

Department of Planning, Housing and Infrastructure

dphi.nsw.gov.au



# Explanation of Intended Effect

Crows Nest Transport Oriented Development Precinct

July 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)

Explanation of Intended Effect

First published: July 2024

Copyright and disclaimer

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

DPHI-MN-R-WC-V1.0

<b>1</b>	<b>Introduction</b>	<b>4</b>
1.1	Purpose	4
1.2	Transport Oriented Development Program	5
1.3	The Precinct boundary	5
1.4	Strategic context	6
1.5	Rezoning and current proposals	9
1.6	Lot 4B at Herbert Street	10
<b>2</b>	<b>Proposed planning control amendments</b>	<b>11</b>
2.1	Introduction	11
2.2	Land use zoning	11
2.3	Height of buildings	15
2.4	Floor space ratio (FSR)	18
2.5	Minimum non-residential FSR	21
2.6	Affordable housing	23
2.7	Design excellence	25
2.8	Open space	26
2.9	Design Guide	27
<b>3</b>	<b>Infrastructure funding and delivery</b>	<b>29</b>
3.1	State Infrastructure	29
3.2	Local Infrastructure	29
3.3	Transport	30
<b>4</b>	<b>Consultation</b>	<b>31</b>
<b>5</b>	<b>Amendments to other SEPPs</b>	<b>32</b>
<b>6</b>	<b>Next Steps</b>	<b>34</b>
<b>7</b>	<b>Annexures</b>	<b>35</b>

# 1 Introduction

## 1.1 Purpose

Housing is a key priority for the NSW Government. Currently, there is a shortage of diverse and affordable homes in well-located areas, close to where people live and work and close to transport and other amenities.

This Explanation of Intended Effect (EIE) outlines the proposed planning controls for the rezoning of the Crows Nest Transport Oriented Development (TOD) Precinct (the Precinct). The proposed planning controls will enable delivery of approximately 3,255 new homes and 2,600 jobs.

It is proposed the controls will be implemented through a self-repealing State Environmental Planning Policy (SEPP) made under the *Environmental Planning and Assessment Act 1979* (EP&A Act) that will amend *North Sydney Local Environmental Plan 2013* (North Sydney LEP), *Lane Cove Local Environmental Plan 2009* (Lane Cove LEP) and *Willoughby Local Environmental Plan 2012* (Willoughby LEP).

The EIE is being exhibited in accordance with section 3.30 of the EP&A Act to allow the public to make submissions that will be considered as part of the finalisation of the draft planning controls.

The public are invited to comment on all matters in this EIE and supporting documentation. The EIE and supporting technical studies can be viewed on the NSW Planning Portal.

The EIE includes planning controls for the Property and Development NSW (PD NSW) site at Lot 4B Herbert Street, St Leonards with the intent to amend the planning controls to the Willoughby LEP.

The objectives of the State-led Rezoning Proposal for the Precinct, led by the Department of Planning, Housing and Infrastructure (the Department) are to:

- increase housing supply in the Crows Nest Precinct, which includes St Leonards;
- enable a variety of land uses within walking distance of the St Leonards train and Crows Nest metro stations;
- deliver housing supported by public spaces, vibrancy and community amenity;
- increase the amount of affordable housing in the TOD Precincts; and
- review and implement the recommendations of the St Leonards and Crows Nest 2036 Plan (2036 Plan).



## 1.2 Transport Oriented Development Program

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 (tier one 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 Commonwealth 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 five years from mid-2024. NSW has been tasked to provide 377,000 new homes by 2029.

## 1.3 The Precinct boundary

The TOD Tier 1 precincts initially identified a 1,200 metre radius for potential rezoning. Given existing strategic planning undertaken for the St Leonards and Crows Nest 2036 Plan and to accelerate its rezoning, the precinct boundary was refined to match the 2036 Plan.

The Crows Nest Precinct boundary and the area for accelerated rezoning is outlined in **Figure 1**. Located in an area earmarked for growth and renewal through the St Leonards and Crows Nest 2036 Plan, the Crows Nest Precinct has capacity to support new dwellings with enabling infrastructure provided by the new Crows Nest Metro and existing St Leonards Station.

The Department has undertaken preparing a Rezoning Proposal, supported by technical studies, to determine opportunities for new housing in the precinct.

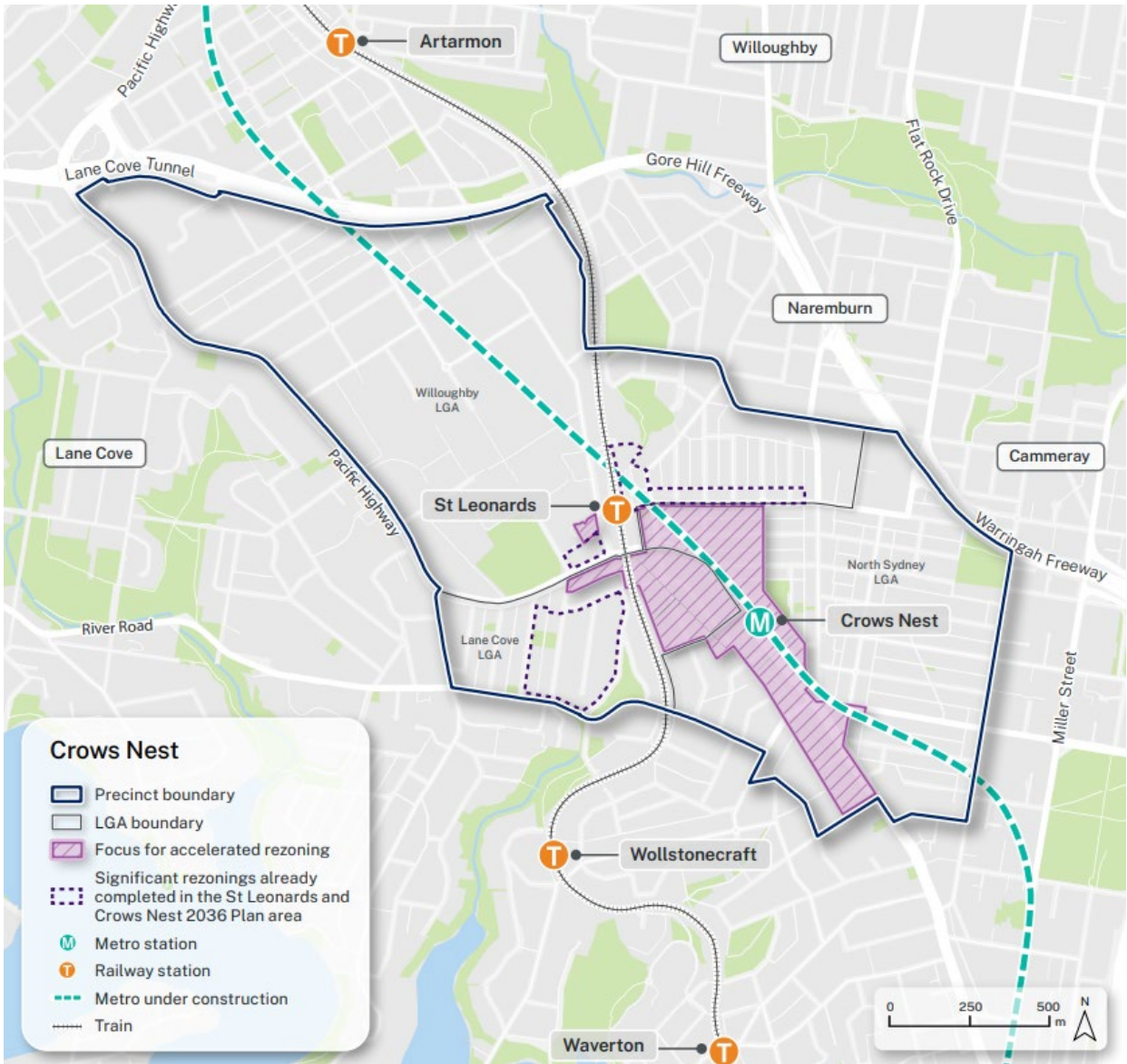


Figure 1: Crows Nest Precinct (Source: DPHI, 2024)

## 1.4 Strategic context

### St Leonards and Crows Nest 2036 Plan

The Crows Nest Precinct is located 5 kilometres north-west of the Sydney CBD and incorporates approximately 270 ha of land within the Local Government Areas (LGAs) of North Sydney Council, Lane Cove Council, and Willoughby City Council (Figure 2).

The Precinct is subject to planning strategies including:

- **St Leonards and Crows Nest 2036 Plan (2036 Plan)** - finalised 29 August 2020.
- **Green Plan and Local Character Statement** - informed the 2036 Plan

The 2036 Plan provides the strategic framework to guide future development in the area. The recommended planning controls provide for an estimated 6,680 new dwellings, 16,500 new



jobs and supporting infrastructure within walking distance of St Leonards and Crows Nest stations by 2036.



*Figure 2* St Leonards and Crows Nest 2036 Plan area (Source: 2036 Plan, 2020)

Leveraging existing public transport and the new Crows Nest Metro Station, due to open in 2024, the plan supports the growing St Leonards and Crows Nest community with the provision of new infrastructure, open spaces, upgraded cycle lanes and planning for health and education.

## Royal North Shore Hospital

The Royal North Shore Hospital (RNSH) is one of the largest general hospitals in Australia and provides a range of health services to both the lower and upper north shore areas of Sydney employing a significant number of people. Planning strategies for the RNSH include:

- **Concept Plan approval (2007) (MP06\_0051)** – allows a range of land uses including employment, health services, residential, temporary accommodation and short-term accommodation to support the hospital. The Concept Plan approval identified eight precincts to establish building envelopes, future land uses, urban design, movement and landscaping principles for the campus.

Lot 4B at Herbert Street is included within the Concept Plan approval, however this part of the Concept Plan approval has not yet been constructed. It is intended that the

proposed planning controls for the Crows Nest Precinct will supersede the urban design controls for Lot 4B only.

- **RNSH Campus Master Plans (2006, 2012, 2023)** - developed by NSW Health. In late 2023, NSW Health (Northern Sydney Local Health District) endorsed a revised RNSH Campus Master Plan. The Campus Master Plan is an internal strategic framework document identifies areas for long term expansion of clinical and non-clinical supporting services over next 40 years and demonstrates that the RNSH campus can accommodate future anticipated growth and clinical services. The Campus Master Plan is not a statutory planning document and is not a public document.

Lot 4B at Herbert Street is owned by Property NSW and is outside the scope of the Campus Master Plan, however the Master Plan articulates complementary uses and that if this site is used for residential purposes, it should include a proportion of key worker and affordable housing to give healthcare workers the opportunity to live close to where they work.

The Rezoning Proposal for land in Herbert Street, St Leonards, known as Lot 4B located adjacent to RSHS, has progressed since the completion of the 2036 Plan and has now been incorporated into the Crows Nest TOD program. The Department has developed a preferred land use scheme and concept plan for the site in collaboration with Property NSW, building on the 2036 Plan.

## Review of 2036 Plan

As part of the accelerated precinct investigations, a master plan and urban design review of the 2036 Plan has been carried out to validate the recommendations of the plan. This has been supported by technical studies to determine the boundaries and opportunities for new housing. The focus area for the Crows Nest Precinct accelerated rezoning is indicated on the map in **Figure 1**.

The aim of the urban design review is to ensure additional dwellings are supported by good amenity including transitions in height and to identify any further capacity to provide more homes located near the Crows Nest Metro Station and St Leonards station, where good place-based outcomes are achieved. Urban design investigations have identified additional investigation areas that warrant inclusion in the accelerated rezoning of the Precinct. These are generally located to the south-west of the Precinct.

The focus of the Rezoning Proposal is concentrated on land predominantly in the North Sydney LGA and Lane Cove LGA (**Figure 3**), with one site located in Willoughby LGA. An explanation of the updates to planning controls for the Crows Nest Precinct are outlined in Section 2 of this EIE.





Figure 3. Urban Design review - area of investigation (Source: SJB, 2024)

## 1.5 Rezoning and current proposals

A number of sites within the Precinct have already been rezoned through site specific planning proposals achieving the recommendations of the 2036 Plan (Figure 3 & Annexure C). While identified on the map in this EIE, these sites have not been revisited unless considered necessary to make changes following urban design testing and investigations.

