

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: [WARNING: UNSCANNABLE EXTRACTION FAILED]Webform submission from: Crows Nest TOD rezoning proposal
Date: Friday, 23 August 2024 10:30:30 AM
Attachments: [240823_38-oxley-street_tod_compressed.pdf](#)

Submitted on Fri, 23/08/2024 - 10:26

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Peter

Last name

Mayoh

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

Crows Nest 2065

Please provide your view on the project

I am just providing comments

Submission file

[240823_38-oxley-street_tod_compressed.pdf](#) (9.63 MB)

Submission

Please see the attached document '240823_38 Oxley Street_TOD', for my comments on the Crows Nest TOD rezoning proposal.

I agree to the above statement

Yes

29th July 2024

**Department of Planning
and Housing Infrastructure**

4 Parramatta Square
12 Darcy Street,
Parramatta NSW 2150

Attn:
Brendan Metcalfe



MAYOH ARCHITECTS

ABN: 16788096806
Peter Mayoh: Registered Architect No. 3788

11/106 Alexander Street, Crows Nest NSW 2065



Charlene Nelson

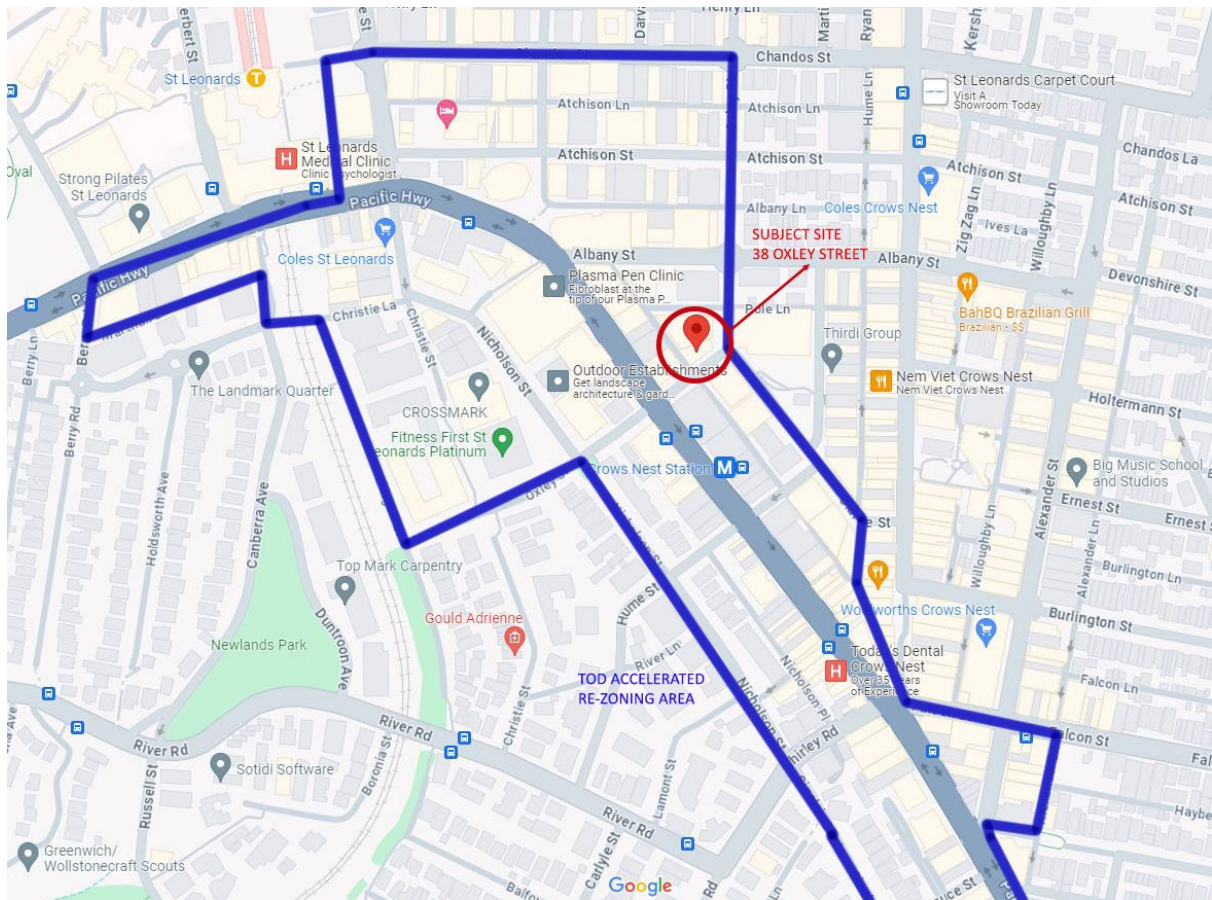


information@planning.nsw.gov.au

RE: 38 Oxley Street St Leonards

We have reviewed the Crows Nest lead State-Led rezoning with regard to the opportunities for 38 Oxley Street, St Leonards Crows Nest.

38 Oxley Street is located in the TOD Accelerated Rezoning Area immediately opposite the new Crows Nest Metro Station, It is also on the recognised Pedestrian Station Link between St Leonard's Station and the Metro. Other established links through St Leonards/Crows Nest (not shown) also go past this property.



Attached is a proposal which we believe is consistent with the desired future character of the area whilst also achieving:

- Active Property Ground Floor Retail
- Accessibility due to being immediately opposite the Metro on the Key Pedestrian Link:
- Delivery of 15% Affordable Housing in perpetuity
- Predominance of 1 and 2 bed apartments with limited parking immediately adjacent to bus routes, rail and Metro
- Minimum car parking and unit size for private ownership affordability
- Proposed scale of development in line with the pattern of existing and proposed planning guidelines along the Western side of Oxley Street.

Key observations taken from the Urban Design Report 12 July 2024 relevant for a review of this property's opportunities for planning uplift

Page 35

Infrastructure and Immediate Access to:

- Gore Hill Oval/ North Sydney Indoor Sports Centre
- Range of Churches
- Churches in the Eastern Area of the study
- Accessibility to public primary and secondary schools
- Royal North Shore Hospital and private medical facilities

Page 38/ Page 51/52

Recent/Significant Developments and Sites Subject to Existing Proposals/ Plans

This site is identified on this map as a **constrained** site which we consider is a mistake/oversight and that it already has an approval (thus not available or desirable for development). We dispute this statement. It is correct that a previous approval for a 9 storey building was approved in 2015 but this has not and cannot proceed due to the relevant cost of the parking required, making the scheme not financially viable. The existence of the Metro completely could change the economic feasibility of the project as our client's position is to provide more economical apartments, with little or no parking, given the immediate location adjacent to the Metro. (It is noted that this site is not subject to an existing strata title). Moreover, the opportunity exists to increase the yield on the site to deliver more affordable and economical apartments opposite the Metro.



Recent/Significant Developments & Sites Subject to Existing Proposals/Plans

A number of recent and significant development sites are unlikely to change in the near future. Many of these sites are either recently constructed, under construction, or are existing tall buildings. These factors do not prohibit new development but make it feasibly difficult in the short term.

There are also a number of sites subject to recent, existing and ongoing proposals and plans. These may be Council led rezoning, planning proposals, DAs, or masterplans. These sites are not necessarily constrained to new development however are important to consider in identifying sites for change to limit conflict between existing proposals.

Some sites have already been rezoned in a recent review of the Willoughby LEP and DCP by Willoughby Council.

KEY	
	Precinct Boundary
	TOD Accelerated Rezoning Area
	St Leonards South
	Recent/Significant Developments
	Subject to Willoughby Review
	Subject to Other Proposals/Plans

Our attached schematics we consider indicate that the site is not constrained and is consistent with existing and future development.

Page 47

Described Future Character Objectives

St Leonards Centre/ Crows Nest Metro

The area east of Oxley Street is specifically noted to be protected for the existing character of Crows Nest. This site is on the west of Oxley St in the TOD Accelerated Rezoning area. Accordingly, it is pertinent not to miss development opportunities to the west of Oxley St, particularly those within in 25m walking distance to the Metro.

Page 62

Metro Interface

Note the immediate relationship of this property to:

- Metro Entrances
- Future and existing Hume St open space

Page 69

Rezoning Sites

No Change Anticipated

“Sites subject to rezoning to increase controls to match existing built form or those shown in the 2036 plan but are unlikely to change.”

Masterplan Testing

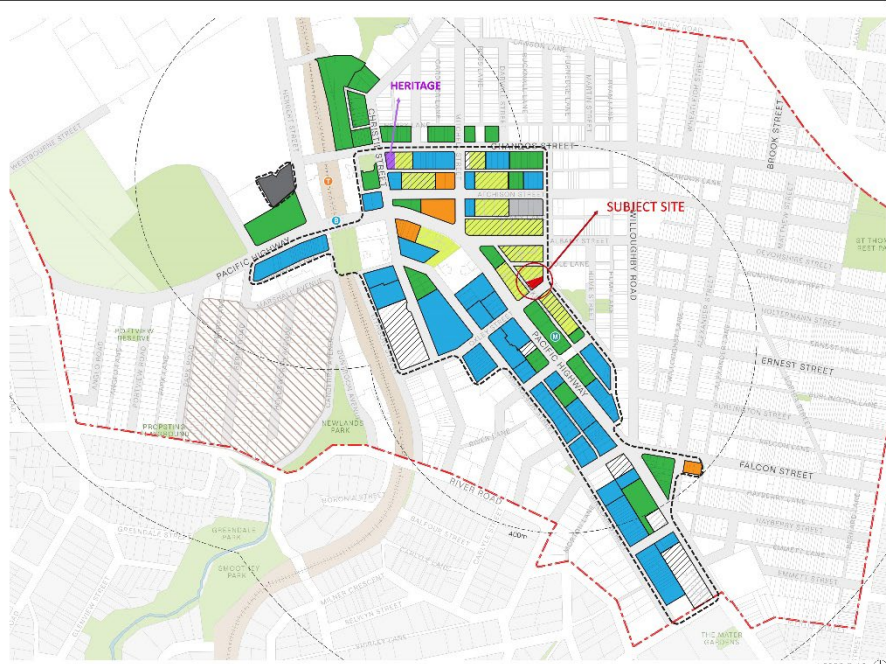
Rezoning Sites

The adjacent plan represents the sites that are subject to rezoning as a result of this testing, whilst others are the same as those in the 2036 Plan and did not require further testing.

This plan also shows sites that are subject to other proposals, rezoned and in progress, and therefore also likely to change in the near future.

Land within the St Leonards South Precinct has been rezoned with controls in the Lane Cove LEP. There are no changes proposed to St Leonards South.

- **Subject to Rezoning - Anticipated Change**
These sites are to be changed as a result of this rezoning and urban design study as per controls in Chapter 7.8 of this report
 - No Change Anticipated**
Sites subject to rezoning to increase controls to match existing built form or those shown in the 2036 Plan but are unlikely to change
 - **Subject to Active Planning Proposals / Rezoning**
Sites subject to rezoning and have in-progress approvals that are to be captured as part of this process as well
 - **Subject to Separate Urban Design Study**
Subject to separate master planning process but controls to be captured in this rezoning
 - **Already Rezoned**
Sites that have already progressed proposals and achieved changes to the LEP as part of a rezoning process and therefore not included in this rezoning.
 - **Under Construction**
Not subject to rezoning.
 - **SITES ALREADY DEVELOPED IN THE LAST 20 YEARS**
- KEY**
- Precinct Boundary
 - St Leonards South
 - Area of Change



SUB

Crows Nest State Led Rezoning

PAGE 69 10

While the existence of the 2036 Plan is acknowledged, it is considered the 8-storey height limit and 4 :1 floor space ratio, does not consider recent new buildings and DA approvals on the Oxley Street western frontage as set out in page 83 Built Form. The properties on the western side of Oxley St are as follows in height starting at Chandos St 12st,16st,16st,12st,12st (this site 8st) 16st, 32st (Metro 27st).

However, the LEP height maps indicate 25-29m (approx. 8 st) unchanged for this property. The height of buildings proposed in LEP Maps are as follows 43m, 54m, 56m, 43m, 43m (this site 25m) 50, 107 (metro 120m)

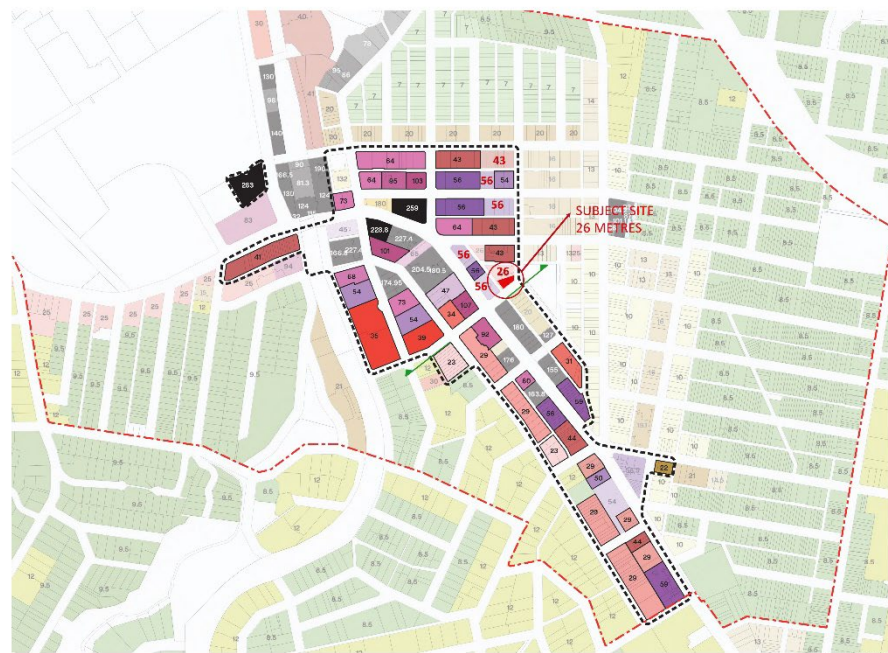
L.F.P Maps

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
Roof top service zone (2-20 storeys)	2m
Roof top 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	
35-38.9m	
40-44.9m	
45-49.9m	
50-54.9m	
55-59.9m	
60-79.9m	
80-99.9m	
100-109.9m	
120-149.9m	
175-199.9m	
60-80m (RL)	
80-100m (RL)	
100m+ (RL)	



S.03

PAGE 89 89

Affordable Housing s2.6 of EIE

The EIE suggests that all new development within the precinct will be subject to housing contributions in perpetuity of 10-15%. There does not appear to be any distinction between those sites which achieve bonus GFA to those that remain as existing (noting that no affordable housing contribution is presently required under the relevant EPI). This being the case, for the site to be developed under the current controls they would now require an affordable housing contribution. This is not only unreasonable, it will make the existing approval even more unfeasible and will not result in any development change.

If however, the site were allowed greater yield as shown in the attached plans, not only would there be a better urban design outcome but also the ability to provide affordable housing in close proximity to the Metro.

Requested amendments to Draft

TOD 1 SEPP 1 amendments required

Site Area 541 sqm

Max height 68m

Max F.S.R 9.5:1 to 10:1

Non-Residential F.S.R 0.8:1 to 1:1

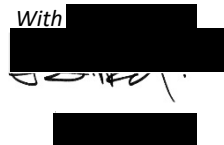
Affordable Housing as per SEPP Amendments

Attachments 'Previously submitted'

38 Oxley Street, Crows Nest

- Plans
- Shadow Analysis
- Renders
- Location Plan
- Letter from Gyde

We believe these suggested amendments support the objectives set out in the Urban Design Report and are in scale with surrounding development either existing, proposed or rezoned for future development. Analysis of the proposed Urban Design framework and existing approvals would indicate this is the only property fronting the western side of Oxley St between Chandos St and the Pacific Highway (p.78 noted around St Leonards) that is still to benefit from A TOD accelerated rezoning planning uplift.

With 







3

8





森 HAYASHI
LOUNGE & BAR







3
8



HAYASHI



HAYASHI

LOUNGE & BAR







MIXED-USE DEVELOPEMENT

38 OXLEY STREET, ST LEONARDS



CLIENT:



www.bmvpropertygroup.com.au

PROJECT MANAGER:
SUZIE TRINH



UNIT SCHEDULE

PROJECT: 38 OXLEY STREET ST LEONARDS (Site Area = 541 m²)
AFFORDABLE HOUSING: LEVELS 2 & 3 (2 LEVELS)

UNIT	UNIT TYPE					NET AREA	BALCONY m ²	LOGGIA m ²
	ST	1B	1B+	2B	2B+			
STUDIO 1 (x2)	1					43.6		4
STUDIO 2 (x2)	1					35.2		4.8
1 BED 1 (x2)		1				50		7.6
1 BED 2 (x2)		1				49.6		7
2 BED 1 (x2)				1		71.4		10
2 BED 2 (x2)					1	85.3		15.3

LEVELS 5-7 (3 LEVELS)

UNIT	UNIT TYPE					NET AREA	BALCONY m ²	LOGGIA m ²
	ST	1B	1B+	2B	2B+			
1.5 BED 1 (x3)			1			63	7.6	
2 BED 1 (x3)					1	90.7	10.7	
2 BED 2 (x3)					1	84.7	9.7	

TOWER: LEVELS 8-18 (11 LEVELS)

UNIT	UNIT TYPE					NET AREA	BALCONY m ²	LOGGIA m ²
	ST	1B	1B+	2B	2B+			
1 BED 1 (x11)		1				52	8.5	
2 BED 1 (x11)					1	82.4	10.2	
2 BED 2 (x11)					1	85	9	

NON RESIDENTAIL NET AREA:

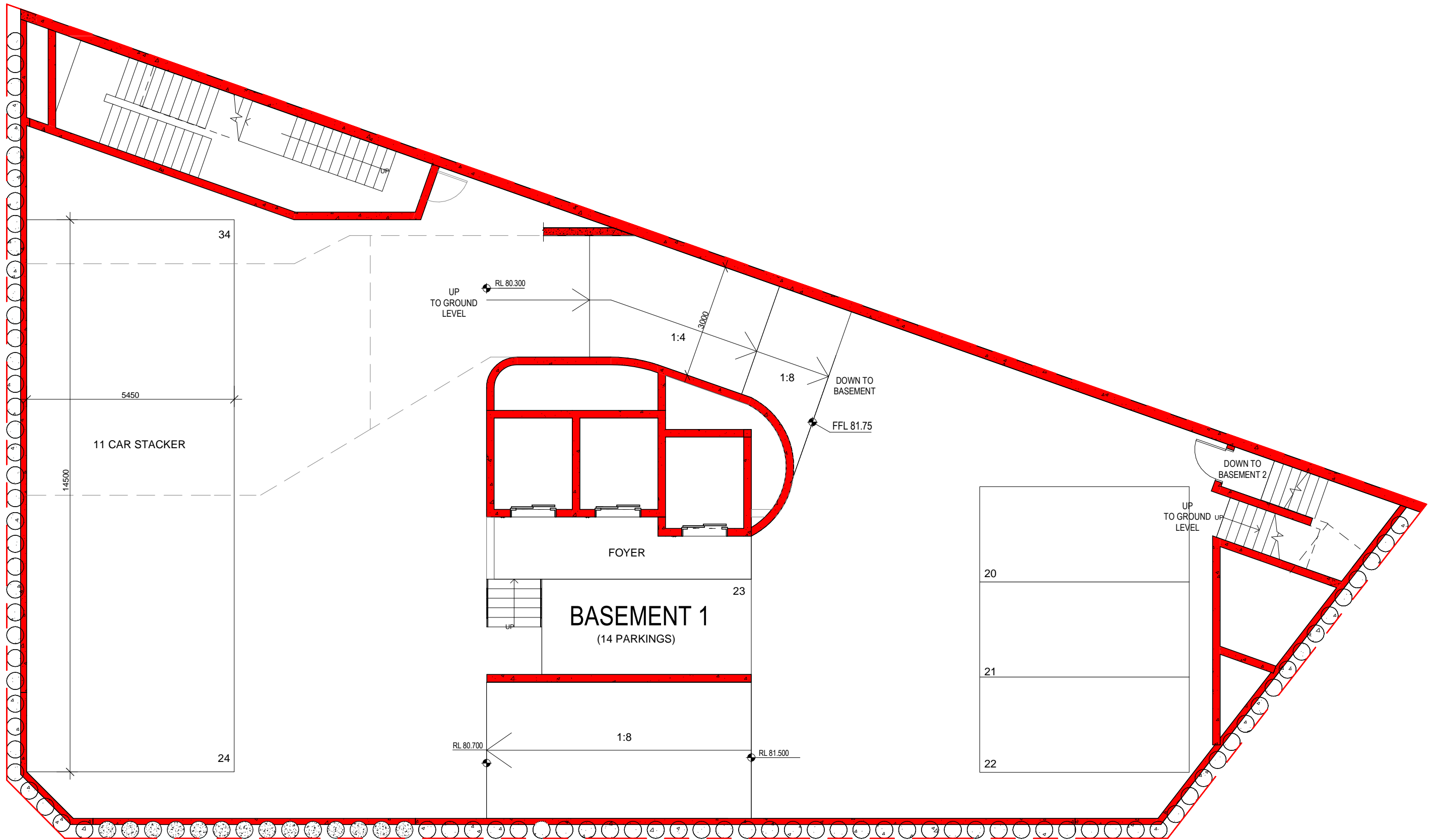
GROUND FLOOR: 128.8m²

MEZZANINE: 115.5m²

TOTAL NON RESIDENTAIL AREA = 244.3m²

LEVEL 4 COMMON AREA: 139.33m²

ISSUE	AMENDMENT DESCRIPTION	DATE



38 OXLEY STREET - ST LEONARDS

ISSUE	AMENDMENT DESCRIPTION	DATE

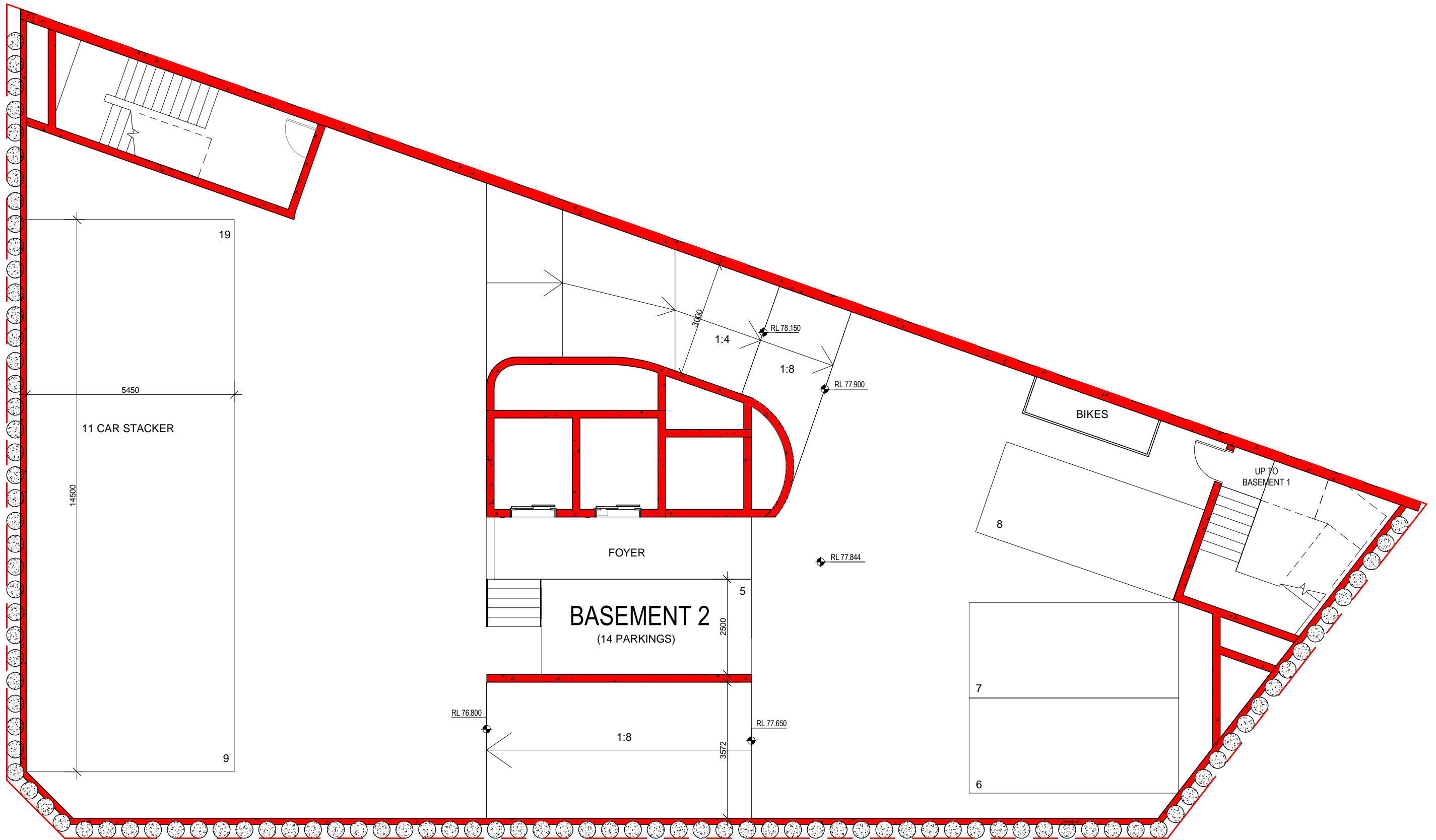
BASEMENT 1

0 m 2 4 6

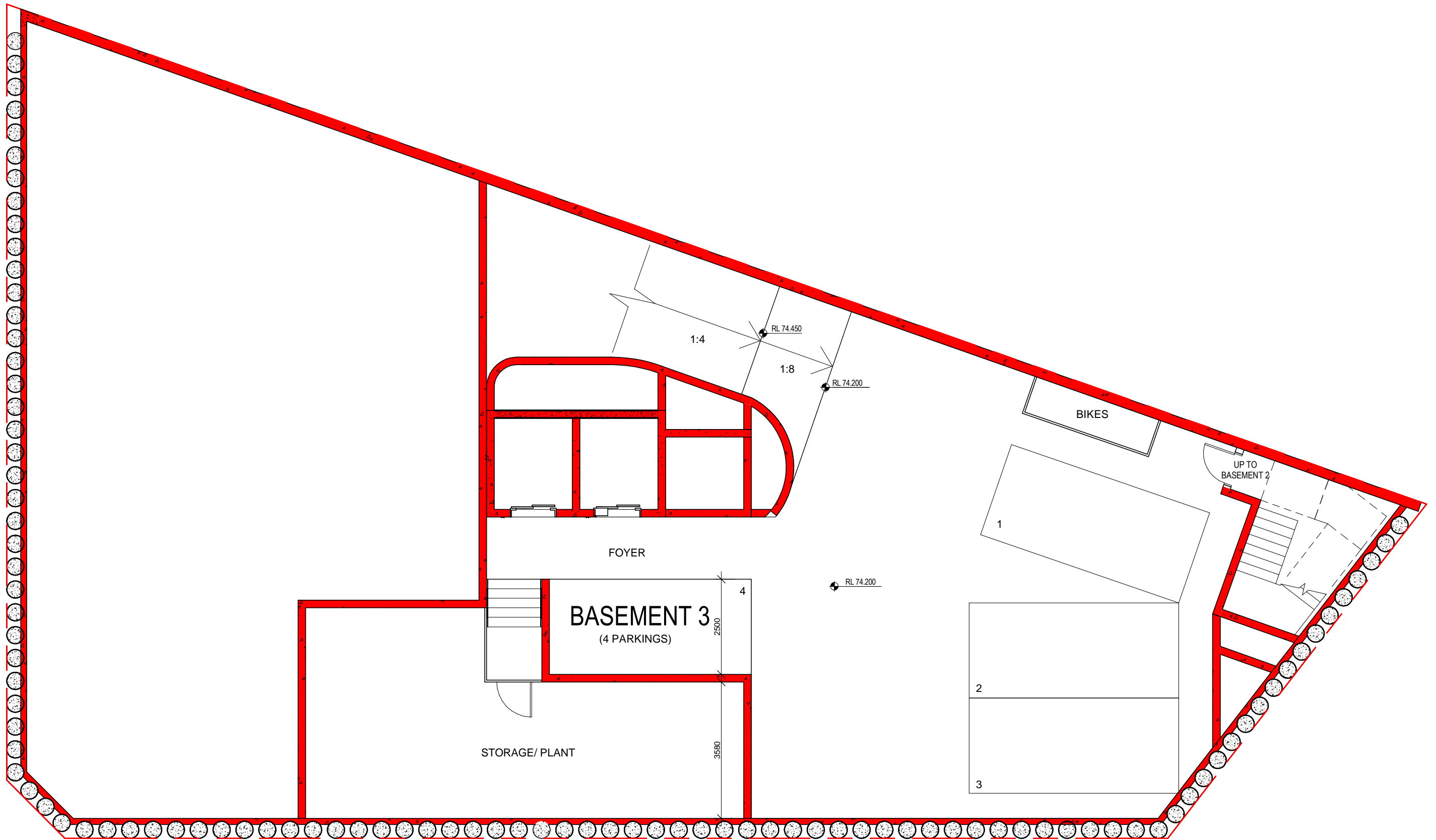
SCALE: **1:100 @ A3** JOB NO: **2205**

DRAWING No. **00 - A115** REV:





ISSUE	AMENDMENT DESCRIPTION	DATE



ISSUE	AMENDMENT DESCRIPTION	DATE

0 m 2 4 6

SCALE: **1:100 @ A3** JOB NO: **2205**

DRAWING No. **00 - A117** REV:



SALEABLE AREA

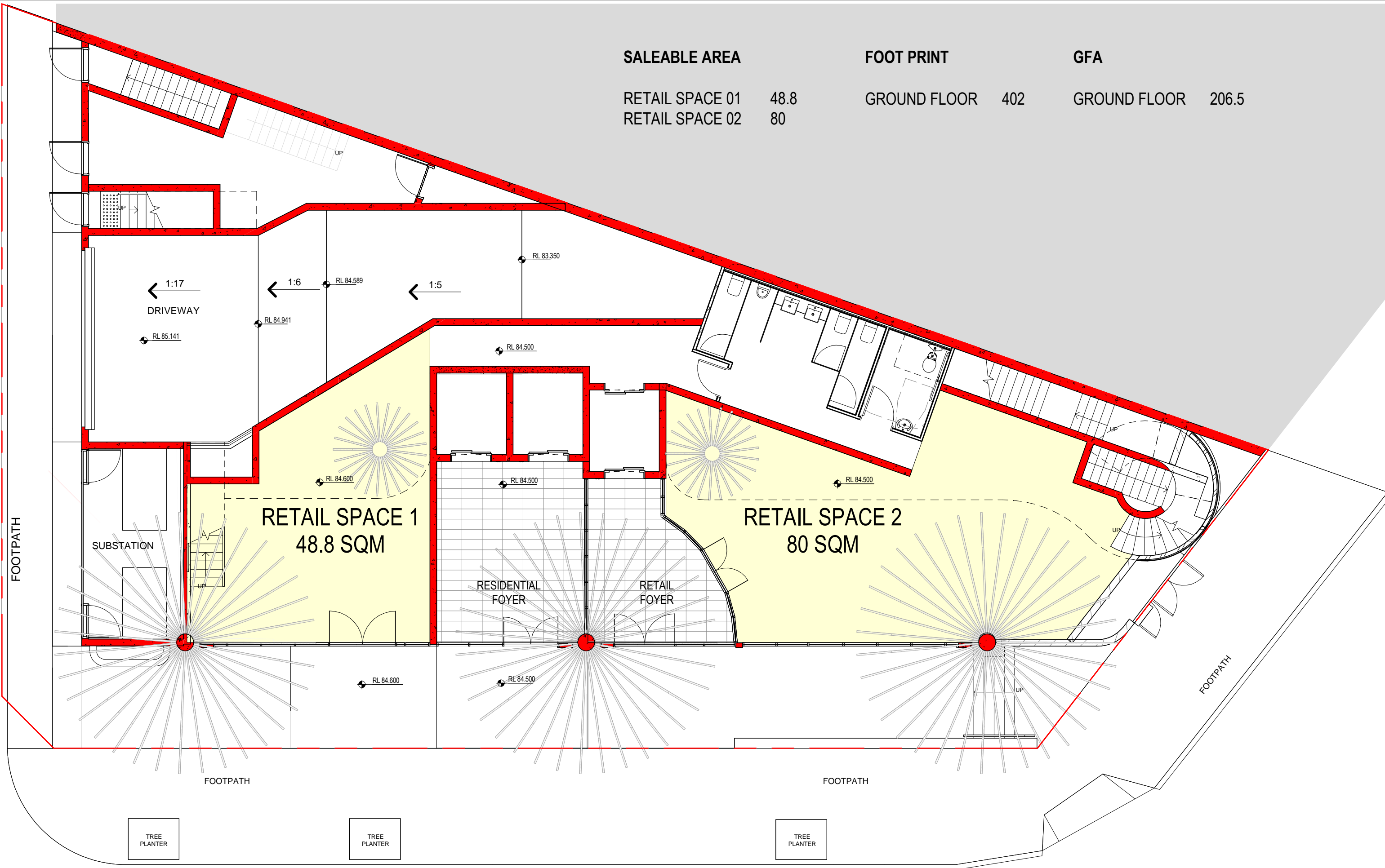
RETAIL SPACE 01 48.8
 RETAIL SPACE 02 80

FOOT PRINT

GROUND FLOOR 402

GFA

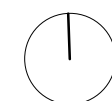
GROUND FLOOR 206.5



38 OXLEY STREET - ST LEONARDS

ISSUE	AMENDMENT DESCRIPTION	DATE
A	FOR INFORMATION.	2024.05.02

GROUND FLOOR



SCALE: 1:100 @ A3	JOB NO: 2205
DRAWING No. 00 - A100	REV: A



SALEABLE AREA

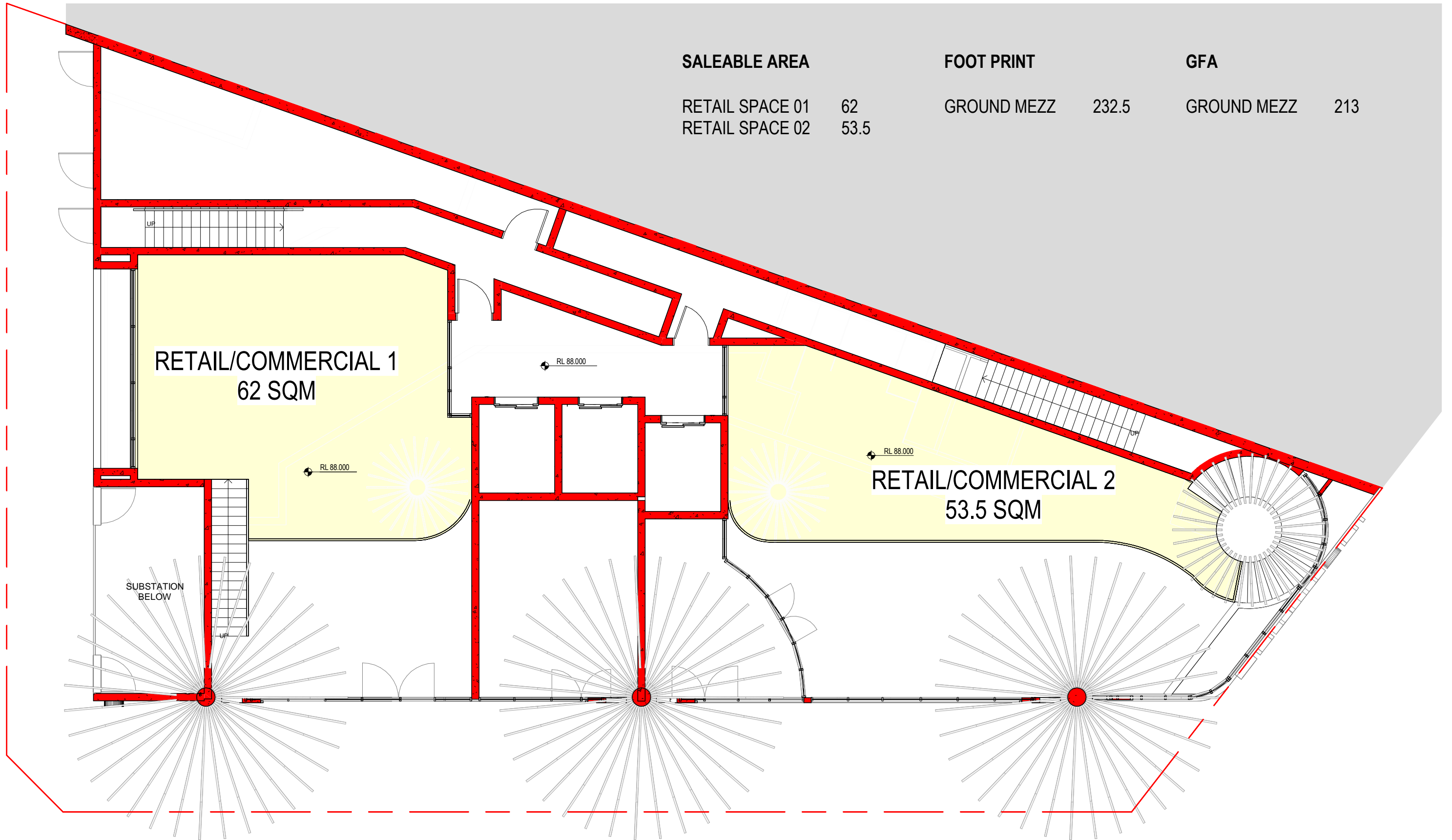
RETAIL SPACE 01 62
 RETAIL SPACE 02 53.5

FOOT PRINT

GROUND MEZZ 232.5

GFA

GROUND MEZZ 213



ISSUE	AMENDMENT DESCRIPTION	DATE
A	FOR INFORMATION.	2024.05.02

0 m 2 4 6

SCALE: 1:100 @ A3

DRAWING No. 00 - A101

JOB NO: 2205

REV: A



SALEABLE AREA

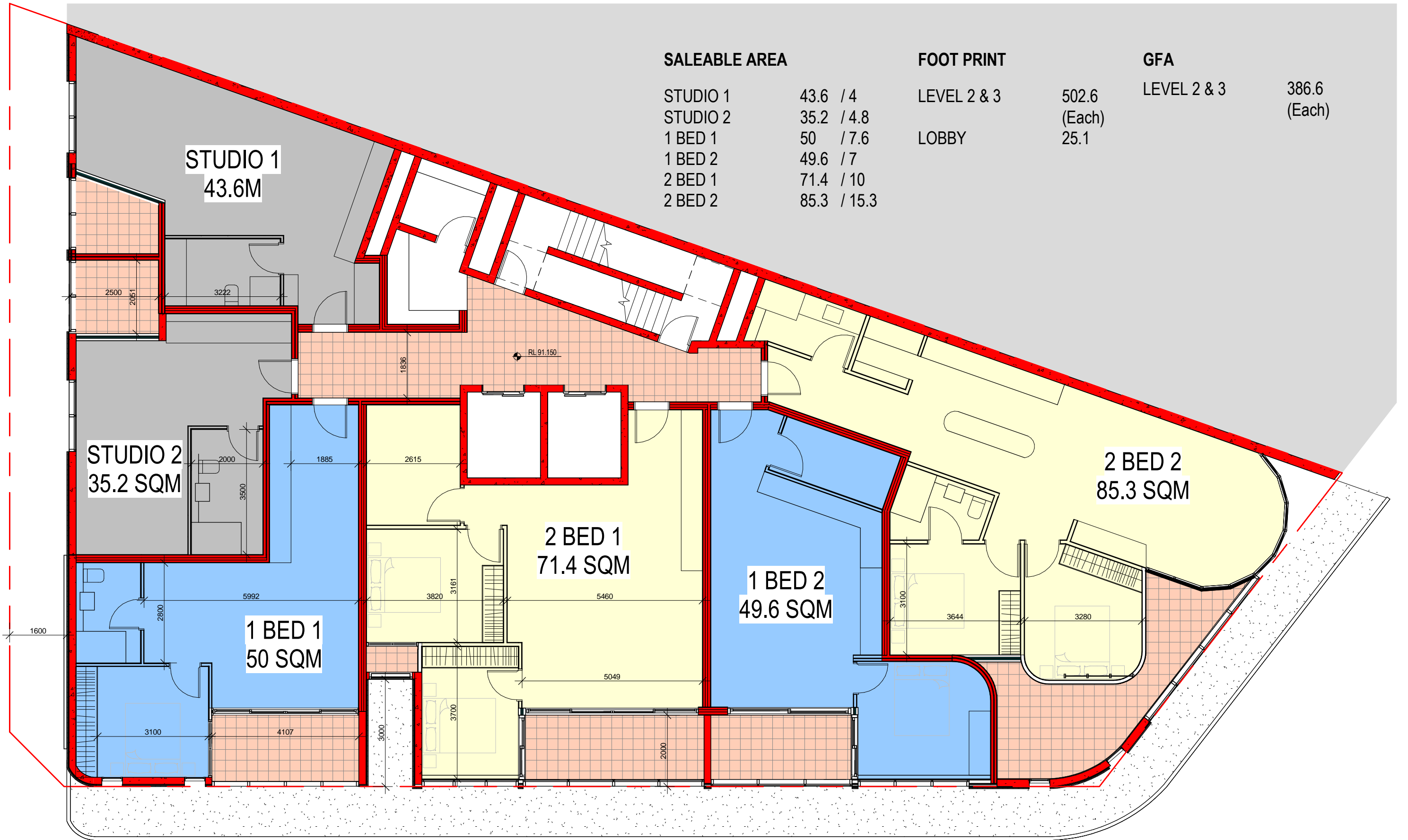
STUDIO 1	43.6 / 4
STUDIO 2	35.2 / 4.8
1 BED 1	50 / 7.6
1 BED 2	49.6 / 7
2 BED 1	71.4 / 10
2 BED 2	85.3 / 15.3

FOOT PRINT

LEVEL 2 & 3	502.6
(Each)	
LOBBY	25.1

GFA

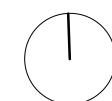
LEVEL 2 & 3	386.6
(Each)	



38 OXLEY STREET - ST LEONARDS

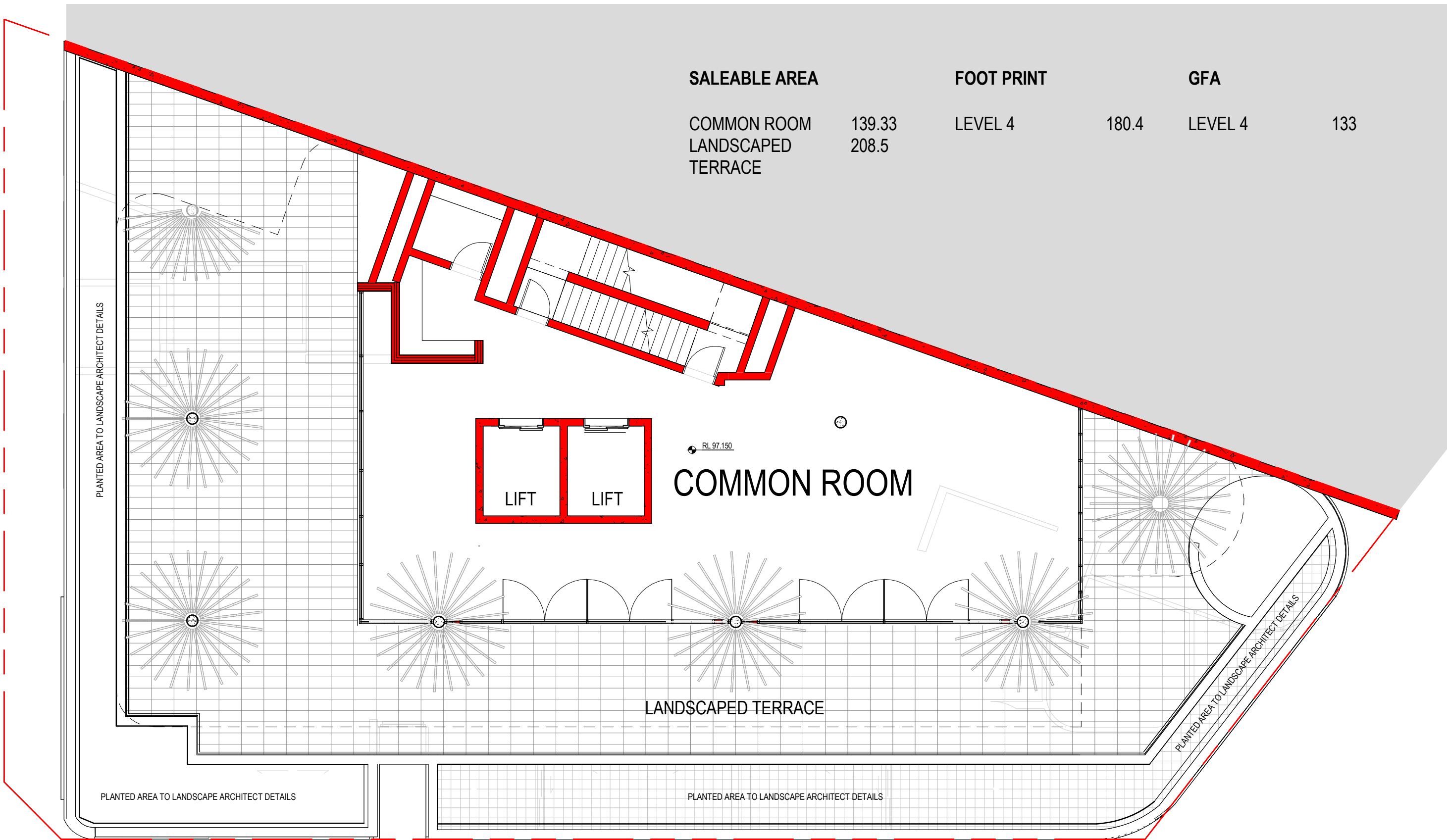
ISSUE	AMENDMENT DESCRIPTION	DATE
A	FOR INFORMATION.	2024.05.02

LEVEL 2 & 3



SCALE:	1 : 100 @ A3	JOB NO:	2205
DRAWING No.	00 - A102	REV:	A





SALEABLE AREA		FOOT PRINT		GFA	
COMMON ROOM	139.33	LEVEL 4	180.4	LEVEL 4	133
LANDSCAPED TERRACE	208.5				

PLANTED AREA TO LANDSCAPE ARCHITECT DETAILS

PLANTED AREA TO LANDSCAPE ARCHITECT DETAILS

RL 97.150

LIFT LIFT

COMMON ROOM

LANDSCAPED TERRACE

PLANTED AREA TO LANDSCAPE ARCHITECT DETAILS

PLANTED AREA TO LANDSCAPE ARCHITECT DETAILS

ISSUE	AMENDMENT DESCRIPTION	DATE
A	FOR INFORMATION.	2024.05.02

0 m 2 4 6

SCALE: 1:100 @ A3

DRAWING No. 00 - A103

JOB NO: 2205

REV: A



SALEABLE AREA

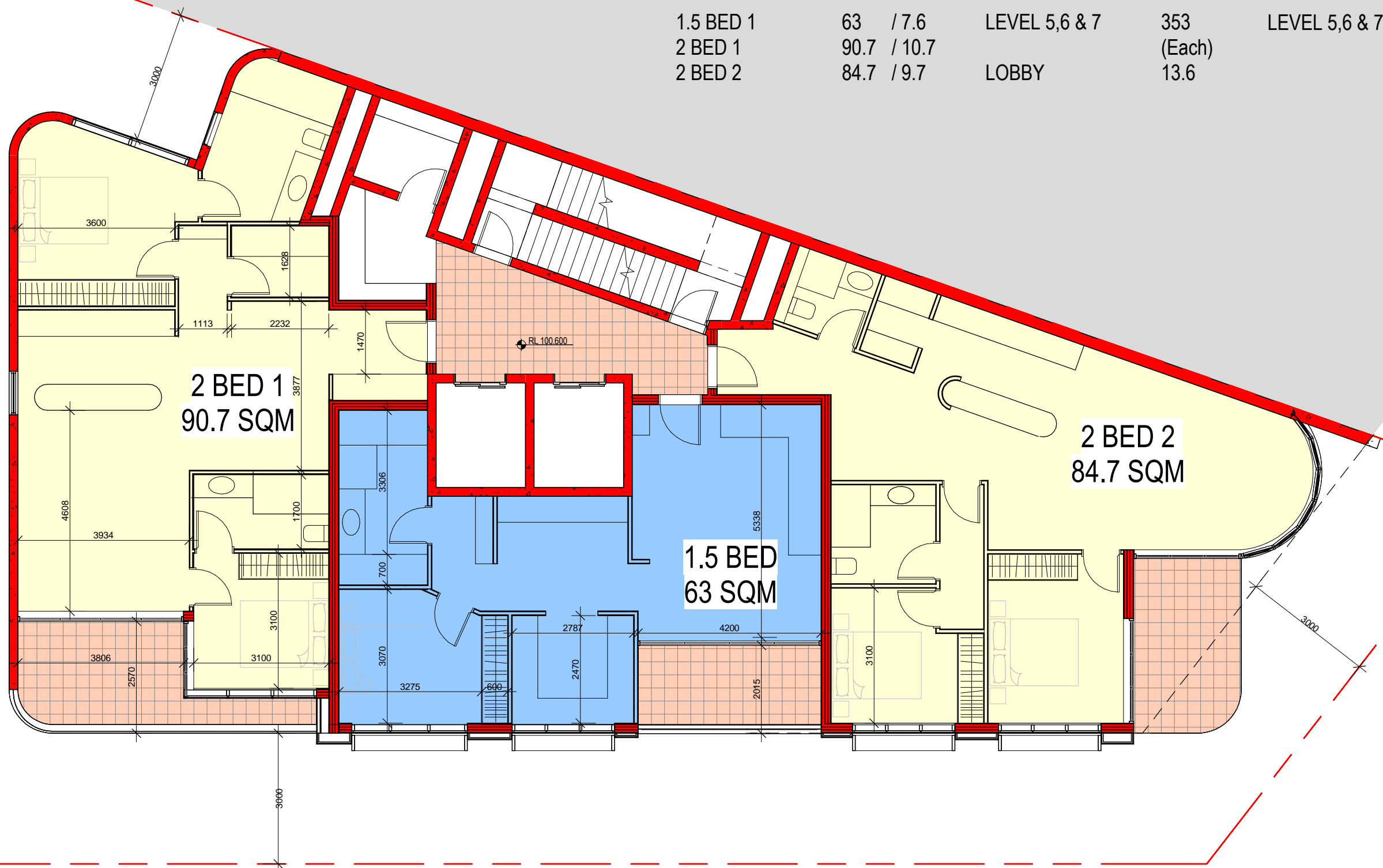
1.5 BED 1	63	/ 7.6
2 BED 1	90.7	/ 10.7
2 BED 2	84.7	/ 9.7

FOOT PRINT

LEVEL 5,6 & 7	353
(Each)	
LOBBY	13.6

GFA

LEVEL 5,6 & 7	269.6
(Each)	



ISSUE	AMENDMENT DESCRIPTION	DATE
A	FOR INFORMATION.	2024.05.02



SALEABLE AREA

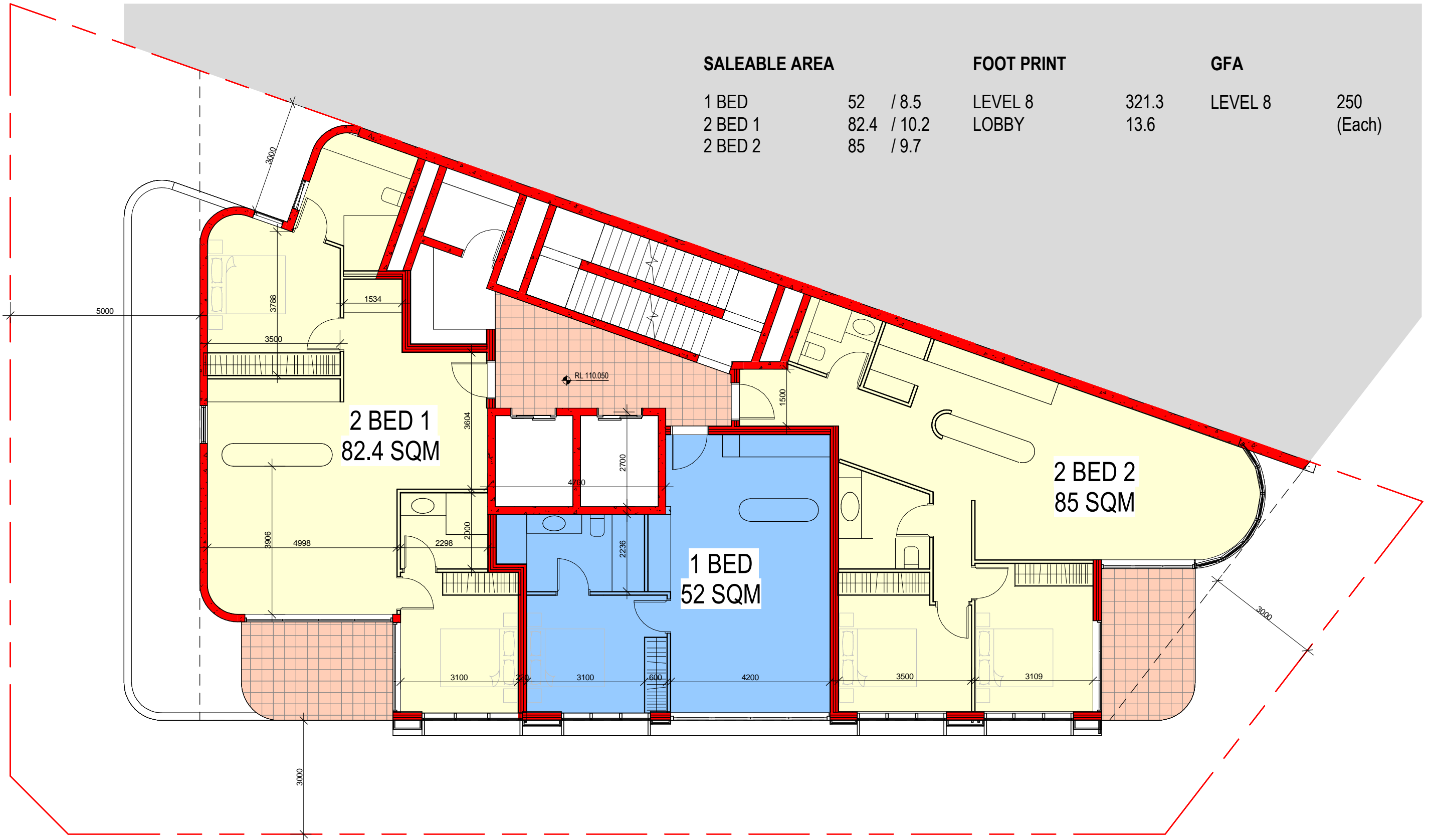
1 BED	52	/ 8.5
2 BED 1	82.4	/ 10.2
2 BED 2	85	/ 9.7

FOOT PRINT

LEVEL 8	321.3
LOBBY	13.6

GFA

LEVEL 8	250
(Each)	



ISSUE	AMENDMENT DESCRIPTION	DATE
A	FOR INFORMATION.	2024.05.02

0 m 2 4 6

SCALE: 1:100 @ A3

DRAWING No. 00 - A105

JOB NO: 2205

REV: A



SALEABLE AREA

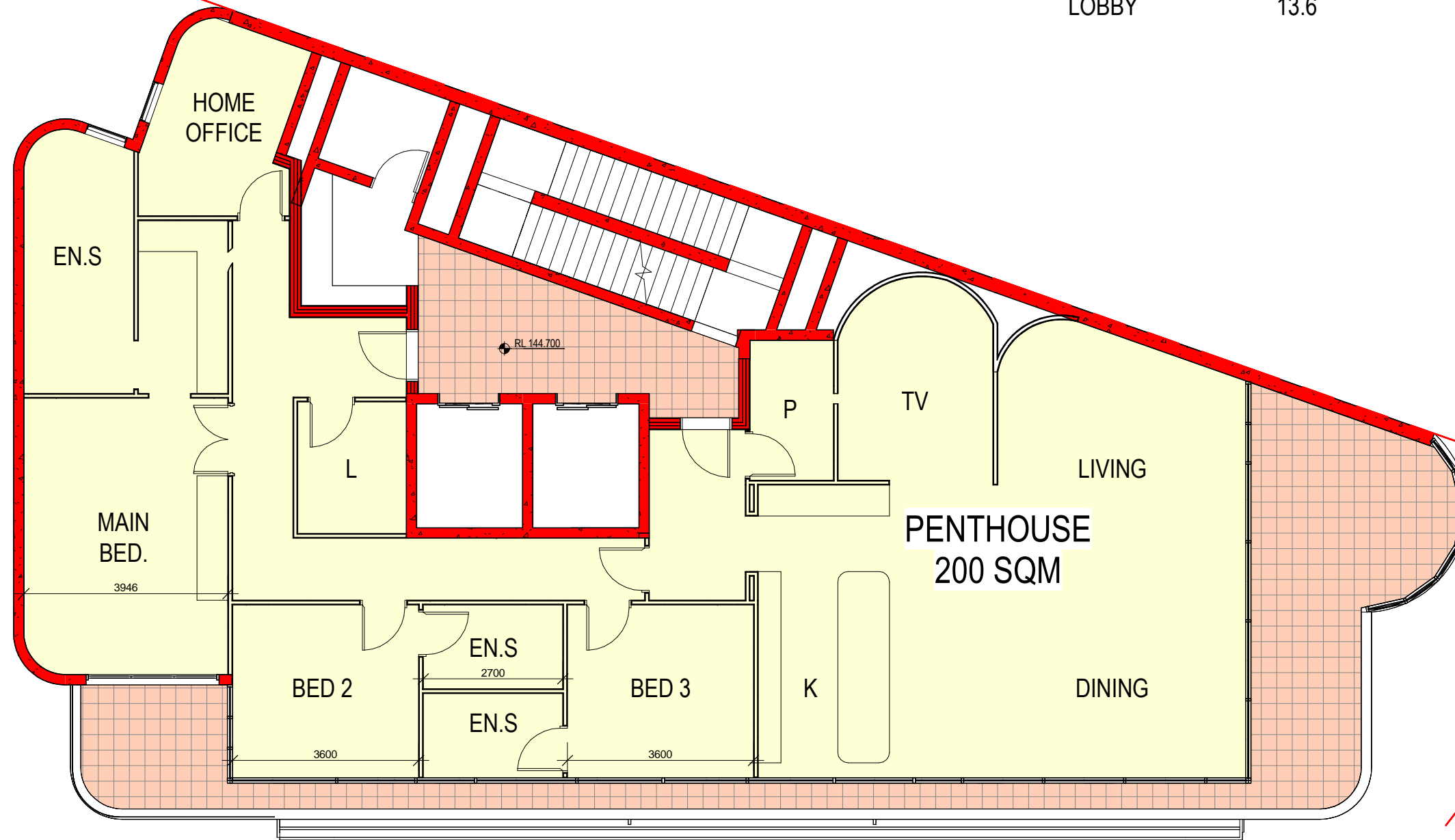
PENTHOUSE 200 / 38.5

FOOT PRINT

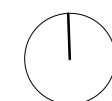
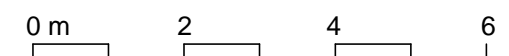
PENTHOUSE LOBBY 275 / 13.6

GFA

PENTHOUSE 200



ISSUE	AMENDMENT DESCRIPTION	DATE
A	FOR INFORMATION.	2024.05.02



SCALE: 1:100 @ A3
DRAWING No. 00 - A106

JOB NO: 2205
REV: A



NOTES & DEFINITIONS UNDER THE TI SEPP AND PER THE CODES SEPP

OVERSHADOWING

A NEW BUILDING OR AN ALTERATION OR ADDITION TO AN EXISTING BUILDING MUST NOT OVERSHADOW ANY ADJOINING RESIDENTIAL ACCOMMODATION SO THAT SOLAR ACCESS TO ANY HABITABLE ROOM OR PRINCIPAL PRIVATE OPEN SPACE ON THE ADJOINING PROPERTY:

- a) IS REDUCED TO LESS THAN 3 HOURS OF SOLAR ACCESS BETWEEN 9:00 AM AND 3:00 PM AT THE WINTER SOLSTICE, OR
- b) IS REDUCED IN ANY MANNER IF SOLAR ACCESS TO ANY HABITABLE ROOM ON THE ADJOINING PROPERTY IS ALREADY LESS THAN 3 HOURS.

PRINCIPAL PRIVATE OPEN SPACE

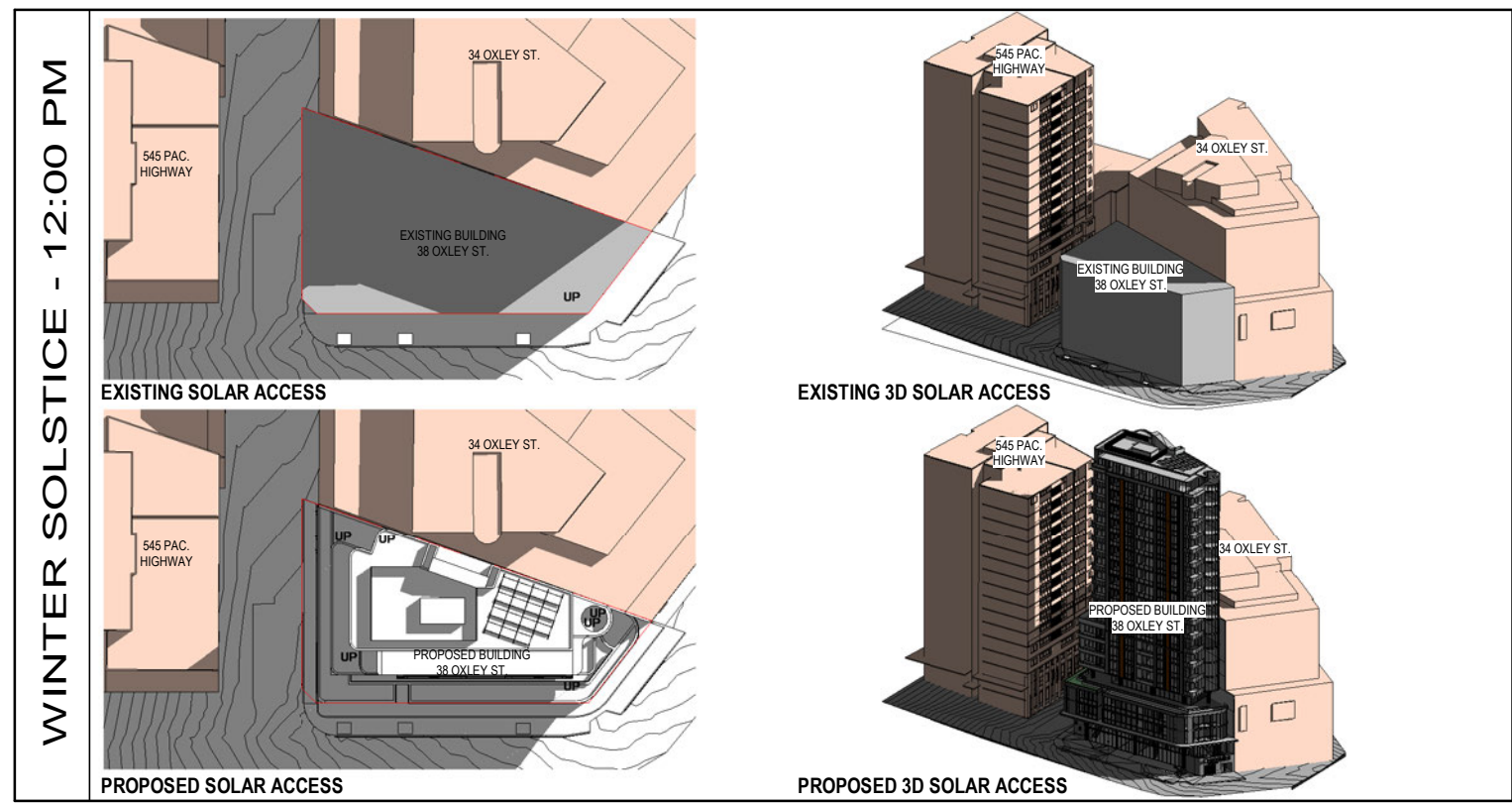
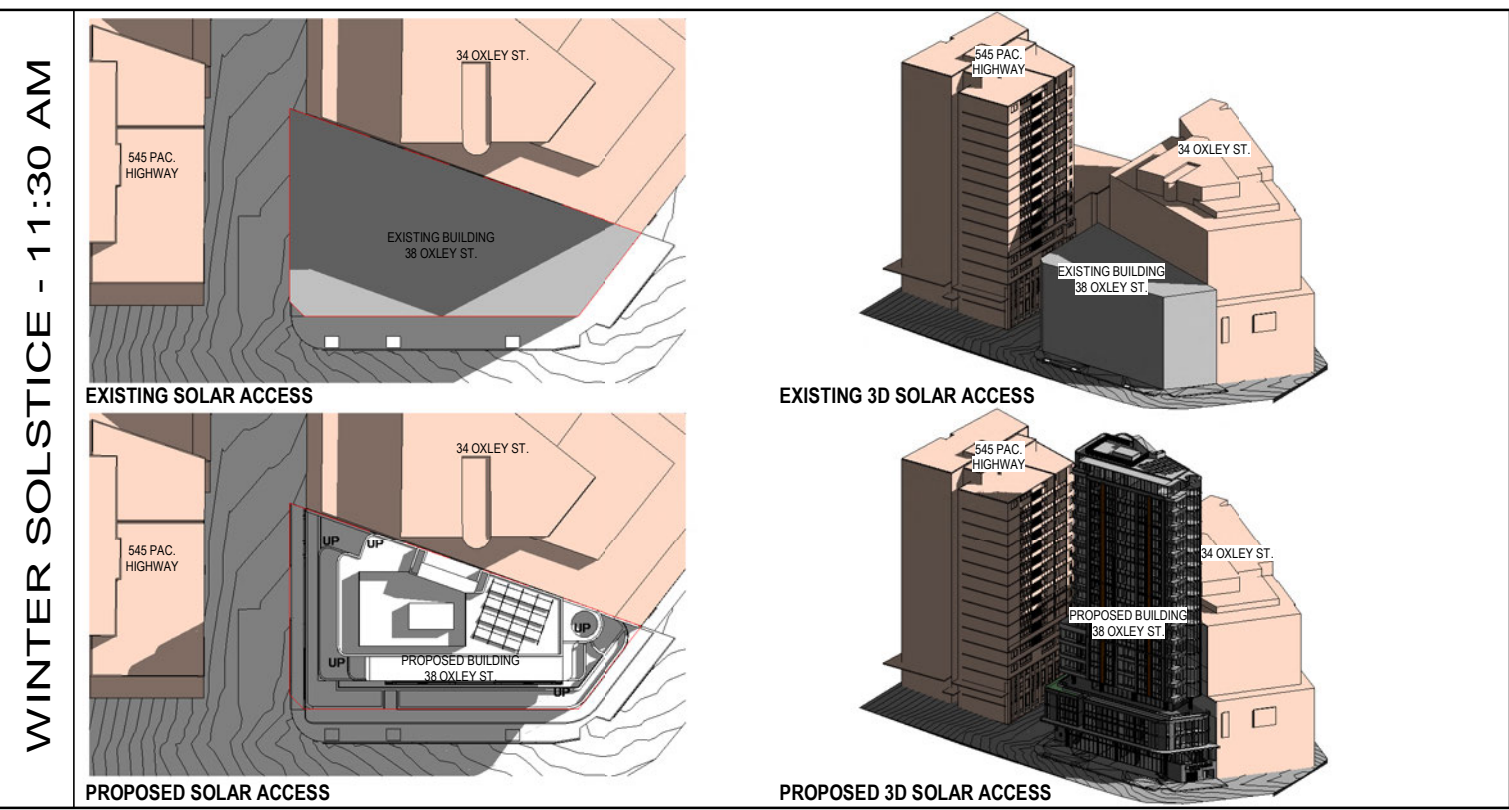
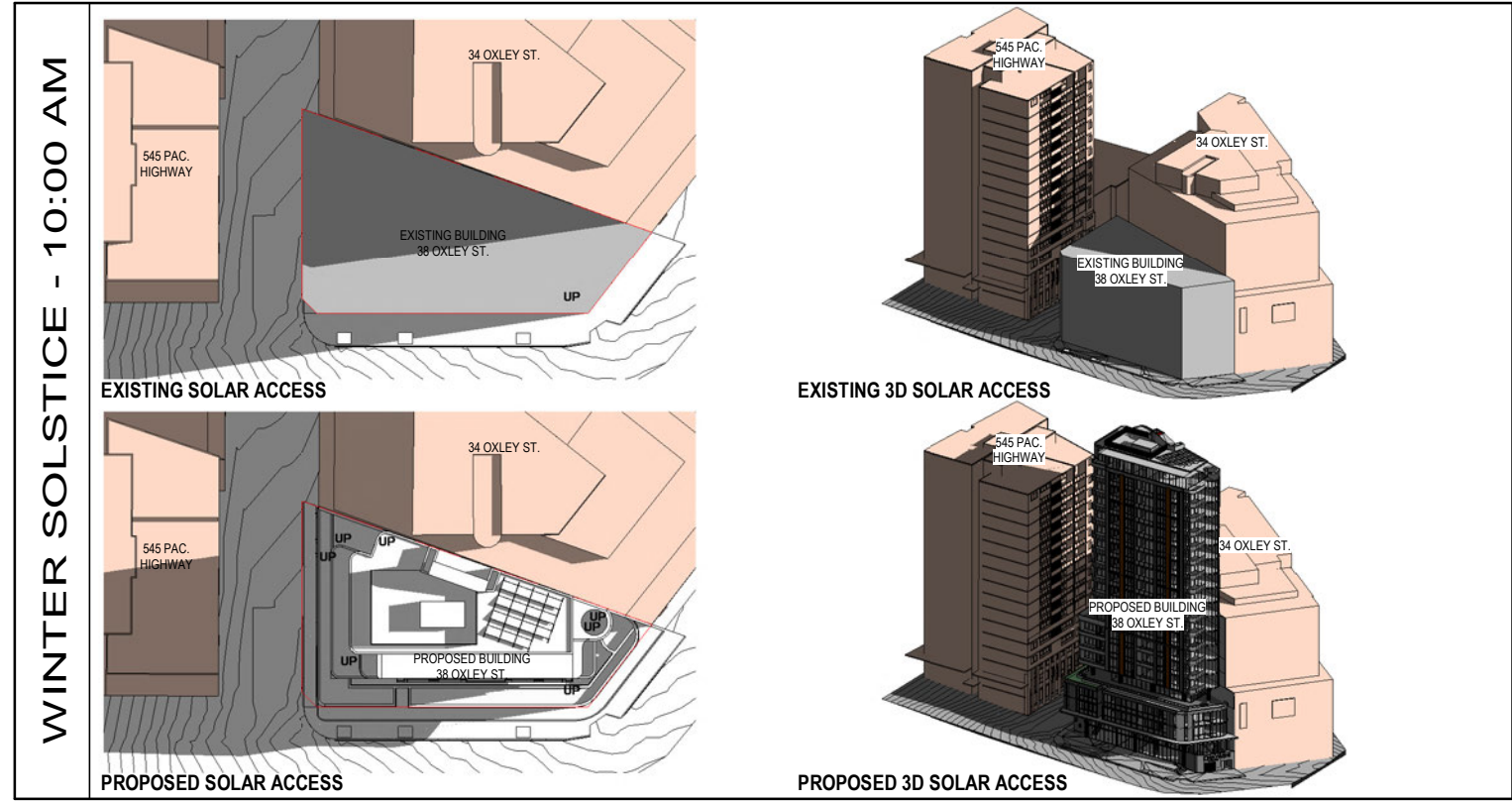
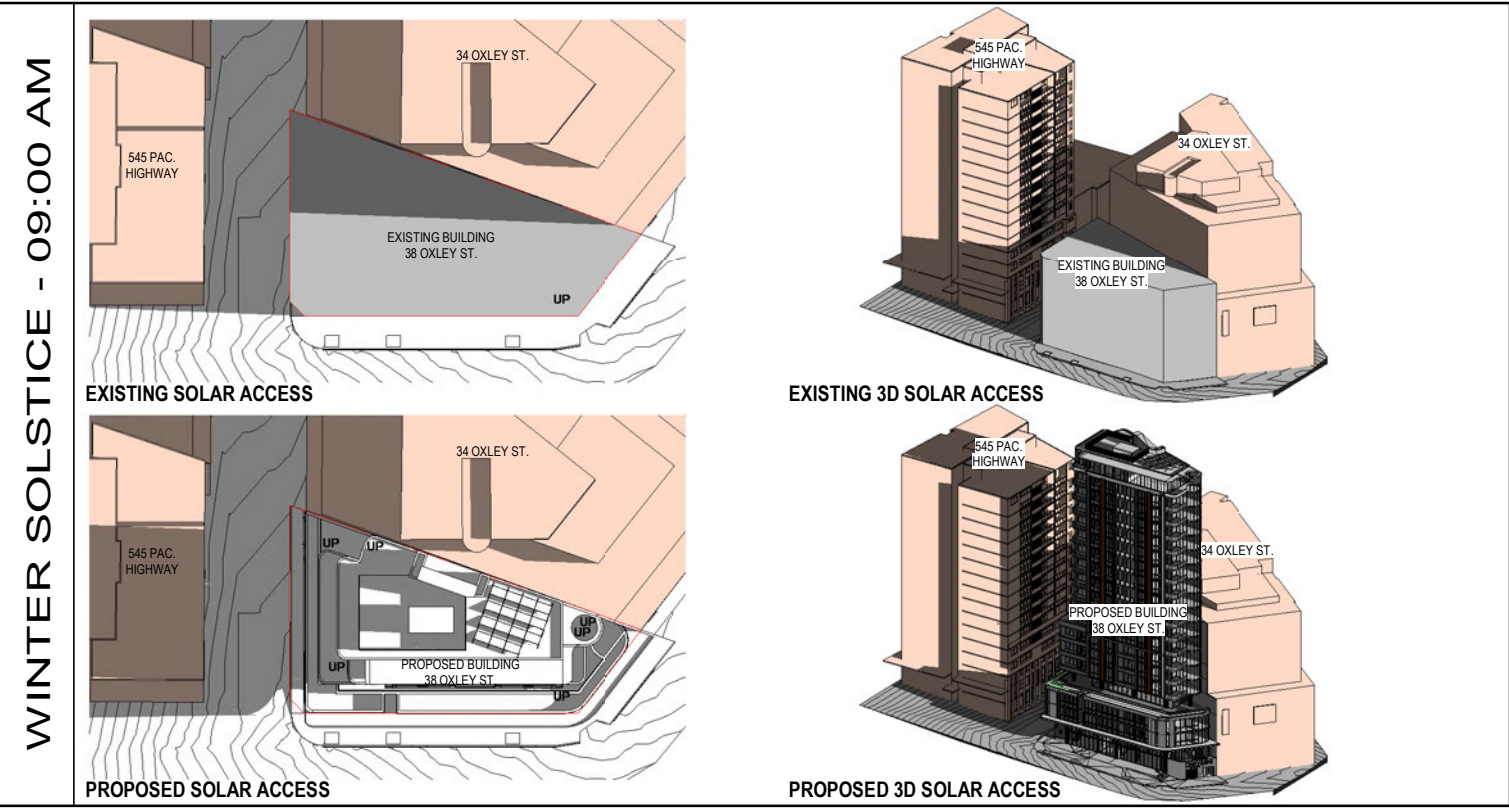
MEANS AN AREA OUTSIDE A DWELLING THAT IS DIRECTLY ACCESSIBLE FROM, AND ADJACENT TO, A HABITABLE ROOM IN THE DWELLING, OTHER THAN A BEDROOM.

SOLAR ACCESS

IS THE ABILITY OF A BUILDING TO RECEIVE DIRECT SUNLIGHT WITHOUT OBSTRUCTION FROM OTHER BUILDINGS OR IMPEDIMENTS, NOT INCLUDING TREES.

MEASURING DIRECT SUNLIGHT

TO MAXIMISE THE BENEFIT TO RESIDENTS OF DIRECT SUNLIGHT WITHIN LIVING ROOMS AND PRIVATE OPEN SPACES, A MINIMUM OF 1M2 OF DIRECT SUNLIGHT, MEASURED AT 1M ABOVE FLOOR LEVEL, IS ACHIEVED FOR AT LEAST 15 MINUTES



38 OXLEY STREET - ST LEONARDS

ISSUE	AMENDMENT DESCRIPTION	DATE

SHADOW ANALYSIS - WINTER SOLSTICE

0 m 2 4 6

SCALE: As indicated @ A3

JOB NO: 2205

DRAWING No. 00 - A110

REV:



NOTES & DEFINITIONS UNDER THE TI SEPP AND PER THE CODES SEPP

OVERSHADOWING

A NEW BUILDING OR AN ALTERATION OR ADDITION TO AN EXISTING BUILDING MUST NOT OVERSHADOW ANY ADJOINING RESIDENTIAL ACCOMMODATION SO THAT SOLAR ACCESS TO ANY HABITABLE ROOM OR PRINCIPAL PRIVATE OPEN SPACE ON THE ADJOINING PROPERTY:

- a) IS REDUCED TO LESS THAN 3 HOURS OF SOLAR ACCESS BETWEEN 9:00 AM AND 3:00 PM AT THE WINTER SOLSTICE, OR
- b) IS REDUCED IN ANY MANNER IF SOLAR ACCESS TO ANY HABITABLE ROOM ON THE ADJOINING PROPERTY IS ALREADY LESS THAN 3 HOURS.

PRINCIPAL PRIVATE OPEN SPACE

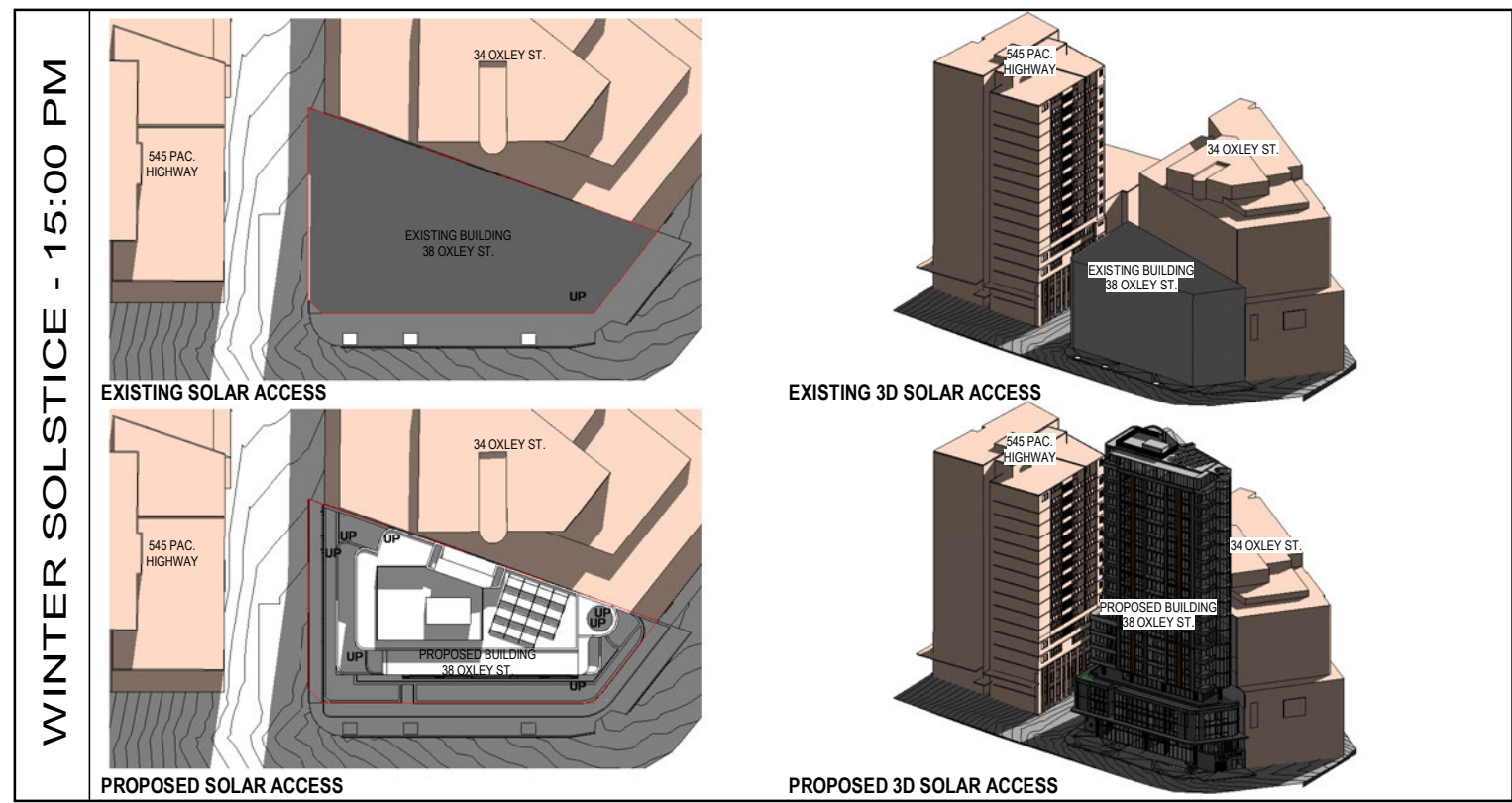
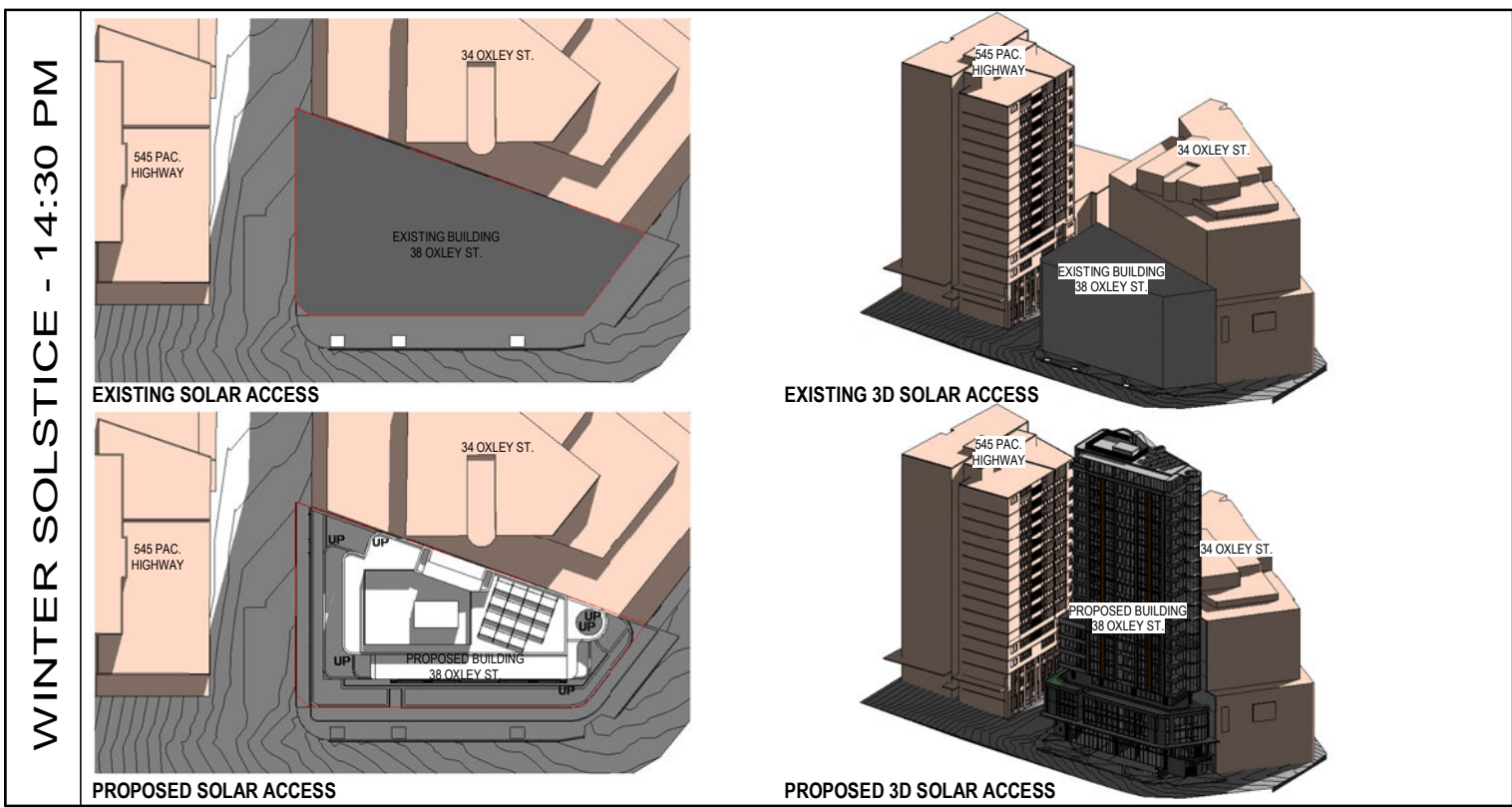
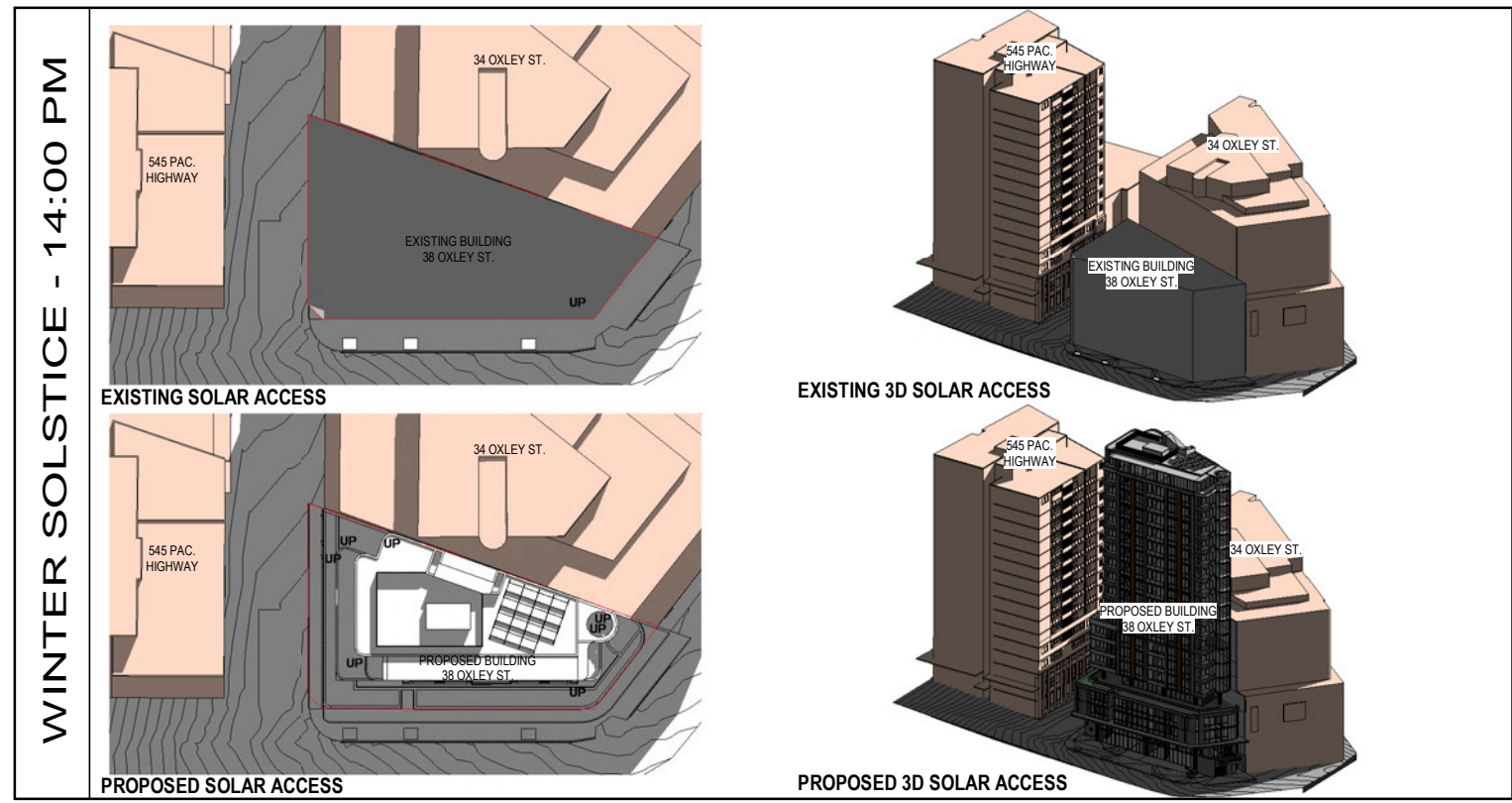
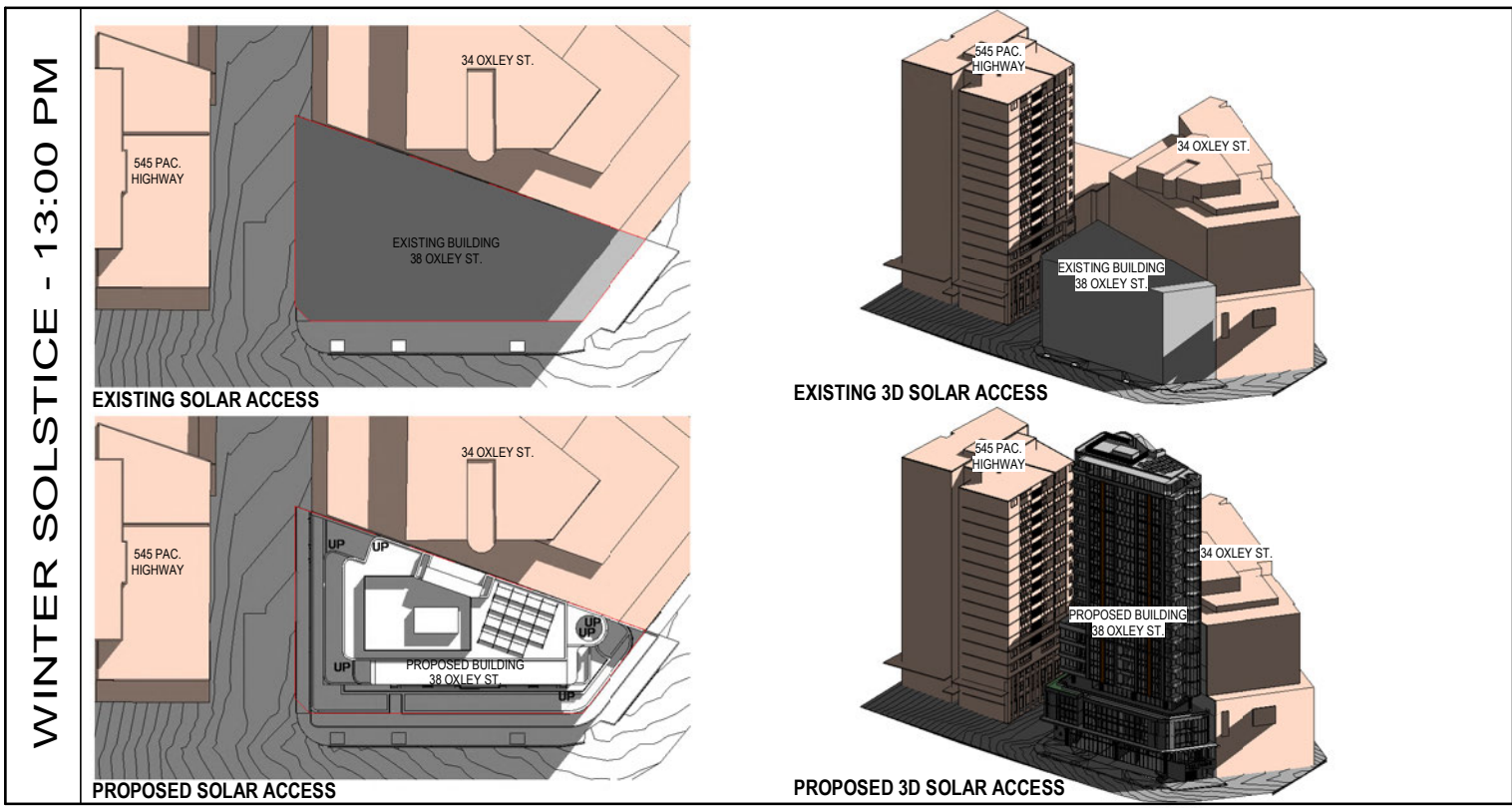
MEANS AN AREA OUTSIDE A DWELLING THAT IS DIRECTLY ACCESSIBLE FROM, AND ADJACENT TO, A HABITABLE ROOM IN THE DWELLING, OTHER THAN A BEDROOM.

SOLAR ACCESS

IS THE ABILITY OF A BUILDING TO RECEIVE DIRECT SUNLIGHT WITHOUT OBSTRUCTION FROM OTHER BUILDINGS OR IMPEDIMENTS, NOT INCLUDING TREES.

MEASURING DIRECT SUNLIGHT

TO MAXIMISE THE BENEFIT TO RESIDENTS OF DIRECT SUNLIGHT WITHIN LIVING ROOMS AND PRIVATE OPEN SPACES, A MINIMUM OF 1M2 OF DIRECT SUNLIGHT, MEASURED AT 1M ABOVE FLOOR LEVEL, IS ACHIEVED FOR AT LEAST 15 MINUTES



38 OXLEY STREET - ST LEONARDS

ISSUE	AMENDMENT DESCRIPTION	DATE

SHADOW ANALYSIS - WINTER SOLSTICE

0 m 2 4 6

SCALE: As indicated @ A3

DRAWING No. 00 - A111

JOB NO: 2205

REV:



NOTES & DEFINITIONS UNDER THE TI SEPP AND PER THE CODES SEPP

OVERSHADOWING

A NEW BUILDING OR AN ALTERATION OR ADDITION TO AN EXISTING BUILDING MUST NOT OVERSHADOW ANY ADJOINING RESIDENTIAL ACCOMMODATION SO THAT SOLAR ACCESS TO ANY HABITABLE ROOM OR PRINCIPAL PRIVATE OPEN SPACE ON THE ADJOINING PROPERTY:

- a) IS REDUCED TO LESS THAN 3 HOURS OF SOLAR ACCESS BETWEEN 9:00 AM AND 3:00 PM AT THE WINTER SOLSTICE, OR
- b) IS REDUCED IN ANY MANNER IF SOLAR ACCESS TO ANY HABITABLE ROOM ON THE ADJOINING PROPERTY IS ALREADY LESS THAN 3 HOURS.

