



New South Wales

State Environmental Planning Policy Amendment (Crows Nest Transport Oriented Development Precinct) 2024

under the

Environmental Planning and Assessment Act 1979

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

PAUL SCULLY, MP
Minister for Planning and Public Spaces

State Environmental Planning Policy Amendment (Crows Nest Transport Oriented Development Precinct) 2024

under the

Environmental Planning and Assessment Act 1979

1 Name of policy

This policy is *State Environmental Planning Policy Amendment (Crows Nest Transport Oriented Development Precinct) 2024*.

2 Commencement

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

3 Repeal of policy

This policy is repealed at the beginning of the day following the day on which this policy commences.

4 Maps

The maps adopted by the following environmental planning instruments are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this policy—

- (a) *Lane Cove Local Environmental Plan 2009*,
- (b) *North Sydney Local Environmental Plan 2013*,
- (c) *Willoughby Local Environmental Plan 2012*.

Schedule 1 Amendment of Lane Cove Local Environmental Plan 2009

[1] Clause 1.8A Savings provisions relating to development applications

Insert after clause 1.8A(6)—

- (7) A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Crows Nest Transport Oriented Development Precinct) 2024* must be determined as if the policy had not commenced.
- (8) Subclause (7) does not apply to land at 530–542 Pacific Highway, St Leonards, identified as “Area 24” on the Incentive Height of Buildings Map.

[2] Clause 6.10 Development at 46–50 Nicholson Street and 59–67 Christie Street, St Leonards

Omit clause 6.10(3).

[3] Part 8

Insert after Part 7—

Part 8 Crows Nest Transport Oriented Development Precinct

8.1 Definition

In this part—

Crows Nest Transport Oriented Development Precinct Design Guide means the *Crows Nest Transport Oriented Development Precinct Design Guide* published by the Department in November 2024.

8.2 Objectives

The objectives of this part are to—

- (a) increase housing supply in the Crows Nest Transport Oriented Development Precinct, and
- (b) enable a variety of land uses within walking distance of the St Leonards train and Crows Nest metro stations, and
- (c) deliver housing supported by vibrant public spaces and community amenity, and
- (d) increase the amount of affordable housing in the Precinct.

8.3 Application of part

This part applies to land identified as “Crows Nest Transport Oriented Development Precinct” on the Key Sites Map.

8.4 Design guide

Development consent must not be granted for development on land to which this part applies unless the consent authority is satisfied the development will be consistent with the *Crows Nest Transport Oriented Development Precinct Design Guide*.

8.5 Design excellence

- (1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.
- (2) Development consent must not be granted for development on land to which this part applies unless the consent authority considers that the development exhibits design excellence.
- (3) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
 - (c) whether the development detrimentally impacts on view corridors from public spaces,
 - (d) how the development addresses the following matters—
 - (i) the suitability of the land for development,
 - (ii) existing and proposed uses and use mix,
 - (iii) heritage issues and streetscape constraints,
 - (iv) the relationship of the development with other existing or proposed development on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
 - (v) bulk, massing and modulation of buildings,
 - (vi) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
 - (vii) the achievement of the principles of ecologically sustainable development,
 - (viii) pedestrian, cycle, vehicular and service access, circulation and requirements,
 - (ix) the impact on, and proposed improvements to, the public domain,
 - (x) achieving appropriate interfaces at ground level between the development and the public domain,
 - (xi) active street frontages,
 - (xii) integration of landscape design.

8.6 Affordable housing

- (1) In this clause, the *Crows Nest Transport Oriented Development Precinct Affordable Housing Principles* are as follows—
 - (a) affordable housing must be provided and managed to accommodate a diverse residential population within areas representative of all income groups in Lane Cove,
 - (b) affordable housing must be rented to tenants at rents that do not exceed a benchmark of 30% of actual household income,
 - (c) dwellings provided for affordable housing must be managed to maintain their continued use as affordable housing,
 - (d) the Council must use the following received by or on behalf of the Council to improve or replace, or provide additional, affordable housing in Lane Cove—