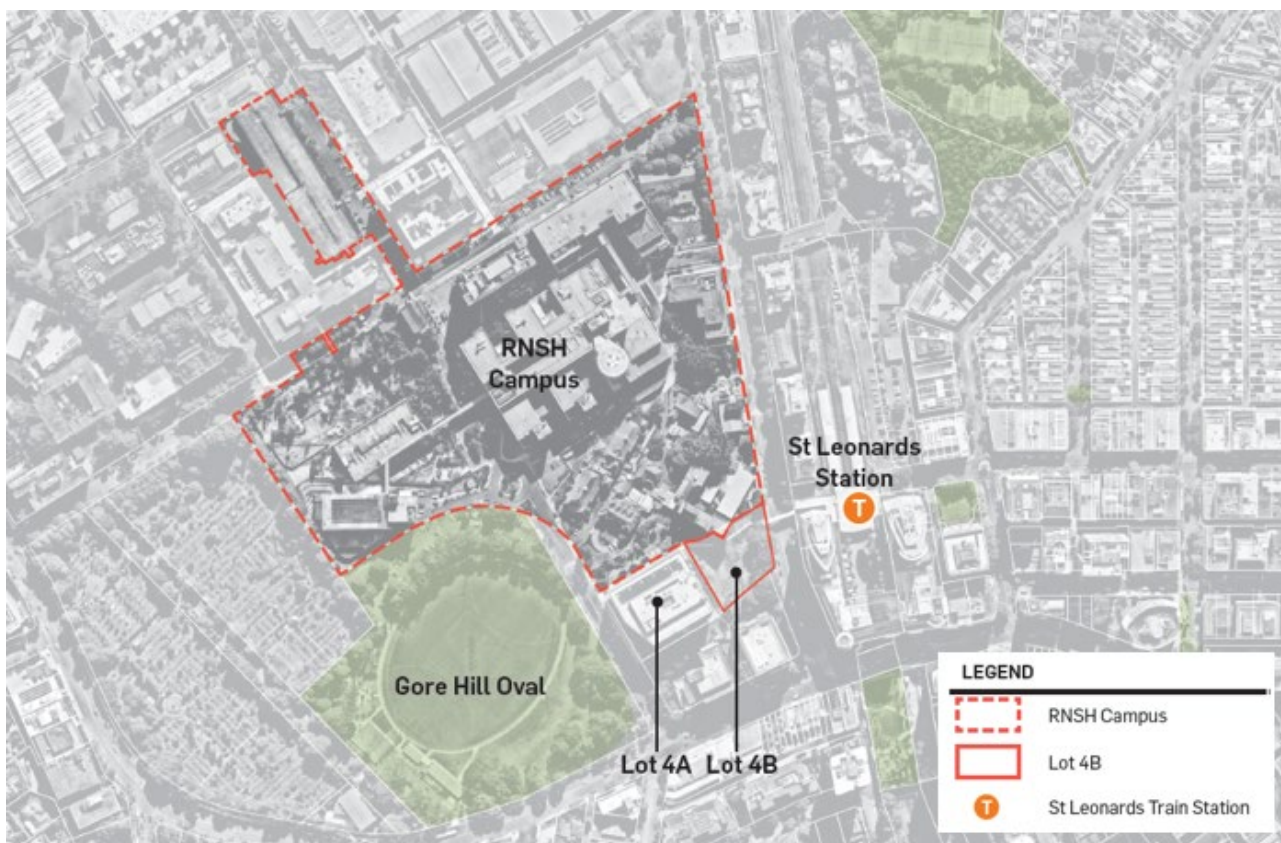
Where there is an active planning proposal that has been considered by Council, these controls have been included in the EIE. The planning provisions in these planning proposals may differ from the recommendations in the 2036 Plan.

The St Leonards Telstra Exchange site is subject to a separate State-led rezoning proposal which was exhibited in early 2024 and is currently being considered for finalisation. A concurrent State Significant Development application has also been lodged for Build-to-rent housing under the provisions of the SEPP (Housing) 2021 on this site.

## 1.6 Lot 4B at Herbert Street

Lot 4B is located on Herbert Street adjacent to the south-east corner of the Royal North Shore Hospital (RNSH) campus (**Figure 4**) and was identified in the 2036 Plan for future investigation.

The site is located 75m from St Leonards station, 100m from the St Leonards bus interchange on the Pacific Highway and 600m from the new Crows Nest metro station and is located within the Willoughby LGA.



*Figure 4:* Lot 4B context (Source: Urbis, 2024)

Statutory planning amendments are only proposed for Lot 4B (Lot 412 DP 1261625) which covers an area of 3,371m<sup>2</sup> (0.34ha). Lot 4B is owned by Property NSW and includes a recently constructed 10-storey Royal North Shore Hospital Health Service Administration Building occupied by Health NSW adjacent to the site.

# 2 Proposed planning control amendments

## 2.1 Introduction

The Department has prepared a Rezoning Proposal for the Crows Nest Precinct to amend the planning controls for the following LEPs:

- North Sydney Local Environmental Plan 2013;
- Lane Cove Local Environmental Plan 2009; and
- Willoughby Local Environmental Plan 2012.

The proposed planning control changes include amendments to land use zones, height of buildings, floor space ratio (FSR) and non-residential floor space ratio controls for sites within the Crows Nest Precinct. The changes to these controls are expanded upon in sections 2.2 to 2.5 of this EIE.

Additional controls are proposed for heights, FSR and non-residential FSRs to deliver up to 15 per cent affordable housing on key sites within North Sydney and Lane Cove LGAs (section 2.6 of this EIE).

The proposed amendments to the Willoughby LEP only apply to the Lot 4B Herbert Street (Lot 412 DP 1261625) site.

The existing and proposed maps are shown in **Figures 5 to 19** and **Annexures A (existing)** and **B (proposed)**.

## 2.2 Land use zoning

### Zoning within North Sydney and Lane Cove LEPs

Land within the Precinct is currently zoned for MU1 Mixed Use, E2 Commercial Centre, E1 Local Centre, R4 High Density Residential, R3 Medium Density Residential, R2 Low Density Residential, RE1 Public Recreation and SP2 Infrastructure.

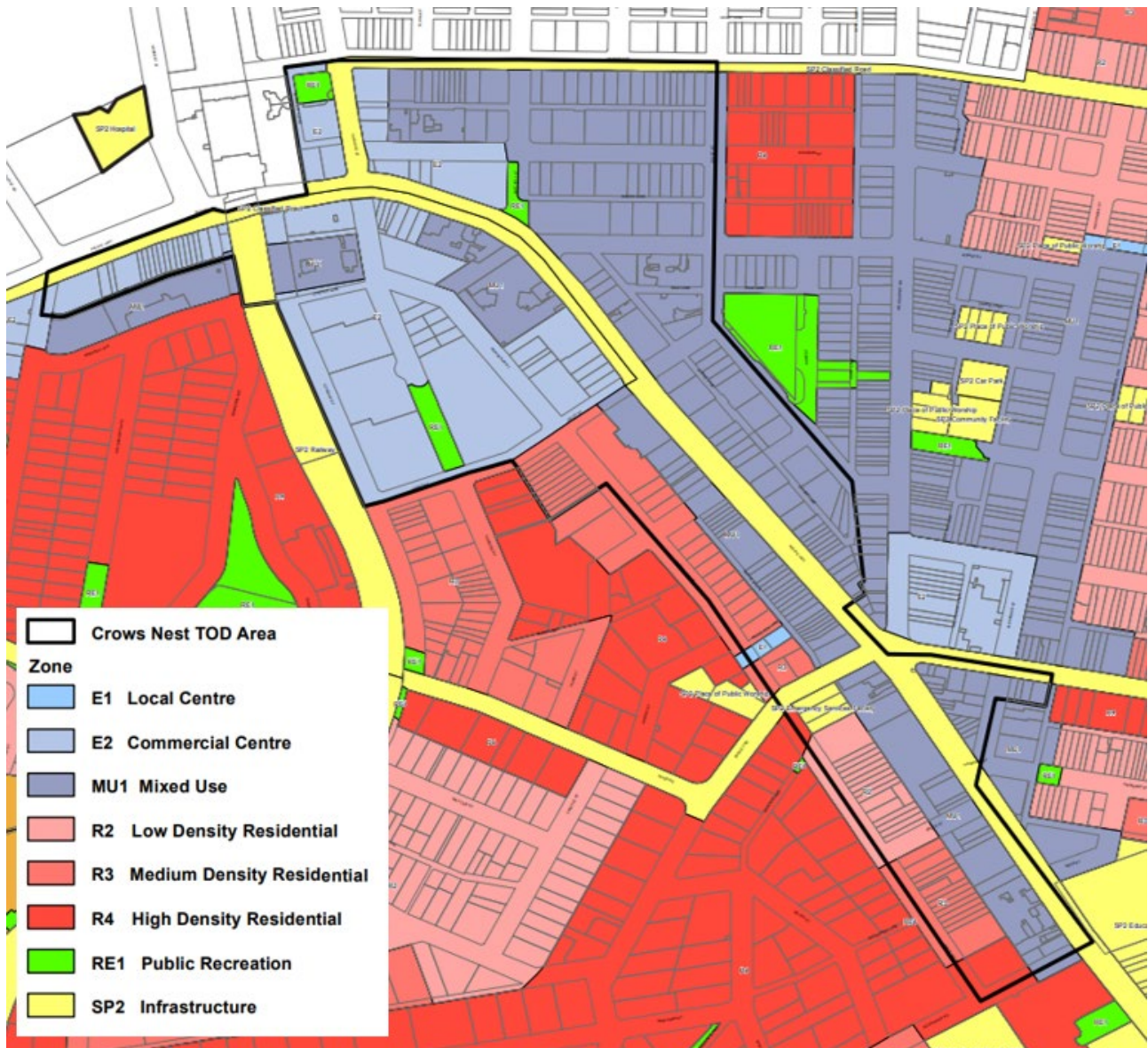
Changes to land use zoning will implement recommended controls under the 2036 Plan and the urban design review, and are described as follows:

- amend land use zones for certain sites along Pacific Highway to rezone from E2 Commercial Centre to MU1 Mixed Use under Lane Cove LEP; and



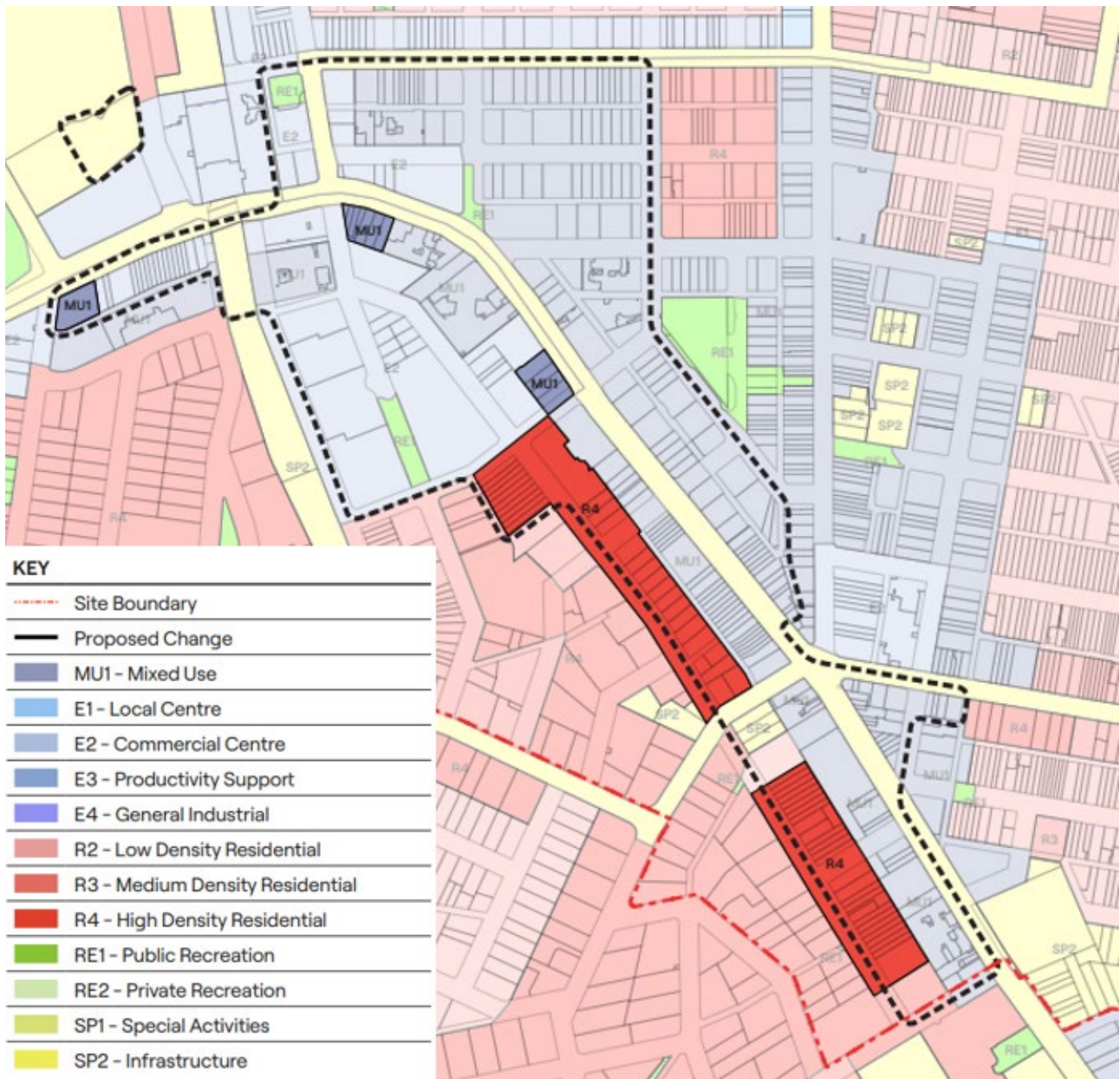
- rezone land from R2 Low Density Residential, R3 Medium Density Residential and E1 Local Centre to R4 High Density Residential under North Sydney LEP. This will provide for appropriate height and scale transitions for land adjoining sites along the Pacific Highway and to the west and south of the Precinct where adjoining land is currently zoned R4. This includes land bounded by Rocklands Road to the south, and Oxley Street to the north.