PRINCIPAL PRIVATE OPEN SPACE

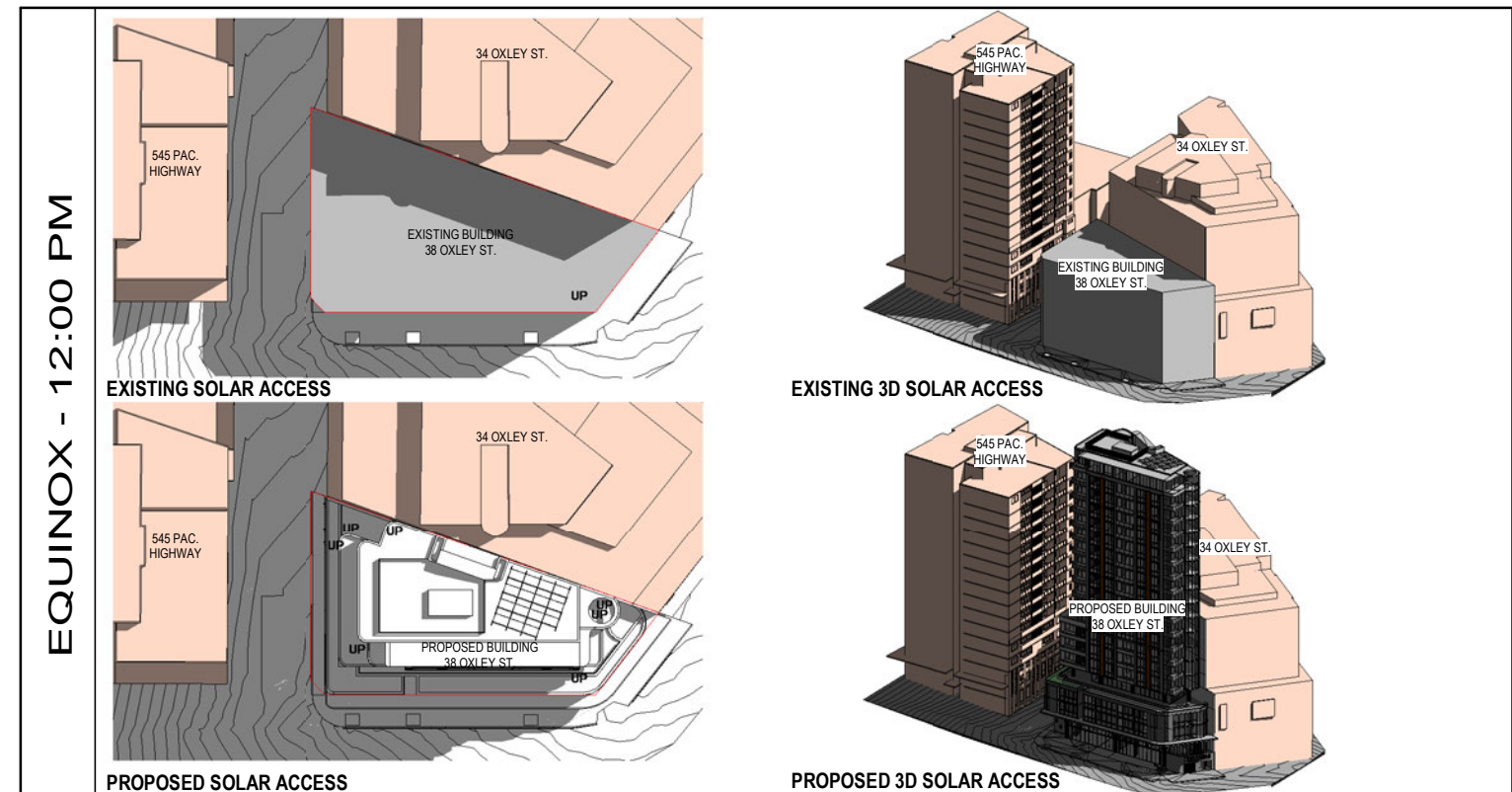
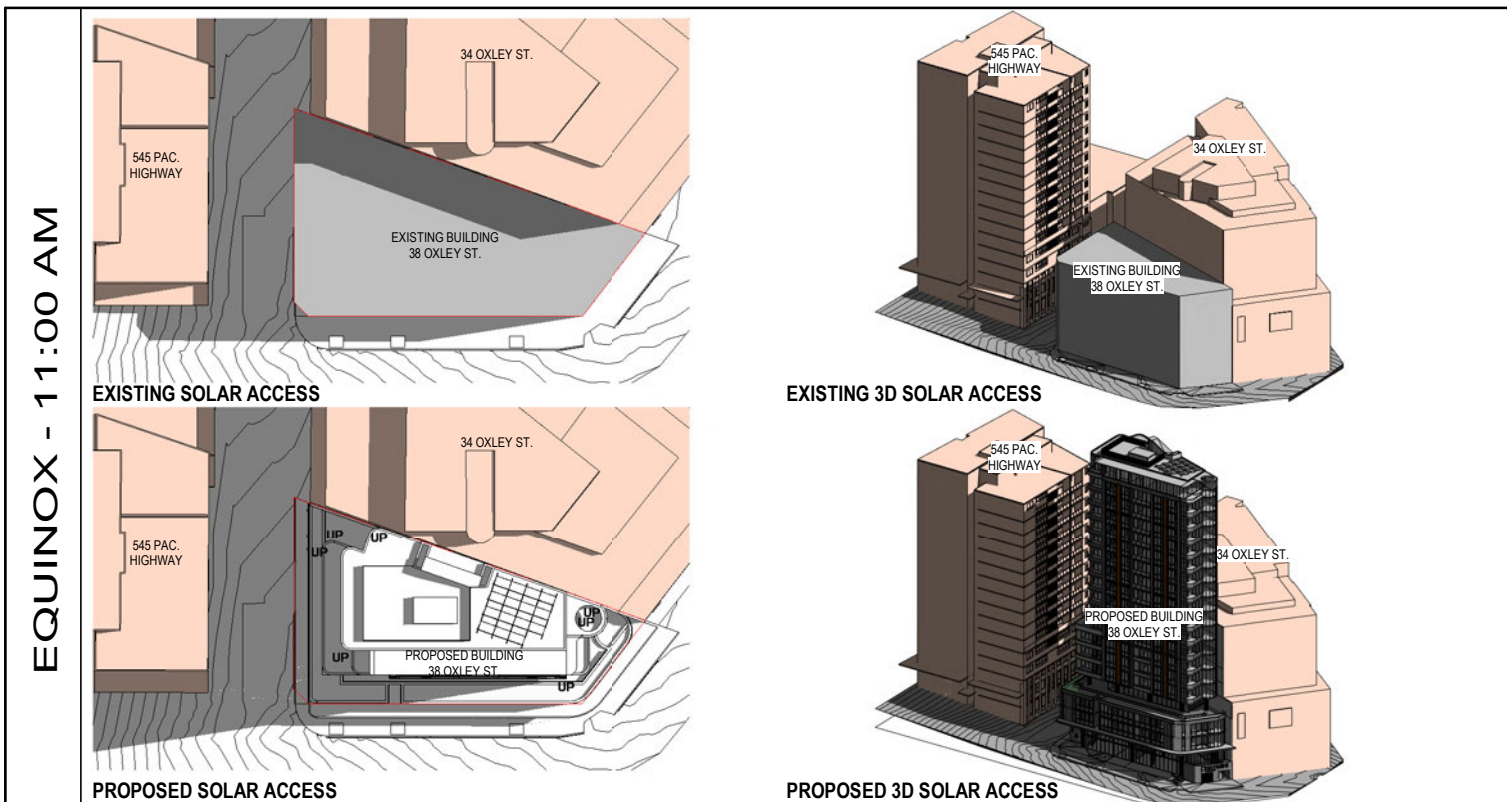
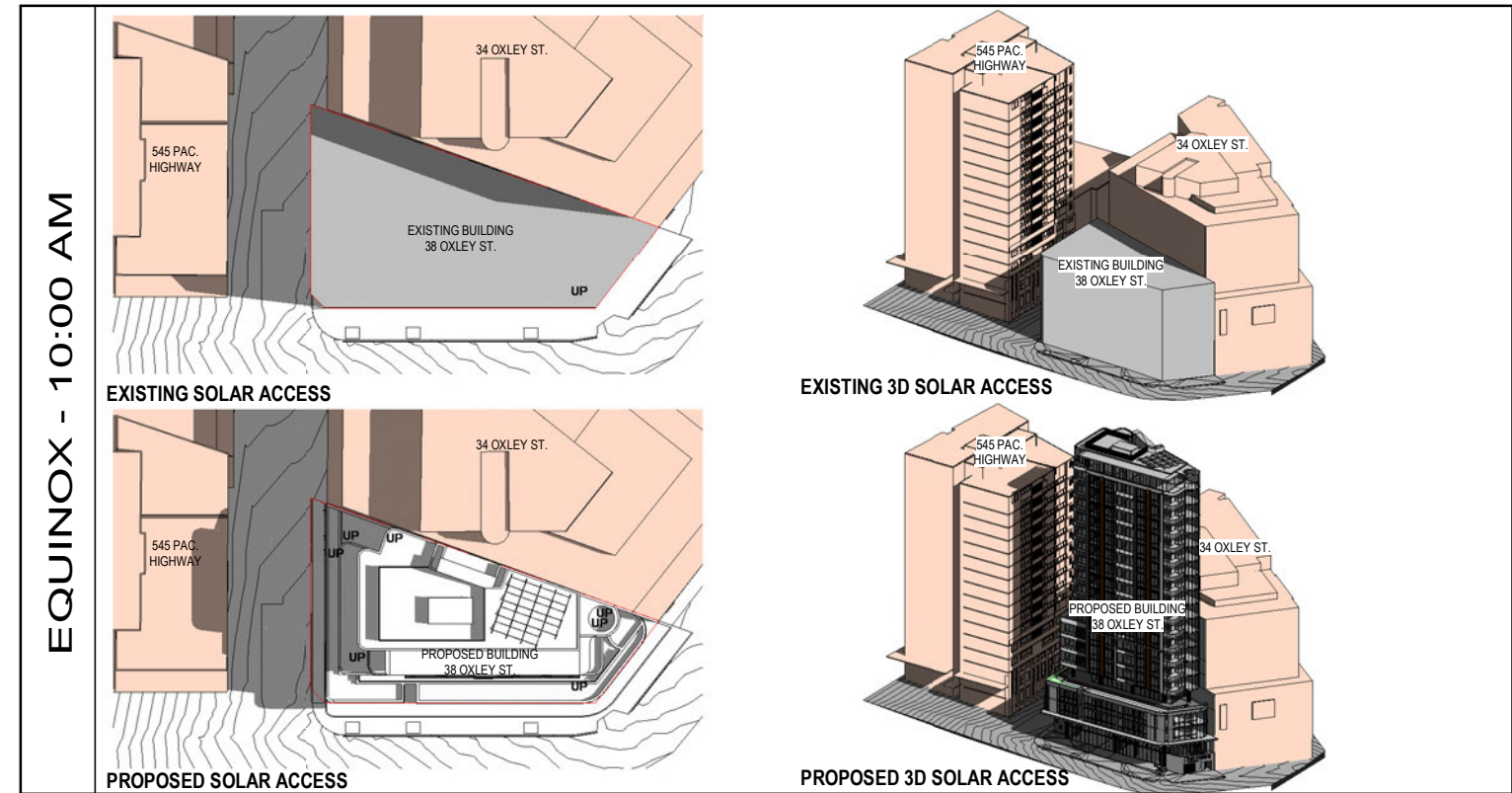
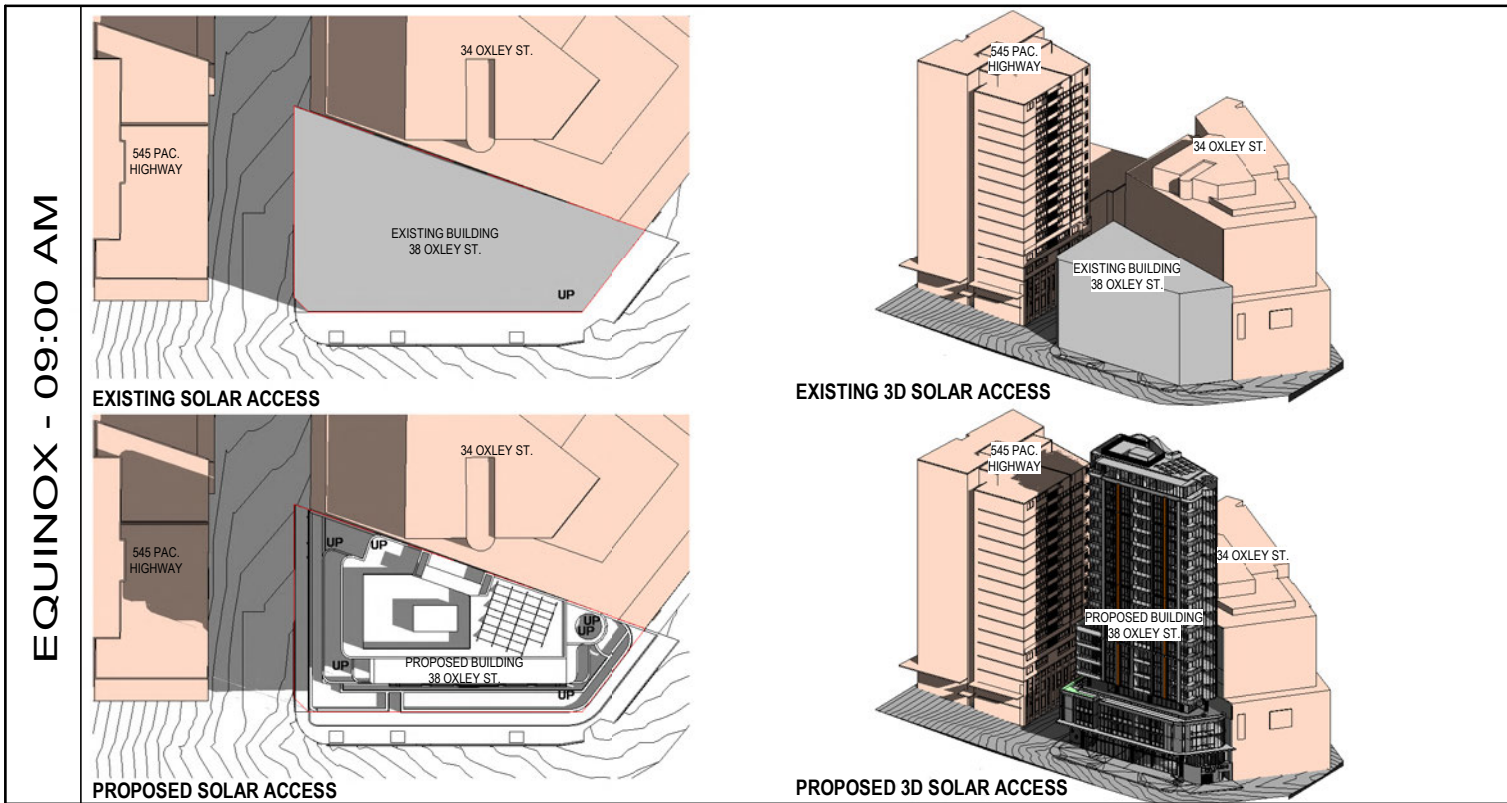
MEANS AN AREA OUTSIDE A DWELLING THAT IS DIRECTLY ACCESSIBLE FROM, AND ADJACENT TO, A HABITABLE ROOM IN THE DWELLING, OTHER THAN A BEDROOM.

SOLAR ACCESS

IS THE ABILITY OF A BUILDING TO RECEIVE DIRECT SUNLIGHT WITHOUT OBSTRUCTION FROM OTHER BUILDINGS OR IMPEDIMENTS, NOT INCLUDING TREES.

MEASURING DIRECT SUNLIGHT

TO MAXIMISE THE BENEFIT TO RESIDENTS OF DIRECT SUNLIGHT WITHIN LIVING ROOMS AND PRIVATE OPEN SPACES, A MINIMUM OF 1M2 OF DIRECT SUNLIGHT, MEASURED AT 1M ABOVE FLOOR LEVEL, IS ACHIEVED FOR AT LEAST 15 MINUTES



38 OXLEY STREET - ST LEONARDS

ISSUE	AMENDMENT DESCRIPTION	DATE

SHADOW ANALYSIS - EQUINOX

0 m 2 4 6

SCALE: As indicated @ A3

JOB NO: 2205

DRAWING No. 00 - A112

REV:



NOTES & DEFINITIONS UNDER THE TI SEPP AND PER THE CODES SEPP

OVERSHADOWING

A NEW BUILDING OR AN ALTERATION OR ADDITION TO AN EXISTING BUILDING MUST NOT OVERSHADOW ANY ADJOINING RESIDENTIAL ACCOMMODATION SO THAT SOLAR ACCESS TO ANY HABITABLE ROOM OR PRINCIPAL PRIVATE OPEN SPACE ON THE ADJOINING PROPERTY:

- a) IS REDUCED TO LESS THAN 3 HOURS OF SOLAR ACCESS BETWEEN 9:00 AM AND 3:00 PM AT THE WINTER SOLSTICE, OR
- b) IS REDUCED IN ANY MANNER IF SOLAR ACCESS TO ANY HABITABLE ROOM ON THE ADJOINING PROPERTY IS ALREADY LESS THAN 3 HOURS.

PRINCIPAL PRIVATE OPEN SPACE

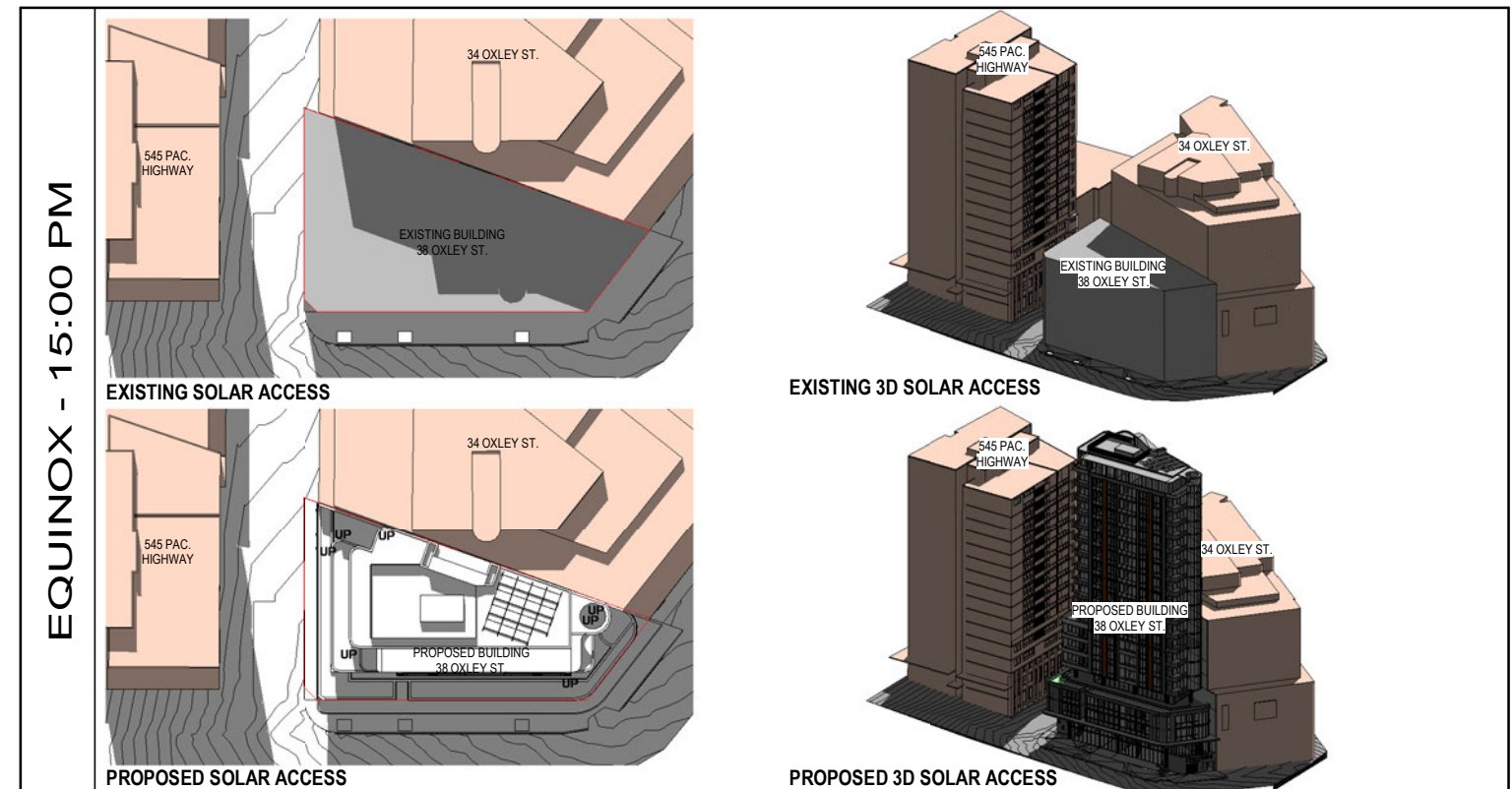
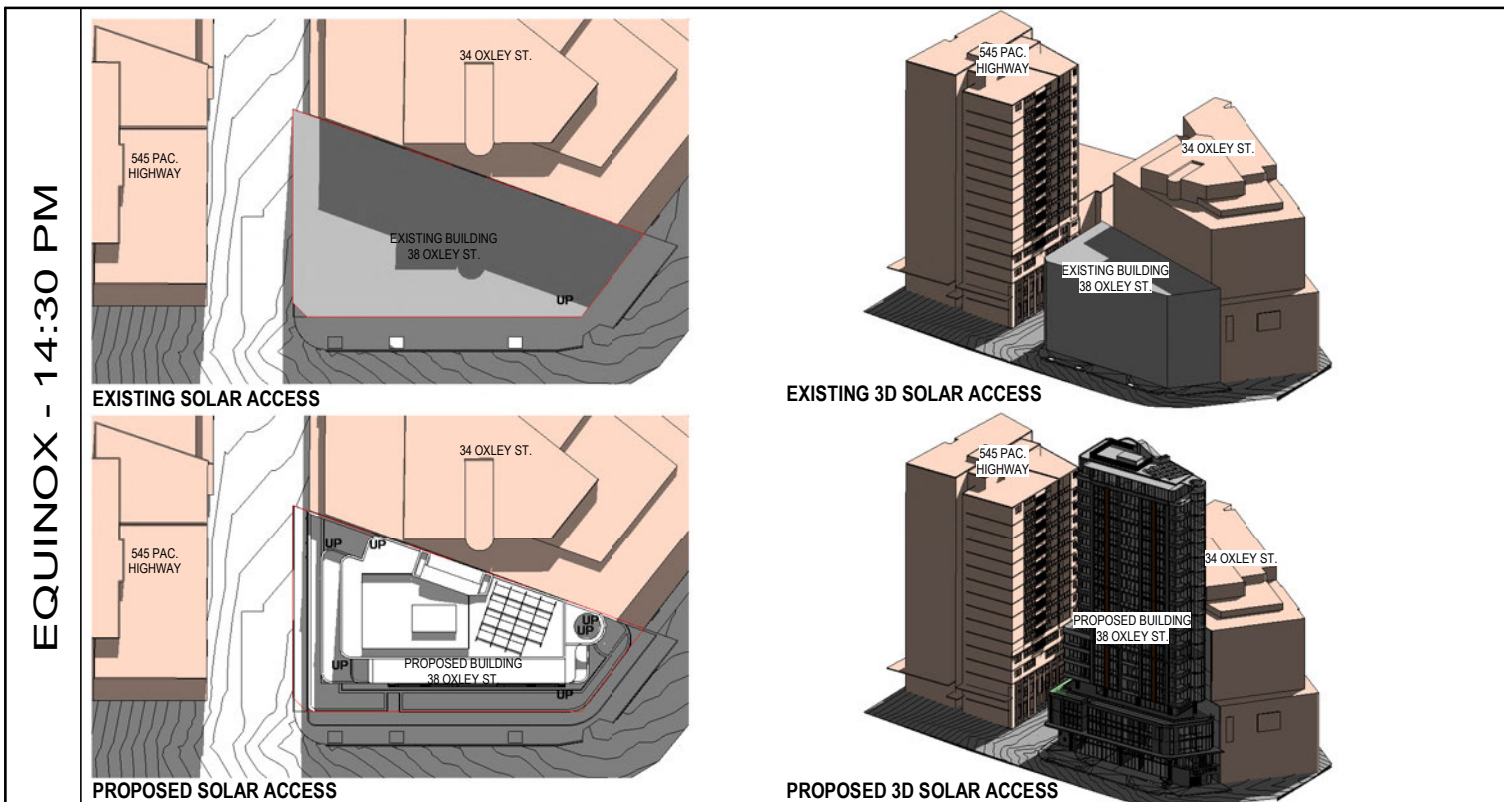
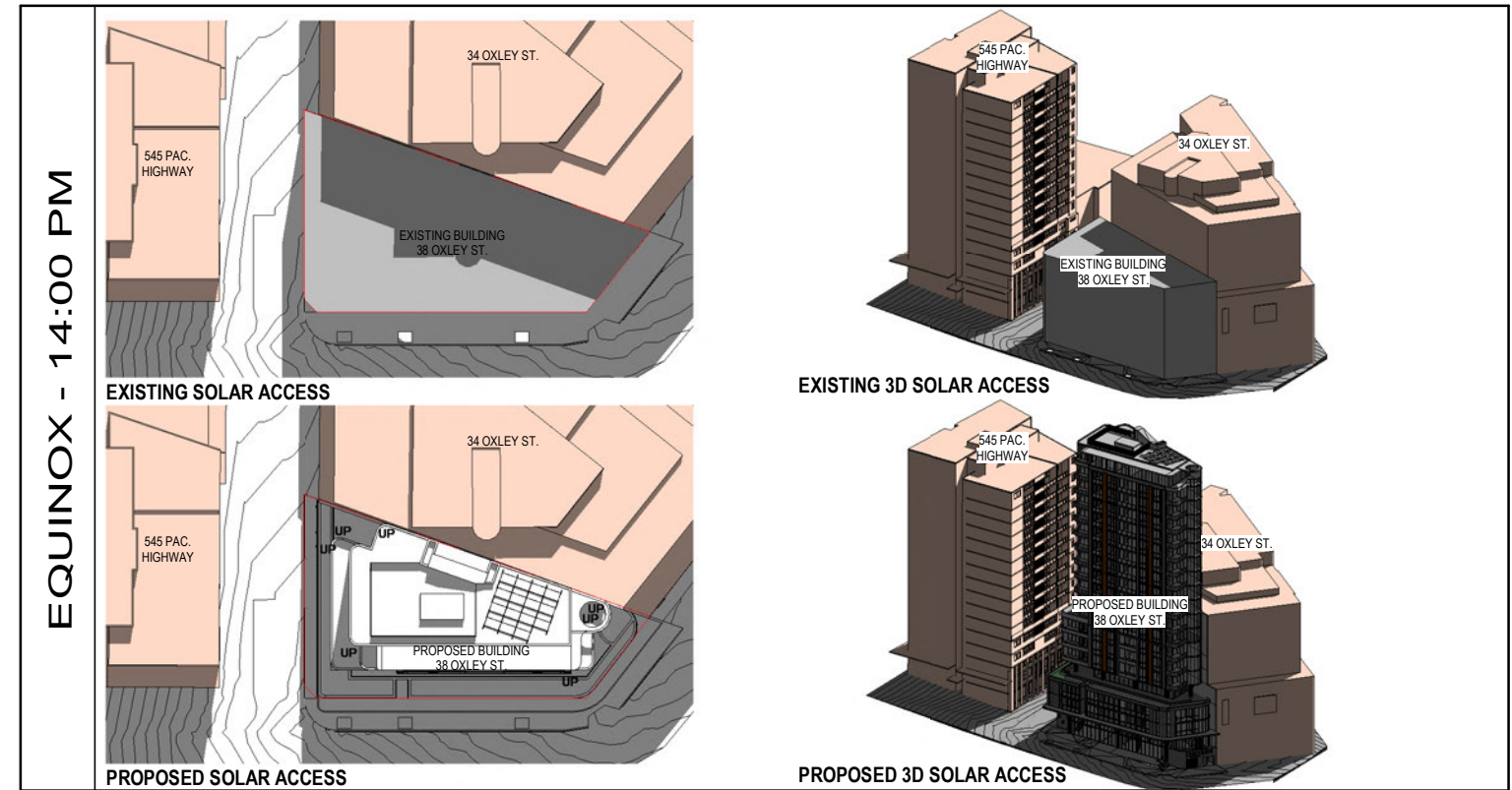
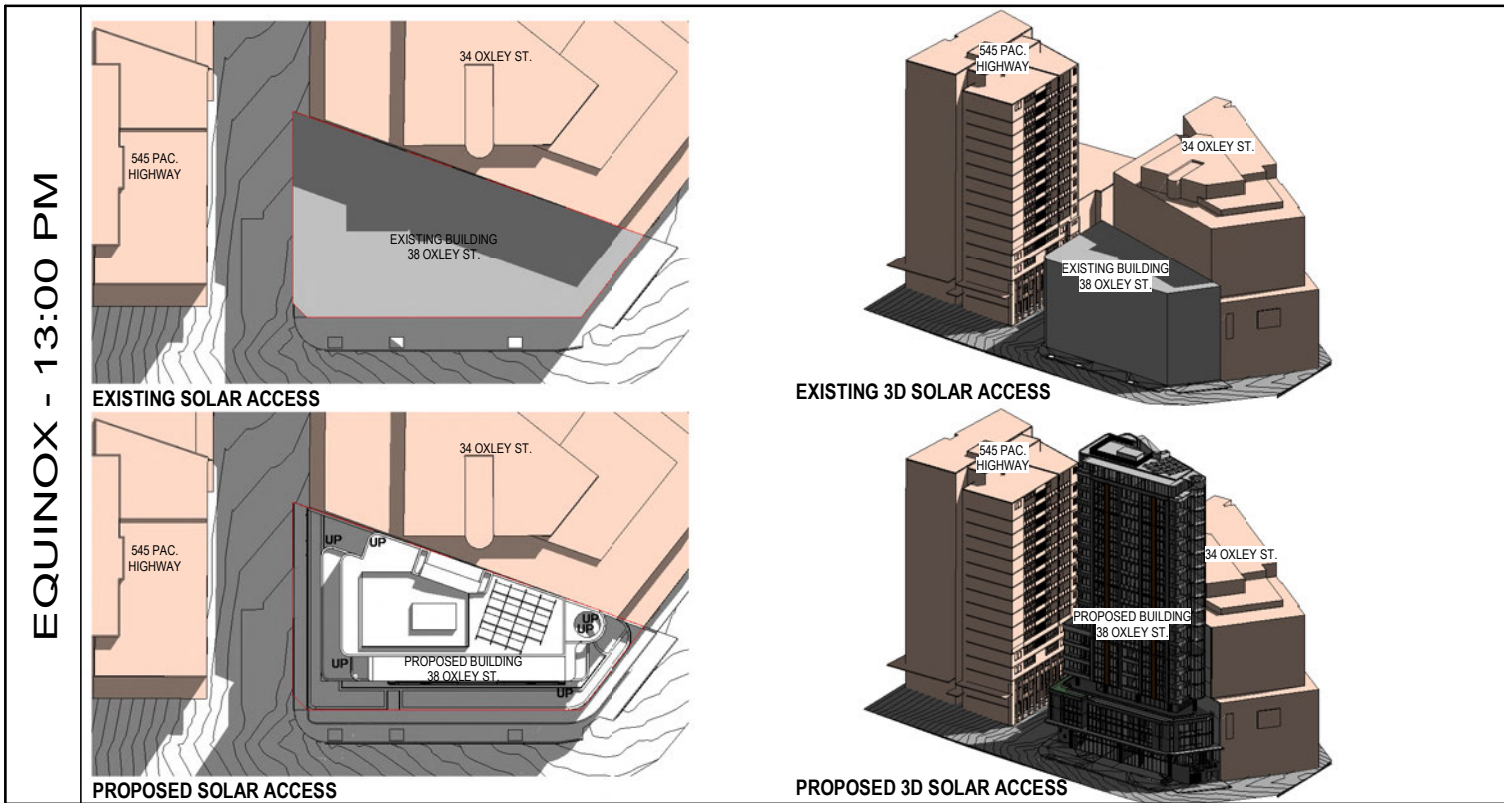
MEANS AN AREA OUTSIDE A DWELLING THAT IS DIRECTLY ACCESSIBLE FROM, AND ADJACENT TO, A HABITABLE ROOM IN THE DWELLING, OTHER THAN A BEDROOM.

SOLAR ACCESS

IS THE ABILITY OF A BUILDING TO RECEIVE DIRECT SUNLIGHT WITHOUT OBSTRUCTION FROM OTHER BUILDINGS OR IMPEDIMENTS, NOT INCLUDING TREES.

MEASURING DIRECT SUNLIGHT

TO MAXIMISE THE BENEFIT TO RESIDENTS OF DIRECT SUNLIGHT WITHIN LIVING ROOMS AND PRIVATE OPEN SPACES, A MINIMUM OF 1M2 OF DIRECT SUNLIGHT, MEASURED AT 1M ABOVE FLOOR LEVEL, IS ACHIEVED FOR AT LEAST 15 MINUTES



38 OXLEY STREET - ST LEONARDS

ISSUE	AMENDMENT DESCRIPTION	DATE

SHADOW ANALYSIS - EQUINOX

0 m 2 4 6

SCALE: As indicated @ A3

JOB NO: 2205

DRAWING No. 00 - A113

REV:



4 September 2024

Mr Brendan Metcalfe
Director, State Rezoning
NSW Department of Planning, Housing and Infrastructure
12 Darcy Street
PARRAMATTA NSW 2150

Dear Mr Metcalfe,

**58-64 PACIFIC HIGHWAY, ST LEONARDS
SUBMISSION TO THE CROWS NEXT TRANSIT ORIENTATED DEVELOPMENT REZONING PROPOSAL**

This submission has been prepared by Ethos Urban on behalf of EG Funds Management Pty Ltd (EG), in response to the Crows Nest Transit Orientated Development (TOD) rezoning proposal, which was placed on exhibition on 16th July 2024.

As you are aware, EG is the owner of the site at 58-64 Pacific Highway, St Leonards and provided the Department of Planning, Housing and Infrastructure (DPHI) with a briefing document (dated March 2024) outlining EG's renewal vision, key commitments and public benefits arising from the site's future redevelopment including the delivery of both medical/ commercial floorspace in addition to housing supply in a highly accessible location.

EG commends the DPHI on the inclusion of Crows Nest and St Leonards as an accelerated precinct and its efforts in expediting a draft rezoning and renewal plan, as currently on exhibited under the Transit Orientated Development Program.

We agree with and support the general aims of the rezoning proposal, which are to:

- accelerate additional housing growth close to a key transport hubs and other essential amenities: and
- support the renewal of St Leonards / Crows Nest into a vibrant community that caters for the needs of people of all ages, with a diverse range of homes supported by open space, community services, cafes, restaurants, and unique retail experiences.

EG also supports the inclusion of 58-64 Pacific Highway, St Leonards (the site) as a potential renewal site subject to an incentivised land-use/ density outcome contingent on the delivery of affordable housing.

It welcomes the opportunity to provide feedback to the DPHI on the proposed rezoning proposal and provide its recommendations to refine the controls that will apply to site, to enable EG to deliver its planned residential development.

In summary:

- EG supports the proposed rezoning of the site to an MU1 – Mixed Use zone.
- EG supports the proposed increase to the base Height of Buildings control.
- Opposes of the retention of the base FSR control of 5.1:1.
- Opposes the proposed base case minimum non-residential FSR control.
- Welcome the incentive controls, however based upon feasibility testing conducted by Hill PD, EG are concerned that they will not deliver the intended outcome for the following reasons:
 - A 24 storey development on the site is not commercially feasible;
 - The 8.5:1 FSR is too low to benefit from the 82m height incentive;
 - The incentive non-residential FSR of 2.5:1 is not feasible and should be reduced to 1.5:1.
 - The requirement to provide 15% affordable housing is too high and not feasible.

- The draft Design Guide requires amendments to the detail and language relating to:
 - GBA to GFA ratios;
 - overshadowing;
 - deep soil;
 - setbacks;
 - street wall heights; and
 - existing and planning public open space references.

Furthermore, a feasibility analysis conducted by Hill PDA, which accompanies this submission, concludes that for affordable housing to be viable on the site, a relatively modest density increase along with a reduction in the affordable housing rate is necessary.

Our key recommendations are:

- Whilst the intent of the exhibited 24-storey mixed-use incentivised tower form has urban design merit and is welcomed, a modest increase in the overall FSR and height along with a reduced non-residential FSR and affordable housing rate of between 2-5% is requested and will be essential to ensure the renewal outcome is commercially viable.
- Two alternate built form scenarios are presented, one at 30 storeys and the other preferred option at 35 storeys. Both options result in a slimmer tower form, but with a slightly increased height than the exhibited built form. Neither option results in any adverse environmental impacts particularly in terms of overshadowing, nor from an urban design or visual impact perspective.
- Both alternative options still have the ability to make a contribution toward permanent affordable housing on-site, albeit at a reduced rate.

The remainder of this submission provides a description of the site, the existing and proposed planning controls and EGs response to the Crows Nest TOD Rezoning Proposal. It should be read in conjunction with the following:

- Feasibility and Economic Advice, prepared by Hill PDA (**Attachment A**);
- Massing Study, prepared by Nettleton Tribe Architects and Urban Designers (**Attachment B**).

1.0 58-64 Pacific Highway, St Leonards

58-64 Pacific Highway, St Leonards is located within the Lane Cove Municipal Council Local Government Area (LGA) and is identified in **Figure 1**. It is irregular in shape, is legally described as Lot 1 in DP 791740 and has a site area of 1327 sqm.

The site comprises a three storey (3) commercial building and is bounded by Pacific Highway to the north, Berry Road to the west and Marshall Lane to the south.

The site occupies a visually prominent location along the Pacific Highway and is directly opposite the main entrance to the Royal North Shore Hospital and associated medical precinct. It forms a western 'gateway' into the St Leonards/ Crows Nest Strategic Centre core.

The site is highly accessible, with district bus services, St Leonards heavy rail and Crows Nest metro all within a short walkable distance from the site.

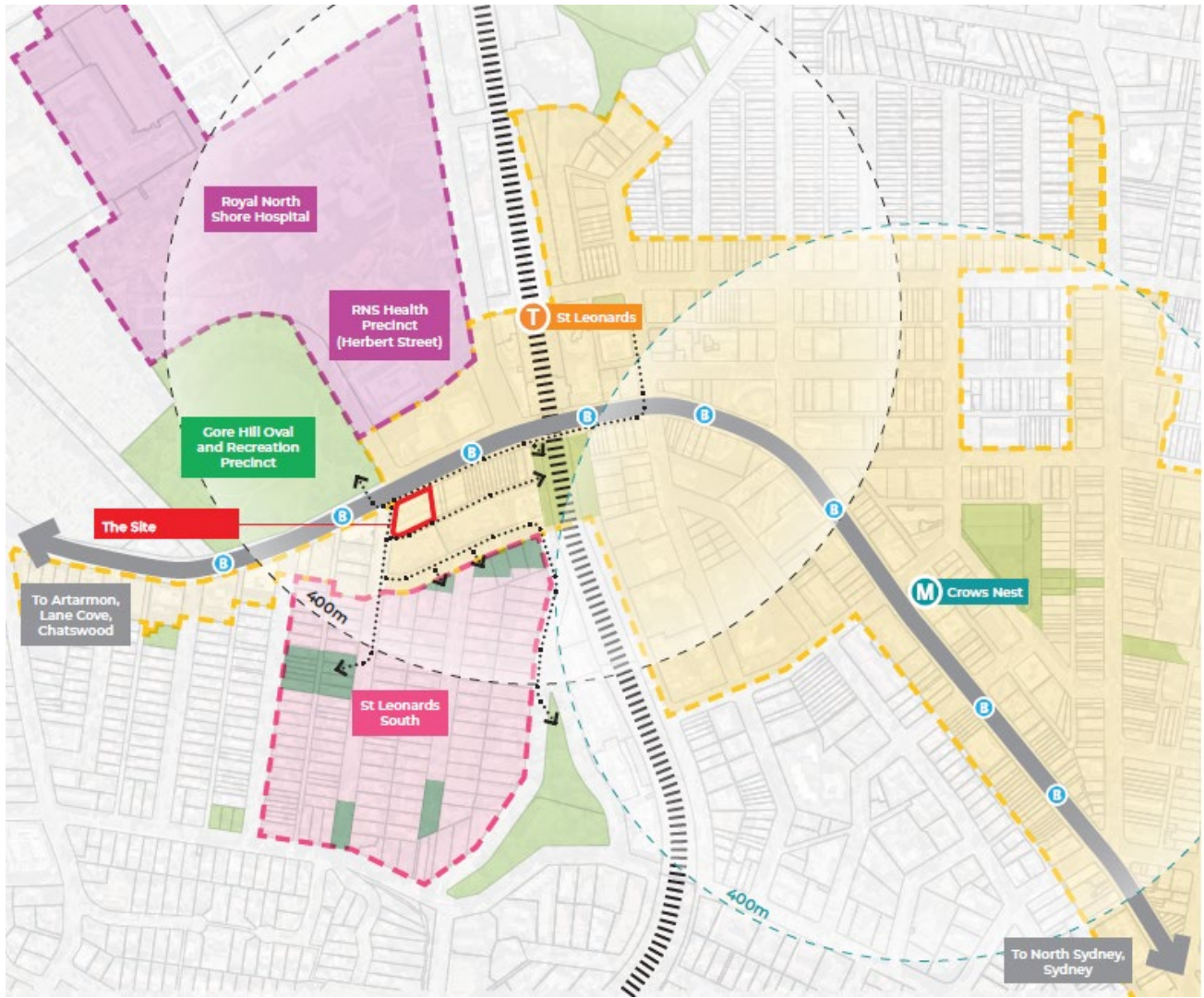


Figure 1 Site location and surrounding context

Source: Ethos Urban

1.1 Existing and Proposed Planning Controls

The key Local Environmental Plan development controls that currently apply to the site and the proposed development controls, as currently exhibited are set out in **Table 1** below.

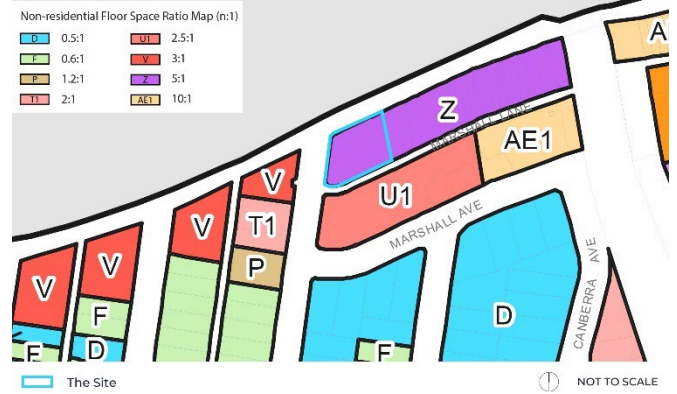
Table 1 Existing and Proposed LEP Development Controls

Existing In Force Planning Control	Proposed TOD Control
Zoning	
<p>E2 – Commercial Centre</p> <p>Land Zoning Map</p> <ul style="list-style-type: none"> R2 Low Density Residential R4 High Density Residential E2 Commercial Centre MU1 Mixed Use RE1 Public Recreation SP2 SP2 Classified Road <p>The Site NOT TO SCALE</p>	<p>MU1 – Mixed Use</p> <p>Land Zoning Map</p> <ul style="list-style-type: none"> R2 Low Density Residential R4 High Density Residential E2 Commercial Centre MU1 Mixed Use RE1 Public Recreation SP2 SP2 Classified Road <p>The Site NOT TO SCALE</p>
Base Height of Buildings Control	
<p>36m</p> <p>Height of Buildings Map (m)</p> <ul style="list-style-type: none"> 9.5 metres 12 metres 15 metres 25 metres 36 metres 45 metres 65 metres 94 metres <p>The Site NOT TO SCALE</p>	<p>41m</p> <p>Height of Buildings Map (m)</p> <ul style="list-style-type: none"> 9.5 metres 12 metres 15 metres 25 metres 36 metres 41 metres 45 metres 65 metres 94 metres <p>The Site NOT TO SCALE</p>
Base FSR Control	
<p>5.1:1</p> <p>Floor Space Ratio Map (n:1)</p> <ul style="list-style-type: none"> 0.5:1 0.6:1 1.2:1 2:1 2.5:1 3:1 5:1 10:1 <p>The Site NOT TO SCALE</p>	<p>5.1:1 – No Change</p> <p>Floor Space Ratio Map (n:1)</p> <ul style="list-style-type: none"> 0.5:1 0.6:1 1.2:1 2:1 2.5:1 3:1 5:1 10:1 <p>The Site NOT TO SCALE</p>

Base Non- Residential FSR

There is currently no Minimum Non-Residential FSR requirement. This is due to no residential development currently being permissible on the site.

5.1:1



Incentive Height of Buildings Control

None

82m (equivalent of approximately 24 storeys)



Incentive FSR Control

None

8.5:1



None

2.5:1



2.0 Response to the Crows Nest TOD Rezoning Proposal

2.1 Support the proposed rezoning to MU1 – Mixed Use

It is EGs vision to provide a mixed-use development on the site, that incorporates bespoke modern health related facilities, and much needed housing in this important 'Gateway' location. As noted in Section 1, under the Crows Nest TOD Rezoning Proposal, the site is proposed to be rezoned from an E2 - Commercial Centre zone to an MU1 – Mixed Use zone. EG supports this proposed zoning amendment, as it will enable a more diverse range of land uses on the site and facilitate the delivery of critically needed housing close to public transport, being heavy rail, metro rail and frequent district bus services.

2.2 Support the proposed increase to the Base Height of Buildings control

EG supports the proposed increase in the 'base' Height of Buildings control to 41m, however as explained in Section 2.3, the 41m building height envelope is constrained by the retention of the base FSR control of 5.1:1.

2.3 Objection to the retention of the base FSR control

The increase in the sites building height controls is ineffective unless the 'base' FSR controls are also increased.

Analysis of the development yield (as shown below in **Table 2**) reveals that when the base height of buildings control increases to 41m, a future development designed to the 'base' controls will be restrained by the 5.1:1 base FSR control and the full building height envelope will not be able to be achieved.

Accordingly, for a 41m building envelope to be provided on the site, with a very conservative assumption of 80% site coverage being applied, our calculations have found that the FSR should be approximately 6:1. Given the existing building on the site has a 100% site coverage, if that assumption is applied, a maximum base FSR should be in the region of 7-7.5:1.

Retaining the 5.1:1 base FSR height control would not enable a 41m high building to be developed under a base case scenario and therefore EG request that DHPI look to increase the base case FSR to 6:1 as a minimum.

Table 2 High Level Development Yield Calculations

Matter	Base Control Development	Commentary
Site area	1327 sqm	This figure is based on Nettleton Tribe site area data.
Assumed Site Coverage	80%	Assumed a conservative 80% site coverage, despite the existing site coverage is 100%.
Base FSR	5:1	As per the proposed Crows Nest TOD Rezoning controls
Base Building Height	41m	As per the proposed Crows Nest TOD Rezoning controls
Assumed GBA	11,678 sqm	This is based on the number of storeys (approximately 11) x the site coverage (80% of site area)
Maximum GFA under the FSR Control	6,768 sqm	This is based on 5.1:1 x site area
Maximum GFA under the HOB Control	9,926 sqm 8,758 sqm	Based on 85% GBA as GFA Based on 75% GFA as GFA

2.4 Objection to the proposed base case minimum non-residential FSR control

As shown in **Table 1**, the DPPI are proposing to introduce a minimum non-residential FSR control of 5.1:1 to the site's development controls. **EG oppose this proposed control and request it be removed.**

The site has an area of 1,327 sqm, and accordingly if a minimum non-residential FSR of 5.1:1 was applied to the site alongside the base case controls (i.e. not utilising the incentive controls), this would mean that ground floor commercial level with at least nine (9) levels of non-residential floorspace above would be required to be provided on the site, before any residential floorspace could be provided on the site.

The MU1 – Mixed Use zoning objectives within the Lane Cove LEP are as follows:

- *To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To ensure the mixture of land uses are compatible.*
- *To integrate development in accessible locations to maximise public transport patronage and encourage walking and cycling.*
- *To maximise sunlight for surrounding properties and the public domain.*

Whilst these objectives encourage a diversity of uses, albeit there is a particular encouragement of non-residential uses, the importance of housing delivery in the MU1 zone is recognised, by virtue of the fact that the land use term 'shop-top housing' is a mandatory permitted use *Standard Instrument (Local Employment Plans) Order 2006*. Accordingly, additional LEP development controls should not effectively prohibit, permissible land uses.

The imposition of a 'base' minimum non-residential FSR of 5.1:1 alongside a base FSR of 5.1:1 means that the site will **not** be able to provide any form of residential development (shop top housing, Build to Rent or otherwise) without providing affordable housing.

Hill PDA has prepared Feasibility and Economic Advice (**Attachment A**), which confirms that St Leonards/ Crows Nest vacancy rate is currently 26% which is the highest on record since the early 1990s, and equates to approximately 94,000 sqm of vacant floorspace in total. Hill PDA confirm that it would take 15-20 years for the market to absorb this quantum of floorspace, and for vacancy rates to return to a healthier 5%-7% - assuming no further increase in supply of at least a significant slow-down in supply.

It is therefore clear that **the imposition of a minimum base non-residential FSR of 5.1:1 will effectively result in the sterilisation of the site, as demand for new commercial floorspace is in decline.**

2.5 Welcome the incentive controls, however they will not deliver the intended renewal outcome nor affordable housing

2.5.1 A 24 storey development is not feasible

Hill PDAs feasibility analysis (**Attachment A**) assesses a number of different development scenarios. Firstly, Hill PDA assessed a development outcome compliant with the Crows Nest TOD proposed incentive height, FSR, and non-residential FSR controls, with and without the 15% affordable housing requirement.

A summary of the feasibility modelling results is included in **Table 3** below.

Table 3 24 Storey Building Feasibility Modelling Results

	Option 1	Option 2
Description	24 Storey with no affordable housing	24 Storey with 15% affordable housing
Storeys	24	24
Affordable Housing (%)	0%	15%
Site Area	1,327 sqm	1,327 sqm
Total FSR	8.5:1	8.5:1
Non-Residential FSR	2.5:1	2.5:1
Total GFA	11,260 sqm	11,260 sqm
Residential GFA (sqm)	7,890 sqm	7,890 sqm
Commercial GFA (sqm)	3,370 sqm	3,370 sqm
Land purchase price	\$33.8 million	\$33.8 million
Results		
Development Margin	5.19%	-8.58%
Internal rate of return (Target 16%)	9.89%	2.79%
Residual land value (Discount rate of 16%)	\$22.70 million	\$11.79 million
Result	Strongly Unviable	Strongly Unviable

Source: Hill PDA

Overall, the results demonstrate that the 24-storey development outcome without an affordable housing contribution (Option 1) falls well short of the target hurdle rate/ internal rate of return of 16% and achieves only 9.89%. Hill PDA confirm this is strongly unviable.

Furthermore, the 24-storey development with a 15% affordable housing scenario (Option 2) achieves only a 2.79% hurdle rate/ internal rate of return which is also commercially unviable, more so than the 24 storey scheme without any affordable housing contribution.

Accordingly, the Hill PDA analysis demonstrates that the exhibited 24 storey development option is unviable and remains unviable even if the affordable housing contribution is waived. This means that **should the incentive planning controls be implemented as currently proposed; the site will remain sterilised with no viable re-**

development potential. In particular, the key objectives of the Crows Nest TOD rezoning proposal will not be fulfilled including:

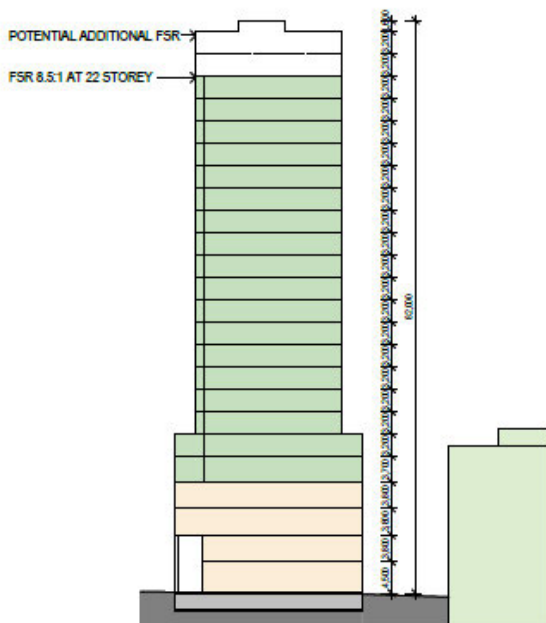
- The site will not contribute to increasing housing supply within the St Leonards/ Crows Nest Precinct.
- The site will not increase the amount of affordable housing within the Precinct.
- The site will not deliver any modern non-residential (commercial or medical) floorspace.
- The site will not result in the renewal of a key prominent 'gateway' site along the Pacific Highway, nor the activation of the street frontage/s.

2.5.2 The 8.5:1 FSR is too low for any development to benefit from the 82m building height incentive

Nettleton Tribe has prepared a Massing Study (**Attachment B**) to assess the envelope that is proposed under the proposed incentive controls. This confirms that the proposed 8.5:1 FSR severely restricts the height that can be achieved on the site. As demonstrated, if an FSR of 8.5:1 is applied to the site, then a 21-storey development (i.e. 74m high building) will only be able to be delivered, as depicted in **Figure 2** below.

The entire focus of the Transit Oriented Development Program is to provide well-located homes close to transport, jobs and services, with the Crows Nest/ St Leonards transport hub, being one of only eight tier one precincts nominated to deliver a significant quantum of homes over the next 15 years.

The DPHI needs to reconsider the height and density that is proposed on the site at 58-64 Pacific Highway, St Leonards, as otherwise the site will remain undeveloped and sterilised. EGs solution and preferred proposed scheme is discussed in **Section 3**.



SECTION

Figure 2 Massing Diagram of the exhibited 24m TOD building envelope

Source: Nettleton Tribe

2.5.3 The incentive non-residential FSR of 2.5:1 is too large and should be reduced or removed

As noted above in Section 2.3 of this submission, Hill PDAs Feasibility and Economic Assessment (**Attachment A**), provides a detailed overview of the housing and office markets both within the Sydney Metropolitan Area and the St Leonards/ Crows Nest locality.

It is clear there is an undersupply of housing in the Sydney Metropolitan Area, and at a local scale, only 775 new homes per annum have been delivered since 2020-21 against a target of 2,640 per annum, within the North Sydney, Mosman, Willoughby and Lane Cove LGAs combined (i.e. the Lower North Shore).

In addition, there is an oversupply of office floorspace. Whilst the St Leonards/ Crows Nest area is the fifth largest office market in NSW, it currently has a 26% vacancy rate (its highest ever recorded) equating to approximately 94,000 sqm of floorspace.

In addition, Hill PDA estimate that if the proposed non-residential floorspace requirements were delivered, this would equate to an additional 90,000 sqm of non-residential floorspace coming into the already over supplied market, when it is expected that only 31,000 sqm of floorspace will be taken up over the next 20 years.

The implications of imposing a minimum non-residential FSR of 2.5:1 equates to approximately 5-6 podium levels of floorspace solely for commercial or related uses. The mandatory inclusion of this much non-residential (commercial) floorspace contributes to the unviability of the exhibited scheme.

Given the Crows Nest TOD Rezoning Proposals principal objective is to increase housing supply within walking distance of the St Leonards and Crows Nest rail stations, it is completely nonsensical to mandate such a high quantum of non-residential floorspace, which in turn impacts upon ability to deliver additional housing.

Whilst **EG supports and is willing to incorporate some non-residential floorspace on the ground and lower floors, (likely commercial and medical related uses allied with the North Shore Hospital activity) it respectfully requests the minimum FSR requirement be reduced to 1.5:1 as a maximum.**

2.6 Design Guide

We understand the purpose of the Design Guide is to 'support the implementation of the planning controls for the Crows Nest Precinct by providing more detailed provisions to guide any future re-development'. Further, they will take precedence over any Council DCPs applying to the precinct.

Specifically, the Design Guide notes that *"in the event of inconsistency between the Design Guide and the relevant Council Development Control Plans (DCPs), the objectives and provisions of the Design Guide prevail"*. EG commends the DPHI for preparing the Design Guide and are generally supportive of the provisions proposed, however upon detailed review the following comments and recommendations are put forward to ensure consistency with the intended objectives of the rezoning proposal are achieved.

2.6.1 GBA to GFA assumptions

Within Section 3.4 Built Form of the Design Guide, Provision 6 requires that the maximum floorspace ratio (FSR) and minimum non-residential FSR assumptions are to be based on the following gross building area (GBA) to gross floor area (GFA):

- Residential – 75%
- Ground floor (non-residential – retail) – 65%
- Non-residential – 85%

EG recommends this provision be removed from the Design Guide. These ratios are redundant due to the fact that maximum floor space ratio (FSR) for all sites within the Crows Nest TOD precinct are to be prescribed in the relevant LEP and GBA to GFA ratios are typically used to formulate applicable FSR controls. Retaining Provision 6 within the Design Guide will result in inconsistencies and confusion between the prescribed maximum FSR controls in the LEP and maximum FSR determined using the above assumptions.

High quality residential developments throughout Sydney typically utilise a GBA to GFA ratio of between 80%-85% to provide flexibility in dwelling mix and the exact ratio is worked out at the detailed design stage, and the efficiency is dependent upon a range of factors, such as floorplate design and site configuration.

In summary, **the exhibited GBA to GFA efficiencies are highly conservative and well below the common precedent efficiencies being realised.**

2.6.2 Overshadowing

Within Table 2 of Section 3.4.1 Solar Amenity and Overshadowing of the Design Guide, it states that 'No additional overshadowing between 10am to 3pm Winter Solstice (June 21)' is to be provided over the existing and planned public open spaces.

It is considered that this requirement is too rigid and inconsistent with the solar access controls on page 37 of the endorsed 'St Leonards Crows Nest 2036 Plan', which were the subject of detailed assessment, interrogation and revision prior to their adoption in the final 2036 Plan. The 2036 Plan shadowing controls state as follows:

Retaining solar access to public open space, valued streetscapes, and residential areas is a key objective of the Plan. Solar access controls - are outlined in the Solar Access Map:

The solar access controls protect these key places by requiring that new development in the area does not produce substantial additional overshadowing during specific hours in mid-winter (21 June)

Notwithstanding that these two pocket parks have been incorrectly identified and labelled in Figure 8 as Newlands Park, in order to accurately reflect the terminology that was set out in the 2036 Structure Plan, it is recommended that the overshadowing requirement for existing and planned public open spaces be amended to be:

'New developments are not to cause substantial additional and/or unacceptable overshadowing to any key existing or proposed public open spaces between 10am to 3pm Winter Solstice (June 21).'

It should also be noted that the Urban Design Report that accompanies the rezoning proposal (prepared by SJB) specifically states that:

- the exhibited 24 Storey Crows Nest TOD rezoning proposal will not overshadow the larger open space in St Leonards South; and
- smaller pocket parks will be affected, however, they are largely impacted by existing or 2036 Structure Plan shadows already.

The detailed shadowing analysis undertaken by Nettleton Tribe (**Attachment B**) has made similar findings to that of the Department's urban designers SJB, which are contained on page 66-67 of the Urban Design Report. These are discussed further in Section 3.3.

Notwithstanding the above, **it is recommended that the proposed solar access controls align and are consistent, with the wording contained in the endorsed 2036 Plan.**

2.6.3 Deep soil

It is recommended the deep soil requirements with the Design Guide be amended to be consistent with the requirements of the ADG. Specifically, the ADG acknowledges sites within centres, high density areas (such as St Leonards), constrained sites and/or where non-residential uses are proposed at ground floor level the deep soil requirements may not be able to be achieved.

For the high-level massing studies that have been undertaken by Nettleton Tribe to date, have confirmed that the communal open space requirements under the ADG can be achieved. However, deep soil opportunities are limited particularly given:

- The highly urbanised built form context of the existing and future setting, which is located within the CBD core of the St Leonards/ Crows Nest strategic centre; and
- The proposed nil setbacks along the Pacific Highway and Berry Road frontages.

It is noted, the existing 3 storey building on the site has nil setbacks to all three (3) street frontages. Tree planting opportunities would obviously be explored at the DA stage, including along the footpath reservation, podium and possibly at the intended through-site link to Marshall Lane, however the Design Guide should acknowledge there will need to be exceptions to the rule.

Adherence to the deep soil requirements under the Design Guide is unrealistic and cannot be achieved on this and similar sites along the Pacific Highway. Accordingly, the terminology used within the Design Guide should be amended to include the flexibility that is included within the ADG.

2.6.4 Setbacks

EG requests further clarification and rationale behind the required 'Reverse Setback' provision that is proposed to apply to the Pacific Highway frontage of the site, as illustrated in Section 3.7 - Figure 9 of the Design Guide. It is unclear within the Design Guide and supporting Urban Design Framework prepared by SJB what the intended outcome and implementation of the reverse setback is and the expected dimensions.

It is noted that a detailed section of the reverse setback is only shown on the block at the Five Ways Intersection which is not reflected on the proposed setback map.

It is assumed that a nil setback is to be applied along the Pacific Highway and Berry Road frontage, for the non-residential podium, which is supported and consistent with the existing building setback/s.

As such, **we request further clarification of the reverse setback through the inclusion of an additional section drawing to clearly illustrate the intended outcome.**

2.6.5 Street walls

Figure 10 of the Design Guide shows a 6-storey street wall height is required to be provided at the site along Pacific Highway and a 4-storey street wall height is provided along Berry Road. EG notes the prescribed street wall heights for the site are inconsistent with Section 3.8, Provision 2, which states "corner sites are to maintain a consistent podium height to all street frontages". Given, Provision 2 applies to the site, it is currently unclear which street wall height as shown in Figure 10 should be adopted.

Therefore, **EG request that the DPHI provide clarification on the consistent street wall height for the site to satisfy Provision 2.**

2.6.6 Incorrect Reference to Newlands Park

Figure 8 within the Design Guide has incorrectly identified the two pocket parks located to the south of the site and a third park, located along Berry Road, as Newlands Park. EG requests that Figure 8 be updated to correctly identify the locations of existing and proposed public open spaces.

3.0 Proposed Solution

It is clear from Section 2 that the proposed 24 storey (82m height and 8.5:1 FSR) scheme included within the Crows Nest TOD rezoning proposal:

- will not be feasible with and without the provision of affordable housing;
- seeks to set an FSR control that is too restrictive; and
- seeks to implement base and incentive non-residential FSR controls that are too high and unnecessary, given current and future market conditions.

Whilst the overall objective of the zoning and incentivised controls are supported, the reality is that the renewal outcome and critical housing supply, including permanent affordable accommodation, will not materialise based on the exhibited controls.

EG respectfully requests refinement of the proposed controls to assist the DPHI in meeting the intended objectives of the rezoning proposal as it applies to 58-64 Pacific Highway.

The Hill PDA Feasibility & Economic Advice (**Attachment A**) and Nettleton Tribe Massing Study (**Attachment B**) has assessed the feasibility, potential massing and likely overshadowing impacts of a future 30 storey and 35 storey scheme as alternatives to the 24 storey TOD rezoning proposal scheme. The results are summarised below.

3.1 Feasibility

As noted in Section 2.5.1, the Hill PDA feasibility analysis (**Attachment A**) has assessed four different development scenarios. Importantly, it has found that the currently exhibited 24 storey development option is unviable and remains unviable even if the affordable housing contribution is not required.

Notwithstanding this, the overall feasibility results provided in **Table 4**, demonstrate that taller and higher-density development scenarios can be viable on the site.

However, to provide 'marginally' viable development scenarios, i.e. a projected Internal Rate of Return of approximately 16%, both the 30 storey and 35-storey development scenarios have adopted a minimum non-residential FSR of 1.6:1 and have had to apply a significantly reduced affordable housing percentage.

To achieve a target Internal Rate of Return of 18%, which would act as catalyst and incentive to redevelop the site in the next 15 years, Hill PDA consider that no affordable housing would be able to be delivered within the 30-storey scheme and approximately only 2% affordable housing would be commercially viable under the 30-storey scheme.

Table 4 Feasibility modelling comparison results

	Option 1	Option 2	Option 3	Option 4
Description	24 Storey with no affordable housing	24 Storey with 15% affordable housing	30 Storey with affordable housing	35 Storey with affordable housing
Storeys	24	24	30	35
Affordable Housing (%)	0%	15%	2%	5%
Site Area	1,327 sqm	1,327 sqm	1,327 sqm	1,327 sqm
Total FSR	8.3:1	8.3:1	9.8:1	11.2:1
Non-Residential FSR	2.5:1	2.5:1	1.6:1	1.6:1
Total GFA	11,071 sqm	11,071 sqm	13,027 sqm	14,932 sqm
Residential GFA (sqm)	7,695 sqm	7,695 sqm	10,850 sqm	12,755 sqm
Commercial GFA (sqm)	3,3376 sqm	3,376 sqm	2,177 sqm	2,177 sqm
Land purchase price	\$33.8 million	\$33.8 million	\$33.8 million	\$33.8 million
Results				
Development Margin	4.26%	-9.33%	20.97%	21.86 %
Internal rate of return (Target 16%)	7.81%	0.66%	16.33%	16.18%
Residual land value (Discount rate of 16%)	\$22.03 million	\$11.08 million	\$34.52 million	\$34.24 million
Result	Strongly Unviable	Strongly Unviable	Marginally viable	Marginally viable

Source: Hill PDA

3.2 Built Form

Nettleton Tribes Massing Study (**Attachment B**) provides comparisons between the currently exhibited 24 storey TOD proposal massing (adopted from the Urban Design Report, prepared by SJB) and comparison 30 and 35 storey developments, based upon EGs preferred massing. As demonstrated in **Figures 3-5** below, the 30 and 35 storey envelopes provide a taller and slimmer building envelope with a more refined podium massing comprising of only 3 levels, as opposed to the 24-storey exhibited TOD massing building envelope, which would provide 5 levels of commercial floorspace within a much bulkier podium, and larger and deeper residential floorplates above.

Taller, more slender building forms are often more space efficient, provide opportunities for increased setbacks, and improved urban design outcomes with lesser environmental impacts.

A taller building on the site will also enable an increased number of dwellings and affordable dwellings to be provided on the site, and as discussed in Section 3.1, will ensure the development is commercially viable.

As demonstrated in the Nettleton Tribe Massing Study, (**Attachment B**), approximately 111 dwellings will be able to be provided within a 30 storey development and approximately 131 dwellings will be able to be provided within a 35 storey development, whereas approximately 78 dwellings will be provided under the currently exhibited Crows Nest TOD rezoning proposal.

Importantly, the suggested alternate 30 or 35 storey slimmer mixed-use tower options will:

- not give rise to any adverse visual or urban design impacts, in that the tower heights will still be well below that of many taller towers (both existing and proposed) further to the east of the site;
- improve and protect the solar amenity of surrounding residential development and open spaces to the south of the site, and
- will successfully deliver a landmark building that identifies the western gateway entrance into the precinct and protect the solar amenity of surrounding residential development and open spaces.

Whilst taller buildings are often viewed as having greater resultant overshadowing impacts, the proposed 30 and 35 storey building envelopes have both been designed to protect and even improve the solar access amenity to the 'Embassy building', located to the south of the site, as discussed in Section 3.3 below.

3D DIAGRAM - 24 STOREY

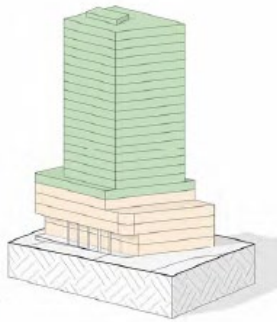


Figure 3 Exhibited 24 storey TOD scheme

Source: Nettleton Tribe

3D DIAGRAM - 30 STOREY

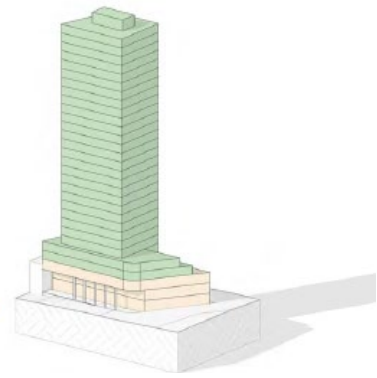


Figure 4 Comparison 30 storey scheme

Source: Nettleton Tribe

3D DIAGRAM - 35 STOREY

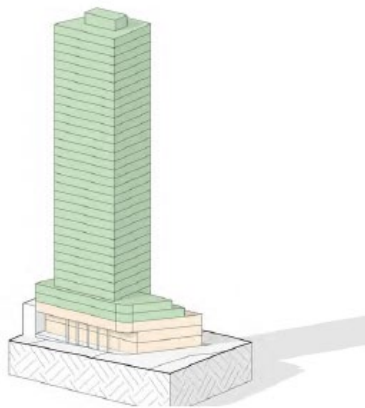


Figure 5 Comparison 35 storey scheme

Source: Nettleton Tribe

3.3 Solar Access and Overshadowing Impact Comparisons

Retaining solar access to public open space, streetscapes and residential areas was a key objective of the St Leonards and Crows Nest 2036 Structure Plan that has been transposed into the draft Design Guide, currently on exhibition.

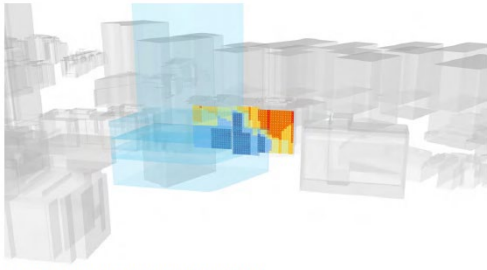
With this in mind, Nettleton Tribe's overshadowing analysis (**Attachment B**) assesses solar access impacts upon the northern façade of the 'Embassy building' located to the south of Marshall Lane and overshadowing impacts between 9am and 3pm on 21st June for each of the development scenarios.

3.3.1 Solar Access Impacts

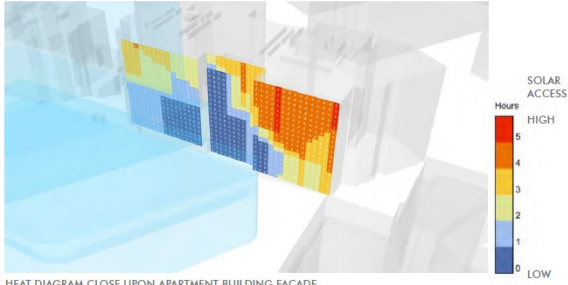
The comparison illustrations of the 24, 30 and 35 storey development scenarios (as set out in **Figures 6-8** below, demonstrate that:

- The 24 storey development scenario will only provide 53% of the Embassy building northern façade with 2 or more hours of solar access;
- The 30 storey development scenario will provide 83% of the Embassy building northern façade with 2 or more hours of solar access; and
- The 35 storey development scenario will provide 83% of the Embassy building northern façade with 2 or more hours of solar access.

Overall, the proposed 30 and 35 storey development scenario's will provide a significantly lower level of impact on the Embassy building than the exhibited Crows Nest TOD rezoning proposal development scenario.



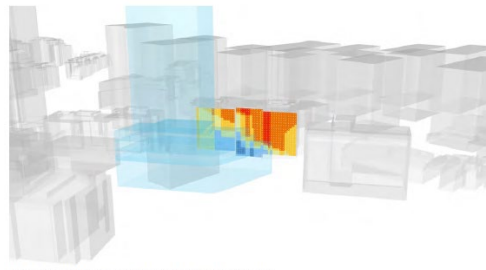
HEAT DIAGRAM ON APARTMENT BUILDING FACADE



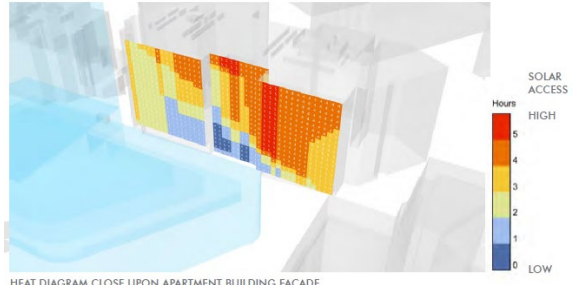
HEAT DIAGRAM CLOSE UPON APARTMENT BUILDING FACADE

Figure 6 Exhibited 24 storey TOD scheme access

Source: Nettleton Tribe



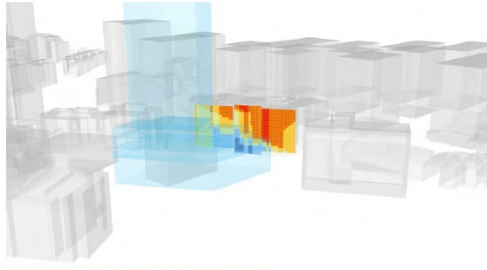
HEAT DIAGRAM ON APARTMENT BUILDING FACADE



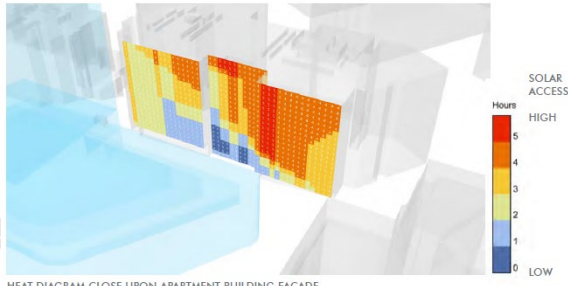
HEAT DIAGRAM CLOSE UPON APARTMENT BUILDING FACADE

Figure 7 Comparison 30 storey scheme solar access

Source: Nettleton Tribe



HEAT DIAGRAM ON APARTMENT BUILDING FACADE



HEAT DIAGRAM CLOSE UPON APARTMENT BUILDING FACADE

Figure 8 Comparison 35 storey scheme solar access

Source: Nettleton Tribe

3.3.2 Overshadowing Impacts

The draft Design Guide seeks to minimise overshadowing to existing and proposed public open spaces. Section 2.6.2 specifically responds to the Design Guide provisions, however as this submission proposes alternative development scenarios to the exhibited 24 storey development massing, Nettleton Tribe has prepared overshadowing diagrams for all three scenarios, to assess whether the 30 and preferred 35 storey development scenarios will generate any additional overshadowing impacts when compared to the 24 storey Crows Nest TOD rezoning proposal development.

The overshadowing drawings demonstrate that the 24 storey development will cast shorter and wider shadows, whilst the 30 and 35 storey developments will cast longer and but much leaner shadows. However, as demonstrated in **Table 5**, all three development scenarios do not create any additional overshadowing impacts on the two pocket parks. Specifically,

- the exhibited 24-storey envelopes do not overshadow key open space in St Leonards South that is not already impacted by existing or 2036 Structure Plan overshadowing;
- the 30 storey development scenario does not overshadow key open space in St Leonards South that is not already impacted by existing or 2036 Structure Plan overshadowing; and
- the preferred 35 storey envelope has negligible impacts upon key open space in St Leonards South with the majority of open space already impacted by existing or 2036 Structure Plan overshadowing.

Furthermore, all surrounding existing and proposed residential development will be able to achieve a minimum of 3 hours of solar access between 9am and 3pm.

Table 5 Comparison of overshadowing impacts under the three development scenarios

Time of Day	24 Storey Scenario	30 Storey Scenario	35 Storey Scenario
9am	<ul style="list-style-type: none"> • Both parks fully overshadowed by existing development • No additional overshadowing by proposal on small and large parks 	<ul style="list-style-type: none"> • Both parks fully overshadowed by existing development • No additional overshadowing by proposal on small and large parks 	<ul style="list-style-type: none"> • Both parks fully overshadowed by existing development • No additional overshadowing by proposal on small and large parks
10am	<ul style="list-style-type: none"> • Small park not overshadowed • Large park partially overshadowed by existing development • Neither parks affected by proposal 	<ul style="list-style-type: none"> • Small park not overshadowed • Large park partially overshadowed by existing development • Neither parks affected by proposal 	<ul style="list-style-type: none"> • Small park not overshadowed • Large park partially overshadowed by existing development • Neither parks affected by proposal
11am	<ul style="list-style-type: none"> • Small park not overshadowed • Large park partially overshadowed by existing development • Neither parks affected by proposal 	<ul style="list-style-type: none"> • Small park not overshadowed • Large park partially overshadowed by existing development • Neither parks affected by proposal 	<ul style="list-style-type: none"> • Small park not overshadowed • Large park partially overshadowed by existing development • Neither parks affected by proposal
12pm	<ul style="list-style-type: none"> • Both parks partially overshadowed by existing development • No additional overshadowing by proposal 	<ul style="list-style-type: none"> • Both parks partially overshadowed by existing development • No additional overshadowing by proposal 	<ul style="list-style-type: none"> • Both parks partially overshadowed by existing development • No additional overshadowing by proposal
1pm	<ul style="list-style-type: none"> • Small park fully overshadowed by existing development • Large park partially overshadowed by existing development • No additional overshadowing by proposal 	<ul style="list-style-type: none"> • Small park fully overshadowed by existing development • Large park partially overshadowed by existing development • No additional overshadowing by proposal 	<ul style="list-style-type: none"> • Small park fully overshadowed by existing development • Large park partially overshadowed by existing development • No additional overshadowing by proposal

Time of Day	24 Storey Scenario	30 Storey Scenario	35 Storey Scenario
2pm	<ul style="list-style-type: none"> • Small park fully overshadowed by existing development • Large park partially overshadowed by existing development • No additional overshadowing by proposal 	<ul style="list-style-type: none"> • Small park fully overshadowed by existing development • Large park partially overshadowed by existing development • No additional overshadowing by proposal 	<ul style="list-style-type: none"> • Small park fully overshadowed by existing development • Large park partially overshadowed by existing development • No additional overshadowing by proposal
3pm	<ul style="list-style-type: none"> • Small park fully overshadowed by existing development • Large park fully overshadowed by existing development • No additional overshadowing by proposal 	<ul style="list-style-type: none"> • Small park fully overshadowed by existing development • Large park fully overshadowed by existing development • No additional overshadowing by proposal 	<ul style="list-style-type: none"> • Small park fully overshadowed by existing development • Large park fully overshadowed by existing development • No additional overshadowing by proposal

Source: Nettleton Tribe

4.0 Conclusion

In conclusion, EG commends the DPHI for inclusion of the site at 58-64 Pacific Highway, St Leonards as a potential renewal site subject to incentivised land-use/ density outcome and contingent on the delivery of affordable housing.

However, as demonstrated in this submission, for affordable housing to be most viable on the site a 35 storey building would need to be provided and the affordable housing contribution would be no higher than 5%, but ideally in the region of 2-3%.

Relative to the exhibited 24 storey form, the preferred 35 storey built form does not result in any adverse environmental impacts from an overshadowing perspective or from an urban design or visual impact perspective.

EG and Ethos Urban would welcome a meeting with the DPHI to discuss this submission in detail, the implications of the exhibited Crows Nest TOD rezoning proposal particularly in terms of its commercial viability and to present the alternate 30 or preferred 35 storey schemes. ,

Should you require any further clarification on any of the matters raised, please do not hesitate to contact the undersigned.

Yours sincerely,

[Redacted Signature]

[Redacted Name]
[Redacted Title]
[Redacted Email]@[Redacted Domain].com

[Redacted Signature]

[Redacted Name]
[Redacted Title]
[Redacted Email]@[Redacted Domain].com

29 AUG 2024



60 PACIFIC HIGHWAY
ST LEONARDS
EG

nettleontribe

CLIENT



PREPARED FOR
EG

DOCUMENT REVISION STATUS

Document name: Massing Studies
Project name: 12631- EG 60 Pacific Highway
Date: Aug 2024

PREPARED BY
nettletontribe

nettletontribe

Sydney
T +61 2 9431 6431
E sydney@nettletontribe.com.au

Brisbane
T +61 7 3239 2444
E brisbane@nettletontribe.com.au

Melbourne
+61 3 8547 1400
E melbourne@nettletontribe.com.au

Canberra
T +61 2 6107 3090
E canberra@nettletontribe.com.au

Perth
T +61 8 6166 9488
E perth@nettletontribe.com.au

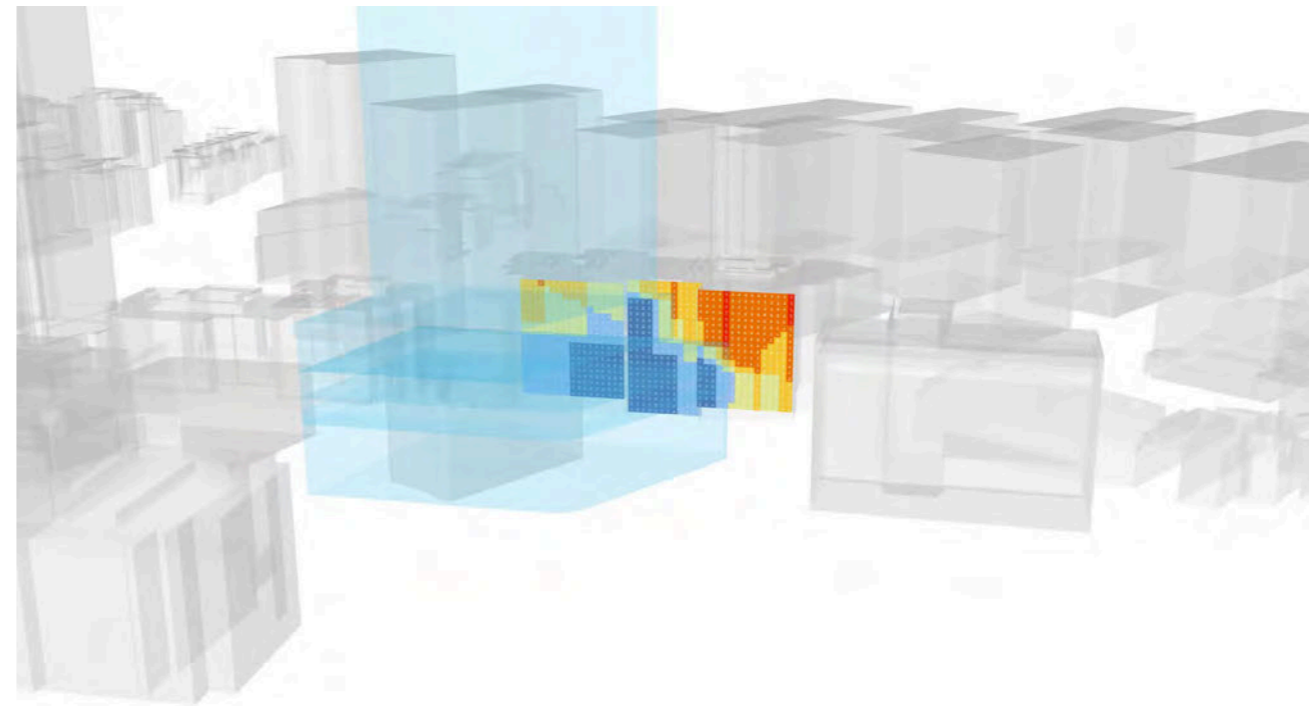
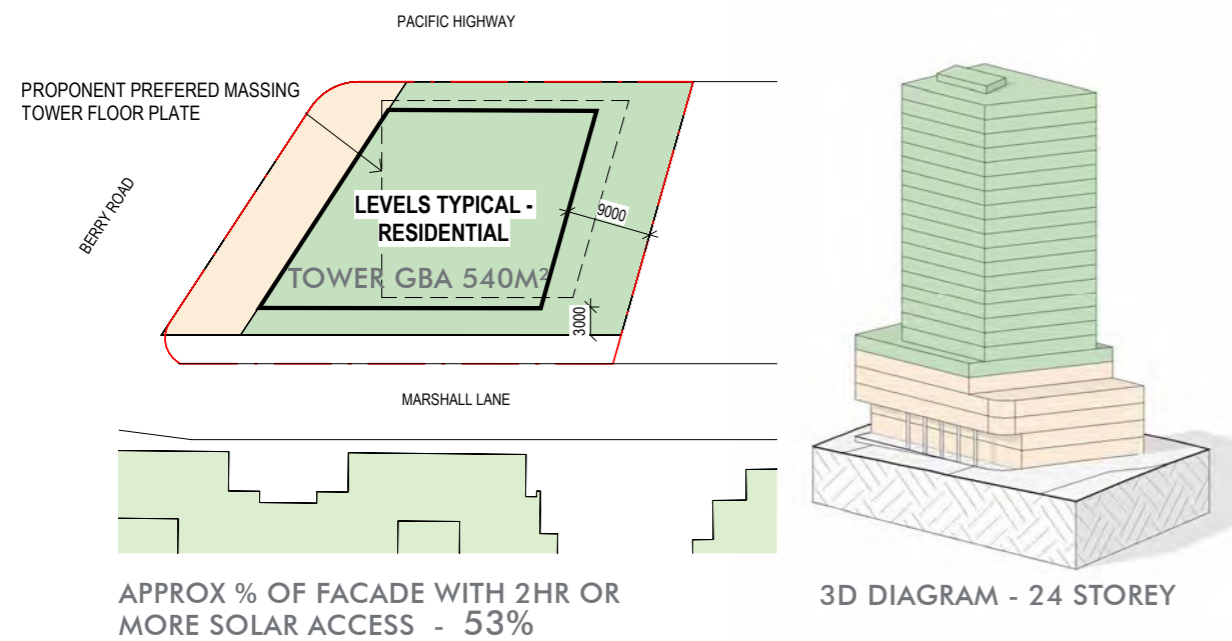
01

Massing Comparison

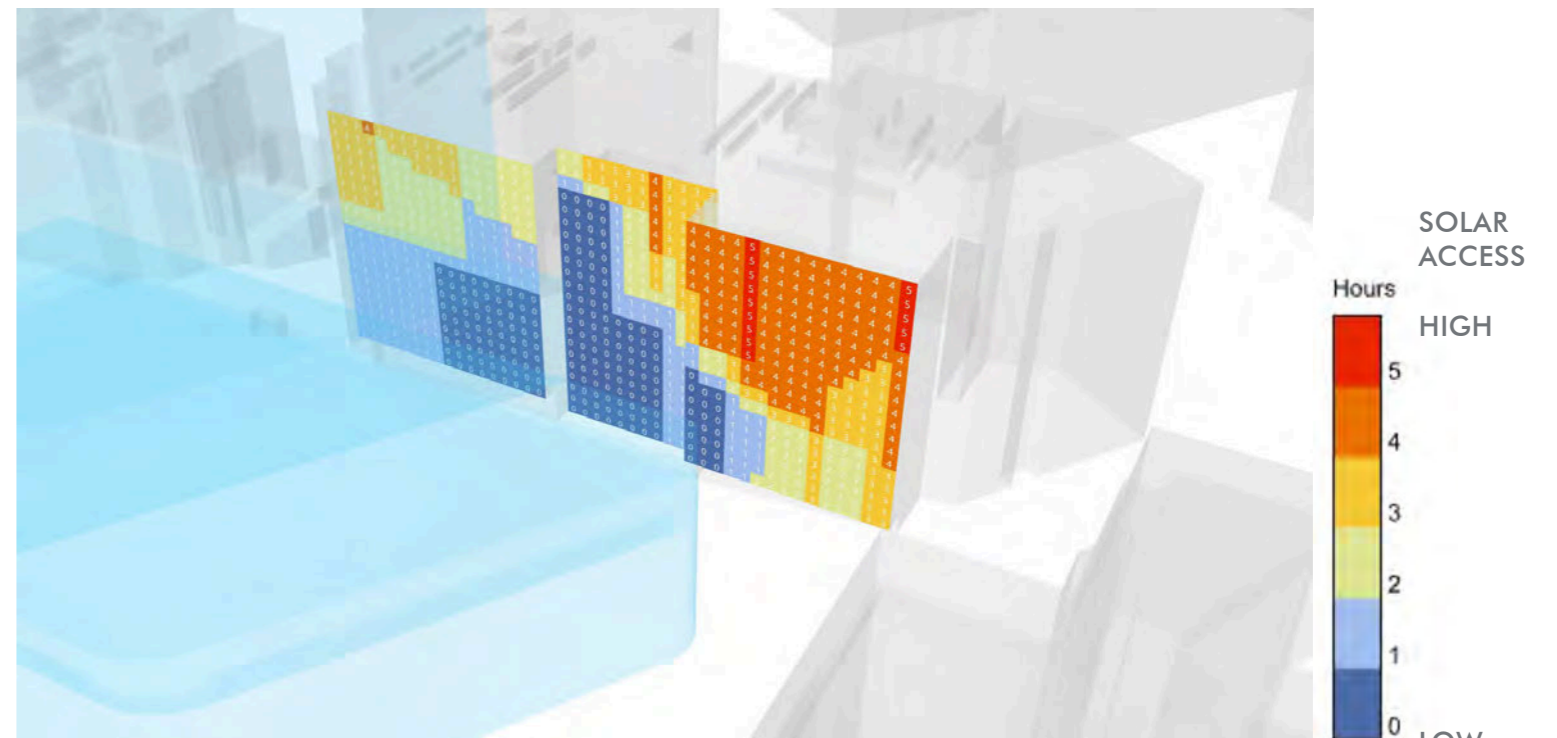
TOD EXHIBITED ENVELOPE - 24 STOREY

TOD EXHIBITED MASSING ENVELOPE MASSING AND HEIGHT KEY POINTS:

- HIGH PERCENTAGE OF PODIUM COMMERCIAL SPACE
- GOOD WORKABLE TOWER FLOORPLATE SIZE FOR RESIDENTIAL DESIGN
- WIDE FLOORPLATE HAS SOME SOLAR ACCESS IMPACT ON THE APARTMENT BUILDING SOUTH OF MARSHALL LANE
- THE INCENTIVE PROPOSAL DOES NOT OVERSHADOW KEY OPEN SPACE IN ST LEONARDS SOUTH, THAT ARE NOT ALREADY IMPACTED BY EXISTING OR 2036 PLAN OVERSHADOWING



HEAT DIAGRAM ON APARTMENT BUILDING FACADE



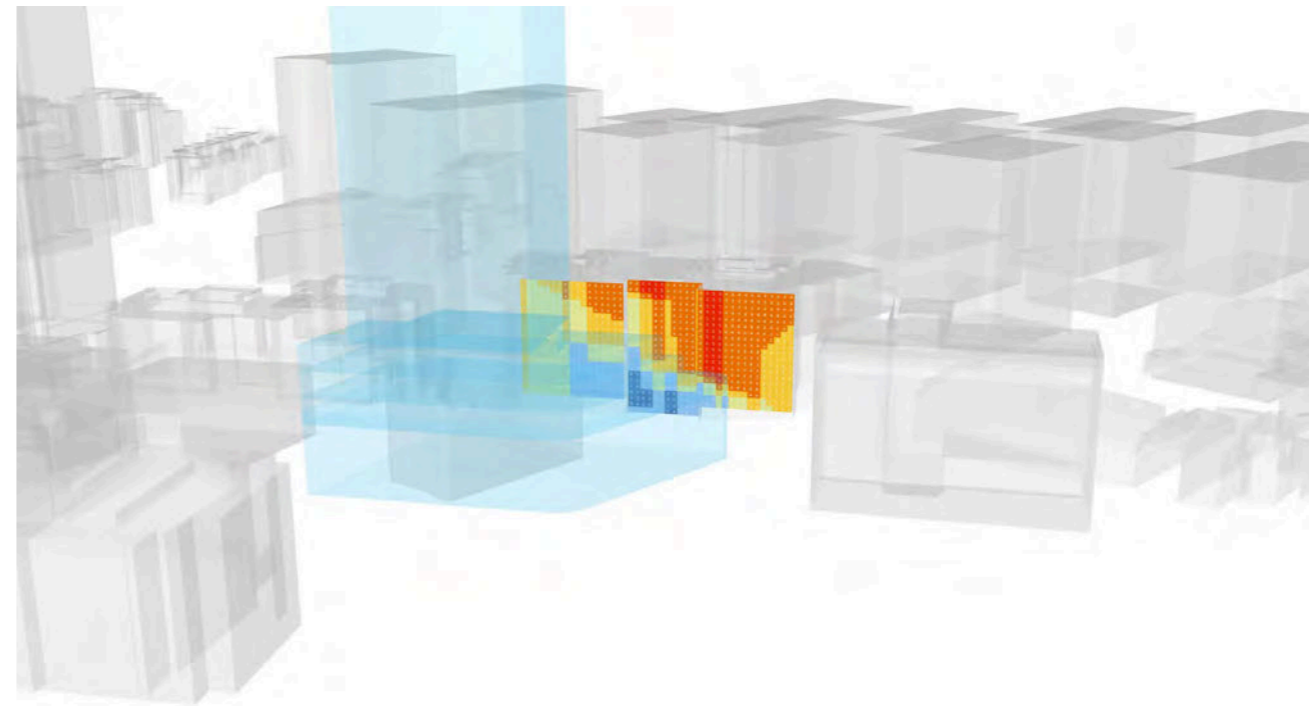
HEAT DIAGRAM CLOSE UPON APARTMENT BUILDING FACADE

MASSING COMPARISON

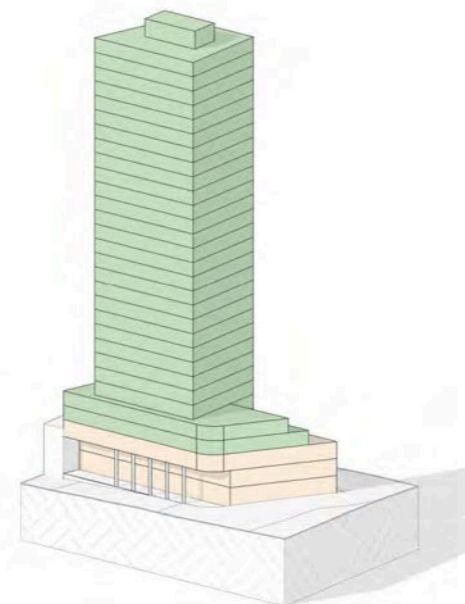
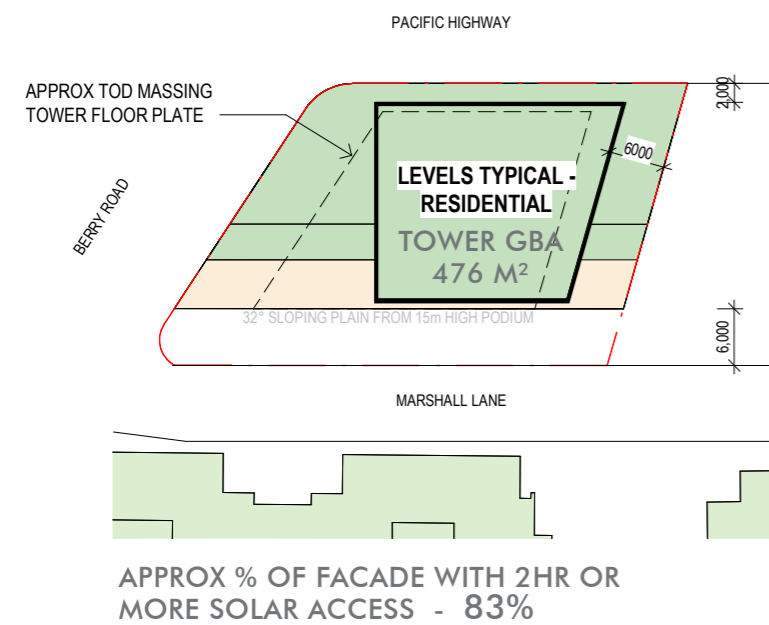
SUGGESTED ENVELOPE - 30 STOREY

SUGGESTED ENVELOPE MASSING AND HEIGHT KEY POINTS:

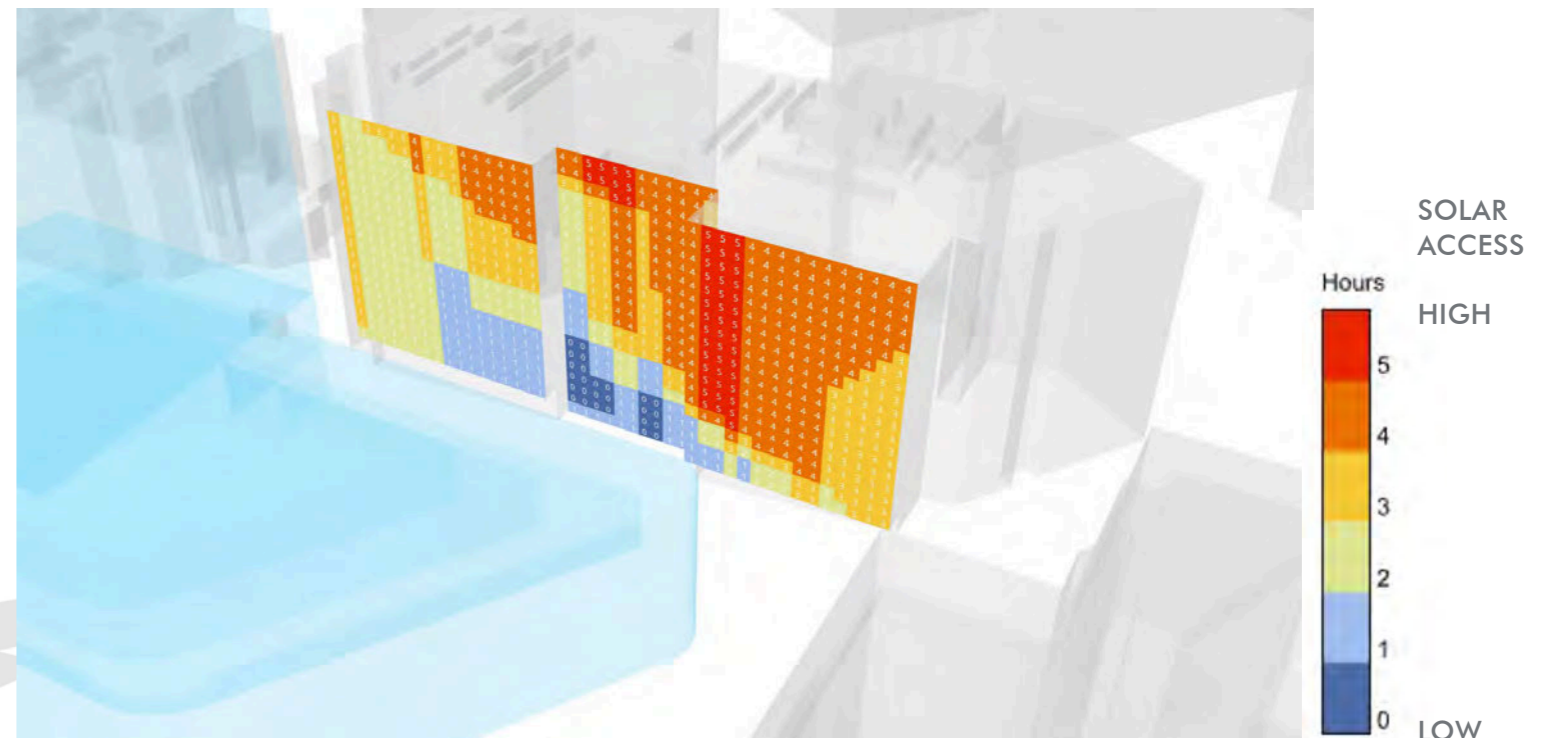
- MAINTAIN COMMERCIAL / NON RESIDENTIAL PODIUM FOR MIXED USE PURPOSE AT REDUCED PERCENTAGE BASED ON FEASIBILITY STUDY
- PROPOSED TOWER FORM DESIGNED TO RESPOND TO SOLAR ACCESS AMENITY TO THE APARTMENT BUILDING SOUTH OF MARSHALL LANE
- RESULTANT FLOORPLATE IS SMALLER THAN THE TOD MASSING ENVELOPE FLOORPLATE
- PROPOSED HEIGHT TO ACHIEVE AND MAINTAIN SIMILAR FSR
- NO UNACCEPTABLE OVERSHADOWING OF PUBLIC OPEN SPACE IN ST LEONARDS SOUTH IS GENERATED FROM THE PROPOSED MASSING
- THIS 30 STOREY ENVELOPE DOES NOT OVERSHADOW KEY OPEN SPACE IN ST LEONARDS SOUTH THAT IS NOT ALREADY IMPACTED BY EXISTING OR 2036 STRUCTURE PLAN OVERSHADOWING. REFER SHADOW STUDY DIAGRAMS IN SECTION 03
- PROPOSED TOWER FORM HAS NO ADVERSE ENVIRONMENTAL IMPACT, IS APPROPRIATE IN TERMS OF FUTURE BUILT FORM CONTEXT WITHIN ST LEONARDS/CROWS NEST STRATEGIC CENTRE, AND WILL SUCCESSFULLY ESTABLISH THE WESTERN GATEWAY TO THE CENTRE.
- THIS SUGGESTED ENVELOPE WILL STILL ENSURE IMPROVED HEIGHT TRANSITIONS, DELIVER NON-RESIDENTIAL FLOORSPACE, EMPHASIZE THE GATEWAY CHARACTER AT ENTRANCE TO THE STRATEGIC PRECINCT, AND PROTECT SOLAR AMENITY OF SURROUNDING RESIDENTIAL AND OPEN SPACES.