- (i) rent from affordable housing, excluding landlords' expenses, such as management and maintenance costs and rates and taxes payable in connection with the dwellings,
 - (ii) money from the disposal of affordable housing,
 - (c) affordable housing must consist of dwellings constructed to a standard that, in the opinion of the consent authority, is consistent with the same type of dwellings forming part of the proposed development that are not intended to be used as affordable housing, particularly in relation to internal fittings and finishes, solar access and privacy.
- (2) This clause applies to development on land identified as an "Affordable Housing Contribution Area" on the Affordable Housing Map resulting in—
- (a) the erection of a new building with more than 200m² of gross floor area used for the purposes of residential accommodation, or
 - (b) alterations to an existing building that result in at least 200m² of additional gross floor area used for the purposes of residential accommodation.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority has considered the following—
- (a) the Crows Nest Transport Oriented Development Precinct Affordable Housing Principles,
 - (b) the impact of the development on the existing mix and likely future mix of residential accommodation in Lane Cove.
- (4) Subclause (3) does not apply to—
- (a) development for the purposes of boarding houses, community housing, group homes, hostels or public housing, and
 - (b) land at 530–542 Pacific Highway, St Leonards, identified as "Area 24" on the Incentive Height of Buildings Map.
- (5) The consent authority may, when granting development consent to development to which this clause applies, impose a condition requiring an affordable housing contribution equivalent to the contribution specified in subclause (6).
- (6) The contribution for development is the amount of gross floor area equivalent to the percentage, shown for the land on the Affordable Housing Map, of the gross floor area of the residential component of the development.
- (7) A condition imposed under this clause must permit a person to satisfy the contribution by—
- (a) a dedication, in favour of the Council, of land comprising 1 or more dwellings, each having a gross floor area of at least 50m², and a monetary contribution, paid to the Council, for any remainder, or
 - (b) a monetary contribution paid to the Council, of equivalent value to the gross floor area specified in subclause (6).
- (8) The rate at which a monetary contribution is taken to be equivalent to floor area for the purposes of this clause must be calculated by reference to the market value of dwellings of a similar size to the dwellings in the proposed development.
- (9) In this clause—
- community housing** has the same meaning as in the *Community Housing Providers National Law (NSW)*.

public housing has the same meaning as in the *Housing Act 2001*.

8.7 Development at 530–542 Pacific Highway, St Leonards

- (1) This clause applies to the following land at 530–542 Pacific Highway, St Leonards, identified as “Area 24” on the Incentive Height of Buildings Map—
 - (a) Lots 7–9, Section 17, DP 3175,
 - (b) Lots A–D, DP 377423,
 - (c) Lot 1, DP 433297.
- (2) Development consent must not be granted for development on land to which this clause applies unless the consent authority—
 - (a) is satisfied the site will have a non-residential floor space ratio of at least 2.3:1, and
 - (b) has considered the *Crows Nest Transport Oriented Development Precinct Design Guide*.
- (3) If the consent authority is satisfied the development will include an affordable housing component, the maximum height of a building on land to which this clause applies is—
 - (a) RL 228.8m, or
 - (b) if the part of the building that exceeds the maximum height set out in paragraph (a) is used for plant and lift overruns and associated structures—RL 235.8m.
- (4) In this clause—

affordable housing component means at least 10 dwellings that—

 - (a) are managed by a registered community housing provider, and
 - (b) will be used for the purposes of affordable housing for at least 15 years from the date the occupation certificate is issued for the development.

[4] Dictionary

Insert in alphabetical order—

Affordable Housing Map means the Lane Cove Local Environmental Plan 2009 Affordable Housing Map.

Crows Nest Transport Orientated Development Precinct Design Guide, for Part 8—see clause 8.1.

non-residential floor space ratio for buildings on a site means the ratio of the total floor area used or proposed to be used for a purpose other than the following purposes to the site area—

- (a) residential accommodation,
- (b) car parks,
- (c) telecommunications facilities.

Schedule 2 Amendment of North Sydney Local Environmental Plan 2013

[1] Clause 1.8A Savings provisions relating to development applications

Insert after clause 1.8A(2)—

- (3) A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Crows Nest Transport Oriented Development Precinct) 2024* must be determined as if that policy had not commenced.