The existing land use zoning and the proposed amendments are shown in **Figures 5 and 6**.



*Figure 5: Current land use zoning map for North Sydney and Lane Cove (Source: NSW Spatial Viewer)*





*Figure 6: Proposed land use zoning map for North Sydney and Lane Cove (Source: SJB, 2024)*

## Zoning within Willoughby LEP

Lot 4B Herbert Street is currently zoned SP2 Infrastructure – Hospital under the Willoughby LEP (Figure 7). The zone allows for uses and development that is incidental or ancillary to development for the purpose of a hospital. Under the Crows Nest Precinct, proposed additional permitted uses for this site, include:

- **Residential accommodation** – to enable the delivery of housing including affordable housing in a height density and accessible location to support healthcare and key workers at RNSH.
- **Commercial** – to enable small-scale, complementary ground level activation of the Lot 4B Herbert Street within podium including office and retail premises.

- **Community facilities** – to enable communal open space to accommodate the social and infrastructure needs of the future population.

The proposed additional permitted uses will be identified through amending the special provisions map (Figure 8).



Figure 7: Existing zoning in Willoughby LEP



Figure 8: Proposed special provisions area map in Willoughby LEP

## 2.3 Height of buildings

### North Sydney and Lane Cove LEPs

The maximum building height within the Precinct currently ranges from 8.5m to 180m in North Sydney LEP. Heights are also mapped in reduced levels (RL) up to RL180 at the Crows Nest Metro Station.

In Lane Cove LEP, maximum building heights range from 15m to 94m. There are a number of sites with heights mapped in RL up to RL 227.4 in St Leonards Centre.

The 2036 Plan includes heights in storeys. These height controls in storeys have been converted into metres for the LEP controls and are based on analysing the massing model and floor to floor height assumptions outlined in **Table 5**. The proposed height includes provision for rooftop services and plant.

It is proposed to amend the Height of Buildings controls in the Precinct through a map amendment to:



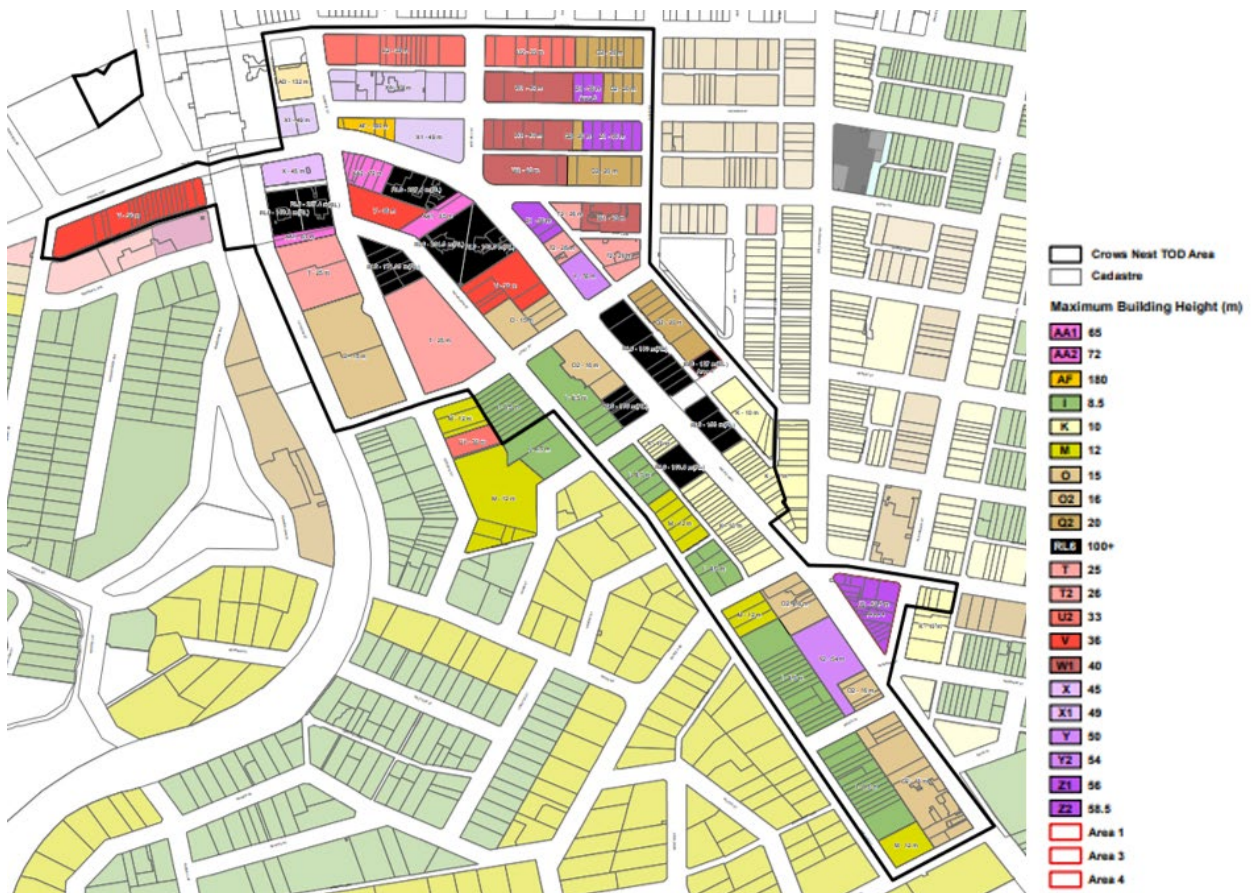
- increase heights from 8.5m and 10m to 23m and 29m (6-8 storeys) along Nicholson and Sinclair Streets, consistent with the rezoning of this land to R4. This will provide a better transition with adjoining zones and sites along the Pacific Highway;
- apply heights in metres consistent with 2036 Plan and the urban design review of the 2036 Plan.

The existing and proposed amendments to the Height of Buildings map are shown in **Figure 9** and **Figure 10**.

Additional height is proposed on certain sites where a proportion of affordable housing can be provided. This is outlined on the height incentive maps under section **2.6 Affordable Housing** of this EIE.

**Table 5: Floor to Floor Height Assumptions**

Type	Height
Ground floor (all uses)	5m
Above Ground floor Residential	3.2m
Above Ground floor Commercial	3.8m
Rooftop service zone (2-20 storeys)	2m
Rooftop service zone (21-40 storeys)	4.4m



**Figure 9: Current maximum Height of Buildings map (Source: NSW Spatial Viewer)**



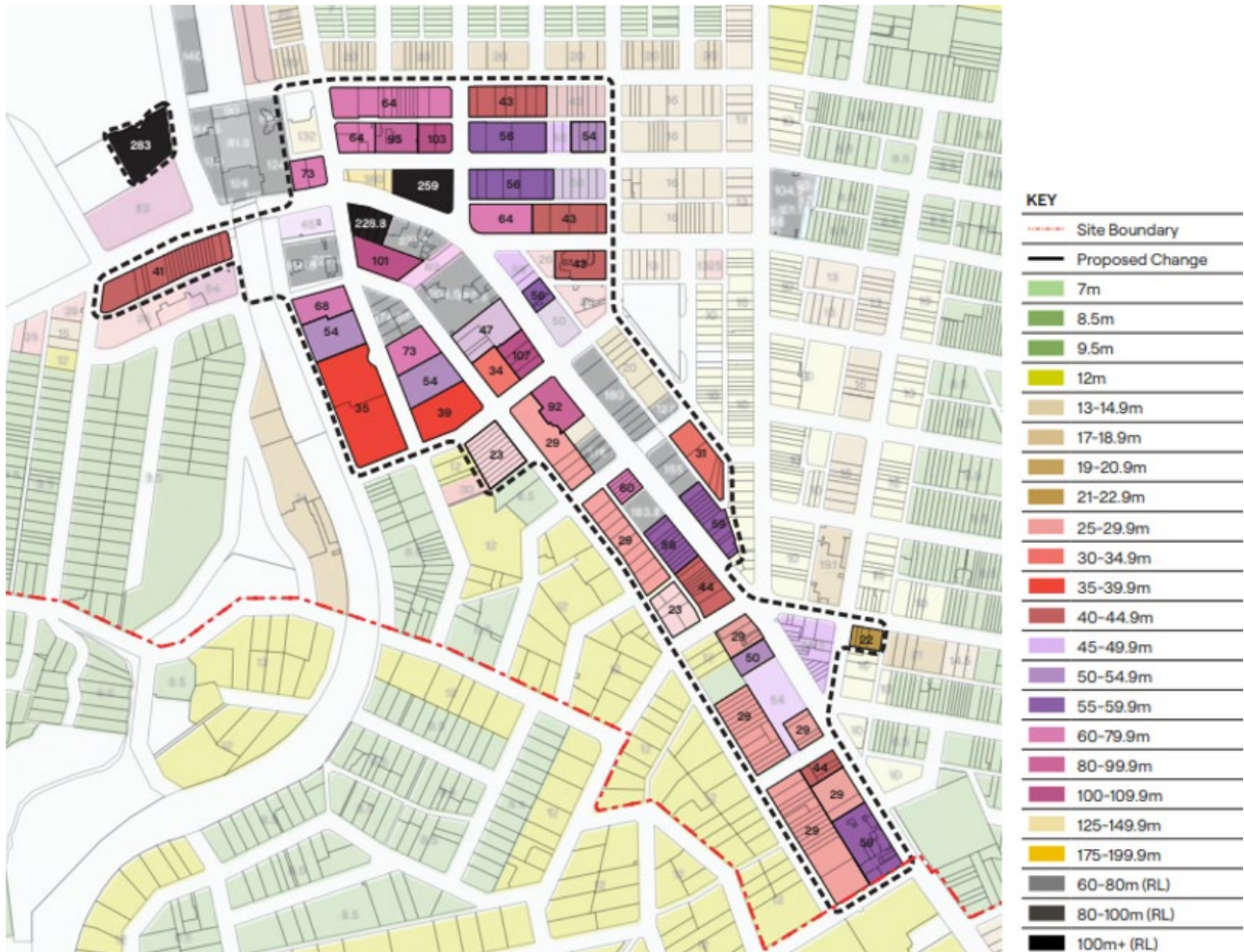


Figure 10: Proposed maximum Height of Buildings map (height in metres) (Source: SJB, 2024)

## Willoughby LEP

Lot 4B Herbert Street does not have a maximum height control. The Department's master planning process for Lot 4B sought to identify an appropriate height for the site. It is proposed to include a maximum height for the site of RL 283 which is equivalent to 62 storeys that aligns with the proposed concept scheme outlined in the Planning and Urban Design Report (Urbis, 2024). The maximum height will be identified on the Height of Buildings Map for Lot 4B specifically (Figure 11). Due to the topography in the St Leonards area, the height is proposed to be expressed in RL rather than metres with the terms for calculating height contained in the Standard Instrument.