HEAT DIAGRAM ON APARTMENT BUILDING FACADE



3D DIAGRAM - 30 STOREY

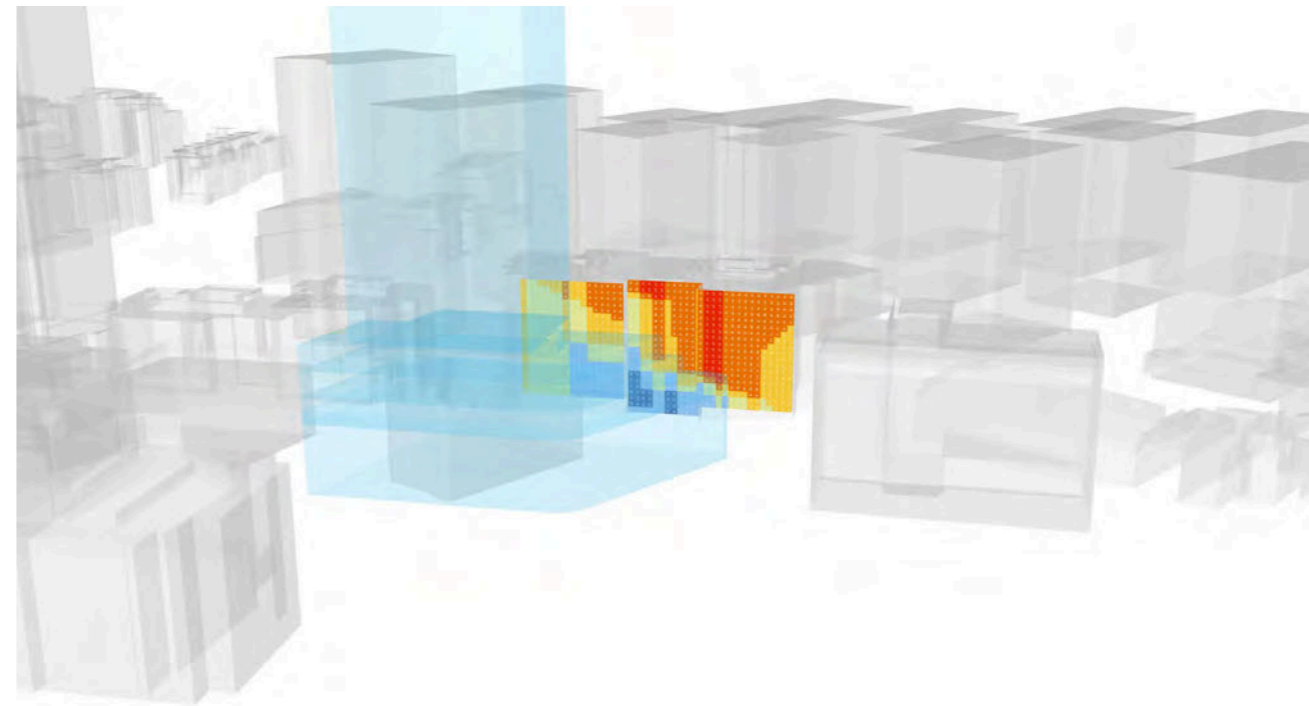


HEAT DIAGRAM CLOSE UPON APARTMENT BUILDING FACADE

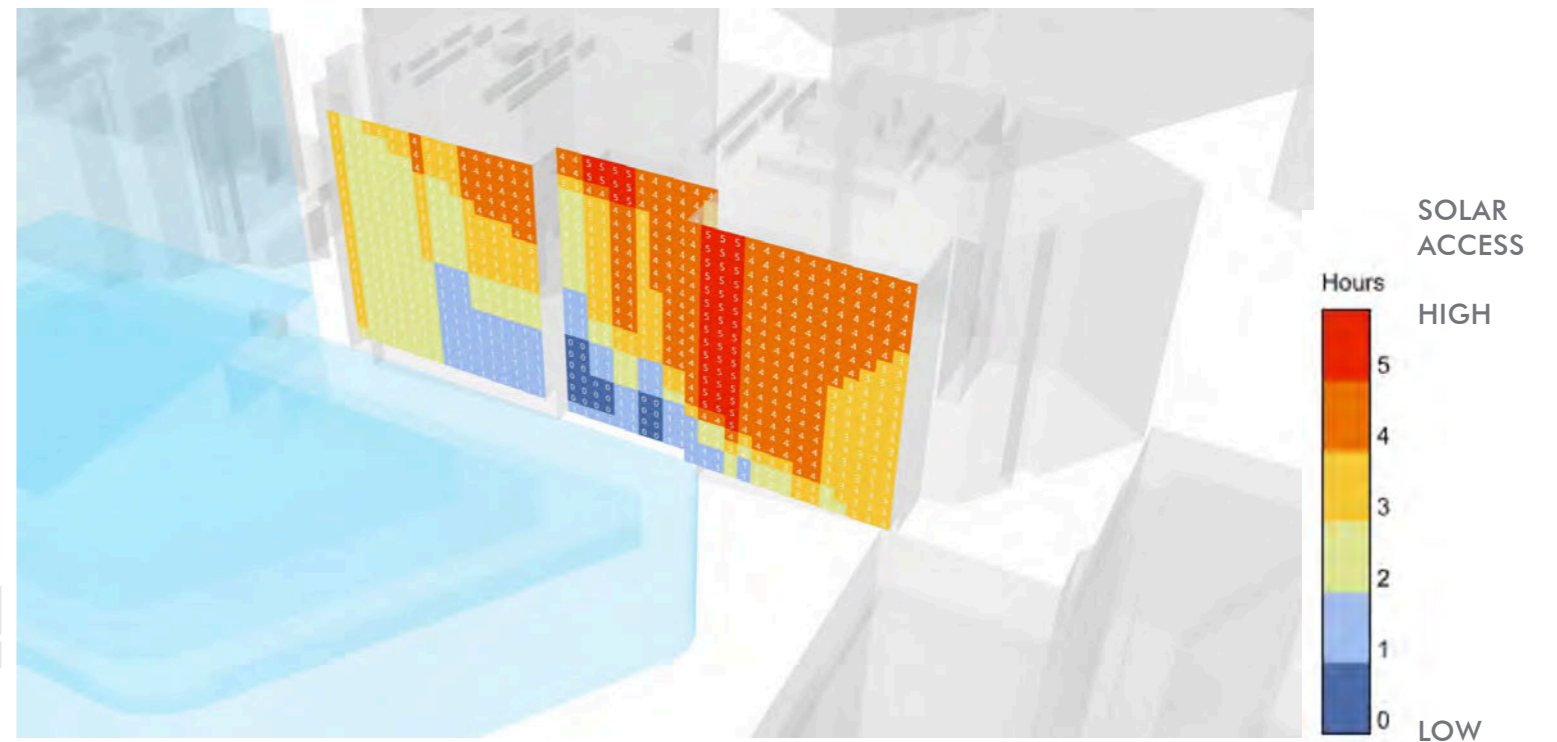
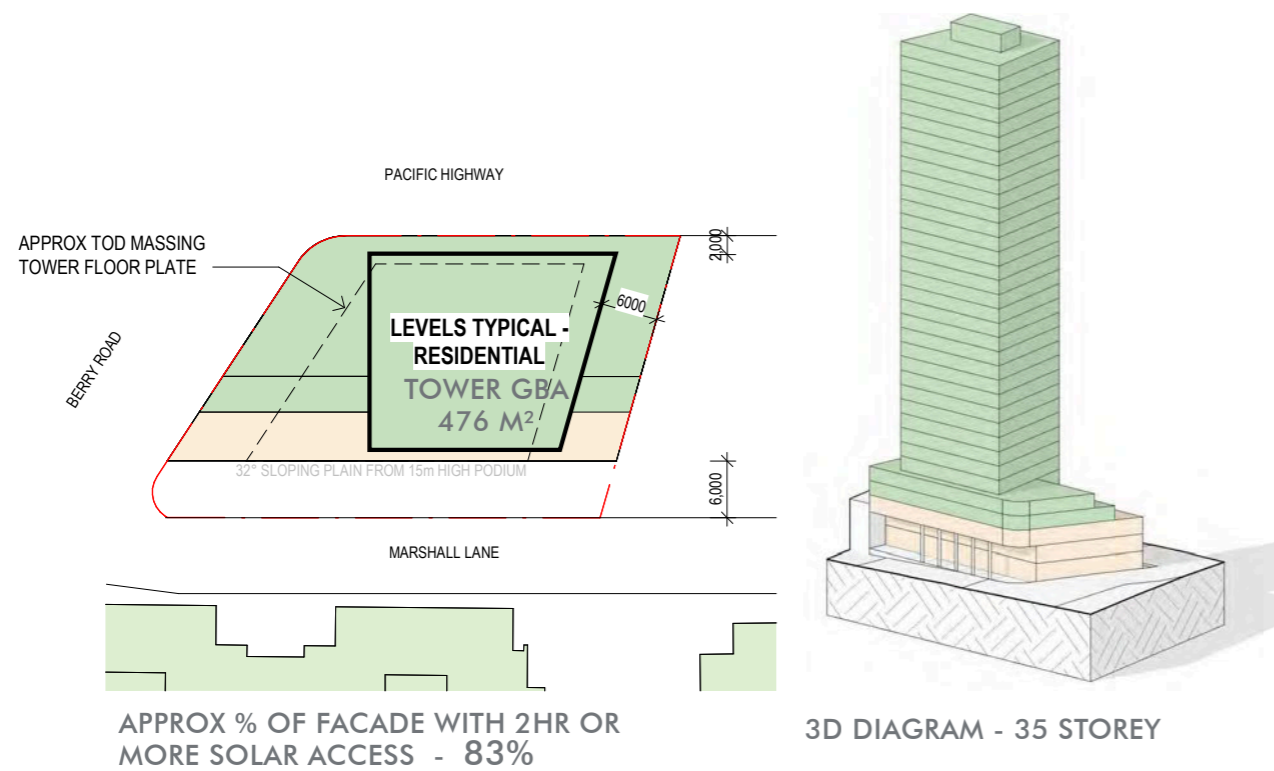
SUGGESTED ENVELOPE - 35 STOREY

SUGGESTED ENVELOPE MASSING AND HEIGHT KEY POINTS:

- MAINTAIN COMMERCIAL / NON RESIDENTIAL PODIUM FOR MIXED USE PURPOSE AT REDUCED PERCENTAGE BASED ON FEASIBILITY STUDY
- PROPOSED TOWER FORM DESIGNED TO RESPOND TO SOLAR ACCESS AMENITY TO THE APARTMENT BUILDING SOUTH OF MARSHALL LANE
- RESULTANT FLOORPLATE IS SMALLER THAN THE TOD MASSING ENVELOPE FLOORPLATE
- PROPOSED HEIGHT TO ACHIEVE AND MAINTAIN SIMILAR FSR
- NO UNACCEPTABLE OVERSHADOWING OF PUBLIC OPEN SPACE IN ST LEONARDS SOUTH IS GENERATED FROM THE PROPOSED MASSING
- THIS 35 STOREY ENVELOPE DOES NOT OVERSHADOW KEY OPEN SPACE IN ST LEONARDS SOUTH THAT IS NOT ALREADY IMPACTED BY EXISTING OR 2036 STRUCTURE PLAN OVERSHADOWING. REFER SHADOW STUDY DIAGRAMS IN SECTION 03
- PROPOSED TOWER FORM HAS NO ADVERSE ENVIRONMENTAL IMPACT, IS APPROPRIATE IN TERMS OF FUTURE BUILT FORM CONTEXT WITHIN ST LEONARDS/CROWS NEST STRATEGIC CENTRE, AND WILL SUCCESSFULLY ESTABLISH THE WESTERN GATEWAY TO THE CENTRE.
- THIS SUGGESTED ENVELOPE WILL STILL ENSURE IMPROVED HEIGHT TRANSITIONS, DELIVER NON-RESIDENTIAL FLOORSPACE, EMPHASIZE THE GATEWAY CHARACTER AT ENTRANCE TO THE STRATEGIC PRECINCT, AND PROTECT SOLAR AMENITY OF SURROUNDING RESIDENTIAL AND OPEN SPACES.



HEAT DIAGRAM ON APARTMENT BUILDING FACADE

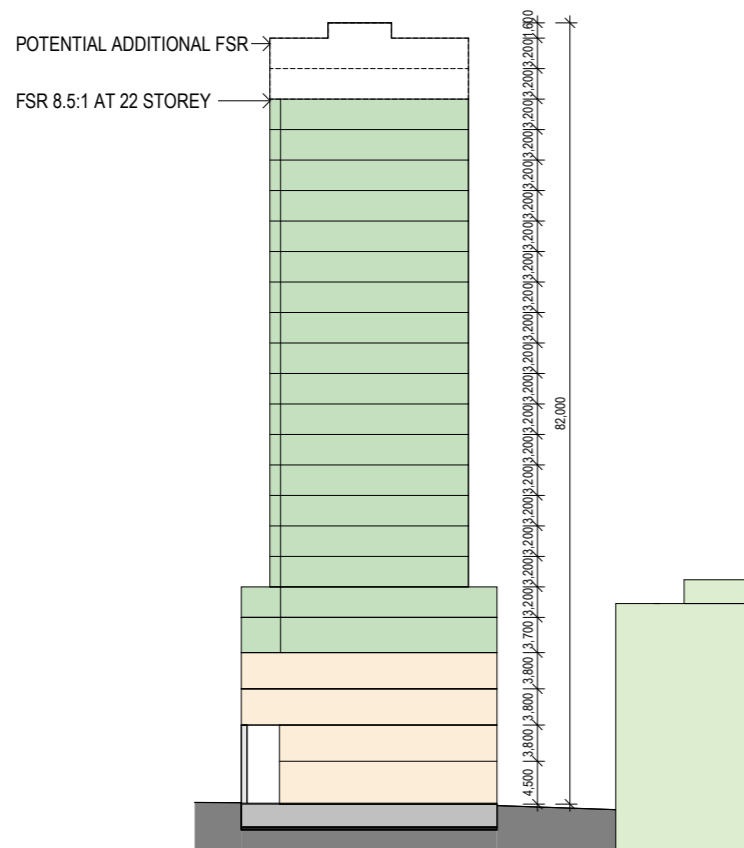


HEAT DIAGRAM CLOSE UPON APARTMENT BUILDING FACADE

02 Feasibility Study

TOD EXHIBITED MASSING ENVELOPE - 24 STOREY

COMMERCIAL PODIUM 3 STOREYS (GROUND + L1-L3)



SECTION

nettletontribe

TOD Height Test

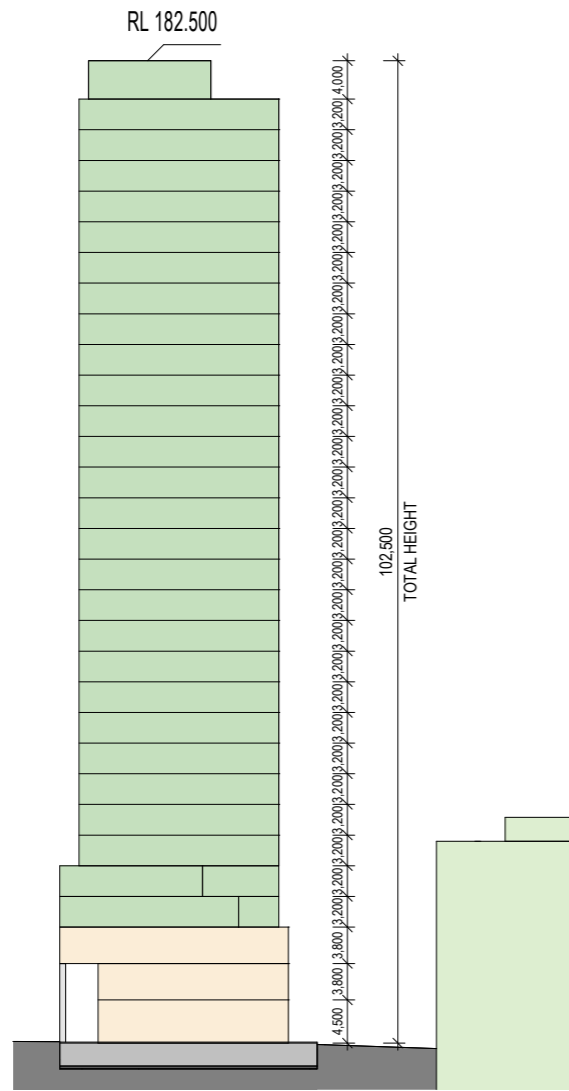
SITE AREA	1327.0		1327.0	
				FSR(%BASED ON TOD)
Comm FSR	2.5		2.5	2.5
Residential FSR	6.7		6.3	5.9
Total FSR	9.3		8.9	8.5

24 Storey - TOD Height		TOD Exhibited Tower & Podium massing								
Commercial Podium	GBA	GFA(%BASED ON TOD REPORT 65%&85%)	NSA(85%)	Units (subj. mix& unit size)	GFA(%BASED ON TOD REPORT 65%&85%)	NSA(85%)	Units (subj. mix& unit size)	GFA(%BASED ON TOD REPORT 65%&85%)	NSA(85%)	Units (subj. mix& unit size)
G	1000	650			800			650		
L1	1000	850			800			850		
L2	1100	935			880			935		
L3	1100	935			880			935		
Tower	GFA(85%GBA)			GFA(80%GBA)			GFA(75%GBA)			
L4	940	799	679	7	752	639	7	705	599	7
L5	940	799	679	7	752	639	7	705	599	7
L6	540	459	390	5	432	367	5	405	344	4
L7	540	459	390	5	432	367	5	405	344	4
L8	540	459	390	5	432	367	5	405	344	4
L9	540	459	390	5	432	367	5	405	344	4
L10	540	459	390	5	432	367	5	405	344	4
L11	540	459	390	5	432	367	5	405	344	4
L12	540	459	390	5	432	367	5	405	344	4
L13	540	459	390	5	432	367	5	405	344	4
L14	540	459	390	5	432	367	5	405	344	4
L15	540	459	390	5	432	367	5	405	344	4
L16	540	459	390	5	432	367	5	405	344	4
L17	540	459	390	5	432	367	5	405	344	4
L18	540	459	390	5	432	367	5	405	344	4
L19	540	459	390	5	432	367	5	405	344	4
L20	540	459	390	5	432	367	5	405	344	4
L21	540	459	390	5	432	367	5	405	344	4
TOTAL	14720	12312	7601	94	11776	7154	94	11260	6707	78

All numbers indicative subject to detail design/surveys/ council approvals etc
 Concept massing generated from Rhino & REVIT program
 Ave Unit size - 75 sqm (2B), 50 sqm (1B) - Yield subject to future mix
 For Purpose of this analysis - allow a full top floor on tower

SUGGESTED ENVELOPE - 30 STOREY

COMMERCIAL PODIUM 3 STOREYS (GROUND + L1 + L2)



SECTION

nettleontribe TOD Height Test

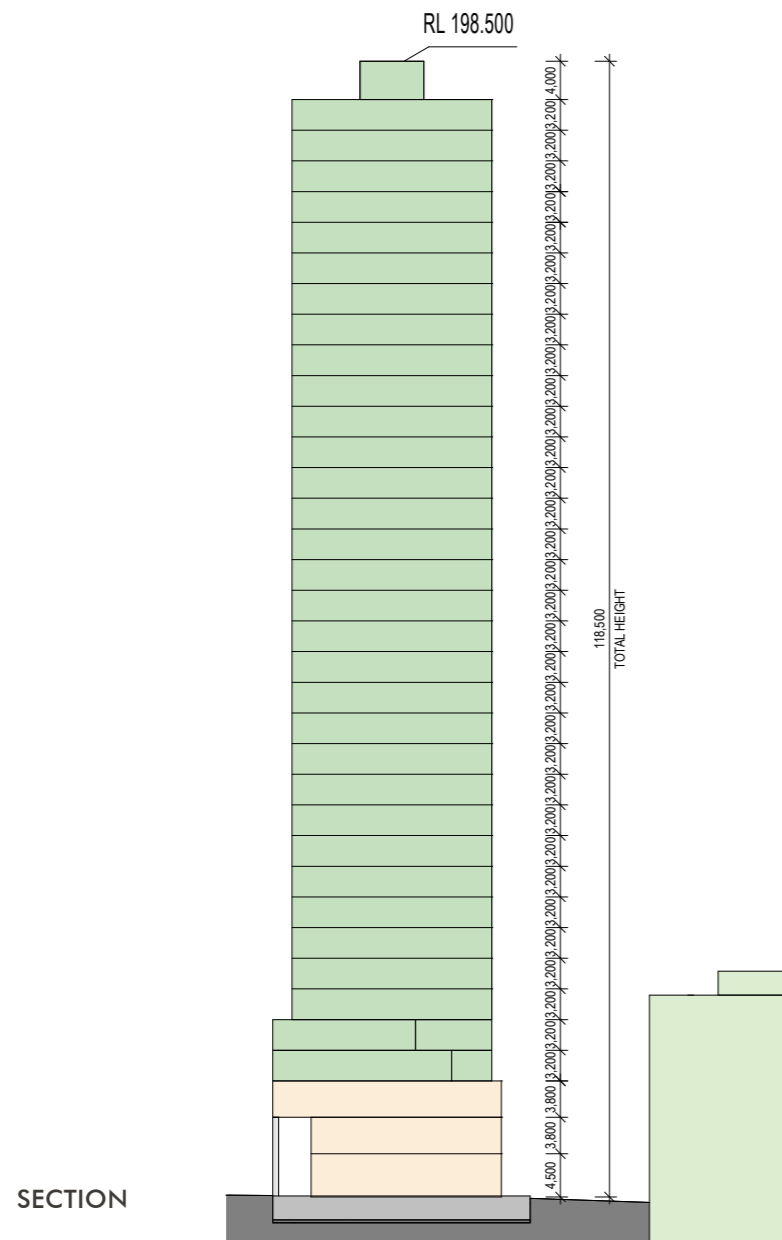
SITE AREA	1327.0			
	FSR		FSR(%BASED ON TOD REPORT)	
Comm FSR	1.6	1.6	1.6	
Residential FSR	8.7	8.2	7.7	
Total FSR	10.3	9.8	9.3	

30 Storey - TOD Height		nettleontribe massing								
Commercial Podium	GBA	GFA(%BASED ON TOD REPORT) 65%&85%	NSA(85%)	Units (sub. mix& unit size)	GFA(%BASED ON TOD REPORT) 65%&85%	NSA(85%)	Units (sub. mix& unit size)	GFA(%BASED ON TOD REPORT) 65%&85%	NSA(85%)	Units (sub. mix& unit size)
G	870	566			566			566		
L1	870	740			740			740		
L2	1025	871			871			871		
Tower		GFA(85%GBA)			GFA(80%GBA)			GFA(75%GBA)		
L3	871	740	629	7	697	592	7	653	555	7
L4	785	667	567	7	628	534	4	589	500	4
L5	476	405	344	4	381	324	4	357	303	4
L6	476	405	344	4	381	324	4	357	303	4
L7	476	405	344	4	381	324	4	357	303	4
L8	476	405	344	4	381	324	4	357	303	4
L9	476	405	344	4	381	324	4	357	303	4
L10	476	405	344	4	381	324	4	357	303	4
L11	476	405	344	4	381	324	4	357	303	4
L12	476	405	344	4	381	324	4	357	303	4
L13	476	405	344	4	381	324	4	357	303	4
L14	476	405	344	4	381	324	4	357	303	4
L15	476	405	344	4	381	324	4	357	303	4
L16	476	405	344	4	381	324	4	357	303	4
L17	476	405	344	4	381	324	4	357	303	4
L18	476	405	344	4	381	324	4	357	303	4
L19	476	405	344	4	381	324	4	357	303	4
L20	476	405	344	4	381	324	4	357	303	4
L21	476	405	344	4	381	324	4	357	303	4
L22	476	405	344	4	381	324	4	357	303	4
L23	476	405	344	4	381	324	4	357	303	4
L24	476	405	344	4	381	324	4	357	303	4
L25	476	405	344	4	381	324	4	357	303	4
L26	476	405	344	4	381	324	4	357	303	4
L27	476	405	344	4	381	324	4	357	303	4
L28	476	405	344	4	381	324	4	357	303	4
L29	476	405	344	4	381	324	4	357	303	4
TOTAL	16321	13709	9803	114	13021	9218	111	12343	8642	111

All numbers indicative subject to detail design/surveys/ council approvals etc
 Concept massing generated from Rhino & REVIT program
 Ave Unit size - 75 sqm (2B), 50 sqm (1B) - Yelid subject to future mix
 For Purpose of this analysis - allow a full top floor on tower

SUGGESTED ENVELOPE - 35 STOREY

COMMERCIAL PODIUM 3 STOREYS (GROUND + L1 + L2)



nettletontribe TOD Height Test

SITE AREA		1327.0								
FSR					FSR(%BASED ON TOD REPORT)					
Comm FSR		1.6			1.6		1.6			
Residential FSR		10.2			9.6		9.0			
Total FSR		11.9			11.2		10.6			
35 Storey - TOD Height nettletontribe massing										
Commercial Podium	GBA	GFA(%BASED ON TOD REPORT) 65%&85%	NSA(85%)	Units (sub. mix& unit size)	GFA(%BASED ON TOD REPORT) 65%&85%	NSA(85%)	Units (sub. mix& unit size)	GFA(%BASED ON TOD REPORT) 65%&85%	NSA(85%)	Units (sub. mix& unit size)
G	870	566			566			566		
L1	870	740			740			740		
L2	1025	871			871			871		
Tower		GFA(85%GBA)			GFA(80%GBA)			GFA(75%GBA)		
L3	871	740	629	7	697	592	7	653	555	7
L4	785	667	567	7	628	534	4	589	500	4
L5	476	405	344	4	381	324	4	357	303	4
L6	476	405	344	4	381	324	4	357	303	4
L7	476	405	344	4	381	324	4	357	303	4
L8	476	405	344	4	381	324	4	357	303	4
L9	476	405	344	4	381	324	4	357	303	4
L10	476	405	344	4	381	324	4	357	303	4
L11	476	405	344	4	381	324	4	357	303	4
L12	476	405	344	4	381	324	4	357	303	4
L13	476	405	344	4	381	324	4	357	303	4
L14	476	405	344	4	381	324	4	357	303	4
L15	476	405	344	4	381	324	4	357	303	4
L16	476	405	344	4	381	324	4	357	303	4
L17	476	405	344	4	381	324	4	357	303	4
L18	476	405	344	4	381	324	4	357	303	4
L19	476	405	344	4	381	324	4	357	303	4
L20	476	405	344	4	381	324	4	357	303	4
L21	476	405	344	4	381	324	4	357	303	4
L22	476	405	344	4	381	324	4	357	303	4
L23	476	405	344	4	381	324	4	357	303	4
L24	476	405	344	4	381	324	4	357	303	4
L25	476	405	344	4	381	324	4	357	303	4
L26	476	405	344	4	381	324	4	357	303	4
L27	476	405	344	4	381	324	4	357	303	4
L28	476	405	344	4	381	324	4	357	303	4
L29	476	405	344	4	381	324	4	357	303	4
L30	476	405	344	4	381	324	4	357	303	4
L31	476	405	344	4	381	324	4	357	303	4
L32	476	405	344	4	381	324	4	357	303	4
L33	476	405	344	4	381	324	4	357	303	4
L34	476	405	344	4	381	324	4	357	303	4
TOTAL	18701	15734	11524	134	14925	10836	131	14128	10159	131

All numbers indicative subject to detail design/surveys/ council approvals etc
 Concept massing generated from Rhino & REVIT program
 Ave Unit size - 75 sqm (2B), 50 sqm (1B) - Yield subject to future mix

03 Shadow Study

SHADOW STUDY

TOD EXHIBITED MASSING ENVELOPE - 24 STOREY

- THE FOLLOWING DIAGRAMS PRESENT SHADOWING FROM THE EXHIBITED 24-STOREY ENVELOPE (BLUE DASHED OUTLINE) BUT ALSO SHADOWS FROM EXISTING BUILDINGS AND 2036 STRUCTURE PLAN FORMS.
- FINDING: AS PER THE FINDINGS OF THE DEPARTMENT'S URBAN DESIGN CONSULTANT, THE PROPOSAL DOES NOT OVERSHADOW THE LARGER (KEY) OPEN SPACE IN ST LEONARDS SOUTH. SMALLER OPEN SPACES TO THE NORTH WILL BE AFFECTED HOWEVER ARE LARGELY AFFECTED BY EXISTING OR 2036 PLAN SHADOWS ALREADY.



9am



10am



11am



12pm

LIST OF ASSUMPTIONS

- TERRAIN MODEL + EXISTING UNTEXTURED BUILDING MODEL SOURCED FROM GEOCIRRUS. FILE NAME :STL_3dm.3ds, STL_TER.3ds
- ST LEONARDS SOUTH MASSING BASED ON LANE COVE COUNCIL ST LEONARDS SOUTH - DRAFT INCENTIVE HEIGHT OF BUILDINGS MAP & ST LEONARDS SOUTH DCP 2020
- TOD 24 STOREY MASSING @ TYPICAL FLOOR TO FLOOR 3.2m
- GROUND FLOOR AT RL80.00
- GREEN SPACE SOURCED FROM 2036 ST LEONARDS PLAN & DA79-2022_1804752 (5 CANBERRA AVE - 4-8 MARSHALL AVE AND 2-8 HOLDSWORTH AVE ST LEONARDS)

SHADOW ANALYSIS OF PROPOSED ENVELOPE

SHADOW ANALYSIS SHOWING THE SHADOW FROM THE PROPOSED SCHEME TO THE EXISTING SHADOW FROM THE CONTEXT BUILDINGS.

-  PROPOSED BUILDING SHADOW
-  GREEN SPACE

NOTE: APPROXIMATE SHADOW SUBJECT TO FUTURE DETAIL BUILDING DESIGN.

TOD EXHIBITED MASSING 24 STOREYS

TOD EXHIBITED MASSING ENVELOPE - 24 STOREY



1pm



2pm



3pm

LIST OF ASSUMPTIONS

- TERRAIN MODEL + EXISTING UNTEXTURED BUILDING MODEL SOURCED FROM GEOCIRRUS. FILE NAME :STL_3dm.3ds, STL_TER.3ds
- ST LEONARDS SOUTH MASSING BASED ON LANE COVE COUNCIL ST LEONARDS SOUTH - DRAFT INCENTIVE HEIGHT OF BUILDINGS MAP & ST LEONARDS SOUTH DCP 2020
- TOD 24 STOREY MASSING @ TYPICAL FLOOR TO FLOOR 3.2m
- GROUND FLOOR AT RL80.00
- GREEN SPACE SOURCED FROM 2036 ST LEONARDS PLAN & DA79-2022_1804752 (5 CANBERRA AVE - 4-8 MARSHALL AVE AND 2-8 HOLDSWORTH AVE ST LEONARDS)

SHADOW ANALYSIS OF PROPOSED ENVELOPE

SHADOW ANALYSIS SHOWING THE SHADOW FROM THE PROPOSED SCHEME TO THE EXISTING SHADOW FROM THE CONTEXT BUILDINGS.

- PROPOSED BUILDING SHADOW
- GREEN SPACE

NOTE: APPROXIMATE SHADOW SUBJECT TO FUTURE DETAIL BUILDING DESIGN.

TOD EXHIBITED MASSING 24 STOREYS

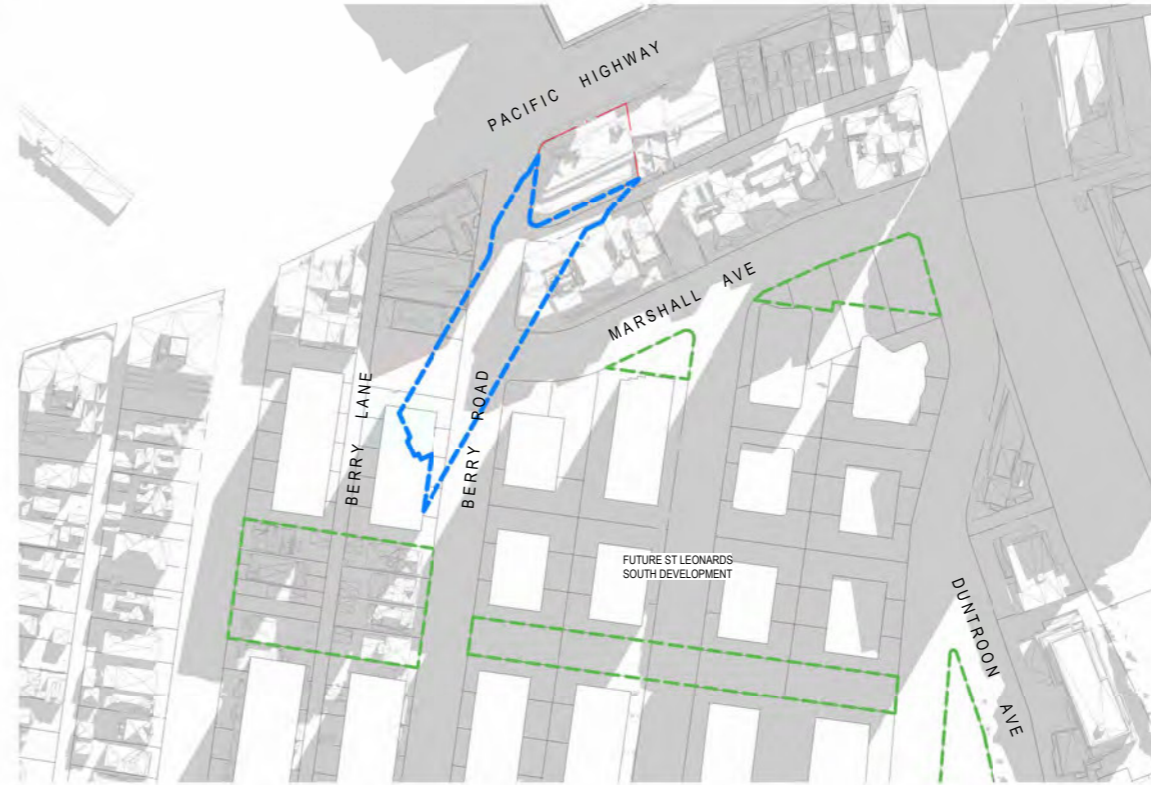
SHADOW STUDY

SUGGESTED ENVELOPE - 30 STOREY

- THE FOLLOWING DIAGRAMS PRESENT SHADOWING FROM THE SUGGESTED 30-STOREY ENVELOPE (BLUE DASHED OUTLINE) BUT ALSO SHADOWS FROM EXISTING BUILDINGS AND 2036 STRUCTURE PLAN FORMS.
- FINDING: AS PER THE FINDINGS OF THE DEPARTMENT'S URBAN DESIGN CONSULTANT FOR THE EXHIBITED 24-STOREY ENVELOPE, THIS 30-STOREY PROPOSAL DOES NOT OVERSHADOW THE LARGER (KEY) OPEN SPACE IN ST LEONARDS SOUTH. SMALLER OPEN SPACES TO THE NORTH WILL BE AFFECTED HOWEVER ARE LARGELY AFFECTED BY EXISTING OR 2036 PLAN SHADOWS ALREADY.



9am



10am



11am



12pm

LIST OF ASSUMPTIONS

- TERRAIN MODEL + EXISTING UNTEXTURED BUILDING MODEL SOURCED FROM GEOCIRRUS. FILE NAME :STL_3dm.3ds, STL_TER.3ds
- ST LEONARDS SOUTH MASSING BASED ON LANE COVE COUNCIL ST LEONARDS SOUTH - DRAFT INCENTIVE HEIGHT OF BUILDINGS MAP & ST LEONARDS SOUTH DCP 2020
- PROPOSED 30 STOREY MASSING @ TYPICAL FLOOR TO FLOOR 3.2m
- GROUND FLOOR AT RL80.00
- GREEN SPACE SOURCED FROM 2036 ST LEONARDS PLAN & DA79-2022_1804752 (5 CANBERRA AVE - 4-8 MARSHALL AVE AND 2-8 HOLDSWORTH AVE ST LEONARDS)

SHADOW ANALYSIS OF PROPOSED ENVELOPE

SHADOW ANALYSIS SHOWING THE SHADOW FROM THE PROPOSED SCHEME TO THE EXISTING SHADOW FROM THE CONTEXT BUILDINGS.

- PROPOSED BUILDING SHADOW
- GREEN SPACE

NOTE: APPROXIMATE SHADOW SUBJECT TO FUTURE DETAIL BUILDING DESIGN.

SUGGESTED ENVELOPE - 30 STOREYS

SHADOW STUDY
SUGGESTED ENVELOPE - 30 STOREY



1pm



2pm



3pm

LIST OF ASSUMPTIONS

- TERRAIN MODEL + EXISTING UNTEXTURED BUILDING MODEL SOURCED FROM GEOCIRRUS. FILE NAME :STL_3dm.3ds, STL_TER.3ds
- ST LEONARDS SOUTH MASSING BASED ON LANE COVE COUNCIL ST LEONARDS SOUTH - DRAFT INCENTIVE HEIGHT OF BUILDINGS MAP & ST LEONARDS SOUTH DCP 2020
- PROPOSED 30 STOREY MASSING @ TYPICAL FLOOR TO FLOOR 3.2m
- GROUND FLOOR AT RL80.00
- GREEN SPACE SOURCED FROM 2036 ST LEONARDS PLAN & DA79-2022_1804752 (5 CANBERRA AVE - 4-8 MARSHALL AVE AND 2-8 HOLDSWORTH AVE ST LEONARDS)

SHADOW ANALYSIS OF PROPOSED ENVELOPE

SHADOW ANALYSIS SHOWING THE SHADOW FROM THE PROPOSED SCHEME TO THE EXISTING SHADOW FROM THE CONTEXT BUILDINGS.

- PROPOSED BUILDING SHADOW
- GREEN SPACE

NOTE: APPROXIMATE SHADOW SUBJECT TO FUTURE DETAIL BUILDING DESIGN.

SUGGESTED ENVELOPE - 30 STOREYS

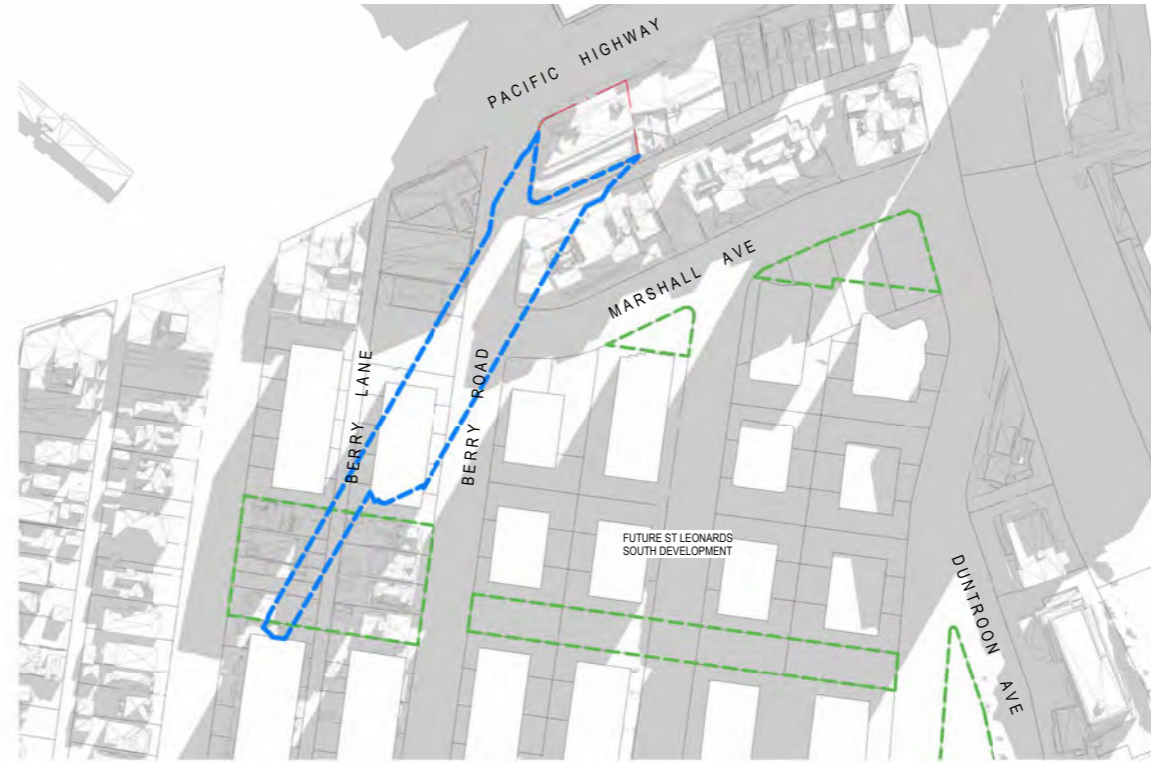
SHADOW STUDY

SUGGESTED ENVELOPE - 35 STOREY

- THE FOLLOWING DIAGRAMS PRESENT SHADOWING FROM THE SUGGESTED 35-STOREY ENVELOPE (BLUE DASHED OUTLINE) BUT ALSO SHADOWS FROM EXISTING BUILDINGS AND 2036 STRUCTURE PLAN FORMS.
- FINDING: AS PER THE FINDINGS OF THE DEPARTMENT'S URBAN DESIGN CONSULTANT FOR THE EXHIBITED 24-STOREY ENVELOPE, THIS 35-STOREY PROPOSAL DOES NOT OVERSHADOW THE LARGER (KEY) OPEN SPACE IN ST LEONARDS SOUTH. SMALLER OPEN SPACES TO THE NORTH WILL BE AFFECTED HOWEVER ARE LARGELY AFFECTED BY EXISTING OR 2036 PLAN SHADOWS ALREADY.
- THE PREFERRED 35 STOREY ENVELOPE (REFER MASSING STUDY BY NETTLETONTRIBE) HAS NEGLIGIBLE IMPACTS UPON KEY OPEN SPACE IN ST LEONARDS SOUTH WITH THE MAJORITY OF OPEN SPACE ALREADY IMPACTED BY EXISTING OR 2036 STRUCTURE PLAN OVERSHADOWING.



9am



10am



11am



12pm

LIST OF ASSUMPTIONS

- TERRAIN MODEL + EXISTING UNTEXTURED BUILDING MODEL SOURCED FROM GEOCIRRUS. FILE NAME :STL_3dm.3ds, STL_TER.3ds
- ST LEONARDS SOUTH MASSING BASED ON LANE COVE COUNCIL ST LEONARDS SOUTH - DRAFT INCENTIVE HEIGHT OF BUILDINGS MAP & ST LEONARDS SOUTH DCP 2020
- PROPOSED 35 STOREY MASSING @ TYPICAL FLOOR TO FLOOR 3.2m
- GROUND FLOOR AT RL80.00
- GREEN SPACE SOURCED FROM 2036 ST LEONARDS PLAN & DA79-2022_1804752 (5 CANBERRA AVE - 4-8 MARSHALL AVE AND 2-8 HOLDSWORTH AVE ST LEONARDS)

SHADOW ANALYSIS OF PROPOSED ENVELOPE

SHADOW ANALYSIS SHOWING THE SHADOW FROM THE PROPOSED SCHEME TO THE EXISTING SHADOW FROM THE CONTEXT BUILDINGS.

- PROPOSED BUILDING SHADOW
- GREEN SPACE

NOTE: APPROXIMATE SHADOW SUBJECT TO FUTURE DETAIL BUILDING DESIGN.

SHADOW STUDY
SUGGESTED ENVELOPE - 35 STOREY



1pm



2pm



3pm

LIST OF ASSUMPTIONS

- TERRAIN MODEL + EXISTING UNTEXTURED BUILDING MODEL SOURCED FROM GEOCIRRUS. FILE NAME :STL_3dm.3ds, STL_TER.3ds
- ST LEONARDS SOUTH MASSING BASED ON LANE COVE COUNCIL ST LEONARDS SOUTH - DRAFT INCENTIVE HEIGHT OF BUILDINGS MAP & ST LEONARDS SOUTH DCP 2020
- PROPOSED 35 STOREY MASSING @ TYPICAL FLOOR TO FLOOR 3.2m
- GROUND FLOOR AT RL80.00
- GREEN SPACE SOURCED FROM 2036 ST LEONARDS PLAN & DA79-2022_1804752 (5 CANBERRA AVE - 4-8 MARSHALL AVE AND 2-8 HOLDSWORTH AVE ST LEONARDS)

SHADOW ANALYSIS OF PROPOSED ENVELOPE

SHADOW ANALYSIS SHOWING THE SHADOW FROM THE PROPOSED SCHEME TO THE EXISTING SHADOW FROM THE CONTEXT BUILDINGS.

- PROPOSED BUILDING SHADOW
- GREEN SPACE

NOTE: APPROXIMATE SHADOW SUBJECT TO FUTURE DETAIL BUILDING DESIGN.

SUGGESTED ENVELOPE - 35 STOREYS



nettleontribe

Sydney (Eora)

T +61 2 9431 6431

E sydney@nettleontribe.com.au

Brisbane (Turrbal & Jagera)

T +61 7 3239 2444

E brisbane@nettleontribe.com.au

Melbourne (Wurundjeri Woi Wurrung & Bunurong Boon)

T +61 3 8547 1400

E melbourne@nettleontribe.com.au

Canberra (Ngunnawal) | Satellite Studio

T +61 2 6107 3090

E canberra@nettleontribe.com.au

Perth (Whadjuk Nyoongar) | Satellite Studio

T +61 8 6166 9488

E perth@nettleontribe.com.au

Hobart (Nipaluna) | Satellite Studio

T +61 4 1281 3524

E hobart@nettleontribe.com.au

www.nettleontribe.com.au



Property Council of Australia ABN 13 00847 4422
A Level 7, 50 Carrington Street, Sydney NSW 2000
T +61 2 9033 1900
E info@propertycouncil.com.au
W propertycouncil.com.au
T @propertycouncil

30 August 2024

██████████
Deputy Secretary
Planning, Land Use, Strategy, Housing and Infrastructure
Department of Planning, Housing and Infrastructure
Lodged via NSW Planning Portal

Submission to the NSW Government's Tier 1 Transport Oriented Development Program (Accelerated Precincts)

Dear Ms ██████████

The Property Council is pleased to provide comment on the various Explanations of Intended Effect (EIE) for the Accelerated Precincts on exhibition as part of the NSW Government's Transport Oriented Development (TOD) agenda.

Our submission is broken into key parts and provides comment on the overall planning framework, in addition to more specific feedback on a precinct by most precinct basis. We are particularly enthusiastic about the steps taken by the government in taking existing place strategies and pre-planning work to bring forward these initial accelerated precincts.

As our members have considered the precinct EIE's and structure plans, development feasibility has been at front of mind. The NSW Government has a short window of time to deliver 377,000 new dwellings as part of the National Housing Accord and the key consideration driving member feedback has been whether development under the proposed controls and contributions will be achievable in an environment of inelastic price expectations and escalation of costs.

To this extent we have raised concerns about the level of affordable housing contributions proposed across the precincts. The TOD opportunity – and the delivery of significant development uplift – is one of the few very real opportunities for a contribution of this nature to work, and while indicative contributions have been provided, concern has been raised about the viability of these rates and their impact on project feasibility. We address this issue and provide options for the Department to consider in Part One of our submission.

In some precincts, the accelerated nature of the rezonings has resulted in our members identifying areas and opportunities to deliver additional housing. In these cases we have asked the Department to identify "future investigation areas" and future stages of TOD rezoning. These opportunities will be discussed in Part Two of our submission.

Congratulations to you and the entire Planning, Land Use, Strategy, Housing and Infrastructure team on the acceleration of these precincts. While there is more work to do in addressing our housing supply crisis, we are committed to achieving practical and workable outcomes.

If you wish to discuss aspects of our submission further please feel free to reach out to myself or our Western Sydney Regional [REDACTED] or via email to [REDACTED]

Yours sincerely,



NSW Executive Director
Property Council of Australia



**Submission to the NSW Government's
Tier 1 Transport Oriented
Development Program (Accelerated
Precincts)**

August 2024

Table of Contents

Part One: A new planning pathway	4
State Significant Development	4
Policy options	4
Recommendation	4
Concurrence and referral	5
Removal of duplicate referrals.....	5
National practices	5
Unnecessary referrals	6
“Life or death” referrals	6
Turnaround time caps	6
Recommendations.....	6
Affordable housing contributions	8
Our position on inclusionary zoning	8
Contributions not viable	8
Policy options	9
Application area for affordable housing contributions	10
Recommendations.....	10
Height and floorspace bonuses	11
Exemption from in-fill affordable housing provisions	11
Low and mid-rise housing reforms	11
Status of seniors living incentives under Housing SEPP	11
Recommendations.....	12
Design excellence pathway	13
Recommendations.....	13
Part Two: TOD Precinct feedback	14
Hornsby	14
Reach of study area	14
Government owned land.....	14
Recommendations.....	14
Kellyville and Bella Vista	15
Precinct boundary	15
Supporting infrastructure	15
Recommendations.....	15

Macquarie Park	16
Future commercial demand	16
Role of build-to-rent	16
North Ryde Riverside	17
Prohibition on data centres	17
Recommendations.....	17
Bankstown	18
Removal of non-residential core.....	18
Recommendations.....	18
Crows Nest	19
Opportunities to deliver more housing	19
Demand for commercial office space	19
Defects in height transition	20
Treatment of existing planning proposals	20
Recommendations.....	20
Homebush	21
Reach of study area	21
Recommendations.....	21

Part One: A new planning pathway

State Significant Development

The draft Explanation of Intended Effect (EIE) proposes a temporary State Significant Development (SSD) pathway until November 2027 for residential development applications valued over \$60 million. In support of the proposal the EIE claims this approach will ensure a consistency across the rezoning and assessment of these precincts.

Given the significance of the Tier 1 precincts to the delivery of the state's housing targets under the National Housing Accord, the Property Council is supportive of opening of the pathway to projects rezoned under the program.

The 2-year time limitation for applications under this pathway is not supported. Projects of a larger scale involve a level of planning and preparation work that is likely to require a longer period of pre-lodgement activity, in addition to creating an unintended consequence of a larger number of applications being "rushed" into the system in the leadup to the closure of the SSD pathway in November 2027.

While there is a case to be made for a periodic review of the type of development that is subject to an SSD pathway, this should occur in the context of all state significant development with a view toward creating durable, responsive and proportional assessment pathways rather than a piecemeal and temporary approach.

Policy options

Working with our members, we have identified two options to improve on the proposal in the EIE:

- Option One: Provide a permanent State Significant Development (SSD) pathway for residential development over \$60 million within each of the Transport Oriented Development Precincts, with any future changes to the eligibility criteria and CIV thresholds for State Significant Development to be considered as a part of a periodic statewide review.
- Option Two: Extend the proposed temporary provision of a State Significant Development Pathway from two years to the five-year National Housing Accord Period.

Recommendation

1. Make the State Significant Development (SSD) pathway permanent, with any future changes to the eligibility criteria and CIV thresholds for State Significant Development to be considered as a part of a periodic statewide review.

Concurrence and referral

The EIE proposes a 5-year exemption from concurrence and referral requirements that are not considered high-risk to speed up assessment timeframes. It is also proposed that high-risk concurrence and referrals will be retained to ensure safe and orderly development.

While specific detail on concurrence and referral requirements in the exhibition material is limited, the Property Council is acutely aware of the role that prolonged concurrence and referral assessment times have in stretching out the determination times for applications, in addition to the uncertainty created by a referral where the outcome is unclear or inconsistent.

Our members commonly identify delays related to the consideration of referrals related to traffic management, stormwater management, and building in close proximity to either utilities or major public transport assets.

Removal of duplicate referrals

In some cases, referrals to emergency services such as the Rural Fire Service or the State Emergency Service occur at both the planning proposal stage and development application stage. This duplication of referrals needs to be reviewed by the Department, with the objective of promoting a level of careful and thorough pre-planning at the planning proposal stage with an ultimate design to minimise further agency referrals where an application meets the objectives of a relevant development control.

National practices

In November 2017, the Property Council of Australia's Residential Development Council released its research paper *Cutting the Costs: Streamlining State Agency Approvals*. The report makes three findings which remain relevant today:

- The current approach to state agency approvals is inconsistent, inefficient and adds to housing costs
- There is considerable scope for reform in each state and territory that would lift our capacity to boost housing supply pipelines, and
- Governments interested in reducing their own administrative costs have plenty to gain from transforming approval processes.

The report benchmarks states against key design elements of good planning systems, namely:

- Only one body should assess an application, using consistent policy and objective rules and tests
- Referrals should be limited only to those agencies with a statutory role relevant to the application
- Referrals should be for advice only
- A referral authority should only be able to give direction where this avoids the need for a separate approval process.
- Referral agencies should specify their requirements in advance and comply with clear response times.

This report formed a significance basis for the Property Council's advocacy in subsequent years, leading up to its support for the creation of the Planning Delivery Unit in July 2020. While

the operation of the PDU was a positive step forward for unblocking referrals across government, the model stopped short of compelling agencies to respond within fixed timelines.

Queensland's SARA model

While potentially outside of the scope of the immediate rezoning agenda, our members generally share the view that the Queensland Government's State Assessment and Referral Agency (SARA) remains the best practice of state governments across Australia.

This model, and its practical application in a local context should be considered as a policy priority beyond the immediate precinct rezoning agenda.

Unnecessary referrals

In consultation with our members on agency referrals, the feedback ranged from the need to identify "low hanging fruit" and the removing the need for additional reports on items which are likely to be considered as part of the initial rezoning. The "low hanging fruit" sought the removal of requirements for social impact assessments, crime prevention strategies, economic impact assessments, infrastructure strategies and traffic impact assessments given that these impacts are best considered as part of the rezoning of the entire precinct.

"Life or death" referrals

The EIE lightly touches on a need to retain referral and concurrence requirements in situations that are "high risk". This seems like a reasonable approach, however consideration should also be given to whether this consultation should occur at the time of zoning so that issues like fire, flood and emergency service risk can be considered at a whole-of-precinct level, rather than ad hoc advice for development applications that comply with the relevant controls.

Turnaround time caps

Additionally, our members were very quick to point out that improvements to the remaining concurrences and referrals are likely to perform "only as well as the slowest moving part", meaning that a prolonged water referral effectively offsets any gains realised by incremental improvements elsewhere in the concurrence and referral framework. As a result, we are recommending that any referrals that continue to apply to a TOD Precinct be subject to a response time of 90 days, extendable to 120 days with the agreement of the Department.

This limitation on referral times provides certainty to industry and the Department, while elevating the significance of the TOD agenda to non-planning areas across government that is reflective of the NSW Government's housing agenda.

Recommendations

1. Concurrence and referral requirements should be turned off in as many cases as possible, particularly where an application broadly complies with a development control.
2. In the limited circumstances, where referrals and concurrence are deemed necessary, the period for comment be limited to 90 days.
3. Where this hasn't already occurred, concurrence and referral agencies develop plans and policies to enable the swift assessment of applications in a TOD location (e.g. creating standard conditions of consent for building across each component of trunk drainage infrastructure in a precinct structure plan).

4. The NSW Government give further consideration to how to best manage the burden of concurrences and referrals on the delivery of new housing supply for development applications outside of the focus of the Tier 1 TOD accelerated precincts.

Affordable housing contributions

Across the various TOD locations, in-perpetuity Affordable Housing Contributions are proposed at various rates spanning from 3% in Bankstown and Bella Vista to 15% in Crows Nest and Macquarie Park.

A summary of the Affordable Housing Contributions by precinct can be found below:

Precinct	Affordable Housing contribution	Anticipated affordable housing (approx)
Hornsby	5-10%	250-500
Macquarie Park	10-15%	460-690
Kellyville and Bella Vista	3-8%	620-1,650
Crows Nest	10-15%	325-488
Bankstown	3-10%	375-1,250
Homebush	5-10%	805-1,610

Our position on inclusionary zoning

Inclusionary zoning can only work in specific situations, where it doesn't harm the feasibility of projects. Get it right, and inclusionary zoning can add to the stock of social and affordable housing. Get it wrong, and it can stop housing from being built or make housing in the surrounding development unaffordable.

If inclusionary zoning could be made to work, it would be in specific precincts where development potential is being dramatically increased, or government is supplying the land, and only where it's applied to new developments, not projects already in the pipeline.

Contributions not viable

In the present market conditions, these contribution rates are not economically feasible and will severely restrict the development capability of each of these precincts. We note the Department has not produced any economic modelling to justify the determination of these rates, and in the absence of this material it is difficult to help identify where in the rationale underpinning the contributions the government has erred.

In June this year we launched our research report, *Release the Pressure*. The report identifies that infill development in the Central River City and Western Parkland City is no longer economically feasible because the development margin between costs and anticipated sale prices create an unacceptable risk for lenders.

The report identified increased construction costs, the new Housing and Productivity Contribution (in effect from 1 October 2023) and Sydney Water Development Service Plans (in effect from 1 July 2024) as the key cost drivers placing pressure on feasibility. The inclusion of new affordable housing contributions creates another cost barrier to the delivery of new housing.

Without the introduction of affordable housing contributions, development feasibility is already called into question for the Bankstown, Bella Vista and Kellyville precincts; and at their current proposed level the affordable housing contributions will place pressure on the development

feasibility of the remaining precincts, particularly those sites which are not presently in government ownership.

Policy options

There are several options available to government to address the impact of affordable housing contributions on development feasibility. Unfortunately, the government has not provided any economic modelling to support the case for these contributions and this has constrained the industry's capacity to respond to what is proposed..

Across the board rate reduction

Individual landowners are making submissions regarding the level of inclusionary zoning that can be feasibly accommodated on their site. These reductions will vary from location to location given the different price and market conditions and the cumulative impact of special costs that relate to an individual site.

What is clear is the affordable housing contributions are not affordable in their present form. A steep, across-the-board reduction in affordable housing contribution rates is the simplest and fastest way to promote development feasibility while meeting the NSW Government's ambition to introduce inclusionary zoning at a larger scale to the Sydney property and development landscape.

Cash contributions

Each of the proposed affordable housing contribution schemes requires the dedication of housing stock, without any option for developers to make a cash contribution where the delivery of this housing is unworkable.

By way of example, an apartment building of 20 dwellings in the Bankstown TOD precinct under the proposed rates will incur a 3% affordable housing contribution, requiring the dedication of 0.6 dwellings to a community housing provider.

It is recommended that the option of making a cash contribution in lieu of dedicating stock be included within all of the affordable housing contribution schemes. Cash contributions are a critical ingredient for low-rate affordable housing contributions schemes as they provide a degree of flexibility for the developer in meeting their obligations across a wide range of development types.

This will provide a better outcome for industry where the dedication of stock is impractical, and enable the community housing sector to pool funds with a view to consolidating their portfolio across a smaller number of sites.

Future of the existing height/floorspace bonus

We note the NSW Government has a stated intention of promoting in-perpetuity affordable housing within from the TOD precincts, to be enabled through the uplift created by the rezoning of the TOD precincts.

At the present contribution rates and in the present market conditions, the targeted delivery of affordable housing is unlikely to be achieved.

The likelihood of achieving the desired level of affordable housing is far more likely to be achieved under the existing infill affordable housing incentive with the affordable housing stock to be held for a period of 15 years. This is because affordable housing stock under this model

ultimately has an economic value which can be realised by the proponent, and this benefit can be taken into account by finance providers when making a lending decision.

Application area for affordable housing contributions

Our members note the accelerated rezonings tend to apply to smaller catchments within a defined precinct area. Differences exist within the exhibition material and draft affordable housing contribution schemes regarding the application of these contributions.

For the avoidance of doubt, our preference is for affordable housing contributions to apply only to those areas which have been the subject of significant residential uplift, and not to those aspects of a precinct which are yet to be rezoned.

Recommendations

1. The draft affordable housing contribution schemes not proceed at their present rates.
2. The affordable housing contributions across all precinct locations be reduced to ensure development is economically feasible and capable of attaining finance in the present cost and market landscape.
3. The NSW Government give careful consideration to retaining the in-fill affordable housing bonus as the most effective mechanism for the delivery of affordable housing within the 5-year National Housing Accord period, particularly in those markets where inclusionary zoning provisions might not be feasible.
4. Each of the Affordable Housing Contribution Plans be amended to make provision for cash contributions where the dedication of stock is impractical.

Height and floorspace bonuses

Exemption from in-fill affordable housing provisions

In December last year, the NSW Government implemented changes to the Housing SEPP to promote in-fill development and encourage private developers to deliver more affordable and market housing. The reforms included:

- A floor space ratio (FSR) bonus of 20–30% and a height bonus of 20–30% for projects that include at least 10–15% of gross floor area (GFA) as affordable housing. The height bonus only applies to residential flat building and shop-top housing.

A requirement that the affordable housing portion of the development to remain affordable and be managed by a registered community housing provider for a minimum of 15 years.

The EIE proposes to remove the application of the in-fill affordable housing provisions from the TOD precincts, preferring the application of an in-perpetuity affordable housing contribution.

In our consultation with members, this element of the proposal was a cause of disappointment given the clear market signal to industry that occurred with the introduction of the incentive in December. The view was roundly expressed that the Housing SEPP incentives were a considerably more effective mechanism for delivering affordable housing than the in-perpetuity contributions proposed in the exhibition material.

Low and mid-rise housing reforms

Concerns have been raised regarding the application of the low and mid-rise (LMR) housing reforms to the accelerated precincts. The EIE does not provide clarity as to how or if these reforms will apply.

The TOD rezoning agenda exists to provide pathways to deliver high levels of housing supply to meet the needs of the market and address the state's obligations under the National Housing Accord. In theory, the TOD rezonings should be of a scale whereby the industry would not be interested in considering its options under the LMR reforms, however our members have identified areas in the Crows Nest TOD where this is not the case. We discuss this specific example in the Crows Nest component of Part Two of this submission. For the industry to support the switching off of these provisions, we would need to be satisfied that all areas subject to an accelerated rezoning would be capable of achieving a floor space ratio higher than 2.86:1 across all precincts. We encourage the Department to make these changes in its final rezoning.

Status of seniors living incentives under Housing SEPP

The Housing SEPP provides incentives for seniors housing targeted at the development of "vertical villages". The incentives are designed to improve housing diversity, provide options for people to downsize while staying in their local community and promoting retirement villages as a viable development option, particularly when having to compete against traditional residential developers for the acquisition of land.

Specifically, the SEPP provides for incentives are between 15% and 25% bonus floor space, a reduction in the landscaped area requirements for residential care facilities from 25 m² to 15 m² per bed, and a new State Significant Development pathway for seniors housing for projects worth more than \$30 million.

The seniors housing aspect of the Housing SEPP is not mentioned in the exhibition material, although in the context of the switching off of affordable housing incentives we wish to confirm our support for their continued application in the areas subject to an accelerated rezoning.

Recommendations

1. Floor space ratios within the areas identified for rezoning need to be increased beyond 2.86:1 to provide a level of density beyond the capacity of the low and mid-rise housing reforms. These changes would need to be accompanied by a proportionate level of height adjustments..
2. The Housing SEPP incentives for seniors living continues to apply to the accelerated precinct.

Design excellence pathway

The EIE proposes to replace existing requirements for an architectural design competition with alternate design excellence provisions.

While the EIE provides minimal detail regarding the specifics of what is under consideration, the departure from design competitions is a welcome step forward as it removes a process which is both costly and time consuming, particularly when other mechanisms exist to promote design excellence.

We note applications that rely on the State Significant Development Pathway will be subject to design excellence provisions that already exist, and our members advise this is their preferred policy solution.

Award winning architects

The Property Council is aware of a proposal to create a pool of reputable architects for developers to use in the preparation of designs in place of holding a design competition. The pool of architects would be limited to practitioners who had either won a design competition in another location, or who had won a recognised design award.

In considering its support for this solution, the number of eligible practitioners would be a key consideration. We encourage the NSW Government to engage in targeted consultation with key industry groups including the Property Council prior to adopting this measure.

Limitation to existing design competition requirements

In adopting any change, the primary objective needs to be the removal of unnecessary cost and delay to the delivery of new housing. With this in mind, the Property Council is seeking confirmation that any of these changes will be limited to sites where the local council has already identified a requirement for an architectural design competition.

Recommendations

1. An alternate pathway should be provided to enable industry to deliver housing in the TOD precincts without being required to undertake a costly and time-consuming architectural design competition.
2. The preferred option is that the design excellence requirements attached to existing State Significant Development should apply in lieu of the requirement for a design competition.
3. Any alternate process be included as an option for sites which are presently the subject of a design competition, and not across all of the precincts identified for an accelerated rezoning.

Part Two: TOD Precinct feedback

Hornsby

The EIE for Hornsby proposes to deliver up to 5,000 additional new dwellings within the precinct. The development uplift includes mandatory affordable housing contributions of between 5-10% for all new residential development, delivering between 250 and 500 homes in perpetuity and managed by the community housing sector.

The proposed rezoning builds on the work of Hornsby Shire Council's Hornsby Town Centre Master Plan (2023) which was the culmination of five years of work to formulate an ambitious vision to transform Hornsby's major town centre.

Reach of study area

In identifying the parts of Hornsby selected for an accelerated rezoning, the Department has taken an approach of focusing on those locations with sites where an immediate uplift in housing is practical and likely to occur given a site's proximity to transport infrastructure, lot sizes and ownership patterns. This is a sensible approach.

Our members have expressed the view that sites exist at the periphery of the structure plan that are worthy of consideration in the accelerated rezoning. Within a walkable radius to Hornsby Station opportunities exist for further rezoning, with the furthest site to proposed for an accelerated rezoning only 618 metres from the station itself.

We encourage the Department to carefully consider landowner submissions seeking inclusion in the catchment area for accelerated rezoning, while identifying a future planning investigation area for streets within an 800m radius (subject to walkability) to enable further planning proposals to provide additional housing supply.

Government owned land

Land exists to the north of Hornsby Station (south of Bridge Road and bordering Jersey Street and George Street) that is not being rezoned. It is understood that DPHI is in discussions with the Transport Asset Holdings Entity (TAHE) to gauge the development potential of this land.

Mindful of the heights proposed for neighbouring sites in private ownership, we encourage this future rezoning to proceed in the short to medium term.

Recommendations

1. Consider landowner submissions seeking inclusion within the area identified for accelerated rezoning.
2. Identify a planning investigation area to enable further developer, council or state-led planning proposals within a walkable area of Hornsby Station.
3. Work with TAHE to rezone government-owned land in the precinct.

Kellyville and Bella Vista

The EIE for Kellyville and Bella Vista proposes to deliver up to 20,700 additional new dwellings within the precinct. The development uplift includes mandatory affordable housing contributions of between 3-8% for all new residential development, delivering between 620 and 1,650 homes in perpetuity and managed by the community housing sector.

Precinct boundary

The EIE identifies both a precinct boundary and focus areas within these boundaries identified for the accelerated rezoning.

Perplexingly, there is a large lot in single ownership (currently Parklea Markets) sitting immediately outside the wider precinct boundary that has been identified previously by proponents as the location of a future town centre. The site sits within the 1.2km radius required in the principles supporting TOD.

In addition to this site, Rothwell Circuit, Consolo Avenue and Almona Street in Glenwood have also been excluded from both the wider precinct boundary and focus area for accelerated rezoning, despite being even closer to both stations. The lot sizes, zoning and ownership patterns are not inconsistent with other similar areas to the west of Windsor Road that have been identified for accelerated rezoning.

We encourage the Department to consider including these locations in the accelerated rezoning for Kellyville and Bella Vista, and should further exploration be required, to identify the areas for further investigation or a future stage rezoning.

Supporting infrastructure

The Department in its public online briefings has already acknowledged the need for further school infrastructure in to support existing growth in the area. A new school has been identified for Kellyville, and the Department has confirmed that efforts are underway to identify further opportunities.

Additionally, Blacktown City Council has identified a need for greater walkability across the precinct. Old Windsor Road is the boundary between Blacktown and The Hills Shire Councils, and the width of this corridor becomes more challenging from a walkability perspective once the bus transitway and metro rail corridors are also considered.

To address these two issues, we encourage the Department of Planning, Housing and Infrastructure to work with the relevant government agencies to progress their investigations and ultimately business cases for these supporting infrastructure projects in order to ensure they are capable of being considered as part of the Urban Development Program.

Recommendations

1. Consider expanding the precinct boundary to include areas of Glenwood, including Parklea Markets within the 1.2km radius.
2. Department to work with other agencies to bring prioritise the delivery of schools and walkability infrastructure to support growth in the precinct.

Macquarie Park

A longstanding vision exists for the Macquarie Park precinct through the *Macquarie Park Innovation Precinct (MPIP) Place Strategy 2022* and supporting technical studies. The strategy informs a two-step state-led rezoning of the precinct with the present exhibition material seeking to accelerate the “Stage 2” rezonings.

The EIE for Macquarie Park proposes to deliver up to 4,622 additional homes close to three metro stations – Macquarie University, Macquarie Park and North Ryde. The additional homes will be complemented by a further capacity to deliver 1,989,815 sqm in commercial floorspace or 5,096 additional dwellings, subject to market demand.

The development uplift includes a mandatory affordable housing contribution of between 10–15% for all new residential development in the precinct, with the intentions of delivering to deliver between 460–690 affordable homes in perpetuity, managed by a registered community housing provider.

Future commercial demand

The Property Council of Australia’s July 2024 Office Market Report does not identify strong levels of demand to support the zoning of a commercial office market with capacity to grow to 1.9 million square metres in size. An office market of this size is equivalent to the combined size of the current Parramatta and North Sydney office markets.

With this in mind, we encourage the government to consider excising the North Ryde Riverside component of the precinct for future mixed-use residential development, and to carefully consider individual landowner submissions seeking to adjust non-residential floorspace components where these proposals assist in supporting development feasibility.

Grade	Vacancy, Jul 24 (%)	Vacancy, Jan 24 (%)	Net absorption, 6 months to Jul 24 (sqm)
A	19.9	21.0	14,859
B	18.9	18.8	-352
C	11.0	13.8	977
Total	19.3	20.1	15,484

Role of build-to-rent

The Property Council is supportive of the efforts of the NSW Government, to increase the takeup of build-to-rent (BTR) in Macquarie Park, including enabling the permissibility of build-to-rent within the employment zones as outlined in the EIE.

The provision for BTR will help deliver on the Place Strategy’s ambition for an 18-hour Macquarie Park economy, while the single-owner BTR model removes ownership barriers to office conversion should market conditions change in the future.

North Ryde Riverside

The Property Council welcomes an intensification of land uses for the North Ryde Riverside sub precinct identified in the EIE, however its proposed dwelling yield and non-residential components would benefit from changes to give the sub precinct a stronger role in delivering the housing our state needs to have in well-located areas.

Our members have noted the take-up of “innovation” business uses within the area has waned following the gradual withdrawal of CSIRO’s presence. The present buildings are of a B and C-Grade office nature and a mixed-use residential precinct with higher height and FSR controls is the preferred model for the precinct’s future.

We encourage the Department to consider a “Stage 3” rezoning of this sub precinct on a standalone basis, and its gradual separation from the overall Place Strategy as part of this future role.

Prohibition on data centres

Data centres present a range of challenges given their intense need for water and power. In areas outside Macquarie Park, landowners have expressed concern regarding the impact of this resource draw on the serviceability of surrounding land. The EIE cites streetscape activation concerns as the primary objection to including data centres in the precinct, however the innovation and technology needs of the precinct are reliant on a metropolis with nearby access to data centre capacity.

The Property Council does not support further restrictions on the permissibility of data centres until such time as the Department has prepared a well-considered strategy in collaboration with industry and relevant utilities providers to cater to the Sydney’s future data centre requirements and servicing capacity.

Recommendations

1. Identify the North Ryde Riverside sub precinct as an area for a further rezoning to deliver a significantly higher residential yield in the short-to-medium term.
2. Retain the permissibility of data centres in Macquarie Park until a citywide strategy on data centre needs is prepared with support and input from industry.

Bankstown

The EIE for Bankstown proposes to deliver up to 12,500 additional new dwellings within the precinct. The development uplift includes mandatory affordable housing contributions of between 3-10% for all new residential development, delivering between 375 and 1,250 homes in perpetuity and managed by a community housing provider.

Removal of non-residential core

The Property Council supports the removal of the non-residential core for the Bankstown town centre. While we accept there is a need to provide employment floorspace in Bankstown, demand for commercial-only floorspace is limited, and the city has historically struggled to attract large-floorplate tenants to pre-commit to office space in Bankstown.

This means that for office floor space to be delivered, another revenue-generating asset class (residential) is required for a project to attain development feasibility. Bankstown's future may be as a centre of jobs, but the only pathway to enabling that floorspace to be unlocked, is through the delivery of apartments to offset the commercial risk.

This same approach to non-revenue generating floor space should be considered when exploring contribution rates for affordable housing. While the scale of development uplift suggests that opportunities for inclusionary zoning are achievable, the imposition of non-residential floorspace requirements increases the pressure on project feasibility. In a market where existing costs are already high, we strongly encourage the Department to take non-commercial floor space requirements into account when setting an affordable housing contribution level.

Recommendations

1. The Department proceed with its proposal to pursue a mixed-use core in the Bankstown town centre.
2. The impact of mandating higher non-residential floorspace on project feasibility be considered when determining an in-perpetuity affordable housing contribution, with the government to determine whether or not to reduce the non-residential requirement or the contribution rate.

Crows Nest

The EIE for Crows Nest proposes to deliver up to 3,255 additional new dwellings within the precinct. The development uplift includes mandatory affordable housing contributions of between 10-15% for all new residential development, delivering between 325 and 488 homes in perpetuity and managed by a community housing provider.

Considering the success of the NSW Government's investment in Sydney Metro, the proximity of Crows Nest as a location in proximity to North Sydney and St Leonards, the short commute times to employment centres at Chatswood, Sydney CBD, Macquarie Park and Norwest, we believe that Crows Nest is capable of delivering more growth than the accelerated rezoning is seeking to achieve.

Opportunities to deliver more housing

The overwhelming view of members and landowners believe the effort to accelerate the rezoning of Crows Nest has resulted in less housing being proposed than the precinct is capable of delivering.

A new metro station, in close proximity to commercial centres Chatswood, North Sydney, Sydney CBD and Macquarie Park needs to be capable of delivering a higher level of development density – spread across a wider precinct catchment.

Decisions to retain non-commercial floor space ratios are not supported by industry, and the Economic Impact Assessment prepared by Atlas Economics, which cites on Property Council Office Market Report data would suggest the market for this office space is limited to non-existent.

We are recommending the TOD zoning proposal for be reworked to take on a more level of housing supply, and the extent of such a revision could potentially require either a "Stage 2" accelerated rezoning or a re-exhibition of new EIE and structure plan. Should the government opt for the latter option, we encourage this to occur at the same time as the exhibition of the accelerated rezoning of the Bays West Precinct early next year.

A future Crows Nest rezoning needs to deliver more housing beyond more than the immediate blocks adjoining the rail corridors and Pacific Highway. Such a rezoning should emphasize a more generous "walkable development radius" for both precinct rezoning, and where this is not immediately possible, a compatible future investigation area that welcomes creative planning proposals.

Demand for commercial office space

With its proximity to other commercial centres and the current prioritisation of housing across all levels of government, housing needs to be the primary driver for the Crows Nest precinct.

The economic impact report prepared by Atlas Economics relies on 2024 Property Council Office Market Report data to identify a 25% office vacancy rate in Crows Nest, with strong incentives (discounts) offered by leasing agents and a reference to the Crows Nest market as being dominated by "price conscious occupiers".

The projected future commercial takeup of 20,000 sqm over is unlikely to generate the pre-lease appetite for office investment that is proportionate to the non-residential floorspace requirements proposed in the EIE – this demand can effectively be accommodated within the market’s existing vacancy rate.

There is only one site in the Crows Nest precinct where the non-residential floor space ratio requirements have been reduced (by 10:1 to 1:1). We would encourage this sort of approach to other sites within the precinct to deliver affordable and market housing in response to the national housing crisis.

Defects in height transition

The transect planning hierarchy doesn’t flow outward from the Crows Nest centre, meaning that contrary to conventional planning logic, higher levels of density and development are achievable outside the development area.

This is because the areas outside the rezoning area benefit from low-mid rise housing and affordable rental housing bonuses that don’t apply within the rezoned area. There are sites located within 200 metres of the new Metro stop (on Nicholson Street) with floor space ratios of 1.6 :1 and 2:1.

In practice this means a site outside the accelerated rezoning boundary can theoretically achieve a floor space ratio of 2.2:1 if it’s located within 400m of a railway station, and combined with a 30% affordable rental housing bonus the floor space ratio would increase to 2.86:1.

These issues underscore the need for a higher density outcome for Crows Nest.

Treatment of existing planning proposals

A number of members have raised concerns at the impact of the proposed EIE and anticipated rezoning on existing planning proposals and applications in the system. In the interest of providing a planning system that delivers on both certainty and housing, it is critical that these matters be handled carefully, mindful of the resources that have been committed to getting these projects off the ground.

Recommendations

1. The Department prepare a new planning proposal for Crows Nest, building on the existing work of the Crows Nest Place Strategy and the EIE, to be considered as either a “Stage 2” rezoning, or a fresh proposal to be exhibited concurrent with the Bays West rezoning early next year. Such a rezoning should consider:
 - a. An adjustment to non-residential floor space requirements in response to established market conditions and the need to deliver additional affordable and market housing.
 - b. Expansion of the focus area for the Crows Nest rezoning, with additional height and density to be delivered over a wider walkable catchment, consistent with the declared walkable area of 1.2km noting the variety of accessible transport options across the precinct.

Homebush

The EIE for Homebush proposes to deliver up to 16,100 additional homes within the precinct. The development uplift includes mandatory affordable housing contributions of between 5-10% for all new residential development in the precinct, delivering between 805 and 1,610 affordable homes in perpetuity and managed by a registered community housing provider.

Reach of study area

The precinct boundaries skew heavily toward areas of Homebush covered by the Canada Bay local government area. While the precinct boundaries expand the full length of the Parramatta Road corridor in the Strathfield LGA, the only significant changes to planning controls relate to the areas to the east of Flemington Markets.

Opportunities for future rezonings exist to the west of Flemington Markets, and these opportunities warrant separate consideration. These areas bounded by Parramatta Road, Marlborough Road and the rail corridor need to be flagged for future planning investigation so as not to preclude the consideration of future planning proposals.

Recommendations

1. The areas bounded by Parramatta Road, Marlborough Road and the rail corridor be identified for future planning investigation so as not to preclude the consideration of future planning proposals.

30 August 2024

[REDACTED]
Director Assessment and Systems Policy
Department of Planning, Housing and Infrastructure
Locked Bag 5022
Parramatta NSW 2124

Dear Mr [REDACTED]

**Re: Transport Oriented Development Accelerated Precincts:
Crows Nest, Homebush and Bankstown**

I write in relation to the Explanation of Intended Effect (EIE) documents along with the accompanying documents associated with the release of Crows Nest, Homebush and Bankstown Accelerated Precincts for the Transport Oriented Development Program.

Urban Taskforce is disappointed to note that the highly anticipated Tier 1 TODs have, over the past 8 months, somehow morphed into "Accelerated TOD Precincts", and have become little more than the acceleration of strategic plans that were already well advanced.

The expectation associated with the Tier 1 TOD precincts was that they would make a significant contribution to the Housing Accord targets. Instead, the EIE documents included only small increases in yield and much longer timeframes for delivery. This represents a missed opportunity, and a manifest re-casting of the announcement made in December by the Government.

At the time of the original announcement, it was reasonable to interpret that the Government's intent was to plan the entire precinct within a radius of 1.2km of the nominated transport nodes. It was further reasonable to anticipate significant increases in height and density in those locations, after all, that is exactly what the Premier said these new TOD reforms would deliver.

In each of the precinct EIEs, the areas rezoned have fallen far short of this.

Recommendation 1: For each Tier 1 TOD accelerated precinct the area subject to rezoning should be expanded to address each property within the 1.2km radius for increased height and density as per the Government's announcement in December 2023.

The announcement of these Accelerated Precinct Plans has meant that many developers have waited for these new controls and statutory mechanisms to be finalised. Planning Proposals and Development Applications have all but halted in the T1 TOD areas.

With these disappointing drafts, development proponents continue to wait for the rules to be finalised. In the meantime, the housing supply crisis deteriorated.

The TOD Program is at risk of doing more harm than good by delaying projects that would by now have been well progressed through the planning assessment process.

Recommendation 2: Rather than seeking to plan every single lot on a case-by-case basis, the TOD program should establish ranges for merit-based consideration across the precinct and invite the private sector to submit their applications.

Crows Nest

While the EIE document as published does include increased height and density on some sites, Urban Taskforce is concerned that the EIE document for Crows Nest has, overall, significantly under-shot the expectations of the sector and opportunity for housing supply.

There is a lack of consistency of proposed increases in height and density within this precinct.

Many readily developable sites have been completely ignored with no change proposed at all.

The proposed additional "capacity" of 3,255 new homes in the '*TOD Accelerated Rezoning Area*' will translate into a trickle of delivered dwellings over a long timeframe.

The proposed change that will stop supply most, is the new proposed affordable housing contribution of between 10% to 15% in perpetuity. (perpetuity should only apply to government owned land).

Recommendation 3: that for Crows Nest, mandatory affordable housing contributions are set for 15 years and not in perpetuity. If this is not to change, then cash contributions should be commensurate to the uplift given and capped at 3% subject to a feasible uplift.

This appears to apply to even those dwellings that have **not benefitted** from an increased yield arising from this rezoning. This urgently needs to be addressed.

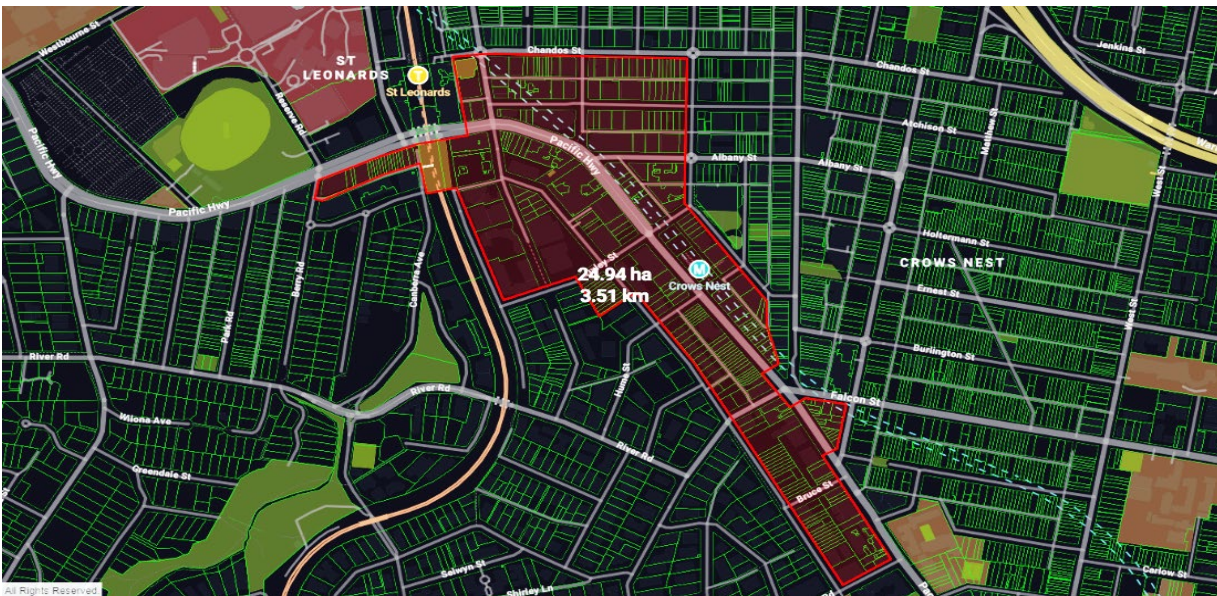
Recommendation 4: The base affordable housing contribution should be zero for those sites that have not benefitted from any uplift in this rezoning proposal.

What happened to the "1.2km radius" announced in December?

Further to recommendation 1 above, the impact of the rezoning in Crows Nest was far less than anticipated 1.2km radius from the Crows Nest Metro station.

Of the 4.52km² available in the 1.2km radius, Crows Nest's '*TOD Accelerated Rezoning Area*' only addresses rezoning in an area of 0.25km².

That is less than 6% of the original area.



Site Analysis of the TOD Accelerated Rezoning Area (Mosaic. 2024).

There are several sites where the very-low, housing yield outcomes allowed under the '2036 Crows Nest – St Leonards Plan', were not revised. This is a significant missed opportunity. DPHI appears to be unwittingly supporting the work of the former strategic planning staff who have now been moved on from the organisation.

In the context of the housing supply crisis we now face, the question that should be asked when assessing the potential for uplift is: how much can this site possibly deliver? The current DPHI approach appears to be an exercise in urban design and compliance with existing DCP/ADG controls. The focus must be on getting the maximum housing supply from in the proposed outcome.

This conservative approach of the authors of the EIE flies in the face of the Government's desire to move more housing supply to Sydney's East.

Recommendation 5: The Crows Nest Accelerated precinct should be expanded to include a re-assessment of all lots within the 1.2km radius of the Crows Nest Metro station.

SSD Approved Sites

Sites in Crows Nest that had already received SSD approvals (but have not commenced) were also not revisited for increased height and density. This is an omission that should be corrected.

Much of the work previously undertaken as part of the 2036 strategy delivered unfeasible development results in many cases, particularly in the St Leonards area

and the strip between Chandos Street and the Pacific Highway. That is why work has, in many cases, not yet commenced.

Urban Taskforce members had been assured by senior DPHI staff that these sites would be re-considered for uplift, but this has not been the case to date. There is an opportunity now to address this omission.

The shift in strategic planning perspective that came with the change of government, should be demonstrated by replacing conservative planning and readdressing of Crows Nest's EIE plans with housing delivery in mind. There should be a commitment to expanding the area of uplift in Crows Nest.

Recommendation 6: DPHI should include sites within the Crows Nest radius that have already received SSD approval in their consideration for uplift.

15% Affordable Housing in Perpetuity

While there was reference to the application of an affordable housing contribution of up to 15% in perpetuity, all the early discussions with senior DPHI staff indicated that this was a maximum and only likely to apply to government owner land. Urban Taskforce was assured that the feasibility of development of privately owned sites would be considered, and the contributions set with this in mind. As it stands, the suggestion of 10%-15% Affordable Housing Contributions 'in perpetuity' will annihilate feasibility in most cases.

Recommendation 7: any discussion of a 15% affordable housing contribution should be limited to government owned land, where the government is effectively subsidising the total cost of the project by contributing that land.

Additional capacity belying uplift

Calculations for new homes within the Crows Nest precinct and other TOD Precincts are given as 'additional capacity' with an assumption that this metric is crafted from the extent of uplift provided. However, while several sites show a significant increase in height, due to the existing buildings located on many sites, they will not be redeveloped. The following case studies detail why this is the case – but the errors are repeated through the precinct.

220 Pacific Highway: The proposed rezoning shows the building height control increased from 16m to 59m, approximately 19 levels, with no FSR control. Whilst this sounds like a significant uplift, there is currently a 17-storey, strata-titled building on the site. Interestingly, the adjoining lots to the northwest have only been rezoned to 29 metres and then 44 metres for the northwestern corner of the block.

599 Pacific Highway: The proposed rezoning shows the building height control increased from 40m to 64m, approximately 20 storeys, with no FSR control. However, a 20 storey, strata-titled building already exists on the site.

14 Atchison Street: The proposed rezoning shows the building height control increased from 49m to 95m (approximately 30 levels), with no FSR control. However, the existing strata-titled, 30-storey building on the site means that the existing use is its highest and best use.

The proposed plan offers only limited opportunities for new housing supply compared to the State Governments initial 2036 Strategy announcement in August 2020. This potential for increased housing “capacity” is further reduced by sites that have already been developed to their maximum potential.

Urban Taskforce stands in a vexed position where we are desperate to fix the problem but can’t afford to wait another three months for DPHI to replan and re-exhibit.

Recommendation 8: DPHI needs to complete the job expected by the community and the government and provide for substantial uplift in height and density to take maximum advantage of the investment in the Crows Nest Metro.

West-side of the Crows Nest Precinct

The western portion of the proposed rezoned area for accelerated rezoning is mostly ‘E2 – Commercial Centre’. This does not permit non BTR residential use. Any increase in height or FSR in these E2 areas does not result in any additional housing supply. It seems bizarre that DPHI spent time and energy focussing on this while considering the contribution to housing supply which arises from the zoning constraints.

We are not in a commercial floor space crisis, quite the opposite and especially in this area.

Recommendation 9: Increased height and density should be supported by a relaxation of the zoning designation to allow for housing supply on Lots that are located so close to the Crows Nest Metro and St Leonards station.

Non-Residential Minimums

Many of the few lots that have received additional residential height and FSR, have also received a corresponding increase in non-residential minimum FSR requirements, up to 3:1. Given the current state of the commercial property market, this additional non-residential FSR could render these sites unfeasible or slow delivery until micro- and macroeconomic conditions change.

Making statutory provision for active street frontages in place of non-residential minimums would ensure amenity while allowing the private sector to deliver what the market is asking for. This will speed delivery by allowing feasibility requirements to be met.

The Property Development industry is a sophisticated sector with adequate resources and an incentivisation framework attuned to predicting market requirements and deliver residential and commercial assets.

Allowing the private sector to respond to market demand and provision commercial and residential accordingly, will balance these issues at a pivotal moment in the housing crisis.

Recommendation 10: that non-residential minimums are replaced by active street frontage controls and that the private sector be allowed to adapt to market demand when providing commercial and residential stock.

8-24 Nicholson Street, Wollstonecraft

Urban Taskforce is advised that most of the existing R3 & R4 zoned land within 400m or 800m of the Crows Nest Metro and St Leonards train station have received no increase in density.

While page 46 of The Urban Design Report prepared by SJB notes that some of these areas “*may also be subject to change under anticipated housing reform controls and therefore rezoning may not be required.*” Urban Taskforce is not aware of any housing reform controls that would increase the densities for these areas.

Proposed rezoned R4 zoned land within 100m of the Crows Nest train station and adjoining MU1-zoned land have a proposed height control of 29m, but an FSR of between 1.6:1 and 2:1. These provisions are extremely low, particularly considering the proximity to the Metro Station and that Tier 2 TOD Areas would provide higher residential density with a height control of 22m for residential flat buildings and an FSR of 2.5:1.

The greatest of these missed opportunities is the site comprising 8-24 Nicholson Street (see over the page for site map). This site sits 120m to the entrance of Crows Nest Metro and is supported by ample amenity and infrastructure.

Urban Taskforce is advised that developer planning studies show that this site could hold a FSR capacity of 4.6:1, after the requirements of North Sydney’s Development Control Plans are met. However, under the proposal contained in the Crows Nest EIE this zone has been given a FSR of only 1.6:1.

This is less than what the proposed Low and Mid-Rise Housing Program originally provided at 3:1, which has now been walked back to 2.2:1.

Despite these lots being proposed as R4 High-Density Residential with a maximum height of 29.9m, this mild FSR of 1.6:1 will not meet expectations of housing delivery for the TOD Program.

The fundamental rationale of the TOD Program was density near transport nodes. At a distance of 120m from Crows Nest metro, a greater FSR should be allowed.



Floor Space Ratio. 8-25 Nicholson St, marked red ('Crows Nest State-Led Rezoning Urban Design Report'. p.87).

On this site, lot consolidation will play a significant factor. A developer must buy adjacent lots, amalgamate them and demolish, design and built all while meeting the Bank's minimum margin requirement of 15% IRR. In Crows Nest, higher land prices mean the consolidation of fractured lots push up development costs until they are no longer covered by project returns.

No development will occur on these sites when the feasibility context is not considered and adjusted for.

With the current FSR of 1.6:1 there will be no extra housing coming out of this site for the foreseeable future. Raising the FSR on this and other, similar sites, means housing can be delivered in the short to mid-term, instead of none.

Recommendation 11: that properties located on Nicholson Street have the applicable FSR revised upwards and that the other proposed R4 Residential lots surrounding the station are provided sufficient density to feasible delivery housing in the near term.

Chandos Street

Chandos Street in Crows Nest falls within the precinct boundary, but a number of important, consolidated sites have not received increase of height or density (see Recommendation 4).