[2] Part 7

Insert after Part 6—

Part 7 Crows Nest Transport Oriented Development Precinct

7.1 Objectives

The objectives of this part are to—

- (a) increase housing supply in the Crows Nest Transport Oriented Development Precinct, and
- (b) enable a variety of land uses within walking distance of the St Leonards train and Crows Nest metro stations, and
- (c) deliver housing supported by public spaces, vibrancy and community amenity, and
- (d) increase the amount of affordable housing in the Precinct.

7.2 Application of part

This part applies to land identified as “Crows Nest Transport Oriented Development Precinct” on the Key Sites Map.

7.3 Design guide

Development consent must not be granted for development on land to which this part applies unless the consent authority is satisfied the development will be consistent with the *Crows Nest Transport Oriented Development Precinct Design Guide*.

7.4 Design excellence

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

- (c) whether the development detrimentally impacts on view corridors from public spaces,
- (d) how the development addresses the following matters—
 - (i) the suitability of the land for development,
 - (ii) existing and proposed uses and use mix,
 - (iii) heritage issues and streetscape constraints,
 - (iv) the relationship of the development with other existing or proposed development on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
 - (v) bulk, massing and modulation of buildings,
 - (vi) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
 - (vii) the achievement of the principles of ecologically sustainable development,
 - (viii) pedestrian, cycle, vehicular and service access, circulation and requirements,
 - (ix) the impact on, and proposed improvements to, the public domain,
 - (x) achieving appropriate interfaces at ground level between the development and the public domain,
 - (xi) active street frontages,
 - (xii) integration of landscape design.

7.5 Affordable housing

- (1) In this clause, the *Crows Nest Transport Oriented Development Precinct Affordable Housing Principles* are as follows—
 - (a) affordable housing must be provided and managed to accommodate a diverse residential population within areas representative of all income groups in North Sydney,
 - (b) affordable housing must be rented to tenants at rents that do not exceed a benchmark of 30% of actual household income,
 - (c) dwellings provided for affordable housing must be managed to maintain their continued use as affordable housing,
 - (d) the Council must use the following received by or on behalf of the Council to improve or replace, or provide additional, affordable housing in North Sydney—
 - (i) rent from affordable housing, excluding landlords' expenses, such as management and maintenance costs and rates and taxes payable in connection with the dwellings,
 - (ii) money from the disposal of affordable housing,
 - (e) affordable housing must consist of dwellings constructed to a standard that, in the opinion of the consent authority, is consistent with the same type of dwellings forming part of the proposed development that are not intended to be used as affordable housing, particularly in relation to internal fittings and finishes, solar access and privacy.
- (2) This clause applies to development on land identified as “Affordable Housing Contribution Area” on the Affordable Housing Map resulting in—
 - (a) the erection of a new building with more than 200m² of gross floor area used for the purposes of residential accommodation, or

- (b) alterations to an existing building that result in at least 200m² of additional gross floor area used for the purposes of residential accommodation.
- (3) This clause does not apply to development for the purposes of boarding houses, community housing, group homes, hostels or public housing.
- (4) Development consent must not be granted to development to which this clause applies unless the consent authority has considered the following—
 - (a) the Crows Nest Transport Oriented Development Precinct Affordable Housing Principles,
 - (b) the impact of the development on the existing mix and likely future mix of residential accommodation in North Sydney.
- (5) The consent authority may, when granting development consent to development to which this clause applies, impose a condition requiring an affordable housing contribution equivalent to the contribution specified in subclause (6).
- (6) The contribution for development is the amount of gross floor area equivalent to the percentage, shown for the land on the Affordable Housing Map, of the gross floor area of the residential component of the development.
- (7) A condition imposed under this clause must permit a person to satisfy the contribution by—
 - (a) a dedication, in favour of the Council, of land comprising 1 or more dwellings, each having a gross floor area of at least 50m², and a monetary contribution, paid to the Council, for any remainder, or
 - (b) a monetary contribution paid to the Council, of equivalent value to the gross floor area specified in subclause (6).
- (8) The rate at which a monetary contribution is taken to be equivalent to floor area for the purposes of this clause must be calculated by reference to the market value of dwellings of a similar size to the dwellings in the proposed development.
- (9) In this clause—
 - community housing* has the same meaning as in the *Community Housing Providers National Law (NSW)*.
 - public housing* has the same meaning as in the *Housing Act 2001*.