Figure 11: Proposed Height of Buildings map in Willoughby LEP

## 2.4 Floor space ratio (FSR)

### North Sydney and Lane Cove LEPs

The maximum Floor Space Ratio (FSR) in the Precinct currently ranges from 1:1 to 25.4:1. It is proposed to amend the FSR controls in the Precinct through a FSR map amendment. The FSR amendments include:

- proposed maximum FSRs which range from approximately 1.8:1 to 25.4:1
- increase FSR from 1:1 to 1.8:1 and 2:1 along Nicholson and Sinclair Streets, consistent with the rezoning of this land to R4;
- apply FSR consistent with 2036 Plan and the urban design review of the 2036 Plan.

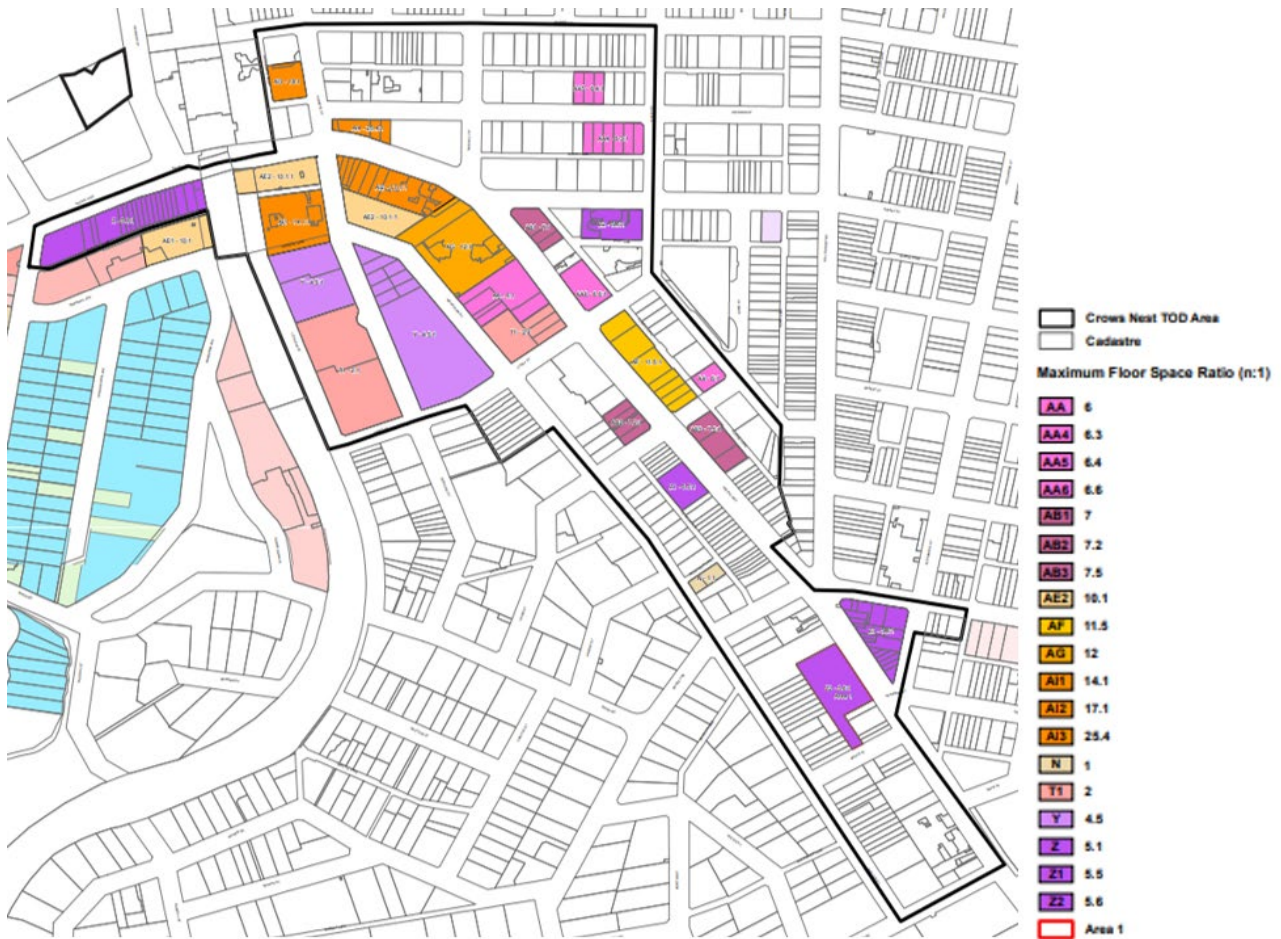
The existing and proposed amendments to the Floor Space Ratio map are shown in **Figure 12** and **Figure 13**.

Additional FSR is proposed on certain sites where 15 per cent affordable housing can be provided. This is outlined on the FSR incentive maps under section **2.6 Affordable Housing** of this EIE.

The FSRs are based on the assumptions in **Table 6** and are indicative only.

**Table 6: FSR and Non-Residential Assumptions**

Program	Gross Floor Area
Residential	75 per cent
Ground floor (Retail Non-residential)	65 per cent
Non-residential	85 per cent



**Figure 12: Current maximum FSR map (Source: NSW Spatial Viewer)**



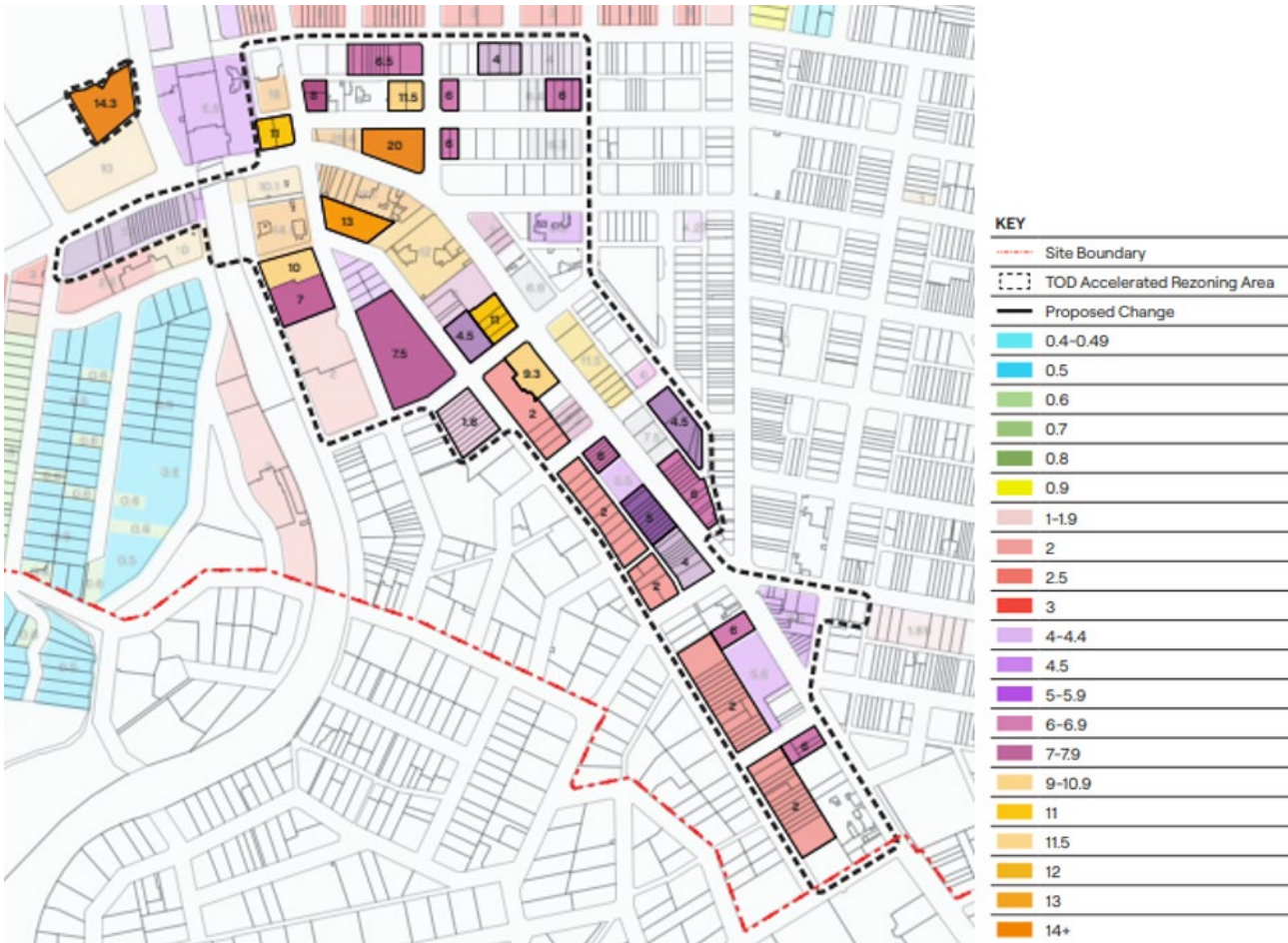


Figure 13: Proposed maximum FSR map (Source: SJB, 2024)

## Willoughby LEP

Lot 4B Herbert Street does not currently have a FSR applying to the site. The proposed amendments will introduce a FSR of 14.3:1 to Lot 4B. This change only applies to Lot B and does not apply to any other land within NSW Health’s 2006 Concept Plan approval. The maximum FSR will be identified on the FSR Map for Lot 4B specifically (Figure 14). The development of the recommended FSR went through an extensive master planning testing process and demonstrated justification consistent with the height justifications.





Figure 14: Proposed floor space ratio map for Willoughby LEP

## 2.5 Minimum non-residential FSR

### North Sydney and Lane Cove LEPs

North Sydney LEP currently has a minimum non-residential FSR map for existing development in the Crows Nest TOD Precinct. The non-residential FSRs range from 0.24:1 to 10:1.

The minimum non-residential FSRs have been developed based on the assumptions in **Table 6** and are indicative only.

It is proposed to amend the minimum non-residential FSR as follows:

- amend for sites in North Sydney consistent with the 2036 Plan and urban design review with a range from approximately 0.5:1 to 20:1
- Introduce a map for the Lane Cove LEP consistent with the 2036 Plan and urban design review.

The existing and proposed minimum non-residential FSRs are shown in **Figures 15 and 16**.

A minimum non-residential FSR incentive is proposed on certain sites where a proportion of affordable housing can be provided. This is outlined on the minimum non-residential FSR incentive maps under section **2.6 Affordable Housing** of this EIE.



Figure 15: Current minimum non-residential FSR map (Source: NSW Spatial Viewer)