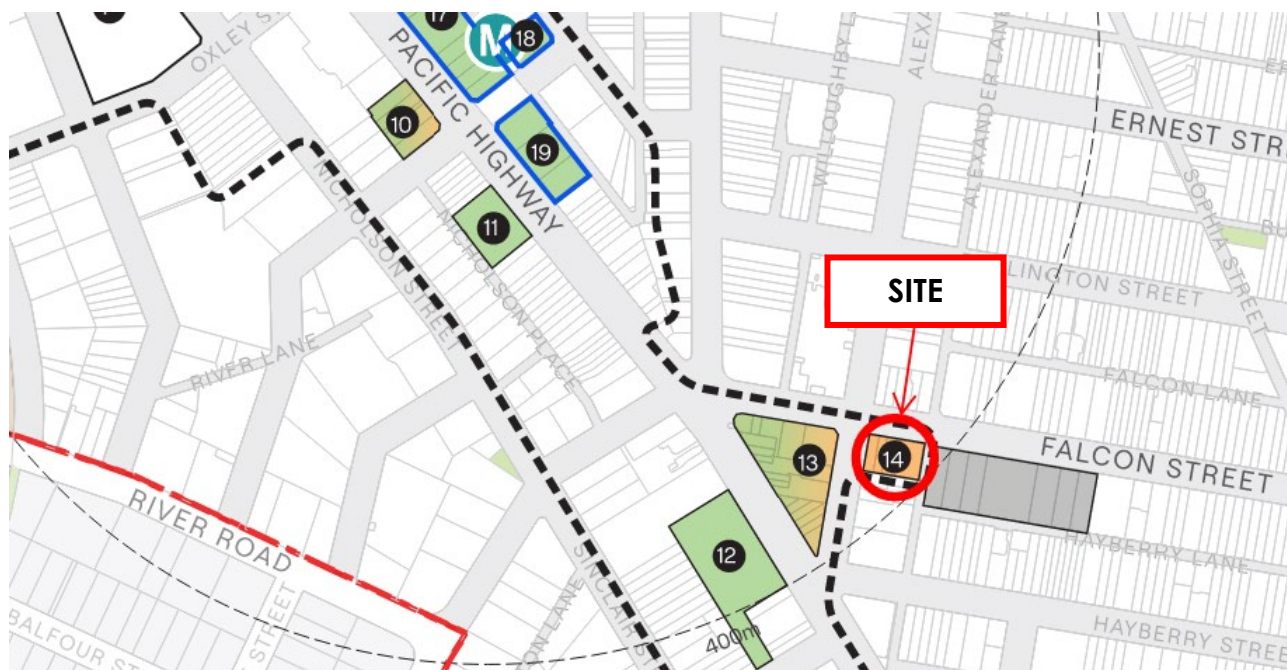
These lots are located in close proximity to the St Leonards Heavy Rail Station, high-capacity bus lines and the opening of Crows Nest Metro Station. The fact that they were not considered for an increase in height and density in the context of the 2036 plan should not preclude the rectification of this error now.

The south side of Chandos Street case study has seen effective negative uplift through the draft provisions of the published EIE.

Lots along this strip should benefit from significantly increased height and density to incentivise housing delivery in accord with the intentions of the Tier 1 TOD Program.

Recommendation 12: DPHI should re-examine opportunities for increased height and density along the western side of Chandos Street, between Chandos Street and the Pacific Highway. Any site that does not benefit from increased uplift in terms of permissible height and FSR should not be subject to any new affordable housing contribution.

17-25 Falcon Street



17-25 Falcon Street, marked red ('Crows Nest State-Led Rezoning Urban Design Report' p.36).

17-25 Falcon Street is 300m from the Crows Nest Metro Station and falls within a the 'TOD Accelerated Rezoning Area'. It has been proposed to have mixed-use zoning, 22 metre building heights with a proposed FSR of 2:1.

However, these metrics don't correlate, severely reducing potential yield. The FSR should be raised to match the intention of the height increase proposed.

Page 36 of the Urban Design Report incorrectly shows this site to hold the status of 'Active Planning Proposal'.

Urban Taskforce is advised that a Planning Proposal on this site with a 22m-height limit was previously submitted and endorsed by Council. However, it was actually refused at the Gateway stage by DPHI.

Ironically, part of the stated reason for this was that it is now in the T1 TOD precinct.

To be clear, contrary to the assertion in the EIE, the Planning Proposal is no longer active. Meanwhile, as a result of this error, DPHI have nominated 17-25 Falcon Street's height limit at 22m, matching the rejected planning proposal.

Prior to the TOD Accelerated Precinct EIE, this site with its Planning Proposal was achieving a 22m height limit (6 storeys) with the opportunity of a 30% housing uplift to get to 8 storeys.

Put simply, the Council was happy with 22m height. The government's infill affordable housing bonus would have resulted in an uplift in height and FSR of up to 30% on that.

To make matters worse, this site now has a 22m height limit (6 storeys) without the opportunity of a 30% housing uplift, and now also a new 10-15% affordable housing in perpetuity requirement. As such, the viability of the site has reduced dramatically. The site has been effectively down zoned.

This case of negative uplift along with any similar cases should be rectified.

With buildings on the East (Alexander Lane) holding height of 21 metres and buildings on the West (Triangle Site on Alexander Street) approved for around 59 metres, there is substantial scope for a re-examination of the proposed maximum height and FSR on this site.

Projects with planning proposals and development applications should also not be ignored as a result of being in these stages. The applicant can decide if they wish to progress with the application under existing controls, or take advantage of the new controls.

Recommendation 13: 17-25 Falcon Street, and sites like it with currently active or recently cancelled Planning Proposals or Development Applications, should receive appropriate uplift in proportion to the controls applicable to neighbouring sites.

Willoughby House

Willoughby House at 429 Pacific Highway, Crows Nest is a heritage site and a gateway location on the Pacific Highway. However, it has been excluded from uplift in the previous '2036 Crows Nest – St Leonards Plan' and despite its location just 150m from Crows Nest Metro Station, it was also excluded from uplift in the exhibited documentation for this Accelerated Precinct.

The south end of Willoughby Road should not be excluded from uplift. This is contrary to the stated intention of the Premier, who announced the T1 TODs with precisely the opposite imperative.

The preservation of the gateway and Heritage of Fiveways and Willoughby Road can be achieved while allowing extra height and density.



**Willoughby House, 429 Pacific Highway, Crows Nest
(Google Maps, 2024).**

Urban Taskforce asserts the best urban design exists in contemporary, cosmopolitan cities where a mix of new and old buildings, with street scapes that have been addressing sensitively with regard for both heritage and density. At present, this area is tired and desperately in need of a fresh approach. The proposal in the SJB Urban Design Guide to preserve this area is misplaced and not supported.

Page 38 states: *“Developments may still occur on these sites however they will need to be respectful of reinforcing the heritage aspects of the site and their neighbours.”*

While this may have been the view of the former Premier, the current Premier has been clear that he wants to see increased housing close to the Government investment of public funds in the new Metro. A focus on increased housing supply requires a fresh look at this opportunity.



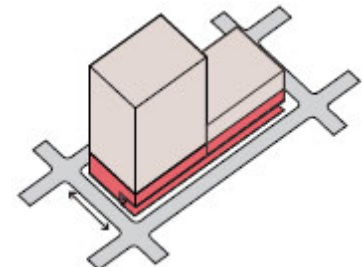
**Willoughby House shown in red square,
(SJB's Crows Nest Design Guide p.58)**



**Willoughby House missing uplift (red triangle),
(2036 Crows Nest – St Leonards Plan p.6)**

Further, heritage issues will surely be scrutinised in both the Planning Proposal and Development Application stages and its handling should be a process where specialists and designers are brought together to innovate solutions that will represent all stakeholder interests. It should not be cut off at this master planning stage.

This is especially true as no solar-access map has been provided preventing extra heights. Furthermore, in the same report, on page 82, Built Form Design Recommendation 10 proposes to: 'Prioritise height at key corners.'



10 Prioritise height at key corners

The surrounding lots have seen a significant increase in height and density which has created a shelf between Pacific highway and Willoughby Road as 8 stories drops off to 3. Moreover [other projects](#) directly opposite 429 Pacific Highway have already received approval with 20+ stories.

Recommendation 14: that the 5 Ways Triangle is included in the TOD precinct boundary and that this corner of Willoughby Road and Pacific Highway, be given the height and density to appropriately fit into the surrounding heights of the EIE plan and allow development to correctly address and retain this heritage asset.

448-456 Pacific Highway, St Leonards

Urban Taskforce have been advised that there are a number of sites that are currently proceeding through Planning Proposal processes, that were not considered for uplift. This should be corrected. This negative benefit can include sites that have been rezoned per the Crows Nest EIE and come under different provisions.

448-456 Pacific Highway in St Leonards, have gone through a Planning Proposal process with Lane Cove Council, but now need to obtain approval through the TOD Accelerated Precinct process. The previous agreements with council were for a mixed use zoning, however the Crows Nest EIE now proposes Commercial E3.

Urban Taskforce has been advised that the *Crows Nest Precinct Design Guide* imposes setback limitations to the Crows Nest precinct. This will effectively reduce the yield of this and other projects that are moving through the planning proposal process and reduce the output of market and affordable housing.

Under these setbacks the floor plate size will be restricted creating an inefficient build.

We are advised that this site has undergone a merit-based analysis, there are valid planning and urban design grounds to propose a reduced setback to this boundary.

This should be considered, as this results in a net benefit to the strategic intent of the precinct, deliver more housing, affordable housing and safeguarding future

infrastructure of an underground pedestrian connection interface as highlighted in this submission.

Recommendation 15: Proposed Setback to 460 Pacific Highway and, sites in this situation, should be approved to match they previous council agreement.

Homebush and Bankstown EIEs

Urban Taskforce has not received member feedback regarding the proposed uplift in the Homebush or Bankstown TOD EIE. However, there are concerns regarding the magnitude of the mandatory Affordable Housing Contributions set in perpetuity in these precincts.

Homebush proposes a 3%-10% in perpetuity contribution while Bankstown proposes 5%-10% - also a contribution in perpetuity.

As has been noted above in this submission, and in Urban Taskforce's Submission on the EIE Proposed Pathways (the recommendations of which are included in Appendix 1), the size of the proposed contribution will render development in much of the Bankstown and Homebush Accelerated Precincts unviable.

Recommendation 16: that affordable housing contributions should be commensurate to the uplift given and, if provided for in perpetuity, capped at 3% cash payment or in kind.

Urban Taskforce is further concerned that some Councils are proposing to add their own affordable housing contributions in their LEPs, over and above the TOD SEPPs affordable housing contributions.

Recommendation 17: Where a State Affordable Housing provision applies, this should override any local LEP provision for affordable housing.

Conclusion

Should DPHI wish to discuss matters relating to this submission, please contact me on [REDACTED] or via email [REDACTED]

Yours sincerely

[REDACTED]

Affordable Housing Contributions Recommendations

1: The TOD pathway changes should remove the ‘in-perpetuity’ clauses from the affordable housing provisions completely. The 15-year period provisions that apply to the infill Affordable Housing provisions of the Housing SEPP should be used as the basis for Tier 1 TOD accelerated precincts.

2: Any affordable housing levy to be applied must be proportional to the increase in actual increase in residential yield on any site, so any range for contributions must start at 0% and go up to no more than 15% for 15 years where there has been substantial uplift in height and permissible GFA/FSR.

3: If contributions are made through an Affordable Housing Scheme, and are in-perpetuity, those contributions should be capped at 3%.

4: Calculations should not be based on the gross yield of a building development which contains prescribed non-residential minimum floor space controls. Affordable Housing contributions should be based on the uplift in residential GFA.

5: The relationship between any affordable housing provision under this policy with any existing LEP affordable housing provision must be made clear. The new policy, once implemented, must replace any existing LEP affordable housing provision.

6: To promote feasible affordable housing supply in TOD precincts, the TOD pathway policy should make any Affordable Housing Height and GFA exempt.

7: The TOD Pathway changes should be adjusted to align with commercial feasibility studies. These studies should test the viability of proposed land-uses and prescriptive ratios for non-residential land uses. Active street frontages should be applied through ground floor and podium commercial zoning only. Other floors should be mixed use to allow for maximum flexibility.

The Use-it or lose-it timeframe provisions are too short – Recommendation

8: The five years for the activation of a DA should be maintained. To cut this period short will increase risk for development and reduce application numbers.

Primacy of housing supply must be written into the SEPP – Recommendation

9: that ‘primacy for the need for housing supply’ should be explicitly included in the SEPP changes associated with the TOD pathway reform.

Negative Uplift contrary to Ministerial Directions - Recommendation

10: No changes should result in the downzoning of any land.

BTR Housing and Commercial Zoning – Recommendation

11: Implementing a market-based approach with greater zoning flexibility, making developments more feasible in all TOD locations.

12: Include provisions in the TOD Program to support student housing near universities.

Conflicting planning controls contradict intent of TOD precinct planning policy - Recommendation

13: The TOD pathway should be explicit in providing for merit-based DCP/ADG non-compliance allowances that provide flexibility where imperatives run counter to the delivery of housing.

Referrals and Concurrences – Recommendation

14: Restrict referrals and concurrences to “high risk” areas only and make every effort to reduce the number and scope of these referrals.

15: Concurrences and referrals should be advised to the applicant up front, along with the scope of the referral. Once referred, the scope should not be changed (added to) by the authority.

16: Apply a strict timeframe with a default to concurrence if the timeframe for the referral is not met.

17: Establish a protocol for resolving matters of dispute over scope of consent conditions to involve senior representatives of DPHI, the Co-ordinator General for Infrastructure (Tom Gellibrand) and the relevant agency.

Streamlining Planning – Recommendations

18: The establishment of an optional ‘Fast track’ lane in the Land and Environment Court to resolve disputes, for a bring-forward fee.

19: Consistent with the bold approach to housing supply taken in the UK, DPHI should strengthen the proposed TOD Pathway Changes, their intention and the primacy of housing supply.

20: DPHI should strengthen its senior level support for the SSD assessment team, particularly in the early pre-SEARs phase, but also throughout the assessment of the application to drive a culture which supports housing supply.

21: The new TOD pathway amendments should include provision for Cabinet oversight to resolve disputes over referrals and concurrences from agencies.

Design Excellence Alternatives – Recommendation

22: The TOD SEPP should be amended to allow Registered Architects with experience in the design of the relevant building type to be eligible for Design Excellence Alternative designation, and the Design Excellence Alternatives should be trialled before their broad implementation with regular reviews being planned and met.

From: [REDACTED] [TOD Mailbox](#); [DPE Hornsby TOD Mailbox](#); [DPIE PDPS St Leonards Crows Nest Mailbox](#); [DPE Homebush TOD Mailbox](#); [DPE Kellyville Bella Vista TOD Mailbox](#); [DPIE Macquarie Park Precinct Mailbox](#)
Subject: CM Record: FW: Webform submission from: Proposed pathway changes to support Transport Oriented Development
Date: Friday, 23 August 2024 11:25:22 AM
Attachments: [udia-submission-re-proposed-pathway-changes-to-support-transport-oriented-development.pdf](#)

From: Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Thursday, August 22, 2024 3:37 PM
To: DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>
Cc: DPIE PA Systems Productivity Policy Mailbox
<SystemsProductivity.Policy@planning.nsw.gov.au>
Subject: Webform submission from: Proposed pathway changes to support Transport Oriented Development

Submitted on Thu, 22/08/2024 - 15:35

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Harriet

Last name

Platt-Hepworth

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

2000

Submission file

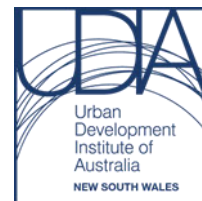
[udia-submission-re-proposed-pathway-changes-to-support-transport-oriented-development.pdf](#) (939.06 KB)

Submission

Please see attached the UDIA NSW submission to both the EIE and the accelerated precincts.

I agree to the above statement

Yes



23 August 2024

Mr Andre Szczepanski
Director Assessment and Systems Policy
Department of Planning, Housing and Infrastructure
Via: portal upload.

RE: Proposed pathway changes to support Transport Oriented Development EIE and accelerated precincts.

Dear Mr Szczepanski,

The Urban Development Institute of Australia NSW (UDIA) is the peak industry body representing the leading participants in urban development across NSW. UDIA invests in evidence-based research that informs our advocacy to state, federal and local government, so that development policies and critical investment are directed to where they are needed the most. Together with our over 450 member organisations representing developers, consultants, state agencies and local councils, we shape the places and cities where people will live for generations to come, and in doing so, we are city shapers.

Executive Summary

UDIA appreciates the opportunity to provide feedback on the 'Pathway changes to support Transport Oriented Development Explanation of Intended Effect (EIE) and the draft rezoning proposals for the seven TOD accelerated precincts. While UDIA welcomes the creation of a dedicated pathway for the eight announced Transport Oriented Development (TOD) accelerated precinct sites, we caution that a number of measures included in both the EIE and draft rezoning proposals for the TOD accelerated precincts could impact project feasibility, undermining the Government's desire to see significant housing delivered in these areas. Of particular concern are the following:

- Very high requirements for Affordable Housing which must be delivered in perpetuity which is a departure from the model used in the Affordable Housing Bonus provision in the Housing SEPP, where developers only need to provide stock for 15 years.
- Relatively low increases in yields in these areas, which are insufficient to support development feasibility in the current economic and high construction cost environment.
- Proposed planning controls that include significant requirements for non-residential floor space in many areas where commercial markets are already oversupplied, which will unnecessarily sterilise residential development.

UDIA strongly recommends that in addition to the proposed rezonings and planning pathway changes, that the Government also establishes a whole-of-government mechanism to support the efficient delivery of the precincts. The delivery of 47,800 higher-density homes in these eight accelerated precincts will require a proactive coordination role. While the Department of Planning, Housing and Infrastructure (DPHI) has initiated rezoning and master planning, we see several key challenges will emerge when transitioning from planning to actual delivery due to various issues. These include:

- **Coordination Challenges:** There is a lack of cohesive governance and accountability for TODs, making it difficult to coordinate across agencies and provide infrastructure.
- **Planning System Issues:** The current planning system delays delivery, raises costs, and fails to maximize TOD opportunities.
- **Community and Development Barriers:** TODs are failing to create well-designed places delivered in partnership with developers, and face development feasibility barriers.

To that end, UDIA has developed 'NSW TOD Accelerated Precincts, From Planning to Delivery' which provides a roadmap and makes 17 recommendations to maximise the contribution of TODs to housing supply, improve community outcomes, and support long-term housing needs across NSW. We have included a copy at APPENDIX A. While the EIE is focused on planning pathways and processes, as our TOD Accelerated Precincts Report demonstrates, the curation and delivery of these sites is arguably as important as getting the right planning assessment and approvals pathways in place. As such, we strongly encourage the NSW Government to consider adopting the recommendations made in the report. This report forms the basis of our submission on

how TODs in the accelerated precincts should be delivered, however we have also responded to the specific themes calling for feedback in the EIE which follow.

A temporary SSD pathway for residential building over \$60 million

UDIA welcomes any additional opportunities to access the SSD pathway as long as there is capacity in place within DPHI to undertake timely assessments. While the Department has committed to a faster assessment and decision making process, given the significant scale of capital investment that will be required to unlock these precincts, it is recommended that an indicative approval timeframe is provided at application to provide more certainty for developments.

Moreover, TOD areas are the subject of significant infrastructure investment and have been identified for more intense development in previous strategic planning. Accordingly, the EIE should make clear that where a proponent complies with the planning controls set by the Department, that objection by a Council or local community should not trigger a referral to the Independent Planning Commission for assessment.

By the Government's own admission, the precincts will be developed over 10-15 years and while some sites are already owned by developers, there will still need to be significant land consolidation of sites which are upzoned but are not currently held by developers. This means there may be limited development activity taking place in these precincts within the two-year period under which the SSD pathway remains open. UDIA strongly recommends a longer period is allowed to access the SSD pathway and that it remains open to any DA lodged prior to the end of the Accord period – i.e. July 2029. This will allow a longer period of time for land to be consolidated and applications to be lodged.

These precincts are of significance to the NSW Government and are reliant on infrastructure provisioning to support their successful delivery. Oversight from central government is necessary to ensure the TOD areas deliver on their intended purpose, which is housing and investment in high-quality, high-density environments. Forecast expenditure for various line agencies (such as health, education, transport, and economic development) should be detailed in relation to changes in density within these precincts. To that end, a centralised Government agency that is solely dedicated to delivery within the TOD precincts is absolutely required and expanded upon in our report (APPENDIX A). This should ensure that assessments and approvals are undertaken

for these precincts in a timely manner and moreover, disputes should be prioritised at both agency level and in the Land and Environment Court to ensure the state has the best chance to deliver housing required in these areas.

Recommendations

- Provide a realistic approval turnaround timeframe of between 60–90 days for proponents using the State Significant Assessment pathway in these accelerated precincts.
- Create a dedicated TOD Delivery Unit to ensure the TODs are successfully delivered and meet the Government’s mandate.
- Restrict referrals to Independent Planning Commission (IPC) where projects comply with the relevant planning controls.
- Switch off all concurrence and referrals where the proposed development is consistent with the planning controls set.
- SSD pathway should be extended to five years to July 2029 to align with the Housing Accord.

Exemption from infill affordable housing provisions

UDIA supports the intent of a number of policies the NSW Government has announced aimed at increasing height and density such as the Low and Mid Rise and Transport Oriented Development reforms, however the current economic climate the sector is operating in, is among the most challenging in a generation, meaning delivering new apartment projects in many locations is not feasible in the current market. This means that policies to increase density in the apartment sector may no longer operate as a direct incentive to facilitate more development, in particular where there is a requirement for affordable housing to be provided at the same time.

The proposed percentage for affordable housing in each of the Accelerated Precincts ranges from 3% to 15% of the total GFA and is proposed to be applied to the whole of the building (the gross GFA), including non-residential components. Any levy tied to affordable housing should only relate to the floor space associated with residential, not as a percentage of total GFA for mixed use. It also appears these requirements will apply to all sites in the TOD precincts, not just those benefiting from increased height or density.

Feedback from our members is that the high Affordable Housing Contribution, coupled with its application to the total GFA inclusive of residential and non-residential, will render many sites unfeasible for development. The affordable housing component must be proportional to the actual increase in residential yield on any site, with the range for contributions starting at 0% and going up to no more than 15% where there has been substantial uplift in height and permissible GFA/FSR and it can be confirmed this level of contribution is feasible.

UDIA and its members are concerned that no financial feasibility analysis has been exhibited with EIE which justifies the affordable housing rates proposed are feasible. We would strongly encourage the Department to release the financial feasibility analysis that was undertaken for each Precinct, before final zoning decisions are made for these precincts.

UDIA has previously and consistently supported the infill Affordable Housing bonus provisions of the Housing SEPP as good public policy. Allowing for additional height and FSR in exchange for providing 10-15% of the total development floorspace to a registered Community Housing Provider (CHP) for 15 years, and helping developers account for the rental income discount through capital gain uplift over a defined period, is a good incentive that can be worked into feasibility studies in the planning phase (although we note that during these challenging economic conditions, this policy is unlikely to tip a unfeasible project into feasibility).

We are therefore concerned at the decision to exclude the TOD Precincts from the Affordable Housing bonus provisions of the Housing SEPP. In some cases this means sites are worse off after the introduction of the TOD SEPP where they do not receive at least at 30% increase in floor space ratio. Sites outside of the TOD precinct can achieve up to 30% uplift and only need to provide the affordable housing product for 15 years – in the Accelerated TOD Precincts some sites have no uplift (or less than 30% uplift) and are expected to fund up to 15% affordable housing in perpetuity. The relatively low increases in yields in these areas are insufficient to support development feasibility in the current economic and construction cost environment. If the State wants more affordable housing delivered at scale, it needs to allow the infill provisions to apply in these areas, and not remove any height and GFA limitations when affordable housing is delivered, in order to further incentivise industry to develop this tenure type.

UDIA is therefore seeking clarity on the definition of “perpetual” for any affordable housing stock provided under the EIE. The EIE suggests the new stock which is affordable housing must be provided to a CHP and delivered ‘in perpetuity’ yet there is no clear

definition of what is required. For example, can the developer collect the discounted rent, or does the CHP? Who holds title on the completed housing stock, the developer or the CHP? As the EIE is drafted it appears the title on the affordable housing stock must be provided to a registered CHP for affordable housing in perpetuity. With some precincts requiring affordable housing contributions of 10-15%, it will be impossible to deliver feasible projects if the stock must be given to a CHP at no cost, or if the developer is unable to collect rent.

There is also no detail on the ability to provide affordable housing contribution as a monetary payment as opposed to physical provision which would streamline the process. We note that many local councils allow a monetary payment to be made in lieu of the provision of physical housing stock and in some cases, especially where the AH contribution under the EIE is at the lower end of the range and a small number of AH dwellings delivered, it may be more efficient to allow a developer to make a cash contribution. This would allow funds to be pooled over time and CHPs invited to tender to use those funds to deliver entire buildings as affordable housing, rather than accepting smaller numbers of affordable housing units throughout the much larger private market development.

Finally, the EIE is vague on the affordable housing provisions and how they relate to existing provisions. UDIA contends the new provisions in the EIE should override current and future LEP provisions to avoid double dipping and further impacting development feasibility.

Recommendations:

- DPHI should release the financial feasibility assessments underpinning the proposed re-zonings, including the analysis used to support proposed non-residential ratios and affordable housing contributions in each precinct.
- The Affordable Housing Bonus provisions of the Housing SEPP should continue to apply and affordable housing rates should be maintained as they currently exist in the Housing SEPP.
- The approval pathway should allow monetary contributions to the State in lieu of the provision of affordable housing.
- Calculations of any Affordable Housing contributions should only be based on the residential floorspace component of the building.
- To promote feasible affordable housing supply in TOD precincts, the TOD pathway policy should make any affordable housing height and GFA exempt.

- The affordable housing component must be proportional to the actual increase in residential yield on any site (non-residential floor space must be excluded), with the range for contributions starting at 0% and going up to no more than 15% where there has been substantial uplift in height and permissible GFA/FSR.
- The new policy, once implemented, must replace any existing LEP affordable housing provision.

Exemption from certain concurrence and referral requirements

UDIA is very supportive of minimising reliance on concurrence and referral (C&R) requirements wherever possible and the commitment to switch off C&Rs in the accelerated TOD precincts is welcomed. Moreover, UDIA is supportive of this exemption working as a pilot which is expanded wherever possible as a means of delivering more housing in a timely manner.

To minimise delays in housing delivery, it is crucial to both reduce the number of required referrals and speed up their processing.

The EIE proposes to exempt C&R requirements that are not considered “high-risk”. The TOD 1 areas have been the subject of significant scrutiny, analyses and strategic planning. The TOD Plans should represent a whole of Government policy position and as a general rule, UDIA believes Agencies should not be required to be consulted with again where the development proposed is consistent with the final planning controls that are set. As such UDIA proposes C&Rs should be switched off for all circumstances except where there is a risk to human life. Where the proposed development is inconsistent with the planning controls, consultation with the relevant agency could occur, but these must be made with a strictly enforceable timeframe for response. Where there are disputes between agencies on C&Rs we recommend a resolution mechanism is established either through the Cabinet Sub-Committee on Housing or via the Coordinator General for Infrastructure to step in and make a decision. Failing this, a presumption of concurrence should be put in place where stipulated timeframes are not adhered to.

Recommendations:

- Concurrence and referrals should only apply to areas that pose a risk to human life or where the development proposed is inconsistent with the final planning controls that are set. All others should be exempt.

- Any referrals or concurrences which are required must be made with a strictly enforceable timeframe for response and with the presumption of concurrence where an agency does not respond in the nominated timeframe.
- A resolution mechanism is established where there is disagreement about C&Rs, either through the Cabinet Sub-Committee on Housing or via the Coordinator General for Infrastructure, providing a step in power to make a decision.

An alternative design excellence pathway

UDIA supports an alternative design excellence pathway to ensure a consistent approach across the precincts, it does however need to be simple, clear and consistent so that it can be applied at scale. Expensive and lengthy design excellence processes result in exorbitant fees and longer developer holdings costs. This must be kept in mind when creating any alternative. At this time, there has been limited information provided other than that the design excellence pathway will be developed by the Government Architect. UDIA suggests that further engagement on this pathway will be required prior to finalising it, to ensure that it achieves the objectives of faster DA timeframes whilst ensuring high-quality design outcomes are maintained. An important consideration will be to ensure the process of seeking input from architects, designers and planners doesn't just add undue time or create a situation where the Design Pathway outcome conflicts with other advice. Many UDIA members have raised concerns about the current State Design Review Panel process which can often delay a project because of lack of ability to get on the meeting agenda, and as such there is a need to ensure that Design Review Panels are held regularly and are properly resourced so that these don't become a bottleneck in the planning process.

Recommendations

- Further consultation is undertaken on the final form of the Design Excellence Pathway.
-

Other Matters

General comments on planning controls in the Accelerated Precincts

Imposition of non-residential minimums

Many areas that have received additional residential Height and FSR, have also received a corresponding increase in non-residential minimum FSR requirements up to 3:1. Non-residential minimums create market inefficiencies that drive upward pressure on the price of housing. When market dynamics aren't responded to in the production of residential and non-residential stock, there will be a deficit in demand for one.

Furthermore, in many of the accelerated precincts including Crows Nest, St Leonards and Macquarie Park, there are already significant commercial office vacancies. There is therefore no need to introduce minimum non-residential requirements when the stated intention of the accelerated precincts is the delivery of residential housing in a high-quality, high-density environment. There is a large opportunity cost of not maximising housing delivery in these locations, when there is no need for additional non-residential stock. Accordingly, we would strongly recommend this need to deliver housing is called out as the primary policy driver explicitly in the SEPP or relevant statutory instrument which gives effect to the new planning pathway. We also recommend the requirement for a non-residential minimum is removed altogether. Retaining significant requirements for non-residential (particularly in Crows Nest and Macquarie Park) not only contradicts the intended outcome of housing close to transport and other amenities, but essentially quarantines development on these sites, as they become unfeasible with the forced commercial component. Without the removal of the non-residential minimums, the only way to tip the residential components of these developments in these precincts into being feasible, is to raise the cost of the residential dwellings to cover the cost, which only serves to put upward pressure on housing prices.

No feasibility assessment to justify the increase in non-residential minimums

Furthermore, no feasibility studies have been exhibited with the EIE to show how the market would respond to an increase in non-residential development in the accelerated precincts. Given the current state of the commercial market, this additional non-residential FSR will, in our view, render these sites unfeasible.

Recommendation

- That the requirement for a minimum level of non-residential development is removed.

Comments on specific Accelerated Precincts

Relatively low increases in height and FSR which are insufficient to support development feasibility in the current economic and construction cost environment.

Several sites at Crows Nest show a significant increase in height, however due to the existing buildings located on many sites, they will not be redeveloped. Examples include;

- 220 Pacific Highway: The proposed rezoning shows the building height control increased from 16m to 59m (approximately 19 levels), with no FSR control. Whilst this sounds like a significant uplift, there is currently a 17 storey (approximately) strata titled building on the site.
- 599 Pacific Highway: The proposed rezoning shows the building height control increased from 40m to 64m (approximately 20 storeys), with no FSR control. A 20 storey strata titled building already exists on the site.
- 14 Atchison Street: The proposed rezoning shows the building height control increased from 49m to 95m (approximately 30 levels), with no FSR control. The existing strata titled 30 storey building on the site means that the existing use is its highest and best use.

Much smaller areas rezoned than was first announced – Example Cross Nest

When the TODs were first announced towards the end of 2023, the State Government advised that the rezoning catchment would be a 1.2km radius from the new Crows Nest metro station, which equates to an area of 4.52km² of land. The documents placed on public exhibition in July 2024 have significantly reduced the focus area for accelerated rezonings down to an area of approximately 0.27km² or just 6% of the original proposed area. Further high-level analysis of the focus area for accelerated zoning has been undertaken comparing the LEP maps in the Urban Design Report prepared by SJB to the current zoning controls:

- The majority of the western portion of the focus area for accelerated rezoning is zoned E2, which does not permit any residential uses. Any increase in height or FSR in these E2 areas does not result in any additional housing supply.
- Many of the lots that have received additional residential Height and FSR, have also received a corresponding increase in non-residential minimum FSR requirements up to 3:1. Given the current state of the commercial market, this additional non-residential FSR will likely render these sites unfeasible.
- Proposed rezoned R4 zoned land within 100m of the Crows Nest train station and adjoining MUI zoned land have a proposed height control of 29m, but an FSR of only 2:1, which given the proximity to the Metro is extremely low, particularly when you consider that Train Stations under TOD Stage 2 would provide higher residential density with a height control of 22m (for residential flat buildings) and an FSR of 2.5:1.
- All existing R3 & R4 zoned land within 400m or 800m of the Crows Nest or St Leonards train stations have received no increase in density. The Urban Design Report prepared by SJB notes that some of these areas may also be subject to changes under anticipated housing reform controls and therefore rezoning may not be required. We are not aware of any housing reform controls that would increase the densities for these areas.

The proposed plan offers extremely limited opportunities for new housing supply compared to the State Governments initial announcement last year, which is further reduced by rezoned sites having already been developed to their maximum potential, as outlined above. For these reasons we do not see the proposed addition of 3,255 new dwellings coming even close to being achieved by the proposed rezonings.

Recommendation

- Crows Nest is so flawed that it should come off exhibition, be redesigned in line with the recommendations above, additional rezoned areas added and then be re-exhibited with the Bays West exhibition.

Some areas have seen potential downzoning where new height controls can't be realised

There are areas around Kellyville Station where heights have been increased but FSR reduced, which would result in a loss of developable floor areas. One example from a member who has a site with the prior affordable housing bonus resulting in close to a 4:1 FSR (with 87,000m² GFA). With the new FSR limits of 2.2 -1 the site now has a GFA achievable of 48,000m². The result is that the yield is almost halved.

Recommendation

- The realisable GFA in each of the accelerated precincts needs to be retested to ensure that where heights have been increased, an unintended consequence of a site being constrained has not been realised by the unaltered or altered FSRs.
- UDIA would recommend having an uncapped FSR (given the setback controls and the ADG will control the form of the building).

Conclusion

UDIA wishes to be part of the ongoing conversation to ensure NSW has the best chance it can at delivering the homes it so desperately needs. UDIA appreciates this opportunity to offer our comments, and we would like to work closely with DPHI in the continued role out of the TOD precincts more broadly.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Appendix A: NSW TOD Accelerated Precincts, From Planning to Delivery

Executive Summary

The NSW Government is focusing on achieving an ambitious housing target of 377,000 new homes in the next five years, including a bold reform agenda around Transport-Oriented Development (TOD). This includes the delivery of 47,800 higher-density homes in eight TOD Accelerated Precincts, to be led by the NSW Government. As a necessary first step, the Department of Planning, Housing & Infrastructure (DPHI) has focused on rezoning and master planning these Accelerated Precincts. Less clear is how the NSW Government will progress them from planning to delivery, noting that TODs suffer from a range of delivery issues, which include:

- A lack of coordinated governance around TODs, accountability and responsibility, and capacity and capability for delivery, all of which create difficulties in coordinating across many agencies, especially for infrastructure provision.
- An unsupportive planning system that delays delivery, increases costs, fails to maximise the opportunities from TODs and is not outcomes focused.
- Failing to create great places designed and delivered in partnership with developers and local communities.
- Development feasibility barriers (UDIA NSW has discussed this issue in our recent Making TODs Work research report).

In addition, the current list of eight TOD Accelerated Precincts must not be a one-off. To maintain housing supply and tackle the housing supply crisis in the medium and long term, a pipeline of ongoing TODs needs to be developed. This pipeline should build on and improve the development process of additional new TODs, including policies, strategies, methodologies, and optimised planning and delivery pathways.

To support an ongoing TOD program, this paper makes several recommendations to the NSW Government grouped within three broad areas for action:

1. Strengthen TOD governance for delivery, including creation of a dedicated and empowered TOD delivery function, tasked with coordinating existing and new TODs, and a single accountable Minister responsible for TOD delivery and removing barriers to housing supply.
2. Enhance the planning system around TODs, including developing an 'Expected Development pathway' for developments in accordance with the precinct master plan, resolving infrastructure planning and contributions as part of the upfront rezoning, and other planning efficiencies.
3. Optimize the potential of TODs and create a further pipeline of Accelerated Precinct TODs to support long-term housing supply and affordability across NSW.

By implementing the recommendations in this report, the NSW Government will set up TOD Accelerated Precincts to maximise their contribution to housing supply while creating great places for communities. This will help address the current housing crisis while building long-term community support for densification across NSW to support a growing population.

Summary of Recommendations

All of these recommendations outlined below relate to TOD Accelerated Precincts.

Section 1 – TOD Governance:

1. Create a TOD delivery function within the NSW Government that is accountable for successful delivery of all TOD Accelerated Precincts.
2. Appoint a single Minister responsible for TOD delivery.
3. Implement standardised principles or rules at TODs that support housing supply and affordability.
4. Develop and implement a strategy for building capacity and capability for TOD development and delivery.
5. Appoint an Advisory Panel of global and Australian experts in TODs.
6. Develop a framework for delivering TODs based on global experience.
7. Experiment with alternative forms of stakeholder engagement that focus on the design and amenity of TODs instead of height and density.

Section 2 – Streamlining planning for TODs

8. Streamline the NSW Planning System for TODs, including providing an ‘Expected Development’ pathway.
9. In TODs, deal with agency concerns as part of master planning and remove DA requirements for referrals unless it is outside the agreed-upon parameters in the master plan.
10. In TODs, reduce DA reporting requirements by undertaking reports at a precinct level as part of master planning.
11. All TODs should have industry-specific Secretary’s Environmental Assessment Requirements (SEARs) to remove the need for project-by-project SEARs.
12. Establish planning controls in a TOD parallel to the master plan.
13. Allow State Significant Development Approvals (SSDA)s to be processed in parallel with the master planning.

Section 3 – Optimizing the potential of TODs, over time

14. Undertake a detailed analysis of each site in the TODs to understand the barriers to reaching their potential and seek to remove them.
15. Identify the regulations that most restrict yield on TODs and undertake a financing/affordability cost-benefit analysis to decide whether to keep them.
16. Decide on the re-zoning radius of TODs based on transport accessibility and plan to increase transport accessibility to expand the radius.
17. DPHI should begin a transparent process for building a pipeline of TODs.

Background

Introduction to Transit-Oriented Development

Transit-Oriented Development (TOD) is a planning and urban design principle focused on high-density development close to transit nodes. It encourages the use of public and active transport and reduces the need for private commuter transport, such as cars.

Although the idea has a long history and is found in different ways in many forms of urban development, American urbanist Peter Calthorpe first used this terminology in the early 1990s to promote more sustainable forms of urban development and said a TOD area is 'a mixed-use community within an average 800 metre (or 10-minute) walking distance of a transit stop and core commercial area'.

Key characteristics of places designed on TOD principles include:

- A range of high and medium-density residential developments, typically dominated by apartments but with a mix of scales and forms responsive to the local context.
- Have good access to high-frequency public transport (typically rail but also potentially rapid bus & ferry transit) and high-quality pedestrian and cycling networks.
- Are linked by these transport networks to places with a high concentration of jobs and services – either major urban commercial centres or key education and health precincts.
- Critically, depend on the redevelopment of fragmented, privately held land in a coordinated and well-incentivised way.

TOD initiatives are most common in modern cities in North America, Latin America, and Asia, where new or existing rail infrastructure is not fully developed. In contrast, in older European or Asian cities, where urban infrastructure serviced existing dense urban environments, TOD programs try to retrofit density into places where it has not always existed – for instance, station precincts surrounded by low-density single homes or land used unproductively for car parking.

Whilst the NSW Government's focus on TODs is historically significant in scope and significance, TODs have been included in all recent strategic plans and many examples of development in Sydney are TOD in character or apply TOD principles.

Throughout the 2000s, metropolitan centres like Chatswood, Parramatta, Burwood and Rhodes were identified for significant growth, primarily due to their connectivity via the heavy rail network. In recent years, the Priority Precincts program has focused on rezoning existing centres for higher-density development. However, many of these precincts have not performed as planned due to uncertain planning processes, poorly implemented design principles and the complexity of governance for delivery.

That is why the current focus on the TOD Program by the NSW Government is so significant and why it is so critical to get delivery right.

The TOD Program is designed to address housing shortages by delivering additional housing supply near 45 identified transport hubs. There are two parts to the program:

- Part 1: TOD Accelerated Precincts (the focus of this report): Rezoning the land within 1,200 metres of eight stations within Greater Sydney to deliver high and mid-rise housing.
- Part 2: New Planning Controls: Introducing the Transport Oriented Development State Environmental Planning Policy (TOD SEPP) to allow more mid-rise housing within 400 metres of 37 stations across NSW.

In the TOD Accelerated Precincts, DPHI will undertake master planning and technical studies for each precinct and lead accelerated rezonings (informed by master plans) for all eight sites. A new State Significant Development Assessment pathway (triggered by development capital value over \$60M) will be in place until November 2027. Councils will assess developments for less than \$60M. DPHI is committed to assessing applications within 90 days.

Basis for our recommendations in this Report

This report has been prepared by UDIA Urban Renewal, BTR, TOD and Local Centres Committee members with experience across development, design,

planning, and precinct delivery. This report focuses on the TOD Accelerated Precincts and the need to maintain a future pipeline of similarly scaled precincts where large landholdings and infrastructure investment can substantially contribute to housing supply and economic growth. Whilst the 'New Planning Controls' precincts are also critical to NSW's growth; their urban development pattern and model are substantially different to the TOD Accelerated Precincts necessitating a different approach and focus to achieve success.

The key questions that have framed this research and recommendations are:

- What does best practice delivery, planning and governance look like for TOD Accelerated Precincts?
- What are the optimal planning pathways and key obstacles to accelerate TOD delivery in NSW?
- How can the NSW Government, working with councils and the private sector, avoid the mistakes of past precincts, and ensure delivery mechanisms to accelerate the housing completions necessary to meet the National Housing Accord target?

In response, our report focuses on three areas for consideration by the NSW Government:

- Proposing enhanced TOD delivery governance, including a dedicated state led TOD delivery function tasked with coordinating the successful delivery of the initial eight and future TODs reporting to a single accountable Minister. To meet its objectives, the TOD delivery function should create a delivery framework based on lessons from TODs globally.
- Streamlining the planning processes around TODs, including developing an 'Expected Development pathway' for developments in accordance with the approved precinct master plan and resolving infrastructure planning and contributions as part of the upfront rezoning. This should include advanced industry, community, and stakeholder engagement approaches to move beyond objections to height to prioritize community requirements and design quality at TODs.
- Optimising the housing potential and outcomes of TODs at each location and ensuring a pipeline of future TODs.

Section 1 - TOD Governance

Achieving successful delivery of the TOD Accelerated Precincts is critical to tackling the housing affordability crisis. In some quarters, there is the misconception that doing high-quality master planning of a TOD is sufficient to deliver good outcomes. However, the experience in NSW and around the world is that whilst high-quality master planning is essential to delivering successful TODs, it is not sufficient. TODs are delivered over a long period, often up to twenty years. The delivery of TODs needs to be managed throughout this period to solve problems, remove barriers to success and make changes in response to changing markets and circumstances. A local example that exemplifies this is Zetland, where the City of Sydney has curated the precinct through a place-based governance framework and leveraged developers' contributions to create a high-amenity precinct.

Successful delivery management of TODs requires:

- Robust delivery governance, clear accountabilities and responsibilities for planning and delivery.
- Appropriate capacity and capabilities.
- Creating processes that support the key elements that enable TODs and their communities to thrive over time.

1.1 Accountability and Responsibility

To succeed, TODs need effective collaboration with a wide range of stakeholders, including government agencies, local councils, and developers, over a sustained period. Experience in NSW and around the world has demonstrated this does not happen organically; mechanisms need to be put in place to facilitate this collaboration, and where consensus cannot be achieved, decisions must be made to enable delivery. Where accountability and responsibility are lacking, issues arise in a variety of ways:

1. *Overall ownership of and responsibility for TOD delivery is unclear following DPHI rezoning and master planning. During the early development of a TOD, when the master planning is being undertaken, there is clear ownership of*

the TOD. However, once the planning is done, TODs often stall, with no clear accountability and responsibility for delivery. Consequently, TODs can fail to meet their objectives and create the great places envisioned in the master plan.

2. *A need for infrastructure and amenity coordination.* The successful creation of TODs requires many agencies to come together to deliver an integrated and holistic TOD that supports the growing population, including planning, transport, schools, hospitals, local Councils, and treasury. This requires aligning priorities across the agencies and making trade-offs to match available funding and leveraging government land to benefit the entire precinct. Unfortunately, the structures and processes to align agencies around a 'place' have historically been missing. Current NSW Government processes are not designed to support a place-based approach to infrastructure, with each siloed agency having a separate business case for their specific interests and priorities. This makes infrastructure coordination very difficult and slows down delivery.
3. *Uncertainty over infrastructure funding.* The sources of infrastructure funding for a TOD are often varied and include council funding, local and state infrastructure contributions, works in kind, and state and federal funding. With clear accountabilities, identifying infrastructure priorities, timings, and funding sources is easier. For example, infrastructure funded by local contributions often suffers from only being delivered once the contributions have been paid and the infrastructure can be fully funded. The result is that infrastructure is frequently delivered many years later than required, undermining community acceptance of TODs.
4. *Dispersed ministerial accountabilities.* Government agencies must not be the only ones brought together to deliver TODs successfully; Ministers must also coordinate to prevent agencies from being pulled in different directions.
5. *Maintaining focus over time.* The NSW Government's focus on delivering a TOD can reduce once it moves into the planning approval/assessment

stage, which is usually run by local government. Whilst not an issue where councils have the capacity, capability, and willingness to deliver TODs, for too many Councils, this is not the case. In those cases, the NSW Government needs to retain an oversight role.

6. *Political pressures in local constituencies* can result in reduced housing supply and associated amenities when influential community groups pressure their local MPs to water down TOD proposals, particularly regarding height and density. Local MPs can lobby the Planning Minister to scale back TOD plans. Whilst political lobbying and community interest groups are a reality of our political system, it is essential that the opportunities of TODs are optimized in all locations – based on place and community requirements rather than political pressure.
7. *Councils take different approaches to TODs.* The current TOD program demonstrates wide differences in whether councils support TODs. Most have welcomed TOD Accelerated Precincts and will work constructively to deliver them. Unfortunately, some councils are less supportive.
8. *Inflexible approaches to development feasibility.* Developers need to generate a financial return to deliver housing at TODs. This is often driven by the banks, who require a certain level of return to reduce risks before providing finance. There are many complexities around feasibility, such as when the land was purchased and at what price, changes to construction costs, infrastructure contributions, land fragmentation etc. However, if a significant site in a TOD is not delivered due to feasibility concerns, it can undermine the whole precinct.

The NSW Government has encountered all these challenges in its efforts to deliver precincts over many years. It has tried various methods to improve delivery, including recently, the appointment of the CEO of Infrastructure NSW to act as the Coordinator-General for infrastructure in Western Sydney and elsewhere to facilitate the alignment of government infrastructure agencies. Given the challenges of infrastructure coordination, UDIA has welcomed this

announcement. Over the years, the NSW Government has used many models and governance arrangements to try and improve the delivery of precincts:

Delivery Authorities

The NSW Government has used delivery authorities like the Barangaroo Delivery Authority and Sydney Olympic Park Authority to create and deliver precincts. However, the delivery authority model has had mixed success, with the Western Parkland City Authority recently being restructured and its scope narrowed.

Cabinet Sub-committee

The NSW Government has sometimes had cabinet subcommittees focusing on housing delivery. These have been relatively successful at coordinating government activity. However, they have tended to become watered down over time as government priorities have shifted.

The 2000 Sydney Olympics

During the NSW Government's preparations for the Olympics in 2000, to speed up decision-making and improve coordination, an Olympic Coordination Authority (OCA) was created by amalgamating the divisions within five State Government agencies responsible for delivering the venues, reporting to one Olympics Minister.

In addition, a second agency, the Olympic Roads and Transport Authority (ORTA) was established with three state agencies involved in coordinating the delivery of transport services for the Olympics, again reporting to the Olympics Minister.

Key governance arrangements for the Olympics included:

- A single Minister responsible for delivery.
- Merging agencies or divisions within agencies to support delivery.
- Providing planning powers to the Minister (delegated to the agency), including a rapid approval pathway where development was aligned with the precinct plan, subject to a design review.

The Growth Centres Commission (GCC)

The Growth Centres Commission was constituted on 1 July 2005 as a development corporation under the Growth Centres (Development Corporations) Act 1974 to support development in the North West and South West growth centres. A key objective of the commission was to speed up the development of the growth centres. Key governance arrangements from the Growth Centres Commission included the following:

- As with the OCA, the Minister responsible for the Commission had consent authority over development in the growth centres and delegated it to the Commission.
- A collaborative ethos with a focus on delivery. The collaborative planning the Commission undertook with local Councils exemplified this.
- The Commission had the power to be the water authority in the growth centres. This meant it had the option of building its own water infrastructure and potentially bypassing Sydney Water if it would be a roadblock to development. This did not turn out to be the case, but the power was helpful in discussions about the provision of water infrastructure with Sydney Water.
- Creating a bespoke infrastructure contributions framework for the growth centres.
- Focus. The Commission had a limited number of areas to focus on.
- A Board providing external expertise and advice.

Councils

The NSW Government has had limited resources to rezone precincts. Therefore, it has been inclined to do a rapid rezoning and then leave implementation to councils.

State-led intervention in planning requires the Planning Department to take the lead in the rezoning process in place of the relevant council. There are different examples of how the state and local governments work together, but typically, the state government dominates and leads the process. Councils may actively participate, participate passively, or choose not to participate altogether.

In the past, this has meant the following:

- Key issues deferred past the rezoning (like contributions plans) are delayed, and few dedicated resources are available to deliver.
- Councils can frustrate the objectives of a precinct rezoning, e.g. by setting unrealistic local Development Control Plan (DCP) controls, slowing development applications, or not providing adequate resources for implementation.
- If precinct rezonings do not lead to desired development outcomes, there is no means of evaluating or revisiting how planning controls or other interventions could be adjusted.

These issues impacted St Leonards and Crows Nest, where the NSW Government finalised the strategic plan, but gave responsibility to proponents and councils to bring forward site rezonings. This created a slow and uncertain process that has undermined the precinct's strategic intent and delivery.

Another example is Macquarie Park, where regular changes to the strategic vision for the precinct over the past 15 years, have undermined landowner certainty, diminished market confidence, and caused pressure for intensive development outcomes. Currently, the state government and local council remain at odds, and without a clear governance model moving forward, the precinct is unlikely to reach its potential.

A key lesson for moving forward is that the NSW government needs to consider implementation as part of the precinct planning process and should include:

- Identifying a framework with multiple models for the government's involvement in TOD Accelerated Precincts and how it will work with Councils.
- Identifying discrete elements or parts of the process that councils can be fully responsible for, consistent with the precinct planning (i.e. the role of the City of Sydney in implementing the Pyrmont Peninsula Place Strategy).
- Considering how to manage councils opposing Development Applications (DAs) without merit, following controversial precinct rezonings, pushing projects down uncertain, expensive and unnecessary Independent Planning Commission (IPC) decisions.

- Developing precinct tracking mechanisms so the NSW Government can evaluate implementation and make necessary adjustments.
- Resolving infrastructure planning and contributions as part of the master plan will ensure that development is not later held up by uncertainty.
- Supplementing the expertise of government to build capacity and capability.

Considering these examples, UDIA has identified several governance elements that need to be put in place to support the delivery of TODs:

1. *A Sub-committee of Cabinet* that monitors TOD progress and can make decisions that cannot be resolved elsewhere. The NSW Government has already recognised the need for a cabinet sub-committee for housing delivery, and TOD delivery should be a regular part of this committee's agenda. In addition, this committee should review and recommend the densities around TODs, and any proposed changes to these densities should be referred to the sub-committee for a view.
2. *A single, accountable Minister* responsible for TOD delivery (post planning) and maximising housing and placemaking outcomes at TODs. Whilst the master planning of TODs sits with the Minister for Planning, it is just as important that the delivery of TODs is also the responsibility of one Minister, empowered to manage competing interests and delivery complexities and, if required, instruct agencies.
3. *An empowered and funded government agency* (a whole new entity or part of an existing entity) is responsible for coordinated and streamlined TOD delivery, with powers to coordinate with other agencies and make changes to reflect local conditions. This TOD delivery function should be flexible with how it works with councils on TOD delivery. Where a council wishes to take ownership of a TOD, is supportive of the master plan and has the capacity and capabilities to do it, the TOD should be handed over, but with ongoing delivery monitoring by the TOD delivery function. Where a council is not supportive of a TOD, the TOD delivery function should remain in complete control of the TOD, while still appropriately consulting with the

local council. The TOD delivery function should include the following powers and responsibilities:

- Responsibility for all TOD Accelerated Precincts and is focused on their coordinated delivery.
- The ability to amend the master plan (over time).
- TOD delivery, including resolving problems such as:
 - Fragmented land, including considering options such as reducing parking and servicing requirements that exacerbate the problem, tax incentives for consolidation or compulsory acquisition.
 - Local infrastructure delivery
 - Feasibility issues
 - Bringing forward housing within the Housing Accord period.
- Creating a cross-agency team, with key agencies, such as Transport and Sydney Water, seconding people into the team to provide support.
- Where possible, looking to transition TOD delivery to councils.
- Create local stakeholder committees, including developers, landowners, council, etc.

These three critical elements of TOD governance - a TOD delivery function, a single Minister, and a Cabinet subcommittee - should improve the level of accountability and responsibility to support the successful delivery of an ambitious TOD Program. However, additional capacity and capability must be developed to ensure success (see next section).

Recommendation - Create a TOD delivery function within the NSW Government that is accountable for coordinating the successful delivery of all TOD Accelerated Precincts.

Recommendation - Appoint a single Minister responsible for TOD Accelerated Precinct delivery.

Another of the areas for improvement in TOD delivery in NSW is the tendency to determine a separate planning pathway for each individual TOD. Standardised planning principles or rules around TODs would streamline and accelerate

delivery. Minneapolis in the US (see box B) has done this to great effect, significantly improving housing supply and affordability in less than four years. Although exactly copying Minneapolis would be inappropriate in the NSW context, some rules could be translated across, for example, defining density minimums around Accelerated Precinct TODs. The key is standardising rules supporting housing supply and affordability across all accelerated precinct TODs.

Recommendation – Implement standardised rules at Accelerated Precinct TODs that support housing supply and affordability.

1.2 Creating capacity and capability

Creating TODs that are vibrant, well-connected, and balanced in terms of residential and employment land uses, while delivering a high amenity level is a complex endeavour that requires collaboration between the public and private sectors. Successful examples from around the world demonstrate that when local or State governments take a deliberate, proactive, and integrated approach, the results can lead to thriving communities. In contrast, when governments and the private sector do not collaborate effectively, governments tend to impose elements into a master plan that damage the precinct. For example, crude requirements for mixed-use have been known to create poorly located commercial premises that remain vacant and harm the place-making of the area, whilst parking maximums in places like Chatswood are making the apartments unsellable and preventing development.

A significant risk to the successful delivery of the initial TOD Accelerated Precincts is the lack of interdisciplinary expertise required to lead and deliver highly complex transit-oriented renewal projects within state and local government. Few agencies, councils, or individuals have the cross-cutting capabilities needed across transport, urban planning, development feasibility, and financing, plus the expertise to negotiate, collaborate, engage effectively with stakeholder groups, and integrate all to drive agreed-upon outcomes for each location.

Competition for a limited pool of experienced professionals and expertise has resulted in talent across relevant NSW Government agencies being stretched, and many smaller local councils across Sydney also having limited TOD delivery capability.

The NSW Government must also prioritise the development of essential cross-disciplinary TOD delivery capabilities to integrate development programs across state agencies, local and state government, private sector, and disciplines. This could be led by the TOD delivery function as discussed above and could include initiatives such as state–developer working groups for persistent challenges (such as development feasibility), cross–government secondments, forming shared project offices between local and state governments, bespoke cross disciplinary training, etc.

Building capacity and capability will require several years to develop. Therefore, additional measures are needed in the short term to supplement the skills and experience available to the NSW Government and local councils. These measures could take various forms, such as directly employing consultants and contractors in the TOD delivery function while permanent employees build up their skills and experience. Using consultants can be expensive, and the public service does not have a sound record of passing skills from consultants and contractors to permanent employees.

An additional approach would be creation of an expert independent advisory panel with global and Australian expertise in TODs, including construction, development, planning, delivery and management. This panel could undertake several roles:

1. Providing advice on creating and delivering TODs to Ministers and public servants.
2. Advising on funding and partnership structures.
3. Championing TODs in the community.
4. Sharing knowledge and expertise with the TOD delivery agency.
5. Scrutinising TOD plans and delivery progress.
6. Problem–solving delivery challenges.

7. Working with public servants to develop the policies and processes to get the TOD delivery function up and running and set it up for success.
8. Challenging existing BAU processes that have proved ineffective.

Recommendation – Develop and implement a strategy for building capacity and capability for TOD Accelerated Precinct delivery.

Recommendation – Appoint an advisory panel of global and Australian experts in TODs.

1.3 Creating the processes that enable TODs to thrive.

International experience has identified several facets that help TODs to become the great places we need to aspire to:

1. *Flexibility Over Life of the TOD*: Any precinct plan must be able to evolve over its lifetime.
2. *Integrated Planning and infrastructure coordination*: A holistic view of urban planning that includes housing, transportation, and amenities.
3. *Regulatory Frameworks*: Implementing deliberate policies and regulations that support the desired outcomes of urban development.
4. *Affordability*: Ensuring a mix of housing options to cater to different income levels.
5. *Community Engagement*: Involving local stakeholders, including residents and businesses, in the planning process to ensure that the place meets the community's actual needs.
6. *Performance Targets*: Setting clear performance targets for liveability outcomes.
7. *Public-Private Partnerships (PPPs)*: Engaging with the private sector to leverage additional expertise, efficiency, and funding (see box A).
8. *Transparent and Accountable Systems*: Implementing transparent processes and accountability mechanisms to track progress and ensure responsible use of resources, including local contributions.

9. *Legal and IT Frameworks*: Establishing robust (but simple to implement) legal and IT systems to support public investment planning, allocation, and implementation.
10. *Capacity Building*: Investing in human resources and capacity building to improve the skills and capabilities of those involved in infrastructure planning and delivery.
11. *Place-Based Vision*: Developing a clear, strategic vision specific to a region's needs that can be easily translated into more defined district/precinct needs.
12. *Sustainability*: A focus on creating environmentally friendly and energy-efficient buildings and neighbourhoods. For example, Barangaroo.
13. *Innovation*: Utilising new technologies and innovative practices in urban development.

In short, NSW needs to develop and implement processes to deliver successful TODs. Fortunately, NSW can draw on significant resources to create those processes. These include the [Victorian Planning Authority's Guidelines](#), the IMF's [Public Investment Management Assessment](#) (PIMA) framework, and the [World Bank's Infrastructure Governance Framework](#).

Implementing a solid but pragmatic framework that integrates the above elements can help avoid the legacy shortfall and backlog of many TOD challenges such as misaligned infrastructure, land fragmentation, dissatisfied communities and meeting ambitious housing targets. Establishing and overseeing the framework would sensibly be another role for the TOD delivery function.

Recommendation – Develop a framework for delivering Accelerated Precinct TODs based on global experience.

A further area for particular focus in NSW is community engagement. Precinct planning in Sydney over the past decade has often come undone at the stage of formal community consultation. Here are a few examples:

- The Rhodes priority precinct was first announced in 2015, exhibited thrice in 2017, 2018 and 2020, and finalised in 2021.
- The Parramatta North precinct spent 10 years being passed between council and state, unexpectedly excluded from CBD rezoning in 2022 and the 2024 rezoning has reduced development scale, trying to resolve issues that should have been addressed earlier which will likely result in multiple projects not proceeding.
- The Sydenham to Bankstown line. In response to community sentiment, the NSW Government backed down on a corridor strategy. The council then moved forward with more intense master plans for key stations. Nearly ten years later, the TOD program may now achieve a mid-rise plan for a number of further stations.
- Waterloo Estate - a deeply engaged local community was involved in an extensive and repetitive consultation process where the community felt it was not listened to.

The Government's intent for a precinct and the community's aspirations are often misaligned. The Government releases plans for high density in a local area, with the community reacting to refute or disagree with the premise of higher density.

Traditionally, stakeholder consultation has focused too much on heights and whether a community wants a TOD and not enough on its design and the community infrastructure required. Alternative engagement models with communities and other stakeholders should be explored to enable much higher levels of involvement in the design of a TOD and the trade-offs involved to achieve optimal community outcomes.

Recommendation: Experiment with alternative forms of stakeholder engagement that focus on the design and amenities of TODs instead of height.

Section 2 – Streamlining Planning for TODs

Getting the right governance around TODs is essential for success, but more is needed. We also need to consider how to achieve the following:

- TOD Accelerated Precincts planning can be improved; and (in Section 3);
- How the benefits of TOD Accelerated Precincts can be maximised; and
- How TOD Accelerated Precinct delivery can be optimised over a time horizon of twenty years.

2.1 Improving TOD Accelerated Precincts Planning

The current TOD planning process has several problems that, if rectified, could significantly speed up housing supply and deliver better place outcomes.

The NSW Planning System is widely acknowledged as having its challenges. It is expensive to administer (causing resourcing issues for assessing DAs), costly to navigate, slow, and unpredictable. Left as it is, the system will significantly hinder good TOD Accelerated Precinct outcomes, reducing housing supply, slowing delivery, and delivering sub-optimal place-based outcomes. In short, the NSW Planning System needs to be adjusted to achieve the outcomes aspired to and possible with TODs.

The planning reform for TOD Accelerated Precincts should draw lessons from the Olympics and Queensland, where consultation occurs as part of the master planning. An 'Expected Development' pathway that provides deemed approval for a DA within the master plan, subject to the design (via an efficient design review process), would significantly improve TOD delivery, housing supply and place-based outcomes.

Recommendation – Streamline the NSW Planning System for TOD Accelerated Precinct, including providing an 'Expected Development' pathway.

Once Master planning is complete, developers must submit Development Applications (DAs) for their projects. Their DAs are referred to government agencies for consideration in this process. Referrals can cause two issues. First, government agencies are often slow to consider referrals. Second, new issues arise that, for some reason, were not included in the master plan, even when the DA aligns entirely with the outline set out in the master plan.

Any strategy for improving referrals needs to take a multi-pronged approach, including:

- Reducing the number of referrals.
- Speeding up referrals.
- Reducing the number of new issues that arise from referrals.

To reduce the number of referrals at the DA stage, agencies should submit their issues and resolve them (even if the government agrees to ignore the agency concerned) as part of the master planning process, and DAs no longer need to be referred to an agency if it aligns with the masterplan.

Recommendation - In TOD Accelerated Precincts, ensure that agency concerns are addressed as part of the master plan and no longer require referrals as part of a DA unless it is outside the agreed-upon parameters in the master plan.

The reports required to support a DA are extensive, time-consuming, and costly, and when considered at a TOD level, they are incredibly inefficient. For example, every DA has to provide traffic reports and social impact assessments, creating an extensive duplication of work for each DA. Undertaking these studies as part of the master plan should remove the need for them to be undertaken by any DA that complies with the master plan's parameters. Even where a DA is outside the master plan parameters, the reporting requirements should be significantly reduced, given the previous work undertaken.

Recommendation - In TOD Accelerated Precincts, reduce DA reporting requirements by undertaking reports at a precinct level as part of master planning.

The Secretary's Environmental Assessment Requirements (SEARs) specify what issues must be addressed within an Environmental Impact Statement (EIS), which can be costly and time-consuming. However, these requirements can also be reduced by the upfront preparation of what are known as industry-specific SEARs, which remove the requirements for SEARs on a project-by-project basis. Creating

industry-specific SEARs for all TOD Accelerated Precinct would help streamline the development process.

Recommendation – All TOD Accelerated Precincts should have industry-specific SEARs to remove the need for project-by-project SEARs.

As part of creating the planning framework around a precinct, once the master plan is complete, sites cannot come forward until the planning controls are established. However, there can be a lengthy delay before this occurs, delaying housing supply and reducing feasibility. If planning controls were established in parallel with the master plan, delivery delays could be significantly reduced.

Recommendation – Establish planning controls in TOD Accelerated Precincts parallel to the master plan.

Should an 'Expected Development' pathway not be available, an alternative way to improve housing delivery would be to undertake a State Significant Development Application (SSDA) process in parallel with the master planning.

Recommendation – Allow SSDAs to be processed in parallel with master planning.

Section 3 – Optimising the potential of TODs, over time.

Given the importance of TOD Accelerated Precincts for delivering housing and reshaping our cities, it is essential to optimise each TOD's potential. Reducing a TOD's potential causes several significant issues beyond reducing the total quantum of housing provided.

Firstly, reducing the yield on sites makes them less feasible and less appealing to invest in and slows down land acquisition, development, and housing supply.

Secondly, much of the amenity available in a TOD heavily depends on the scale achieved. Facilities like childcare centres, coffee shops, restaurants, etc., depend

on sufficient patronage. The less density, the less viability of those amenities, and placemaking outcomes are compromised.

The first challenge to be addressed in maximising the potential of TODs is to ensure high-quality data on precinct yield. The current TOD Accelerated Precincts target is 47,800 new homes over 15 years. However, this number is likely to be dragged down by sites that:

- Require amalgamation to achieve their potential.
- Are unable to transact due to developers and landowners being unable to agree on a price.
- Have yield & feasibility challenges.
- Are located in a sub-market without the capacity to absorb all the new homes.

The NSW Government should examine each TOD in detail to identify obstacles to achieving their potential and, where necessary, make changes to get as close as possible to 47,800 new homes. Interventions could include incentives to encourage amalgamation and early transactions and support for feasibility. The government's adoption of the UDIA's proposal to pilot purchasing homes to support pre-sales is an excellent example of where the government can deliver affordable housing while supporting market housing. Finding solutions to ensure TODs are delivered should be the new role of the TOD delivery division and the TOD advisory panel.

In some cases, TODs have significant land fragmentation. If not managed, this can hinder the delivery. For example, Leppington is often pointed to as an example of where fragmentation has prevented the successful delivery of the TOD.

Currently, LEP controls have some incentives to encourage amalgamation, such as requiring minimum lot areas. However, consideration needs to be given to what happens if these are insufficient and further measures are required. These could come as three approaches:

1. *Reduce the need for amalgamations.* On some sites, there is an option to reduce the need for amalgamations, such as by removing the need for parking. For example, in town centre/high street locations the need to deliver minimum parking spaces can hinder development as basements need to be of a certain size and configuration to enable circulation, plant and ramps, waste etc. Removing the need for parking or requiring a maximum rate removes the need to amalgamate 3 or 4+ properties to make the basement work.

2. *Providing time-limited incentives.* It might be appropriate to provide additional incentives to amalgamate land on some sites, such as reducing infrastructure contributions on an amalgamated site for up to a fixed period, say two years.

3. *Retain incentives which are working well.* For example, along Liverpool Road in Ashfield (see below) where developments on 6-10m wide, properties are being renewed as shop top housing. LEP controls incentivise amalgamation by requiring minimum lot areas or site frontages to enable residential flat development to be delivered.



Image source: Google Maps – Street View, accessed 22 August 2024.

4. Where incentives are not working, the NSW Government should consider compulsory acquisition where the site is critical to TOD delivery and

outcomes. In some circumstances, the government may profit on a site that has been compulsorily acquired, if the amalgamation of lots makes the whole of greater value than the sum of the parts. In these circumstances, any profits should be used to provide infrastructure in the TOD program.

Recommendation: Undertake a detailed analysis of each site in the TOD Accelerated Precincts to understand the barriers to reaching their potential and seek to remove them.

Existing government regulations also limit the potential of sites. Although they have been created with good intentions, the costs against the benefits have often not been adequately analysed. Examples of regulations that should be examined include:

- Restricting building heights based on ensuring solar access for open spaces. The current regulations should be reviewed to consider whether the current balance between sun and shade is appropriate for NSW's climate.
- Restricting building height to create a bell-curve skyline. Other successful cities have used alternative approaches. For example, the relationship between buildings in Manhattan and Central Park in New York does not follow a bell-curve typography.
- Apartment Design Guide (ADG) direct sunlight requirements need to be updated. This policy unintentionally skews the distribution of apartments in favour of smaller apartments at the expense of families, as developers have to maximise the number of apartments with access to direct sunlight. This requirement could be replaced with an approach based on access to daylight, allowing more flexibility.

Recommendation: Identify the regulations that restrict yield on TOD Accelerated Precincts and undertake a cost-benefit analysis to decide whether to keep them.

Currently, for TOD Accelerated Precincts, the NSW Government has taken a one-size-fits-all approach to the radius of rezoning, loosely based on the ability to walk to the station in a TOD. Whilst this is a good start, to maximise the potential of each TOD moving forward, the government should take a more context-specific approach to the re-zoning area. Specifically, where TODs have higher levels of accessibility by bike, bus or light rail, then the radius should be expanded. In addition, transport planning should look to upgrade the accessibility of TODs through improved infrastructure and services, supporting an expansion of the radius.

Recommendation: Decide on the re-zoning radius of TOD Accelerated Precinct based on transport accessibility and plan to increase transport accessibility to increase the radius.

UDIA warmly welcomes the government's approach of creating TOD Accelerated Precincts. However, eight Accelerated Precincts are just the beginning of what is required to supply housing and livability in NSW in the medium term; these will need to be supplemented with additional TOD Accelerated Precincts.

The NSW Government needs to develop a continuous pipeline of TODs so that when the master planning of the current eight is completed, the master planning of additional TODs can commence. To support the pipeline, the NSW Government should undertake a detailed analysis of the next set of TODs with the highest potential. Given the controversy over the selection of the existing TODs, this should be a more transparent process, clearly setting out the criteria by which the next set of TODs will be selected. These criteria will probably include consideration of existing master planning being underway, infrastructure availability, and yield potential.

Recommendation - DPHI should begin a transparent process for building a pipeline of TOD Accelerated Precincts.

Conclusion

The NSW Government's policy on TOD Accelerated Precincts is a significant step forward. However, to create great livable places and maintain community support for TODs, NSW needs to get better at delivering them and learn lessons from other jurisdictions that have developed more mature TOD capabilities. This needs to include:

- Improving the governance of TODs, including creating a function dedicated to TOD delivery and with the powers to resolve the most difficult barriers to success, such as coordinating infrastructure agencies and priorities.
- Developing the capacity and capability to support TOD delivery in both the state and local governments.
- Enhancing TOD processes and frameworks, such as leveraging skills and capital through private sector partnerships.
- Improving planning processes to reduce costs and speed up delivery.
- Maximising the potential of individual TODs and building a pipeline of TOD Accelerated Precincts.

The TOD Accelerated Precincts are key to supporting NSW's housing supply and affordability. By adopting the recommendations in this report, UDIA NSW believes we will set the state up for ongoing success in meeting the state challenging housing targets and ensuring great places for our communities.

Appendix

Box A – Partnerships

The success of the Transport Oriented Development reforms in Sydney will be dependent on successful industry and development partnerships.

There is a long history of successful public-private partnerships (PPPs) in Australia, and they are proven around the world as effective structures for transit infrastructure funding and associated urban development. PPPs and development partnerships have been used on the four integrated station developments on the soon-to-open City and Southwest Metro line, as well as at many other Metro and transit developments around Sydney.

However, to date, they have been delivered site-by-site, with each site led by one of many state government departments or local governments and each having its own financing, funding, and partnership structures. London has been exploring a different approach.

Case Study – Places for London Partnership



Image Source: [Places for London - New London Architecture \(nla.london\)](https://nla.london/)

Places for London is Transport for London's financially independent property company. It has a £2 billion property portfolio and is targeting the creation of 20,000 new homes and 600,000 square feet of new workspace across London in the next ten years. Their delivery programmes include a Property Partnership Framework (which has also been adopted for use by the Greater London Authority), direct development, site-specific partnerships, and a build-to-rent portfolio.

There are 13 companies and consortia signed up to the Places for London development framework, creating joint ventures with leading developers in multi-site arrangements which are more efficient than procuring partners on a site-by-site basis and which allows targeted partnerships at scale, based on the preferred market and expertise of each partner.

Box B – Multiple housing and affordability measures – Minneapolis, Minnesota

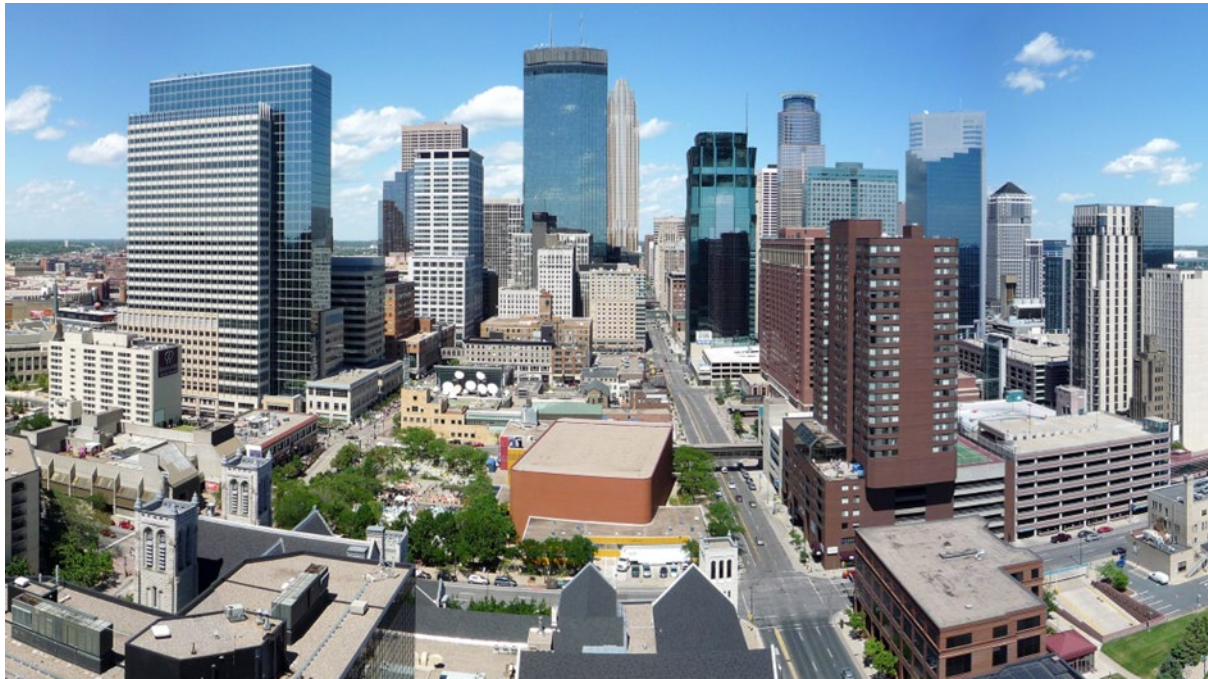


Image Source:

https://en.wikipedia.org/wiki/Minneapolis%E2%80%93Saint_Paul#/media/File:2008-0712-MPLS-pan00-mp-edit.JPG

Minneapolis, a growing American metropolis of over 3 million citizens, has demonstrated an effective policy response to its housing crisis. The *Minneapolis 2040 Plan*, introduced in 2020, included wide-ranging reforms across 100 policy areas, with four critical housing and affordability reforms demonstrating early results in rents stabilising despite population growth and inflation and a higher rate of housing supply than other comparable cities. The four key reforms included:

1. *Eliminating parking minimums*

In 2021, parking minimums were eliminated from Minneapolis zoning codes, allowing developers to determine optimal parking requirements for each site based on the appropriate land cost, proximity to transit and customer base. To date, this has resulted in an overall reduction of average parking spots per unit and a redistribution of parking-to-unit ratios, with some developments retaining

relatively high parking levels, offset by increased apartment numbers with little or no parking.[1]

Considered with other US cities that have eliminated or reduced parking minimums, such as San Francisco, New York City, Buffalo, Seattle and Cincinnati, this has proven to be a simple way to encourage urban construction by reducing construction costs and improving feasibility whilst mitigating emissions and creating more compact and sustainable urban form.[2]

2. Creating density minimums near public transit stations, with higher standards near popular transit hubs and even higher ones downtown

Like Massachusetts and Connecticut, Minnesota established policies for density minimums near high-use transit corridors and with higher standards near popular transit hubs and even higher ones downtown. This reflects growing recognition of the environmental and economic benefits of transit-oriented development, plus their ability to increase housing supply and expand the demand for public transport.² As a relatively non-contentious measure, this is considered likely to have contributed to Minnesota's growth in housing supply.

3. Abolishing single-family zoning (the first city in the US to do so)

A significant policy change was the banning of single-family zoning (previously disallowed in 70% of Minneapolis, and with a long racist history in the US, essentially 'exclusionary zoning') and the legalisation of duplexes and triplexes – allowing 'gentle density across' the metropolitan area, plus allowing apartments and condos in commercial zones.²

Interestingly, and like Sydney, much of the media and local opposition focused on this policy rather than Policy 2 (increased transit density). Legislating Policy 3 has proved problematic despite cross-partisan support and a highly representative support coalition of social justice, community, housing, pro-density supporters and commercial groups. The bills, known as the 'missing middle bill' and the 'multi-housing bill' were initially defeated (and are now in amendment) due to strong local council resistance, particularly in the outer suburbs due to concerns on how required upgrades to infrastructure would be funded, and the loss of public participatory processes to streamline processes. [3],[4]

4. *Increasing investment in various affordable housing projects, both public and private.*

Increased public investment has resulted in increased rebate assistance for lower-income residents, plus an expanded stock of publicly owned homes and extended durations for affordable units remaining below market rates.²

[1] [Ending minimum parking requirements was a policy win for the Twin Cities • Minnesota Reformer](#)

[2] [The Way Out of the Housing Crisis: How Minneapolis Stabilized Rents - Brown Political Review](#)

[3] [Cities, suburbs helped ensure housing density measures' defeat \(minnpost.com\)](#)

[4] <https://www.minnpost.com/state-government/2024/02/why-a-sweeping-housing-density-bill-opposed-by-minnesota-cities-suburbs-has-broad-support-in-the-legislature/>

From: [REDACTED] [TOD Mailbox](#); [DPE Hornsby TOD Mailbox](#); [DPIE PDPS St Leonards Crows Nest Mailbox](#); [DPE Homebush TOD Mailbox](#); [DPE Kellyville Bella Vista TOD Mailbox](#); [DPIE Macquarie Park Precinct Mailbox](#)
Subject: CM Record: FW: Webform submission from: Proposed pathway changes to support Transport Oriented Development
Date: Friday, 23 August 2024 11:30:26 AM
Attachments: [value-advisory-partners_response-to-tod-accelerated-precincts_explanation-of-intended-effect_final.pdf](#)

From: Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Friday, August 9, 2024 1:49 PM
To: DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>
Cc: DPIE PA Systems Productivity Policy Mailbox
<SystemsProductivity.Policy@planning.nsw.gov.au>
Subject: Webform submission from: Proposed pathway changes to support Transport Oriented Development

Submitted on Fri, 09/08/2024 - 13:43

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Nic

Last name

Value Advisory Partners Pty Ltd

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

South Yarra

Please provide your view on the project

I support it

Submission file

[value-advisory-partners_response-to-tod-accelerated-precincts_explanation-of-intended-effect_final.pdf](#) (1.9 MB)

Submission

Value Advisory Partners' submission in response to the Proposed pathway changes to support Transport Oriented Development: Explanation of Intended Effect (EIE) is fully contained in our downloaded submission file.

I agree to the above statement

Yes



9 August 2024

Mr Andre Szczepanski
Director Assessment and Systems Policy
Department of Planning, Housing and Infrastructure
Locked Bag 5022
Parramatta NSW 2124

Dear Andre,

Value Advisory Partners (VAP) appreciates the opportunity to respond to the Department of Planning, Housing and Infrastructure's (the Department) request for feedback to the proposal outlined in the Explanation of Intended Effect (EIE) for *Pathway changes to support Transport Oriented Development*.

Australia and indeed much of the world is facing an acute shortage of affordable housing located where people want to live. To solving the current housing problem in Australia, which is systemic in nature, will require a range of both supply and demand side actions.

The Federal Government's National Housing Accord includes a new national target, agreed to by the Commonwealth, States and Territories at National Cabinet in August 2023, to build 1.2 million new, well-located homes over 5 years, commencing from 1 July 2024. The Accord recognises most of this supply needs to come from the market, with government playing a key role in enabling and kick-starting investment.

Value Advisory Partners is an evidence-based consultancy firm with a focus on creating better places in light of all risks, including climate change. Our results are delivered by understanding and integrating data and insights that bring together "top down" and "bottom up" perspectives from resilient infrastructure management, sustainability assessment, land use planning, infrastructure planning and delivery and placemaking and economics. Our approach makes sense of these macro and micro analyses to optimise outcomes in an environment of temporal, spatial, economic, financial and system change.

We work extensively with Commonwealth, State and local governments in Australia as well as with private sector clients to maximise and sustain the value that can be obtained from their investments.

Key points we emphasise in our submission are:

- There remains a broader opportunity to facilitate "mixed-use" outcomes within TOD precincts. This would help to ensure the character and attributes of place are enhanced for a broader group of beneficiaries, which includes existing resident populations not just future ones.
- A multi-tiered approach to define the precinct boundary for the TOD Accelerated Precincts allows for the density of development to be at different scales and heights depending on distance from the central node identified within the precinct
- Using a 'Precinct Liveability Assessment' Tool can provide insight and be an indicator into the performance of a precinct or TOD. Importantly, the assessment can be completed to show the level of changes – positive and negative – of planned or proposed actions and interventions – such as those being proposed.

- The opportunity of integrating value creation concepts and analysis into pathways for TOD development to consider the environmental, social and economic value government investment and public value that can be created beyond the core scope of a project.

The focus here is on the steps being taken by the State, supporting National Cabinet’s commitment to the National Housing Accord, to address the reliable supply and availability of affordable, well located new housing.

We trust our submission is helpful to your inquiry. Value Advisory Partners would welcome the opportunity to discuss any elements of this submission with you or to present directly.

Yours sincerely

[Redacted signature]

[Redacted signature]

[Redacted name]
Founding Partner

Mobile: [Redacted]

Email: [Redacted]

[Redacted name]
Managing Partner

Mobile: [Redacted]

Email: [Redacted]

Value Advisory Partners response to:

Pathway changes to support Transport Orientated Development

Explanation of Intended Effect

1. Background

1.1 NSW housing targets

Responding to its commitment under the National Housing Accord to deliver 377,000 new well-located homes across the state by 2029, the NSW Government has released 5-year housing completion targets for 43 councils across Greater Sydney, Illawarra-Shoalhaven, Central Coast, Lower Hunter and Greater Newcastle.

The 43 local government areas (LGA) will each be provided with a 5-year target and housing snapshot that explains how many houses are in the pipeline already and how many more are expected to be delivered. The targets prioritise more diverse and well-located homes in areas with existing infrastructure capacity, such as transport and water servicing.

1.2 Transport Oriented Development (TOD) Program

The Transport Oriented Development Program is one of several reforms for diverse low- and mid-rise homes the NSW Government is pursuing to help build up the housing pipeline and deliver more homes in more places. There are two parts to the TOD program:

1. **Part 1** is focused on **TOD Accelerated Precincts** with the aim to create infrastructure and capacity for 47,800 new homes over 15 years. Land within 1,200 metres of 8 rail and metro stations will be rezoned by the NSW Government to allow for more new and affordable homes. These 8 stations are:

Bankstown; Bays West; Bella Vista; Crows Nest; Homebush; Hornsby; Kellyville and Macquarie Park.

Attachment 1 provides a summary of the proposed zoning and policy changes for each of the TOD Accelerated Precincts.

2. **Part 2** of the program will focus on precincts that have existing infrastructure and are located within 400 metres of 31 stations identified to create capacity for 138,000 new homes over 15 years. New planning controls, delivered through a new State Environment Planning Policy (SEPP), will enable faster delivery of more housing close to jobs and amenity.

1.3 Pathway changes to support transit-oriented development – Explanation of Intended Effect (EIE)

Specially to support Part 1 of the TOD Program – TOD Accelerated Precincts - a suite of planning and policy changes are proposed with the aim to:

- Simplify planning controls within the TOD Accelerated Precincts
- Encourage applications for residential developments within the TOD Accelerated Precincts
- Streamline the development applications process
- Ensure developments within the TOD Accelerated Precincts achieve high quality design outcomes
- Encourage proponents to commence construction within two years of planning approval.

Foremost among these proposed changes is a temporary new state significant development (SSD) pathway, to be in place until November 2027, for residential development applications valued over \$60 million.

In addition, to support housing delivery and ensure the strategic intent of the TOD Accelerated Precincts is realised, a number of exemptions from provisions within the eight TOD Accelerated Precincts are proposed:

- Height and floor space bonuses and the associated SSD pathway for in-fill affordable housing will be turned off to avoid conflict with planning controls in TOD accelerated precincts. The state rezoning process will seek to maximise housing delivery including setting affordable housing requirements.
- A 5-year exemption from concurrence and referral requirements that are not considered high-risk in order to speed up assessment timeframes. High-risk concurrence and referrals will be retained to ensure safe and orderly development.
- Exemption from some low- and mid-rise housing reforms to reduce duplication and maximise housing potential.
- Introducing an alternative design excellence pathway in place of design competitions to streamline the delivery of housing while maintaining high-quality design.

1.4 Feedback to the proposed pathway changes to support transit-oriented development

The Department is seeking feedback in response to the proposed policy and suite of actions.

Value Advisory Partners' feedback and response draws from our experience over time to support governments and developers to plan for and/or deliver Transport (Transit) Oriented Development (Iskander Regional Development Authority – Malaysia; Malaysian High Speed Rail Corporation; Department of Infrastructure, Transport and Regional Development; Melbourne Metro Raul Authority; Vicinity Centres; Development Victoria; Camellia Landowners Alliance; Ministry of Transport (NZ); Wellington City Council; UDIA NSW; Metro Trains; VicRoads).

While we are not offering immediate responses to the specifics of the proposed policy and suite of actions, we feel there is value to the Department by sharing our observations of the characteristics and attributes of successful TOD's and the risks and opportunities in pursuing a TOD strategy.

2. Approach to Transport (Transit) Oriented Development

Transit Oriented Development (TOD) aims to maximise the amount of residential, business and recreational space within walking distance of public transport. It promotes a symbiotic relationship between dense, compact urban form and public transport use. TOD strategy is based on the principle of creating critical mass surrounding a transit hub, with mixed use developments capitalizing on urban designs and functional opportunities.

Further, TOD can be a major contributor to solving the serious and growing problems of climate change and global energy security by creating dense, walkable communities that greatly reduce the need for car dependency and energy consumption.

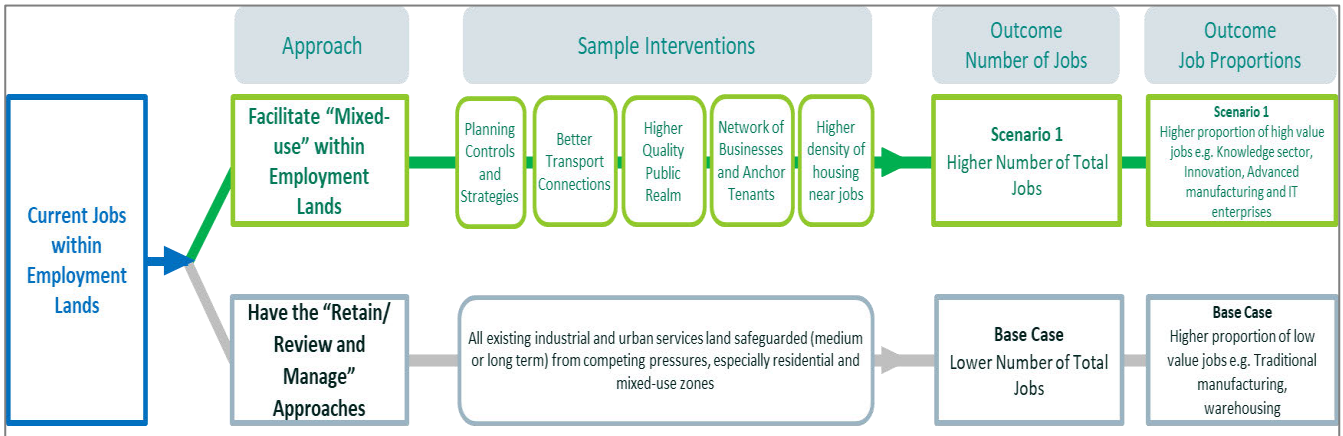
2.1 “Mixed-Use” objectives

Noting that the immediate driver of the TOD Program is to deliver new, well-located housing in the next 5 years, with the TOD Accelerated Precincts having a sharper focus on 8 key locations, **there remains a broader opportunity to facilitate “mixed-use” outcomes within TOD precincts.** The aim being to incentivise development that incorporates public realm, commercial and local community uses through interventions that include:

1. **Planning Controls and Strategies:** Changing land use; creating development plans and targeted strategies; reviewing and amending height limits and setbacks; subdividing lots for permeability and improving local accessibility.
2. **Better Transport Connections:** Linking active transport (cycling, pedestrians) to businesses; implementing public transport corridors; prioritising investments in infrastructure for active and public transport.
3. **Higher Quality Public Realm:** Improving quality of streetscape; ensuring built form history and character is utilised (e.g. Heritage control); new and enhanced public open space and parklands; facilitating critical uses such as shops and community facilities accessible by employees and residents.
4. **Network of businesses and anchor tenants:** Enticing large companies and institutions to anchor mixed-use development; creating a network of ‘seed’ or like businesses within a proximity, e.g. small-scale artisan manufacturers.

We note that the draft planning and policy changes proposed for selected of the accelerated precincts identify employment/jobs uplift along with increased dwellings. The approach in Figure 1 is from a study undertaken by Value Advisory Partners for the UDIA (NSW) to investigate the impacts and opportunities for employment land, in particular the trade-offs from retaining or preserving land designated for employment only uses compared with a mixed-use approach. This approach could be adapted for the current TOD program to identify land in the TOD precincts that can support employment creation, in particular local jobs that will serve the new populations the TOD’s will bring.

Figure 1: Impact of facilitation of “Mixed-Use” precincts to achieve greater number of employment and high value jobs



Source: Value Advisory Partners 2023

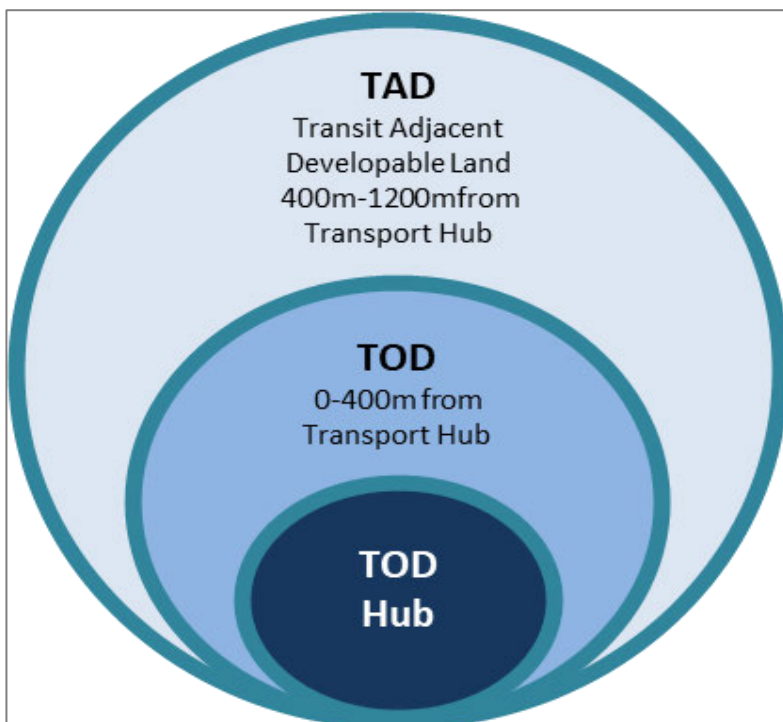
A TOD program focused on mixed-use outcomes will help to ensure the character and attributes of place are enhanced for a broader group of beneficiaries, which includes existing resident populations not just future ones.

2.2 Establishing the boundaries for the TOD Accelerated Precincts

The precinct boundaries for the TOD Accelerated Precincts are proposed to be 1,200m. This contrasts with the precincts boundaries for the stations identified for Part 2 of the TOD Program being at 400m.

A multi-tiered approach to define the precinct boundary for the TOD Accelerated Precincts could be adopted that focuses on facilitating a greater range of development outcomes within a walkable service catchment (up to 1,200m). By spatially distributing the Precincts over three radial areas (refer to Figure 2), the approach recognises and allows for the density of development being at different scales and heights depending on distance from the central node identified within the precinct, usually a train station.

Figure 2: Tiers of development located within overall Transit Orientated Development Precinct



Source: Value Advisory Partners 2024

- TOD Hub involves any catalytic or facilitated development (e.g. due to rezoning) within the transport hub site/block with direct access to transport commuting
- Transit Oriented Development (TOD) involves facilitated (e.g. due to rezoning) or market development located within 400 metres of transport hub site that can mean walking access to transport within 5 minutes (or 2-minute cycle)
- Transit Adjacent Development (TAD) involves market development located between 400 and 1,200 metres of a transport hub site (up until defined TOD precinct boundary) that can mean walking access to transport within 5-15 minutes (or 5-to-10-minute cycle)

Value Advisory Partners has worked with this more spatially nuanced definition of TOD precinct boundaries for major transport projects in Malaysia:

1. **Malaysia High Speed Rail** - connecting Kuala Lumpur and Singapore with seven new station locations along the high-speed rail corridor in Malaysia. Beyond its purpose as a transport project, MyHSR is positioned as a catalyst towards socio-economic development in Kuala Lumpur and the intermediate cities along the planned corridor, including through TOD strategies for mixed-use development.
2. **Iskander Malay Bus Rapid Transit** - The Iskandar Malaysia Bus Rapid Transit is a multi-trunk bus rapid transit network designed to improve accessibility and connectivity in the city and urban areas of Johor Bahru in the south of Malaysia. Each of the trunks, which service residential, education and tourism regions of the city, has been designed with a primary station hub, intended as a key transport node that would serve to facilitate or catalyse transport-oriented development.

Key insights from VAP's role in these engagements regarding the characteristics for a TOD strategy include:

1. **Transit supportive use** - Transit supportive uses are high pedestrian generators that directly promote greater transit ridership. They provide opportunities for multi-purpose trips that can be made as a pedestrian. Medium to high density residential, offices, high schools and colleges are significant transit supportive uses. Appropriate retail, restaurants, personal service and civic functions will support these major uses and generate activity in both peak and off-peak hours.
2. **Pedestrian connection** - High-quality, grade separated direct walk access is an important feature of successful TOD
3. **Urban design** - Transit centre is a node to a particular area as it has the capability to attract people. As a node, it should include engaging public spaces, attractive street furniture and public arts.
4. **Parking** - By design, TOD lessens the need for car usage in a station area. However, accommodating vehicles is still critical to the success of a vibrant TOD district. Therefore, convenient parking and drop-off zones need to be planned for all TODs.

Attachment 2 provides a brief case study for the key success factors and lessons learned from the Chatswood Station TOD.

