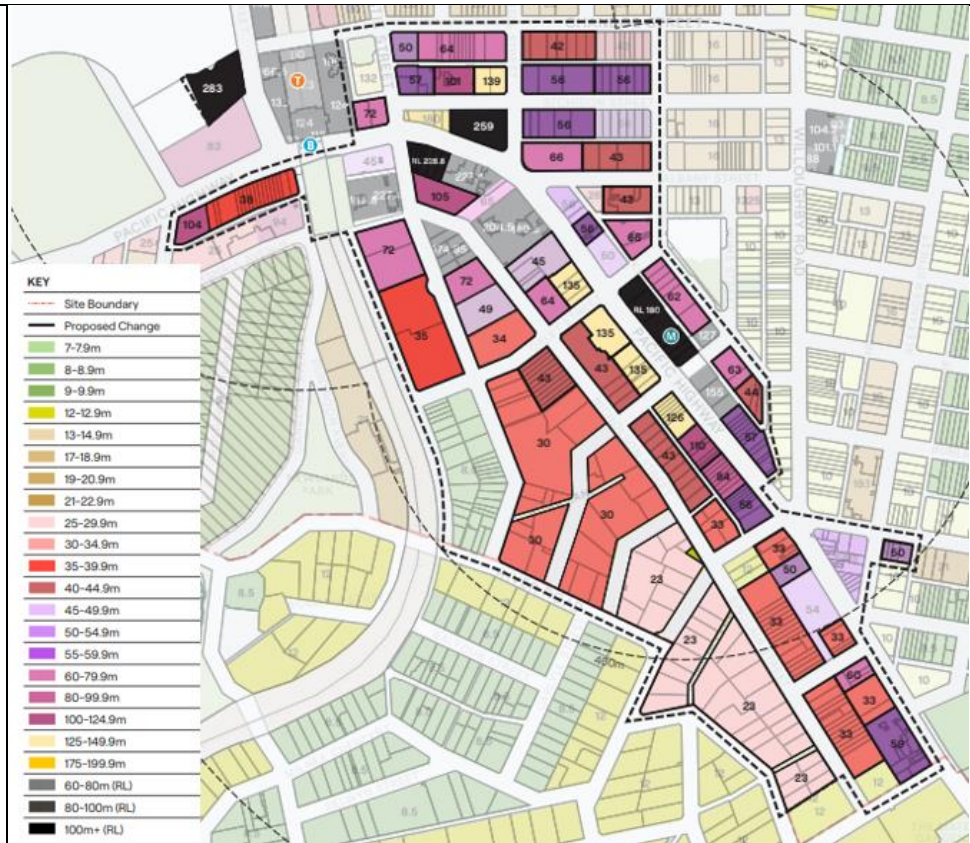


Figure 12: Proposed Height of Buildings Map

Amend the maximum height of buildings map to a maximum height ranging from between 25m RL283 (approximately 206m)

Floor space ratio (FSR)



Figure 13: Proposed FSR Map

Amend the maximum FSR map to a maximum FSR ranging from 2:1 and 25.4:1

Minimum Non-Residential FSR



Figure 14: Proposed Minimum Non-Residential FSR Map

Amend the minimum non-residential FSR to apply a minimum non-residential FSR ranging from 0.34:1 and 20:1.