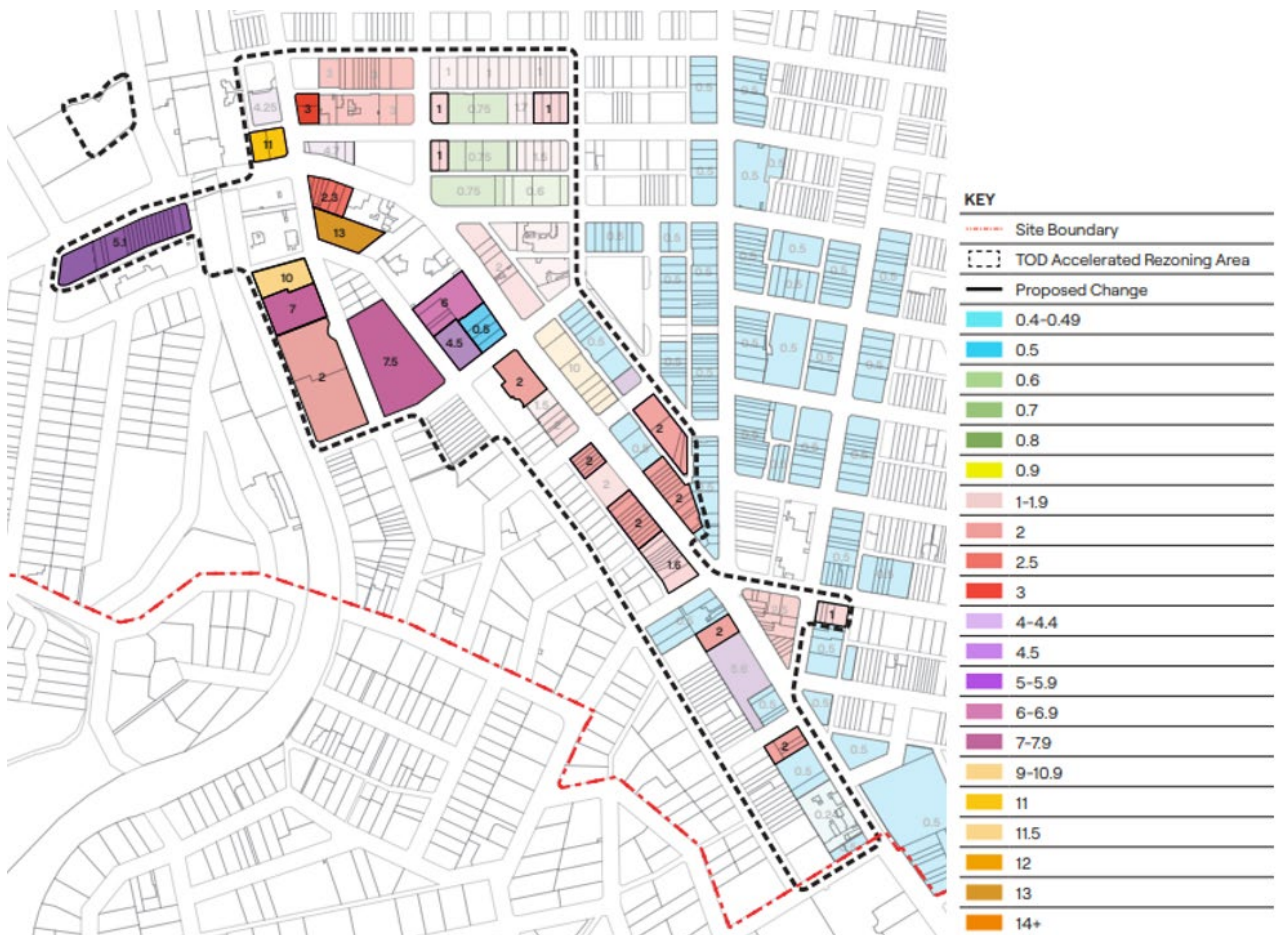


Figure 16: Proposed minimum non-residential FSR map (Source: SJB, Urban Design Report, 2024)

## Willoughby LEP

No changes proposed.

## 2.6 Affordable housing

### North Sydney, Lane Cove and Willoughby LEPs

It is proposed to amend the North Sydney, Lane Cove and Willoughby LEPs to include a clause that will require all new residential development, including local and State significant development applications, within the Precinct, to contribute to the provision of affordable housing. Currently, North Sydney and Lane Cove do not have an affordable housing scheme that applies to land in the LGA, Willoughby LEP's existing scheme will be amended.

Affordable housing contributions of 10-15 per cent, to be held in perpetuity and managed by a registered Community Housing Provider (CHP), are being proposed as mandatory for all new residential development within the Precinct.

The contribution rate has been considered in the development of the Urban Design Framework to ensure maximum public benefits can be achieved without creating adverse urban design



outcomes. Therefore, no additional affordable housing incentives are available within the Precinct, including the infill affordable housing floor space ratio and height of building bonuses under Chapter 2, Part 2, Division 1 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP).

The proposed changes will enable the relevant authority to impose an affordable housing levy when granting development consent and provided the requirements of section 7.32 of the EP&A Act are met. The changes satisfy the requirements of section 7.32 of the EP&A Act and proposed to be adopted to secure the collection of affordable housing contributions.

Six key sites have been identified as being able to potentially achieve 15 percent affordable housing and will subsequently receive a bonus height, FSR and/or non-residential FSR to incentivise the delivery of 15 per cent of homes as affordable housing (**Table 7**) and mapped in **Figures 17-19 (Annexure B)**. If 15 percent affordable housing is not delivered on these sites, the incentive provisions cannot be applied. The sites would be subject to height, FSR and non-residential FSR on the proposed maps and the affordable housing rate would default to the rate applicable to the rest of the Precinct.

**Table 7** provides a summary of proposed incentive planning controls on each site that may be achieved if the affordable housing rate is provided as part of the development.

*Table 7: Sites proposed to be subject to bonus provisions for affordable housing (15 %rate)*

Address	Incentive Height	Incentive FSR	Incentive Non-residential FSR
58-64 Pacific Highway St Leonards	82m	8.5:1	2.5:1
448-456 Pacific Highway St Leonards	133m	14.6:1	0.5:1
402-420 Pacific Highway St Leonards	111m	12:1	1:1
378-390 Pacific Highway Crows Nest	106m	9.3:1	1.5:1
360-376 Pacific Highway Crows Nest	86m	8:1	2:1
Crows Nest Metro Over Station Development	No change	No change	1:1 (reduced from 10:1)



subject to a design excellence clause under the Lane Cove LEP, which also requires design excellence considerations prior to the consent authority granting approval.

## Willoughby LEP

Willoughby LEP has a design excellence clause (clause 6.23) that requires developments to deliver the highest standard of architectural, urban and landscape design. To ensure faster DA assessment timeframe are combined with high-quality design outcomes, a consistent approach to design quality will be set out across all TOD precincts. See section 5 for further detail.

## 2.8 Open space

A Green Plan was prepared to support the 2036 Plan and provide a framework for the provision of new open space and open space infrastructure together with an integrated tree canopy network and green links. There were initiatives in the Green Plan identified as committed initiatives, initiatives for investigation and visionary initiatives. The open space plan proposed opportunities for improved accessibility, safety and quality of open space.

The urban design review has considered open space within the Precinct with regard to the Government Architect NSW Greener Places Design Guide that provides for the following:

<b>High Density Areas</b> (>60 dwellings/ha)	A local park of a minimum size of 1,500m <sup>2</sup> within 200m walking radius (3 min walk)
<b>Medium/Low Density Areas</b> (<60 dwellings/ha)	A local park of a minimum size of 3,000m <sup>2</sup> within 400m walking radius (5 min walk)

Since the 2036 Plan was finalised in August 2020, there has been a number of completed open space projects for the Precinct, including Wadanggari Park, Friedlander Place in Lane Cove LGA and the Hume Street Park connection through to Willoughby Road in North Sydney LGA.

Masterplan testing identified potential areas that could be considered for future open space. The urban design report outlines potential for land at 79-81 Sinclair Street, Wollstonecraft that is currently an at-grade private carpark to be considered. This is proposed to be incentivised by the increased height and FSR on the adjoining lot. Further investigation would be required into the delivery of the potential open space and these are shown as indicative long term options. Further details are also provided in the design guide for this land. The



design guide will be a consideration for the consent authority before granting consent to development in the Precinct (as outlined in section 2.9).

Development uplift will be supported by opportunities for the creation of additional public open space and embellishment to existing public open spaces in proximity to railway stations. The Department is undertaking feasibility studies on potential new public open spaces that promote the liveability and amenity to support quality high density communities. Community and landowner feedback will be sought on these potential public open space opportunities. The feedback will be used, along with detailed site investigations and testing, to inform the final rezoning.

## 2.9 Design Guide

The draft Design Guide, on exhibition along with the EIE, sets out a suite of built form and urban design provisions to ensure that new development in the Precinct achieves high quality outcomes for built form and the public domain and seeks to improve the amenity of the Precinct and its surrounds.

The draft Design Guide will support and provide more detailed guidance for development at Crows Nest Precinct.

The urban design principles in the 2036 Plan were re-assessed and updated to ensure they remained relevant to the Crows Nest Precinct. These principles form the design criteria to be considered for future development in the area and are outlined in the draft design guide.

A new provision is proposed in the relevant LEPs to require the consent authority to consider the Design Guide made by the Planning Secretary relating to the design and amenity before granting consent to development in the Precinct. A site-specific chapter in the Design Guide relates to proposed controls for Lot 4B Herbert Street, that will apply to Willoughby LGA only.

The Design Guide is supplementary to the planning provisions in the supporting LEPs. Specifically, the draft Design Guide addresses the following:

- Vision, Design Principles and objectives
- Built form controls including setbacks and podium heights;
- Solar amenity and overshadowing;
- Connecting with Country;
- Landscape and environment;
- Tree canopy and deep soil;
- Design excellence;
- Movement and access;

- Car parking;
- Wind and amenity;
- Active frontages; and
- Flooding.

# 3 Infrastructure funding and delivery

The NSW Government is committed to delivering vital community infrastructure so that people moving into a new home are also moving into a well-connected community. The efficient and timely delivery of this infrastructure is critical to the success of cities and regions.

## 3.1 State Infrastructure

Development in the Crows Nest Precinct will be required to pay a housing and productivity contribution, which funds State and regional infrastructure in Greater Sydney. The NSW Government has committed \$520 million from the Housing and Productivity Fund to be spent on community infrastructure in the TOD precincts. This will provide upgrades to critical transport and active transport infrastructure and new open spaces to support housing in the Precinct.

The Department is developing program guidelines for the allocation of these funds between the TOD precincts and the process for allocating them to projects.

Other funding sources could grow the \$520 million to maximise the community benefit of the program, like Council co-contributions or other grant and funding programs. The infrastructure prioritisation for the Housing and Productivity Fund could also recommend additional expenditure on infrastructure in these precincts beyond transport and open space.

## 3.2 Local Infrastructure

Councils rely on a variety of funding sources to support the delivery of local infrastructure such as community centres, libraries, parks, roads, local transport infrastructure, recreation and sport facilities and stormwater drainage facilities.

Under the *Environmental Planning & Assessment Act 1979* (EP&A Act) Councils can require developers to pay either section 7.11 contributions or section 7.12 levies towards providing new or expanded local infrastructure to help meet the increased demand created by new development in their areas. This ensures that the existing residents are not required to meet the cost of providing for new local infrastructure to support incoming populations occupying new residential developments.

North Sydney, Lane Cove Council and Willoughby Councils' existing local infrastructure contributions plans apply to the Crows Nest Precinct and authorise Councils to require the



payment of contributions for development located within the Crows Nest Precinct as a condition of development consent or complying development certificate.

The type of contribution and the types of development which attract a contribution/levy are set out in the respective contributions plans:

- North Sydney Council has a hybrid section 7.11 and 7.12 plan;
- Lane Cove Council has a section 7.11 plan; and
- Willoughby Council has a section 7.11 plan.

Councils' plans will allow them to collect contributions from new housing development as soon as it becomes permissible under the proposed rezoning resulting in more revenue for infrastructure than currently anticipated.

As the market adjusts, Councils will have time to review their plans to ensure that any new or expanded local infrastructure items can be included and funded using contributions.

### 3.3 Transport

The Department has provided a supplementary Transport Technical note to validate and complement the prior transport analysis work to support the 2036 plan, namely the Strategic Transport Study and further modelling work completed in 2020.

The technical note confirms that the analysis and outcomes of previous work are aligned with the intended outcomes of the TOD program and will accommodate the increased densities proposed for the Precinct.

The introduction of the Crows Nest Metro will further enhance high quality public transport access in the Precinct, to be supported by active transport improvements previously identified.

# 4 Consultation

The Department has worked with North Sydney, Lane Cove and Willoughby Councils and key state agencies including Transport for NSW, Department of Education, Department of Climate Change, Energy, the Environment and Water, and NSW Health and Property and Development NSW in relation to Lot 4B.

The Department established a governance framework that included a Project Working Group. These forums were held regularly to guide the planning work and incorporate the advice of stakeholders, including the local knowledge of the Councils.

Given the accelerated nature of State-led rezonings under the TOD program, the Department has been unable to engage with individual landowners within the Precinct prior to exhibition. The Department strongly encourages all landowners to make submissions during public exhibition to ensure feedback can be taken into consideration in finalising rezoning of the Precincts.

## 5 Amendments to other SEPPs

The 'Pathway changes to support transport oriented development and residential housing delivery' EIE has been publicly exhibited alongside this EIE. The EIE proposes the following reforms that will apply within the Precincts:

- A new temporary State Significant Development (SSD) category for residential development that is valued above \$60 million. This threshold is proposed to be implemented where not already captured by existing SSD thresholds that apply to the Precincts.
- Removing the need for concurrence and referral requirements that are not high risk.
- Where a LEP requires a design competition introducing Offering an alternative design excellence pathway to be developed by the Government Architect NSW for any design competitions required by the local Council.
- 'Switching off' the infill affordable housing pathway.

The Department is also progressing proposed low-and mid-rise reforms that were subject to consultation between 15 December 2023 and 23 February 2024. The reforms will work in tandem with the TOD program to achieve good urban form through appropriate density transition around centres. The reforms proposed under the TOD program are generally more permissive than the low-and mid-rise reforms and therefore will prevail over the low- and mid-rise controls, where areas overlap.