2.2.1 Applying a multi-tiered boundary approach to TOD Accelerated Precincts - Bankstown

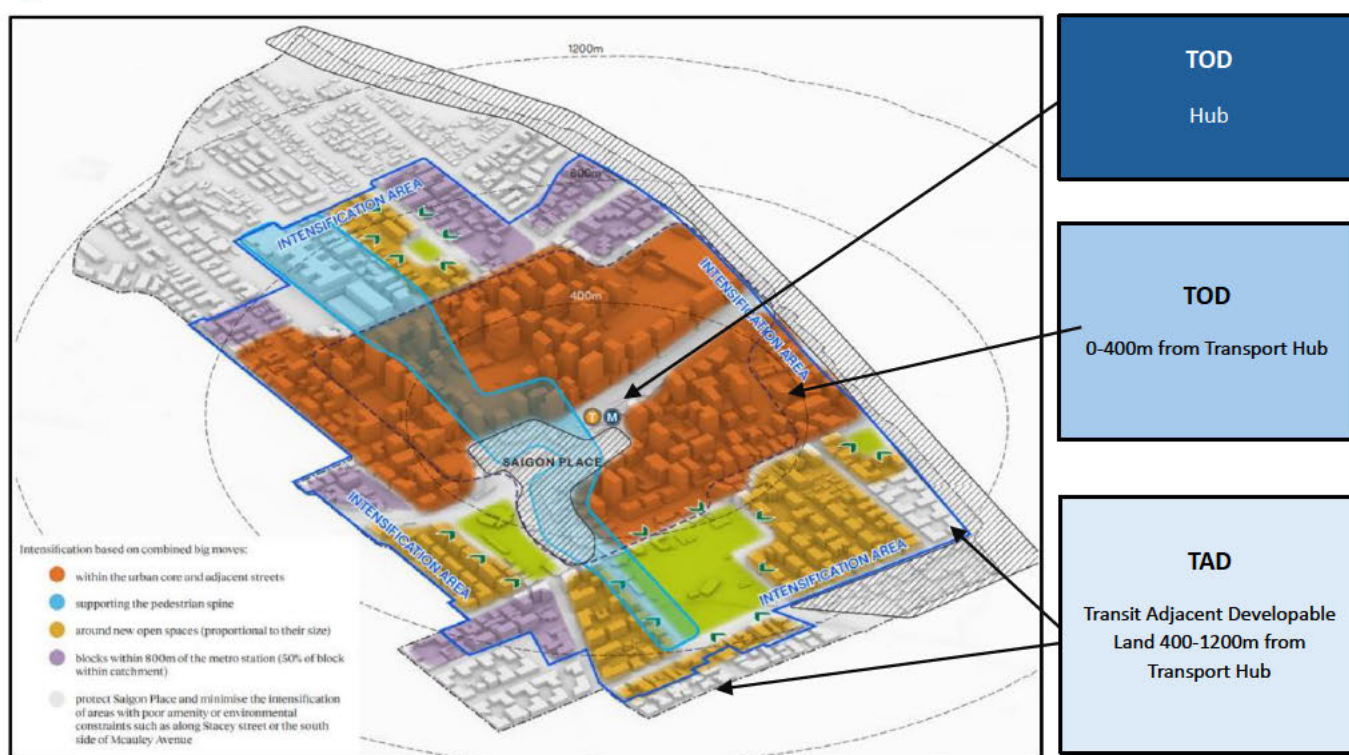
The proposed Bankstown TOD rezoning builds on the vision of the Bankstown City Centre Master Plan (2021).

Key features of the rezoning proposal include:

- Capacity for up to 12,500 new homes within the precinct close to the new Bankstown Metro station
- Mandatory affordable housing contribution of 3–10% for all new residential development in the Precinct, delivering between 375–1,250 affordable homes in perpetuity and managed by a registered Community Housing Provider
- Potential to support 15,000 new jobs in the area
- Potential for new open space, pathways and cycleways.

Figure 3 shows how a multi-tiered approach to setting the precincts boundary for the Bankstown TOD Accelerated Precinct could apply, with the attributes and features of each of the zones as follows:

Figure 3: Bankstown TOD Framework Plan



Source: *Explanation of Intended Effect: Bankstown – Transport Orientated Development Precinct* Department of Planning, Housing and Infrastructure, 2024

- **TOD Hub**
 - Focuses on land directly surrounding the new train station located on North Terrace, Bankstown NSW.
 - Facilitated development within the TOD hub includes the introduction of the B3 Commercial Core Zone to land centred around the station (generally bound by Chapel Road, Rickard Road and Greenfield Parade) to allow for extensive commercial and high-density residential development in proximity to public transport.

- **Transit Oriented Development (TOD)**

- Facilitated changes within this area aim to support a transition to a 'high density transport orientated centre' and include:
 - Rezoning of land to accommodate R4 High Density Residential and B4 Mixed Use zone to encourage a mix of land uses at higher densities surrounding the station
 - Amendments to Floor Space Ratio's and Building Heights to facilitate more intensive development.
 - Introduction of a Minimum Non-Residential Floor Space Ratio to select sites within the TOD area to generate employment spaces within close proximity to the Bankstown Station.
 - Activation of street frontages and the implementation of a supporting pedestrian spine to assist in activating the public realm and improve walkability within the precinct.

- **Transit Adjacent Development (TAD)**

- Involves market development within a 400-1,200m radius from the new Bankstown Metro Station
- Development within this area is expected to occur at lower densities compared to the TOD and see building heights decrease as the distance to the station increases. Development is also expected to be orientated around key open spaces and active transport corridors to maintain connectivity with the new train station and facilitate high quality public realm outcomes.

3. Accelerated Transit Oriented Development: Risks and Opportunities

3.1 Identifying key gaps in liveability within TOD precincts and areas to address

The **'Precinct Liveability Assessment'** can provide insight and be an indicator into the performance of a precinct and the proportion of key liveability measures currently delivered, to gain an understanding of the extent an area is effective in being thriving, vibrant and liveable for its residents and workers.

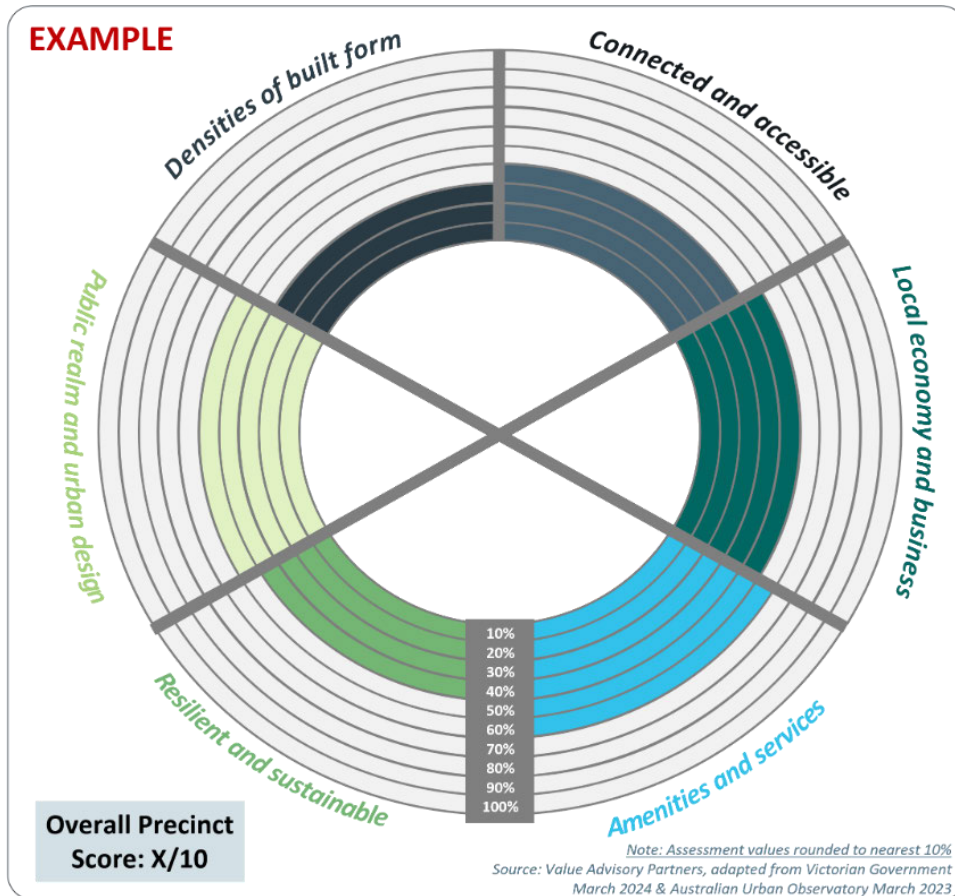
It assesses against the many of government's objective for "suburban centres to become vibrant hubs where living, working and socialising hubs, allowing people to meet the most of their everyday needs within a 20-minute walk, cycle or public transport trip from their home."

This assessment can identify key gaps in the overall liveability of a precinct, and where opportunities of adding amenity and local connectivity could occur.

Figure 4 describes the attributes that comprise the assessment and the thresholds (10% - 100%) for scoring a precincts performance:

- **Connected and accessible:** Immediate access to public transport; High quality pedestrian infrastructure; Safe and connected cycling routes
- **Local economy and business:** Employment opportunities available in range of workspaces; Commercially viable activity centre with range of businesses connected to residents and workers
- **Amenities and services:** Presence of education services including schools and childcare; Community facilities co-located with amenities; Presence of range of health services
- **Resilient and sustainable:** Presence of fresh produce and healthy local food options; Built form with high energy efficiency and building performance; Green spaces with cooling effects allowing for stormwater management and biodiversity
- **Public realm and urban design:** Places for public engagement including presence of arts, culture and relevant spaces; range of sports and recreation facilities and clubs; inclusion of high quality public open space
- **Densities of built form:** Mix of housing typologies and densities within sub-precincts; well-designed streetscapes between key nodes of activity and connectivity; affordable housing included in development

Figure 4: Example of 'Precinct Liveability Assessment' summary showing overall scores



Source: Value Advisory Partners 2024 (adapted from Victorian Government "20 Minute Neighbourhood" Framework).

Importantly the assessment can be completed as both an indicator of current performance and to show the level of changes – positive and negative – of planned or proposed actions and interventions.

Value Advisory Partners is currently applying the 'Precinct Liveability Assessment' with stakeholders of a transformational mass transit project in Victoria to understand the liveability impacts and outcomes from transit design at station nodes with precinct catchments of up to 1,600m.

3.2 Value Creation and wider benefits for multiple beneficiaries in TOD precincts

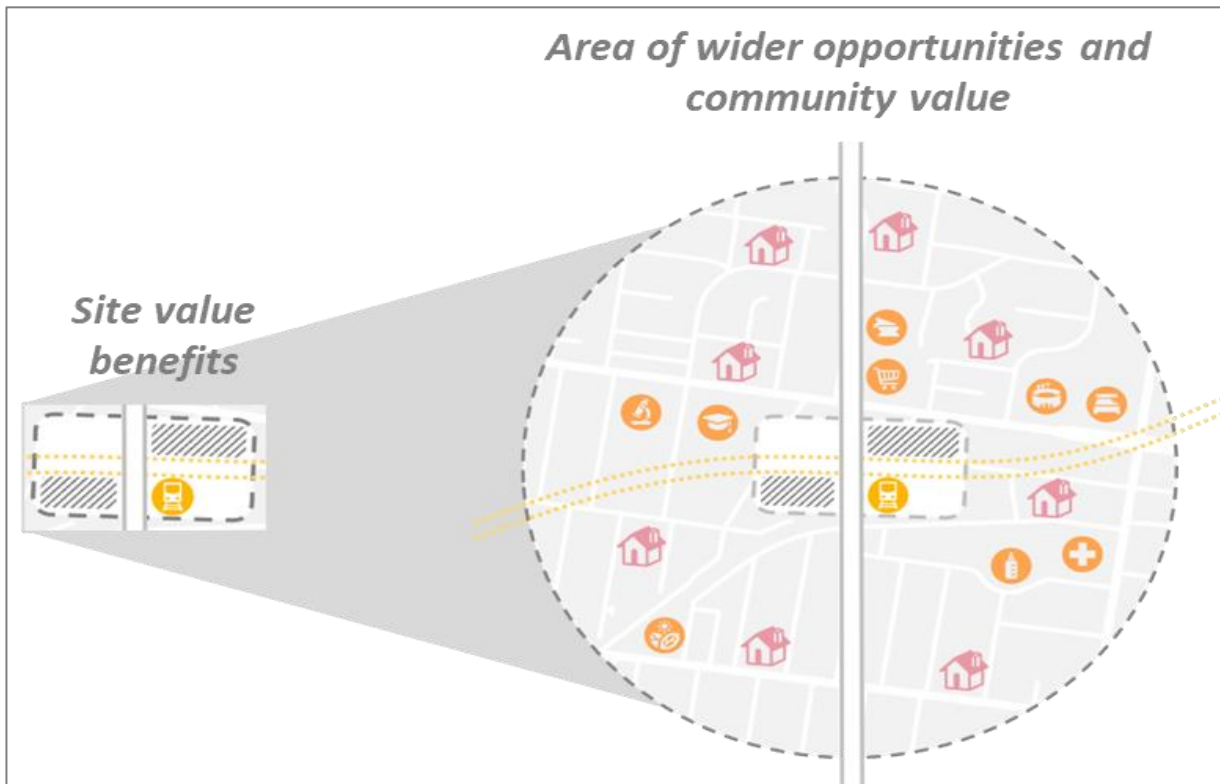
Incorporating value creation concepts and analysis into pathways for TOD development allows for further investments, beyond the core transit infrastructure, that create new and/or additional benefits for a wider range of beneficiaries. By adopting value creation principles one of the key objectives is to encourage government interventions, such as transit capital investments, to consider the environmental, social and economic value government investment and public value that can be created beyond the core scope of the project.

This can be achieved through delivery of core services including local amenities and transport connectivity by incorporating key principles:

1. Plan for maximising value to the community from the project

- Assess community needs or gaps in connectivity, services and amenity; and how these opportunities might be delivered on the project site or leveraged for delivery within the area – refer to Figure 4 for framework for a 'Precinct Liveability Assessment'
- Identify who the beneficiaries are, and equally important what disbenefits may be created
- Focus on the whole area - from the site of the infrastructure to a wider catchment.
- The diagram below shows an example of how wider opportunities can maximise value for a TOD precinct in development

Figure 5: The value creation equations

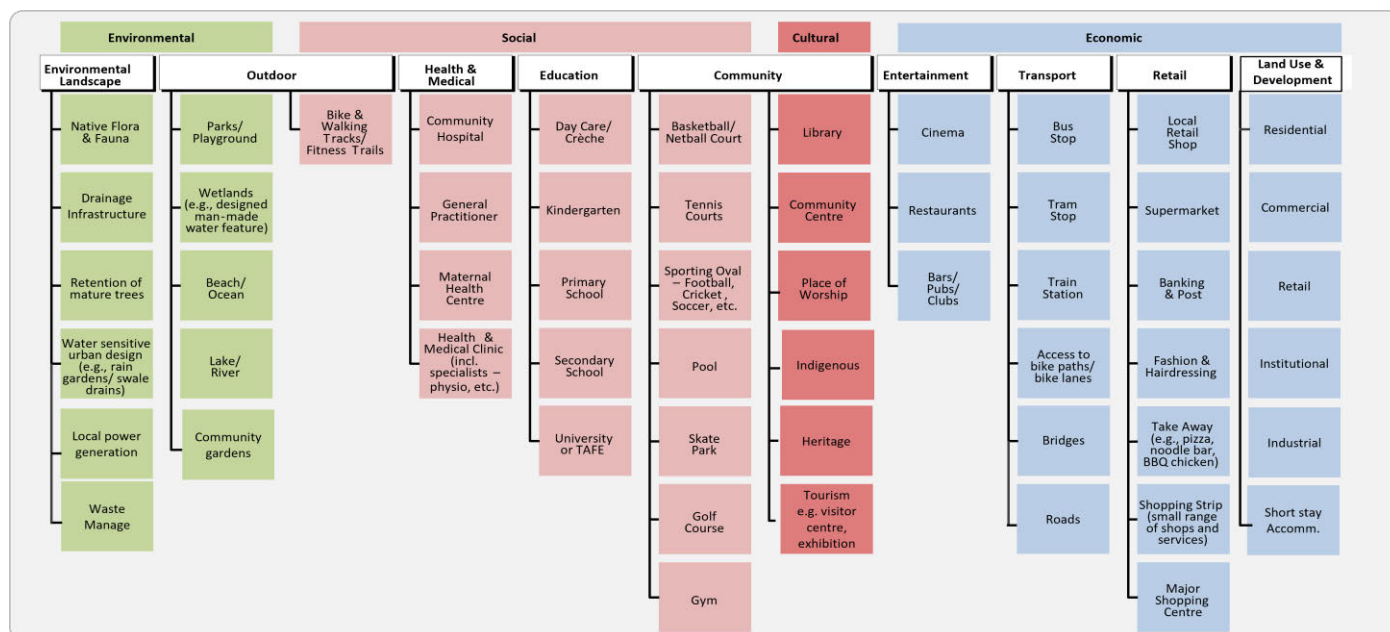


Source: Value Advisory Partners 2024

2. Quantify the value created for beneficiaries

- Links the specific infrastructure element or 'opportunity' to the benefits it creates for each relevant beneficiary.
- Examples of the wide range of environmental, social, economic and cultural value opportunities to create value are seen below in Figure 6
- The value approach begins with four critical questions: What benefits will be created? Who will benefit? Where and when the benefit will occur? And What quantity of value would be created?

Figure 6: Wide range of local opportunities potentially incorporated into TOD precinct development



Source: Value Advisory Partners 2024

4. Closing comments

Value Advisory Partners recognises the systemic nature of the challenges in front of governments, industry and the community to change the trajectory of access to affordable, well-located housing. We commend the NSW government and the Department broadly in its actions to support the National Housing Accord, and specifically for the TOD Program and within that, the TOD Accelerated Precincts.

The thrust of Value Advisory Partners feedback and response to the proposed zoning and policy changes to support activation within the TOD Accelerated Precincts is less about the specific policy and planning enablers and more directed toward the hallmarks, characteristics and liveability outcomes that are possible from well planned, design and delivered TOD's.

Key points we emphasise in our submission are:

- There remains a broader opportunity to facilitate “mixed-use” outcomes within TOD precincts. This would help to ensure the character and attributes of place are enhanced for a broader group of beneficiaries, which includes existing resident populations not just future ones.
- A multi-tiered approach to define the precinct boundary for the TOD Accelerated Precincts allows for the density of development to be at different scales and heights depending on distance from the central node identified within the precinct
- Using a 'Precinct Liveability Assessment' Tool can provide insight and be an indicator into the performance of a precinct or TOD. Importantly, the assessment can be completed to show the level of changes – positive and negative – of planned or proposed actions and interventions – such as those being proposed.
- The opportunity of integrating value creation concepts and analysis into pathways for TOD development to consider the environmental, social and economic value government investment and public value that can be created beyond the core scope of a project.

ATTACHMENT 1

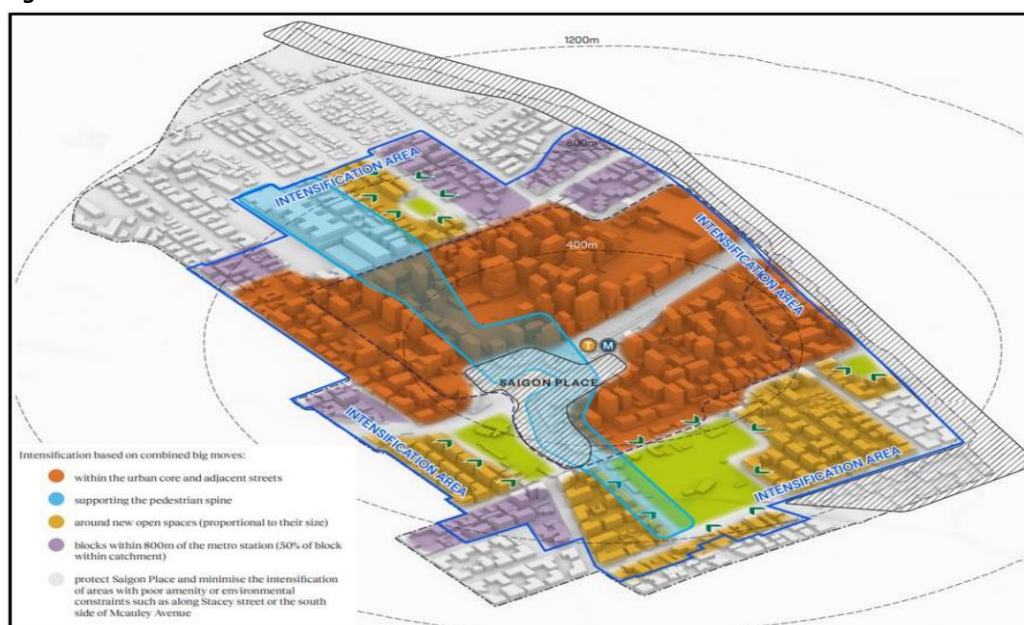
TOD Accelerated Precincts – Overview

The TOD Accelerated Precincts comprise 8 priority high growth areas near transport hubs in Greater Sydney selected for accelerated rezoning. The accelerated precincts and proposed zoning and policy changes are as follows:

1. **Bankstown:**

- Facilitate rezoning to allow densification of development within an 800m of the metro station including:
 - Rezoning R3 Medium Density Residential Zones to R4 High Density Residential Zones towards the south of the precinct to allow for greater heights
 - Introduce B3 Commercial Core zone to land centred around the station to provide for extensive commercial and high-density residential development within close proximity to public transport.
 - Extension of B4 Mixed Use Zone and RE1 Public Recreation Zone to encourage activity closer to open spaces.
 - These changes are expected to facilitate 12,500 new dwellings and 15,000 additional jobs.
- Increases in Floor Space Ratios and Building Heights to facilitate more intensive development, concentrated around the precinct core and transitioning downwards closer towards the borders of the precinct.
- Selection of a number of key sites around the core and along Chapel Road identified to deliver a proposed minimum amount of non-residential floor space to generate employment spaces close to Bankstown Station.
- Activation of street frontages and the implementation of a supporting pedestrian spine to assist in activating the public realm and improve walkability within the precinct.
- Mandatory affordable housing contributions of 3-10% for all new residential development within the precinct
- Investigations aimed at strengthening Sustainability and Design Excellence within the precinct
- New subclause to allow extended operating hours and provide greater flexibility for late night operation

Figure 7: Bankstown TOD Framework Plan



Source: Explanation of Intended Effect: Bankstown – Transport Orientated Development Precinct
Department of Planning, Housing and Infrastructure, 2024

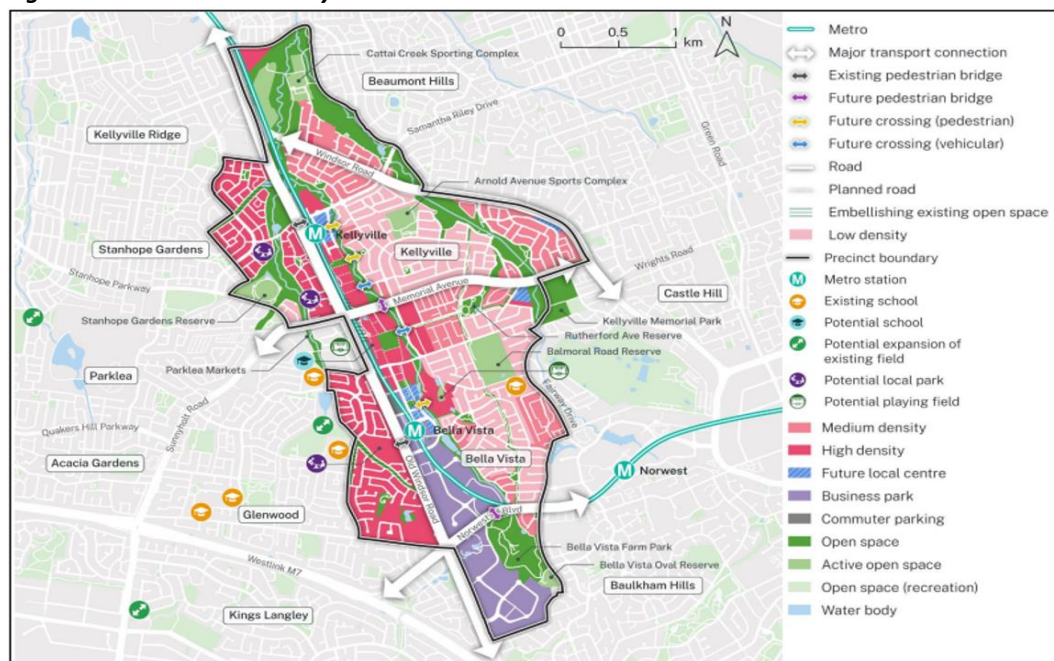
2. Bays West:

- Bays West Stage 2 Rezoning will be available for public consultation in mid-2025. Stage 1 was finalised as of 2022, however, it is expected that rezoning proposals for Stage 2 will build upon Stage 1 and aim to deliver more homes sooner within a vibrant new precinct.

3. Bella Vista and Kellyville:

- Facilitate accelerated rezoning across 4 sub-precincts within the immediate vicinity of the two nominated metro stations including:
 - Kellyville: Rezoning of existing low-medium residential land to R4 High Density Residential as well as changes to Floor Space Ratios and Building high to accommodate higher densities, allowing for 9901 potential dwellings to be developed.
 - Bella Vista: Rezoning of existing low-medium residential land to R4 High Density Residential as well as changes to Floor Space Ratios and Building high to accommodate higher densities, allowing for 10806 potential dwellings to be developed. Current commercial floorspace will also be retained to ensure the precinct remains employment focused.
 - Glenwood: Rezoning of existing low-medium residential land to R4 High Density Residential as well as changes to Floor Space Ratios and Building high to accommodate higher densities, carefully master planned around existing and new open spaces to ensure high amenity for future residents. This would allow for approximately 12603 potential dwellings to be developed.
 - Stanhope Gardens: Rezoning of existing low-medium residential land to R4 High Density Residential as well as changes to Floor Space Ratios and Building high to accommodate higher densities, allowing for 9528 potential dwellings to be developed.
- Mandatory affordable housing contributions of 3-8% for all new residential development within the precinct. No additional affordable housing incentives will be provided including infill Floor Space Ratio and Building Height Bonuses of the Housing SEPP 2021.
- Implementation of potential active transport links to support TOD Rezoning.

Figure 8: Bella Vista and Kellyville TOD Precinct Structure Plan

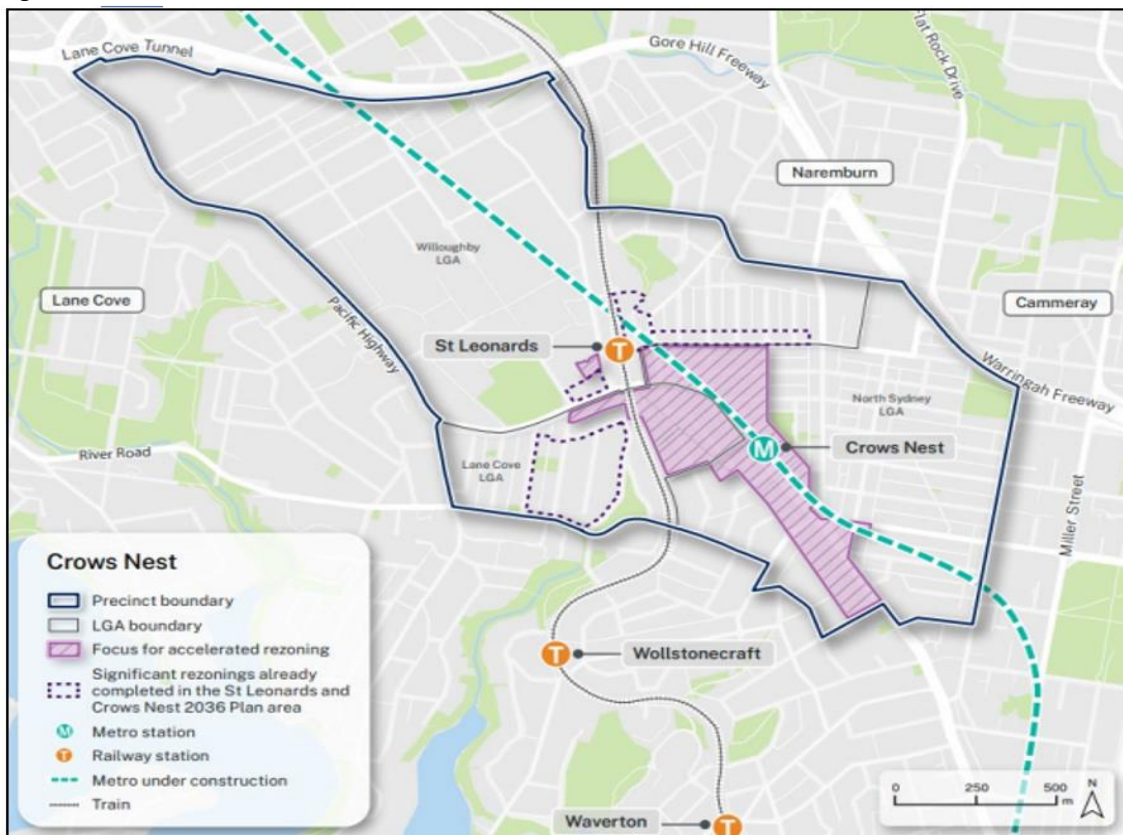


Source: Explanation of Intended Effect: Bella Vista and Kellyville – Transport Orientated Development Precinct
Department of Planning, Housing and Infrastructure, 2024

4. **Crows Nest:**

- Focus accelerated rezoning to land immediately surrounding the precinct including:
 - Rezoning portions of existing E2 Commercial Centre Zones to MU1 Mixed Use and low-medium residential and E1 Local Centre Land to R4 High Density Residential. Amendments to increase current heights and Floor Space Ratios are also proposed to allow for greater building densities to be achieved.
 - These changes are expected to enable 3255 new homes and 2600 jobs
- Amendments to minimum non-residential FSR's to various sites throughout the precinct to accommodate further employment.
- Introduction of mandatory affordable housing contributions of 10-15% for all new residential development within the precinct. Bonus FSR's and Building Height Incentives are also provided within key sites that meet the provision of 15% affordable housing. No additional affordable housing incentives will be provided including infill Floor Space Ratio and Building Height Bonuses of the Housing SEPP 2021.
- Investigation into the creation of further open space opportunities to support development uplift.

Figure 9: Crows Nest TOD Precinct

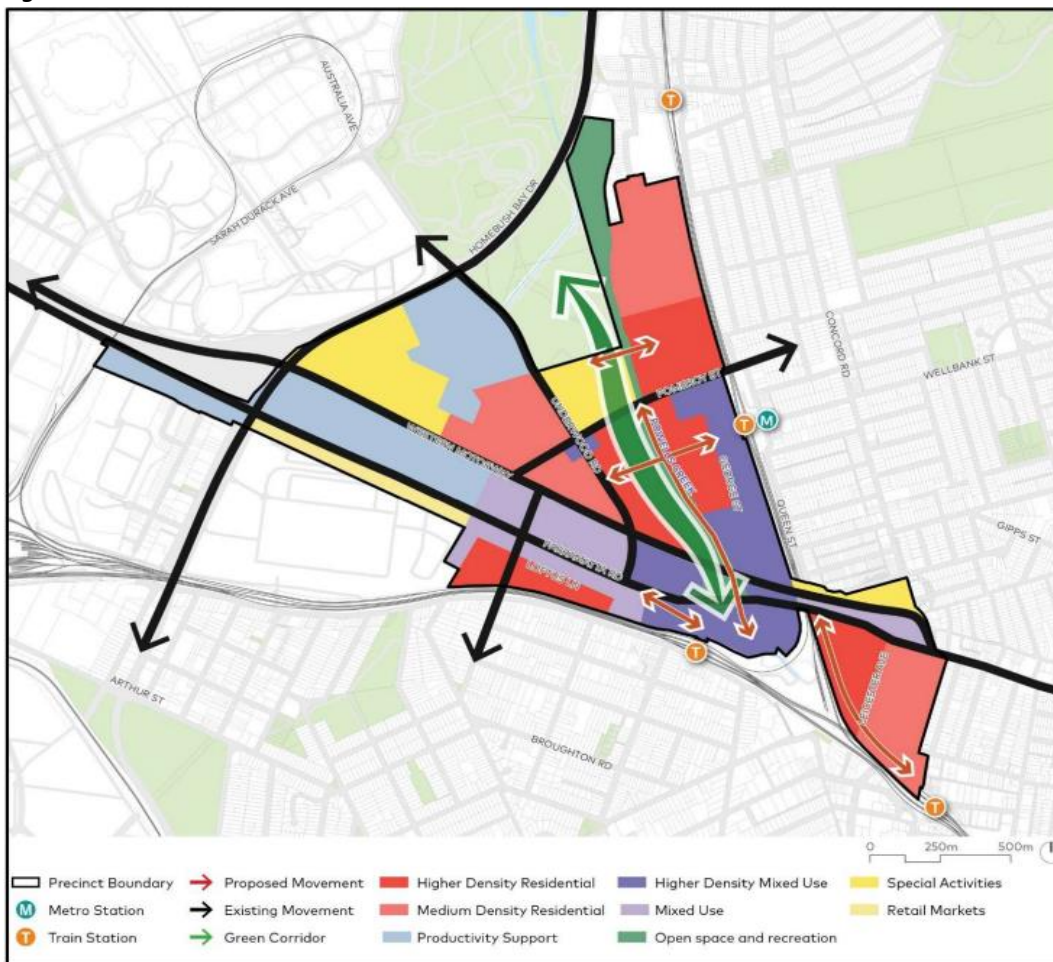


Source: *Explanation of Intended Effect: Crows Nest – Transport Orientated Development Precinct*
Department of Planning, Housing and Infrastructure, 2024

5. Homebush:

- Facilitate rezoning including:
 - R2 Low Density and R3 Medium Density Residential to R4 High Density Residential
 - Rezoning R4 High Density Residential zones to MU1 Mixed Use zone
 - E1 Local Centre and E2 Commercial zones and part of the R2 Low Density residential to MU1 Mixed Use zone to promote a vibrant and mixed used area
 - E4 General Industrial Zone to E3 Productivity Support Zone to enable 'Retail Premises'
 - These changes are expected to see the creation of 16100 new homes and 2670 new jobs
- Amendments to maximum Floor Space Ratio's and Building Heights across numerous sites to provide further capacity for new housing and jobs.
- Mandatory affordable housing contributions of 5-10% for all new residential development within the precinct. No additional affordable housing incentives will be provided including infill Floor Space Ratio and Building Height Bonuses of the Housing SEPP 2021.
- Investigations aimed at strengthening Open Space networks and Design Excellence within the precinct
- Activation of street frontages along key employment corridors to increase safety, amenity and walkability within the precinct.

Figure 10: Homebush TOD Precinct Structure Plan

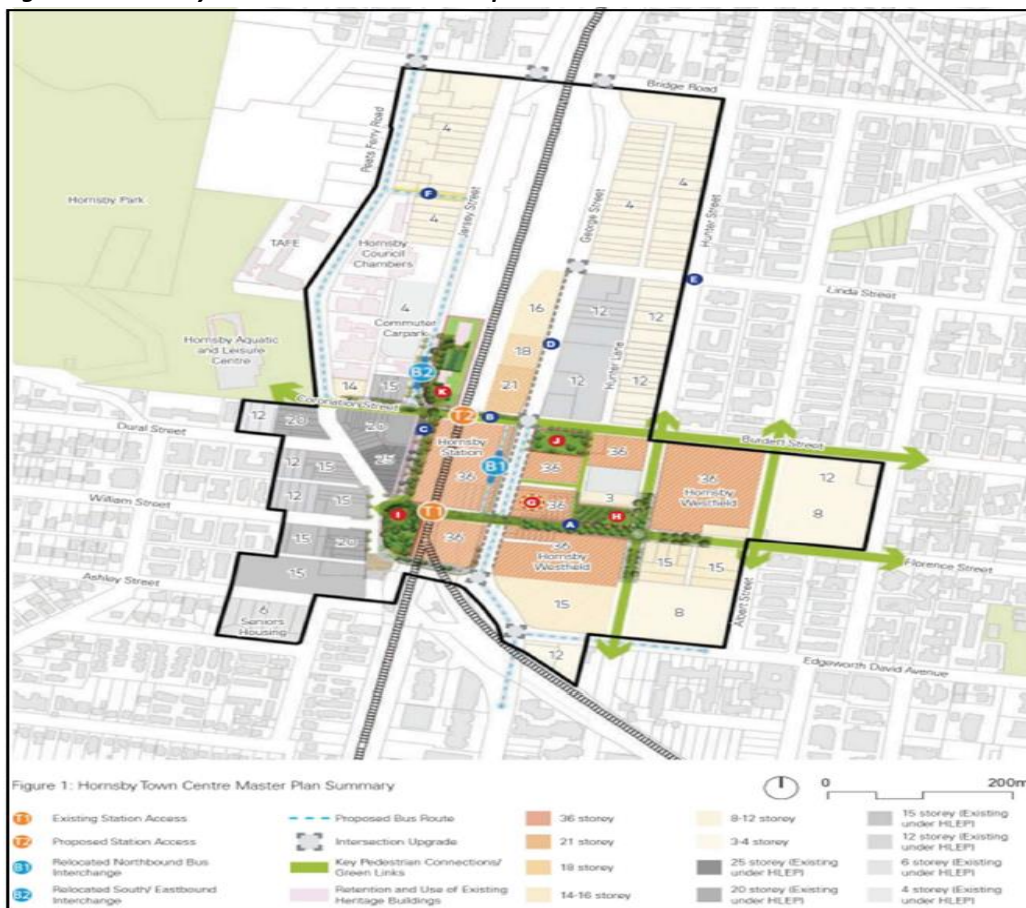


Source: Explanation of Intended Effect: Homebush – Transport Orientated Development Precinct
Department of Planning, Housing and Infrastructure, 2024

6. Hornsby:

- Facilitate rezoning including:
 - Extension of the MU1 Mixed Use Zone and remove E2 Commercial Centre Zone to facilitate a greater mix of land uses, including residential, within the precinct.
 - Extend the MU1 Mixed Use Zone over land within the Transport Corridor Area to allow for a greater mix of land uses, including residential.
- Inclusion of an Urban Design Framework to guide development within Hornsby to provide approximately 5000 new dwellings and capacity for 3450 new jobs.
- Increase allowable Floor to Space Ratio's and Building Heights to facilitate more intensive development
- Introduce a minimum non-residential FSR within the precinct to ensure commercial floor space is retained and remove the existing residential cap.
- Mandatory affordable housing contributions of 5-10% for all new residential development within the precinct. No additional affordable housing incentives will be provided including infill Floor Space Ratio and Building Height Bonuses of the Housing SEPP 2021.
- Investigations into the potential delivery of new open space networks throughout the precinct.
- Investigations into the inclusion of provisions for minimum lot sizes for the redevelopment of land within the precinct.

Figure 11: Hornsby TOD Town Centre Masterplan

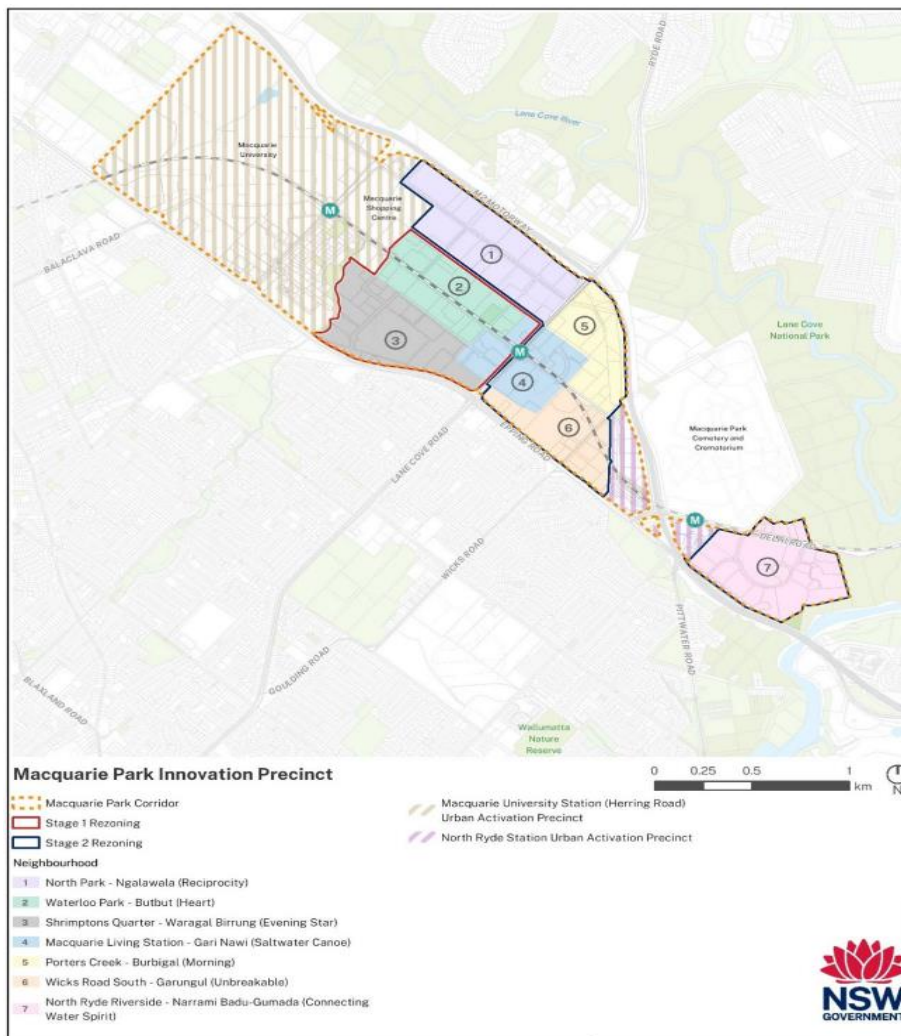


Source: Explanation of Intended Effect: Hornsby – Transport Orientated Development Precinct
Department of Planning, Housing and Infrastructure, 2024

7. Macquarie Park:

- Facilitate rezoning of the Stage 2 Area including:
 - Rezone specific lots to MU1 Mixed Use, RE1 Public Recreation and SP2 Infrastructure Zone to facilitate a mixed-use precinct capable of achieving higher densities and better amenity outcomes.
 - These changes are expected to deliver 4622 new dwellings within the MU1 Mixed Use Zone and approximately 66,327 additional jobs or 5096 additional dwellings depending upon market demand
- Increase allowable Floor to Space Ratio's and Building Heights to facilitate more intensive development
- Greater Building Heights and Floor Space Ratio's incentives for specific sites that meet certain requirements including minimum site area, minimum areas for open spaces and roads and other associated infrastructure.
- Mandatory affordable housing contributions of 10-15% for all new residential development within the precinct. No additional affordable housing incentives will be provided including infill Floor Space Ratio and Building Height Bonuses of the Housing SEPP 2021.
- Introduction of minimum non-residential FSR's to various sites throughout the precinct to generate further employment opportunities.
- Inclusion of extended design excellence provisions for sites within Stage 2 to ensure development outcomes.

Figure 12: Macquarie Park TOD Innovation Precinct



Source: Explanation of Intended Effect: Macquarie Park – Transport Orientated Development Precinct
Department of Planning, Housing and Infrastructure, 2024

ATTACHMENT 2

Case Study – Sydney Chatswood Station TOD

Key Features

- Chatswood is part of the commercial precinct created at the Chatswood Transport Interchange: involved an upgrade of station to cater for new \$2.2 billion Epping-to-Chatswood line
- High-density TOD surrounding the built environment
- Transport Infrastructure Development Corporation (TIDC) is state-owned corporation responsible for delivering Interchange
- TIDC entered into JV in 2005 with developers to build TOD
- TOD comprises bus and taxi interchange and construction of retail/residential complex
- 80 retail outlets, 500 residential units within three towers

Figure 13: Sydney Chatswood Station TOD



Key Success Factors

- High market demand for residential space above station which was sold prior to construction
- Average increase of \$58K in prices per housing unit once station was in operation
- Increase decreased \$18K per unit for each km further from station

Lessons Learnt

- Recession caused retail and residential components to be delayed considerably, led to insolvency of initial developer
- Interchange was completed in 2008 but TOD took another 3 years once private developers bought the site
- Construction costs increased above budget due to complexity of building above rail station

ATTACHMENT 3

About Value Advisory Partners:

Value Advisory Partners is an evidence-based consultancy firm specialising with a focus on creating better places by understanding and integrating data and insights that bring together “top down” and “bottom up” perspectives from land use planning, infrastructure planning and delivery and placemaking and economics.

Our purpose is to meet decision makers’ need for evidence-based, actionable advice to better plan and deliver adaptable places in our cities, regions and rural areas for today and for a climate resilient future.

We do this by understanding and integrating data and insights that bring together “top down” and “bottom up” perspectives. Value Advisory Partners makes sense of these macro and micro analyses to optimise outcomes in an environment of temporal, spatial, economic, financial and system change.

We apply these methods across a range of uses: master plans, business cases, precinct planning and delivery, funding strategies and resilient infrastructure investment.

Using agile visualisation technology, we empower our clients to use these analyses to challenge assumptions, test scenarios, develop and prioritise options and optimise resilient outcomes. We always strive to build efficiency through innovative methods and effective solutions which maximise benefits and results for our clients, business partners and our communities.

Value Advisory Partners modelling and expertise has been utilised by state and Commonwealth governments and infrastructure providers for urban planning, transport infrastructure design and implementation, property development, social infrastructure delivery and employment zone development. Our models are being employed by both the Australian and New Zealand Governments for their current infrastructure project planning.

Panels & Memberships

Value Advisory Partners expertise has been recognised by appointment to:

1. The **New South Wales Prequalification Scheme: Performance and Management Services** for:
 - 15. Infrastructure
 - 15a. Strategy and Planning
2. **Whole of Victorian Government Professional Advisory Services Panel** to provide specialist advice based on “best value for money in terms of price, quality and service delivery” for the following **Commercial and Financial Advisory Services**:
 - Strategic Policy Review and Reform Project Development (incorporating service need analysis, service planning, feasibility studies and strategic assessments)
 - Business Case Preparation and Development
 - Market Engagement and Implementation
 - Project, Program and Business Review (incorporating business re-organisation reviews), and
 - General Commercial Advice (incorporating Commercial negotiations)

From: [REDACTED] [Crows Nest Mailbox](#)
Subject: CM Record: FW: Webform submission from: Proposed pathway changes to support Transport Oriented Development
Date: Monday, 5 August 2024 2:37:30 PM
Attachments: [st-leonards-south-3-storey-problem---example-of-2-marshall-ave-st-leonards.pdf](#)

From: Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Thursday, August 1, 2024 4:58 PM
To: DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>
Cc: DPIE PA Systems Productivity Policy Mailbox
<SystemsProductivity.Policy@planning.nsw.gov.au>
Subject: Webform submission from: Proposed pathway changes to support Transport Oriented Development

Submitted on Thu, 01/08/2024 - 16:31

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Deb

Last name

Hart

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

St Leonards 2065

Please provide your view on the project

I support it

Submission file

[st-leonards-south-3-storey-problem---example-of-2-marshall-ave-st-leonards.pdf](#)

(4.42 MB)

Submission

I know St Leonards South was not included in the TODD rezoning proposal as recent high-rise controls were implemented.

In practice though, houses within 500 metres of St Leonards are being isolated from developments, or are not being developed at all. At least 5 houses along Canberra and Marshall Ave are in this predicament. If not included, these houses revert to the 2009 Lane Cove LEP height limit of 9.5 metres.

Such is the case of my father's house at [REDACTED] Leonards - it is 180 metres from St Leonards station and, after 6 months of working with Lane Cove Council we have no agreement to exceed that 3-storey height, even though the building behind his house is 19 storeys and directly across the road is 31 storeys.

I request that the individual lots within a few hundred metres of St Leonards South precinct heights be raised to heights commensurate with the precinct as part of the TODD - so that if isolated, they can still be developed.

I have attached some further information regarding [REDACTED], which has been used in our conversations with Lane Cove Council. We are proposing a development made up entirely of short-term rental accommodation for key workers that is fully integrated with open space - yet can't get traction with the Council because of the height limitation. Thank you.

I agree to the above statement

Yes



SITE STRATEGY

DESIGN REVIEW PANEL
ST LEONARDS CO LIVING
2 MARSHALL STREET AVENUE ST LEONARDS

STZ
SMITH & TZANNIS

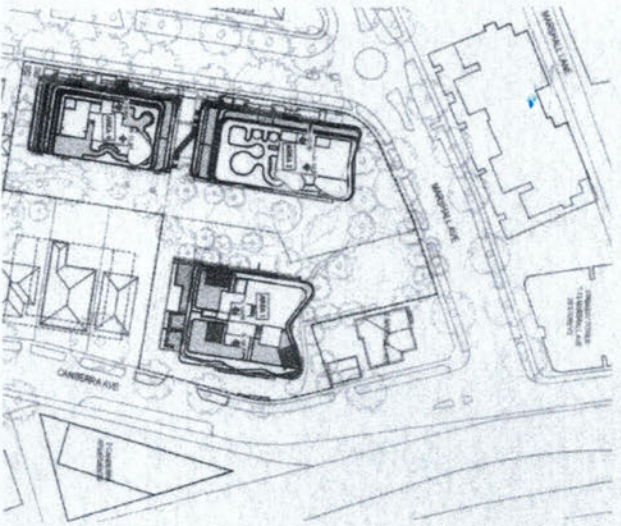
OOSO
ARCHITECTURE

Recent approvals

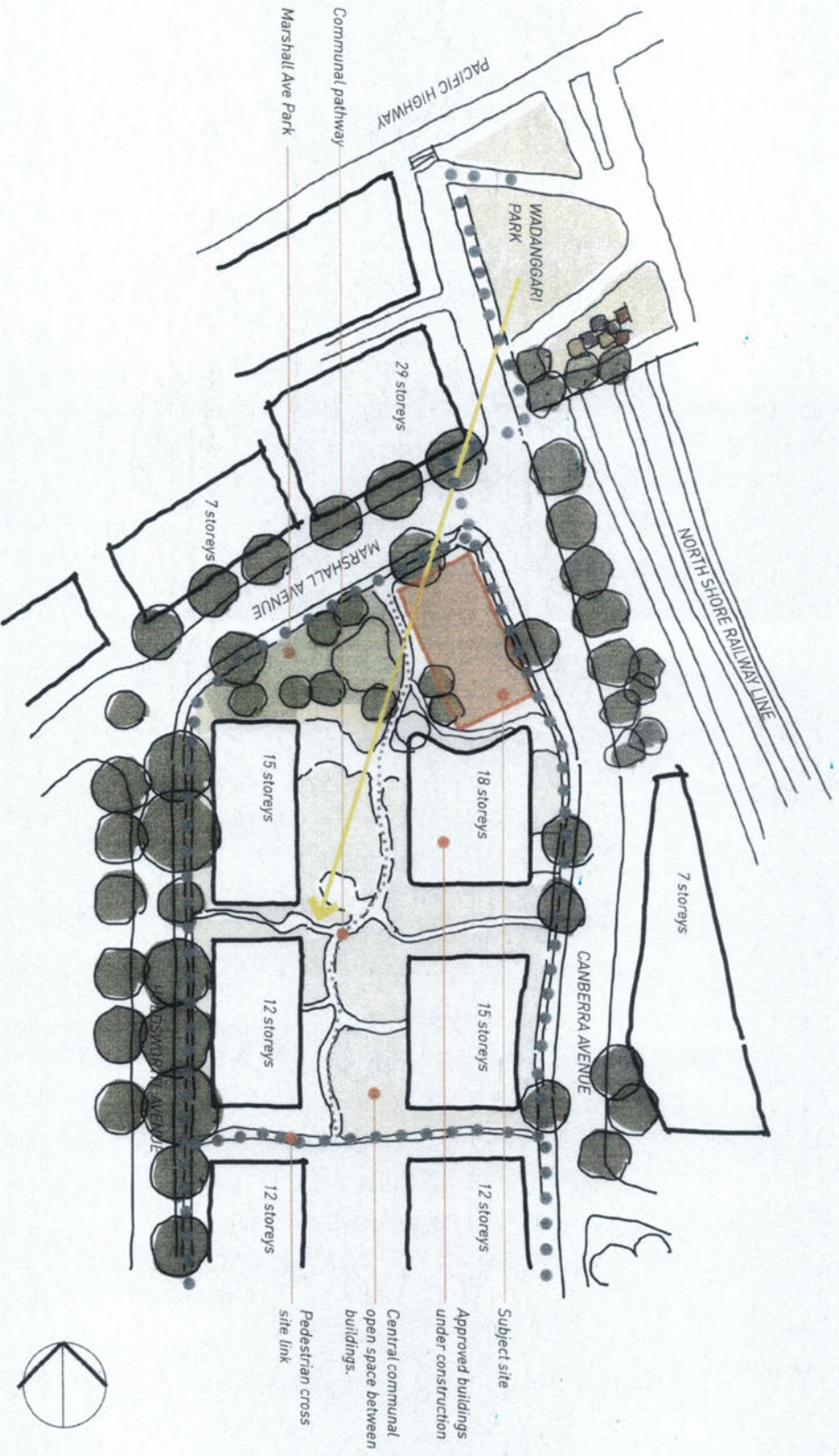
Recent approvals and buildings under construction provide a built form context and embodiment of the principles with in the immediate context,

**1-5 CANBERRA AVE, 4-8 MARSHALL AVE,
2-8 HOLDSWORTH AVENUE**

Development surrounds the subject site - establishes the proposed park



Analysis and opportunities



Missed opportunity

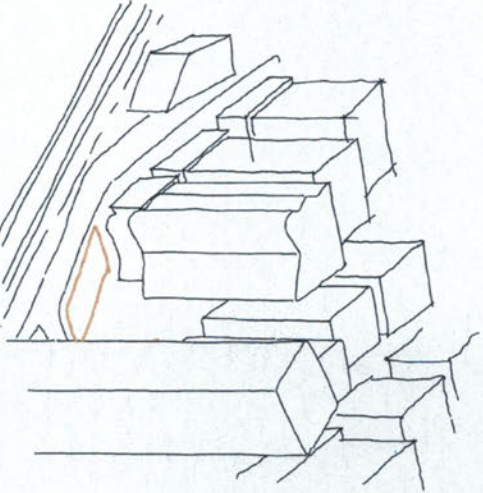
LEP COMPLIANT PROPOSAL

Low scale terrace form development or small residential flat building would be permitted on the site.

Is the the best contextual fit?

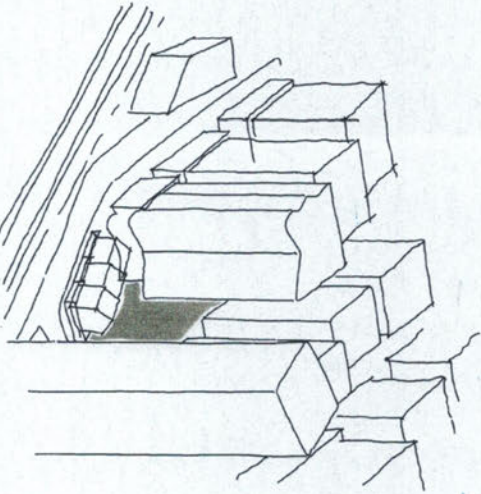
Overshadowing impacts.

Poor relationship to reserve



SITE IN CONTEXT

LEP COMPLIANT PROPOSAL



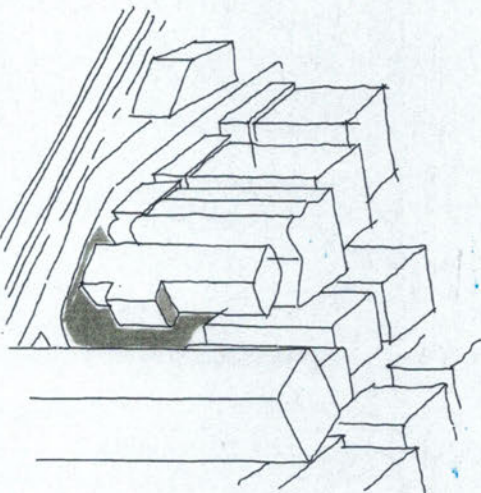
ALTERNATIVE OPTION

Engage with the park

Compatible built form

Provide key worker housing

Built form consistent with scale of surrounding



POTENTIAL CO-LIVING MASSING

From: [REDACTED] [Crows Nest Mailbox](#); [DPIE PA Systems Productivity Policy Mailbox](#)
Subject: CM Record: FW: Webform submission from: Proposed pathway changes to support Transport Oriented Development
Date: Wednesday, 17 July 2024 10:04:32 AM
Attachments: [crowsnesttod.docx](#)
[image001.png](#)

Hello Crows Nest TOD team,

Just forwarding through a submission we've received in our mailbox re the CN/SL TOD precinct.

Kind regards

[REDACTED]

4 Parramatta Square, 12 Darcy Street Parramatta NSW 2150
www.dpie.nsw.gov.au



Subscribe to our [newsletter](#)

I wish to acknowledge the Traditional Custodians of the land and pay respect to all Elders past and present.

From: Planning Portal - Department of Planning and Environment
[REDACTED]

Sent: Wednesday, 17 July 2024 9:36 AM

To: DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>

Cc: DPIE PA Systems Productivity Policy Mailbox
[REDACTED]

Subject: Webform submission from: Proposed pathway changes to support Transport Oriented Development

Submitted on Wed, 17/07/2024 - 09:21

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

[REDACTED]

Last name



I would like my name and personal contact details to remain confidential

Yes

Info

Email



Suburb/Town & Postcode

2060

Please provide your view on the project

I object to it

Submission file

[crowsnesttod.docx](#) (499.04 KB)

Submission

I recommend re-evaluating and enlarging the rezoning area.

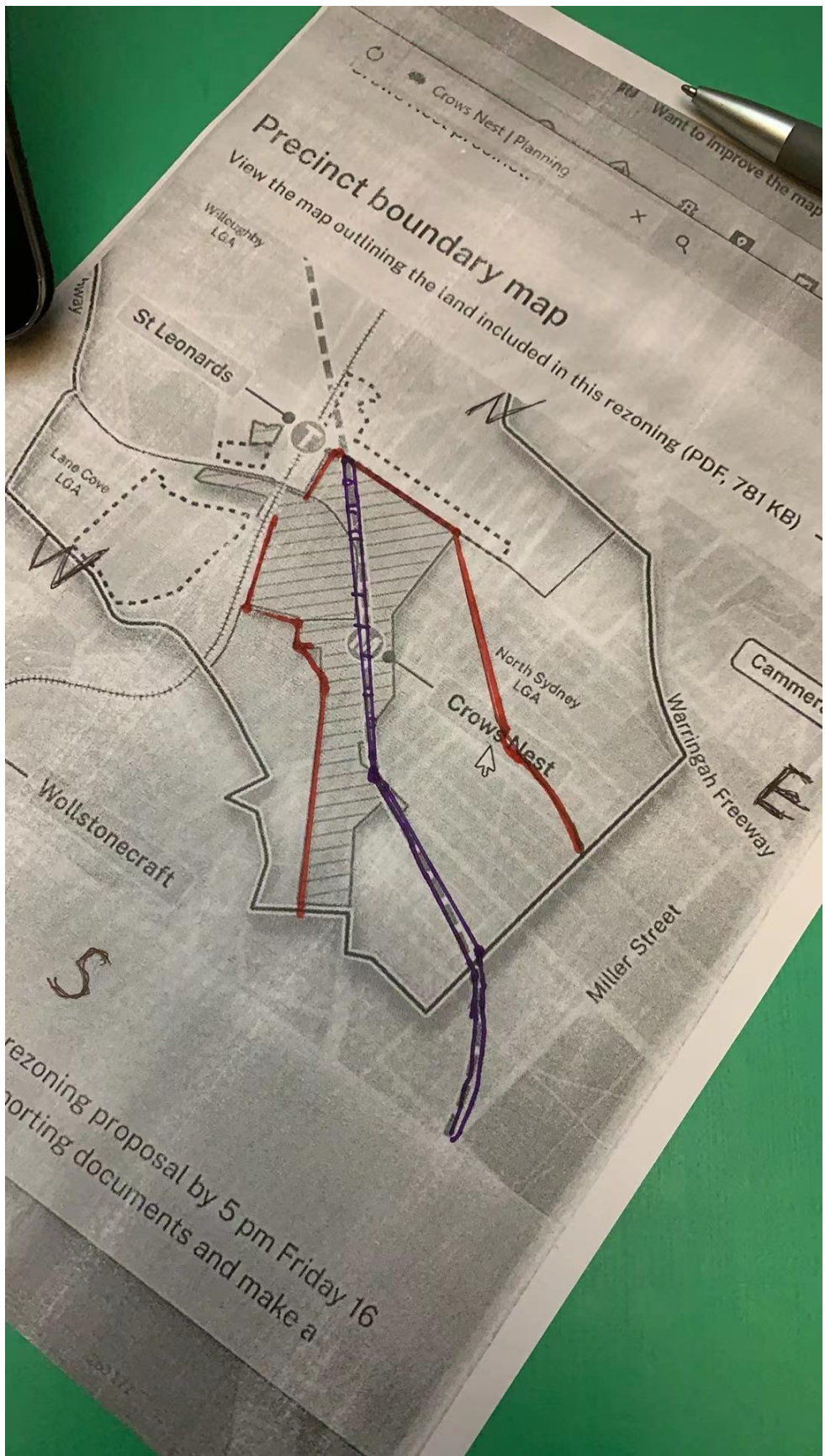
According to Feng Shui principles, the railway line is the core of construction and expansion, can be seen as an artery. Therefore, all construction should revolve around this arterial railway line. The current design is top-heavy with a larger northern side and a smaller southern side, which does not conform to the natural law. Based on natural Feng Shui principles, having a smaller north and a larger south is consistent with natural law. This is because a larger south can block cold winds in the winter, while a smaller north allows cool breezes to enter in the summer.

The government aims to increase more well-located homes close to train/metro line, but the area planned for rezoning is very small, and half of it already consists of mid-rised buildings. It seems impractical to demolish all the existing 5-6 stories buildings and rebuild high-rised ones.

Therefore, I suggest to reconsider and expand the rezoning area. The suggested development area as attached is more practical and will bring prosperity and wealth to the entire region and transform Crows Nest into a very high-end city center.

I agree to the above statement

Yes



Precinct boundary map

View the map outlining the land included in this rezoning (PDF, 781 KB)

rezoning proposal by 5 pm Friday 16
submitting documents and make a

From: [REDACTED] [Crows Nest Mailbox](#)
Subject: CM Record: FW: Webform submission from: Proposed pathway changes to support Transport Oriented Development
Date: Thursday, 22 August 2024 10:34:46 AM
Attachments: [willoughby-council-tod-submission-endorsed-council-meeting-12-august-2024.pdf](#)

From: Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Monday, August 19, 2024 2:15 PM
To: DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>
Cc: DPIE PA Systems Productivity Policy Mailbox
<SystemsProductivity.Policy@planning.nsw.gov.au>
Subject: Webform submission from: Proposed pathway changes to support Transport Oriented Development

Submitted on Mon, 19/08/2024 - 14:13

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

[REDACTED]

Last name

[REDACTED]

I would like my name and personal contact details to remain confidential

Yes

Info

Email

[REDACTED]

Suburb/Town & Postcode

Chatswood 2067

Please provide your view on the project

I am just providing comments

Submission file

[willoughby-council-tod-submission-endorsed-council-meeting-12-august-2024.pdf](#)

(1.98 MB)

Submission

This submission is provided in response to the NSW Department of Planning, Housing and Infrastructure's exhibition of:

- * The Crows Nest (St Leonards) Transport Oriented Development (TOD) Program accelerated precinct rezoning proposal exhibition
(note: for the purposes of this submission Lot 4B is referred to as 4B Herbert Street).
- * Pathway changes to support transport oriented development and residential housing delivery.

I agree to the above statement

Yes

Submission to Transport Oriented Development Program

This submission is provided in response to the NSW Department of Planning, Housing and Infrastructure's exhibition of:

- The Crows Nest (St Leonards) Transport Oriented Development (TOD) Program accelerated precinct rezoning proposal exhibition (note: for the purposes of this submission Lot 4B is referred to as 4B Herbert Street).
- Pathway changes to support transport oriented development and residential housing delivery.

Executive Summary

On 16 July 2024, the NSW Department of Planning Housing and Infrastructure (DPHI) published a rezoning proposal relating to the Crows Nest TOD Precinct (see figure 1 for proposed are to be rezoned). DPHI is also concurrently exhibiting an Explanation of Intended Effect (EIE) proposing policy changes seeking to accelerated housing delivery in the TOD accelerated precincts.

The Crows Nest TOD rezoning proposal includes 3,255 dwellings (representing an increase of 1,762 dwellings above the total capacity provided for in the previously adopted St Leonards Crows Nest 2036 Plan. The TOD concentrates on land predominately in the North Sydney and Lane Cove Local Government Areas, with one site included in the Willoughby Local Government Area (LGA) being 4B Herbert Street.

Council has identified a number of concerns and issues which are summarised as follows:

- The rezoning should not proceed in advance of funding commitments to the supporting infrastructure required. Consideration should be given to immediate funding for upgrades to deliver indoor sports facilities at Gore Hill Oval, cycleways connecting the station to surrounding suburbs, and improved pedestrian links to the metro and rail stations. The funding mechanism and timeline for the projects identified under the previous SIC should also be confirmed before any rezoning is finalised.
- Council supports the 10-15% affordable housing requirement across the Crows Nest TOD precinct.
- Council recommends that a minimum of 15% of the 4B Herbert Street be Affordable Housing.
- The exhibited TOD program materials do not specify who owns and manages proposed affordable housing. Affordable Housing units should be dedicated to Council for management as part of Council's well-established Affordable Housing portfolio.
- Council re-affirms its position (resolved on 25 March 2024):

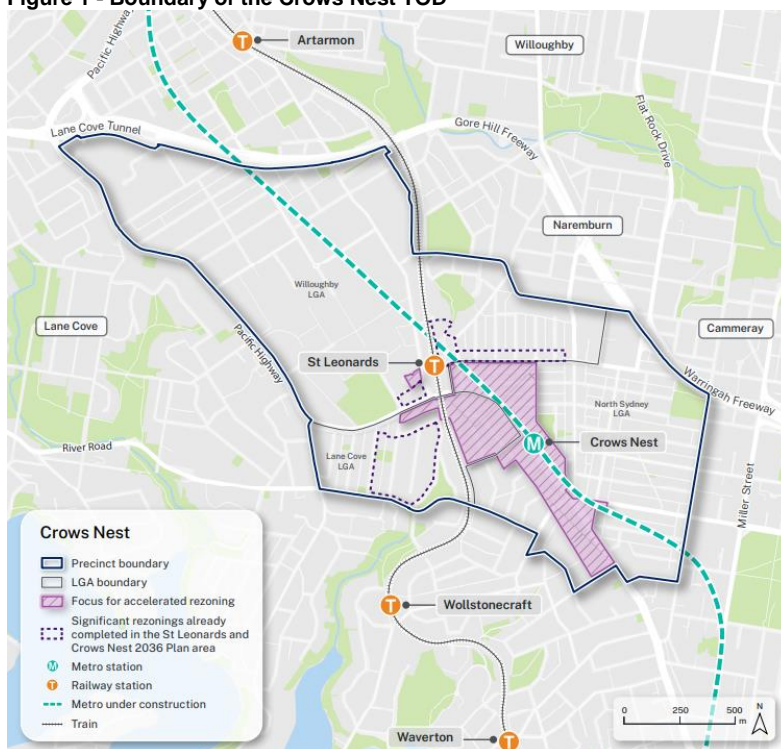
that Royal North Shore Hospital land that is most accessible to St Leonards Station and the new Crows Nest Metro should be reserved for clinical health care, research and education to allow for the hospital's future expansion, and not be used for residential, commercial, or retail purposes. Confirming that Council's recently gazetted Local Environmental Plan explicitly encourages non-clinical health related land use in the nearby employment zones.

- Council recommends that a review of the Royal North Shore Hospital Masterplan is undertaken in light of the TOD, and a Community Reference Group is established.
- Rather than remove the requirement for referrals and concurrence, the State Government should be working with relevant State agencies and bodies to improve resourcing and processing capacity to reduce processing times.
- The specific alternative to design competitions should be articulated and provided to Councils, the community, and other stakeholders, for consideration and input before any change is made.
- With particular regard to 4B Herbert Street:
 - Council seeks for Clause 6.23 of *Willoughby Local Environmental Plan 2012* (WLEP 2012) to be applicable and for the site to be identified as Area 5 on the Special Provisions Area Map. The effect of this would be to require the consent authority to be satisfied that the development exhibits design excellence.
 - Any rezoning of 4B Herbert St should include floor space requirements confirming the future residential and non-residential mix to be accommodated on the site. This should be informed by confirmation of the anticipated future needs of the hospital catchment, and the need to ensure the site remains a key employer and service provider for residents of the precinct.
 - Council recommends that at least 15% affordable housing be provided at 4B Herbert Street. The site should be added to the Affordable Housing Map in WLEP 2012 with the specific required rate added to 6.8 of the Affordable Housing clause.
 - Consideration of a height response on 4B Herbert Street more sensitive to the surrounding sites and to the future skyline of the precinct is requested. Particularly given the proposed height, the proposed built form should be revised to ensure a more slender tower form is delivered on the site.
 - A setback of 7m should be required to the southern boundary of 4B Herbert Street and the site specific Design Guide should be updated accordingly to clarify an inconsistency.
 - Given the proposed height and the prominence of the site, consideration should be given to implementing a more detailed site specific DCP (which would replace the proposed Design Guidelines) for the 4B Herbert Street site

- To ensure the development of 4B Herbert Street is accompanied by appropriate ground level public realm outcomes, greater resolution of the ground plane are required in accordance with Council's detailed comments contained within the relevant section of this submission. Consideration should be given to replacing the proposed Design Guide with a more detailed Site Specific DCP.
- Documentation should be updated to consistently refer to the proposed realigned Herbert Street pedestrian bridge.
- Section 4.3.1 'Building Massing and Envelope' should be amended to remove the invitation to vary the prescribed building envelopes as part of the design excellence process.
- The Landscape Plan and Design Guide should be updated to require additional planting where possible. Deep Soil areas should be utilised to maximise the tree canopy provided.
- Greater consistency is required between the Site Specific Design Guideline and the Crows Nest Design Guide and they should be updated to maximise deep soil provision and tree canopy.
- The design guides should be updated to sufficiently specify loading and unloading requirements including requirements loading bay length, height and clearance requirements.

Council requests that these matters be addressed by DPHI prior to the finalisation of the rezoning proposal.

Figure 1 - Boundary of the Crows Nest TOD



Source - DPHI

Contents

This submission is structured as follows:

1) Background

- Recent History
- Summary of changes in the Willoughby LGA

2) Key Issues

- Proposed pathway changes
- Infrastructure funding
- Affordable Housing
- Importance of retaining RNSH land
- Loss of Employment lands
- Design Excellence
- Sustainability
- Height
- Built form
- Tree removal / replacement and deep soil planting
- Ground level publicly accessible space
- Loading and unloading
- Car parking

3) Requested additional information, clarification or technical matters

- Herbert Street pedestrian bridge and other works
- Infrastructure Funding
- Flood related comments and associated matters
- Helicopter path
- Waste Provision
- Consultation with Council prior to construction


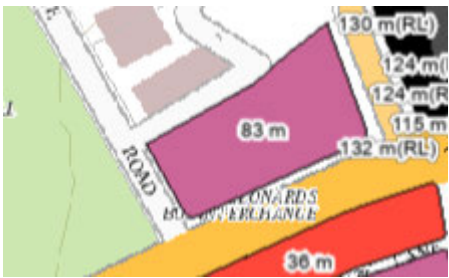
1. Background

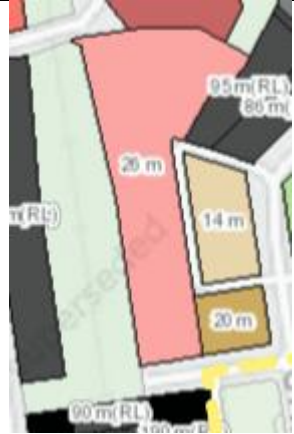
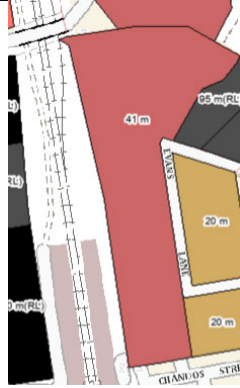




Recent History

The Crows Nest TOD is located in the same boundary as the approved *St Leonards Crows Nest 2036 Plan* (the 2036 Plan). The 2036 Plan was released in August 2020 and included some sites in the Willoughby LGA. The majority of the changes occurred along the Pacific Highway from St Leonards Station to the new Crows Nest Metro Station.

Willoughby Council incorporated the recommended land use changes into the comprehensive review of WLEP 2012, which became Amendment No 34. Amendment No. 34 was brought into effect in June 2023, Table 1 provides a summary of the changes that have been implemented.

Table 1 – Implementation of the 2036 Plan in Willoughby LGA

Previous controls (pre Amendment 34)	WLEP 2012 Current controls - incorporating St Leonards 2036 Plan (Post Amendment 34)
207 Pacific Highway St Leonards	
Zoning B3 Commercial core HOB (previous heights varied across the site)  FSR 3:1	Zoning E2 Commercial Centre HOB 83m across entire site (25 storeys)  FSR 10: 1 with a 10.1 non res FSR
2-10 Chandos Street	
Zoning B3 Commercial core HOB 26m	Zoning E2 Commercial Centre HOB 41m (13 storeys)

Previous controls (pre Amendment 34)	WLEP 2012 Current controls - incorporating St Leonards 2036 Plan (Post Amendment 34)
 <p>FSR 3:1</p>	 <p>FSR 4.5:1 with 4.5:1 non res FSR</p>
<p>110-120 Christie Street</p> <p>Zoning B3 Commercial core HOB 14m</p>  <p>FSR 1.5:1</p>	<p>Zoning E2 Commercial Centre HOB 20m (6 storeys)</p>  <p>3:1 with 3:1 no res FSR</p>
<p>14-102 Chandos Street</p> <p>Zoning B3 Commercial core (Schedule 1 allows shop top) HOB 20m</p>  <p>FSR 2.5:1</p>	<p>Zoning E2 Commercial Centre HOB 20m (5 storeys) – no change</p>  <p>FSR 3:1 with minimum no res FSR of 2:1</p>

Summary of Changes in the Willoughby LGA

The proposed changes in the Willoughby LGA under the proposal are limited to the 4B Herbert Street site; however, the growth proposed across all three precincts will affect infrastructure demands across all three precincts.

The 4B Herbert Street site covers an area of 3,371m² (0.34ha) and is owned by Property NSW. Adjacent is a recently constructed 10-storey Administration Building occupied by Health NSW (Lot 4A).

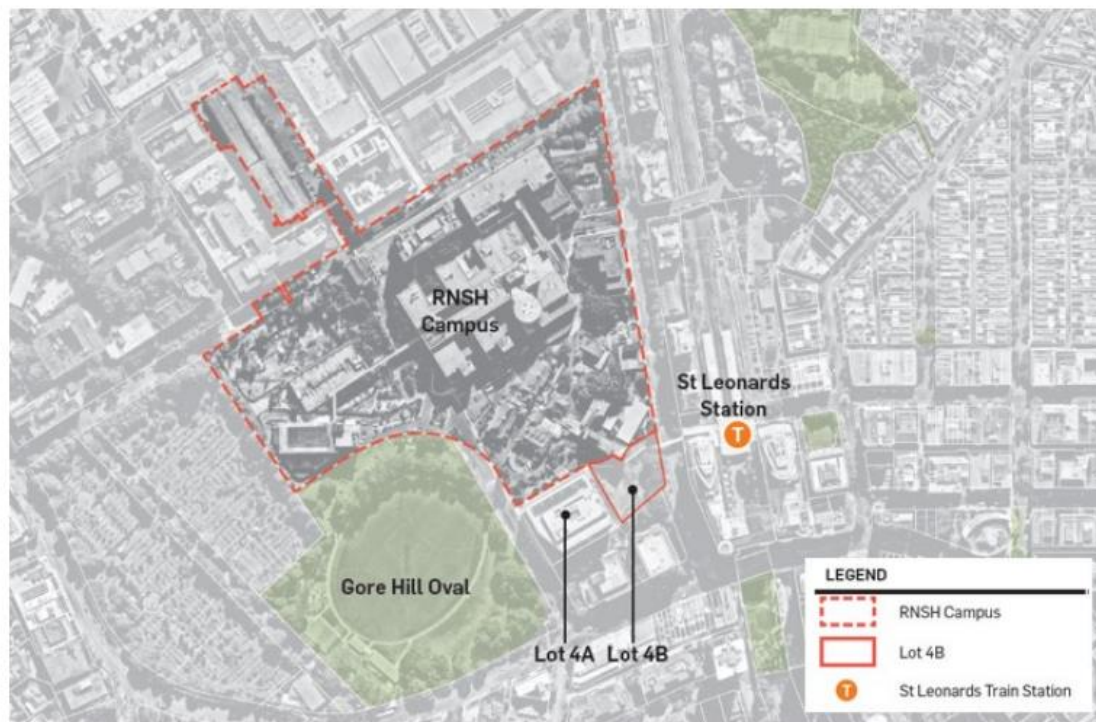
The current controls on the site are:

- SP2 Infrastructure (Hospital) zone
- No current height or Floor Space Ratio (FSR) controls

The vision is stated in the Urban Design Report (P.67):

To unlock well-located, but currently underutilised NSW Government land (Lot 4B), to provide much needed housing for key workers in the area, with access to high-quality transport and local services. To provide improved access and arrival experience, for the RNSH Campus within St Leonards Health and Education Precinct in the short-term.

Figure 2 - 4B Herbert St and immediate surrounds



Source: DPHI

The key elements that form the Concept Plan include:

- A building envelope with a maximum building height of up to RL283m and a floor space ratio (FSR) of 14.3:1. The envelope can accommodate a tower of up to 62-storeys comprising 2 basement levels, 2 podium levels, residential and non-residential uses.
- Approximately 448 residential dwellings supported by communal open space at podium level.
- Affordable housing provision of 10-15%

- Relocated and improved public pedestrian access from Herbert Street to the RNSH campus via a new stairs and lift and an arrival plaza at upper ground level.
- Pedestrian access to the building from ground level at Herbert Street and upper ground level from the proposed new arrival plaza.
- New entry/exit vehicular access via Herbert Street.

The proposal seeks to retain the existing SP2 Hospital zoning, with additional permissible uses for the site identified through amending the Special Provisions Area Map:

- 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 Crows Nest Explanation of Intended Effect states (P. 4):

“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 ..., Lane Cove Environmental Plan 2009 ..., and Willoughby Local Environmental Plan 2012.”

The proposed self-repealing SEPP has not been included in this exhibition.

In parallel to the above changes proposed under the TOD program, the following is proposed as part of the Pathway changes to support the TOD.

The Pathway changes to support Transport Orientated Development, Explanation of Intended Effect, Section 1.6 ‘Focus and objectives of proposed changes’ (July 2024) states (P. 8 and 9):

The focus of the proposed changes is to support the TOD program and streamline the delivery of dwellings in the TOD Accelerated Precincts.

The objectives are to:

- *simplify planning controls within the TOD Accelerated Precincts*
- *encourage lodgement of applications for residential development in the TOD Accelerated Precincts.*
- *Streamline the development application process so that applicants can lodge development applications sooner and so that consent authorities can determine them rapidly*
- *Ensure that developments within the TOD Accelerated Precincts achieve high-quality design outcomes.*

The Pathway changes to support Transport Orientated Development, Explanation of Intended Effect, Section 2.2 ‘Exemptions from low and mid-rise housing reforms’ (July 2024) states (P. 11) states:

To ensure the most appropriate outcomes for the areas identified in both the application of the LMR housing reforms and the accelerated TOD rezonings, the interrelation between the two will be fully assessed. The intention is to reduce duplication and maximise housing potential for lots identified in both the TOD Accelerated Precincts and the low and mid-rise reforms, which may mean exempting some TOD Accelerated Precincts from the LMR housing reforms.

With respect to design excellence, the exhibited Explanation of Intended Effect states:

Where a LEP requires a design competition introducing Offering [sic] an alternative design excellence pathway to be developed by the Government Architect NSW for any design competitions required by the local Council.

The Pathway changes to support Transport Orientated Development, Explanation of Intended Effect, Section 2.2 'Exemptions from certain concurrence and referral requirements' (July 2024) states (P. 11):

It is proposed to exempt local and regionally significant development within the TOD Accelerated Precincts from concurrence and referral requirements that are not considered high-risk. This exemption is proposed to be established for a period of five years. High-risk concurrence and referrals will be retained to ensure safe and orderly development.

To determine which concurrence and referral provisions will be subject to the exemption, the Department is developing risk criteria, including the potential of potential hazards and the likelihood of significant adverse planning outcomes and will work with Government agencies to finalise this.

The Department wants to understand from stakeholders, councils, agencies and the development sector about what concurrence and referrals could be switched off through the development assessment process...

2. Key Issues

Proposed pathway changes

Council thanks DPHI for the opportunity to combine its comments on the Crows Nest TOD and the Proposed pathway changes to support the TOD.

Council supports the exclusion of TOD precincts from the in-fill affordable housing height and floor space bonuses. Council does not support policies that provide permanent uplift for temporary affordable housing delivery.

Council suggests that this same principle should apply to other areas, such as Chatswood CBD, where similar detailed masterplanning has maximised heights and floor spaces controls and set associated affordable housing requirements based on detailed feasibility analysis (though it is noted that this is beyond the scope of the proposed TOD program).

Council supports the exemption of these precincts from the low and mid-rise housing reforms to reduce duplication. However, it is Council's view that this exemption should be

complete and without qualification. This principle should also be applied to locations where Council has undertaken and implemented significant recent masterplanning such as those areas where upzonings occurred as part of Council's recent Comprehensive LEP (Council notes that this is beyond the scope of the proposed TOD program).

Council does not support exemptions from concurrence and referral requirements. Referrals are required to ensure minimum expectations regarding quality, amenity, and sustainability are met. The community should not have to take on additional risk in the form of developments approved under reduced scrutiny.

Rather than remove these necessary considerations, the State Government should be working with referral bodies to improve resourcing and processing capacity to reduce processing times.

Similarly, the high visibility and density of TOD precincts require careful and considered design. Design competitions, when managed correctly, are an effective means of delivering diverse, high quality built form outcomes. These precincts should be examples of the highest standards of design and design competitions are considered a best practice means of ensuring these standards are achieved. Council cannot support a proposal for an unspecified alternative to design competitions.

Given the scale of the proposed future development of 4B Herbert Street, this site should be subject to excellence.

The specific alternative should be articulated and provided to Councils, the community, and other stakeholders, before any change is made.

With particular regard to 4B Herbert Street, Council seeks for Clause 6.23 of WLEP 2012 to be applicable and for the site to be identified as Area 5 on the Special Provisions Area Map.

Infrastructure funding

When approved, the 2036 Plan was accompanied by a Special Infrastructure Contribution (SIC) to ensure development delivered under the plan would be contributing to the \$113.6 million of infrastructure required to support the future residents and employees of the precinct. The SIC was subsequently repealed and replaced by the Housing Productivity Contribution, which does not provide the same certainty of funding for the infrastructure required in the precinct.

The State Government has yet to confirm how the infrastructure requirements arising from the 2036 plan will be funded. The most recent advice provided to Council from DPHI advised that the process for allocating funds from the Housing Productivity Contribution is yet to be finalised.

The level of growth in the precinct will affect infrastructure across all three affected Local Government Areas. In the Willoughby LGA, the demand for use of open space at Gore Hill Oval and demand for active transport and pedestrian links will dramatically increase. Given the significant uplift proposed under the rezoning, funds should be assigned to upgrades of existing open space such as provision of indoor recreation facilities at Gore Hill Oval, and

pedestrian and cycle ways improving access to the station within the precinct and to the surrounding suburbs. Improved cycleways will be critical to managing the increased potential conflicts between cyclists seeking to access the station from surrounding suburbs and the increased pedestrian activity within the precinct.

\$520 million has been identified for allocation to the 8 TOD precincts identified under the program. Given the substantial growth anticipated across the 8 precincts, there is concern that this will not be sufficient to deliver the required supporting infrastructure. In discussions to date, DPHI has advised that the funds will not be allocated evenly, and given the growth and needs anticipated in each precinct vary, this is understandable; however, consideration of needs and allocation of funding should occur in parallel to the rezoning, as was the case with the 2036 Plan, it should not lag behind the masterplanning and rezoning process.

The rezoning should not proceed before funding the infrastructure required to support growth. Consideration should be given to immediate funding for upgrades to Gore Hill Oval, cycleways connecting the station to surrounding suburbs, and improved pedestrian links to the station. The funding mechanism and timeline for the projects identified under the previous SIC should also be confirmed before any rezoning is finalised.

Affordable Housing

Development of the site at 4B Herbert Street is an opportunity for the State Government to show leadership and demonstrate its commitment to Affordable Housing delivery.

The exhibition materials do not clarify how affordable housing requirements are to be satisfied. Council is seeking dedication of the affordable housing units delivered on 4B Herbert Street to Council so that they can be managed as part of Council's well-established Affordable Housing portfolio. As Council has existing capacity and established operational procedures for the management of Affordable Housing this would be the most effective and efficient means for the delivery and ongoing management of units within the precinct.

Council supports the 10-15% affordable housing requirement across the Crows Nest TOD precinct.

For the site at 4B Herbert St a minimum of 15% affordable housing should be provided noting the significant uplift to be delivered on this State Government owned site.

Affordable Housing units should be dedicated to Council for management as part of Council's well-established Affordable Housing portfolio.

It is recommended that the site be added to the Affordable Housing Map in WLEP 2012 with a rate of at least 15% added to 6.8 of the Affordable Housing clause and that the clause confirm dedication of units is required.

The relevant objectives of the Design Guides should also be updated to reflect the *minimum* 15% Affordable Housing that should be provided on 4B Herbert Street.

Importance of retaining RNSH land

Subsequently to the 2036 Plan and Council's comprehensive LEP, NSW Health's Northern Sydney Local Health District developed and adopted a Masterplan for the Royal North Shore Hospital Site. It is noted that the site now known as 4B Herbert Street was not included in the masterplan as this land is not in the care and control of the Northern Sydney Local Health District.

The Royal North Shore Hospital Masterplan 2023-2036 was considered by Council on 25 March 2024. Council reiterated its longstanding objection to any loss of key hospital, health services, and health education lands and its position:

that Royal North Shore Hospital land most accessible to St Leonards Station and the new Crows Nest Metro should be reserved for clinical health care, research and education to allow for the hospital's future expansion, and not be used for residential, commercial, or retail purposes. Confirming that Council's recently gazetted Local Environmental Plan explicitly encourages non-clinical health related land use in the nearby employment zones.

Council also recommended that the Royal North Shore Hospital Masterplan be reviewed in light of the recent State Planning Reforms and the TOD Program. This is considered necessary to ensure that planning for the hospital considers the new scale and pattern of development arising from the reforms and the TOD. Council and the community considers it appropriate for such significant public infrastructure to be planned with cross-agency and community collaboration. To this end, Council has requested a Community Reference group be established, similar to that which has been established as part of the masterplanning for Bankstown Hospital.

Noting the need for cross-agency consideration, Council seeks DPHI's support through the TOD program for a review of the Royal North Shore Hospital Masterplan and the establishment of a Community Reference Group.

Health care and social assistance is the largest employer in the Willoughby LGA, at 23% of the workforce, or 16,477 people (source: .id economic profile). Much of this Health care workforce is located at the Royal North Shore Hospital. The premise of the Low and Mid Rise reforms and the TOD program is to accelerate delivery of housing, it follows that infrastructure planning needs to be reviewed to ensure this accelerated growth can be supported by the necessary facilities and services.

While Council acknowledges that 4B Herbert St is not currently in the care and control of NSW Health, it has historically been zoned for health purposes. Council supports the retention of the primary zoning on the site remaining commensurate with potential future health purposes. However, before amendments are made to introduce residential uses that will displace future capacity for health services to be delivered on the land, it should be demonstrated that the remaining land will be sufficient in light of current population projections and anticipated development in the hospital's catchment.

Neither the materials published in relation to the TOD nor the materials published with the Royal North Shore Hospital Masterplan demonstrate how much 4B Herbert St is surplus to future requirements. This should inform the rezoning, which should include floor space requirements confirming the residential and non-residential mix to be provided on the site.

Any rezoning of 4B Herbert St should include floor space requirements confirming the future residential and non-residential mix to be accommodated on the site. This should be informed by confirmation of the anticipated future needs of the hospital catchment, and the need to ensure the site remains a key employer and service provider for residents of the precinct.

Loss of Employment lands

The St Leonards Crows Nest 2036 Plan aimed to make the area a key employment centre, with particular regard to health or education related employment. The TOD program also appears to recognize the need to balance the allocation of land to future employment and residential needs in principle. The Crows Nest Design Guide, Section 2.4 'Key themes and objectives', (P. 10), states as land use objectives:

Protect and strengthen the area's commercial role supported by complementary uses to capitalise on the close proximity to stations. Leverage world-class health and education uses to provide opportunities for training and employment growth into the future. Expand residential opportunities through mixed-use development ensuring long-term activation across the precinct.

Objectives

- *Intensify all types of development around public transport, providing an appropriate balance of residential and non-residential land uses.*
- *Prioritise affordable housing up to 15% ...*
- *Focus commercial activity in the mixed-use core between the station ...*
- *Future proof the precinct to ensure spaces can grow with community needs.*
- *Protect and leverage from significant contributors to the local economy such as the Artarmon Employment Area and the Royal North Shore Hospital Precinct.*

Having regard to the above, Council supports retention of the WLEP 2012 SP2 Infrastructure zone with regard to the 4B Herbert Street site as the associated zone objectives are consistent with the desired future function of the site.

However, the proposal in its current form does not appear to meet the relevant objectives. The breakdown of land uses anticipated for the site under the proposal is:

- Residential: 46,340m²
- Non-residential: 623m²

The 4B Herbert Street site represents an opportunity for the State Government to deliver an exemplar development that provides significant employment as well as market and affordable housing. Providing such a minimal amount of non-residential uses on the site will undermine the ability for the precinct to function as a balanced employment and residential centre and will signal to the market that the objectives can be satisfied with minimal consideration for provision of non-residential uses.

As noted previously, any rezoning of 4B Herbert St should include floor space requirements confirming the future residential and non-residential mix to be accommodated on the site. This should be informed by confirmation of the anticipated future needs of the hospital catchment, and the need to ensure the site remains a key employer and service provider for residents of the precinct.

Design Excellence

The need for design excellence is referred to throughout the exhibited materials in principle, however, the mechanism by which it will be guaranteed is not specified. Design excellence is a crucial component of delivering a successful TOD program and for this component to be unresolved is a significant flaw. The proposed mechanism should be specified and the community, Councils and stakeholders should have meaningful input before any rezoning is implemented.

The Crows Nest TOD Explanation of Intended Effect (EIE) states:

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.

The proposed approach to design excellence is addressed in the reforms proposed in 'Pathway changes to support transport oriented development and residential housing delivery' EIE publicly exhibited alongside the Crows Nest TOD rezoning proposal. Specifically:

Where a LEP requires a design competition introducing Offering [sic] an alternative design excellence pathway to be developed by the Government Architect NSW for any design competitions required by the local Council.

In the absence of a specified improved alternative, Council recommends that the 4B Herbert Street is subject to Clause 6.23 of WLEP 2012 to be applicable and for the site to be identified as Area 5 on the Special Provisions Area Map.

Sustainability

The site specific Design Guide does not have a section on sustainability. This is considered a significant deficiency. Sustainability is of sufficient import to deserve its own section in the site specific DCP.

Height

The proposed building height for site 4B within the Royal North Shore Precinct will result in a building height that is significantly greater than the surrounding built form. The height of the Forum development (being 45 storeys, approximately 150m) was previously established as an area marker to clearly identify that site as being above the St Leonards Train Station.

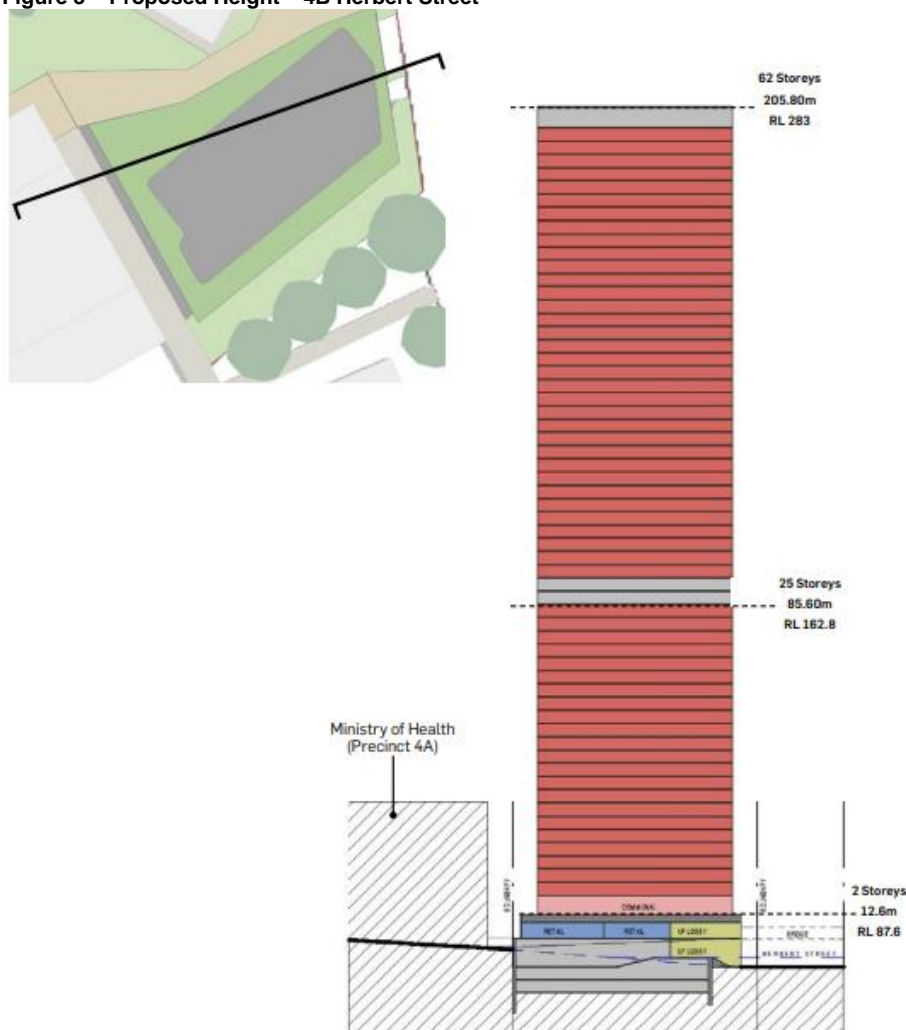
The redevelopment of 4B Herbert Street proposes 62 storeys, 205.8m, being significantly higher by 17 storeys or approximately 55m above the Forum development. The adjacent site at 4A Herbert Street has a recently constructed 10 storey RNSH Service Administration building occupied by Health NSW. The adjacent site at 207 Pacific Highway, which was originally part of the RNSH site but subdivided for sale and subsequent development, has a maximum height of 25 storeys.

The Crows Nest Design Guide, Section 2.4 'Key themes and objectives', built form (P. 10) states as built form objectives:

Preserve, strengthen and enhance the existing diverse character areas and design and plan for the optimal built form outcomes. Height and density should be appropriate within the immediate context, emphasising key locations such as the stations whilst also protecting public spaces through solar access controls.

It is unclear how the proposed height on 4B Herbert Street achieves these objectives.

Figure 3 – Proposed Height – 4B Herbert Street



Source: Crows Nest Precinct Design Guide

Council is concerned with the dramatic increase in height above the 25 storeys at 207 Pacific Highway. Council is also concerned with the proposed Lot 4B height being significantly higher than the Forum, which minimises the Forum as an area marker for the St Leonards Train Station.

It is the view of Council officers that while public spaces within the Willoughby LGA are not adversely impacted by the proposed height with regard to solar access, this is not the only consideration that should determine what height is to be established.

Council seeks a balanced height solution on this site, noting its proximity to the direct neighbouring properties at RNSH, 207 Pacific Highway and Lot 4A Herbert Street. It is considered that this 62 storey proposal will dominate the built form within close proximity, being the RNSH including the heritage precinct, Gore Hill Park and Oval and as already mentioned, St Leonards Station.

Consideration of a height response more sensitive to the surrounding sites and to the future skyline of the precinct is requested

Built Form

Concern is raised with the 4B Herbert Street concept scheme residential tower floor plates, from level 3 upwards, being approximately 1,000m², and the north / south facing presentation to the RNSH and the Pacific Highway.

In the formulation of the Chatswood CBD Planning and Urban Design Strategy 2036, prepared by Architectus on behalf of Willoughby Council, an important outcome was slender towers based on a floor plate size of 700m². In pursuit of slender tower forms, the width of each side of any tower was to be minimised. On large sites this was achieved via two towers. A similar vision is considered deserving for 4B Herbert Street and its surrounds.

Particularly given the proposed height, the proposed built form should be revised to ensure a more slender tower form is delivered on the site.

Council notes that there are inconsistencies in documentation. The Crows Nest Design Guide refers to a podium 7m setback to the southern boundary. However the site specific Design Guide, Section 4.3.1 'Building Massing and Envelope' has the following provisions:

1. *Built form within Lot 4B is to be in accordance with Figures 13 to 14 relating to setbacks, street frontage heights and tower setbacks.*
2. *The envelopes prescribed by these figures are the maximum permissible extent of any future built form on the site. Variances will only be considered where design excellence can be demonstrated ...*
4. *Development is to ensure that public domain within the site and Gore Hill Oval receive an appropriate solar amenity for their intended use.*

Figure 13 of the Design Guide refers to a podium setback of 6m to the southern boundary

Being a flood zone, a setback of 7m is supported and the site specific Design Guide should be updated accordingly.