Key sites

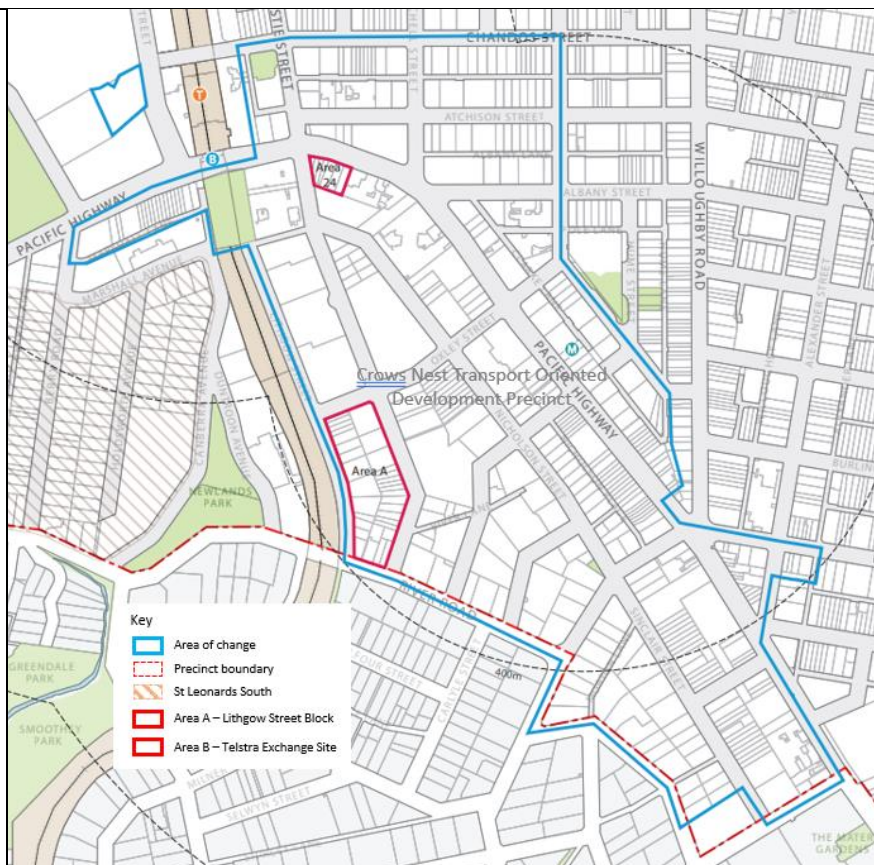


Figure 15: Proposed Key Sites Map

Introduce a new Key Sites Map for the North Sydney and Willoughby LEPs and amend the Lane Cove Key Sites Map to identify the Precinct area.

This map supports a new provision in all 3 LEPs.

## Incentive Height of Buildings Map



Figure 16: Proposed Incentive Height of Building Map

Introduce a new Incentive Height of Buildings Map to identify the and incentive for provisions for open space for the area known as the 'Lithgow Street block' for North Sydney and include incentive heights for the Telstra Exchange 'Area 24' for Lane Cove

Affordable Housing

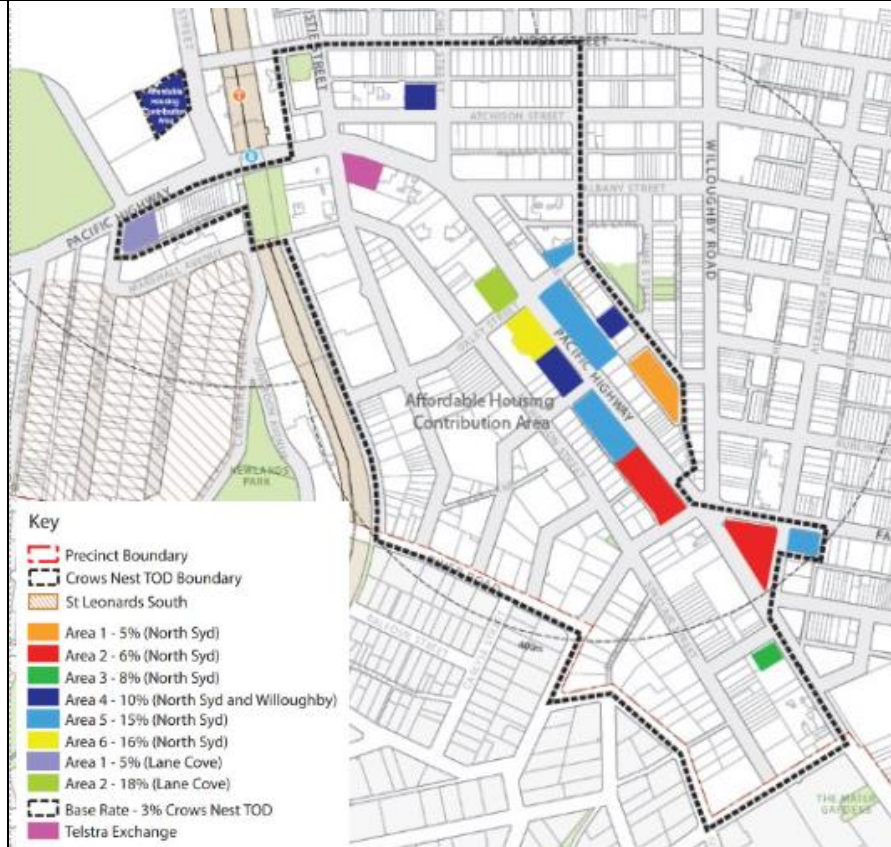


Figure 17: Proposed Affordable Housing Map

Introduce a new Affordable Housing Map for Lane Cove and North Sydney LEPs to identify the Crows Nest TOD Precinct area and sites above the base rate of 3%.