The Department's Rezoning Proposal aims to provide for streamlined and accelerated development assessment pathways in the TOD precincts to achieve the National Housing Accord targets.

For more details and to provide feedback see the 'Pathways changes to support transport oriented development and residential housing delivery' EIE on the NSW Planning Portal.

Build-to-rent housing will continue to be permitted in the Crows Nest TOD area under the *SEPP (Housing) 2021* and has the potential to provide additional residential dwellings. The *SEPP (Planning Systems) 2021* provides the SSD pathway for development for the purposes of BTR with a capital investment value (CIV) of more than \$50 million within the Greater Sydney Region.

### Special Entertainment Precincts

A Special Entertainment Precinct (SEP) is an area where regulatory provisions encourage live performance, incentivise later trading at licenced and unlicensed premises that host live



entertainment trading hours and sound from venues. Councils can set localised sound limits for amplified music in a Precinct Management Plan (PMP), and dedicated live music venues are allowed an extended trading hours.

The NSW Government supports the establishment of SEPs in the TOD precincts to encourage a mix of housing, jobs, transport connections and vibrant night time economies. The *Local Government Act 1993* (LG Act) enables a Council to establish a precinct either by identifying the area in a LEP or by requesting the Planning Minister identify a precinct in a SEPP. The Department will work closely with Council to identify the most appropriate areas within the TOD precinct to establish a SEP. The operation of the SEP will commence once Council has adopted and published on their website a precinct plan of management which will regulate noise from amplified music from premises in the SEP.

## 6 Next Steps

Following public exhibition, the Department will consider all matters raised in submissions.

The Department will prepare a submissions report that summarises the issues raised during public exhibition and how they have been addressed.

The final proposed changes will be forwarded to the Minister for Planning and Public Spaces for further consideration and determination. If the amendments are approved, they will come into force to enable the future development of Crows Nest Precinct. The Rezoning Proposal is expected to be finalised by the end of 2024.

# 7 Annexures



## A. Existing Maps

The key existing statutory maps are as follows (note: all existing Land Use Zoning Maps are digital, all Willoughby LEP 2012 maps are digital and available on the NSW Spatial Viewer):

### North Sydney LEP 2013:

- Land Use Zoning Map
- Height of Buildings Map
- Floor Space Ratio Map
- Non-residential Floor Space Ratio Map

### Lane Cove LEP 2009:

- Land Use Zoning Map
- Height of Buildings Map
- Floor Space Ratio Map
- Non-residential Floor Space Ratio Map

### Willoughby LEP 2012:

- Height of Buildings Map
- Floor Space Ratio Map
- Special Provisions Area Map

# Appendix A - Existing Maps

North Sydney LEP 2013

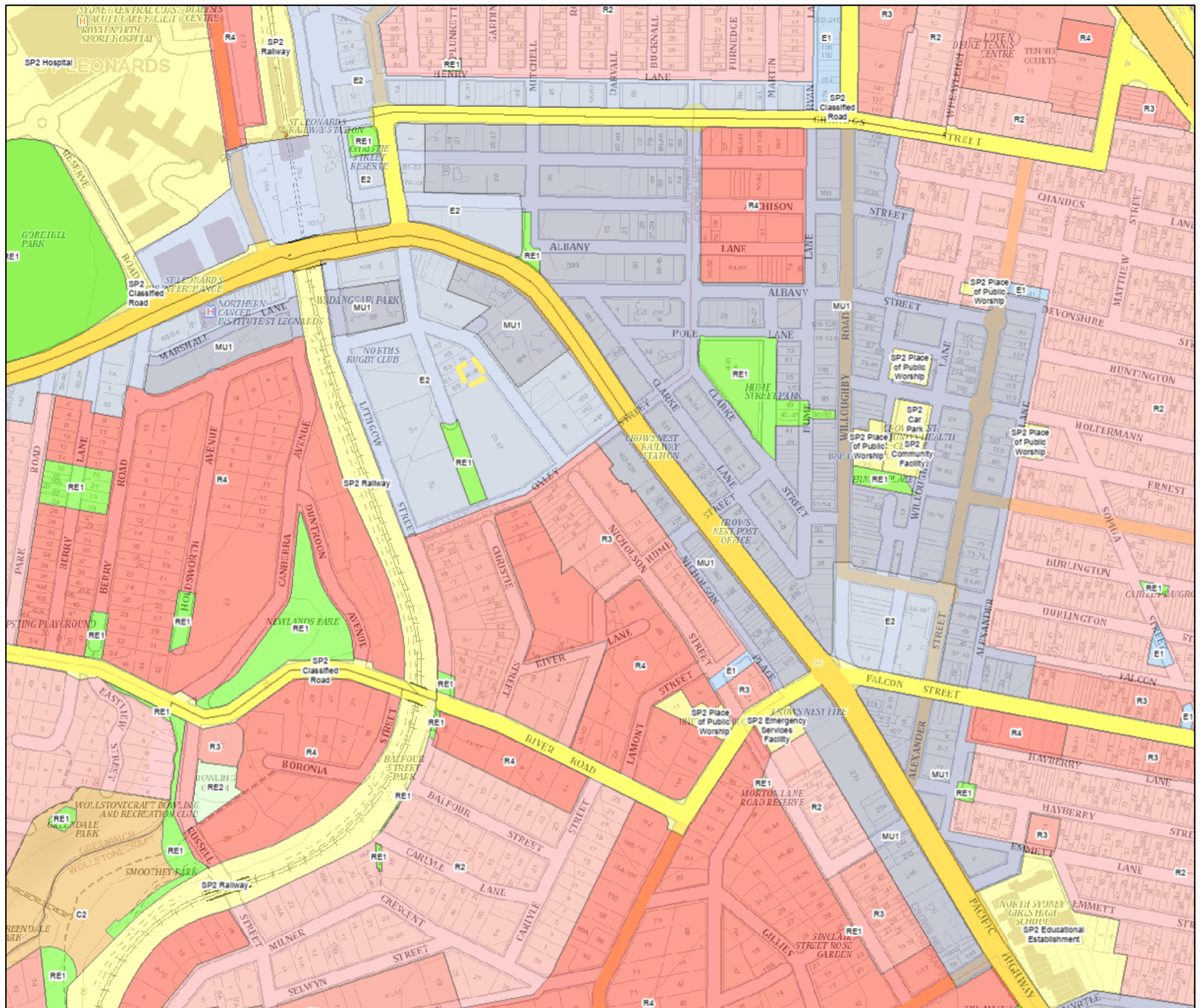
Lane Cove LEP 2009

Willoughby LEP 2012

## Land Use Zoning Map

### Zone

- E1 Local Centre
- E2 Commercial Centre
- MU1 Mixed Use
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- RE1 Public Recreation
- SP2 Infrastructure



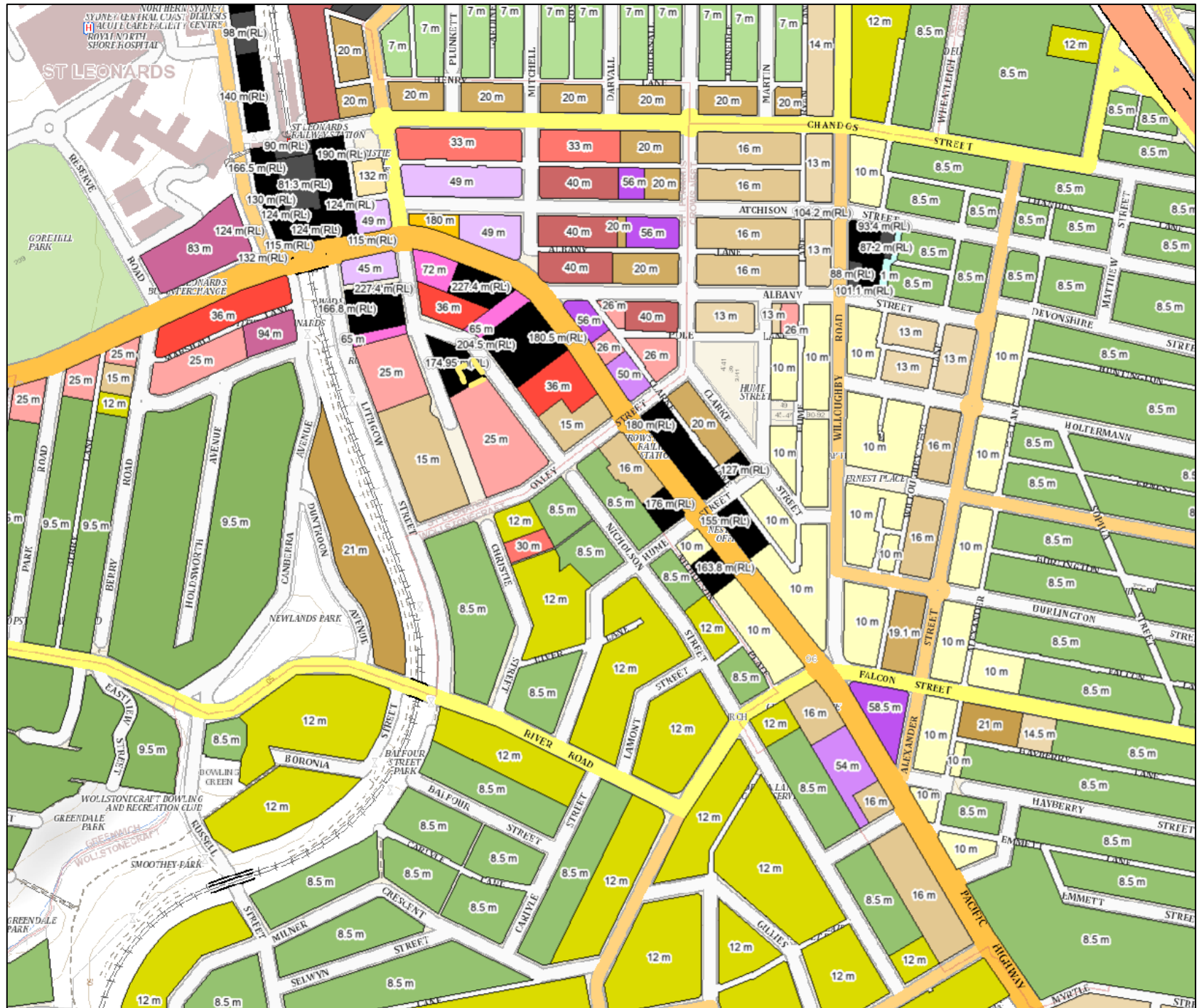
North Sydney LEP 2013

Lane Cove LEP 2009

Willoughby LEP 2012

Maximum Building Height  
(m)

- AA1 65
- AA2 72
- AF 180
- I 8.5
- K 10
- M 12
- O 15
- O2 16
- Q2 20
- RL6 100+
- T 25
- T2 26
- U2 33
- V 36
- W1 40
- X 45
- X1 49
- Y 50
- Y2 54
- Z1 56
- Z2 58.5
- Area 1
- Area 3
- Area 4