Neither Figures 13 nor 14 of the Design Guide make reference to street frontage heights. Street frontage heights should be specified on Figure 13 of the Design Guide.

Concern is raised regarding Point 2 regarding variances, design excellence can be achieved within the prescribed envelope. Variation should not be invited and this wording should be removed.

It is also suggested that Point 4 is strengthened to ensure that there is no additional overshadowing on Gore Hill park (including the Oval) between 9am and 3pm as a result of any development on 4B Herbert Street.

Figure 4 – 4B Herbert Street Podium Envelope “Figure 13” of the Design Guide



Figure 13: Podium envelop (source: Urbis)

Figure 5 – 4B Herbert Street Tower Envelope “Figure 14” of the Design Guide



Figure 14: Tower envelop (source: Urbis)

Tree removal / replacement and deep soil planting

The existing site is largely an open lawn area with a stand of 8 established trees located near the Herbert Street boundary, which the plans indicate are to be removed. Of the trees to be removed the 3 large deciduous trees closest to the street appear to be *Liquidambar styraciflua* which are an exempt species of tree. The others appear to be native species. *Syncarpia glomulifera* (Turpentine) and *Ficus rubiginosa* (Port Jackson Fig). An arborist report was not cited in the documents, and species identification is based on street view images only.

Figure 6 – 4B Herbert Street - Existing stand of trees to be removed along Herbert Street boundary



Source: Google street view image

Willoughby DCP Part G requires replacement for removal of trees at a rate of 3:1. The Landscape Design Concept does not specify tree species and numbers, however the plans indicate approximately 8 new trees to be planted on the ground and lower ground floor, with potential for more, and approximately 35 shown on the Level 2 podium.

Figure 7 – 4B Herbert Street - Trees to be removed (circled red) and trees on adjoining site to be retained (circled green)



Source: Google Street View image

The setback along the southern boundary and green space along Herbert Street connect with the existing green space and trees on the adjoining site to create a larger more continuous green space, as well as providing sufficient setback allowing for the retention and protection of the existing trees. This lawn space is intended to be utilised as publicly accessible space combined with the neighbouring sites.

There is minimal planting volume along the street frontage to Herbert Street. Consideration should be given to trees and planting to present a greener appearance at street level and softening of the built form around the entrance.

At the ground and upper ground levels there are minimal trees proposed, with a heavy reliance on trees and green space within adjoining sites. Greater tree planting at ground level is encouraged.

The report indicates compliance with the Apartment Design Guide (ADG) 7% deep soil zone requirement. The deep soil zone is indicated to be entirely along the southern boundary within the flood zone. There are no trees proposed within the deep soil zone.

The basement outline and Lower Ground Landscape Design Concept indicate that there is additional deep soil extending along the Herbert street frontage, however this is excluded from the calculations as it does not meet the ADG minimum 6m dimension criteria for deep soil zones involving sites greater than 1,500m², being only 4m in width. As discussed below, the Crows Nest Design Guide provides a new provision regarding what is a deep soil zone.

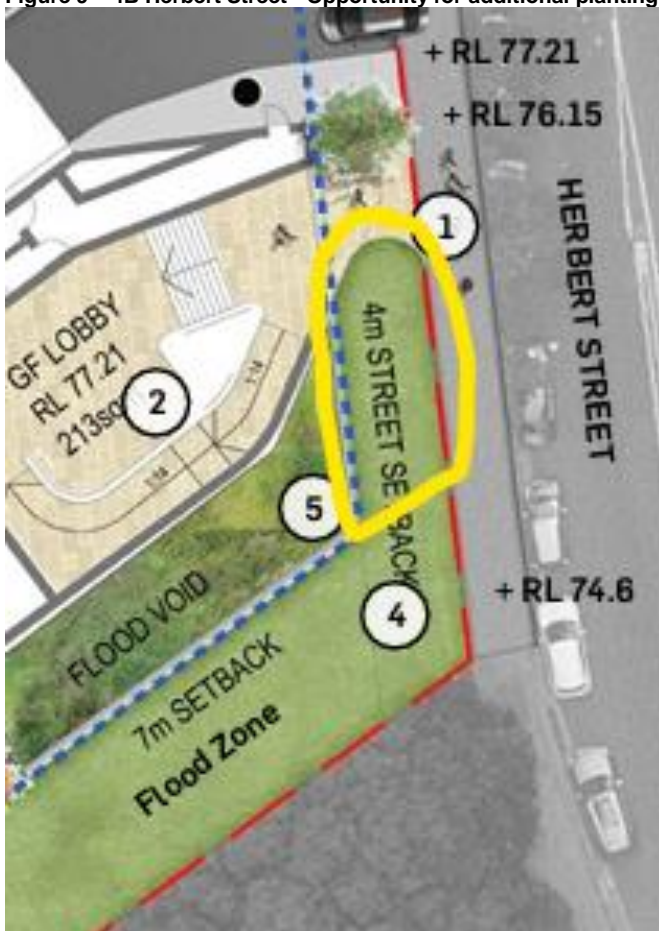
The Landscape Plan and Design Guide should be updated to require additional planting where possible. Deep Soil areas should be utilised to maximise the tree canopy provided on the site.

Figure 8 – 4B Herbert Street Lower Ground Deep Soil Zone



Source: Crows Nest Precinct Design Guide

Figure 9 – 4B Herbert Street - Opportunity for additional planting



Crows Nest Precinct Design Guide

The Crows Nest Design Guide, 3.5.2 'Tree Canopy and Deep Soil' (P. 22) states:

A key aspect of the Green Plan that supported the 2036 Plan is to retain and enhance the existing network of tree lined streets and remains relevant to including the plans for the Crows Nest Precinct.

The following objectives are stated (P. 22):

- *Maintain and enhance canopy cover to address urban heat, contribute to local amenity, reduce air pollution, support biodiversity and improve community health and wellbeing across the Crows Nest Precinct.*
- *Build on the 2036 Plan to increase the health and extent of the tree canopy or vegetation cover for Crows Nest.*
- *Ensure development provides sufficient deep soil to support healthy root systems and ensure trees reach maturity.*
- *Retain and protect existing trees*

The following provisions are stated (P.23):

1. *Provide deep soil zones are to be a minimum dimension of 3m x 3m to support new trees and retain any existing trees. Deep soil zones for development should be provided as per the benchmarks in Tables 3 and 4. Development is not to reduce the amount of deep soil provided.*
2. *Deep soil is to be unimpeded by any building or structure above or below ground, except for minor structures such as pathways, access ramps or area of paving with a maximum width of 1.2m; essential services infrastructure (such as stormwater pipes) with a maximum diameter of up to 300m; and landscape structures (such as lightweight fences, light poles or seating) requiring a footing with a maximum size of up to 300m x 300m in cross section.*
3. *Where possible establish contiguous deep soil zones within and between property boundaries to maximise tree planting by establishing them right up to abutting boundary walls and fence lines.*

There is minimal coverage of tree canopy and deep soil in the site specific Design Guidelines for 4B Herbert Street. Concerns include:

- The loss of highly visible of trees to Herbert Street.
- The proportion of tree replacement not being at ground and upper ground levels.
- The limited opportunity provided for deep soil planting along the northern and Herbert Street boundaries. It is unclear why a lower minimum dimension of 3m x 3m is provided in the Crows Nest Design Guide.

Greater consistency is required between the Site Specific Design Guideline and the Crows Nest Design Guide and they should be updated to maximise deep soil provision and tree canopy. Consideration should also be given to implementing a more detailed site specific DCP (which would replace the proposed Design Guidelines) for the 4B Herbert Street site given the proposed height and the prominence of the site.

Ground level publicly accessible space

Successful high density precincts require attractive publicly accessible space provided at ground level to provide community amenity, vibrancy, and to minimize urban heat by providing significant tree canopy.

Council also supports the integration of NSW Government owned land such as Sydney Trains/TAHE to support greener places, pedestrian connectivity (walkable communities) and active transport options.

The site specific Design Guide, Section 4.2.2 'Design Principles' identifies the following key design principle:

(h) Deliver a centrally located communal area surrounded by supporting outdoor open space.

Clarification is sought where this centrally located communal area is located. It is assumed this is to be along the northern boundary. Due to the northern boundary configuration, the middle or central area of this outdoor open space reduces to 5m width, being 16m at the Herbert Street end, and 12m at the 4A Herbert Street end. There is an existing building on the RNSH site which prevents any widening occurring on that site.

This narrowing represents an unsatisfactory pinch point, which could be widened at design stage (for the podium), to better reflect the characteristics of the site, being the irregular northern boundary, and ensure a more satisfying through site link and contiguous publicly accessible open space area of similar width.

Council expectations regarding the ground level space between the proposed building and the northern boundary are as follows:

- This represents the area of highest public benefit regarding publicly accessible open space and it is imperative that any design guide acknowledges this and any future development is designed on this basis.
- Refer to the discussion over widening at the 5m pinch point above, as well as the meaningful achievement of design excellence particularly with ground level public spaces.
- Provision of a crucial pedestrian connection from the eastern side of Herbert Street and St Leonards Station, over the Herbert Street pedestrian bridge to the western side and on to the Royal North Shore Hospital (RNSH).
- To provide quality plaza space of sufficient size to reflect different uses – being a combination of movement, passive rest areas, landscaping and mitigation of urban heat through significant canopy trees.
- To ensure that publicly accessible open space is clearly understood at application and consent stage, with public and private or commercially used areas (such as outdoor dining) clearly delineated.
- The proposed awning along the northern frontage of the podium should provide relief from the elements for pedestrians. There appear to be conflicts between pedestrian movement and outdoor dining here. It is requested the podium be pushed back in this location to achieve the increased open space at the pinch point identified above, and allow for redesign to both achieve outdoor dining opportunities and awning relief to pedestrians.

In regards the above, the following points are made:

- Council seeks for a strong green presence or gateway involving significant trees along this pedestrian connection from the Herbert Street pedestrian bridge. This position is based on the significant development proposed, the importance of providing canopy trees and addressing urban heat and the loss of a number of established trees within the site and presenting to Herbert Street. At present this strong green presence involving significant trees, involving deep soil planting, is not achieved.
- Consistent with the above, as a minimum, Council requires deep soil planting to facilitate the planting and growth of significant trees along the northern boundary of the pedestrian connection. Consistent with the Apartment Design Guide (ADG), a minimum 6m dimension is required. It is requested that consideration be made to the provision of at least two locations, where a 6m deep soil setback is provided to facilitate significant tree growth and canopy provision. These two locations should be spread out, one in the first section of the northern setback area (closest to Herbert Street) and one in the second section (closest to 4A Herbert Street).
- For the remainder of the northern boundary, a 3m deep soil zone is sought to also facilitate tree growth.
- Less substantive tree planting, without a deep soil zone, would be supported on the southern side of the pedestrian connection, at ground level, to still foster a green presence / gateway / boulevard towards the RNSH and Gore Hill Park heading west and towards St Leonards Station heading east.
- The realigned pedestrian bridge provides the opportunity for planting that, involving an appropriate species, would be visible from Herbert Street. This should be explored.
- Any increase in ground level publicly accessible space here is strongly encouraged.
- If outdoor dining is proposed in the retail shops facing the proposed pedestrian connection, this should be designed for now and be outside of publicly accessible open space. In this regard the podium may need to be pushed back to both provide for outdoor dining while not reducing the publicly accessible open space shown in the Urban Design Report and accompanying Figures. To be clear outdoor dining is separate to public open space and should be addressed in the Crows Nest Design Guide and any document specific to 4B Herbert Street.

Council expectations regarding the ground level space between the proposed building and the southern boundary as follows:

- This space is secondary to the offering along the northern boundary (high side) of the site.
- To provide for a minimum 7m wide green space directly accessible at grade from Herbert Street, noting that this is a flood zone area.
- To integrate with the publicly accessible open space, and significant trees, at 207 Pacific Highway.

- To connect with the existing through site link at 207 Pacific Highway through to Reserve Road and Gore Hill Park beyond, as well as the existing path on the NSW Health building site (Lot 4A) and RNSH.

In regards the above, the following points are made:

- Council seeks for meaningful integration with the existing publicly accessible open space and through site links at 207 Pacific Highway and the Lot 4A site.
- To this end fencing is not supported and appropriate measures should be explored to encourage public usage of this space as appropriate noting the flood zone status.

Council expectations regarding the Herbert Street setback are as follows:

- To provide for significant tree planting to Herbert Street, subject to the flood zone, noting that there is no basement in this location.
- To replace the existing trees presenting to Herbert Street that will be removed by the development.

In regards the above, the following points are made:

- For a setback to be provided in accordance with ADG's requirement of 6m for deep soil zones. No clear reasoning is provided why this cannot be delivered, and why a smaller standard is provided in the proposed
- It is requested that opportunities be explored to provide a minimum of one significant tree within this setback to provide a strong green presence to Herbert Street.

To ensure the development of 4B Herbert Street is accompanied by appropriate ground level public realm outcomes, greater resolution of the ground plane is required in accordance with the above. Consideration should be given to replacing the proposed Design Guide with a more detailed Site Specific DCP.

Loading and unloading

The site specific Design Guide, Section 4.4.1 'Movement and Access' states the following provision:

- 1. Basement parking and service vehicle entry and exit points is to be provided from Herbert Street only, generally in the locations nominated on Figure 16.*

Basement loading is supported and it is critical that this is established early in the planning process to ensure the expected outcome.

In regards to 4B Herbert Street, and Figure 39 on P. 76 of the Urban Design Report (see below), concern is raised with:

- The potential for adverse impacts on traffic movement in Herbert Street, a significant road access to the Gore Hill Freeway, Artarmon as well as Chatswood.
- The potential for adverse impacts on the Pacific Highway, noting that the intersection of Herbert Street with the Pacific Highway is approximately 70m away.

- The capacity of heavy rigid loading vehicles, which would include Council's waste vehicles as well as other loading related activity including residential moving vehicles, being able to access the basement for the purposes of loading and unloading. In this regard, Council's waste vehicle is 10.5m long, requires a 12.5m long loading bay and 4.5m headroom between the frontage road and the loading bay. A minimum side clearance of 0.5m each side of the vehicle is required for occupant exit, entry and access to load. Servicing by a smaller waste vehicle is not appropriate, as it will result in an increased number of vehicle movements to the site and to the waste management centre.
- The capacity of heavy rigid vehicles being able to enter the site in a forward direction, manoeuvre within the basement level to access the loading area and then leave the site in a forward direction (a non-mechanical solution is sought).
- The capacity of heavy rigid vehicles within the basement to not interfere with vehicles associated with the proposed 448 residential units and non-residential uses.

Due to the density of development, it is considered critical at the very early stage to ensure that loading and unloading can be adequately addressed. It is Council's expectation that waste servicing occurs on-site, on the ground floor or basement level, not on any part of Herbert Street, and that the development provides an on-site servicing waste space that seeks AS2890.2 compliance. Council has seen a number of examples where heavy rigid vehicle loading is confirmed as possible at high level conceptual stage, but is found to not work at the more detailed stage.

There is no section of the proposed Crows Nest Design Guide that addresses loading and unloading. This is considered a significant deficiency and a specific section should be provided having regard to the concerns identified above regarding 4B Herbert Street, or state that loading should be in accordance with Council's DCP.

The design guides should be updated to sufficiently specify loading and unloading requirements including requirements loading bay length, height and clearance requirements.
--

Car parking

The proposed Crows Nest Design Guide, Section 3.10, relating to the TOD area states in regards car parking:

1. *The parking provisions in the relevant Council DCP will apply and must be referred to as part of any planning proposal and/or development application.*
2. *Notwithstanding maximum car parking rates in the relevant LEP's and DCP's, minimised provision of parking for all land uses is encouraged to capitalise on the proximity of St Leonards Station and the Metro Station.*

Council supports the position of the Crows Nest Design Guide in regards to car parking.

The site specific Design Guide, Section 4.4.1 'Movement and Access' states the following objectives:

- *Promote the use of public transport infrastructure including St Leonards railway station, Crows Nest Metro station and the St Leonards bus interchange.*

- *Prioritise active transport.*
- *Minimise the provision of on-site car parking within future development.*

These objectives are supported.

The Transport Impact Assessment (7 June 2024) provides the following table in comparing Council WDCP car parking rates and what is required as a result of the proposed development on 4B Herbert Street.

Table 2 – Parking Requirement of Indicative Yields

Type	Size	Parking Rate		Parking Requirement	
		Minimum	Maximum	Minimum	Maximum
Residential					
1-Bedroom unit	139 units	0.10 per unit	0.50 per unit	17	85
2-Bedroom unit	174 units	0.20 per unit	0.50 per unit	45	112
3-Bedroom unit	39 units	0.25 per unit	0.50 per unit	13	27
Visitors		NA	1.00 per 7 unit	-	64
Sub-Total				75	288
Retail	623m ²	1 space per 200m ²	1 space per 70m ²	3	9
Total				78	297

Note:

1. Portion of affordable housing is unknown, as such has been excluded from this indicative assessment.
2. The non-residential component has been assumed to be all retail.

Source : Table 7.2 Traffic Impact Assessment

The correct WDCP car parking rates are provided. However two points are made:

- Council encourages and seeks minimum car parking rates in locations so close to train stations. It is requested that this site set an example regarding minimum parking rates.
- The car parking requirement shown above in the Transport Impact Assessment is mathematically incorrect. The following correct numbers are provided:

Type	Size	Parking requirement	
		Minimum	Maximum
1 bedroom unit	139	14	70
2 bedroom unit	174	35	87
3 bedroom unit	39	10	20
Visitors		0	69
Retail	623	3	9
Total		62	255

Car parking related to 4B Herbert Street should be as per WDCP, which deliberately seeks to minimise car parking provision, encourage public transport usage close to public transport

options, encourage active transport options and minimise additional traffic congestion arising from significant and dramatic increases in density.

3. Requested additional information, clarification and technical matters

Herbert Street pedestrian bridge and other works

There are discrepancies in documentation that require clarification:

On Figure 44 'Landscape Design Concept', P. 81 of the Urban Design Report, the insert states:

Indicative future configuration of realigned pedestrian bridge and stairs considers RNSH campus Master plan and is subject to detailed design.

This insert shows a realigned pedestrian bridge as well as the existing bridge.

P. 82 of the Urban Design Report states:

This landscape design proposes to upgrade the streetscape along Herbert Street with new access (via lift and stairs) to the arrival plaza.

However, Figure 48 'Landscape Design Concept' on P.83 of the same document only refers to the existing pedestrian bridge.

The site specific Design Guide, Section 4.2.1 'Desired Future Character for lot 4B' states the vision is to (in part):

(h) Improve connections between Gore Hill Park and St Leonards railway station through a realignment of the pedestrian bridge.

The site specific Design Guide, Section 4.2.2 'Design Principles' identifies the following key design principles:

(d) Improve public safety and line of sight through a new public lift and stair connection from Herbert Street.

(e) Provide a realigned pedestrian bridge across Herbert Street to unlock large public plaza amenity.

The site specific Design Guide, Section 4.5 'Landscape', 4.5.1 'Public Domain and Landscaping', Provisions states:

3. Future development should consider realignment of the Herbert Street pedestrian bridge in accordance with Figure 16 to formalise a pedestrian connection from St Leonards Station to the site.

The renewal of the pedestrian bridge, stairs and lift access, to meet increased density and to more effectively connect to St Leonards Station is a fundamental infrastructure requirement of any development of Lot 4B and the Crows Nest TOD generally and supported. In regards

Point 3 above, it is critical that ‘must’ replaces ‘should’, so that certainty regarding the realignment of the bridge is provided. Funding, ownership and ongoing maintenance are crucial matters regarding this pedestrian bridge and are addressed in the funding section below.

All documentation should refer to the proposed realigned Herbert Street pedestrian bridge.

Funding

The Crows Nest Explanation of Intended Effect states in Section 3 ‘Infrastructure funding and delivery’ 3.1 State Infrastructure (P.29):

“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 Crows Nest Explanation of Intended Effect states in Section 3 ‘Infrastructure funding and delivery’ 3.2 Local Infrastructure (P.29):

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 ...

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

- *North Sydney 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.*

Council’s 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.”

Willoughby Council has a hybrid section 7.11 and 7.12 plan.

Concerns include:

- Whether there is sufficient funding to accommodate the proposed additional density. The \$520 million is identified as covering the identified 8 Sydney priority high growth areas near transport hubs for accelerated rezoning, which are intended to provide capacity for up to 61,855 new homes over 15 years.

- When approved, the 2036 Plan included a special infrastructure contributions (SIC) of \$113.6M to deliver open space, pedestrian and cycling facilities, education and transport improvements. The SIC was subsequently repealed. However, the need for all the infrastructure additions and improvements remains, and will be exacerbated by the additional growth delivered by the TOD program.
- The process for allocation of the Housing Productivity Contributions has not been confirmed and no commitment has been made to ensure that it will be utilised to replace the funding for infrastructure in the precinct that was previously committed to under the SIC.
- The identification of Council as a source of co-contributions regarding infrastructure provision, is concerning noting that local contributions are capped such that funding of existing local infrastructure needs is already constrained.
- The lack of certainty regarding allocation of other potential funding sources such as grants.
- The impacts on the adjacent Willoughby LGA of increased density in North Sydney and Lane Cove Council areas under the Crows Nest TOD.
- The already identified and pressing infrastructure embellishment required within the Willoughby LGA. This is discussed further below.

Gore Hill Park and Oval are identified in the TOD Plan as locations of existing open space. As previously raised with DPFI, Gore Hill Park and Oval play a regional role and will be crucial in meeting the recreational needs of the additional population of St Leonards, including the TOD area. This area also plans an important supporting role to RNSH. An upgrade to provide indoor recreation facilities will be required to support the growth associated with the TOD.

Council seeks for this regional indoor recreation facility to be included in any infrastructure funding consideration related to the Crows Nest TOD.

It is recommended that the infrastructure items previously identified in the 2036 SIC Plan (copied below) be funded and incorporated into the implementation of the TOD. Cost estimates should be reviewed and updated to reflect changes in construction costs.

It should be further noted that Council is also involved in shared path installation and upgrades to the Pacific Highway (eastern side), from Herbert Street up to Mowbray Road. In addition, Council is in the planning process of improving cycle connectivity between St Leonards Station and Artarmon Station via Herbert Street. Appropriate funding is requested to facilitate these desired outcomes.

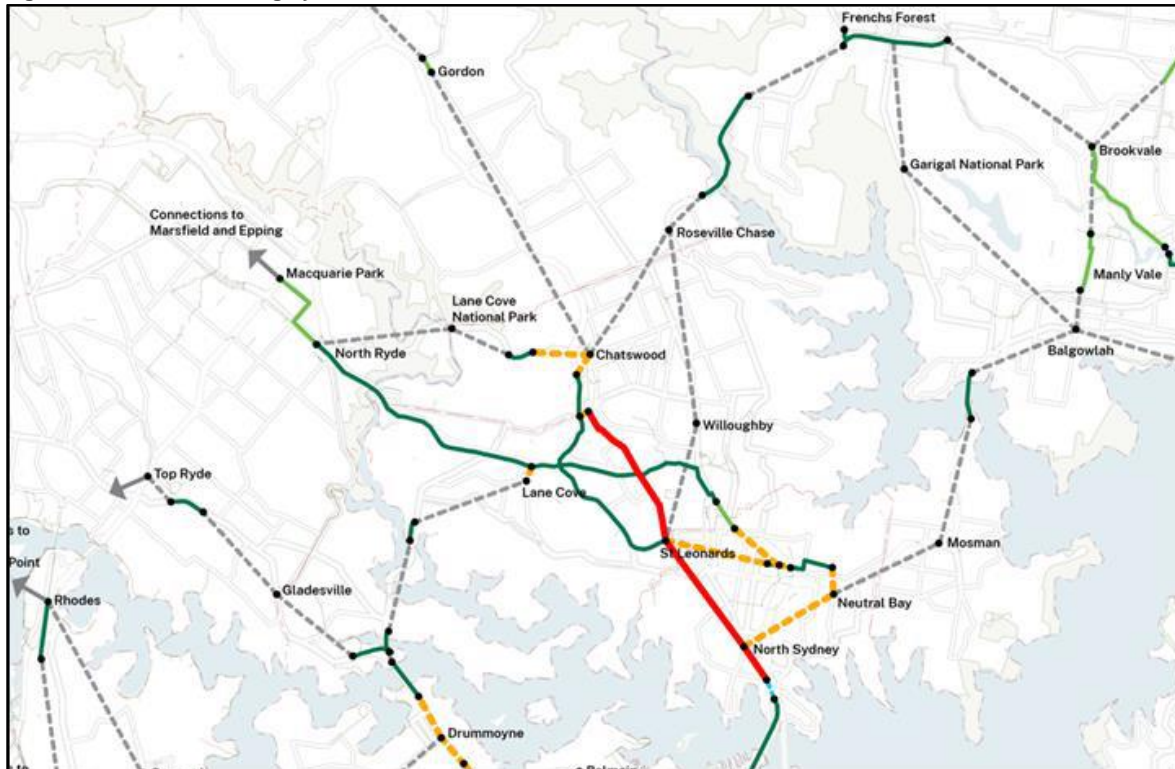
TfNSW has previously presented to council a *Priorities Map* for the Eastern Harbour City, identifying '*missing cycle links for future investigation*' within the Willoughby LGA connecting to surrounding LGA's.

Table 3 – SIC Projects

Project	Cost estimate
Roads	\$4,736,000
R1 Signalised pedestrian crossing: Pacific Highway at Portview Road	\$858,000
R2 Signalised pedestrian improvement: Pacific Highway at Reserve Road	\$343,000
R3 Signalised pedestrian improvement: Pacific Highway at Herbert Street	\$433,000
R4 Signalised pedestrian improvement: Pacific highway at Christie Street	\$1,557,000
R5 Signalised pedestrian improvements: Albany Street at Pacific Highway	\$172,000
R6 Signalised intersection improvement: Pacific highway at Oxley Street	\$515,000
R7 Signalised intersection improvement: Pacific Highway, Falcon Street and Willoughby Road	\$858,000
Education	\$21,984,000
E1 Primary School (funding towards additional school places generated by the new population)	\$16,471,000
E2 Secondary School (funding towards additional school places generated by the new population)	\$5,513,000
Open Space	\$57,659,000
OS1 North linear park: Herbert Street bridge to Chandos Street (land acquisition only)	\$28,058,000
OS2 South linear park: Lithgow Street	\$1,701,000
OS3 Hume Street park expansion	\$25,900,000
OS4 Gore Hill regional playground	\$2,000,000

Project	Cost estimate
<i>Pedestrian & Cycle Improvements</i>	<i>\$27,570,000</i>
<i>P1 Pedestrian and cycle link: Herbert Street to Chondos Street</i>	<i>\$12,514,000</i>
<i>P2 Cycle connection: Talus reserve to Naremburn Park</i>	<i>\$1,952,000</i>
<i>P3 Pedestrian and cycle connection: Pacific Highway to River Road via south linear park</i>	<i>\$1,308,000</i>
<i>P4 Pedestrian and cycle connection: Canberra Avenue</i>	<i>\$3,182,000</i>
<i>P5 Pedestrian and cycle improvements: Willoughby Road</i>	<i>\$668,000</i>
<i>P6 Pedestrian and cycle improvements: Sergeants Lane/Christie Street</i>	<i>\$191,000</i>
<i>P7 Cycle improvements: Oxley Street</i>	<i>\$1,185,000</i>
<i>P8 Cycle improvements: Shirley Road</i>	<i>\$309,000</i>
<i>P9 Cycle improvements: River Road</i>	<i>\$2,824,000</i>
<i>R10 Pedestrian and cycle improvements: Chandos Street</i>	<i>\$3,437,000</i>
<i>Planning & Delivery</i>	<i>\$1,679,000</i>
<i>Precinct Planning Costs</i>	<i>\$1,119,000</i>
<i>Precinct Delivery and SIC Review Costs</i>	<i>\$560,000</i>
<i>Other – Funded via Voluntary Planning Agreement</i>	
<i>C1 Community Arts Centre - Funded via Voluntary Planning Agreement</i>	

Figure 10 – TfNSW Missing cycle links



The Crows Nest TOD rezoning precinct location has been identified by TfNSW as an “*immediate opportunity for investigation*”. Council has responded to TfNSW, by providing its priorities with respect to the current regional gaps in the bicycle and walking network, including investigation and design development involving vital missing links between the Gore Hill cycleway network and the Naremburn network and St Leonards strategic centre.

Council is also open to funding initiatives aimed at improving bus services in the St Leonards/Artarmon area. This is particularly important given that the proposed TOD rezoning is likely to generate increased demand for bus services to complement the existing train and new Metro line.

More clarity is also required with respect to the proposed realigned pedestrian bridge. An upgrade or realignment of the bridge is supported. However, who carries out and funds this project long term is unclear and this should be resolved as part of this masterplanning process.

From “Supplementary Transport Technical Note” under the Cycling Infrastructure section, it is observed that new bike parking will be provided at the Metro Station. Provision should also be made for improved bike parking at St Leonards Station. The current provision for bike parking at the train station is minimal, and will not be able to cope with the increased population when demand for cycling increases.

Flood related comments and associated matters

The flooding and stormwater analysis detailed in the Urban Design Report (P. 44) states:

“A baseline desktop analysis of flooding and stormwater was prepared To provide an indication if a flood study may be required for the site and, where appropriate, a high level advice to manage flood impacts on the proposed development, evaluate any OSD and Water Sensitive Urban Design (WSUD) requirements for the site from Council controls.”

This analysis concludes initial findings are as follows:

“The site is relatively flood free with the exception of minor encroachments along the southern boundary ...”

Council provides a considered response based on its local knowledge of the site in order to ensure that the particular flooding circumstances are understood at the earliest possible stage.

The site 4B Herbert Street is tagged as flood affected. Please refer to Figure 11.

Figure 11 Flood Affection (marked in yellow/orange)



The Crows Nest Design Guide provides a very broad section on flooding. Council provides greater detail to assist in considering the appropriate development on this site.

There is an overland flow path along the southern boundary and flood storage occurring in Herbert St adjacent to the site and adjacent to the south-east corner of the site.

If the capacity of a flood storage area is significantly reduced, flood levels and depths or hazard in nearby areas may increase, leading to higher peak discharges downstream.

A substantial reduction in flood storage can also lead to a considerable redistribution of flood flows affecting downstream assets. Typically, intensification of land use or development in storage areas needs to consider the impacts of loss of storage through flood behaviour.

Impacts are minimised by the changes being storage neutral though safety should also be a consideration if someone was within this area. This demands assessment of the impacts regarding the development, including any changes to flood risk on-site or off-site to life and property and detail design solutions and operational procedures to mitigate flood risk as required.

Floor levels for the building need to comply with the requirements of Technical Standard 2. Of particular relevance:

- The ground floor level needs to be at a level of the 1%AEP flood level plus 500mm.
- All access points to the basement, including the vehicle access ramp, need to be at a level of the 1%AEP flood level plus 500mm or the PMF, whichever is higher.
- If the building includes any sensitive uses, which include childcare, aged care or health services, then access to the site in all storms, including the PMF, needs to be available.

In the vicinity of the proposed vehicle access to the site, in the 1%AEP storm event water depths in Herbert Street are in the range of 400-600mm, while in the PMF water depths exceed 1.5m. To protect the basement area, access should be above the PMF, which could require access to be up to 2m above the road level.

Helicopter flight path

As part of the completion of WLEP 2012 (Amendment No 34) Council was advised to introduce a new clause 6.6 with specific sites that were upzoned in the 2036 Plan to require consideration of hospital helicopter airspace at development application stage.

The TOD documentation states that the 62 storey will have no impact on helicopter airspace and DPHI has advised that consideration of the flight path was part of the masterplan. As the sites identified in Clause 6.6 are much lower in height it is requested that DPHI review the lots identified against the study to confirm if the control need to be retained. Should the work undertaken as part of the masterplan confirm the height controls in the precinct do not impact the flight path, Clause 6.6 should be removed, to reduce the unnecessary burden on the development application process.

Waste provision

The comments below are specific to 4B Herbert Street, and should be included in the site specific Design Guide. However, the general principles are also applicable to the Crows Nest TOD area.

Willoughby Council has formally adopted the Waste Management Technical Guide and development controls by North Sydney Regional Organisation of Councils for multi-dwelling housing, residential flat buildings and mixed-use developments. The technical guide provides comprehensive information to achieve best practice design and construction of waste management and recycling systems.

The development controls provide specific requirements for internal waste storage facilities, individual bin storage areas, communal bin storage areas, bin carting routes, and access for collection vehicles.

All major residential developments are required to comply with the technical guide and the specific controls for multi dwelling housing, residential flat buildings, and mixed-use buildings. This has been adopted because it provides consistency with Council's requirements and standards, many of which are needed to accommodate Council's collection and processing contacts and waste collection policies and procedures.

Waste management is an essential consideration in the planning controls and design at the future 4B Herbert Street development. For best practice, waste management systems meet long-term sustainability and best practice when the following principles are considered:

- Accessible processes to promote waste avoidance, waste minimisation, waste separation and resource recovery;
- Flexibility in design to allow for future changes in waste management systems (e.g., but not limited to the future introduction of a FOGO service and other recycling options over the lifespan of a building); and
- Innovative waste management facilities that complement the waste collection and management services offered by Council for residential waste (bins and bulky waste) and private contractors (where applicable).

Further detail is provided below.

Waste collection

The development and surrounding areas should be able to accommodate Council's waste collection HRV (10.5m long). Loading and unloading, involving waste vehicles, has been addressed above.

Bin storage areas

Residential bin storage areas should be large enough for the required number of bins and carefully designed to ensure bin carting routes (if applicable) are practical and safe, particularly recognising the large number of bins required by a development with 448 units. If the bins need to be carted between floors, a back-of-house lift would be required.

The proposal should include a lower ground floor bin room and separate bulky waste room within 2-10m of the loading dock on the lower ground floor. This will minimise bin and bulky waste handling for caretakers, whilst also ensuring that Council contractors are able to service residential waste bins.

Recycling chute and bulky cardboard disposal

Recycling chutes typically do not accept cardboard, particularly bulky cardboard, because it blocks the chutes and can be a fire and efficiency risk.

This means a recycling chute does not provide Council with an holistic recycling solution for all recyclables. A chute with no bin for oversized recyclables like bulky cardboard can lead to dumping on each level. Bulky cardboard comprises a large proportion of the recycling at MUDs in Council's area, approximately 60% of all recycling in a recent audit. The proposal should consider how residents will dispose of cardboard, particularly bulky cardboard.

It is important to note that Council does not require a recycling chute (although it is recognised as a valuable amenity) and NSROC (2018) states that “current best practice is to have a chute for garbage only” (Section 5.4, p. 48). If a recycling chute is considered, this could be proposed in conjunction with a 240L recycling bin for bulky cardboard waste on each residential level (or alternative, suitable bulky cardboard disposal option). The waste, recycling and FOGO disposal locations for residents (waste chutes or waste storage cupboards on each residential level) should be designed by considering FOGO disposal (see future point) and bulky cardboard waste disposal.

FOGO waste disposal for residents

The NSW EPA (2022), in the *NSW Waste and Sustainability Materials Strategy 2041 – Stage 1: 2021-2027*, will require the separate collection of food and garden organics from all NSW households by 2030. Although Council does not have a FOGO service currently, FO has been trialled and Council will be required to introduce a FOGO service in the future.

It is Council’s preference that there is a FOGO disposal option for residents that is in close proximity to the general waste and recycling disposal options. This would make waste separation and disposal convenient for all residents so they are able to drop-off all waste to one central point. Common suggestions, to require residents to travel to a basement level bin room to dispose of FOGO waste is not suitable. With the convenient disposal for general waste and recycling on each residential level, (e.g., through waste and recycling chutes), residents are unlikely to travel to a separate FOGO bin room to dispose of food organics. This would lead to food waste disposal in the waste or recycling chutes, leading to the loss of a large proportion of recoverable material and potentially high recycling bin contamination rates. This is not conducive to achieving Council’s improved resource recovery targets and increased diversion of organics waste from landfill (see the *Northern Sydney Regional Waste Strategy 2022* which has been adopted by Council).

To future-proof the development at 4B Herbert Street, the waste, recycling and FOGO disposal locations for residents (waste chutes or waste storage cupboards on each residential level) should be designed considering FOGO disposal and bulky cardboard waste disposal, as outlined in the previous point.

Bulky waste and charity waste

Residential bulky waste must be collected by Council’s waste collection HRV. The bulky waste presentation space, a room, should be of an approximate size and 2-10m from the loading bay to facilitate collection by Council’s contractor. The location of bulky waste storage should be carefully considered to reduce manual handling, particularly due to the typical size and weight of residential bulky waste.

It is Council’s preference for the development to provide a 6m² space for charity bins and other recycling, as required in NSROC 2018.

The site specific design guide should be updated in line with the above waste collection requirements.
--



Consultation with Council prior to construction

Council seeks to be consulted regarding potential impacts during the construction phase and various contentious issues such as regarding parking, safety and cycling/ walking connectivity.

It is requested that this be added to the site specific Design Guidelines for 4B Herbert Street.

From: [REDACTED] [Crows Nest Mailbox](#)
Cc: [DPIE PA Systems Productivity Policy Mailbox](#)
Subject: CM Record: FW: Webform submission from: Proposed pathway changes to support Transport Oriented Development
Date: Friday, 19 July 2024 10:16:18 AM
Attachments: [submission-for-royal-north-shore-hospital-planning.doc](#)

Hello St Leonards/Crows Nest TOD team

Just forwarding a submission we've received relating to the SL/CN TOD precinct. See submission below.

Regards

Joina

From: Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Thursday, 18 July 2024 7:44 PM
To: DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>
Cc: DPIE PA Systems Productivity Policy Mailbox
<SystemsProductivity.Policy@planning.nsw.gov.au>
Subject: Webform submission from: Proposed pathway changes to support Transport Oriented Development

Submitted on Thu, 18/07/2024 - 19:43

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

[REDACTED]

Last name

[REDACTED]

I would like my name and personal contact details to remain confidential

Yes

Info

Email

[REDACTED]

Suburb/Town & Postcode

St Leonards NSW 2065

Please provide your view on the project

I object to it

Submission file

[submission-for-royal-north-shore-hospital-planning.doc](#) (24 KB)

Submission

I object to the proposal that schools, serviced apartment or residential building will be built within the campus of Royal North Shore Hospital. It is because the population of St Leonards and Crows Nest will be increasing sharply as the land is rezoned and Crows Nest metro station is completed. There will be much higher demand for medical services and hospital beds from the locals. Any land within the campus should be reserved for medical and hospital services only.

Schools and residential buildings will bring much more traffic to Herbert Street which will hinder the access of ambulance and patients. There is also bus stop on the street. Herbert Street is an important road to connect St Leonards, Artamon and Chatswood. Obviously it is not a wise decision to slow down the traffic by introducing school zones or residential parking around the area.

I agree to the above statement

Yes

From: [REDACTED] [Crows Nest Mailbox](#)
Subject: CM Record: FW: Webform submission from: Proposed pathway changes to support Transport Oriented Development
Date: Monday, 5 August 2024 2:30:05 PM
Attachments: [submission.docx](#)

From: Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Sunday, August 4, 2024 7:28 PM
To: DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>
Cc: DPIE PA Systems Productivity Policy Mailbox
<SystemsProductivity.Policy@planning.nsw.gov.au>
Subject: Webform submission from: Proposed pathway changes to support Transport Oriented Development

Submitted on Sun, 04/08/2024 - 19:26

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Paul

Last name

Sheppard

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

St Leonards

Please provide your view on the project

I object to it

Submission file

[submission.docx](#) (7.85 KB)

Submission

Please find accompanying uploaded document

I agree to the above statement

Yes

Re: TOD Rezoning Proposal St. Leonards.

General Comments

There is no disputing the necessity of building more residences in the close proximity of rail and metro stations. The extent to which this is done, and the nature of new buildings' impact upon the community, is a matter in need of careful consideration and I ask you to address the following points:

- 1) The residents, existing and new, must enjoy the place. A village, not a ghetto. We don't want ugly buildings – pleasing architecture is important.
- 2) Footpaths have to be generous in width and we can't have buildings directly bordering the footpaths. A decent setback and open spaces between structures are essential to creating a community feeling. Public transport is central to this development, so if it is to succeed, we must give the highest priority to pedestrians and their needs.
- 3) High buildings create high winds between them. A whole row of high buildings increases the probability of hazardous, if not dangerous, conditions on the Pacific Highway and surrounds. I foresee cyclists being blown off their bikes, mothers with prams feeling very unsafe, and the general populace feeling this is not a nice place to be. There is no point maximising the use of available land if people don't want to be there.
- 4) The proposal allows for as many as 30,000 new residents. But we don't have schools or hospital space to accommodate them. A new school, or schools, cannot be avoided and Royal North Shore is currently at capacity. A further 4 wards, at least, would be required to service the influx. I suggest those could be housed in the main building if the outpatients department is moved out (to a more convenient location).

The 62 Storey Tower Block

The 4B Herbert Street tower block is a very bad idea and for a number of reasons:

- 1) From an aesthetic point of view, the height is far too high compared to the surrounding buildings. 62 stories does not sit well between the 12 storey and 25 storey neighbours. Particularly given the small footprint, it would be an absolute eyesore.
- 2) The building would be a hazard for helicopters landing and taking off from the hospital helipad just 80 metres to the north. Not only does it badly restrict approach path possibilities, but it would at times create unwelcome wind vortices at the most critical moments of landing and take off.
- 3) A tall building on a small footprint cannot accommodate sufficient parking spaces. I understand the hope is that the occupants would use public transport and not see the need to own a vehicle, but that is a forlorn hope. The residents and their visitors will still have cars and will simply park in the surrounding area. That is, the hospital parking and the railway station parking! Parking in and around Herbert Street is already at a premium. A further 488 residences without a suitable car park would result in bedlam.
- 4) This proposed building very effectively blocks the views for the residents of the Forum West apartment block. Their loss of amenity is devastatingly severe. The new block would be very close and more than twice as high. Thus privacy and natural light are lost too.

- 5) The land could be better used by the hospital. The close proximity to the railway station provides an ideal location for an outpatients department. The walking wounded could have a level, 100 metre walk, under cover, from the Forum Plaza to the department. I say let the hospital expand into this area with a low/mid rise building then everybody is better served.



Subject:

[Redacted] [Crows Nest Mailbox](#)

Date:

CM Record: Re: FW: Development objection: 378-398 Pacific Highway, Crows Nest
Saturday, 3 August 2024 11:53:13 AM

Attachments:

[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[378-398 Pacific Hwy, Crows Nest Objection.pdf](#)

Dear [Redacted]

Please find attached the letter I sent to Urbis in regard to their proposed development at 378-398 Pacific Hwy, Crows Nest.

Kind regards

[Redacted]

On Fri, Aug 2, 2024 at 4:04 PM DPIE PDPS St Leonards Crows Nest Mailbox <stleonards.crowsnest@dpi.e.nsw.gov.au> wrote:

Hi [Redacted]

Your submission has not come through. Can you please try to submit it again to ensure it is received by the right people in Department of Planning, Housing and Infrastructure?

Thank you

Kind regards

[Redacted]

Policy Officer

Housing Program

Department of Planning, Housing and Infrastructure

E: [Redacted]

4 Parramatta Square, 12 Darcy St, Parramatta, NSW 2150

Locked Bag 5022, PARRAMATTA NSW 2124

Date: 29 July, 2024

Developer: Freecity

Address: 378-398 Pacific Highway Crows Nest 2065

Dear Freecity

I would like to object to the proposal for **378-398 Pacific Hwy, Crows Nest**. My reasons are listed below.

I understood the area between St Leonards and Crows Nest was stated in the 2036 Plan as a 'transition zone' and not just an extension of the oversized high-rise towers dominating St Leonards. A 31-storey tower opposite the new Metro station is excessive and out of keeping with the area. I understand the need to increase housing in Sydney, particularly social and affordable housing, but it shouldn't be on this overblown scale.

The proposed building is not sympathetic to the existing buildings in terms of height. The tower building itself seems lacking in any design integrity or architectural merit and is dramatically out of scale to the site.

How can a building that is 31-storeys 'blend' when the surrounding buildings are a maximum of three storeys? Perhaps if the building was a maximum of 10 storeys not 31 it could be considered as a 'transition' and not overwhelm the current buildings.

Proposing that the new building will have commercial and retail benefits is an assumption at best and not based on current trends in the area.

You promise high quality landscaping and design which integrates with the surrounding streetscape but planting a few trees along the edge of the highway will not achieve anything unless the building facade is sympathetically designed and both it and the trees/landscaping are set back from the road.

Properties to the south and west of the site will unfortunately experience some overshadowing but when you consider the whole area between Oxley and Shirley Road may become proliferated by more high-rise then the result will be cumulative.

You mention vehicle access will be via Hume Street which will mean even more traffic on Nicholson Street which is already being overused as a 'rat run' due to congestion on River Road, Shirley Road and the Pacific Highway. I imagine this will only get worse.

A number of very valid points were raised by Andrew Taylor in the *Sydney Morning Herald* on May 21 in an article titled 'Not really a big ask': How to fix Sydney's big problem with generic apartments' that resonate with the current high-rise trend occurring in the St Leonards/Crows Nest corridor.

He noted that 'busy traffic corridors such as Canterbury Road, Princes Highway and the Pacific Highway are lined with squat, repetitive residential complexes built close to the road that unsurprisingly have empty ground floor shopfronts'. This is quite evident along the Pacific Highway between St Leonards and Crows Nest where many retail spaces remain empty long after the buildings are completed.

Architect and former City of Sydney councillor Philip Thalys says residential buildings up to eight storeys should be built instead of “these clusters of towers across the metro skyline – totems of developers’ manipulation of planning and profits”.

I totally support the aim of increasing housing for all socio-economic groups in our area but not to this scale but not to the detriment of our suburb and the people currently living within it.

 Wollstonecraft NSW 2065

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Thursday, 29 August 2024 2:27:55 AM
Attachments: [crows-nest-tod-rezoning-proposal-submission.docx](#)

Submitted on Thu, 29/08/2024 - 02:23

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

██████

Last name

██████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

Wollstonecraft 2065

Please provide your view on the project

I object to it

Submission file

[crows-nest-tod-rezoning-proposal-submission.docx](#) (1.81 MB)

Submission

The Crows Nest TOD rezoning proposal can be Optimized by Rezoning an additional area “X” to high Density (from 12m to 29m) – on the Southern side of Nicolson Street between Hume Street and Lamont Street, Wollstonecraft – within 100-200m radius of Crows Nest Metro station – and by limiting high carbon footprint Residential Tower Development along the high traffic, high pollution Pacific Highway Corridor. Apartments in location X are in a more desirable location for quality sustainable housing compared to the Pacific Highway as they are not subject to high traffic noise and pollution along the Pacific Highway – so can enjoy fresh air rather than need energy intensive 24/7 air conditioning and triple glazed soundproof windows to block the traffic noise.

I agree to the above statement

Yes

The Crows Nest TOD rezoning proposal can be Optimized by Rezoning an additional area “X” to high Density (from 12m to 29m) – on the Southern side of Nicolson Street between Hume Street and Lamont Street, Wollstonecraft – within 100-200m radius of Crows Nest Metro station – and by limiting high carbon footprint Residential Tower Development along the high traffic, high pollution Pacific Highway Corridor. Apartments in location X are in a more desirable location for quality sustainable housing compared to the Pacific Highway as they are not subject to high traffic noise and pollution along the Pacific Highway – so can enjoy fresh air rather than need energy intensive 24/7 air conditioning and triple glazed soundproof windows to block the traffic noise.

- The immediate area surrounding the new Crows Nest Metro Station is an excellent location for quality higher density sustainable housing – as Crows Nest is centrally located in Sydney and a very desirable place to live, work, learn, dine and shop. The new Crows Nest Metro station has significantly improved the amenity of the location - as every 4 minutes you can hop on a fast Metro train and arrive in Victoria Cross in 2 minutes, Martin Place in 7 minutes or in Chatswood in 4 minutes.
- The Crows Nest TOD rezoning proposal can be optimised by rezoning the additional ‘Area X’ – shown in map below from 12m to 29m height – on the southern side of Nicholson Street between Hume and Lamont Streets – in a quiet location suitable for better apartment design , with more sustainable lower carbon footprint (compared to Towers along the Pacific Highway) and Area X is located only 100m to 200m radially from Crows Nest Metro



- Towers Along Pacific Highway corridor have High carbon Footprint and are in a Noisy Undesirable Location for Residential Development** The current Crows Nest TOD rezoning proposal is a failure in urban and sustainable environmental planning as it favours high energy, high carbon footprint, low quality of life, unhealthy tower developments concentrated adjacent to the incessant high traffic, high noise, high pollution Pacific Highway. It is difficult to sleep when located adjacent to busy traffic – so towers along the Pacific Highway would need to be at least double glazed and air

conditioned 24x7 to render residences tolerable for residential housing. High towers (15-60 stories) in a noisy location consume a lot more energy than more modest buildings (~9 stories) in a quiet location for air conditioning , additional energy for lifts , additional energy for operating water pumps to maintain water pressure to higher floor, and additional energy consumed during construction phase for extra concrete, steel and glass(e.g. triple glazing). If apartments overlooking the busy highway choose to sleep with their window open – they would be exposed to high traffic noise and automobile pollution (including carbon monoxide, sulphur dioxide, nitrous oxide) – which would lead to poor sleep and higher risk of mental illness, heart disease, lung cancer and dementia – which in turn leads to higher health cost for the Government. In contrast, if modest higher density housing at 29 m height was developed 100-200m south of Crows Nest metro (in Area X on southern side of Nicholson Street between Hume and Lamont streets) – it is a quiet location away from traffic noise so a much lower carbon footprint as people can open their windows for fresh air and not have to rely on 24x7 air conditioning to keep the traffic noise and pollution out – this in itself creates a much higher quality of life for residents as no one wants to live close to busy roads. With lower building heights it is possible to reduce carbon footprints due to reduction in building materials, reduced lift usage, adoption of double glazing and building insulation, reduced water pump usage but also provide solar panels on roof, EV charging and all electric apartments with efficient appliances - it would be much higher quality of life in Nicholson Street as residents could sit on their balconies and enjoy the quiet views and balcony gardens and enjoy the fresh air while sleeping with their windows open(rather than having air conditioning on to keep out traffic noise and pollution).

- **Canyon of Towers Along Pacific Highway Creates Noisy Wind Tunnel** The current rezoning plan will create a canyon of tall residential towers and amplify wind tunnel effect. It has become unbearably windy near the new towers constructed on the Pacific Highway in St Leonards included JQZ on Christie Street – especially in winter. In addition the canyon of towers amplifies and echoes the traffic noise between walls of the apartments on each side of the Pacific Highway – increasing traffic noise transmission and concentrating automobile pollution for all the residents living in this canyon of tall apartment blocks. It would be much wiser urban planning to limit development along the busy Pacific Highway to commercial buildings only with a height limit of say 6 stories. Then allow sensible 29m residential development just south of the metro on both north and south sides of Nicholson Street.
- **Illogical, Inconsistent and Unfair Planning** The Current proposal is extremely unfair to the residents on the southern side of Nicholson Street between Hume Street and Lamont street as the 35 story tower heights proposed along the Pacific Highway and the 9 story(29m) developments proposed for the north side of Nicholson Street will result in:
 - **Solar Access Lost** The 2 story (+ underground parking) apartments on the south side of Nicholson Street (which face north) will have ALL their winter sunlight blocked if 29m developments are constructed continuously on the north side of Nicholson Street (and taller towers along the Pacific Highway) The existing Crows Nest TOD proposal does not comply with the solar access requirements of SEPP 65. “Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter in the Sydney Metropolitan Area”. Habitable rooms and private open spaces should achieve sufficient solar access for the enjoyment of residents – it is cruel and unethical to steal existing solar access.
 - **Loss of Street Parking** New residents from the nearby apartment towers will compete for street parking along Nicholson and other nearby streets
 - **Increase Local traffic in Nicholson Street:** The new towers along the highway will increase traffic along Nicholson Street – this has already happened on Nicholson Street between Christie St and Oxley street, St Leonards where an over concentration of 25-40 story towers empties their car parks onto Nicholson Streets between 5pm and 7pm every week night – it takes about 15 minutes to exit via Nicholson Street and Oxley Street onto the Pacific Highway. DO not repeat this extremely poor planning by approving 15- 30 story towers

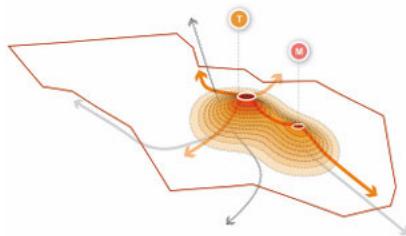
along the Pacific Highway between Hume Street and Shirley road – instead limit the developments to 6 stories(mostly commercial) only along the Pacific Highway with car parking entry/exit from the Pacific Highway – not Nicholson Lane.

- **Construction Noise** The residents on the south side of Nicholson Street will have to endure years of construction noise from adjacent developments but will receive no compensation.
- **Relative Devaluation** It is unfair that the neighbours on the southern side of Nicholson Street (height remains 12m) experience a relative devaluation of their properties due to loss of solar access, additional traffic, loss of street parking and years of construction noise - compared to the neighbours on the northern side of Nicholson street who experience capital gain due to their building heights being increased to 29m.
- **Not Economic to Rebuild when height limit is only 12m** The residents on the south side of Nicholson Street will not have the opportunity to sell out to escape the lost solar access, lack of street parking and construction noise as it is not economic to demolish a 2 story building (with parking level below) and increase by one floor level(as per current planning height of 12m) – the area needs to be rezoned to at least 29M(9 floors) for it to be economic to demolish and redevelop. It will never be possible to entice 75% of a Strata block to sell to a developer without the incentive for the developer to be able to demolish an older block and rebuild a new apartment block for a reasonable return on investment.
- **Precedent for higher density on Southern Side of Nicholson Street** The row of single story houses on the southern side of Nicholson St , bounded to the north by Oxley Street has been rezoned with a height increase to 23m in the Crows Nest TOD. This is less than a block from AREA X and sets a precedent that low and medium density housing on the southern side of Nicholson Street and within 200m of Crows Nest Metro should be rezoned to high density. It is not consistent and illogical that AREA X – half a block away and the same distance from Crows Nest Metro is ignored in the current Cows Nest TOD rezoning proposal.
- **Precedent for existing 8-11 story apartment blocks higher than 12m height limit – south of Crows Nest Metro** There are a number of existing taller apartment blocks in Wollstonecraft just south of Crows Nest Metro that have been previously approved by North Sydney Council which exceed the 12m height limit in this area. 42-44 Sinclair Street (9 stories), 4 Lamont Street(11 stories) , 112 Shirley Road(9 stories) and 10 Hume Street(8 stories) Wollstonecraft. These apartment blocks already set the precedent to allow higher density housing (i.e. increase height limit from 12m to 29m) within 400m of Crows Nest metro – south of the Pacific Highway.
- **Opportunity to replace older poorly maintained medium density residential buildings with quality sustainable high density apartments** - Older apartment blocks in Sydney (which often do not comply with the latest NCC building codes) struggle to raise sufficient levies to cover major maintenance such as building painting, replacing faulty windows, plumbing renewal, roof repairs and fire upgrades. 75% of unit Strata entitlement need to agree to a sale before a developer can buy out entire block for demolition and renewal. Without rezoning for higher density it is not economic for developers to buy/demolish/rebuild an old apartment block and the price offered will not provide sufficient motivation for 75% of owners to agree to sell. Hence Sydney is full of older poorly maintained apartment blocks which do not meet the current NCC requirements or the quality living needs of modern Australian families who wish to live near the city(e.g. 2 bathroom, 3 bedroom apartments with balconies), nor do they incorporate sustainable low energy design features . Older blocks use gas for hot water , cooking and heating , are not insulated or double glazed and do not have the switchboard and wiring rated sufficiently to support EV charging). Sydney needs to rezone near Transport nodes such as Crows Nest Metro station in order to increase the supply of quality, sustainable apartments to serve the increasing population of Sydney.
- **Why Maximise Profits for Developers building towers along Pacific Highway – when this noisy high traffic corridor is the worst Urban design location and highest carbon footprint Option** Why does the strip of rezoning for higher density towers along the Pacific Highway correspond to areas that have already been purchased by developers. It appears that the Crows Nest TOD planning proposal has been created to maximise the profit of developers who have been advocating for their

tower developments along the Pacific Highway and the opportunity to provide well designed , sustainable and better located(away from traffic noise) high density housing just south of the Pacific Highway has been ignored.

- **The High Density Rezoning should be located within 400m Radius of Crows Nest Metro – not along a narrow corridor extending 640m down the noisy polluted Pacific Highway to the Mater Hospital** The High Density rezoning should be centred at Crows Nest Metro and be measured radially away from station – say for 400m like the TOD proposal for 40 rail/metro stations around Sydney. It is illogical to extend the narrow canyon of poorly located towers 640 length ways along the noisy polluted Pacific Highway corridor to the Mater Hospital. It is much more logical and smart urban planning to allow sensible 29m height development on the quiet southern side of Nicholson Street between Hume and Lamont Streets which is located only 100m and 200m radially from Crows Nest Metro. The diagram above has a yellow radius of 200m centred at Crows Nest Metro.
- **Retain Crows Nest Village** I agree that Crows Nest restaurant/shopping village to the north of the Pacific Highway should be preserved as per the St Leonards and Crows Nest 2036 Final Plan – this area should not be developed with tall residential towers as it would destroy the village atmosphere of Crows Nest and cast shadows over the streets, cafes and parks
- **Transition Area Ignored in Crows Nest TOD** The St Leonards and Crows Nest 2036 Final Plan incorporates the centre and height transition from St Leonards and Crows Nest stations(excerpt diagram below) – with gradual transition in height away from tall towers at the two stations and along the highway – as a key Urban Design Principle – this principle in urban design has been ignored by not transitioning the height from tall towers on the Pacific Highway to medium height residential towers in Nicholson Street – less than 100 m south of the Pacific Highway. This is a failure as the NSW Department of Planning, Industry and Environment should allow 29m height on the southern side of Nicholson Street ‘Area X’ – in order to comply with their own approved St Leonards and Crows Nest 2036 Final Plan

Centre and Height Transition -
Height ‘Knuckle Area’



St Leonards is to be read as the predominant centre to reinforce its commercial role and Crows Nest as a secondary lifestyle destination. Large developments are to be located between the stations and transition in height, bulk and scale from the highway to the surrounding neighbourhood areas. The focus of height is referred to as the ‘knuckle area’ within St Leonards mixed use commercial core.

- **New Green Space** To create more green space for all the new TOD developments have the Councils and DPIE considered concentrating old gravestones on vertical walls and creating a park at Gore Hill memorial cemetery. The graves are mostly many generations old and no one seems to visit and

place flowers on the graves – so as long as the historical grave stones are preserved – this creates a nice green space.

- **Crows Nest Metro Pedestrian Tunnel Under Pacific Highway** It is extremely poor planning(this may be the responsibility of Sydney Metro) to not provide a safe pedestrian tunnel for the many commuters that need to cross from Crows Nest Metro station to the other side of the Pacific Highway –particularly as the TOD will increase apartment density on the southern side of the Pacific Highway and pedestrian tunnels are provided under the Pacific Highway at North Sydney and St Leonards stations. The director of Sydney Dance Company was killed in this location in 2007 when crossing the highway – see attached article. I am surprised that someone has not been killed since the Metro opened on 19/8/2024 as 3 sets of pedestrian lights are still not working (2 weeks later) at the Hume Street and Oxley Street crossings of the Pacific Highway opposite Crows Nest Metro and I have lots of people dodging 6 lanes of traffic – running across the highway in frustration. I understand a portal has been included in the design of the Crows Nest metro station for such a pedestrian tunnel.

For atonement for this poor planning – I recommend that the DPIE approve the pedestrian tunnel under the Pacific Highway to Crows Nest Metro– and make it a condition of consent for the TOD development across the highway to include stairs and a lift in their basement – for the pedestrian tunnel.

Sydney Dance Company director killed

Road Accidents and Incidents

Fri 17 Aug 2007



Tanja Liedtke was appointed as the artistic director in May (file photo). *(Ben Symons: Supplied)*

abc.net.au/news/sydney-dance-company-director-killed/642...



Share

The newly-appointed artistic director for the Sydney Dance Company was killed in an accident in northern Sydney.

Tanja Liedtke, 30, was hit by a garbage truck as she was crossing the Pacific Highway, near the Hume Street intersection, at Crows Nest.

The incident occurred around 2:00am AEST.

Resident - Wollstonecraft

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Thursday, 8 August 2024 4:45:59 PM
Attachments: [dphi-submission-08aug24_0.pdf](#)

Submitted on Thu, 08/08/2024 - 16:43

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

██████

Last name

██████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

Wollstonecraft 2065

Please provide your view on the project

I am just providing comments

Submission file

[dphi-submission-08aug24_0.pdf](#) (978.02 KB)

Submission

Please see uploaded file.

I agree to the above statement

Yes

[REDACTED]
[REDACTED]
Wollstonecraft NSW 2065
[REDACTED]
[REDACTED]

8 August 2024

Brendan Metcalfe

Director, State Rezoning

NSW DPHI

Dear Brendan,

I am writing with reference to the exhibited TOD documents. My wife and I are long term residents in the Crows Nest area. Our home is 110m from Crows Nest Metro entrance. I have been actively engaged with my neighbours since 2017 trying to move towards a collective sale for 8-24 Nicholson St. Our site was set aside in the 2036 Masterplan. However, we were confident that our site would be included in the rezoning under the new TOD program due to the location.

I was dismayed to note in the August 2024 TOD documents, whilst our site has been rezoned to R4 it has been allocated an FSR of just 1.6:1 & a height restriction of 23m.

The current market value of [REDACTED] I have been in contact with Colliers in regards to the proposed group sale for 8-24 Nicholson St and received advice that at FSR 1.6:1 I can only expect to realise approximately \$2.6m and further that this would be under standard developer contract conditions entailing a 12-24 month settlement. This makes no sense for me to sell as during the 2 years I wait for settlement it is very reasonable to assume the value of my home will increase due to the location near the metro, meaning I will be even further below the market.

This is not sound economics, I cannot sell my property at a loss.

¹ Source 04Aug24: www.property.com.au

If I cannot sell my property I am formally notifying the DPHI of my strong objection to the proposed developments on streets adjacent to the Nicholson St site, specifically those sites from the corner of Pacific Highway down Oxley St to Lithgow St. The Development Control Plans (DCP) North Sydney have regulations in regards to the permitted shadowing and I do not believe the proposed developments comply with those regulations.

This degradation to the solar access for my property is clearly shown in the August TOD documentation²:



Further as per the DPHI modelling shown above it seems the solar access is below the 2 hour control mark and this is relying on the Nicholson site redeveloped to attain even this basic below code solar level. As I have advised earlier in my submission I am unable to sell under proposed FSR 1.6:1 due to this resulting in a below current market sale development scenario. As such, if I am unable to sell,

² Source: Crows Nest Urban Design Report 12 July 2024 p64

and have to remain as a single story dwelling I cannot believe it is acceptable for the TOD program to bypass the North Sydney DCP regulations and remove the solar from my property.

However, I am very much wanting to work with the DPHI on this problem. I recognise the suburb I bought into many years ago and specifically this street I live in is rapidly changing. I acknowledge it is time for this small collection of single dwelling houses to be redeveloped. We are not heritage listed nor are we in a heritage conservation area. Our immediate neighbours are already existing high – mid-rise multi dwellings. I would like to move on & make way for more housing supply. I do not want to live in a shadowed construction zone when all the tall towers along Oxley St start demolition and construction.

The neighbouring property on my rear fence is already an existing 10 storey building. The property at the end of the site next to 8 Nicholson is also a high rise. The group site is already boxed in by existing high rise buildings. I believe raising the FSR & height allocated to the Nicholson site makes sense for the community and it will not be out of context given that existing properties to the south are already taller than the TOD proposed 6 storeys for our site in Nicholson Street.

Further to this point I am very concerned that the forthcoming LMR policy will mean the properties to the south of mine will be able access controls that are higher than those allocated to our property. The impact is that the height transition from the highway will not be as it should be as they will be able to build higher than our site. I strongly ask the DPHI to revisit the allocated FSR & height for the site 8-24 Nicholson St and move the controls upwards to accommodate the economics of this scarce land. Please bring the 8-24 Nicholson site into alignment with the existing surrounding buildings with respect to the LMR.

I would also ask that the Nicholson site be revisited within this feedback period and not held over for future consideration. Our site is ready to move to market, ready to contribute addition dwellings to the North Sydney Council target. The Intended Impact statements talk to making sure builds are started now to address housing shortages. Our site is already included in the number of dwellings that will be realised from this precinct. My concern is delays in uplift for our site may see ownership change and it is no easy task to move a group of owners to be ready to sign an MOU. We are already signed! We are ready! With some minor changes my hope is that the DPHI can make sure our site is not a lost opportunity for housing supply increase.

In summary, [REDACTED] have signed an MOU legally binding us to sell as a collective. We stand ready to move to market and allow this site to contribute to the housing targets. I respectfully ask the DPHI to consider a higher FSR & height to allow a fair development

offer for my home. I cannot sell under the current market value, that is not fair. Nor is it fair to allow multiple high rise towers to box in my home.

Thank you for considering my submission

Yours Sincerely,



From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Thursday, 29 August 2024 7:19:10 AM
Attachments: [curbishley_knight_crows-nest-tod-rezoning-submission.docx](#)

Submitted on Thu, 29/08/2024 - 07:18

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Jane

Last name

Curbishley

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

2065

Please provide your view on the project

I am just providing comments

Submission file

[curbishley_knight_crows-nest-tod-rezoning-submission.docx](#) (3 MB)

Submission

Please find attached a submission in support of the Crows Nest TOD rezoning proposal with comments and request for review.

I agree to the above statement

Yes

[REDACTED]
[REDACTED]
Wollstonecraft NSW 2065
[REDACTED]

Submission regarding the Crows Nest TOD rezoning proposal

Attention: [REDACTED]

Dear [REDACTED]

We submit the following in support of the Crows nest TOD rezoning proposal (Crows Nest TOD) with a request to further consider the area in which our property falls with regards to the points below.

May we first thank your team for the amount of work that has gone into the plan, the regular updates and community in-person sessions provided. We were grateful to have attended and have many of our questions heard.

We appreciate the Department's vision for the Crows Nest TOD and are in support of the Minns' government decision to implement such a plan and improve the housing availability in this area. In fact, the owners of numbers [REDACTED] Street are motivated to sell and are already in agreement (with a signed MOU) to sell our block of 3000sqm if we are able to obtain suitable interest. We have been working with town planners, real estates and lawyers since the development of the 2036 plan. We were disappointed not to be included in that plan and feel the proposed TOD plan has not given due consideration to our site.

Our current status:

- we are market ready
- motivated seller group with signed MOU
- sale of the 3000sqm site with 150m of Crows Nest Metro to a suitable developer within a few months
- housing to be built quickly
- this site would add 70-100 dwellings towards the North Sydney housing target
- keen to find a workable solution with DPHI for use of our site

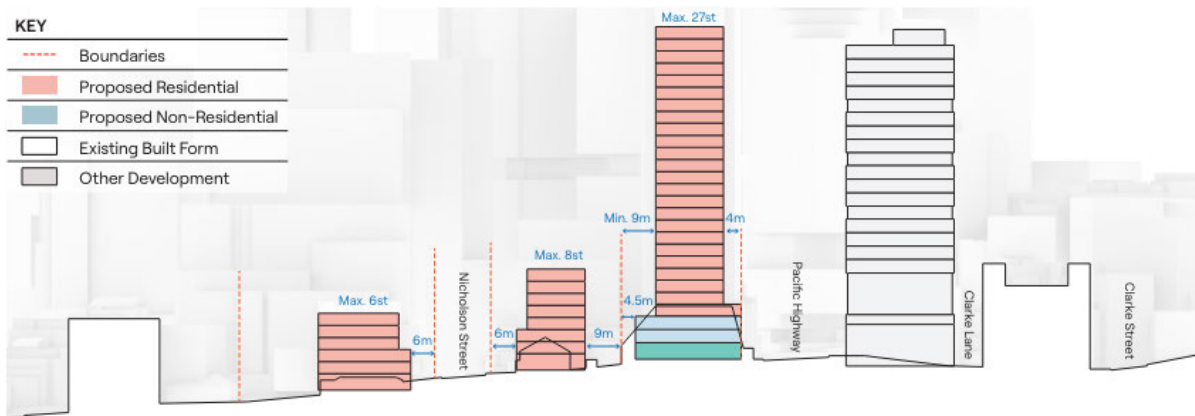
We are seeking a change to the Crows Nest TOD to increase the maximum height of the proposed building on our site to 10 storeys and an FSR of 3.10:1 in line with North Sydney Council advocating for a 1.5m setback on Hume street and 6m setback on Nicholson street.

We would like to raise the following points which we feel are counter to the department's proposed approach.



The red arrows on this map indicate the area within the Crows Nest TOD that we are affected by. You will note that it was not part of the St Leonards and Crows Nest 2036 plan despite a submission requesting rezoning made on behalf of ourselves and 8 of our neighbours back then. However, it has been included in the Crows Nest TOD and rezoned to R4 for which we are grateful.

We are located within 200m of the new Crows Nest Metro station and therefore ‘close to a transport hub and other essential amenities under the Transport Oriented Development (TOD) Program’ as prescribed by the Crows Nest TOD.



Our concerns are:

- **Land value**

Our site has been afforded a 1.6:1 FSRT with a minimum 10-15% affordable housing requirement which represents a lower land value than what we could currently expect if we were to sell our property. We would expect that any change made to planning controls would need to make economic sense.

We are concerned that this change will significantly impact the value of our home.

- **Maximum height (in Block 4 and 5 of the Crows Nest Urban Design Report)**

Our site has been rezoned R4 however it is a maximum of 6 stories with and FSR of 1.6:1
 The Crows Nest TOD has stipulated that part of the plan is to have height transition away from the stations. For us this would mean:

- the western edge of the Pacific hwy buildings will be maximum 30 storeys (378-390 Pac Hwy)
- buildings on the east side of Nicholson Street will be maximum 8 storeys
- our site would be maximum 6 storeys
- directly behind our house is 10 storeys
- to the northeast will be maximum 35 storeys (402-420 Pac Hwy see Block 5 of the Crows Nest Urban Design Report)
- to north will be maximum 40 storeys (448-456 Pac Hwy see Block 5 of the Crows Nest Urban Design Report)
- DA approved site on cnr Nicholson and Oxley Street St Leonards will be maximum 24 storey
- we already have a 4 storey building (4-6 Nicholson Street) to the south of us which due to the undulation of the topography appears more like 6 storeys (cnr Hume and Nicholson) and there is a 12 storey building further down Hume – all of which overlook this site.

- The concerns are the plan for our site does not:

- provide the height transition as per the rest of the plan with heights going from 35 to 10 to 6 and then back up to 10 (Christie Street) as evidenced by the figure in the North Sydney Council submission



Source: North Sydney Council

Existing higher built form, east of Nicholson Street

8-12 Nicholson Street

- will create a hollow like effect for the houses from 8-24 Nicholson Street
- will devalue our property for prospective development

- will devalue our individual property sale value
- as we are inside the Crows Nest TOD accelerated zone we are unable to apply for the forthcoming LMR (low medium rise infill) policy under which we could achieve 6 storey but could also apply for a 30% bonus achieving 8 storey with 15% affordable rental housing.

Can you please reconsider this and advise id this is an oversight by DPHI and, in particular the Urban Design Analysis regarding height transition?

Can you please advise why we have been allocated a 6 storey maximum when this will mean we are lower in height than the building at our back fence?

Can you please advise why when the review was announced it was portrayed that land within 1200m of the station would be prioritised and our site being between 120-200m from the new Crows nest Metro Station has been zoned 1.6:1. This does not make sense in light of other areas which are further from a train station (63 storey tower being proposed at Royal North Shore Hospital (RNSH)), which is more than 500m from the train station and sites along Chandos Street which are between 4:1 and 6:1 and are more than 800m from the St Leonards and Crows Nest metro stations.

The attached photos show the surrounding area as it is now and with proposed increases.





View from rear of [REDACTED] (21 Christie Street and 4-6 Nicholson Street)



View from front of [REDACTED]. Same building as in phot 2 from rear view



View from [redacted] looking to Pacific Hwy where new buildings will be as high as the crane.



View from front of [redacted]. Visible building on Pacific Hwy is 15 storeys which gives a good indication of how high new building will be (twice this height)

2nd photo shows height of building at 482 Pacific Hwy which is already 30+ storeys (this building can be seen through our skylights)



View looking down Nicholson Street down from Shirley Road.

- **Sunlight in our backyard**

The new construction along the highway will mean that we have far less sunshine in our backyard. The current plan is reliant on us being able to sell to a developer (with a maximum 6 storeys and 1.6:1 FSR) to negate the lack of backyard sunshine.

- The solar studies on page 64 of the Crows Nest Urban Design report shows the impact of the 2036 plan (less sunshine) but it is unclear how the residential Façade Tests in the Proposed and Proposed with incentives can be correct as it indicates we would have more solar with Proposed with incentives.

- The current plan is not in line with North Sydney Council DCP(Development Control Plan) regulations.

- [REDACTED] is highlighted by the circle in the below shadow plan in the North



Figure 4. Comparison of shadow impact of the 2036 Plan, Crows Nest TOD and affordable housing 'bonus provisions' at 10am midwinter (Source: NSC)

Sydney Council submission.

Can you please advise if the solar studies are correct and we would have more sunshine with the Proposed with incentives rather than the Proposed and how this will be managed considering the North Sydney Council DCP(Development Control Plan) regulations?

- **Stage 2 issue**

There has been mention that DPHI has been contacted by properties to our south eg 2 Strata's behind our site in Christie St + the big block bounded by River Rd, Christie, Lithgow & Oxley.

These sites to our south have expressed interest in being rezoned. However, unlike our site they did not get submissions lodged back in April & as such they are not in the TOD Master planning.

DPHI is now expressing interest in this area for the future - there is a risk our site could be put into that "future" category. But on the flip side if this scenario was to play out in the future it is a possibility that our site could get higher uplift via this route than what is currently under consideration.

However, there is no timeline for this future consideration & no further master planning events on the agenda. It could be similar to when the site was passed over in the 2036 master planning & then nothing happened for 5 years until this unexpected state led rezoning in response to the housing crisis.

Lane Cove Council Submission

Lane Cove Council have made a submission in which they have requested the re-opening of Nicholson Street at the end where Nicholson meets Oxley. We highly object to this being reopened. They have requested this due to the traffic as the only way to exit the following streets in St Leonards (Lane cove Council area) is via Oxley street: Nicholson, Lithgow, Oxley and Christie Streets. This situation appears to be created by poor planning on the part of Lane Cove Council.

Over the past few years we note that the only time of congestion is between 4:30 and 5:30pm and this could be assisted by having turning lights for cars going left and right onto the Pacific Highway and allowing specialised pedestrian crossing times. The impact of pedestrians is likely to increase now that the Crows Nest Metro station has opened.

In addition the aim of more public transport is to encourage its use and we feel opening Nicholson Street would defeat this and create a rat run.

We strongly object to the opening of our street to Oxley street.

In conclusion we would like to:

- confirm our support for the plan overall with some exceptions
- a review of the FSR for our site (8-24 Nicholson Street) to 3.10:1
- if a review of the FSR for our site to 3.10:1 is not possible removal from the Crows Nest TOD accelerated zone we are unable to apply for the forthcoming LMR (low medium rise infill) policy under which we could achieve 6 storey but could also apply for a 30% bonus achieving 8 storey with 15% affordable rental housing.

Please do not hesitate to contact us if you would like to discuss further.

Kind regards,

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Sunday, 25 August 2024 2:37:06 PM
Attachments: [crows-nest-precinct-zoning-feedback.docx](#)

Submitted on Sun, 25/08/2024 - 14:36

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

[REDACTED]

Last name

[REDACTED]

I would like my name and personal contact details to remain confidential

Yes

Info

Email

[REDACTED]

Suburb/Town & Postcode

Crows Nest NSW 2065

Please provide your view on the project

I object to it

Submission file

[crows-nest-precinct-zoning-feedback.docx](#) (15.65 KB)

Submission

25 August 2024

Dear Sir/Madam

I am submitting this letter in response to the feedback being obtained as part of the Crows Nest re-zoning proposal. As an owner of a property in the [REDACTED] Highway Crows Nest for more than a decade, I have invested heavily into the area and as such have some major concerns with aspects of the proposal, and I would like to share the following to be considered as part of your plans:

Create a reduction in the overall well being of owner/residents who are currently continuing to significantly invest in unanticipated remedial and rectification works on defects, water ingress, cladding upgrades that has required millions of dollars to remediate;

Present a significant reduction in light and introduce afternoon shading for west-facing units;

Will create a material loss of privacy for west-facing units in Panorama that will be directly facing into proposed new dwellings and for all eastern side of new developments dwellings;

Cause impediments to parking and access affecting Mater Hospital and the MIA, existing Sinclair street residents and guests;

Contribute to traffic congestion along Sinclair and from Bruce to Pacific Highway Northbound and from Rocklands Road to the Pacific Highway Northbound and Southbound;

Loss of maintaining the integrity of the skyline Panorama has offered visible from many areas;

Loss of retention of area specific appearance and heritage;

Lack of light and shading in all eastern facing units in new dwellings built on the sites in Bruce Street;

Impact on existing town services such as sewage, waste, water and electrical sub stations.

While we are in support of creating capacity in the area, my family and I do not support a proposal that plans to introduce such a significant height and volume of new properties such that it causes the above issues to existing residents and communities. I appreciate you taking this feedback onboard and in making the required changes to accommodate for existing residents. I can be contacted at wh_kim@hotmail.com

Yours sincerely



I agree to the above statement

Yes

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Friday, 23 August 2024 4:20:30 PM
Attachments: [pia-submission-tod-accelerated-precincts-final.pdf](#)

Submitted on Fri, 23/08/2024 - 16:19

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Landon

Last name

Brown

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

Surry Hills 2010

Please provide your view on the project

I am just providing comments

Submission file

[pia-submission-tod-accelerated-precincts-final.pdf](#) (718.17 KB)

Submission

Please find the Planning Institute of Australia (PIA) submission on the TOD accelerated precincts attached.

I agree to the above statement

Yes

████████████████████
Secretary
Department of Planning, Housing and Infrastructure

Dear ██████████

PIA Submission – TOD Accelerated Precincts

PIA is pleased to provide our submission on the draft rezoning proposals for the announced Transport Oriented Development (TOD) Accelerated Precincts ([link](#)). This submission addresses common concerns with all draft rezoning proposals rather than providing site-specific feedback.

Our separate submission on proposed pathway changes to support TOD can be read [here](#).

Overview

PIA supports the intensification of more diverse housing around centres that are highly accessible to public transport and offer good amenity. The potential TODs should be selected based spatial strategic planning priorities set out in a city plan. The housing targets, affordable housing goals, urban design opportunities and infrastructure needs should be resolved in precinct master plans. This would reduce risks in the development assessment phase and warrant consideration of streamlined approval pathways.

PIA commends the Government for its commitment to including affordable housing contributions in the TOD Program. The widespread adoption of affordable housing contributions in tandem with State-led rezonings is a welcome improvement on the previous piecemeal approach.

However, there are still significant improvements which could be made to embed consistency and streamline proposed arrangements for affordable housing. These relate primarily to the need for a consistent method for calculating contribution rates and clear guidance on how contributions should be managed and spent.

PIA's recommendations are as follows:

1. Publish a consistent methodology for determining contribution rates based on the level of uplift beyond existing controls (aka change in density). This would provide a level playing field for development that is clear to both proponents and assessment teams.
2. Provide an endorsed Affordable Housing Contribution Scheme (AHCS) template with common principles for determining and administering affordable housing contributions, building on the work already available through the [Resilient Sydney AHCS Project](#).
3. Provide a schedule for progressively increasing affordable housing contribution rates over time up to 15% to the extent of feasibility. This would ensure there is no doubt about what the fixed contribution is at any given time.

4. Provide further information on how contributions could be most efficiently managed, allocated and also supplemented to maximise the total yield of affordable housing.
5. Measure any 'net loss' of existing low-cost housing in TOD precincts and consider options to avoid displacement.

PIA engagement with the TOD Program

PIA have been closely engaged with the TOD Program throughout its development. In September 2023, we issued a [joint statement](#) with Shelter NSW in support of a "Station Precinct SEPP and enabling reforms", calling for an integrated package which:

"Streamlines development assessment where there is capacity near stations for growth or a commitment to build capacity by creating opportunities for inclusive renewal."

Since the announcement of the TOD Program, PIA have written submissions on the TOD SEPP and to the Inquiry into the Development of the TOD Program ([link](#)). These submissions have supported the intent of the TOD Program on the basis that it should be just one part of a broader city strategy.

Consistent themes of our advocacy have been:

- The need for integrated strategic planning,
- Better coordination between planning instruments, and
- Up-front arrangements for delivering affordable housing.

Review of proposed arrangements for affordable housing

Please note that PIA has not commented on the site-specific arrangements for housing delivery in individual TOD precincts.

Draft rezoning proposals are currently on exhibition for seven of eight accelerated precincts under the TOD Program. The proposals include ranges for affordable housing contributions in each of the precincts, with potential for between 2,835 and 6,190 affordable homes in perpetuity, depending on where contribution rates are selected from within the ranges available.

Precinct	Zoned capacity for additional housing	Affordable housing contribution range	Number of affordable homes
Hornsby	5000	5-10%	250-500
Macquarie Park	4622	10-15%	460-690
Kellyville & Bella Vista	20700	3-8%	620-1650
Bankstown	12500	3-10%	355-1250
Crows Nest	3255	10-15%	325-488
Homebush	16100	5-10%	805-1610
Bayside West	N/A	N/A	N/A

This has the potential to yield a significant amount of affordable housing across Sydney – but there are major risks that AHCSs will underperform due to:

- A lack of coherent parameters for determining contribution rates, and
- Detail on how contributions should be managed and spent.

By introducing ranges for affordable housing contributions without clear guidance for what rate to apply, a level of uncertainty is embedded which prevents applicants and assessment teams from establishing clear expectations prior to assessment. Setting these expectations as early and clearly as possible is crucial so that affordable housing contributions can be factored into land values without adding to development costs. Without a clear methodology for selecting a contribution rate, this may become an arbitrary and costly process, undermining both development feasibility and affordable housing outcomes.

The draft rezoning proposal also fails to account for the likely 'net loss' of low-cost housing which occurs as older housing stock is gradually replaced through the process of urban renewal. This has potential to displace low-moderate income rentals more than can be replaced via the AHCS. Net loss of affordable housing should be measured.

Ultimately, the ambiguity around contribution rates and implementation is likely to mean that only the minimum rates can be realised. This would be a missed opportunity to deliver affordable housing at a meaningful scale across Sydney, closer to the 15% anticipated following the release of the TOD Program in [December 2023](#).

PIA recommendations

The accelerated TOD precincts are a major opportunity to deliver affordable housing at scale in well-located areas across Sydney. With refinements to the proposed arrangements addressing the risks outlined above, an outcome can be secured much closer to what was [originally signalled](#) at the outset of the TOD Program.

Most importantly, this will require changes to embed consistency in the approach to calculating and administering contributions. Refinements should ensure that the final approach is simple, workable and consistent for both applicants and assessment teams at the coalface of the TOD Program.

PIA's recommendations are as follows:

1. Publish a consistent methodology for determining contribution rates based on the level of uplift beyond existing controls aka change in density. This would provide a level playing field for development that is clear to both proponents and assessment teams.
2. Provide an endorsed AHCS template with common principles for determining and administering affordable housing contributions, building on the work already available through the [Resilient Sydney AHCS Project](#).
3. Provide a schedule for progressively increasing affordable housing contribution rates over time up to 15% to the extent of feasibility. This would ensure there is no doubt about what the fixed contribution is at any given time.
4. Provide further information on how contributions could be most efficiently managed, allocated and also supplemented to maximise the total yield of affordable housing.
5. Measure any 'net loss' of existing low-cost housing in TOD precincts and consider options to avoid displacement.

Please contact PIA NSW at nsw@planning.org.au for further information on this submission.

Yours sincerely,



PIA National Policy Director

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Thursday, 29 August 2024 7:28:10 AM
Attachments: [crows-nest-tod-response.docx](#)

Submitted on Thu, 29/08/2024 - 07:26

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Jennifer

Last name

Sumsion

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

Wollstonecraft

Please provide your view on the project

I object to it

Submission file

[crows-nest-tod-response.docx](#) (17.55 KB)

Submission

Please see attached file

I agree to the above statement

Yes

Increasing the housing supply, including via an appropriate increase in density, is undoubtedly an urgent priority, and it is scandalous that successive governments have done so little over many years to utilise the full range of strategies available to them to address what has now become a housing crisis.

While some aspects of the Crows Nest ToD are to be welcomed – most notably for affordable housing allocations to now be in perpetuity rather than for the originally stated 15 years – many aspects seem highly likely to have major long-term adverse effects and require urgent rethinking.

I refer in particular to the:

- lack of consideration to the cumulative effect of significant increases in building heights along the Pacific Highway and in Nicholson and Sinclair streets over and beyond the 2036 Crows Nest-St Leonards Plan, especially in relation to over-shadowing and the quality of the ‘lived environment’
- lack of attention to the provision of necessary social and physical infrastructure to support the significant increase in population over and beyond the already substantial increase foreshadowed under the 2036 Plan
- the apparent platitudes concerning, as opposed to an evident commitment to adhering to, best practice urban design principles.

I have read and fully endorse the submissions by North Sydney Council and the Wollstonecraft Precinct that outline these and additional concerns in much more detail than I have the expertise or scope to elaborate upon here.

Some illustrations, though, of the serious shortcomings of the ToD as it currently stands:

- 1) The concentration of high towers along the Pacific Highway at St Leonards, particularly opposite the intersection of the Pacific Highway and Albany St has created a very unpleasant, unwelcoming and windswept environment with little direct sun. As can be seen from observing the movement of people through this area, it is not a place where people are inclined to linger. Indeed, because of the wind funnelling effects, it can be quite dangerous for elderly or otherwise infirm pedestrians, young children and for parents with strollers seeking to cross the Pacific Highway. The ToD seems highly likely to replicate this kind of space – the antithesis of good urban design.
- 2) The proposed tower on 4B Herbert St will largely overshadow the recently created ‘over the railway line’ park, a well-designed, much-needed, and heavily-used sunny public space, thus greatly undermining its benefits and contributions to community well-being.
- 3) The vague suggestion concerning the possibility of a pocket public park in Sinclair St ignores the fact that it would lack direct sun for most of the day therefore rendering it for the most part unappealing and largely useless.

As context, for the past 30+ years, I have lived in [REDACTED] in a typical 1970s-built unit, 3-storey, walk-up block. Although modest, it offers high quality medium density living, as do the numerous similar scale apartment blocks in the area. A few years ago, pre-retirement and with the intent of ‘ageing in place’, I undertook extensive renovations. I proceeded in good faith on the basis of the 2036 Plan, with careful consideration of what the height limits in the Plan would mean for sun access for my ground floor unit which has a North

Easterly orientation. Under the new height limits of the ToD, I will now lose almost all access to direct sunlight. However, my concerns about the ToD go beyond the level of personal loss.

To reiterate, I am extremely concerned about the cumulative adverse effects for the community and urge a rethinking and scaling back of the proposed intensification to find a better balance between the need to increase housing supply and density and ensuring a high quality urban environment.

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Thursday, 18 July 2024 1:02:43 PM
Attachments: [24-0553-request-for-comments-on---crows-nest-tod-rezoning-proposal.pdf](#)

Submitted on Thu, 18/07/2024 - 13:01

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

██████

Last name

██████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

Sydney

Please provide your view on the project

I am just providing comments

Submission file

[24-0553-request-for-comments-on---crows-nest-tod-rezoning-proposal.pdf](#) (129.77 KB)

Submission

Refer attached

I agree to the above statement

Yes

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Wednesday, 28 August 2024 8:51:36 AM
Attachments: [ccf_000250.pdf](#)

Submitted on Wed, 28/08/2024 - 08:45

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

█

Last name

█

I would like my name and personal contact details to remain confidential

Yes

Info

█

Suburb/Town & Postcode

,wollstonecraft 2065

Please provide your view on the project

I object to it

Submission file

[ccf_000250.pdf](#) (817.3 KB)

Submission

additionally, █ would look like an eye sore and stand out as an incompatible building which would compromised the surrounding structures and UNDO all the goodworks of this TOD.

the TOD is for NOW and NOT create headaches for future town planning

I agree to the above statement

Yes

As an owner of a unit at [REDACTED] I wish to make the following submission in relation to the Crows Nest TOD rezoning proposal.

The current proposal is flawed in its approach on two levels. The first is the proposed uplift in zoning particularly on 126 Shirley Rd Crows Nest provides no incentive for redevelopment of the site or those adjacent. The second is the masterplan as presented does not address lot consolidation and ground plane access which is vital for good development.

In relation to the above I provide the following information in relation to [REDACTED] Crows Nest and the financial feasibility of redeveloping the site:

- Current site area 530 sqm
- Current FSR 1.6:1
- Proposing 2:1
- Currently 12 units in block with a value of approximately \$1M each
- The rezoning provides for 1,060 sqm of new development. Discussions with developers working on other sites in the TOD indicate that the potential floorspace has a value of between \$5,000-\$7,000 psm of development. Leaving a current land value of between \$5.3M and \$7.5M. Significantly less than the current market value of the individual units of approximately \$12M.
- If 16 apartments were built following rezoning at a cost of \$10.4M (\$650,000 per unit construction costs) added together with just the current value of each unit at say a total of \$12M, plus a developers margin of 20% (\$4M), holding costs of 20% (\$2M) and the provision of affordable housing at say 10% (\$1.3M), the 14 available units for sale would need to sell for over \$2.2M which is not sustainable, would not be commercially viable and does nothing for affordable housing in Sydney.
- There is no heritage value in the current built form which was confirmed by North Sydney Council when they last undertook a review of their heritage register. As such there should be no limitations on height compared to other sites in the TOD.

In relation to basic planning principles, I make the following comments:

The plan

- Provides for no minimum lot size to ensure quality redevelopment i.e good setbacks, solar access and through site links etc
- Does not allow for future growth of Crows Nest. Similar issues occurred in areas such as Chatswood where height limits were put in place which are now irrelevant and have restricted the growth of Chatswood as these sites previously redeveloped are not able to be recycled due to their current values.
- Proposes 6 storeys with 1,060 sqm of FSR or 177sqm per floor which is a site coverage of 33%. This is underdevelopment of the site.
- The Affordable Housing provision means this site is further impeded as a redevelopment site. A substantial uplift is required to deliver the proposed 10-15% affordable housing provision.

The plan is flawed as it proposes growth opportunities which financially cannot be achieved. This is an ongoing issue with Councils and Government rezoning initiatives that do not factor in the current land value or value of the residences currently in place.

The following options should be considered in relation to [REDACTED] Crows Nest:

- Site consolidation to ensure minimum lot sizes of at least 1,000sqm or in the case of 126 Shirley Rd 2,000 sqm which would see the amalgamation of 3,5 and 5a Nicholson St with 124 and 126 Shirley Rd.
- Site consolidation would allow additional floorspace to be approved on the site and a higher building envelope.
- An FSR of 6:1 should be considered. Based on 126 Shirley Rd this would see the following scenario
 - 3,180 of FSR
 - 8-9 storeys recommended
 - Site coverage 67% which could be reduced at upper levels depending on the podium
 - Total costs \$60-68M
 - Price per unit \$1,528M
 - Provision of 5 affordable housing units (10%)

Additionally, more work is required on the fine grain/street level activation. Height should be embraced as it allows for much better planning outcomes on the ground plane. Recent master planning of St Leonards South has highlighted the need for better articulation of plans at the ground plan and the use of height across the whole area, not just consolidated around or close to the railway/metro station.

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Friday, 26 July 2024 3:38:28 PM
Attachments: [jam_0.docx](#)

Submitted on Fri, 26/07/2024 - 15:37

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

J

Last name

Chen

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

2065

Please provide your view on the project

I object to it

Submission file

[jam_0.docx](#) (185.77 KB)

Submission

Attached is the traffic condition at Chandos and Christie St. EVERY Morning and Evening, just look at the mess!

I live in [REDACTED] and I can't even get IN or Out of my building everyday during peak hour.

Unless you are going to solve the traffic issue, stuffing more people into this area is just going to make it worse. If you think there will be more people going to be happy living in this traffic condition and vote for you?! Think again!!

I agree to the above statement

Yes



From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Thursday, 29 August 2024 9:32:31 AM
Attachments: [document-\(3.docx\)](#)

Submitted on Thu, 29/08/2024 - 09:30

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Nicole

Last name

Burston

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

2065

Please provide your view on the project

I object to it

Submission file

[document-\(3.docx\)](#) (15.21 KB)

Submission

I object to the proposal

I agree to the above statement

Yes

1. Significant reduction in light and afternoon shade for west facing units in [REDACTED]
2. Lack of light and shading in all eastern facing [REDACTED] units caused by the new apartments to be built in Bruce St.
3. Loss of views in 51 of the west facing units in [REDACTED].
4. Lack of privacy for west facing units, which will face directly into the proposed new apartments
5. Increased pressure on utilities, including sewerage, water and electricity
6. Increase traffic congestion on an already congested area. Sinclair street is parallel to the Pacific Highway and increase development will increase traffic there.
7. Pedestrian risk - there are two schools and hospital near the development, and the Melanoma Institute is on Sinclair street. There are a lot of pedestrians in Sinclair street and Rocklands Road, and cars dropping patients and school students off. More traffic puts pedestrians at risk.
8. Increase noise and emissions from rooftop ventilation and heating equipment on the apartments, in a addition to the noise from the Mater and Melanoma Institute.
9. Loss of the historic skyline Panorama offers across Crows Nest.

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Sunday, 4 August 2024 7:38:07 PM
Attachments: [submission-for-lot-4b-st-leonards.pdf](#)

Submitted on Sun, 04/08/2024 - 19:36

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

██████████

Last name

██████████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

St Leonards 2065

Please provide your view on the project

I object to it

Submission file

[submission-for-lot-4b-st-leonards.pdf](#) (56.64 KB)

Submission

Please see attached document. Thank you.

I agree to the above statement

Yes

RE: TOD St Leonards

I am writing to express my strong objection to the proposed rezoning in St Leonards, and in particular Lot 4B Herbert Street, St Leonards. As a homeowner (Forum West) and a member of this community, I believe that this development would significantly impact my quality of life and the character of the neighbourhood.

- 1. Aesthetic Impact:** The tower block which is being proposed as 62 levels is **definitely** out of character for this area, especially on such a small block of land. It would obstruct the buildings views, casting shadows on the apartments and diminishing the natural light. It would disrupt the existing skyline and alter the visual appeal of the surroundings. There is also the RNSH Helipad to take into consideration. I feel it is too close and the noise would disrupt the residents.
- 2. Privacy Concerns:** The proximity of the tower block would invade my privacy. Increased foot traffic, noise, and potential overlooking into my living spaces would compromise my sense of security and living.
- 3. Traffic and Infrastructure Strain:** The additional residents and visitors associated with the proposed 62 level tower block would strain our local infrastructure. Roads, parking, and public services will become overwhelmed, affecting everyone in the vicinity. If the development is to go ahead the extra noise from construction and the extra heavy vehicles on Herbert Street would be indescribable.
- 4. Environmental Considerations:** The construction process itself would disrupt the ecosystem, potentially harming local wildlife and green spaces and all residents in the vicinity. I'm not sure that Lot 4B would withstand the deep digging for the foundations to hold such a tall building.

I kindly request that the planning department reconsider this proposal and take into account my concerns regarding the height and density of this proposed rezoning for Lot 4B Herbert Street.