The Affordable Housing Map supports a new provision in the Lane Cove LEP 2009, North Sydney LEP 2013 and amendments to the Willoughby LEP 2012.



---

## 7.2 Consideration of State Policies and Plans

### 7.2.1 Infrastructure Contributions

Development in the Precinct will be required to pay a Housing and Productivity Contribution (HPC). This is a contribution levied on new residential, commercial and industrial development in HPC regions (Greater Sydney, Illawarra-Shoalhaven, Central Coast and Lower Hunter) which funds State and regional infrastructure.

The Government committed \$520m from the Housing and Productivity Fund to be spent on community infrastructure in the TOD Accelerated Precincts. This will provide upgrades to critical transport, and active transport infrastructure, as well as new and improved public open space.

The contribution applies in the Precinct as it replaced the Special Infrastructure Contribution (SIC) in October 2023. The HPC is additional to the contributions that developers pay to councils for local infrastructure, such as local roads, drainage and local open space. It is in addition to any local contributions payable under section 7.11 and 7.12 contributions plans.

### 7.2.2 Special Entertainment Precincts

A Special Entertainment Precinct (SEP) allows councils to set localised sound limits to encourage live performances, incentivise later trading for live performance venues and a mechanism to monitor and manage complaints through a precinct management plan.

Since the passing of the *24-Hour Economy Legislation Amendment (Vibrancy Reforms) Act 2023*, the Department has made changes to the *Local Government Act 1993* that empowers councils to create a SEP by identifying the area in its local environment plan or by requesting the Minister for Planning and Public Spaces to identify a SEP in a State Environmental Planning Policy. This is part of the NSW Government's work to improve the precinct framework that allows councils to set requirements for amplified music and adopt their own plans to encourage more live music and performance venues.

The Office of the 24-Hour Economy (under Minister John Graham) has prepared guidelines to assist councils to establish a SEP and also has funding available.

SEPs can be made by a council anywhere within their LGA, regardless of whether the precinct is within or outside of a TOD Accelerated Precinct. The TOD Rezoning Proposals do not prevent or facilitate a SEP being established.

In the draft Rezoning Proposal, the explanation of intended effect noted the Department will work closely with the Lane Cove, North Sydney and Willoughby Councils to identify the areas within the TOD Accelerated Precincts to establish a SEP, if appropriate. The councils' submissions were silent on this issue and the Department will continue to work with them should they advance locations for a SEP in the precinct. The operation of any future SEP will commence once Councils have adopted and published on their website a precinct plan of management which will regulate noise from amplified music from premises in the SEP.

The Department will continue to work with the Lane Cove, North Sydney and Willoughby Councils to have this in place in their respective LGAs in line with development occurring.

# 8 Conclusion

The Rezoning Proposal amends planning controls for the Crows Nest TOD Accelerated Precinct through a self-repealing SEPP under the EP&A Act. This SEPP will update the controls within the Lane Cove LEP 2009, North Sydney LEP 2013 and Willoughby LEP 2012 to align with the objectives and controls of the Rezoning Proposal.

The Rezoning Proposal builds off the strategic planning framework for the Precinct as set by the 2036 Plan, while accelerating housing delivery in Crows Nest.

The Department has undertaken a detailed assessment of the Rezoning Proposal and is satisfied the issues raised have been adequately addressed for rezoning purposes.

The Department's assessment has addressed several key issues, including traffic and transport, infrastructure, affordable housing, flooding and biodiversity, density and building heights, urban design and built form, the rezoning precinct, impacts on non-residential uses and development of Lot 4B, Herbert Street, St Leonards. Also, the assessment has sought to balance the views contained in submissions and comments from various individuals, stakeholders and councils.

It is considered the issues raised have been adequately addressed for rezoning purposes, subject to the adoption of the amendments to the Lane Cove LEP 2009, North Sydney LEP 2013 and Willoughby LEP 2012 and Design Guide as outlined in this report.

The Department recommends the rezoning of the Precinct be supported to enable the delivery of 5,900 new homes and commercial floor space to support 2,500 additional jobs.

The Rezoning Proposal includes robust amendments to planning controls and design guidance which will enable appropriate consideration of issues through subsequent stages of the planning process.

The assessment undertaken as part of this Finalisation Report has demonstrated that the proposed planning controls for the Crows Nest TOD Accelerated Precinct appropriately respond to the opportunities and constraints of the Precinct.