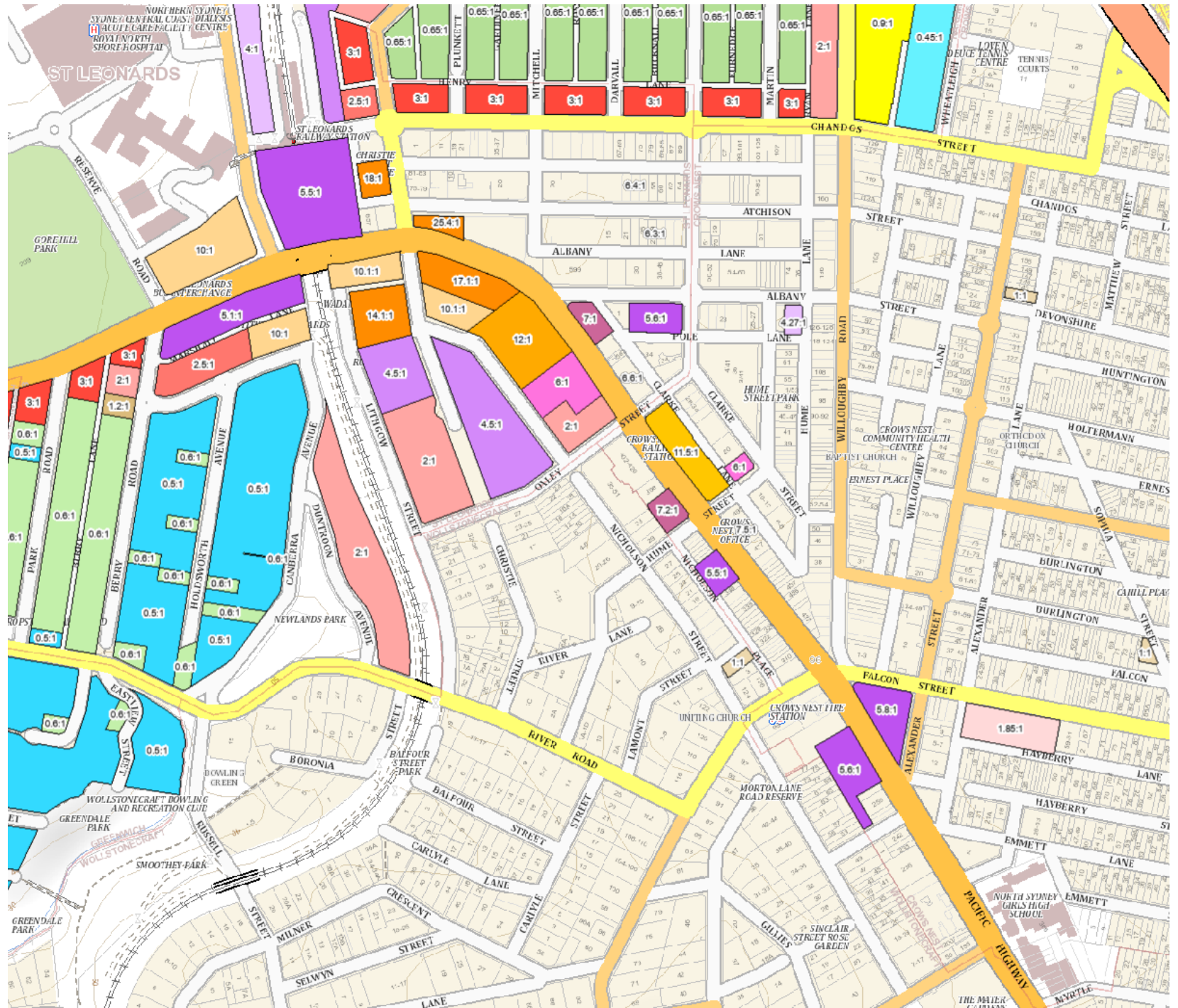
North Sydney LEP 2013

Lane Cove LEP 2009

Willoughby LEP 2012

Maximum Floor Space Ratio  
(n:1)

AA	6
AA4	6.3
AA5	6.4
AA6	6.6
AB1	7
AB2	7.2
AB3	7.5
AE1	10
AE2	10.1
AF	11.5
AG	12
AH	14.1
AI2	17.1
AI3	18.1
AI4	25.4
N	1
T1	2
Y	4.5
Z	5.1
Z1	5.5
Z2	5.6
Area 1	





North Sydney LEP 2013

Lane Cove LEP 2009

Willoughby LEP 2012

Minimum Non-Residential  
Floor Space Ratio (n:1)

A	0.24
AE	10
D	0.5
F	0.6
I	0.75
N	1
S1	1.5
S2	1.7
T	2
U	2.5
V	3
X1	4.25
X2	4.7
Z	5
Z2	5.6



## **B. Proposed Map Amendments**

The following maps are proposed to be amended:

### **North Sydney LEP 2013:**

- Land Use Zoning Map
- Height of Buildings Map
- Floor Space Ratio Map
- Non-residential Floor Space Ratio Map
- Affordable Housing Incentive Map

### **Lane Cove LEP 2009:**

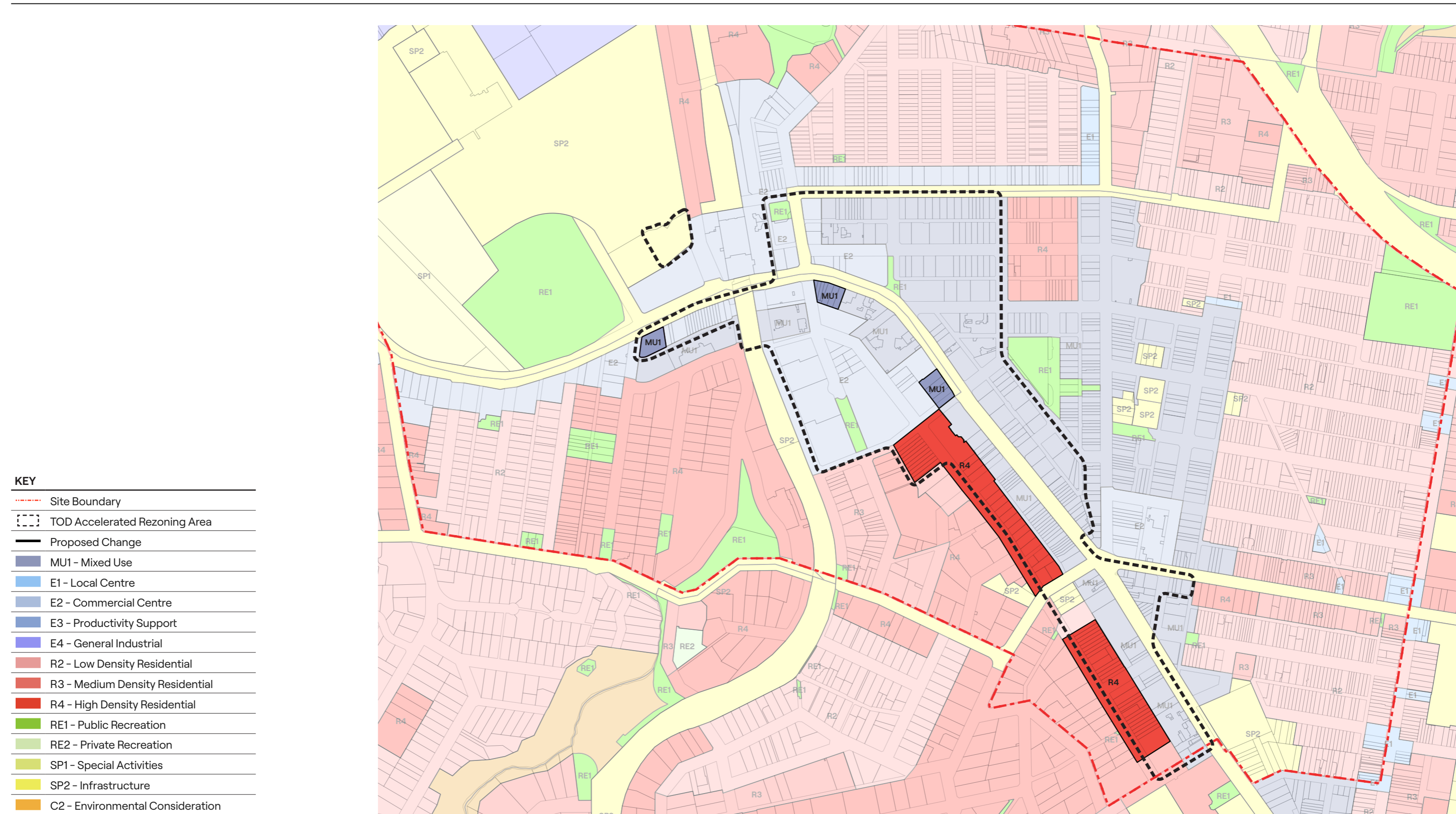
- Land Use Zoning Map
- Height of Buildings Map
- Floor Space Ratio Map
- Non-residential Floor Space Ratio Map
- Affordable Housing Incentive Map

### **Willoughby LEP 2012**

- Height of Buildings Map
- Floor Space Ratio Map
- Special Provisions Area Map

# Appendix B - Proposed Maps

## Land Zoning



KEY	
	Site Boundary
	TOD Accelerated Rezoning Area
	Proposed Change
	MU1 - Mixed Use
	E1 - Local Centre
	E2 - Commercial Centre
	E3 - Productivity Support
	E4 - General Industrial
	R2 - Low Density Residential
	R3 - Medium Density Residential
	R4 - High Density Residential
	RE1 - Public Recreation
	RE2 - Private Recreation
	SP1 - Special Activities
	SP2 - Infrastructure
	C2 - Environmental Consideration




























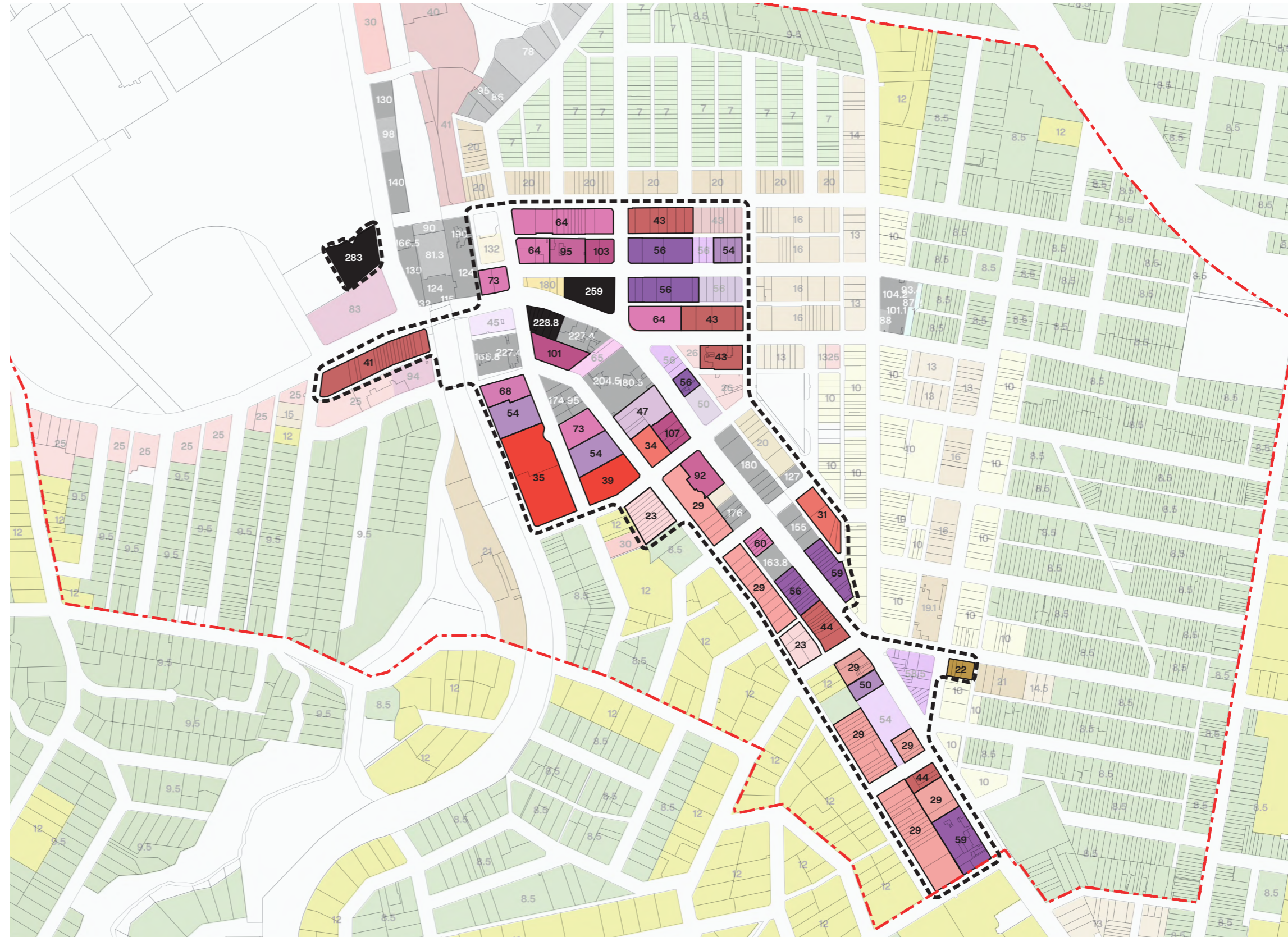
## Height of Building

Controls have been based on analysing the massing model and converting the storey heights into a height of building in metres controls. The below storey heights have been used to develop the assumed controls. The proposed height of building is a height in metres from any point within the site.