Kind regards,

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Tuesday, 27 August 2024 8:40:07 AM
Attachments: [66-pacific-highway-tod-submission-\(final-attached-\(1.pdf](#)

Submitted on Tue, 27/08/2024 - 08:38

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

██████████

Last name

██████████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

2000

Please provide your view on the project

I object to it

Submission file

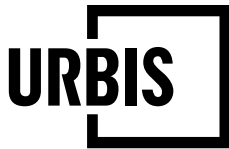
[66-pacific-highway-tod-submission-\(final-attached-\(1.pdf](#) (9.4 MB)

Submission

Please find submission for 66 Pacific Highway, St Leonard's attached.

I agree to the above statement

Yes



**ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000**

URBIS.COM.AU
Urbis Ltd
ABN 50 105 256 228

27 August 2024

Mr Brendan Metcalfe
Director, North District
Department of Planning, Housing and Infrastructure
Via Planning Portal

Dear Brendan,

CROWS NEST TOD REZONING PROPOSAL | 66 PACIFIC HIGHWAY, 1A BERRY ROAD, 1 & 3 BERRY ROAD | ST LEONARDS | LANDOWNER SUBMISSION

1. INTRODUCTION & OVERVIEW

This submission has been prepared on behalf of the landowner group in relation to the site encompassing the following continuous lots below:

- 66 Pacific Highway, St Leonards
- 1A Berry Road, St Leonards
- 1 Berry Road, St Leonards
- 3 Berry Road, St Leonards

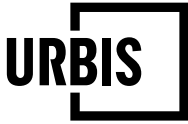
For simplicity we refer to the site as 66 Pacific Highway.

The landowner group welcomes the opportunity to provide a submission on the Crows Nest TOD Rezoning Proposal Explanation of Intended Effect (**EIE**) as part of the accelerated rezoning program under the TOD program.

The landowner group support the TOD program and the intent to deliver well-located housing in established town centre station precincts. The site has not been included within the TOD precinct with the underlying zoning, height and floor space controls remaining unchanged.

The purpose of providing this submission is to ensure that there is a clear understanding by the Department of Planning, Housing and Infrastructure (**Department**) of the status of planning and development of this unique site comprising multiple strata owners which our client has taken years to assemble to present a unique opportunity to act in a coordinated manner to unlock the site's potential and request formal consideration as part of the TOD density uplift study.

We strongly believe the site be incorporated into the area for change, as part of the finalisation. Such a move would then trigger the required reinvestment to develop a mixed use building that would create modern commercial/health service employment space with residential uses above.



This submission should be read in conjunction with the Design Study by **Studio.SC** provided at **Attachment A**.

The Analysis identifies that there is clear logic and rationale to include the site in the accelerated area for change and that the suggested building envelope achieves the objectives of the 2036 Plan and the draft TOD Design Guide.

Accordingly, we make the following recommendations:

- 1. Include site landholding in the Area for Change** - The final rezoning documents, including the Design Guide formally recognise this site as a “future investigation area” in the Design Guide to give the requisite status to facilitate future direct engagement between the landowner group, the Department and the Council to examine the site potential and facilitate a future rezoning proposal.
- 2. Establish new built form incentive controls** - Should the requested built form changes not be accommodated in the planned finalisation in November 2024, that the site and proposed controls be incorporated in a subsequent stage to enable a maximum building height of 23 storeys and FSR of 9.6:1.

These matters are further explored within this submission.

2. SITE & SURROUNDING CONTEXT

Key existing site features include:

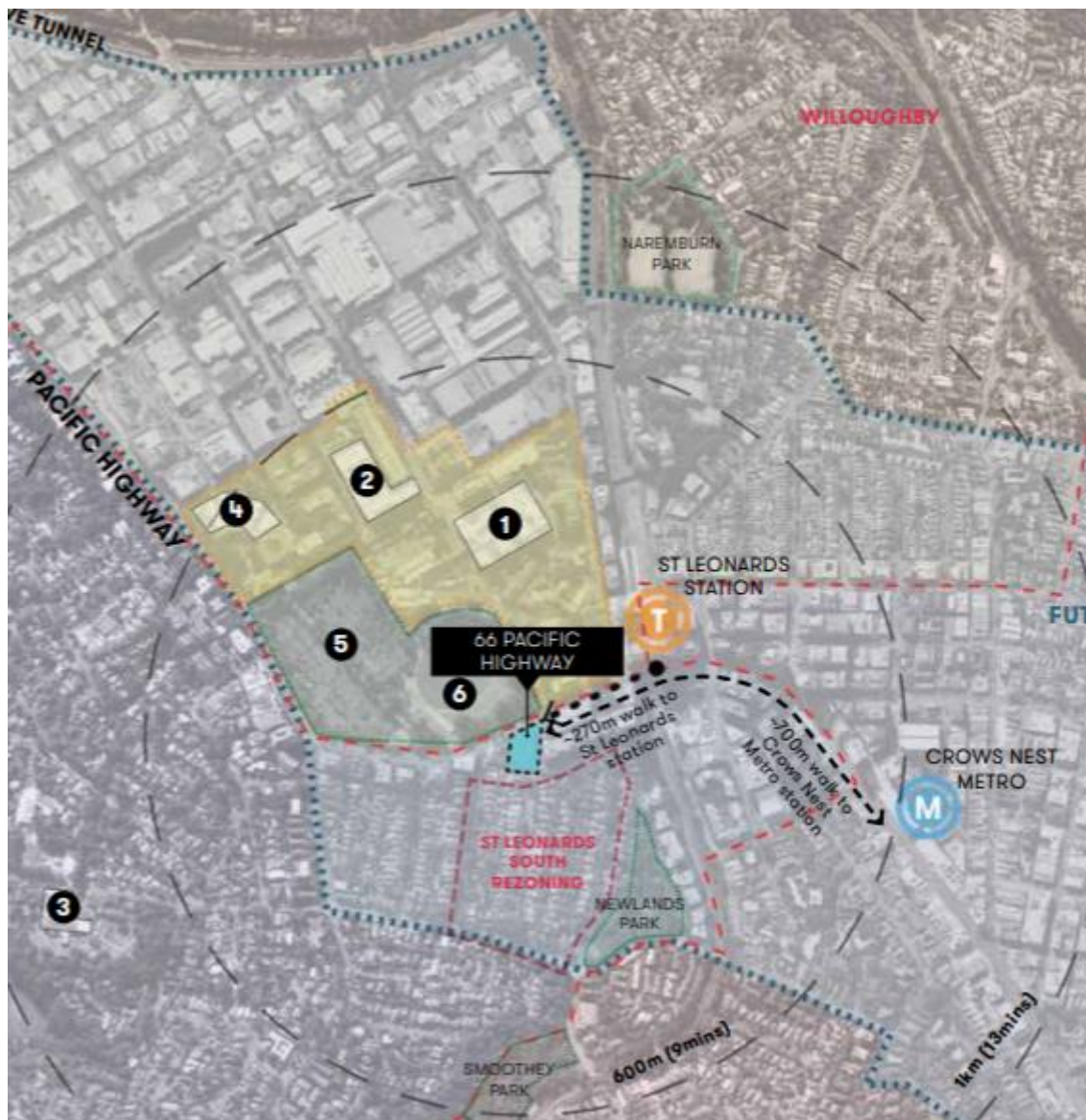
Element	The site
Site area	2,693sqm
Land parcels	4 x lots including 1 x strata titled lot (67 owners)
Heritage	Not heritage listed item and not located in a heritage conservation area.
Flooding	Not identified as flood prone
Bush fire	Not identified as bush fire prone land.
Land zoning	E2 Commercial Centre
Building height	Part 25m, 15m and 12m
Floor space ratio	Part 3:1, 2:1 and 1.2:1

The site is located in the Lane Cove local government area (LGA) and is subject to the *Lane Cove Local Environmental Plan 2009 (the LEP)*.

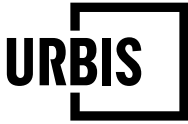
The site is located approximately 270m walking distance from St Leonards Train Station and 700m from the Crows Nest Metro Station.

The location of the site is illustrated in the following figure.

Figure 1 Site Location



Source: Studio.SC



3. ASSESSMENT OF DRAFT TOD REZONING

Of relevance to this submission, the Crows Nest rezoning proposal identifies:

- No changes to the controls applying to the site.
- The draft rezoning *area of change* primarily extends southward to Wollstonecraft with only a small extension western part of the precinct falling just shy of including the subject site.
- A large-scale new development on the hospital site is now in close proximity
- The adjacent site at 60 Pacific Highway to increase from 36m to 82m in building height

Furthermore, the draft rezoning has been based on core urban design principles which have guided the decision for change. We have considered the relevant principles in the below in the justification section.

We believe there is undeniable potential for this site to significantly contribute to the State government's objectives to increase housing supply whilst also facilitating a repurposing of the site to accommodate more contemporary flexible commercial/health service floorspace.

3.1. JUSTIFICATION FOR SITE INCLUSION

This section outlines five key reasons for the site to be included in the finalisation of the rezoning proposal.

3.1.1. Site-Specific Merit

The site has significant site-specific merit as follows:

- It is one of the largest Pacific Highway fronted properties within the precinct, with two street frontages, creating significant potential for redevelopment.
- The current buildings are now quite dilapidated. Requiring significant maintenance and no longer fit for purpose. The current LEP controls lack incentive for the site to be redeveloped. Without built form change, the site will persist as a detracting and degrading building in the centre.
- The St Leonards South precinct boundary adjoins the site, so the proposal 'completes' the area for change in the precinct creating a clear delineation from sites further west.
- Its highway location means increased density is consistent with the TOD principles of focus for change along the highway Corridor. Furthermore, its highway frontage enables easy walking to the train and metro stations and commercial areas, unlike St Leonards South on an acute slope.
- The site is unconstrained – its free from any heritage or conservation area listing and has no environmental constraints that would prevent the site accommodating increased density to facilitate redevelopment.
- As the site adjoins a residential precinct and the E2 zone already permits Build to Rent housing, so the proposed mixed commercial/residential concept is compatible with the existing and future land use context. A change of controls would strengthen the mixed use medical and health precinct that lies on the western part of the centre.

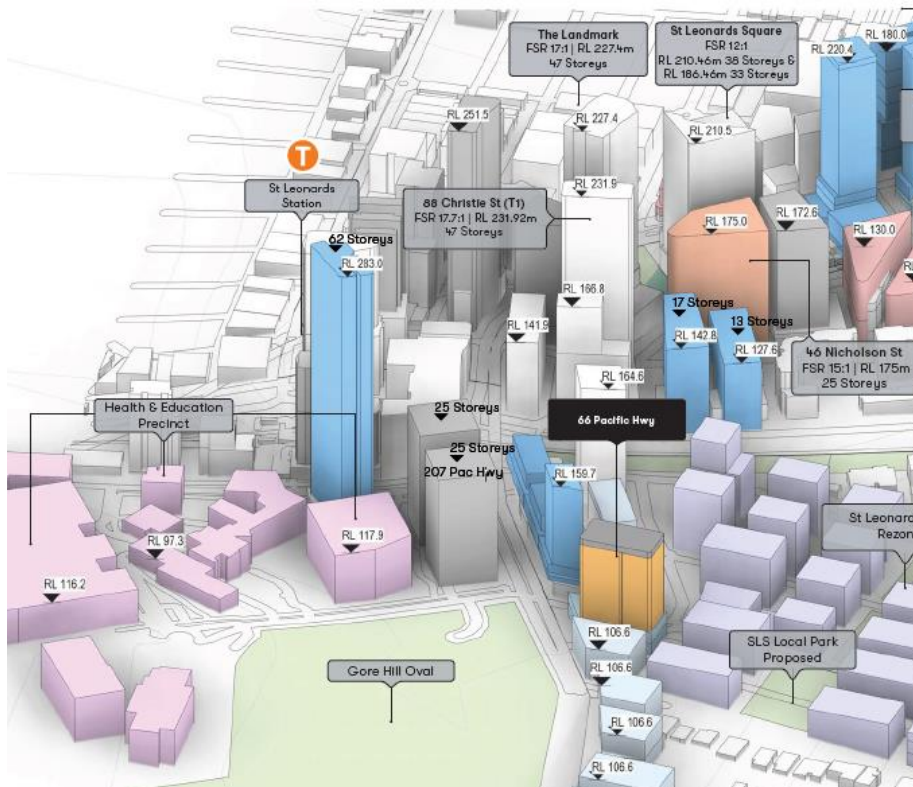
- Given the withdrawal of commercial floorspace from the precinct in recent years, the importance of providing relevant commercial space that compliments the RNSH precinct, is vital, and also provides amenity and retail offerings to the substantially increased residential population. Furthermore, the withdrawal of future health related development in the former Dexus Health Hub precinct only serves to reinforce the need for well-located specialist health related facilities to service the needs of the precinct, in a location that connects RNSH, the Mater, and other existing health facilities in the region.
- Finally, the site has to ability to contribute significant public benefit to dedicate a portion of the south part of the site to either provide a green pedestrian link or local road extension, either way, there is genuine ability to improve connectivity in the centre.

3.1.2. Redevelopment Potential

Studio.SC have examined the exhibited material and developed a concept that positively responds to the urban design principles to present a build form that will create a logical 'bookend' to the western edge of the centre, appropriately scaled to respond the local context.

The proposed envelope is identified in the planned future context in the figure below.

Figure 2 Future Context



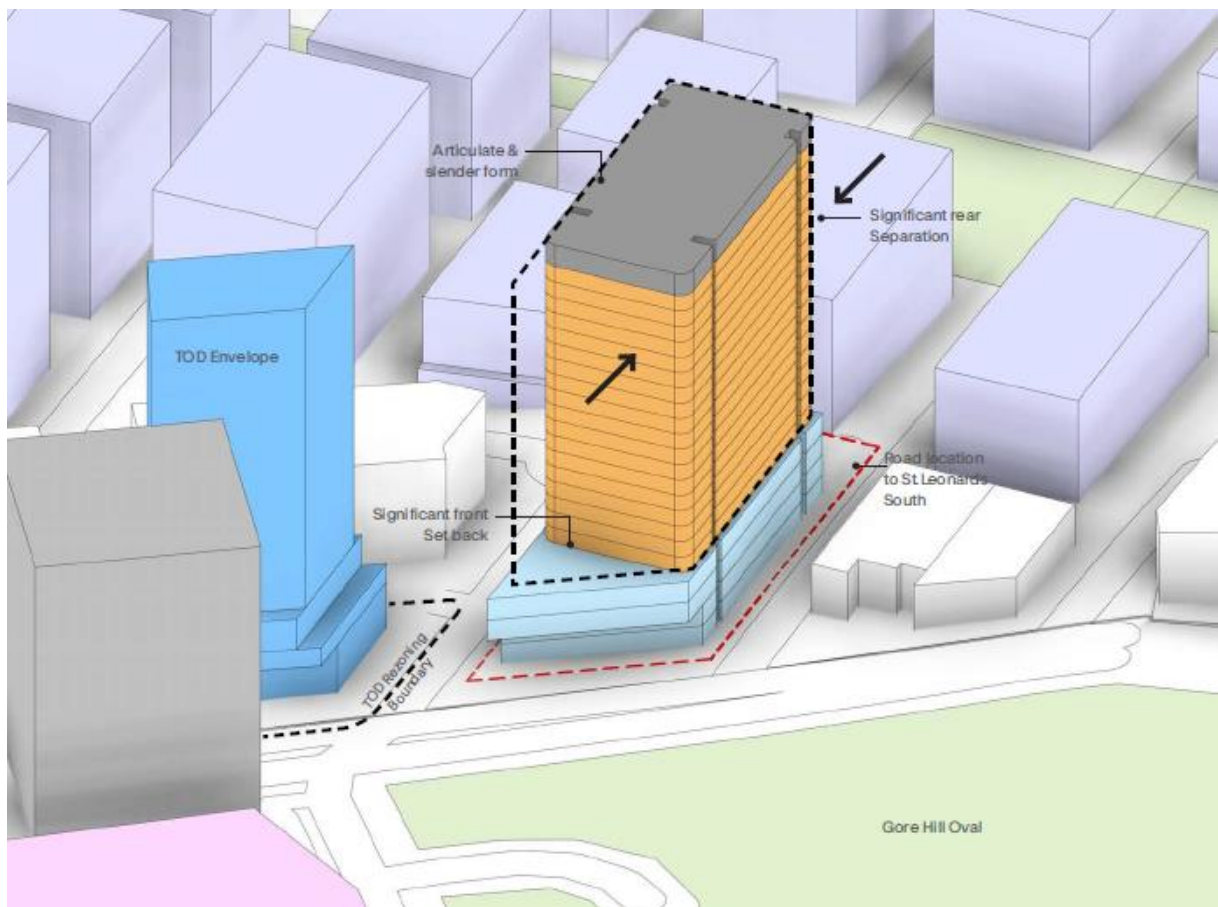
Source: Studio.SC

The resulting Concept Plan is summarised below

- Building Height – 23 storeys
- Total FSR: 9.6:1
- Non-Residential FSR: 2:1 (6,000sqm)
- Dwellings - Approximately 220
- 1,856sqm of communal open space
- 787sqm of publicly accessible open space (east-west through site link)

An extract of the masterplan is provided in the figure below.

Figure 2 Massing Articulation



Source: Studio.SC

The masterplan has been modelled having regard to the key TOD rezoning principles in respect of solar access.

The proposed 23-storey built form does not create additional overshadowing on St Leonards South Local Park and Newlands Park, as these areas are already impacted by TOD and 2036 Plan development shadows.

An extract from the Studio.SC report is provided below.

Figure 4 Solar Access Assessment



Source: Studio.SC

3.1.3. Public Benefit Opportunity

Having reviewed the St Leonards South Masterplan, it is evident that the adopted plan seeks to create a new road connection between Berry and Park Roads to improve traffic circulation and access to the southern end of Berry Road and Holdsworth Avenue.

The envisaged benefit of this future local road cannot be released without the subject site as it is the missing link to connect to Berry Road. So, the site under the current rezoning process creates a unique immediate opportunity to deliver the public benefit of improved connections.

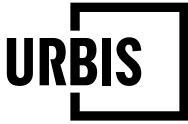
Figure 5 on the following page illustrates how simply the proposed part of the site could integrate with Council's plans, delivering approximately 600sqm of additional public land.

In the event that Council's position on the need for the road has shifted, then the area could simply be used as a green link, as shown in the figure below, proving a continuous link from existing residential areas to the west to the new Wadangari Park that sits over the railway corridor.

Figure 5 Public Benefit Offer



Source: Studio.SC



3.1.4. Satisfies the EIE Urban Design Principles

The Studio.SC concept plan has been prepared having close regard to the urban design principles of the rezoning and the design criteria of the Design Guide. The table below provides a summary assessment demonstrating undeniable consistency and thus readiness for the site to be included for future change.

EIE Urban Design Principle	Comment	Concept Plan Consistency
1. Proximity to stations	The site is located in close proximity to rail hubs including, St Leonards Train Station (270m) and Crows Nest Metro Station (700m). Aligning density and transport hubs is a key objective of the program that this site can deliver upon.	✓
2. Centre and height transition	<p>The proposed site density is suitable for the site and is consistent with the current emerging and planned future surrounding context.</p> <p>The building envelope comprising a 4 storey podium and a recessed 19 storey residential tower above achieves a transition of height both along the highway and down to St Leonards South, as per the principle.</p> <p>The building creates the obviously 'bookend' to the station precinct as it aligns with the St Leonards South urban renewal precinct boundary that abuts the site to the south.</p>	✓
3. Expand open space network and protect Amenity	<p>The Studio.SC Concept Plan offers a tangible public benefit in the form of dedicating land for either a future local road connection or green pedestrian corridor link, which would positively complement Lane Council Council's existing vision for improved connectivity in this part of the centre.</p> <p>This public benefit can only be offered in the event that the site is assigned density uplift to incentivise redevelopment.</p>	✓
4. Respond to Character Areas and transition between areas	<p>The concept plan provides a clear response to the surrounding existing and planned future character in terms of height, bulk and scale.</p> <p>The retention of a substantial commercial/health use component on the site will maintain the mixed employment/residential character that exists in the</p>	✓

	centre, striking a positive employment and housing supply balance.	
5. Fine grain approach	<p>The design study demonstrates how future development on the site can provide a fine grain response to the surrounding context.</p> <p>The provision of a low 'human scale' podium form to the street that aligns with the neighbouring TOD site at 60 Pacific Highway top reinforce the street scale character.</p> <p>Furthermore, the incorporation of a through-site link, and above podium tower setbacks will positively support the desired streetscape character of well-spaced tower buildings with simple podium and tower composition.</p>	✓
6. Maintain Willoughby Road	N/A	N/A
7. Reduce impact on heritage conservation areas	The site is not located within a heritage conservation area (HCA) and does not contain listed heritage items, and there are no HCA or heritage items in close proximity.	✓

4. SUMMARY & RECOMMENDATION

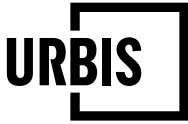
In consideration of the points outlined in **Section 3** above, and the site's consistency with the aims and desired outcomes of the TOD Program, inclusion of the site in the area for change to accommodate additional density for residential development are justified.

The site is strategically positioned as a logical western gateway to the precinct and is of a sufficient size to provide; employment housing, and genuine public benefit in the form of land dedication for local road or green corridor link.

To achieve alignment of the multiple landowners has been a long and complex process. This process represents the last opportunity to capitalise on the site's strategic potential to unlock greater community benefits from a mixed use redevelopment.

As demonstrated in the Studio.SC design study, the site can accommodate:

- **220 residential dwellings (approx.)**
- **6,000sqm of commercial/health related floor space**
- **600sqm of potential dedicated land for either local road or green pedestrian corridor**



We request the Department make the following changes:

1. **Include site landholding in the Area for Change** - The final rezoning documents, including the Design Guide formally recognise this site as a “future investigation area” in the Design Guide to give the requisite status to facilitate future direct engagement between the landowner group, the Department and the Council to examine the site potential and facilitate a future rezoning proposal.
2. **Establish new built form incentive controls** - Should the requested built form changes not be accommodated in the planned finalisation in November, that the site and proposed controls be incorporated in a subsequent stage to enable a maximum building height of 23 storeys and maximum FSR of 9.6:1, with minimum non-residential FSR of 2:1.

Given the site is currently not included in the area for change, and it involves multiple landowners, we’d welcome the opportunity for further discussion on this submission so as to help inform the landowner group about the future implications of policy change.

Kind regards,

[Redacted signature block]

[Redacted contact information]

URBIS

ATTACHMENT A

Design Study by Studio.SC

26.08.2024

Document
20240013-AR-SK100 Revision A

Project
66 Pacific Highway

Client
Kurraba

Studio.SC
Formerly Scott Carver

26.08.2024

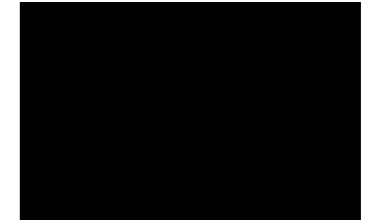
Document
20240013-AR-SK100 Revision A

Project
66 Pacific Highway

Client
Kurraba

Sydney
Level 1, One Chifley Square
Sydney NSW 2000 AUS
P. +61 2 9957 3988
E. hello@studiosc.com.au

Melbourne
Level 5, 447 Collins Street
Melbourne VIC 3000 AUS
P. +61 3 8584 1020
E. hello@studiosc.com.au



TOD Update

66 Pacific Highway St Leonards

Crows Nest Transit Oriented Development Scheme

Contents

Prepared For:

Kurraba

Prepared By:

Viswesh Warriar

NSW Registered Architect
visweshw@scottcarver.com.au

Reviewed By:

Thomas Hansen

Co-Managing Director
NSW Nominated Architect 9527
thomash@scottcarver.com.au
+61 412 519 413

StudioSC Pty Ltd

Level One,
One Chifley Square,
Sydney NSW 2000
+61 2 9957 3988

© StudioSC Pty Ltd

This document remains the property of StudioSC, unless otherwise agreed under contract. Reproduction of any part is not permitted without prior written permission. This document has been prepared in accordance with the agreement between StudioSC and the client. The document relies upon information supplied within the scope of the agreement. Any conclusions or recommendations only apply within the scope of the agreement and no greater reliance should be assumed or drawn by the Client. This document has been prepared solely for use by the client, and StudioSC accepts no responsibility for its use by other parties.

1.0 Introduction

Purpose & Summary	5
TOD Draft Controls Summary	6

2.0 Site Context

Contextual Analysis	8
Macro Context	9
Micro Context	10
Existing Site & Streetscape	11

3.0 Case for Change

Vision Statement	13
Extension of TOD Rezoning Boundary	14
Health Focused Hub	15
DCP Public Road Extension for Public Benefit	16

4.0 Massing Envelope

Mass Design Analysis	18
Proposed Built Form Massing Envelope Steps	19
Massing Envelope	24
Floor to Floor Heights	25
Massing Design Street Perspectives	26
Development Summary Schedule	27
Overshadow Analysis	28
Height Validation	29
Shadow Plans - Proposed	30
Sun-Eye Views	31

5.0 Appendix

Supporting information	33
Existing LEP Control Context	34
DCP Control Context	35
St Leonards and Crows Nest 2036 Plan Context	36
Strategic Context	37
Regional Context	38
District Context	39
Urban Context	40
Supporting Massing Analysis	41
Existing Built Form Context	42
Current & Future Built Form Context	43

Document History

Revision	Date	Remarks	Authorised
A	26.08.2024	For information	TH

1.0

Introduction

1.0

Introduction Purpose & Summary

The purpose of this report is to showcase a viable scheme that achieves the objective of the SLCN 2036 Plan and Crows Nest TOD Precinct Draft Controls.

1.1 Purpose & Summary

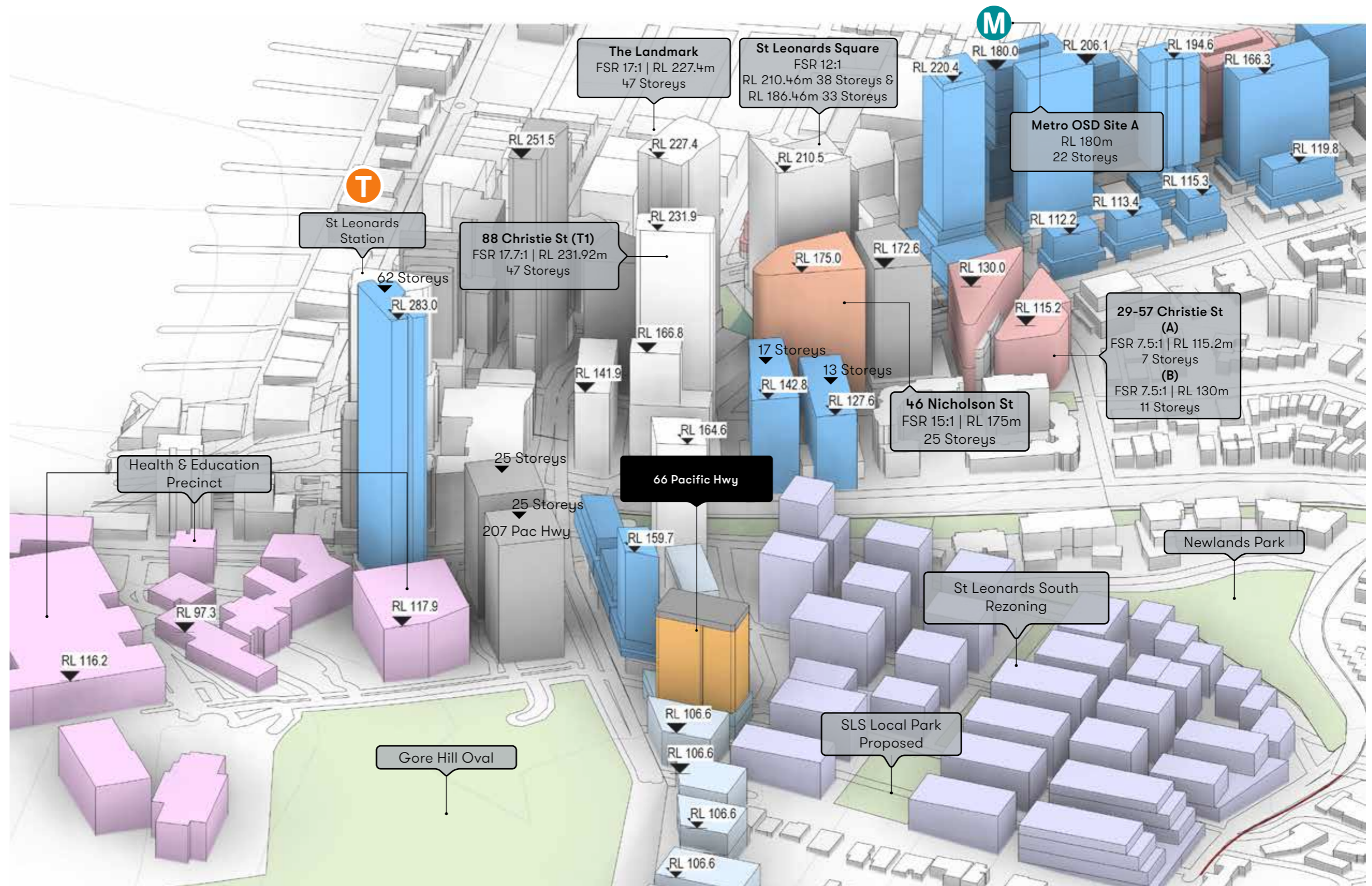
TOD Draft Controls Summary

The current and future built form context overlaying the current allowable controls, 2036 Plan, St Leonards South and TOD Rezoning. With future height for the site to be determined based on analysis and urban design study. It is likely that additional height will be proposed along the corridor in response to latest government incentives.

- Existing Built Form
- 2036 Plan Envelope
- Planning Proposal
- Development Application
- Recently Built / Under Construction
- St Leonards South Rezoning
- Health & Education Precinct
- Allowable Envelope (LEP)
- TOD Accelerated Rezoning

Note:
Some RLs depicted are subject to validation as they are **not** based on land-survey data.

Additionally, there are several other live planning proposals and schemes underway in the precinct that may not be captured in this diagram.



2.0

Site Context

2.0

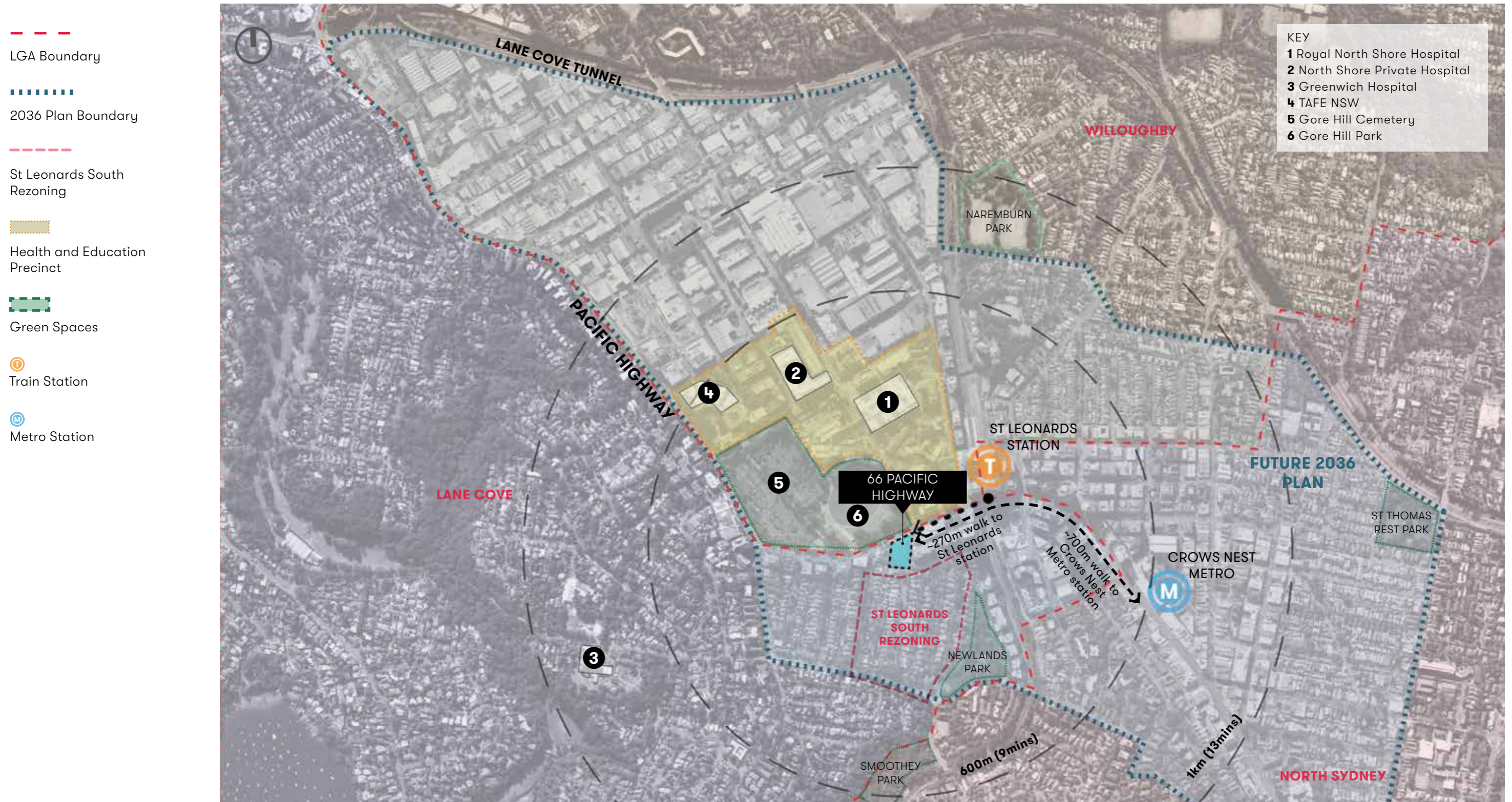
2.1

Site Context

Contextual Analysis

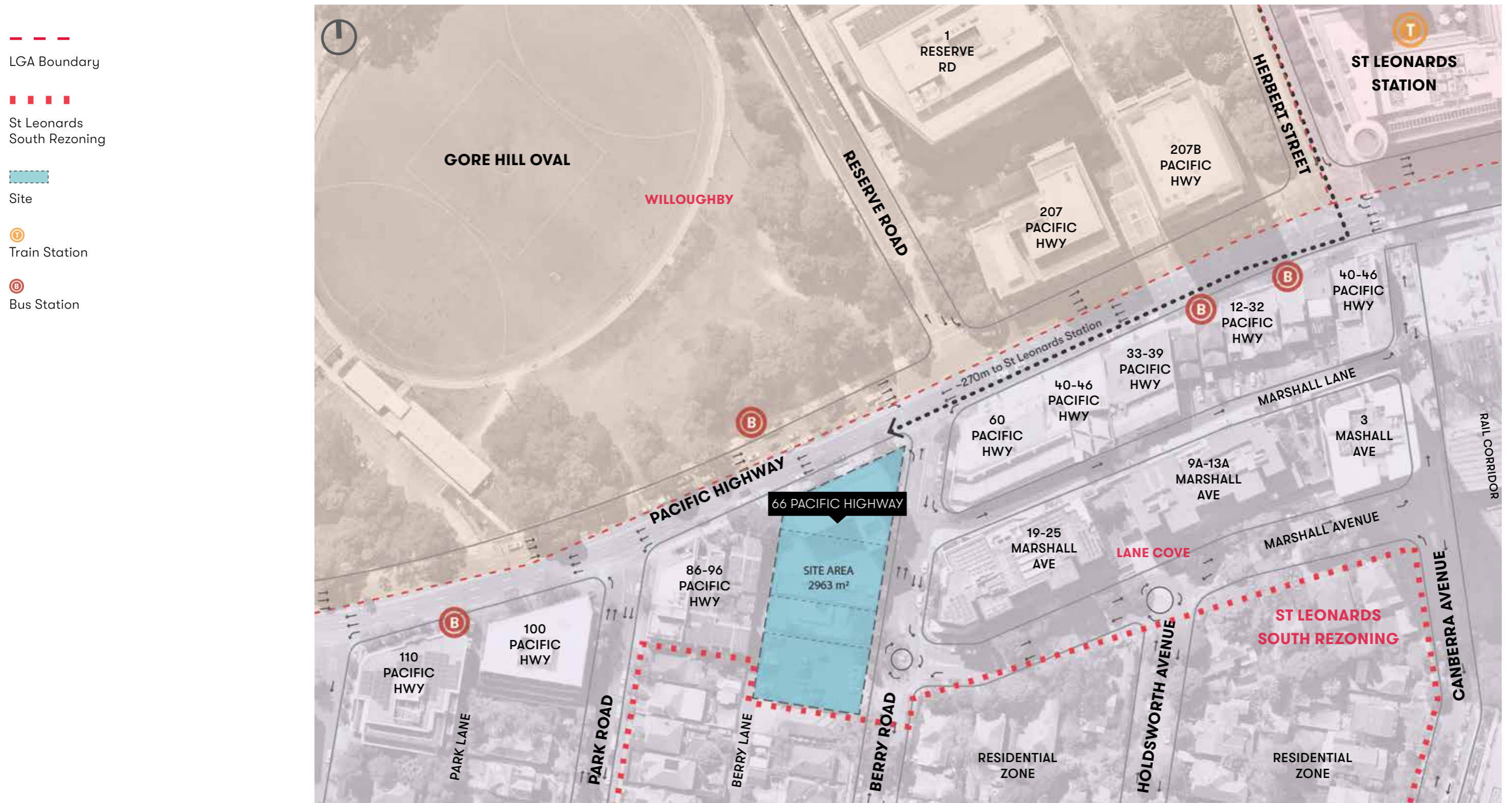
2.1 Contextual Analysis Macro Context

66 Pacific Highway presents a unique and genuine opportunity to bookend western edge the St Leonards & Crows Nest station precinct with an appropriately scaled built form that signals the arrival into the denser, mixed-use station zone of this vibrant, desirable and high-amenity area.



2.1 Contextual Analysis Micro Context

The site, comprised of several lots totalling ~2,963m², is highly accessible and triple fronted, facing Pacific Hwy to the North, Berry Rd to the East, and Berry Lane to the West. It is close to an abundance of public transport options, green space, local amenity offerings and major health precinct. It's Northern aspect provides great benefit for solar access.



Contextual Analysis Existing Site & Streetscape



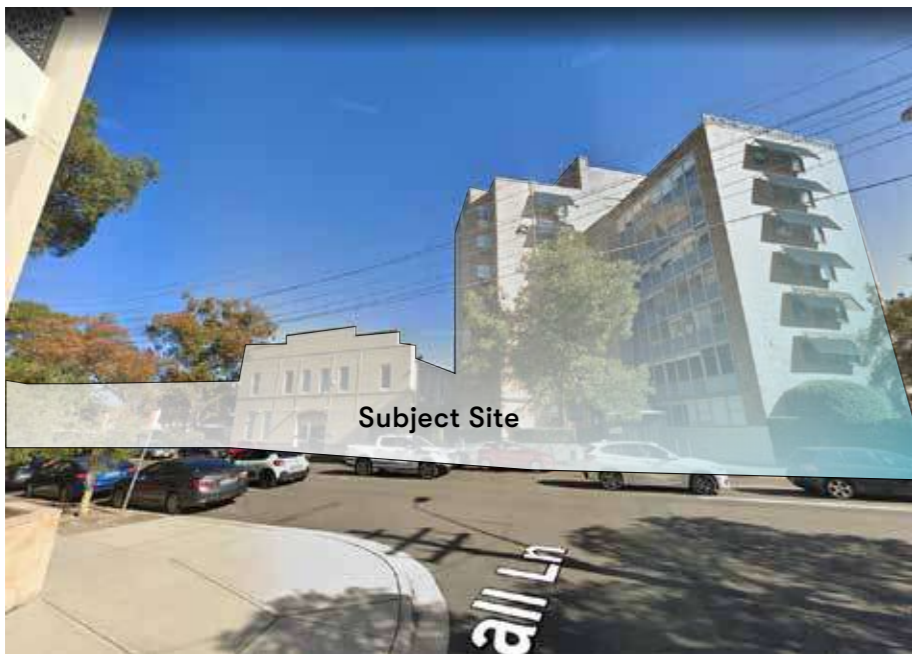
Pacific Highway View West



Corner Pacific Highway & Berry Lane



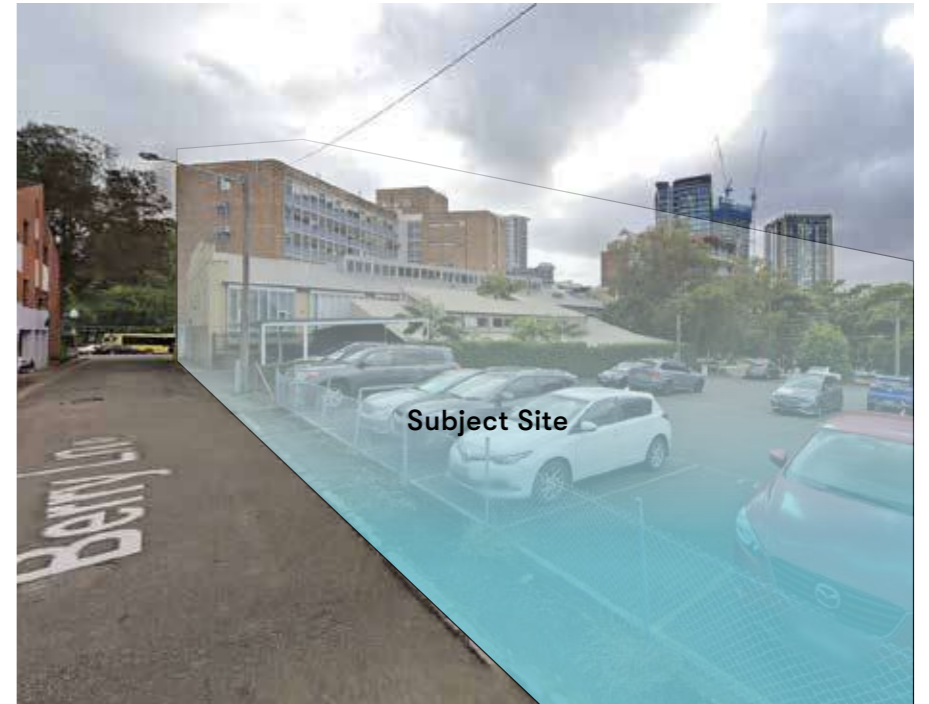
Pacific Highway View East



Berry Road View



Corner Pacific Highway & Berry Road



Berry Lane View

3.0

Case for Change

3.0

3.1

Case for Change Vision Statement

"66 Pacific Highway presents a unique and genuine opportunity to bookend western edge the St Leonards & Crows Nest station precinct with an appropriately scaled built form that signals the arrival into the denser, mixed-use station zone of this vibrant, desirable and high-amenity area.

It aims to bring together several recent state-led strategic initiatives to increase the supply of affordable key-worker housing in selected precincts, with the key merit based parameters of the St Leonards and Crows Nest 2036 Plan and Crows Nest Urban Design Report , resulting in a mixed-use offering that can meet the short and long term needs of the community."

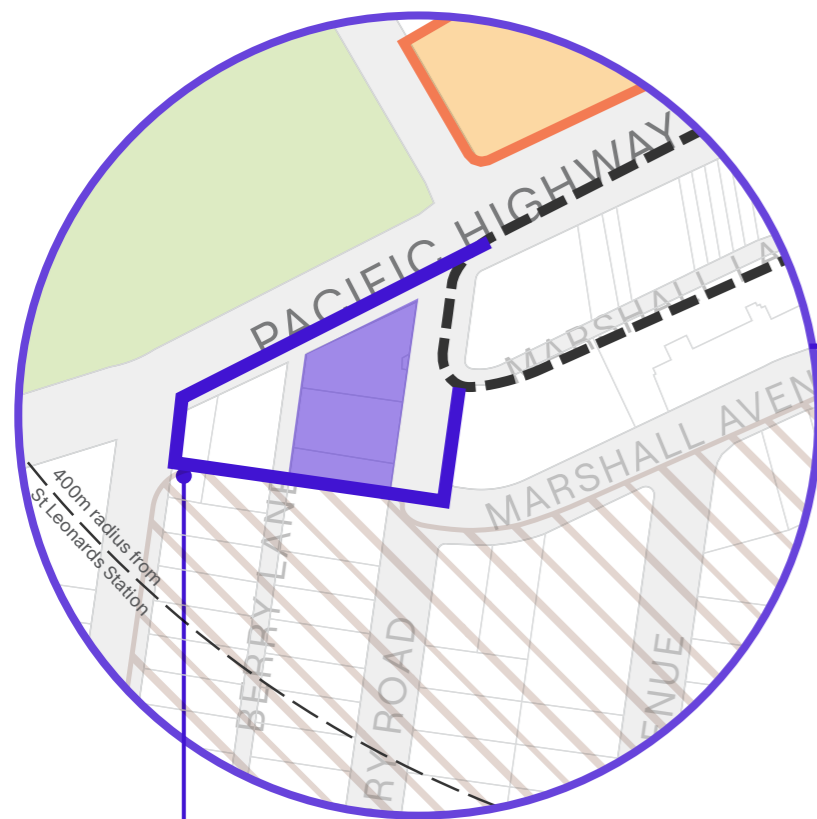
3.1 Case for Change

Extension of TOD Rezoning Boundary

In line with the Transport-Oriented Development vision to increase job opportunities and provide housing near public transport—particularly the new Crows Nest Metro and existing St Leonards Train Station—the subject site is ideally positioned for inclusion as part of the TOD Rezoning Boundary, supporting the expansion of this vision within the precinct.

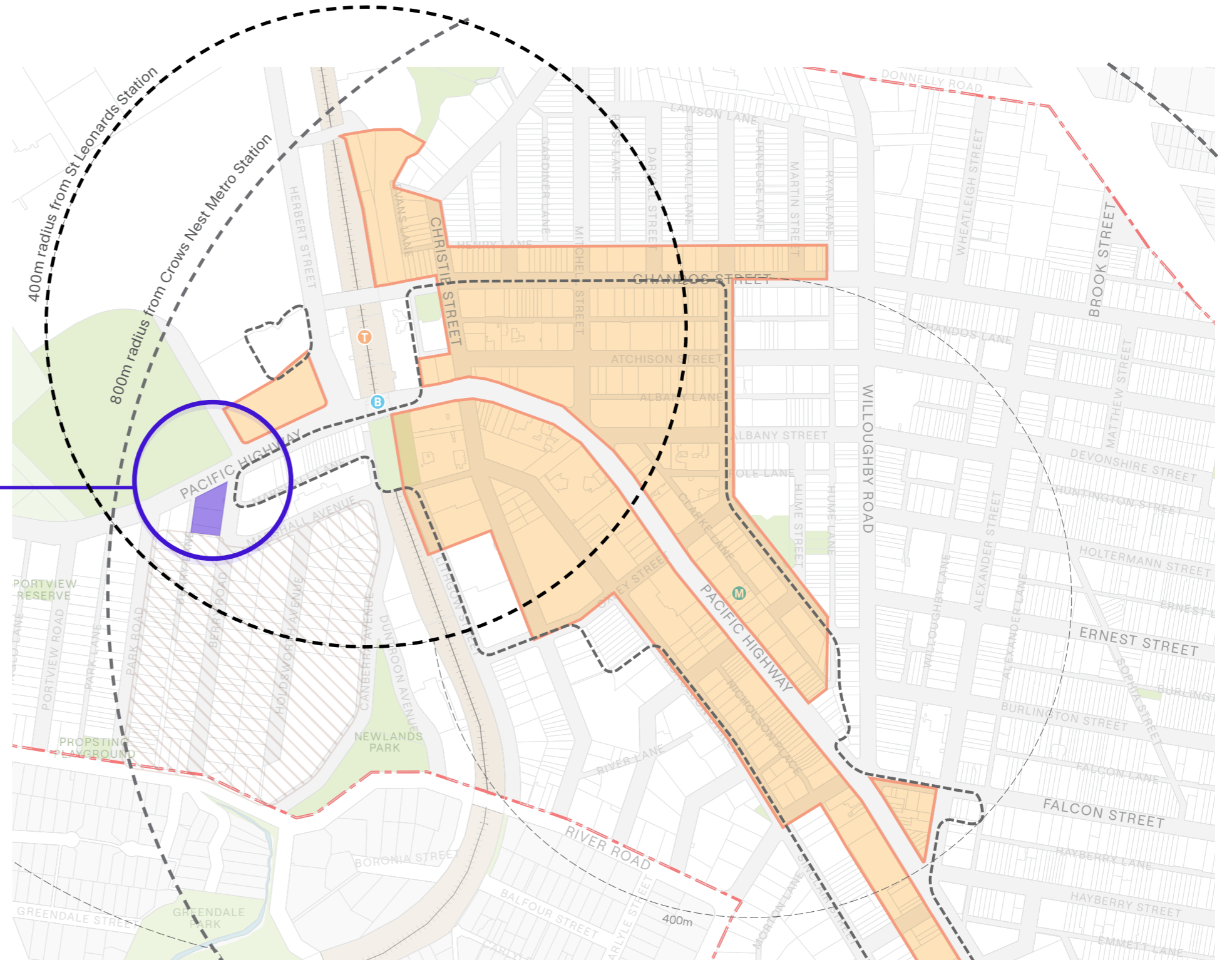
Key reasons for TOD Rezoning Extent

- Site is positioned between the TOD and St Leonards South Rezoning Area.
- Potential to extend the TOD Rezoning Area boundary to include the subject site to unlock further development opportunities.
- Site is located within the 400m radius of St Leonards Station and within a 800m radius from Crow Nest Metro station. This makes the site well positioned for inclusion in the TOD Rezoning area.
- Opportunities for public benefits and a health focused non-residential uses offering, such as medical suites and private hospital, providing seamless connection between the major northern health precinct and the southern suburban development along Pacific Highway,



TOD ACCELERATED REZONING BOUNDARY EXTENSION

KEY	
	Precinct Boundary
	St Leonards South
	TOD Accelerated Rezoning Area
	2036 Plan Area of Change



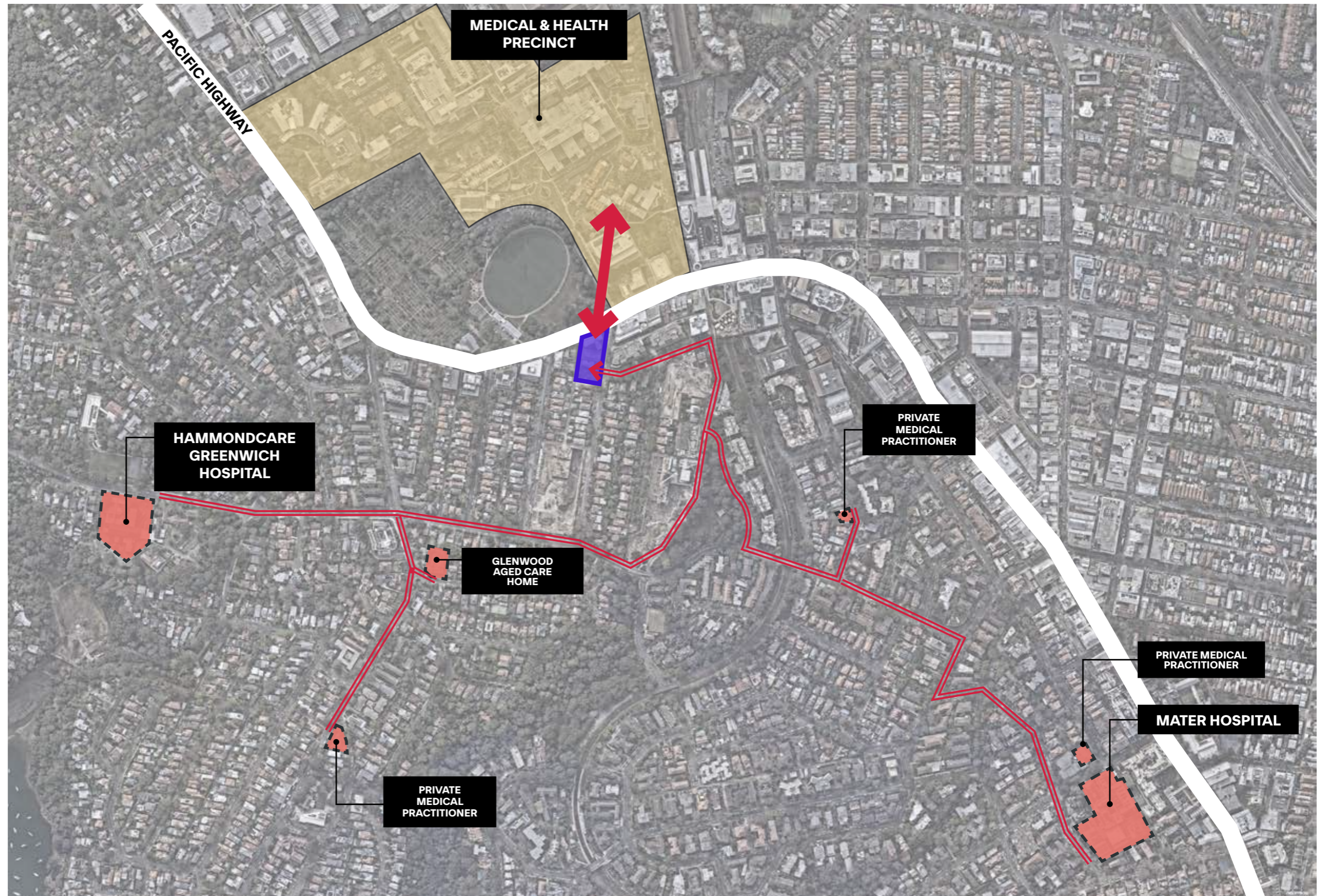
TOD Accelerated Rezoning Area extract from Crows Nest State-Led Rezoning Urban Design Report.

3.1 Case for Change Health Focused Hub

66 Pacific Hwy is well positioned to unlock the strategic ambitions of the local, precinct and state initiatives through the creation of a contextually considered health focused mixed-use precinct, underpinned by its high level of connectivity to surrounding amenity, its prime orientation and its transition point along the highway.

Creating a Central Hub for a Health Focused Mixed-Use

- Strategically positioned at the core of a health & medical focused mixed-use development with optimal North-South connectivity.
- A gateway along Pacific Highway with potential for expanding health focused non-residential developments with residential offerings.
- Centrally located to facilitate seamless integration of medical and health programs between major northern health precincts and suburban healthcare developments.
- The site aims to prioritize medical use on the non-residential floors, thereby improving connectivity to the medical centers located to the south of the site



- SUBJECT SITE
- MAJOR MEDICAL & HEALTH PRECINCT
- MEDICAL / HEALTH CARE DEVELOPMENT
- ➔ VEHICULAR PATH OF TRAVEL

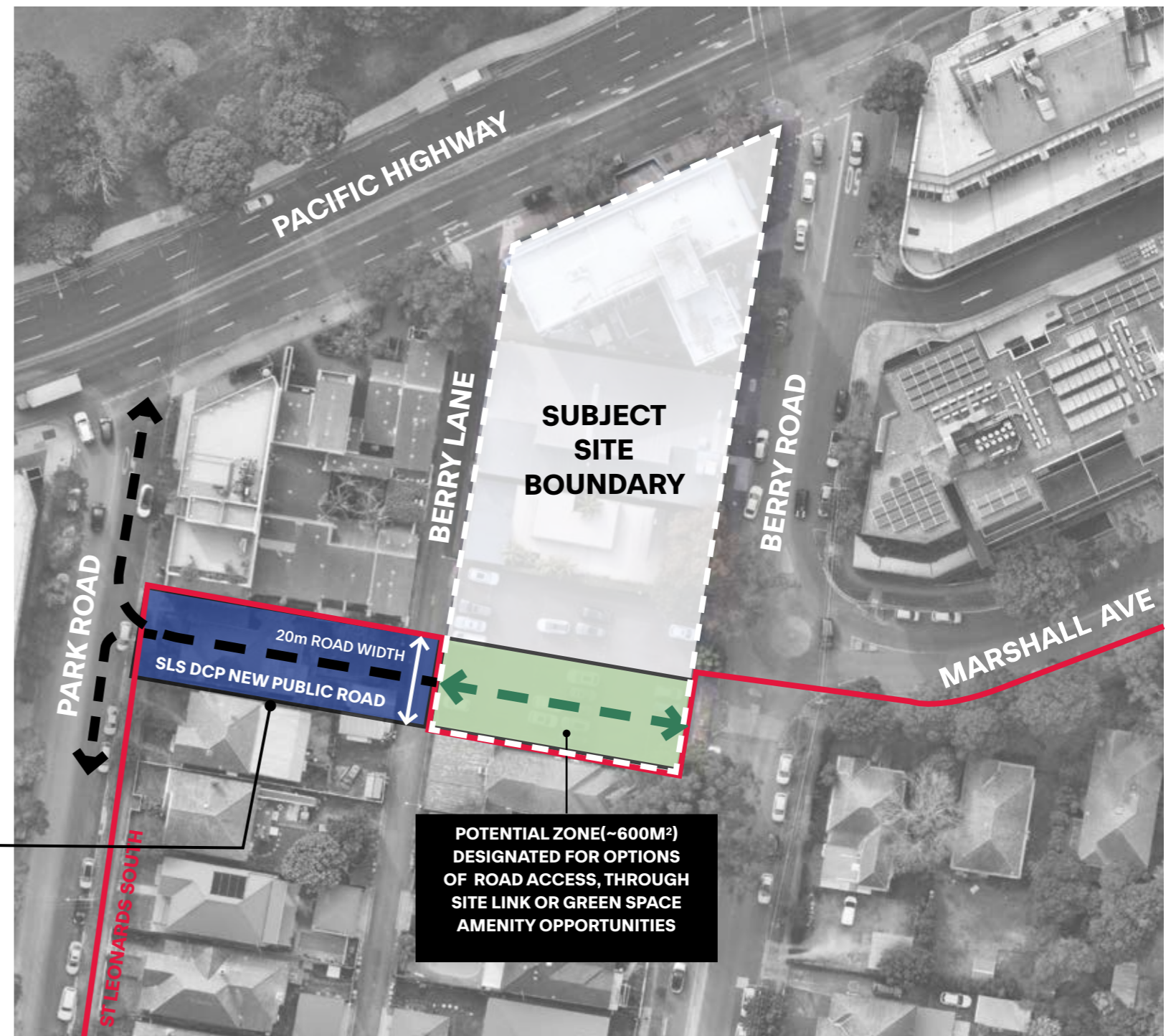
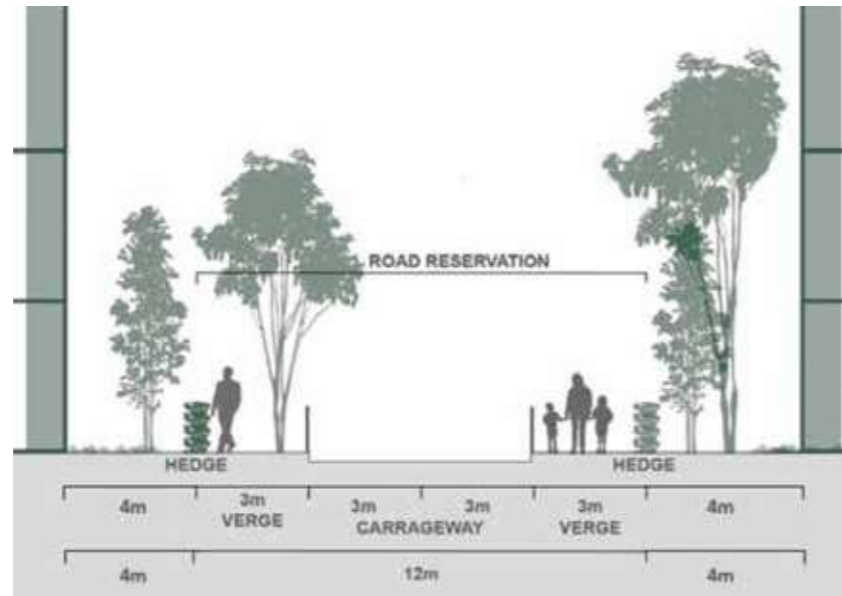
3.1 Case for Change

DCP Public Road Extension for Public Benefit

The site offers potential zoning towards the south with opportunities to enhance urban and public benefit such as road access, through-site links, or green space amenities. The southern zoning facilitates the provision to extend the new road/lane between Berry Lane and Park Road as proposed in the DCP, improving connectivity through to Berry Road and Marshall Avenue.

Section 4.0 Access extract from St Leonards South - Development Control Plan (SLS DCP 2020).

- Create new road/lane between Berry and Park Roads to improve traffic circulation and access to southern end of Berry Road and Holdsworth Avenue, as shown in Figure 8.5 (a) in accordance with the "Specifications for Infrastructure in the St Leonards South Precinct"
- Close Berry Lane and incorporate into development sites, with equivalent land area dedicated to Council along the Park Road frontage.



4.0

Massing Envelope

4.0

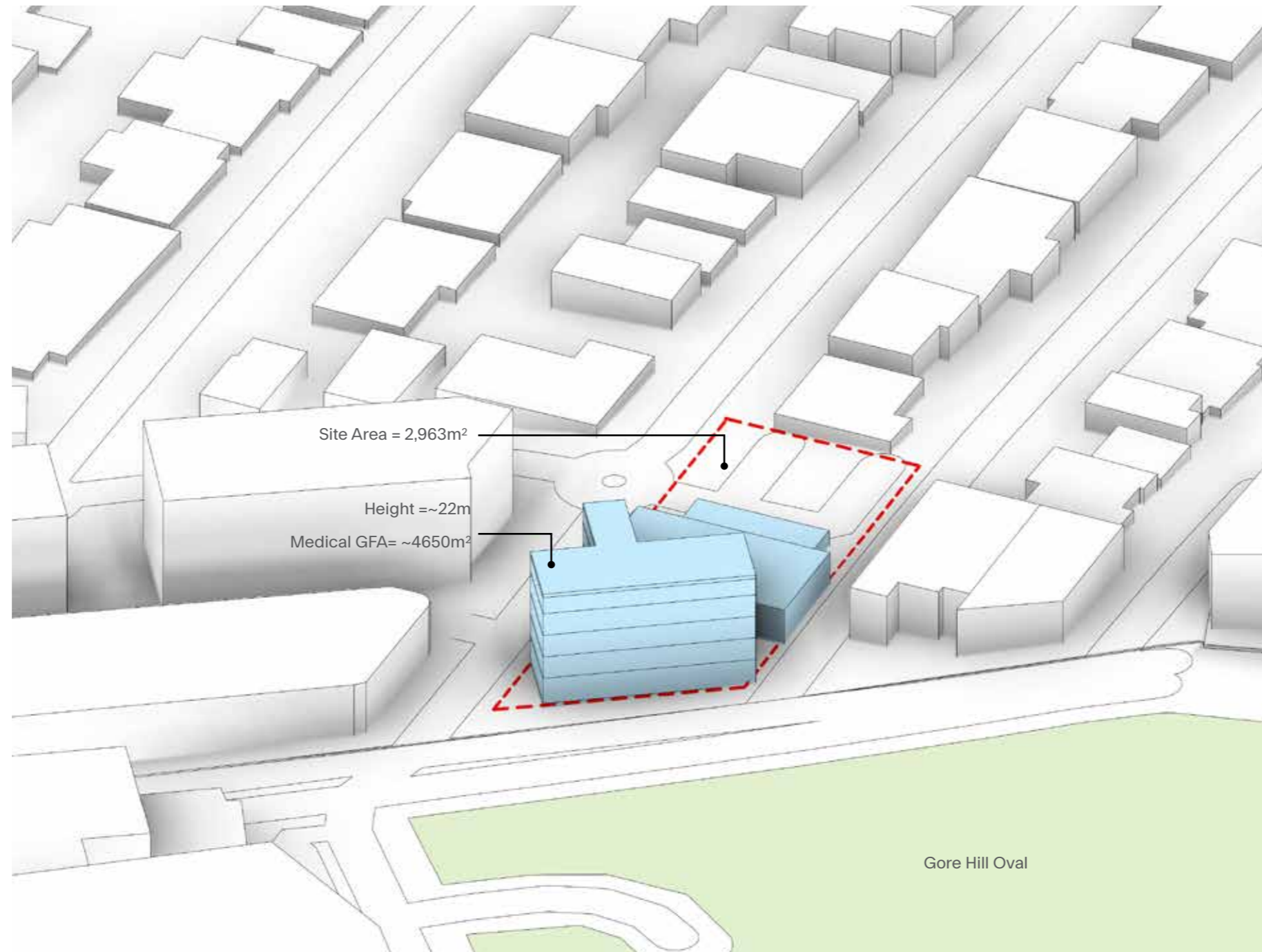
4.1

Massing Envelope

Mass Design Analysis

Mass Design Analysis

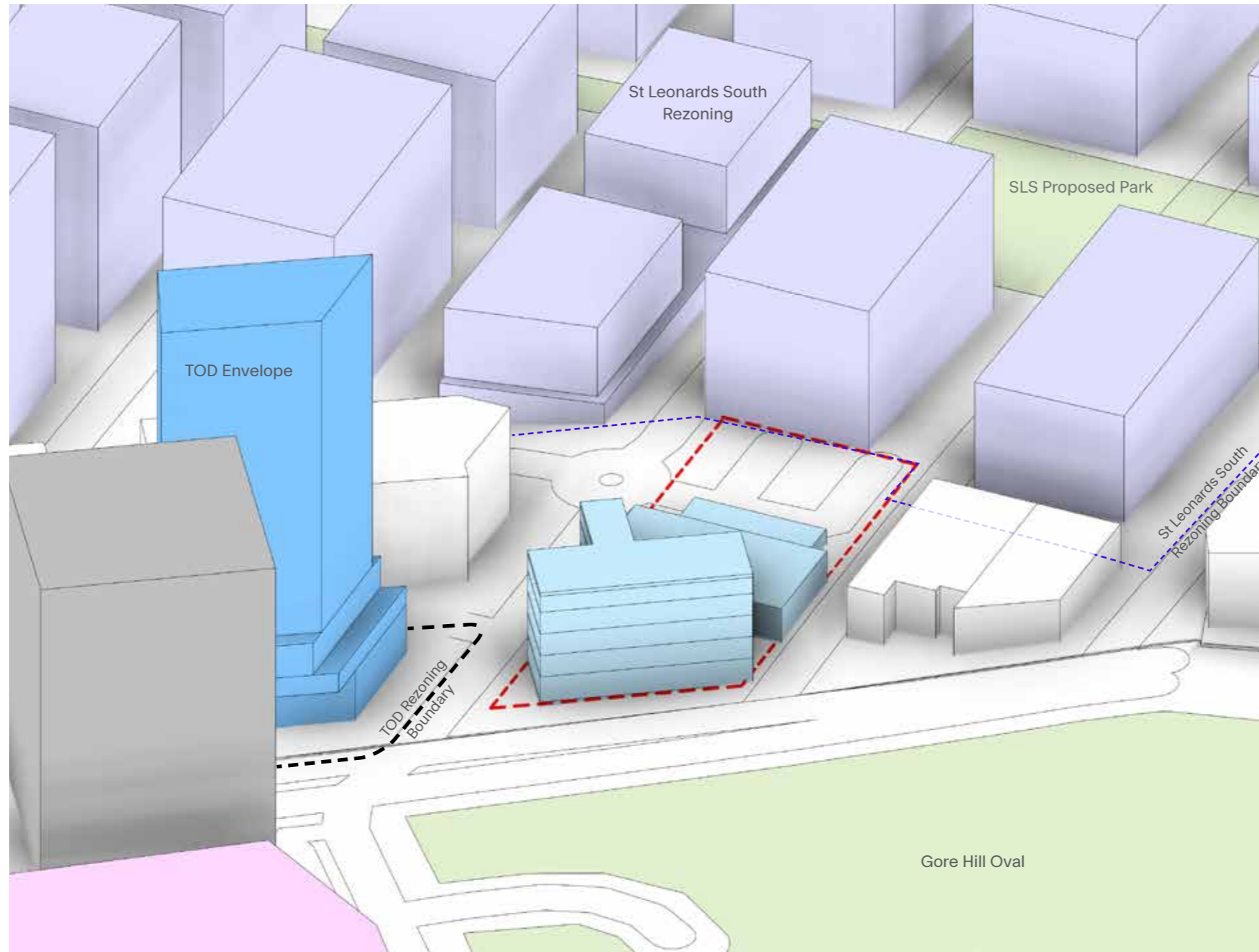
Proposed Built Form Massing Envelope Steps



01 - Existing Subject Site

Existing built form positioned on the site. Strata medical suites.

Mass Design Analysis Proposed Built Form Massing Envelope Steps

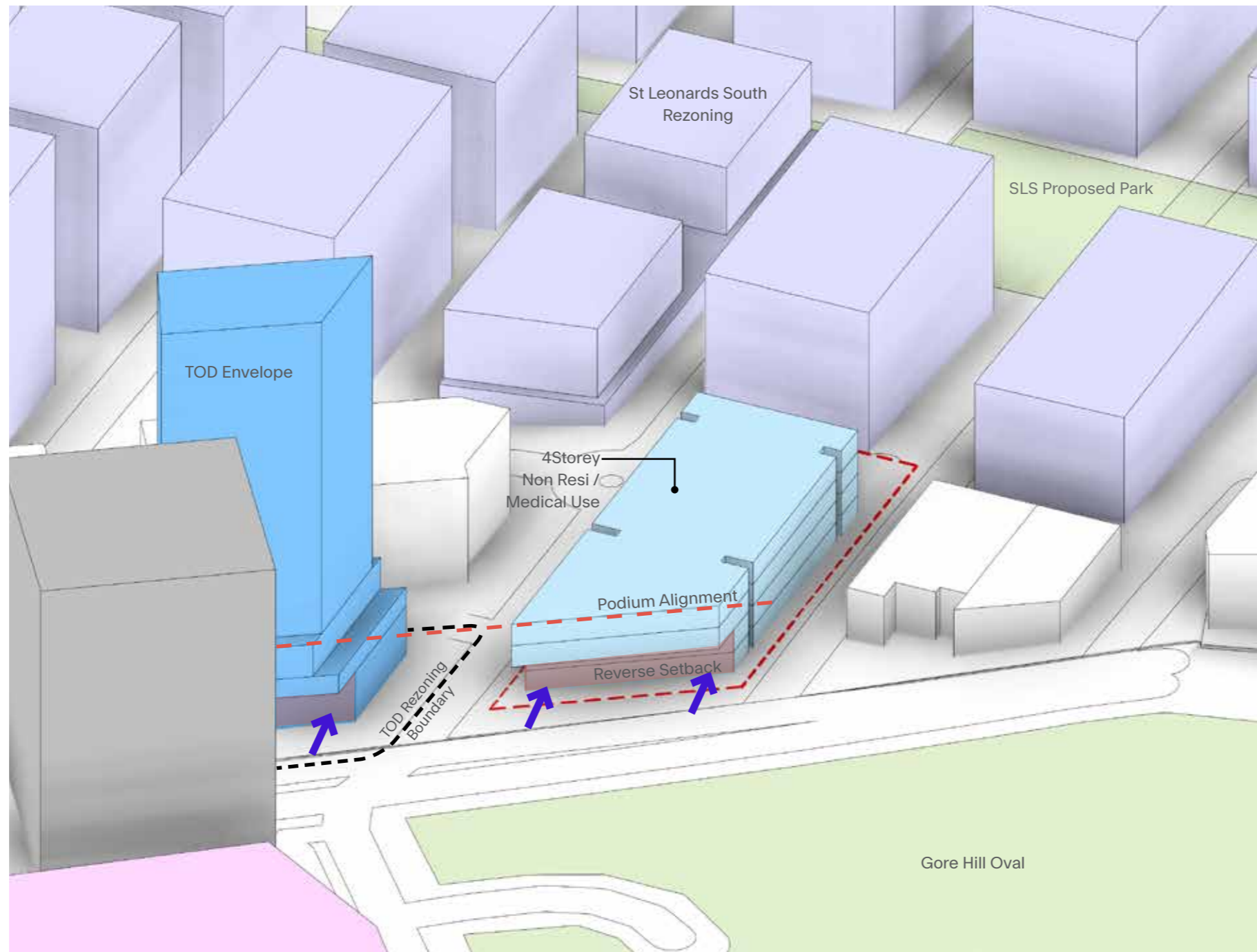


02 - Future Developments

Future built form positioned on the site in comparison to TOD rezoning and St Leonards South Rezoning Boundaries.

Mass Design Analysis

Proposed Built Form Massing Envelope Steps

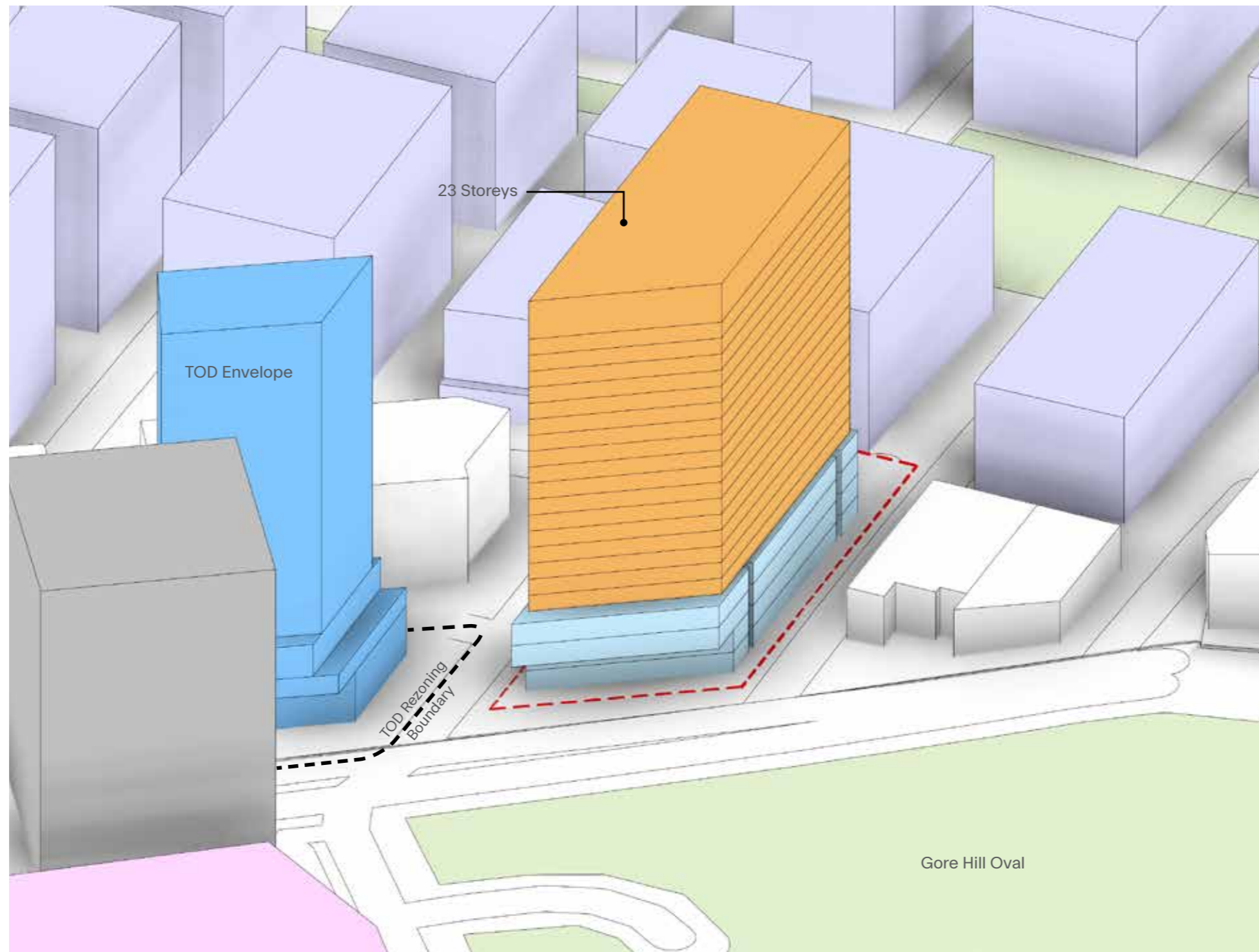


03 - Non Resi/ Medical use Podium

Podium provides ~6,000m² of Non Resi/ Medical use area

Mass Design Analysis

Proposed Built Form Massing Envelope Steps

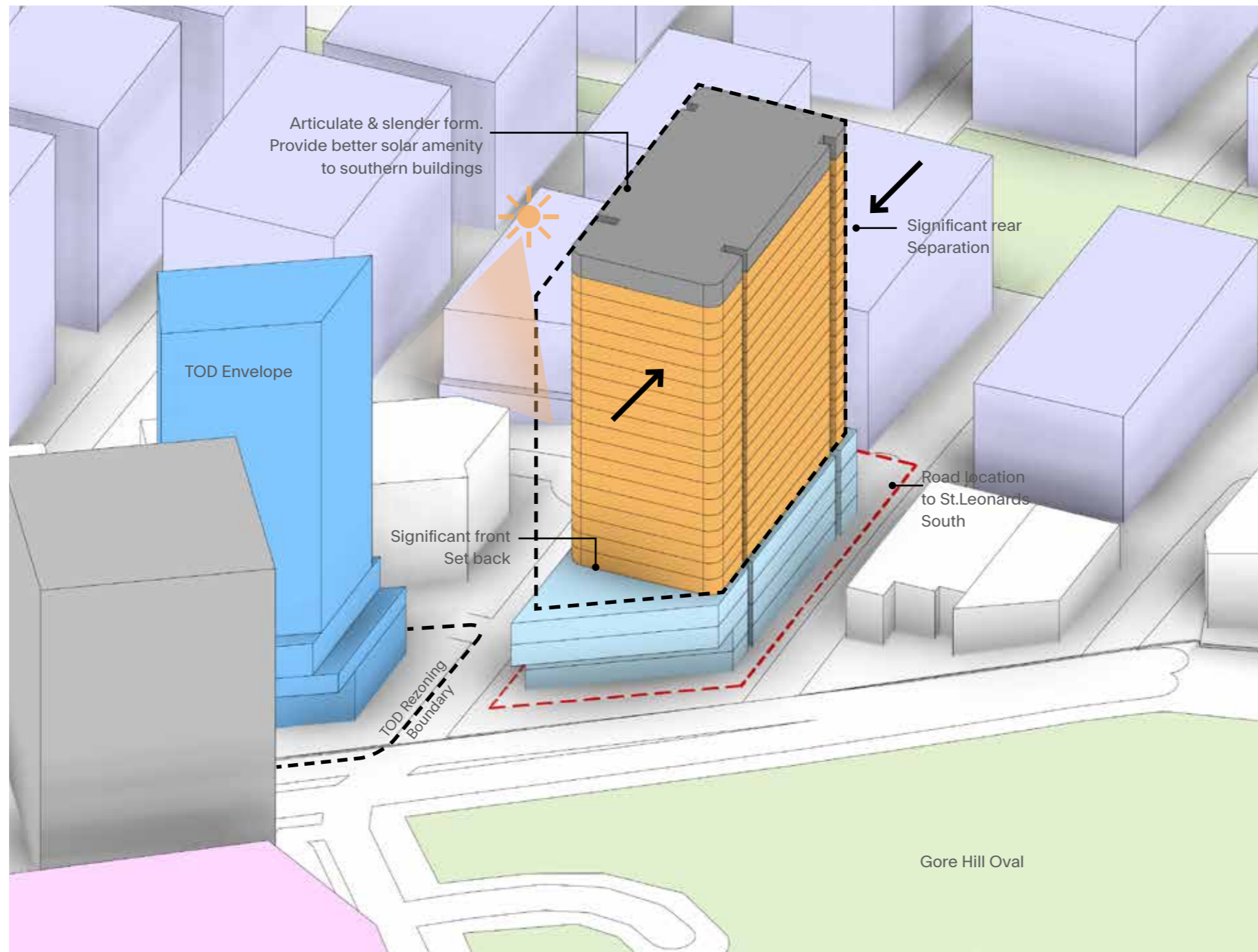


04 - Massing Height based on Newlands Park Shadow

Massing height increased to 23 storeys based on no additional overshadowing limit to Newlands Park at 3PM.

Mass Design Analysis

Proposed Built Form Massing Envelope Steps



05 - Massing Articulation

Massing articulated to get an efficient floor plate.

4.1 Mass Design Analysis Massing Envelope

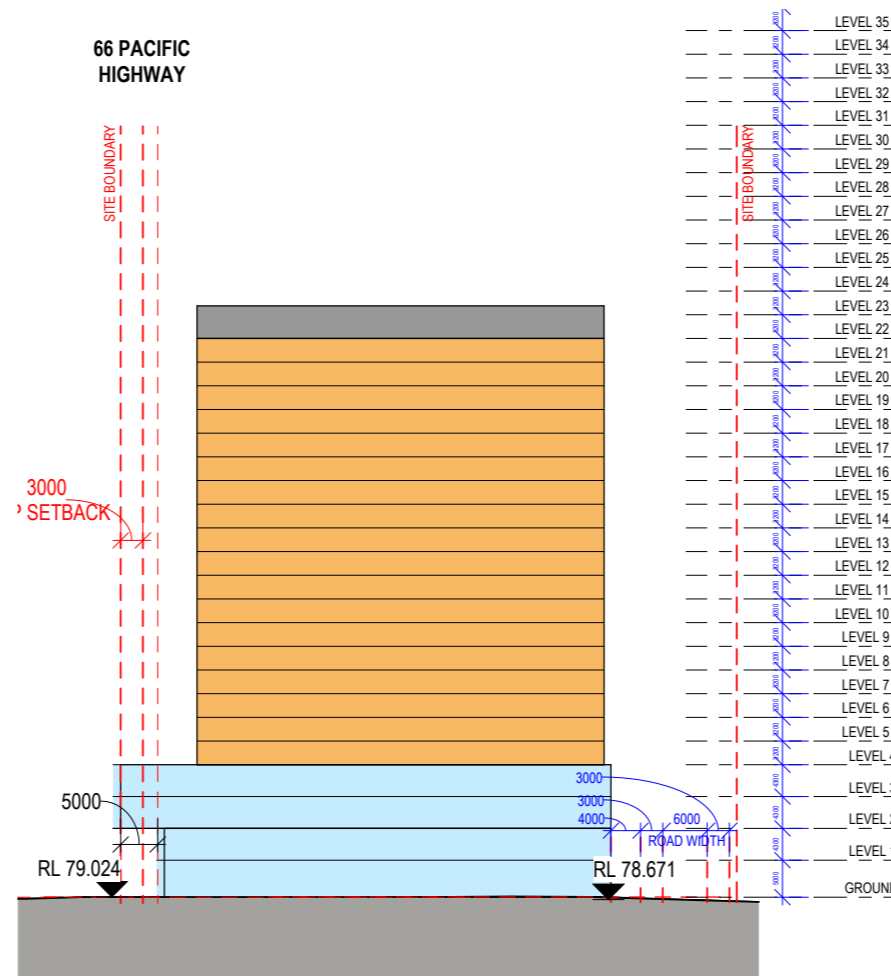
Total GFA - ~ 28,500m² (9.6:1)

Resi GFA - ~22,430m² (7.6:1)

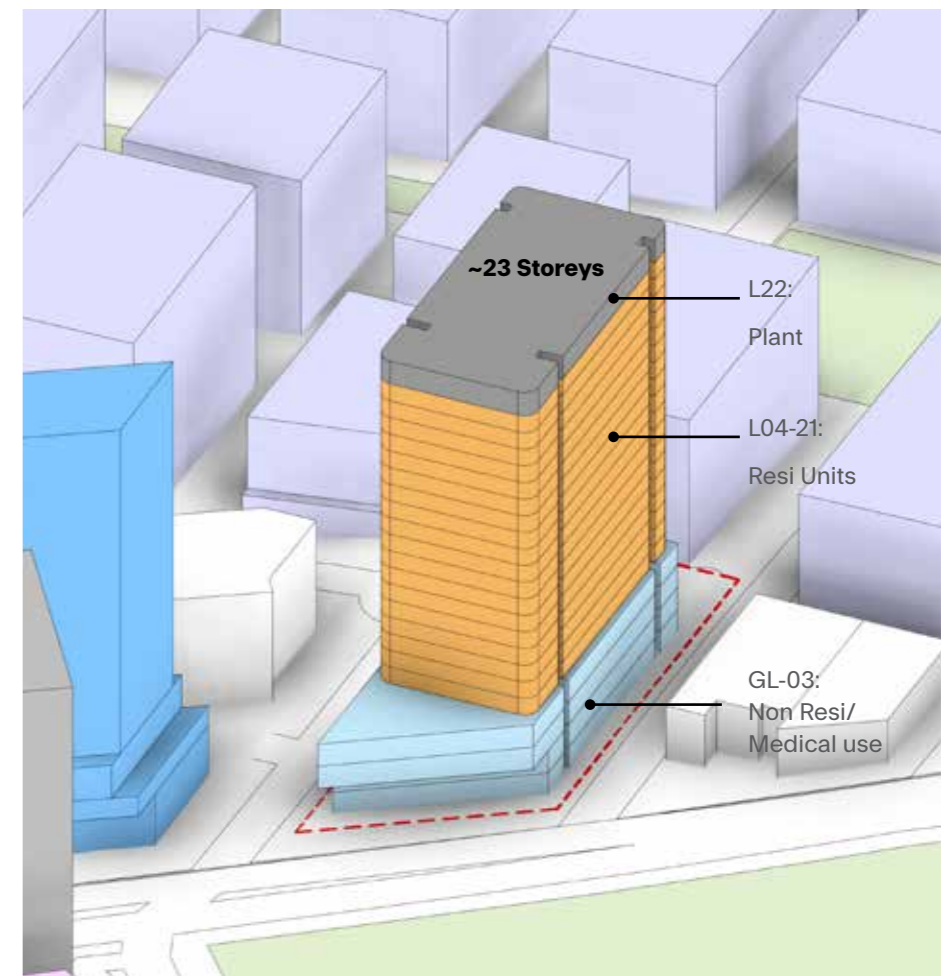
Non Resi GFA - ~6,000m² (2.0:1)



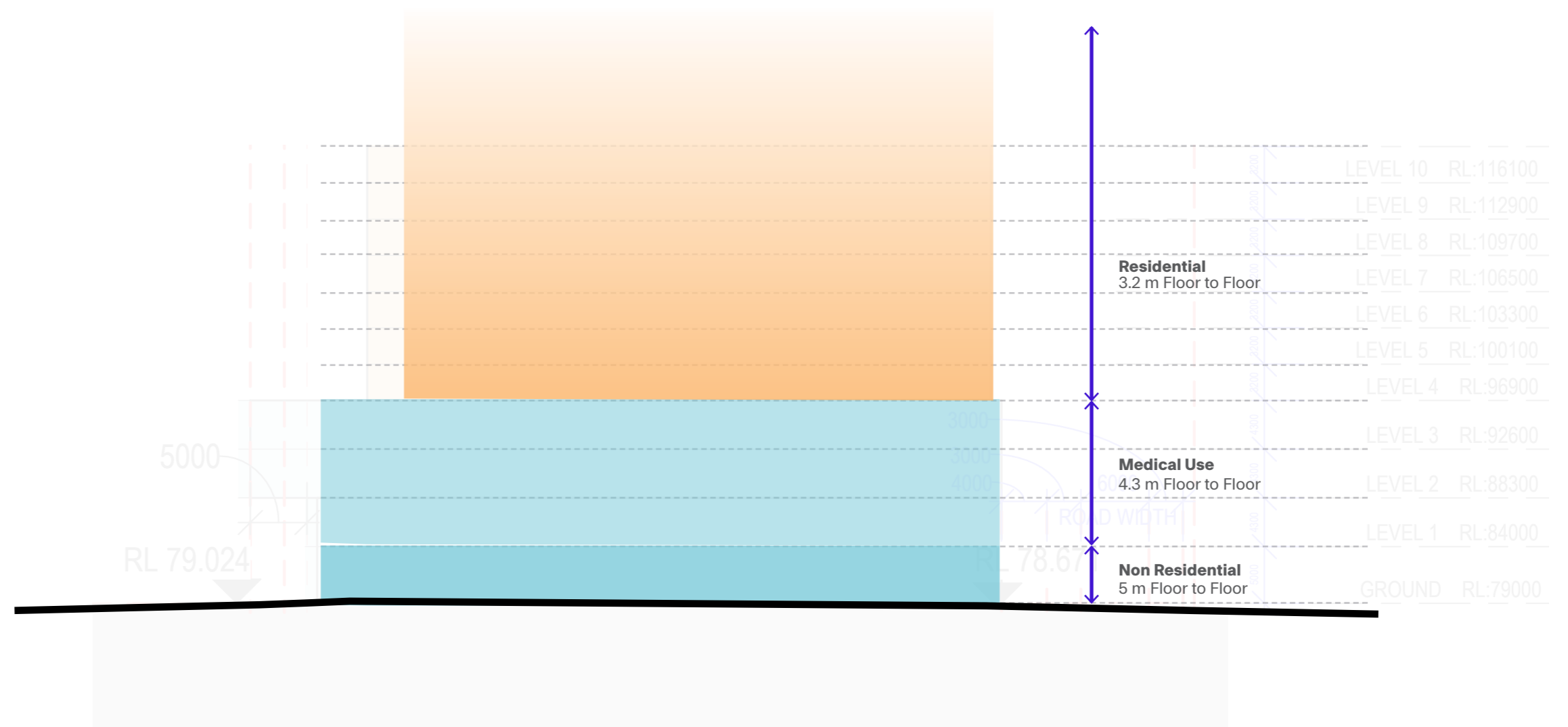
Typical Test Fit Plan

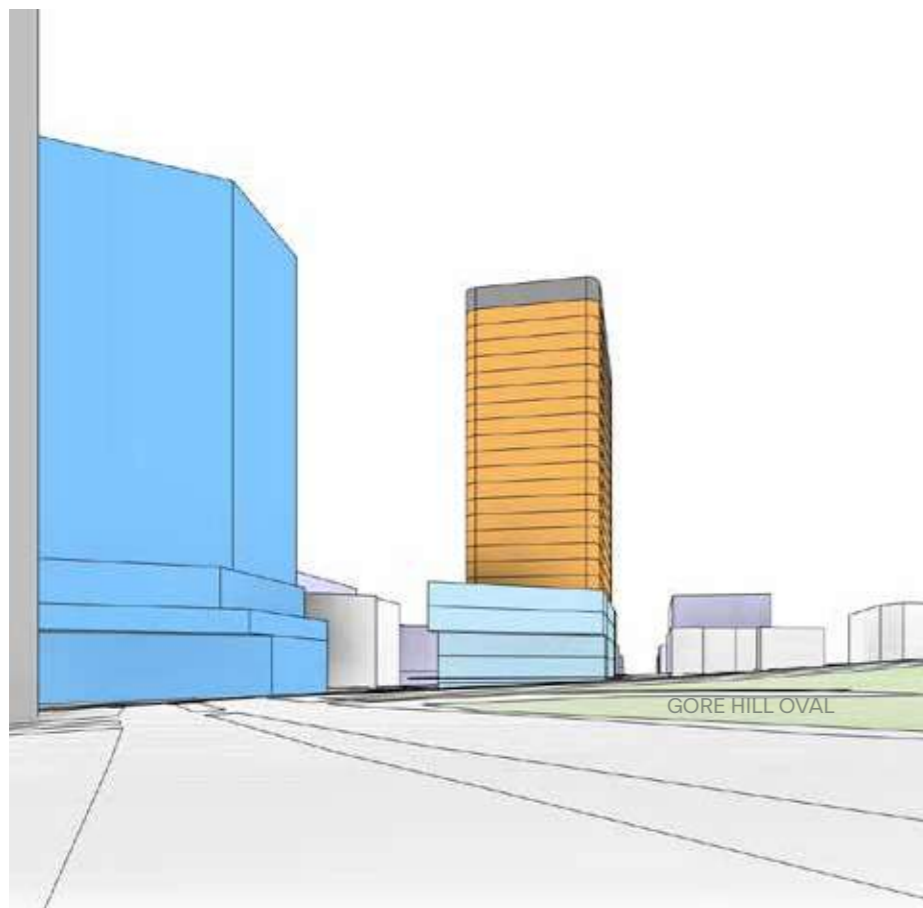


Indicative Section

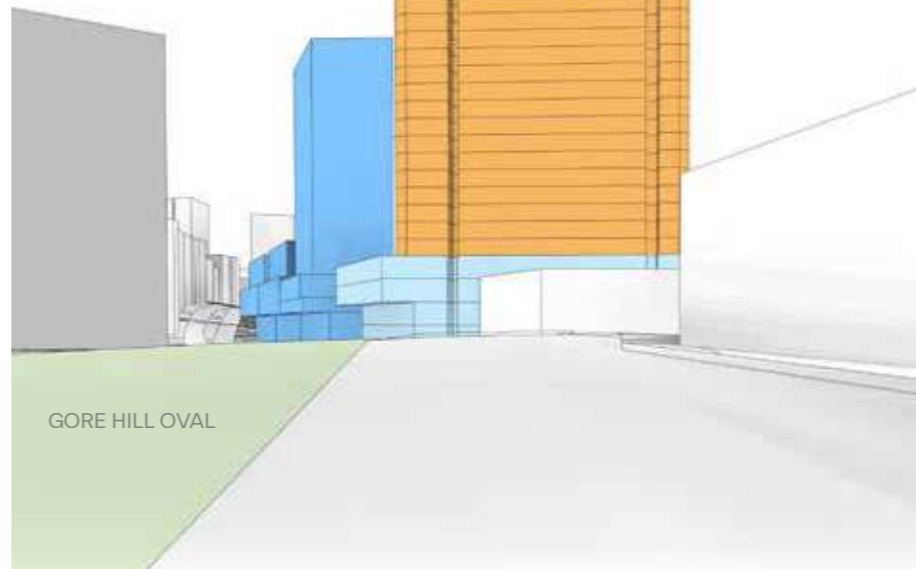


Isometric

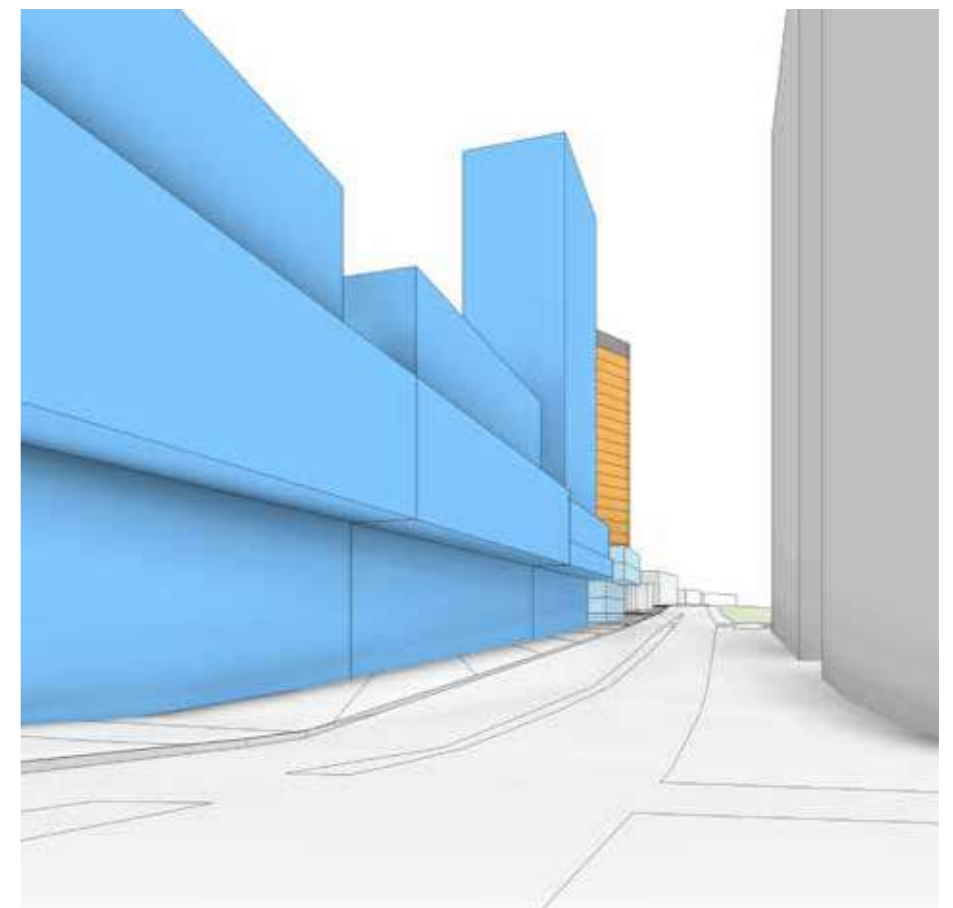




Reserve Road View



Pacific Highway View 01



Pacific Highway View 02

Existing Built Form 2036 Plan Envelope TOD Envelope

4.1

Mass Design Analysis Development Summary Schedule

Area Summary

Subheading	
Total GFA	~28,500m ² (9.6:1)
Resi GFA	~22,430m ² (7.6:1)
Non Resi GFA	~6,000m ² (2.0:1)
Units (based on 100m ² /unit)	~ 220
Potential connection zone	~600m ²

Affordable Housing FSR		GFA	
Non-Resi FSR	2.03	6022	
Resi FSR	7.57	22430	0
Proposed FSR	9.60	28452	

66 PACIFIC HIGHWAY FEASIBILITY - SINGLE TOWER OPTION									
Levels		Residential/Commercial						Calc	
Levels	Use	GBA	GFA*	Studio	1 Bed	2 Bed	3 Bed	Units per Level	
				SIZE (m ²)	35	50	75	95	
ROOF									
Level 22	Rooftop Plant								
Level 21	Residential	1466	1246	0	4	6	2	12	
Level 20	Residential	1466	1246	0	4	6	2	12	
Level 19	Residential	1466	1246	0	4	6	2	12	
Level 18	Residential	1466	1246	0	4	6	2	12	
Level 17	Residential	1466	1246	0	4	6	2	12	
Level 16	Residential	1466	1246	0	4	6	2	12	
Level 15	Residential	1466	1246	0	4	6	2	12	
Level 14	Residential	1466	1246	0	4	6	2	12	
Level 13	Residential	1466	1246	0	4	6	2	12	
Level 12	Residential	1466	1246	0	4	6	2	12	
Level 11	Residential	1466	1246	0	4	6	2	12	
Level 10	Residential	1466	1246	0	4	6	2	12	
Level 9	Residential	1466	1246	0	4	6	2	12	
Level 8	Residential	1466	1246	0	4	6	2	12	
Level 7	Residential	1466	1246	0	4	6	2	12	
Level 6	Residential	1466	1246	0	4	6	2	12	
Level 5	Residential	1466	1246	0	4	6	2	12	
Level 4	Residential	1466	1246	0	4	6	2	12	
Level 3	Non-Residential	1937	1646						
Level 2	Non-Residential	1937	1646						
Level 1	Non-Residential	1761	1497						
Ground	Non-Residential	1761	1233						
TOTAL		33784	28452						216
		GBA (m ²)	GFA (m ²)						

Total Resi GFA	22430	224
Total Resi NSA	6022	

4.2

Massing Envelope Overshadow Analysis

4.2 Overshadow Analysis Height Validation

The below diagrams showcase the proposed built form envelope overshadow at 9am, 12pm, and 3pm during the Winter Solstice.