7.6 Development at Christie Street, Lithgow Street and River Road, North Sydney

- (1) This clause applies to land identified as “Area A” on the Key Sites Map.
- (2) A building on land to which this clause applies may have a building height of up to the building height shown for the land on the Incentive Height of Buildings Map.
- (3) The floor space ratio of buildings on a site on land to which this clause applies may be up to 3.2:1.
- (4) Subclauses (2) and (3) do not apply unless the consent authority is satisfied that—
 - (a) the development will be consistent with the *Crows Nest Transport Oriented Precinct Design Guide*, and
 - (b) at least 2,000m² of the site area will be used for the purposes of a single public open space that is at ground level, and

- (c) at least 50% of the public open space will receive at least 3 hours of direct sunlight between 10am and 3pm on 21 June each year.

[3] Schedule 1 Additional permitted uses

Insert at the end of the schedule, with appropriate clause numbering—

Development at Christie Street, Lithgow Street and River Road, North Sydney

- (1) This clause applies to land identified as “Area A” on the Key Sites Map.
- (2) Development for the purposes of residential flat buildings is permitted with development consent if the consent authority is satisfied that—
 - (a) the development will be consistent with the *Crows Nest Transport Oriented Precinct Design Guide*, and
 - (b) at least 2,000m² of the site area will be used for the purposes of a single public open space that is at ground level, and
 - (c) at least 50% of the public open space will receive at least 3 hours of direct sunlight between 10am and 3pm on 21 June each year.

[4] Dictionary

Insert in alphabetical order—

Affordable Housing Map means the North Sydney Local Environmental Plan 2013 Affordable Housing Map.

Crows Nest Transport Oriented Development Precinct Design Guide means the *Crows Nest Transport Oriented Development Precinct Design Guide* published by the Department in November 2024.

Incentive Height of Buildings Map means the North Sydney Local Environmental Plan 2013 Incentive Height of Buildings Map.

Schedule 3 Amendment of Willoughby Local Environmental Plan 2012

[1] Clause 6.8 Affordable housing

Omit “or “Area 3”” from clause 6.8(2). Insert instead “, “Area 3” or “Area 4””.

[2] Clause 6.8(2A)

Insert after clause 6.8(2)—

- (2A) Despite subclause (2), this clause does not apply to development carried out by Landcom on land identified as “Area 4” on the Affordable Housing Map.

[3] Part 6 Additional local provisions

Insert at the end of the part, with appropriate clause numbering—

Crows Nest Transport Oriented Development Precinct Design Guide

- (1) This clause applies to land identified as “Crows Nest Transport Oriented Development Precinct” on the Key Sites Map.
- (2) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied the development will be consistent with the *Crows Nest Transport Oriented Development Precinct Design Guide* published by the Department in November 2024.

Design excellence

- (1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.
- (2) Development consent must not be granted for development on land identified as “Crows Nest Transport Oriented Development Precinct” on the Key Sites Map unless the consent authority considers that the development exhibits design excellence.
- (3) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
 - (c) whether the development detrimentally impacts on view corridors from public spaces,
 - (d) how the development addresses the following matters—
 - (i) the suitability of the land for development,
 - (ii) existing and proposed uses and use mix,
 - (iii) heritage issues and streetscape constraints,
 - (iv) the relationship of the development with other existing or proposed development on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
 - (v) bulk, massing and modulation of buildings,
 - (vi) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,

- (vii) the achievement of the principles of ecologically sustainable development,
- (viii) pedestrian, cycle, vehicular and service access, circulation and requirements,
- (ix) the impact on, and proposed improvements to, the public domain,
- (x) achieving appropriate interfaces at ground level between the development and the public domain,
- (xi) active street frontages,
- (xii) integration of landscape design.

[4] Dictionary

Insert in alphabetical order—

Key Sites Map means the Willoughby Local Environmental Plan 2012 Key Sites Map.