Type	Height
Ground Floor (all uses)	5m
Above GF Residential	3.2m
Above GF Commercial	3.8m
Rooftop service zone (2-20 storeys)	2m
Rooftop service zone (21-40 storeys)	4.5m

### KEY

	Site Boundary
	Proposed Change
	7m
	8.5m
	9.5m
	12m
	13-14.9m
	17-18.9m
	19-20.9m
	21-22.9m
	25-29.9m
	30-34.9m
	35-39.9m
	40-44.9m
	45-49.9m
	50-54.9m
	55-59.9m
	60-79.9m
	80-99.9m
	100-109.9m
	125-149.9m
	175-199.9m
	60-80m (RL)
	80-100m (RL)
	100m+ (RL)





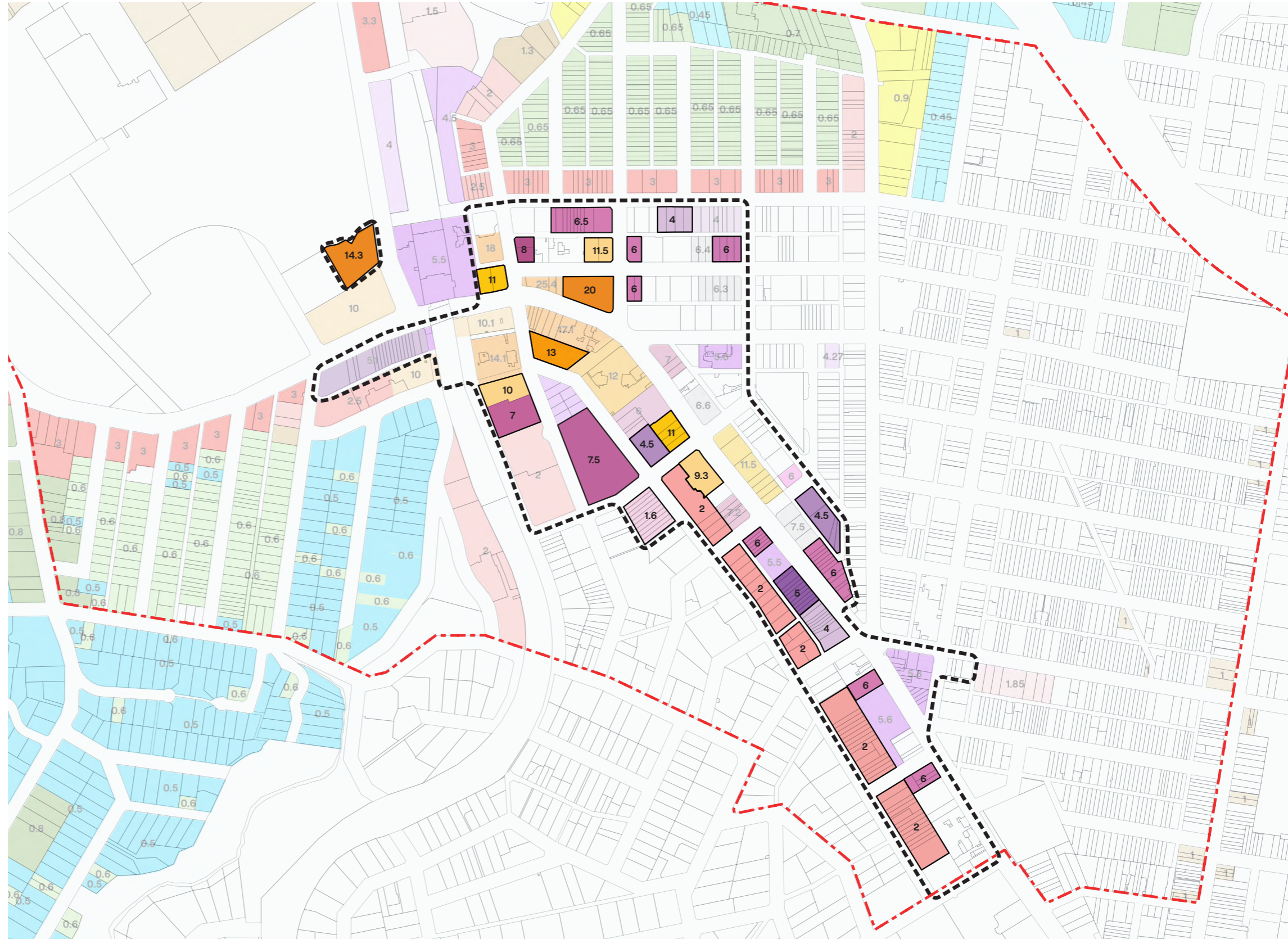
## Floor Space Ratio

Floor Space Ratio plans have been developed based on analysing the massing model based on the below assumptions. The massing model is an indicative representation of these controls only. In some cases, the shown massing may differ from the proposed controls to demonstrate an appropriate urban design outcome, however may still develop under the proposed controls.

Program	GBA to GFA
Residential	75%
Ground Floor (Retail Nonresidential)	65%
Non-Residential	85%

### KEY

- - - Site Boundary
- TOD Accelerated Rezoning Area
- Proposed Change
- 0.4-0.49
- 0.5
- 0.6
- 0.7
- 0.8
- 0.9
- 1-1.9
- 2
- 2.5
- 3
- 4-4.4
- 4.5
- 5-5.9
- 6-6.9
- 7-7.9
- 9-10.9
- 11
- 11.5
- 12
- 13
- 14+





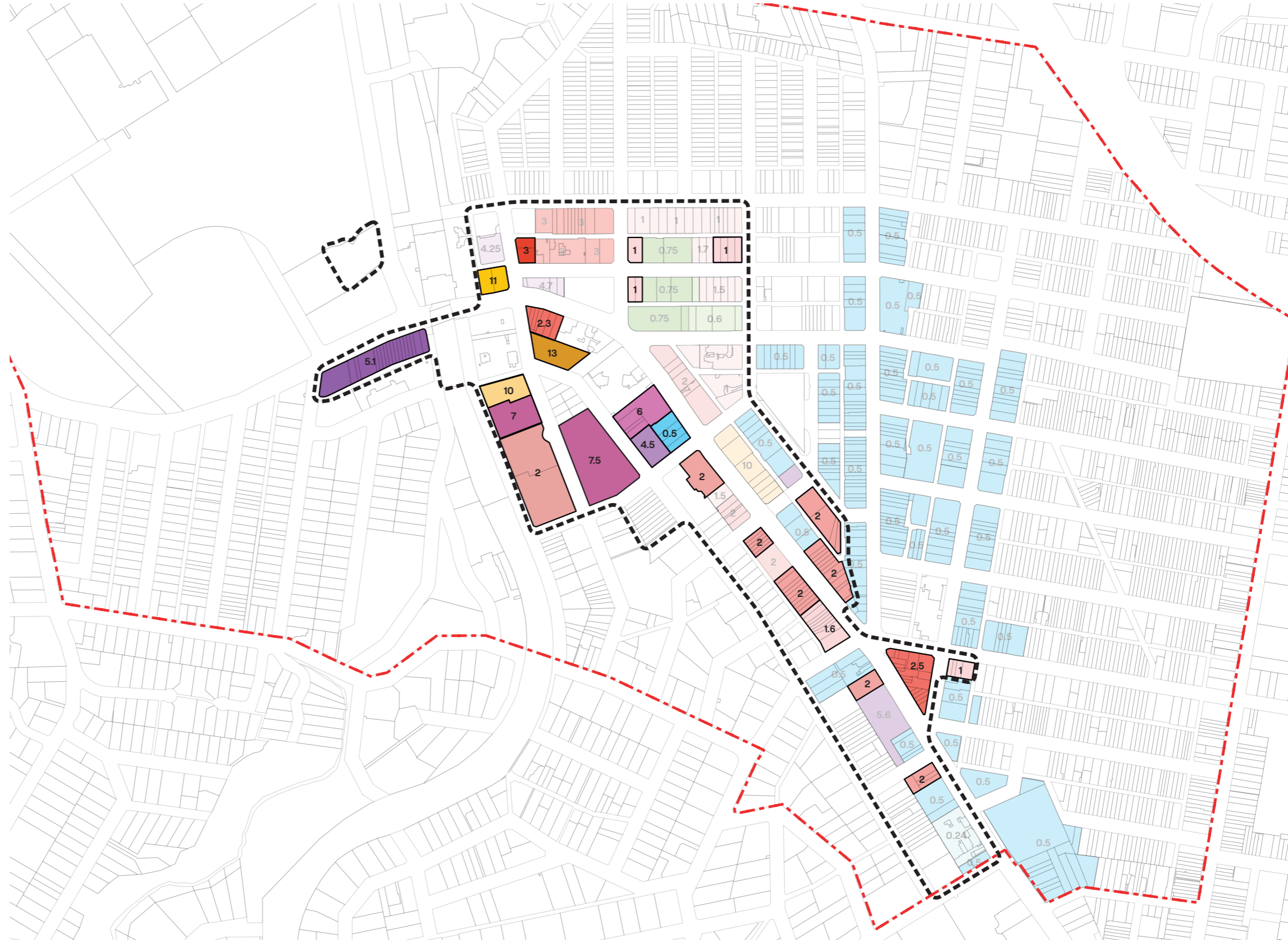
## Non-Residential Floor Space Ratio

Floor Space Ratio plans have been developed based on analysing the massing model based on the below assumptions. The massing model is an indicative representation of these controls only. In some cases, the shown massing may differ from the proposed controls to demonstrate an appropriate urban design outcome, however may still develop under the proposed controls.

Program	GBA to GFA
Residential	75%
Ground Floor (Retail Nonresidential)	65%
Non-Residential	85%

### KEY

- - - - Site Boundary
- TOD Accelerated Rezoning Area
- Proposed Change
- 0.4-0.49
- 0.5
- 0.6
- 0.7
- 0.8
- 0.9
- 1-1.9
- 2
- 2.5
- 3
- 4-4.4
- 4.5
- 5-5.9
- 6-6.9
- 7-7.9
- 9-10.9
- 11
- 11.5
- 12
- 13
- 14+



## Affordable Housing Bonus Sites

These sites are subject to bonus height and FSR to incentivise the delivery of affordable housing. Details regarding the affordable housing incentives will be available in documents produced by DPHI.



Height of Buildings

**KEY**

- - - - Site Boundary
- TOD Accelerated Rezoning Area
- Proposed Change
- 50-99.9m
- 100-124.9m
- 125-149.9m
- 100m+ (RL)



Floor Space Ratio

**KEY**

- - - - Site Boundary
- TOD Accelerated Rezoning Area
- Proposed Change
- 8-8.9
- 9-9.9
- 11-11.9
- 12-12.9
- 14+



Non Residential Floor Space Ratio

**KEY**

- - - - Site Boundary
- TOD Accelerated Rezoning Area
- Proposed Change
- 0.5
- 1
- 1.5
- 2
- 2.5

## C. Planning Proposals within the Precinct – Current and approved

Address	Status	Height	FSR (n:1)	Non-Residential FSR (n:1)
<b>100 Christie Street</b>	Rezoned*	132m	18	4.25
<b>617-621 Pacific Highway</b>	Rezoned*	180m	25.4	4.7
<b>46-52 Nicholson Street</b>	Rezoned**	RL 174.95	15	15
<b>29-57 Christie Street</b>	DA approved*	75.1m	7.5	N/A
<b>575-583 Pacific Highway</b>	Rezoned	56m	7	2
<b>378-390 Pacific Highway</b>	Rezoned**	RL 176	7.2	2
<b>360 Pacific Highway</b>	Rezoned	RL 163.8	5.5	2
<b>270-272 Pacific Highway</b>	Rezoned*	54m	5.6	5.6
<b>Five Ways Triangle</b>	Rezoned**	58.5m	5.8	2.5
<b>50-56 Atchison Street</b>	Rezoned	56m	6.4	1.7
<b>Crow Nest Metro – Site A</b>	Rezoned**	RL 180	11.5	10
<b>Crow Nest Metro – Site B</b>	Rezoned**	RL 155	7.5	0.5
<b>Crow Nest Metro – Site C</b>	Rezoned**	RL 127	6	5
<b>20-22 Atchison Street</b>	In progress	118m	11.5	3
<b>601 Pacific Highway</b>	In progress	RL 259	20	N/A
<b>524-542 Pacific Highway</b>	In progress**	RL 228.8	17.1	2.3
<b>448-456 Pacific Highway</b>	In progress	RL 196.3	14.7	0.2
<b>17-25 Falcon Street</b>	In progress	22m	N/A	1
<b>71-89 Chandos Street</b>	In progress**	43m	4	1

Note: 'In progress' denotes an active planning proposal that is not finalised or approved.

\*Subject to DA

\*\*Subject to SSD pathway