The proposed ~23-storey built form does not create additional overshadowing on St Leonards South Local Park and Newlands Park, as these areas are already impacted by TOD and 2036 Plan development shadows.



9AM - WINTER SOLSTICE

TOD proposal and 2036 Plan overshadows a significant area of St Leonards South local park. Proposed built form does not cause additional overshadow.

12PM - WINTER SOLSTICE

2036 Plan overshadows a significant area of St Leonards South local park. Proposed built form does not cause additional overshadow.

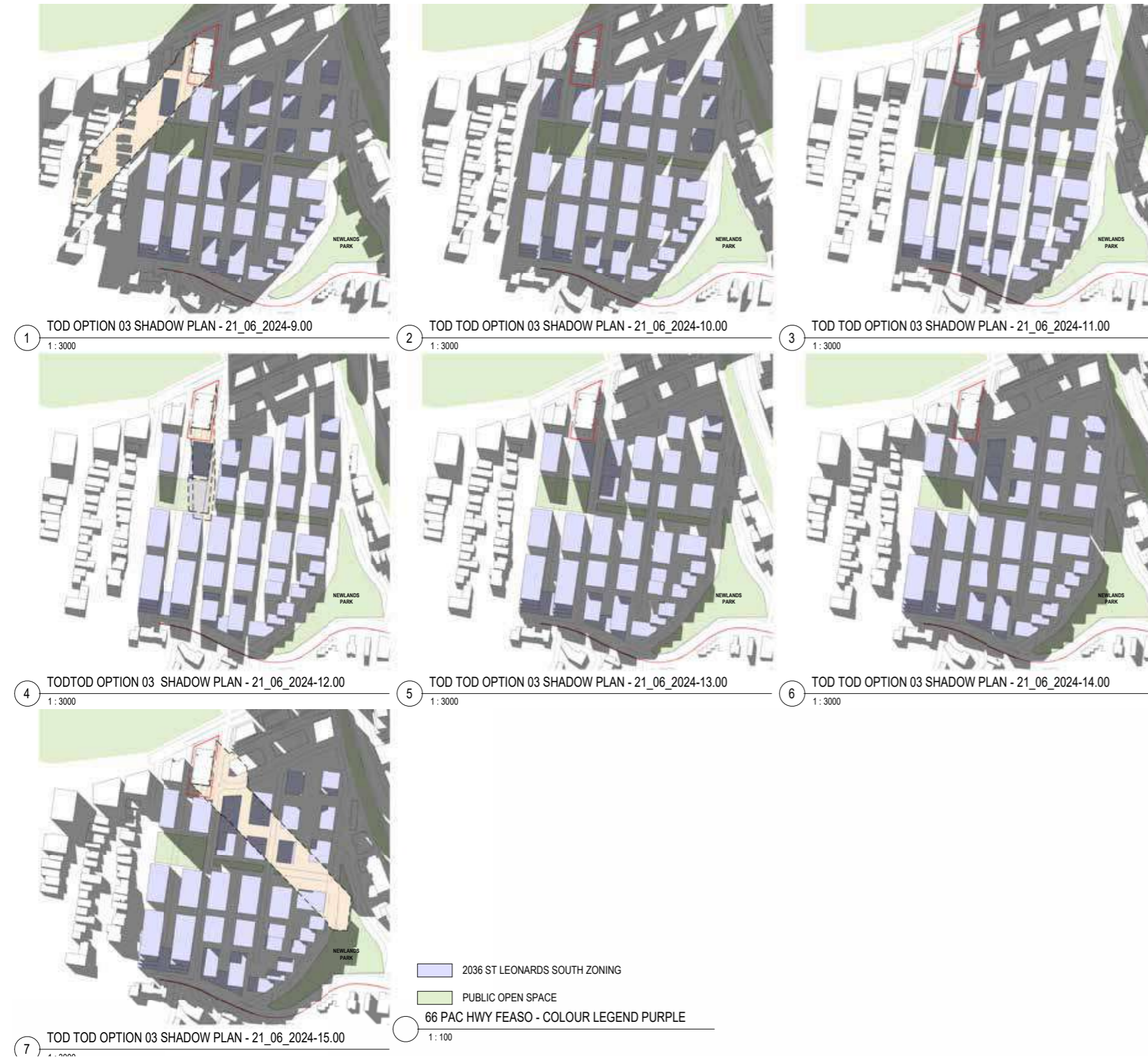
3PM - WINTER SOLSTICE

2036 Plan overshadows a significant area of Newlands Park. Proposed built form does not cause additional overshadow.



4.2 Overshadow Analysis Shadow Plans - Proposed

Complete Shadow Analysis shows St Leonards South Local Park and Newlands Park impacted by 2036 Plan shadows. The proposed built form and height do not contribute to any additional overshadowing to these parks.



4.2 Overshadow Analysis Sun-Eye Views

Sun-Eye View Analysis of the significant access to direct sunlight for the East, North and West façades. Demonstrating high ADG Solar compliance is achievable.



5.0

Appendix

5.0

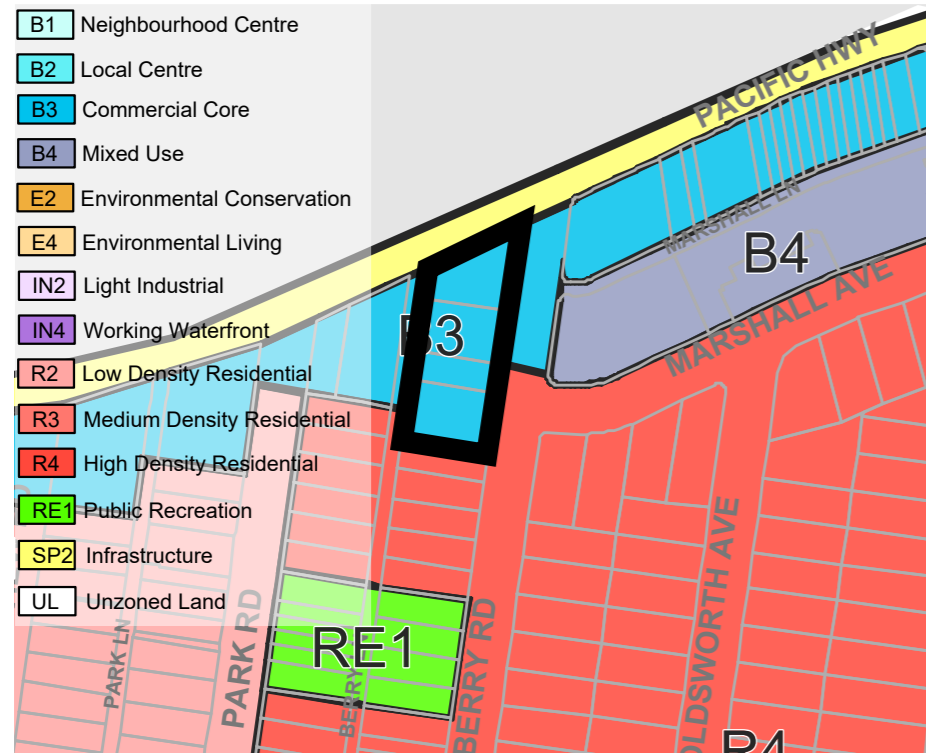
Appendix

Supporting information

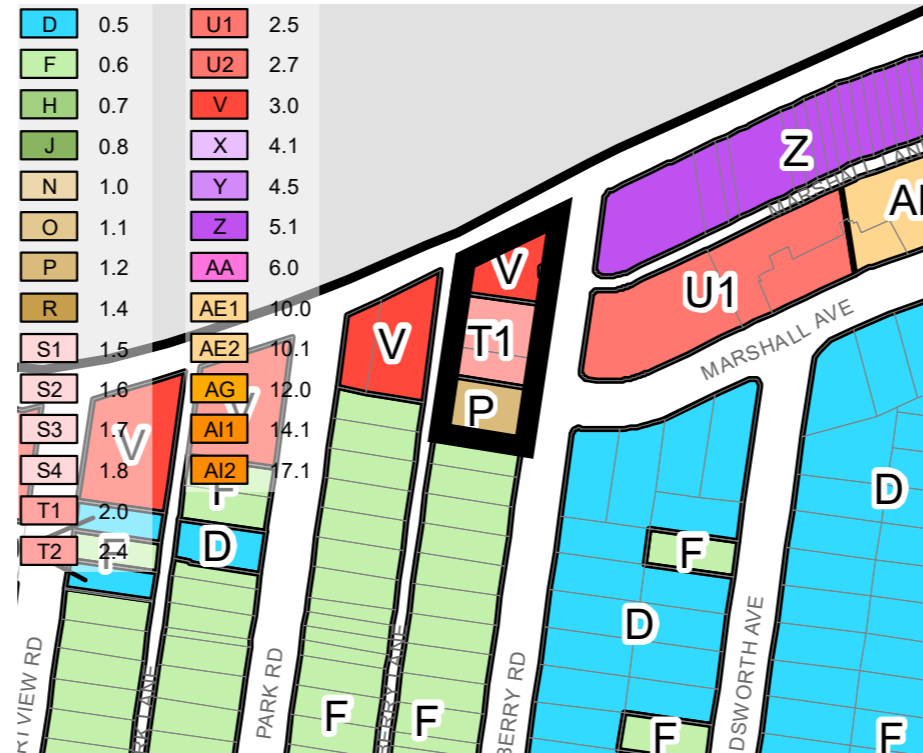
Supporting Information Existing LEP Control Context

The site is currently zoned E2 Commercial Centre (B3 Commercial Core pre-reform), with height ranging 12m - 25m, FSR ranging 1.2:1 - 3:1, and a 1:5:1 non-residential

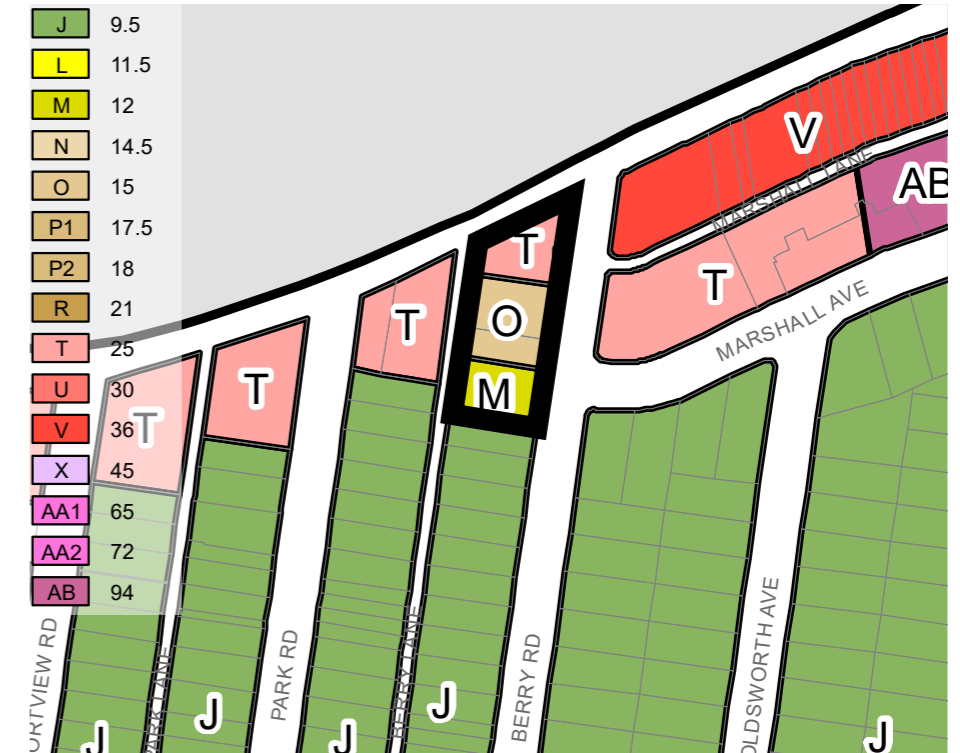
Land Zoning - B3 Commercial Core



FSR - 3:1, 2:1 & 1.2:1



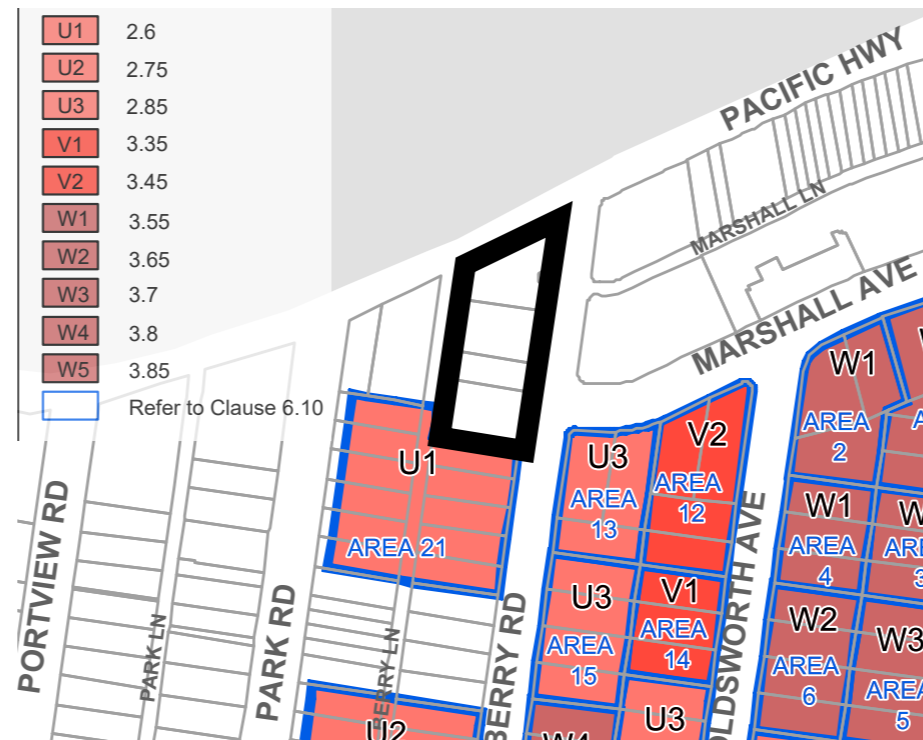
Building Height - 25m, 15m & 12m.



Heritage - None on site, three items in close proximity



Incentive FSR - Incentive south of site falls into St Lnds Sth Planning Prop



Incentive Height - Incentive south of site falls into St Lnds Sth Planning Prop



Front/Street

Zone	Height in storeys		
	1-2	3	4 or greater
E1	0m	3m	6m
E1 (in the Lane Cove Village)	0m or 3m maximum on ground floor for suitable use such as outdoor cafe seating	0m	-
E2	Minimum of 5m		
MU1	0m or 3m maximum on ground floor for suitable use such as outdoor cafe seating	3m	

Setbacks for Secondary Street Frontages for Corner Sites

Zone	Height in storeys	
	1-2	3 or greater
All employment and mixed use zones	0m	3m

Side Setbacks

In all the employment and mixed use zones except special areas;

Zone	Height in storeys		
	1	2	3 or greater
Shares a boundary with any residential zone	3m		6m
Within and among the employment and mixed use zones	0m	0m (commercial use) 3m (residential use/shop top housing)	6m

Rear Setbacks

In all the employment and mixed use zones except special areas;

Zone	Height in storeys	
	1-2	3 or greater
All employment and mixed use zones	3m	6m

Laneway Setbacks

Zone	Height in storeys		
	1	2	3 or greater
All employment and mixed use zones	3m (to allow colonnades & landscaping)	0m (commercial use) 3m (residential use/shop top housing)	6m

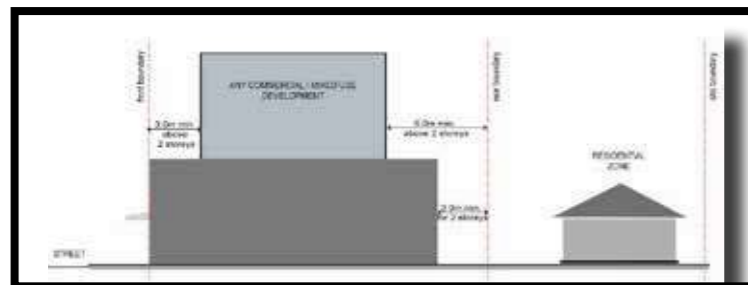


Diagram No. 2 – Setbacks

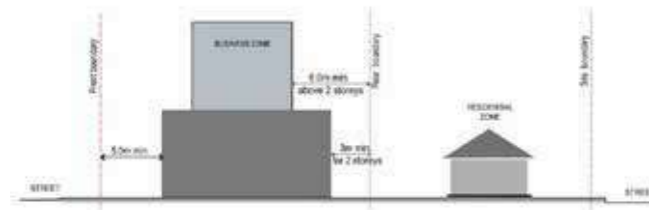


Diagram No. 3 – Front and rear setbacks in E2 Zone

Source:

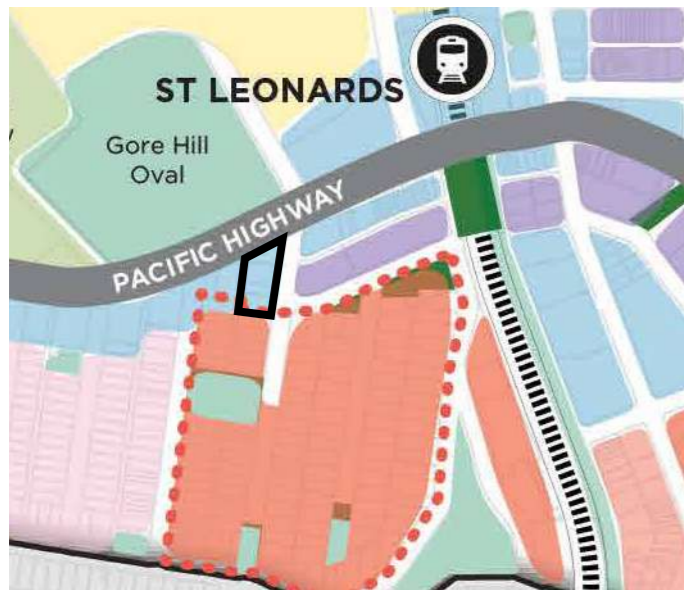
Lane Cove DCP: TRIM_Part D - Commercial and Mixed Use Development_1748248 (Dated 28 September 2023)

5.1 Supporting Information

St Leonards and Crows Nest 2036 Plan Context

The St Leonards and Crows Nest 2036 Plan planning control framework does not depart the current LEP controls on the site. However, the Solar Access shadowing to Existing and Future green spaces impacts our site. Namely, the 3pm shadow to Newlands Park (existing) and shadow to the St Leonards South Park (not yet built).

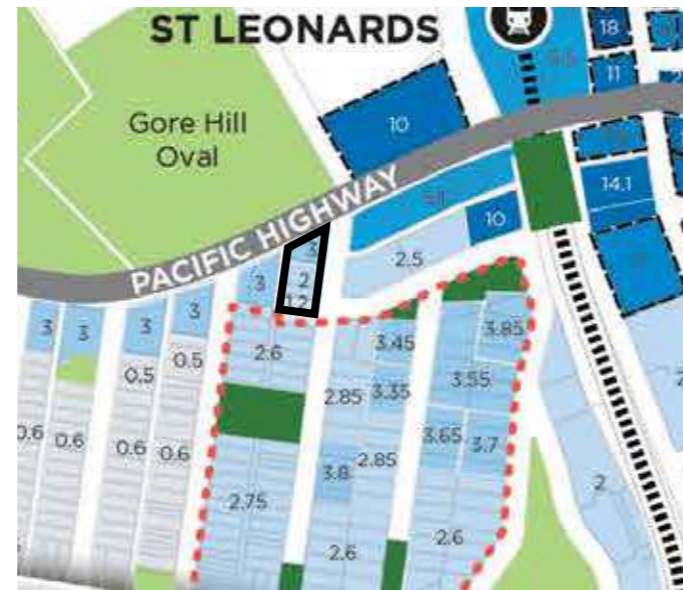
Land Zoning



Land Zoning:

B3 Commercial Core

Floor Space Ratio (FSR)



Floor Space Ratio (FSR):

3:1
2:1
1.2:1

Building Heights



Building Height:

4 - 6 Storeys
3 Storeys

Solar Access



Public Open Space 10.00am - 3.00pm

- 1 Christie Park
- 2 Newlands Park
- 3 St Leonards South (indicative)
- 4 Propsting Park
- 5 Hume Street Park
- 6 Ernest Place
- 7 Gore Hill Oval
- 8 Talus Reserve

Streetscape 11.30am - 2.30pm

- 9 Mitchell Street and Oxley Streets
- 10 Willoughby Road

Residential Areas 9.00am - 3.00pm

- 11 Residential areas inside boundary (for at least 2 hours)
- 12 Heritage Conservation Areas inside boundary (for at least 3 hours)
- 13 Residential outside boundary (for the whole time between 9am and 3pm)

Setbacks



Setbacks: N/A (Defer to current DCP)

Non-Residential FSR



Non Residential Floor Space Ratio (FSR):

3:1
2:1
1.2:1

Street Wall Heights



Street Wall: N/A (Defer to current DCP)

5.1 Supporting Information Strategic Context

66 Pacific Highway sits within the context of several state, regional, local and precinct planning policies, identifying the potential to leverage planning objective synergies to create an ambitious outcome that aligns with this strategic context. More recently the TOD Program and Infill Affordable Housing SEPP came into play.

This planning proposal sits within the wider strategic context of planning and growth for Greater Sydney and the North Shore.

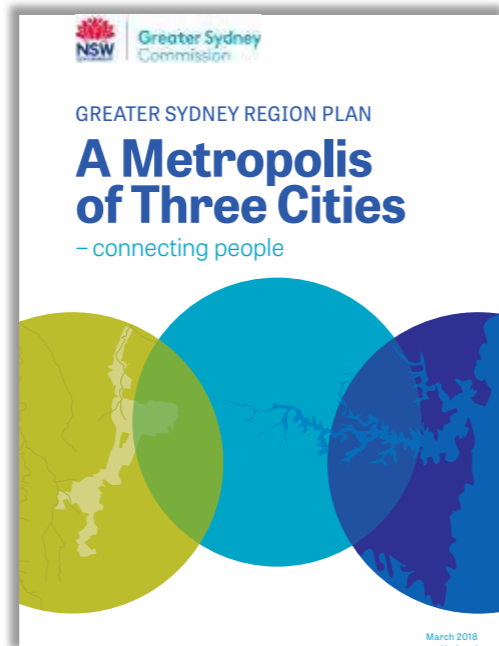
The proposal supports a series of existing technical and governance documents produced by state and local government. The proposal responds to the requirements set out within these documents and demonstrates clearly the reasons for departure from any requirements they set out.

The documents include but are not limited to:

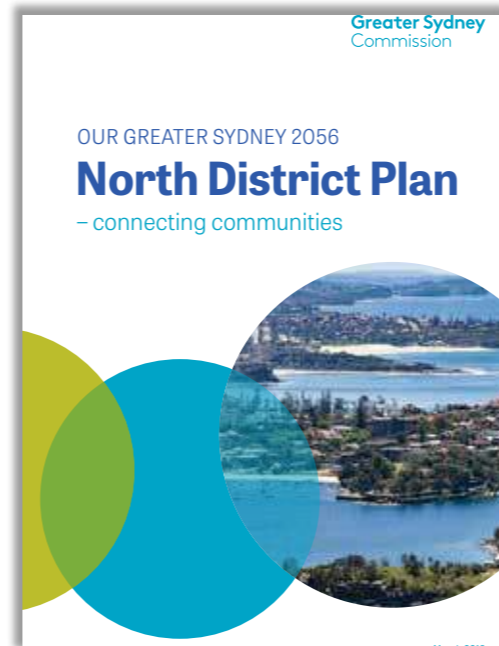
- Greater Sydney Regional Plan
- North District Plan
- St Leonards & Crows Nest 2036 Plan
- St Leonards & Crows Nest Station Precinct
- Local Strategic Planning Statement
- Draft Design and Place SEPP
- Lane Cove LEP 2019
- Lane Cove DCP
- St Leonards South Planning Proposal DCP & Landscape Masterplan

And more recently:

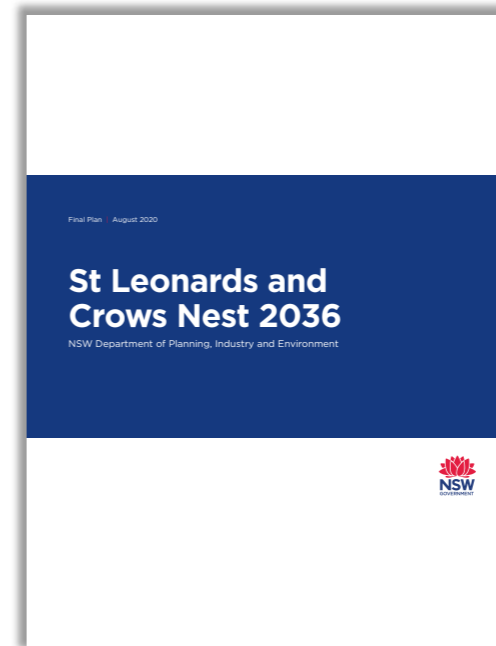
- TOD Program
- Infill Affordable Housing Policy
- National Housing Accord



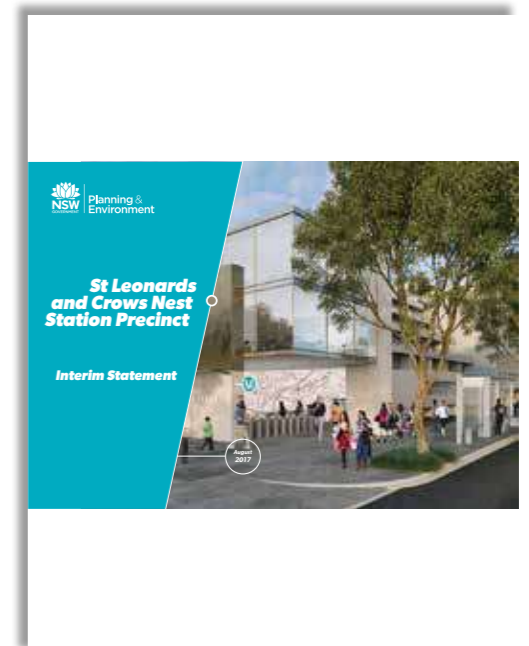
Region: A Metropolis of Three Cities



Region: 2056 North District Plan



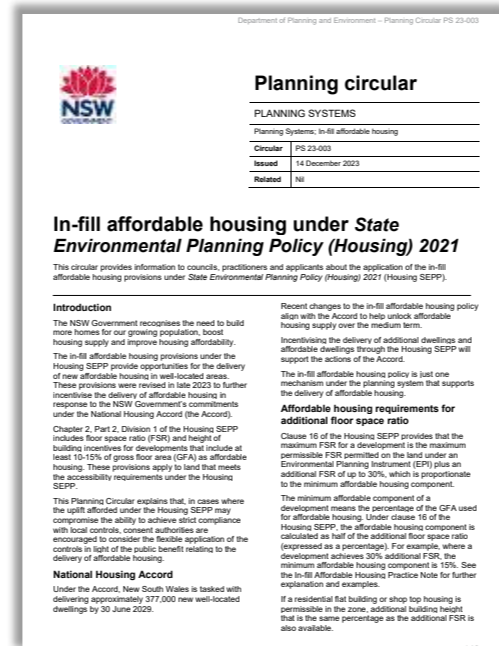
Precinct: St Leonards & Crows Nest 2036 Plan



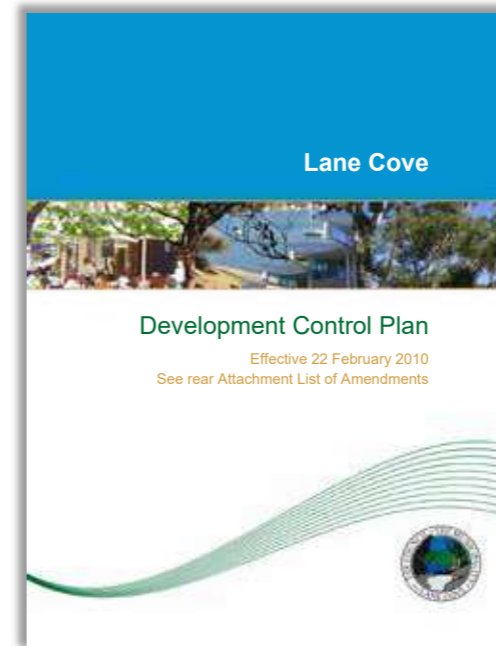
Precinct: St Leonards & Crows Nest Station



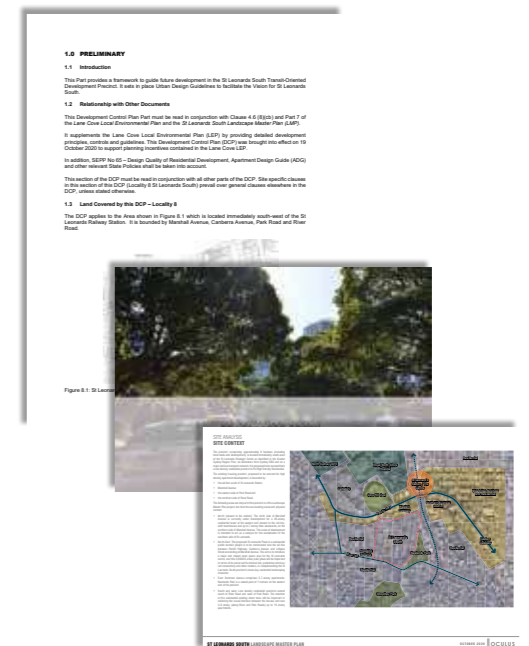
State: TOD Program



State: Infill Affordable Housing Policy



Local: Lane Cove Council LEP & DCP



Local: St Leonards South

5.1 Supporting Information Regional Context

66 Pacific Highway sits along the Eastern Economic Corridor within St Leonards, and has been identified as an Urban Renewal Area by the Greater Sydney Commission.

This means St Leonards is strategically positioned to create and deliver both jobs and housing needs for the state, and in particular the Eastern Harbour City Region.




The 40 year vision of the Greater Sydney Commission's "Greater Sydney Region Plan" is to accommodate the needs of Sydney's growing population within a metropolis of three cities; Western Parkland City, Central River City and Eastern Harbour City, where residents live within 30 minutes of their jobs, education, health facilities, services and great places.

The subject site is located within the Eastern Harbour City, the metropolitan center of **global financial, professional, health, education and innovation sectors** with a target for 50,000 new jobs.

St Leonards sits within the Eastern Harbour City and is identified as a Strategic Centre. Ongoing investment and new opportunities for businesses and residents will be needed for the continued growth of the Eastern Economic Corridor.



Legend:

-  SITE LOCATION
-  SURROUNDING SUBURBS
-  EASTERN ECONOMIC CORRIDOR

5.1 Supporting Information District Context

The Eastern Harbour Cities is broken into five districts:

- Eastern City District
- **North District**
- Central City District
- Western City District
- South District

The North District is made up of three strategic centres; Macquarie Park, Chatswood and St Leonards. These centres form part of the State's greatest economic asset – the Eastern Economic Corridor – which contributed two-thirds of NSW's economic growth in the 2015–16 financial year.

The North District Plan informs local strategic planning statements and local environmental plans, the assessment of planning proposals as well as community strategic plans and policies. Through a community engagement process The North District Plan has contributed to a plan for growth that reflects local values and aspirations of the community.

The focus of The North District Plan has been on identifying the **Planning Priorities** to achieve a livable, productive and sustainable future for the District. **Objectives, Strategies and Actions** from *A Metropolis of Three Cities* are embedded in each of the Planning Priorities.

As a Strategic Centre, St Leonards is identified as a location that is appropriate for urban renewal and growth.

A future 66 Pacific Hwy Planning Proposal responds to The North District Plan holistically with specific focus on the following Planning Priorities, Actions and Objectives:

Planning Priority N2 - Working through Collaboration. St Leonards health and education precinct and Planned Precinct, which will bring together North Sydney Council, Lane Cove Council, Willoughby City Council, NSW Roads and Maritime Services, Transport for NSW, and NSW Health and other State agencies to grow jobs, housing and infrastructure within the precinct.

Planning Priority N4 - Fostering healthy, creative, culturally rich and socially connected communities

Planning Priority N5 - Providing housing supply, choice and affordability, with access to jobs, services and public transport

Planning Priority N8 - Eastern Economic Corridor is better connected and more competitive.

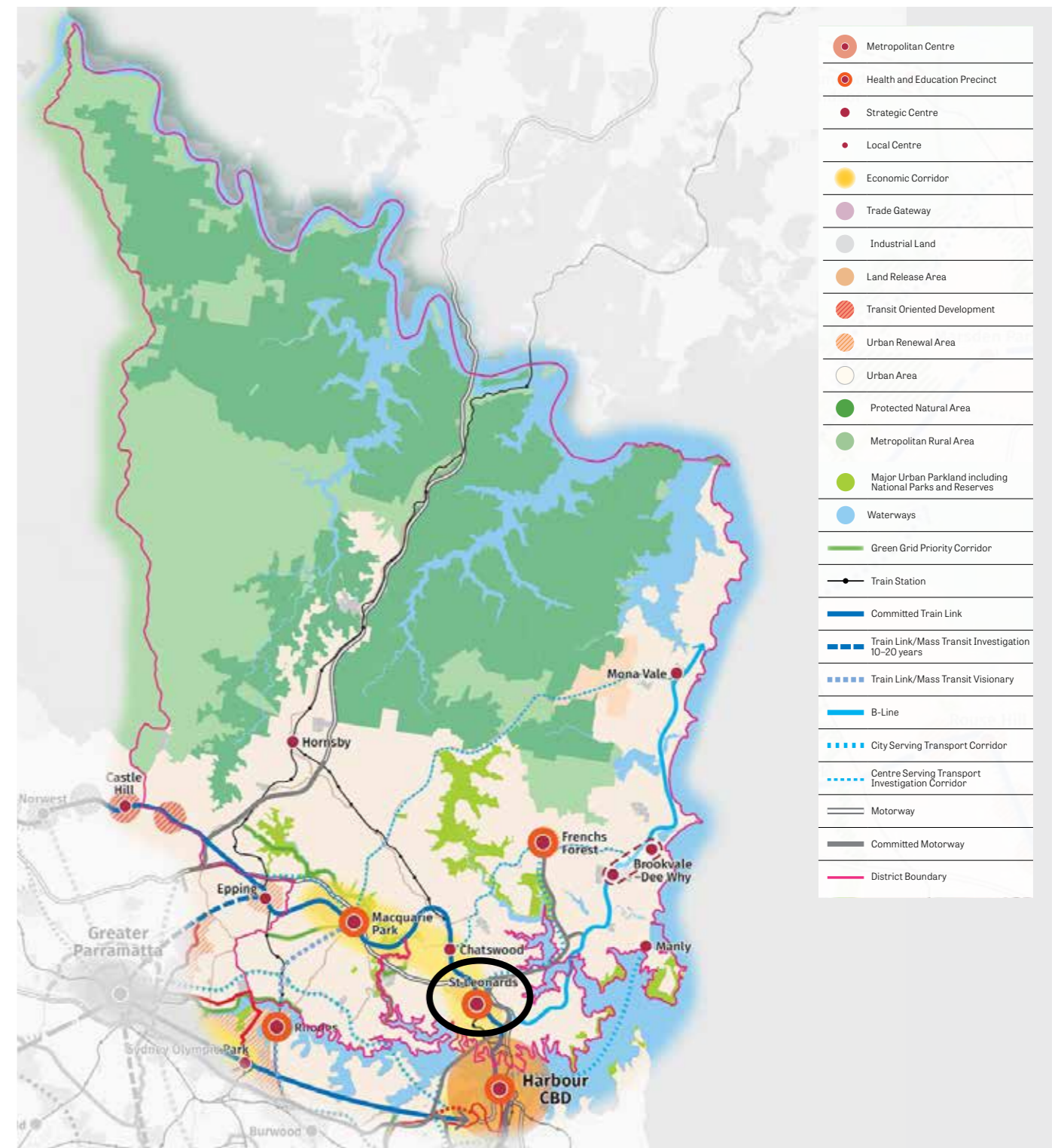
Planning Priority N10 - Growing investment, business opportunities and jobs in strategic centres.

Objective 5 - Benefits of growth realised by collaboration of governments, community and business.

Objective 22 - Investment and business activity in centres.

Action 36 - Provide access to jobs, goods and services by: attracting significant investment and business activity in strategic centres providing jobs growth

A future mixed-use offering on 66 Pacific Highway is linked to the key strategic planning priorities and objectives for jobs, housing and socially connected communities for the North District.



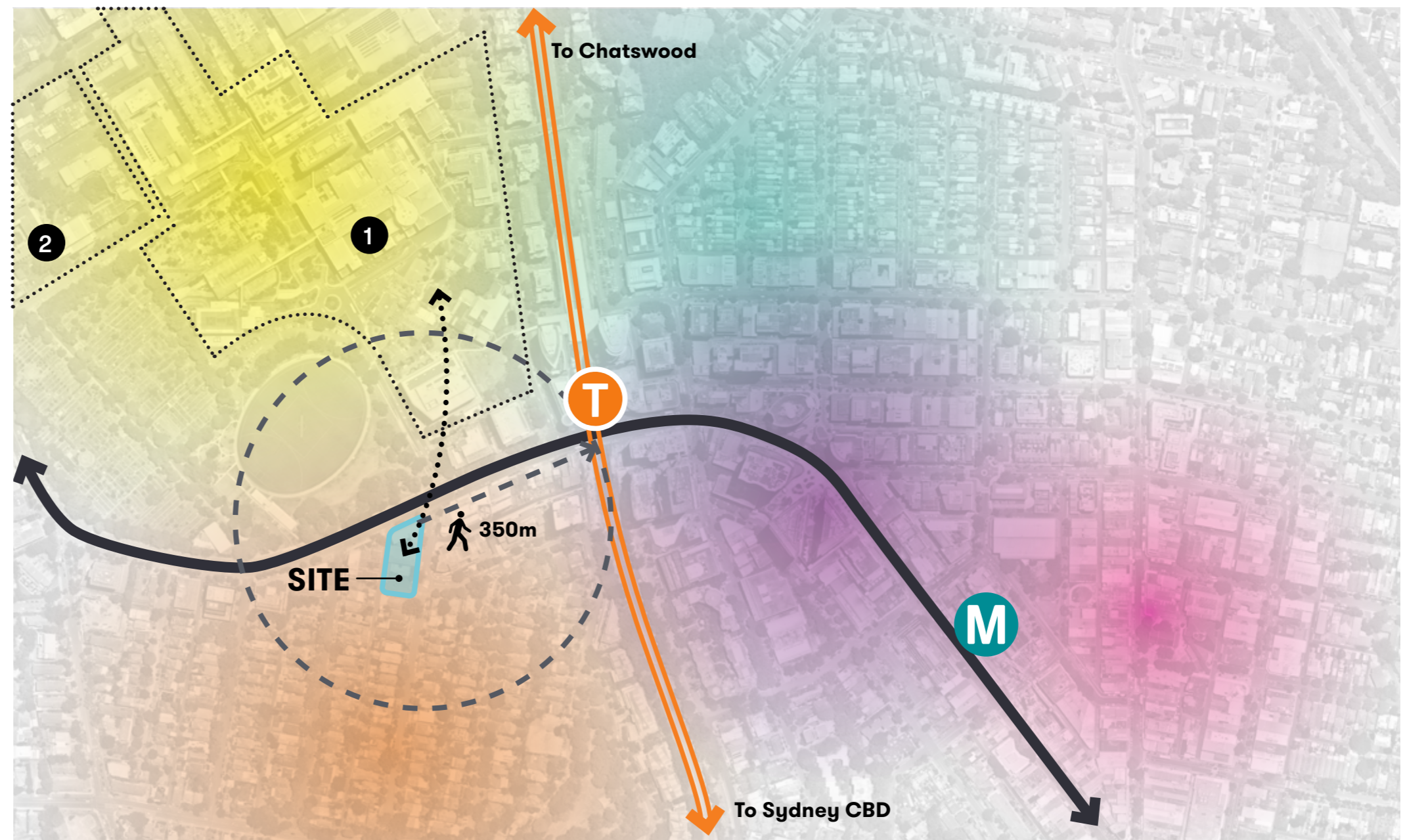
The North District. Source: *The North District Plan*

5.1 Supporting Information Urban Context

A future mixed-use offering on 66 Pacific Highway is linked to the key strategic planning priorities and objectives for jobs, housing and socially connected communities for the North District.

St Leonards is made up of a number of local precincts surrounding the existing train line and future Metro station. There are the town centres of St Leonards and Crows Nest that are supported by the surrounding residential areas. From a jobs perspective the area has a strong focus on Health and Education with direct access to Royal North Shore Hospital and the St Leonards TAFE campus.

To support these precincts is an impetus for affordable / key worker housing and market residential offerings, mixed with the appropriate allocation of complementary health & medical non-residential uses



Contextual Use:

- St Leonards Town Center
- Crows Nest Town Center
- Health / Education Precinct
- Mixed use corridor along Pacific Hwy
- Residential Precincts

Transport Connectivity:

- Pacific Highway
- Crows Nest Metro Station
- St Leonards Train Station

Legends:

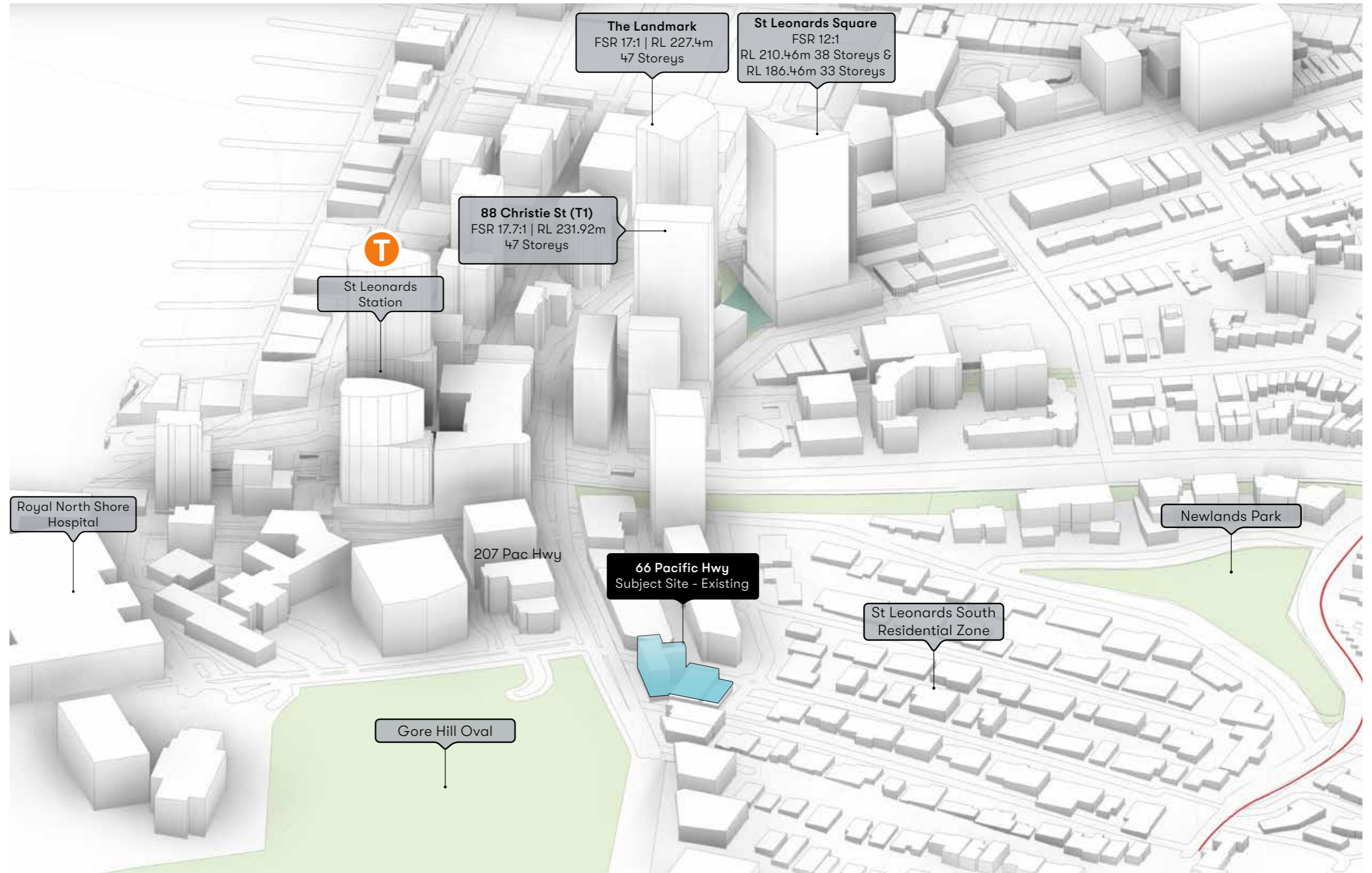
- 1. Royal North Shore Hospital / Precinct
- 2. TAFE St Leonards

5.2

Appendix

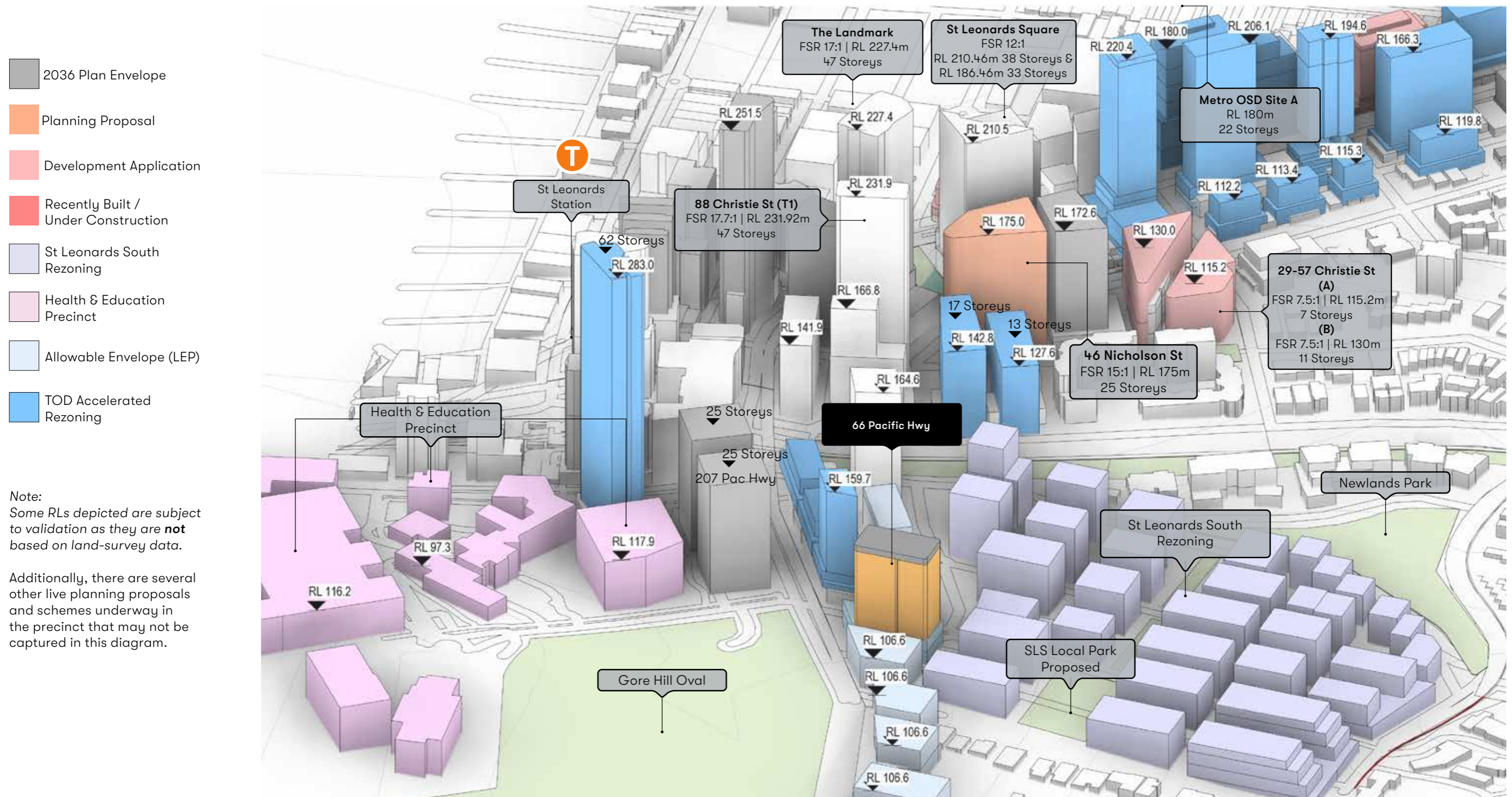
Supporting Massing Analysis

- Existing Built Form
- 2036 Plan Envelope
- Planning Proposal
- Development Application
- Recently Built / Under Construction



5.2 Supporting Massing Analysis Current & Future Built Form Context

The current and future built form context overlaying the current allowable controls, 2036 Plan, St Leonards South and TOD Rezoning. With future height for the site to be determined based on analysis and urban design study. It is likely that additional height will be proposed along the corridor in response to latest government incentives (TOD & AH).



Sydney

Level 1, One Chifley Square
Sydney NSW 2000 AUS
P. +61 2 9957 3988
E. hello@studiosc.com.au

Melbourne

Level 5, 447 Collins Street
Melbourne VIC 3000 AUS
P. +61 3 8584 1020
E. hello@studiosc.com.au



From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Tuesday, 16 July 2024 7:48:24 PM
Attachments: [brwa8934a20cf5c_000465.pdf](#)

Submitted on Tue, 16/07/2024 - 19:45

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

■

Last name

■

I would like my name and personal contact details to remain confidential

Yes

Info

Email

■

Suburb/Town & Postcode

2066

Submission file

[brwa8934a20cf5c_000465.pdf](#) (154.59 KB)

Submission

Hello Planning

I have looked at the proposal and I would like to know why the area bounded by River Rd, Greenwich Rd, Park Rd and the Pacific Hwy has not been included in the accelerated rezoning proposal. Please see the attachment with the red arrow indicating the areas highlighted.

This area is within 600m of a major train station - St Leonards Station, and yet a site that is a little further from Crows Nest Station (Rocklands Rd, Waverton) is a focus for accelerated rezoning.

Most of the residents in this area would support high density development. Can this area be

included?

I agree to the above statement

Yes

I agree to the above statement

Yes

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Friday, 16 August 2024 5:00:42 PM
Attachments: [crows_nest_submission_16aug24.docx](#)

Submitted on Fri, 16/08/2024 - 16:59

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Pamela

Last name

Ransom

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

Cammeray, 2062

Please provide your view on the project

I am just providing comments

Submission file

[crows_nest_submission_16aug24.docx](#) (15.83 KB)

Submission

With regard to your proposal on the Five Ways building proposed in Crows Nest, The following matters were raised :

The height of the building needs to be lowered for safety reasons. These include:

overshadowing on the streets surrounding this proposed 60 metre building
the Obstacles Limitation Surface designated for Kingsford -Smith Airport. The current limit is 156 metres whereas you are proposing around 160metres which makes flying a plane or helicopter in the sky much more dangerous for people.

I would also ask how many affordable houses are going to be built which are the reason that extra housing is being considered near the metro in Crows Nest. Nurses and teachers (needed in local hospitals or schools) are having difficulties getting accommodation to live in near the place that they work in . The state government is proposing 3,255 new places to rent or buy . These houses are to help our existing, working population in NSW have a place to live while supporting our economy.

Crows Nest is a great area where people can still relax in a busy city. The environment is still a good one with lots of sunlight and likeable conditions. Numerous towers are not the answer, community harmony and support which is shared. helps a lot.

St Leonards is already overcrowded with too many buildings, please respect Crows Nest in your considerations.

regards



I agree to the above statement

Yes

[REDACTED]
[REDACTED]
Cammeray, 2062
[REDACTED]

About your proposal on the Five Ways building proposed in Crows Nest, the following matters were raised:

The height of the building needs to be lowered for safety reasons. These include:

- overshadowing on the streets surrounding this proposed 60 metre building
- the Obstacles Limitation Surface designated for Kingsford -Smith Airport. The current limit is 156 metres whereas you are proposing around 160metres which makes flying a plane or helicopter in the sky much more dangerous for people.

I would also ask how many affordable houses are going to be built which are the reason that extra housing is being considered near the metro in Crows Nest. Nurses and teachers (needed in local hospitals or schools) are having difficulties getting accommodation to live in near the place that they work in. The state government is proposing 3,255 new places to rent or buy. These houses are to help our existing, working population in NSW have a place to live while supporting our economy.

Crows Nest is a great area where people can still relax in a busy city. The environment is still a good one with lots of sunlight and likeable conditions. Numerous towers are not the answer, community harmony and support which is shared. helps a lot.

St Leonards is already overcrowded with too many buildings, please respect Crows Nest in your considerations.

regards
[REDACTED]

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Friday, 23 August 2024 11:21:13 AM
Attachments: [objections-to-crows-nest-tod-rezoning-proposal.pdf](#)

Submitted on Fri, 23/08/2024 - 11:18

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

William

Last name

McGowan

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

2065

Please provide your view on the project

I object to it

Submission file

[objections-to-crows-nest-tod-rezoning-proposal.pdf](#) (108.36 KB)

Submission

Please refer to the attached objections to the Crows Nest TOD rezoning proposal from the W & R McGowan Superannuation fund.

I agree to the above statement

Yes

W & R McGowan Superannuation fund

P.O. Box 94

Crows Nest

NSW 1585

Australia

Mobile: [REDACTED]
[REDACTED]

23rd August 2024

The Executive Director – State-led Rezonings,
Department of Planning, Housing and Infrastructure,
NSW State Government,
Locked Bag 5022,
Parramatta,
NSW 2124.

Re: Crows Nest Transport Orientated Development Rezoning proposal.

Our superannuation fund owns 2 apartments [REDACTED], [REDACTED], Crows Nest and we strongly object to the Crows Nest Transport Orientated Development Rezoning proposal as we believe it goes well beyond the North Sydney Councils, local planning requirements, and if approved would have a detriment effect on all existing residents in the area. The proposed zoning area is one of the most densely populated areas in New South Wales and is lacking in greenspace, overall nature, public amenities and recreational precincts, particularly when compared to most of its neighbouring suburbs. The impact to the tree canopy cover on Sinclair St is also of major concern along with the impact on existing town services such as sewage, waste, water, electrical sub stations, etc.

The area also suffers from extremely heavy traffic flows, overburdened services, and major construction noise/congestion, due to all the ongoing development. Our residents have to live in the area and put up with all the developments approved by the State Government and Councils, with some development approvals that go totally against local planning, residents' values and liveability issues. The NSW State Government or local councils have not undertaken a major vehicular traffic study in the North Sydney, Crows Nest & St Leonards areas in many years. The studies referred to in numerous developers reports go back to 2013 and do not consider the current vehicular congestion we are experiencing in the Crows Nest area. The only detailed studies undertaken relate to cyclists and pedestrians. No new developments for the area should be approved by the NSW State Government or Councils until such time as a detailed study is undertaken by the State Government concerning the current vehicular traffic congestion, traffic flows, construction congestion and parking. The Pacific Highway and side streets in this area are currently extremely congested at peak times with insufficient access to and from existing developments. The rezoning will increase traffic congestion along Sinclair and from Bruce to

Pacific Highway Northbound and from Rocklands Road to the Pacific Highway Northbound and Southbound.

The proposed rezoning will create pedestrian hazards and safety for primary and high school aged students from North Sydney Girls HS and Cammeraygal High Schools. The proposed rezoning will result in increased noise and emissions from rooftop services such as ventilation and heating equipment in addition to the current noise levels generated by Mater Hospital and the Melanoma Institute of Australia (MIA) facilities.

All new developments in St Leonards must carefully consider liveability, social cohesion, neighbourhood resilience, protection from shadowing, wind tunnelling and provision of public amenities. All new developments should have considerable separation between buildings and have to include green space and recreational precincts. The loss of sunlight and afternoon shadowing that will occur to our apartments due to the proposed height of these new developments is of major concern to us. Loss of privacy for our units in Panorama that will be directly facing into proposed new dwellings is also of major concern. The proposed rezoning and proposed development will result in the immediate loss of our harbour views

We are extremely concerned by the amount of development approved at any one time in the North Sydney, Crows Nest, St Leonards area, as this is causing major construction congestion, road closures, construction noise along with dust issues. There currently does not appear to be any co-ordination between the Councils & State Government, resulting in ongoing construction congestion in the area.

This proposed rezoning will have a detrimental effect on liveability and social cohesion for existing residents who purchased their properties based on the existing North Sydney Council planning rules. The proposed rezoning will have a detrimental effect on the values of apartments in the area which will definitely affect the superannuation funds available for our retirement.

The Crows Nest Transport Orientated Development Rezoning proposal is not in the best interests of the residents of Crows Nest, and that the NSW State Government has not carried out sufficient research to consider the detrimental effect on the proposed rezoning area, however, is prepared to unilaterally impose this Crows Nest Transport Orientated Development Rezoning proposal on us when the majority of residents we speak to in the area oppose it.

Yours sincerely
Regards

A black rectangular redaction box covering the signature of the sender.

For and on behalf of
The W & R McGowan Superannuation fund

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Thursday, 22 August 2024 8:19:48 AM
Attachments: [christie-street.pdf](#)

Submitted on Thu, 22/08/2024 - 08:13

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

██████████

Last name

██████████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

St Leonards 2065

Please provide your view on the project

I object to it

Submission file

[christie-street.pdf](#) (1.04 MB)

Submission

I am writing to express my concern as a local resident.

The proposed development has not demonstrated clear solution for the added traffic load. As things stand, Oxley road will be taking the sole burden to service all increased traffic from the neighborhood. It is already congested.

Attached are photos of a driver recklessly turning into Pacific highway from Christie street. This is a daily occurrence that endangers the community and your proposal will only make it worse.

I agree to the above statement

Yes



From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Wednesday, 28 August 2024 1:42:26 PM
Attachments: [personsal-submission-22-nicholson-st.pdf](#)

Submitted on Wed, 28/08/2024 - 13:41

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

[REDACTED]

Last name

[REDACTED]

I would like my name and personal contact details to remain confidential

Yes

Info

Email

[REDACTED]

Suburb/Town & Postcode

Wollstonecraft 2065

Please provide your view on the project

I support it

Submission file

[personsal-submission-22-nicholson-st.pdf](#) (4.51 MB)

Submission

Please refer attached PDF file as our personal submission.

I agree to the above statement

Yes



Personal Submission

Lodged By: [REDACTED] Wollstonecraft NSW 2065

Date: 28 August 2024

Reference: Crows Nest TOD Rezoning Proposal



[Redacted]

[Redacted]

Wollstonecraft NSW 2065

28 August 2024

Brendan Metcalfe

Director, State Rezoning

Department of Planning, Housing and Infrastructure

4 Parramatta Square, 12 Darcy Street,

Parramatta NSW 2150

Dear Brendan,

My husband & I are owner occupiers: [Redacted].

We support the rezoning of the Crows Nest Metro TOD Accelerated zone. We remain hopeful the DPHI will make requested minor changes to the currently exhibited TOD documents that will allow us to support the redevelopment of the site: 8-24 Nicholson St Wollstonecraft.

Issues With Proposed TOD Metrics for 8-24 Nicholson

The exhibited TOD documents have granted 8-24 Nicholson St :

FSR 1.6:1

Height 23m / 6 storeys.

(i) Impact LMR

The above metrics will not allow the site to be aligned to the height transition principle from the Pacific Highway. Specifically, the properties at our rear boundary will fall under the forthcoming Low Mid-Rise Infill policy: FSR 2.0 & 6 storeys + 30% bonus = 8 storeys.

We request corrective action be taken to move the 8-24 Nicholson site to FSR 3.1:1 or higher with 10 storeys to allow the transition from the Pacific Highway down to the residential areas of Wollstonecraft.

(ii) Not feasible to sell to developer

At the proposed FSR 1.6:1 & 23m it is not feasible for us to participate in a group sale to a developer.


Colliers has advised¹ development value generated by the proposed metrics for the collective site 8-24 Nicholson St would result in a projected [REDACTED], based on a typical 18-24 month settlement.

Garwoods Real Estate² has estimated the current retail value of our property for an individual sale as [REDACTED] based on a typical 6 week settlement.

We're certainly not looking for, nor expect a lottery win from a collective sale but we cannot sell at a loss. That is not fair, that is not reasonable. It would make no economic sense for us to opt in to a group sale & wait 2 years to receive the funds during which time the market will undoubtedly move upwards due to the location next to the metro, the scarcity of properties in this location & the upward trend for the Sydney market in general. We would be priced out of purchasing back into the market and have to pay stamp duty to purchase elsewhere further adding to the unreasonable burden of costs levied on us in this scenario.

¹ Guillaume Volz, Colliers Colliers National Director August 2024

² Garwoods Real Estate August 2024



From conversations with the above industry representatives we understand the industry norm is an offering at 2-3 times current market value to ensure a collective or group sale can get off the ground. The proposed TOD metrics generate a below market value.

The site is not feasible to develop until the overly restrictive FSR & height are adjusted upwards.

An FSR of at least 3.1:1 or above will allow the site to move into development immediately. The owners of 8-24 Nicholson are engaged, MOU signed and have come to terms with it being time to sell and move on from the area as our single dwelling houses are no longer a good fit for the community.

Additionally, the mandated affordable housing component of 10% adds an additional layer of economic necessity to raising the FSR & height to move to a position of developmental feasibility.

(iii) Currently houses 10 families only - could be 100+

This corrective action to move 8-24 Nicholson St to 10 storeys will serve to smooth the current mis-match with its existing neighbours. The surrounding buildings are all multi storey higher density as per the R4 zoning of this area. The site as it stands today is a low rise outlier remaining from times gone by and no longer serves the best needs of the community. It currently houses just 10 families but with redevelopment it could accommodate 100 apartments all of whom can, as per the TOD objectives, be living less than 5 minutes walk to Crows Nest Metro.

(iv) Limbo at current metrics

Under the proposed metrics of FSR 1.6:1 & 23m we are stuck in limbo.

We want to sell & move on but cannot due to the lack of feasibility already discussed.

But if we stay as a single storey dwelling it is not okay that our rear neighbours will be building up to 8 storeys (LMR) when we who are closer to the metro & closer to the height spine of the Pacific Highway are stuck at 6 storeys.

We understand when planning it is acceptable to acknowledge but “ignore” existing buildings as we cannot change the past & we support the idea of moving to the future based on more robust planning. However, as clearly demonstrated in Image 1 this is the “vista” over our back fence from [REDACTED] as at August 2024 & this is before the LMR policy comes into play. Once the LMR allows 8 storey buildings along the rear fence we will have a solid 8 storey wall towering over our yard.



Image 1: August 2024 rear south boundary fence [REDACTED]

(v) Solar Impact

Further on the above point if we cannot sell we are then adversely impacted by the new TOD development proposed along Oxley St & Pacific Highway.

The proposed development & uplift in Block 4 & Block 5 in the Master Plan testing³ will severely impact the solar access for [REDACTED].

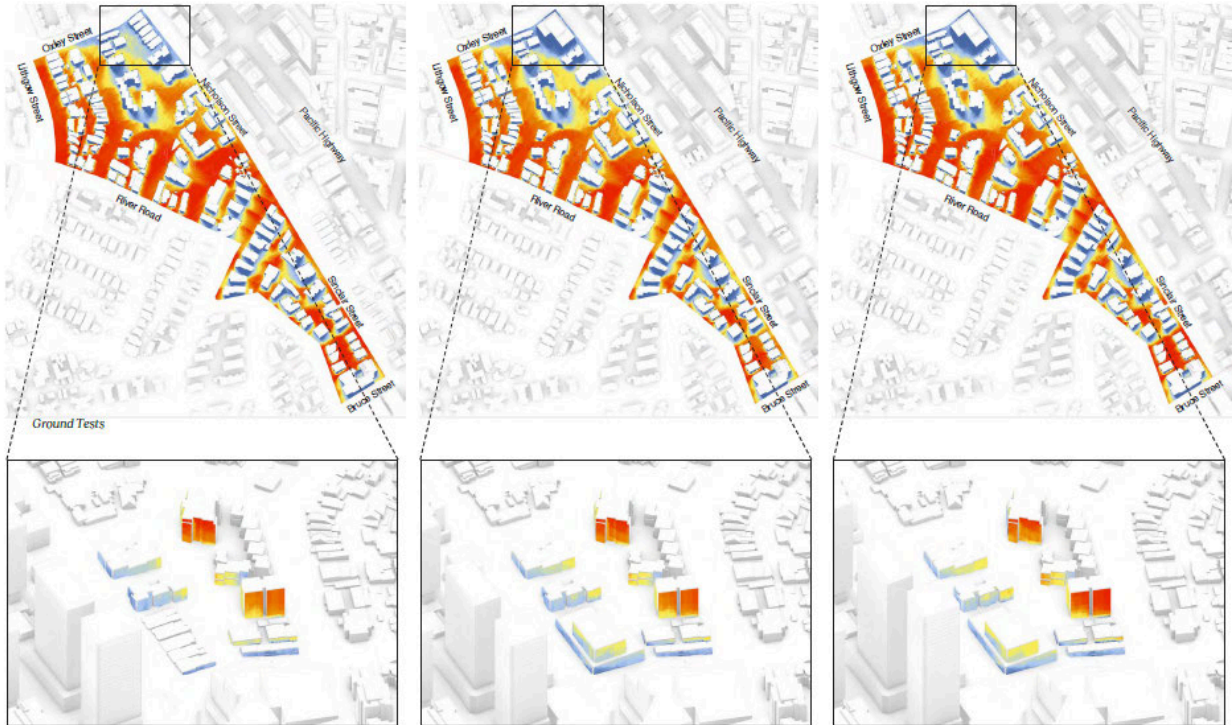
As shown in the modelling in the Crows Nest Urban Design Report [REDACTED] will not achieve the minimum 2 hours winter solstice 2 hours sunlight unless the uplift is raised. And if the site is forced by lack economic feasibility to remain as single dwellings there is no chance for the developments in Blocks 4 & 5 to proceed and meet the regulations as set in the North Sydney DCP.

³ Crows Nest Urban Design Report July 2024

2036 Plan

Proposed

Proposed with Incentives



4

Timing & Targets

As an owner within the 8-24 Nicholson St site we are open to finding a solution in the immediate future that will allow the State Government to pave the way for North Sydney Council to start to move towards meeting its housing contribution targets.

North Sydney Council has a target of 5900 new homes to be completed by 2029.

It would be senseless to disregard this site as it has already been factored into the progress towards that target.

Our site stands ready - MOU signed, owners aligned. The barrier is simply the proposed FSR & height are too low to be economically feasible.

As the Department is aware, potential sites do not equate to sites that will necessarily move to market in the short to medium term. It is no easy feat to get a site consolidated.

However, in this case the hard work has already been done! This site is ready.

This site ticks all the State Government objectives:

(i) Proximity to transport & amenities:

- Located within 5 mins walk to Crow Nest Metro

- Located within 5 mins walk to 3 major supermarkets

- Located within 10 mins walk to St Leonards Rail

- Located within 10 mins walk of Royal North Shore Hospital

(ii) Zoning - site was already R3 prior to the TOD proposals & now proposed R4

Not a major change as all immediate neighbours are already medium - high density



(iii) Potential contribution to North Sydney housing target of 100 dwellings.

The 3 councils that make up this precinct are North Sydney (not currently meeting its target), Willoughby & Lane Cove. The 3 councils need to add 868 new dwellings per annum to meet their respective targets. The 100 dwellings potentially located at the Nicholson site represents 11.5% of this target. Discarding this significant portion of the target does not make sense, when a small corrective upward adjustment within the site metrics by raising the height to 10 storeys & adjusting the FSR above 3.1:1 will allow the site to fulfil its contribution to North Sydney Council's housing target.

The requested adjustment will not only correct the transition with the LMR policy impact on properties located to the south but it will better position the department to continue assessments for future developments in this R4 zoned area. From community discussion it has become apparent that in the future the blocks to the south of the property may not be against development for their land. Obviously that kind of assessment and potential is a completely separate category to the Nicholson site. Land to the south of the Nicholson site involves many Strata sites and individual land lots. As such that is a lengthy process to get a large area such as that organised and legally ready to move forward with development. Not to say it won't happen in the medium to longer term future but it is certainly not a short term project.

8-24 Nicholson by contrast IS short term - ready to go to market in 2024.

It is important to ensure 8-24 Nicholson sets the transition marker at the correct level to allow for the land to the south to be redeveloped in the future. This can only occur if the Nicholson site is changed to 10 storeys & FSR 3.1:1 or above.

Delaying Nicholson site by not making these upward adjustments in the proposed metrics now will mean the site is no longer a short term win for North Sydney Council. Pushing the site out for future assessment as part of stage 2 is not responsible. Over time owners will change, views will change and there is no guarantee the site will remain poised to sell as it is now.

Factors that will assist in community & Council acceptance of requested change to 10 storey & FSR 3.1:1 or higher:

(i) 8-24 Nicholson sits at the low point of Nicholson street. The current houses sit **below** street level. There are pedestrian stairs to get **down** from street level to footpath. Then there are further steps located at each property to get **down** to the front door. This means granting uplift will in part be absorbed by the physical topography.

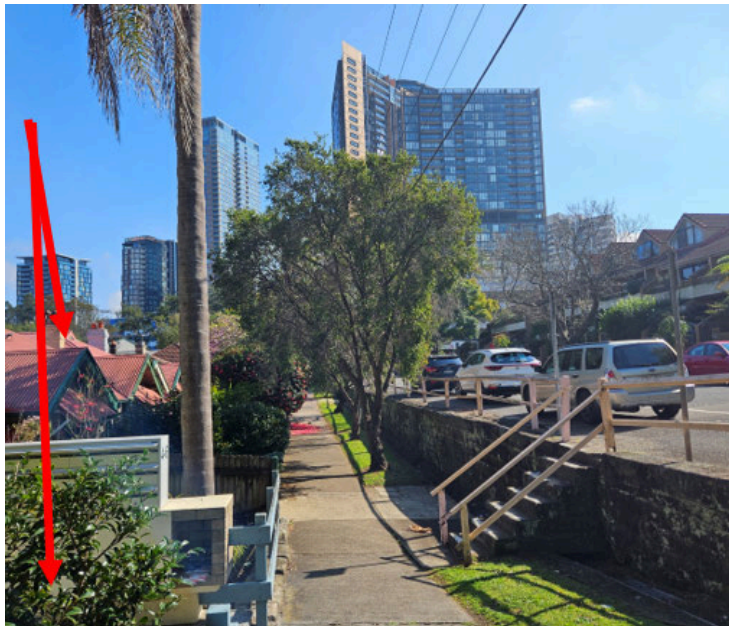


Image 2: Roofline 8-24 Nicholson below street level & front door below footpath level



Images 3 & 4: Steps from footpath to get down to front door below footpath level.

(ii) All existing neighbours are already high density high rise buildings. There are no single storey dwellings adjoining 8-24 Nicholson St.



Image 5: Adjacent properties: [REDACTED] - both existing multi storey apartments

(iii) Proposed setbacks of 6m on Nicholson & 1.5m on Oxley align with the North Sydney Council requested setbacks in their TOD submission.

Summary

We ask the Department to consider our feedback.

We ask the Department to amend the site 8-24 Nicholson to 10 storeys & FSR 3.1:1 or above.

This will allow development feasibility & correct the transition from the Pacific Highway height spine & fulfil the TOD program objectives.

We implore the Department **not** to set us aside for future consideration. We do not want to live surrounded by high rise construction and it would be reckless for the Department to assume this site will always be available as a group consideration, that would not be a reasonable assumption as owners change as time marches on.

Please do not ignore this ready made win for the TOD housing targets.

Sincerely



From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Tuesday, 20 August 2024 10:52:28 PM
Attachments: [attachment-1.pdf](#)

Submitted on Tue, 20/08/2024 - 22:50

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

██████████

Last name

████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

Strathfield 2135

Please provide your view on the project

I support it

Submission file

[attachment-1.pdf](#) (832.43 KB)

Submission

See attached

I agree to the above statement

Yes

To The Department of Planning, Housing and Infrastructure,

****Request for Inclusion of Strata Plan 138 ([REDACTED] , Wollstonecraft) in the Transportation Oriented Development (TOD) Regime****

I am an owner of [REDACTED] Wollstonecraft, and I am requesting that our property be included in the Transportation Oriented Development (TOD) regime.

Our building is suffering from concrete cancer, and experts have determined it is nearing the end of its serviceable life. The cost of repairs is prohibitive, presenting a significant financial burden to owners without guaranteeing long-term structural integrity.

Given our location within 500 meters of the new Crows Nest metro station, our property is ideally positioned for redevelopment under the TOD regime. Inclusion would align with TOD objectives, promoting sustainable urban growth and better utilization of land near transit hubs.

We believe this extension would benefit all stakeholders, enabling us to negotiate a collective sale to a developer who can more effectively use the site. This would address our current challenges and contribute positively to the community's future.

We respectfully request your consideration of this proposal and look forward to your favorable response.

Yours sincerely,

[REDACTED]

[REDACTED]

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Monday, 26 August 2024 9:10:42 PM
Attachments: [crows-nest-precinct-submission.docx](#)

Submitted on Mon, 26/08/2024 - 21:09

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

[REDACTED]

Last name

[REDACTED]

I would like my name and personal contact details to remain confidential

Yes

Info

Email

[REDACTED]

Suburb/Town & Postcode

St Leonards/NSW 2065

Please provide your view on the project

I support it

Submission file

[crows-nest-precinct-submission.docx](#) (16.02 KB)

Submission

See attached document

I agree to the above statement

Yes

Crows Nest Precinct: Support for state-led rezoning.

As a Resident of Crows Nest/St Leonards South we support the state-led rezoning and call for the *Focus for accelerated rezoning* area be extended to the remainder of St Leonards South (Lane Cove LGA area: Park Road to Greenwich Road and River Road to Pacific Highway).

Extending the rezoning area to Greenwich Road/River Road will enhance housing capacity with minimal disruption, leveraging existing transport infrastructure and community support.

We believe that the inclusion of the remainder of St Leonards South is justified as follows:

1. **Proximity to Transport** - Walking distance to multiple transport options.
 - 2 train stations -St Leonards and Wollstonecraft
 - 1 Metro station – Crows Nest
 - Major Bus routes and Interchange - Pacific Highway/St Leonards
2. **Logical Extension with minimal disruption**
 - Natural and logical option to extend rezoning area as defined by the existing perimeter: Formed roadways - ***Park Road to Greenwich Road and River Road to Pacific Highway.***
 - Ability to deliver more housing with minimal disruption due to ongoing development in St Leonards South.
3. **Community Support:**
 - Remaining residents of St Leonards South support state-led rezoning as has been communicated to Lane Cove Council and NSW Government on several occasions during the consultation for the St Leonards and Crows Nest 2036 plan.

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Thursday, 29 August 2024 10:45:36 AM
Attachments: [submission---72-christie-street,-st-leonards.pdf](#)

Submitted on Thu, 29/08/2024 - 10:07

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Jack

Last name

Rixon

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

Sydney

Please provide your view on the project

I am just providing comments

Submission file

[submission---72-christie-street,-st-leonards.pdf](#) (8.32 MB)

Submission

An alternative building envelope was presented to DPHI on 2 April 2024 to support the sustainable retention of the existing commercial building and construction of a new tower above. Specifically, the proposal requested amendments to the maximum building height of 17 storeys and FSR of 8.75:1 as well as some site specific amendments to recommended built form controls (e.g setbacks and street wall heights) to enable the sustainable retention of the base building.

The exhibited changes in the Crows Nest TOD rezoning do not adopt the amendments proposed for the site and infact 'downzone' the site against the St Leonards and Crows

Nest 2036 Plan (2036 Plan) recommendations, with all other sites appearing to benefit from greater or equal uplift to the 2036 Plan recommendations.

Achieving a better height transition from north to south was identified as key reason for the sites effective downzoning, however as identified in our submission, the TOD heights and alternative building height identified for our site will not extend above the readable profile of the skyline and as such will not have substantive impact on transition heights along Christie Street.

We ask that the TOD working group please consider our original submission and this submission further to ensure the feasible redevelopment can occur whilst supporting the sustainable objectives of the project through the retention of the existing commercial building.

We welcome the opportunity to discuss this further with you in a meeting if this can be arranged.

I agree to the above statement

Yes

29 August 2024

Department of Planning, Housing and Infrastructure
Locked Bag 5022
Parramatta NSW
2124.

ATTN: [REDACTED]

Dear [REDACTED]

Submission to Crows Nest TOD Rezoning Proposal – 72 Christie Street

This submission letter is prepared on behalf of UOL Group Limited (**UOL**), landowners of 72 Christie Street, St Leonards (**the site**), in response to the proposed planning control changes exhibited under Crows Nest TOD rezoning proposal.

Specifically, this submission addresses the proposed planning control amendments identified for the site and proposes alternative planning controls to support the redevelopment of the site for a commercial hotel use incorporating sustainable retention of the existing commercial building as previously presented to the Department of Planning, Housing and Infrastructure (**DPHI**).

Whilst generally supportive of the intent of the accelerated program to realise additional housing and job opportunities within the precinct, the built controls identified for the site do not provide any feasible incentive to redevelop or recognise the sustainable objectives identified for the site. In fact, the changes proposed effectively 'downzone' the site against the St Leonards and Crows Nest 2036 Plan (**2036 Plan**) recommendations, with all other sites appearing to benefit from greater or equal uplift to the 2036 Plan recommendations.

As previously submitted, the alternative envelope identified in Hassell's urban design document maintains an appropriate height transition from Pacific Highway to the south with minimal environmental impacts to surrounding land uses. It also provides sufficient incentive to enable the redevelopment/urban renewal and sustainable retention of the existing commercial building at the site.

Key built form parameters identified in the SLCN 2036 Plan are reflected in the proposal, albeit with some minor variations to enable the sustainable retention of the existing commercial building and incentivise the redevelopment and urban renewal of the site in line with the objectives and visions of the SLCN 2036 Plan.

We are supportive of the vision and objectives of the SLCN 2036 Plan and TOD rezoning proposal however, the planning controls current proposed for the site will significantly compromise the outcomes from being realised and providing an opportunity for the site to contribute to this vision in a meaningful way. As detailed in this submission, it is therefore proposed that the alternative building envelope and planning outcomes for the site be adopted by DPHI as part the TOD rezoning proposal for the following reasons:

- Provide adequate incentive to support the redevelopment of the site and enable the sustainable retention of the existing base building.
- Maintain an appropriate height transition from north to south, consistent with other transition heights across the precinct, and will provide for an improved transition height east to west.
- Presents no additional overshadowing impacts at winter solstice with minimal to improved impacts identified during spring/Autumn and summer equinox vs the built form controls identified for the site under the TOD changes.
- Supports a hotel building typology which will support a highly compatible land use with the strategic health precinct.



This submission is supported by an urban design packaged which is appended with this letter and should be read in conjunction with the alternative building envelope massing presented to the TOD working group on 2 April 2024.

Background

UOL and their project team met with Lane Cove Council (**Council**) was held on 14 March 2024 to discuss the alternative building envelope for the site against the recommended planning controls identified in the 2036 Plan. Council was generally supportive of the revised scheme and recommended not to proceed with a site-specific planning proposal, and that a proposal be submitted to DPHI to guide their master planning and subsequent lodgement of a site-specific Planning Proposal.

Following endorsement from Council, Mecone discussed the proposal with the TOD working group who advised not to proceed with a site-specific planning proposal, so as not to interfere with the State-led rezoning. It was understood that at a minimum, the recommendations of the 2036 Plan would be adopted and where additional uplift is sought, alternative building envelope plans may be provided for consideration by the TOD working group.

Following the advice of the TOD working group, alternative building envelope massing was presented for the site to the TOD working group on 2 April 2024 with supporting planning summary justifying its inclusion in the Crows Nest TOD rezoning proposal. The key amendments from the 2036 Plan recommendations were to support:

- A maximum height of 18 storeys (including two plant levels; above base building and rooftop of new build) (increased from 15 storeys recommended in 2036 Plan),
- A maximum FSR of 8.75:1 (increase from 7:1 FSR recommended in 2036 Plan), and
- Minor amendments to setbacks and street wall heights to enable the sustainable retention of the existing commercial building.

The Crows Nest TOD rezoning proposal was publicly exhibited on 16 July 2024 with the following planning controls identified for the site:

- a maximum building height of 54m (13 storeys), and
- a maximum FSR of 7:1.

The exhibited changes effectively 'downzone' the site from previous recommendations under the 2036 Plan which raise significant concern for the landowners who are actively pursuing redevelopment of the site.

Shortly following the exhibition of the Crows Nest TOD rezoning proposal, Council advised in a meeting with UOL, Mecone and Hassell on 26 July 2024 that they continue to provide their support for the alternative envelope as proposed by UOL.

A subsequent meeting with DPHI was held on 29 July 2024 to understand the key drivers of the proposed building height and FSR and how the alternative building envelope was considered in the rezoning proposal. Based on the discussions at the meeting, we understand the key drivers for the proposed built form controls to provide:

- a better transition height from Pacific Highway to the south, and
- better amenity for neighbouring residential dwellings.

These key drivers are addressed further below and supported by the TOD and Alternative Envelope Massing provided in the attached which provides further technical urban design analysis.



Alternative Building Envelope

The site currently contains a seven (7) storey commercial building with an FSR of approximately 4.7:1. The Crows Nest TOD rezoning proposal proposes an uplift of an additional 6 storeys and 2.3:1 FSR.

As identified in our submission on 2 April 2024, the future redevelopment of the site is identified for hotel use with an aim to adaptively reuse the existing base building to support the sustainable objectives of the project.

To enable this, an alternative building envelope is required as outlined in **Table 1** below. These amendments represent a relatively modest uplift from the 2036 Plan and will support a land use that strategically aligns with the strategic health precinct.

Please refer to the attached urban design package and previous alternative envelope submission for further details of the alternative massing envelope proposed.

TABLE 1 – ST LEONARDS AND CROWS NEST PLAN 2036 – BUILT FORM COMPARISONS

BUILT FORM CONTROL	RECOMMENDED CHANGE UNDER SLCN 2036	CROWS NEST TOD REZONING PROPOSAL	ALTERNATIVE ENVELOPE MASSING (PROPOSED)
Building Height	15 storeys	54m (13 storeys)	18 storeys (including two plant levels)
Height uplift from current built form	8 storeys (114% increase)	6 storeys (85% increase)	10 storeys (142% increase)
FSR	7:1	7:1	8.75:1
FSR uplift from current built form	2.3:1 (48% increase)	2.3:1 (48% increase)	4.05:1 (86% increase)
Minimum Non-Residential FSR	7:1	7:1	8.75:1
Street Wall Height	4 Storeys to Christie Street and Lithgow Street	5 storeys to Christie Street and 4 storeys Lithgow Street	5 storeys to Lithgow Street and no street wall setback to Christie Street (to enable retention of existing building and future green facade to Christie Street – refer to original alternative envelope massing).
Setbacks	3m to Christie Street and Lithgow Street	0m to Christie Street and Lithgow Street.	0m to Christie Street and Lithgow Street (to enable retention of existing building)



Benefits of Proposed Building Envelope

Key environmental and built form considerations for the alternative building envelope have been identified and addressed below with further urban design analysis and testing provided in the attached:

1. Sustainable Re-adaption of base building

The proposal will enable the adaptive reuse of the existing commercial building achieving high sustainability and circular economy benefits. The proposal aligns with the sustainability aspirations of Council with retained carbon and materials resulting in less waste for the future redevelopment of the site.

2. Transition height

North-South

The alternative building envelope proposes an additional 2 storeys from the 2036 Plan recommendations. In the context of the significant heights to the north, this represents a relatively minor increase to built form for the site which is capable of maintaining an appropriate transition from 88 Christie Street (48 storeys) and 46-52 Nicholson Street (29 storeys) to the south.

The height transition identified in the TOD proposal does not appear to be supported by any substantive justification and does not account for the unique characteristics of the site and its surrounds. It is also inconsistent with other transition heights evident within the St Leonards and Crows Nest locality as demonstrated below:

- Canberra Avenue (St Leonards South) – 29 storeys to 20 storeys, 17 storeys and 8 storeys beyond
- Christie Street (east) – 50 storeys to 29 storeys and to 18 and 12 beyond.
- Oxley Street – 32 storeys to 8 storeys.
- Mitchell Street (west) – 42 storeys to 35 storeys to 18 storeys and 6 storeys beyond.

With exception for 4 Herbert Street (standalone tower site), 88 Christie Street (48 storeys) to 80 Christie Street (17 storeys) represents the largest height transition within the precinct of 31 Storeys.

Furthermore, transition heights of 24 storeys (Oxley Street) and 12 storeys (Mitchell Street) is also taken to be acceptable to medium to lower scale developments of 6-8 storeys.

As demonstrated in Figure 2, in the context of other side of Christie Street, the site is not a readable profile in the skyline and the reduced height identified for the site is not justified in the exhibited TOD massing.

With regard to the above, the transition building heights identified for 80 Christie Street (17 storeys) and the site (13 storeys) appear arbitrary when compared to other sites in the precinct. Additionally, the removal of additional building height for the site is inconsistent with other building height transitions to medium and lower scale developments of 6-8 storeys, let alone 11 storeys as identified for 54 Christie Street.

It is our view that the alternative building envelope and additional height to 80 Christie Street can maintain an appropriate height transition from north to south that is similar to that identified for other side of Christie Street.

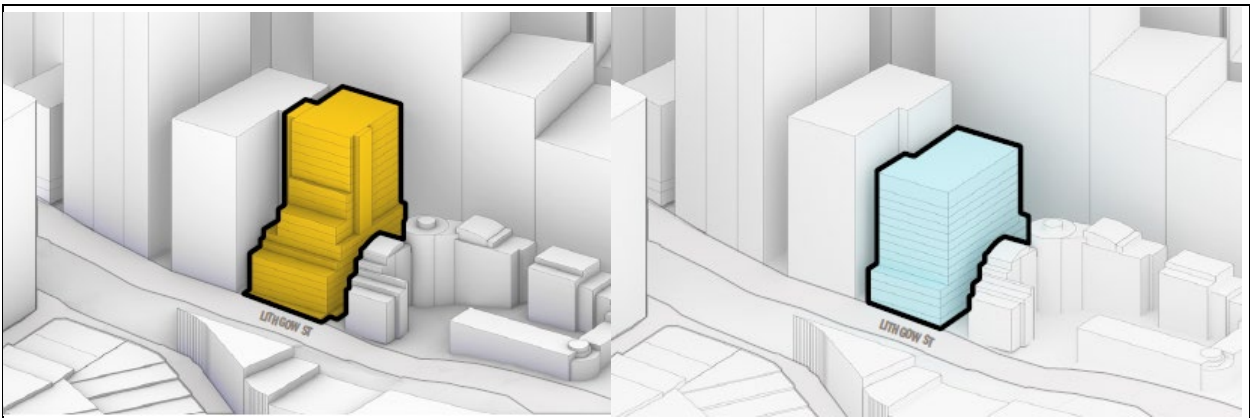


Figure 1 – 3D Block analysis- alternate building envelope (yellow) vs TOD changes (blue)
 Source: Hassell

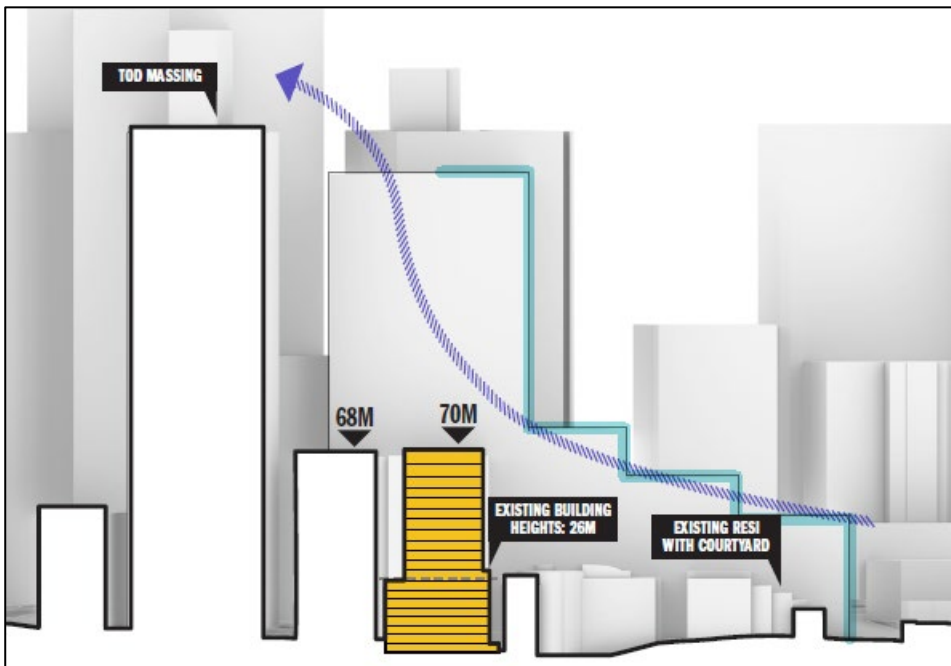


Figure 2 – Comparative Section Analysis North-South: alternate building envelope (yellow) vs TOD changes (blue)
 Source: Hassell

East-West

The East-West height transitions do not appear to be addressed in the master planning to date.

The alternative envelope will provide an improved height transition from east (52 Nicholson Street) to the west (Rail corridor and St Leonards South) which will be further improved through the increased setbacks to Lithgow Street.



Figure 3 – Comparative Section Analysis – East-West: alternate building envelope (yellow) vs TOD changes (blue)
 Source: Hassell

3. Overshadowing to Newlands Park

Varying tower setbacks to Lithgow Street have been designed to ensure no increased overshadowing to Newlands Park between 10am-3pm Winter Solstice.

4. Overshadowing to 54 Christie Street

A comparative overshadow analysis has been undertaken for the site and wider St Leonards/Crows Nest precinct against the proposed changes of the Crows Nest TOD rezoning proposal and the alternative envelope (Refer to attached urban design document).

As demonstrated in the attached urban design document, building envelopes for neighbouring sites to the north and east will have substantial overshadowing impacts to existing residential development.

The alternative massing envelope provides no additional overshadowing impact to that exhibited in the Crows Nest TOD rezoning proposal in mid-winter and minimal to improved amenity during Summer and Spring/Autumn Solstice due to the increase setbacks to Lithgow Street.

Furthermore, living areas and balconies of 54 Christie Street are orientated towards Christie Street and Lithgow Street with north facing windows, which are typically screened due to existing relationship with commercial building, being generally associated with bedroom, amenities and circulation areas.

5. Hotel use strategically aligning with Strategic Health Precinct

Commercial floor space vacancies have risen sharply in Sydney since the onset of the pandemic which has resulted in commercial development becoming largely unviable. Demand for hotel use on the other hand is strong with the site well located to support the strategic health precinct.

The planning controls exhibited under the Crows Nest TOD rezoning proposal are commensurate to a commercial building typology which is not conducive for a hotel use. It also provides little to no incentive to support redevelopment of the site – both for the adaptive reuse and demolition/construction scenarios.

Hotel accommodation in close proximity to the Royal North Shore Hospital, North Shore Private and other supporting health practices provides an important service for families and friends to stay close in-patients seeking critical care and for out-of-town patients to access specialist appointments.

As such, an alternative building envelope to support the future hotel use is reasonable in this circumstance. Such an outcome will be the catalyst to ensure the site is capable to providing a meaningful contribution to the locality and response appropriately to the objectives and visions of the 2036 Plan and TOD rezoning proposal.



Conclusion

The effective 'downzoning' of the site as proposed under the exhibited changes provides little incentive to redevelop the site in line with the vision and objectives of the 2036 Plan. The justification for the 'downzoning' does not appear to be supported by detailed analysis of the physical characteristics of the site, or the desired planning outcomes.

We also find this to be inconsistent with other height transitions identified in the precinct which have been highlighted in this submission.

UOL is looking is seeking to redevelop the site for commercial hotel use. In order to support this redevelopment, an alternative building envelope to the TOD amendments seeking an overall building height of 18 storeys (including two plant levels) and FSR of 8.75:1, as well as setback and street wall concessions to enable the readoption of the existing commercial building.

Site specific analysis of the site and building envelope has been undertaken to address key environmental considerations and ensure the future redevelopment aligns with the objectives and urban design principles of the 2036 Plan. The variations identified under the alternative building envelope are supportable for the following reasons:

- The alternative building envelope will provide adequate incentive to support the redevelopment of the site and enable the sustainable retention of the existing base building.
- It will maintain an appropriate height transition from north to south, consistent with other transition heights across the precinct, and will provide for an improved transition height east to west.
- Shadow diagrams demonstrate no additional overshadowing impacts at winter solstice with minimal to improved impacts identified during spring/Autumn and summer equinox vs the built form controls identified for the site under the TOD changes.
- The alternative building envelope will supports a hotel building typology which will support a highly compatible land use with the strategic health precinct.

For the reasons outlined above, the proposed alternative envelope would deliver a more nuanced approach for the site which provides an opportunity for the site to deliver on those planning outcomes envisaged for the locality.

We have appreciated working with Council and the TOD working group at DPHI to date to discuss the redevelopment opportunity for the site and look to forward to continue working collaboratively with both parties to ensure a suitable planning outcome can be achieved for the site.

Should you wish to discuss the contents of this submission and the alternative building envelope further, please do not hesitate to contact me.

Kind regards,



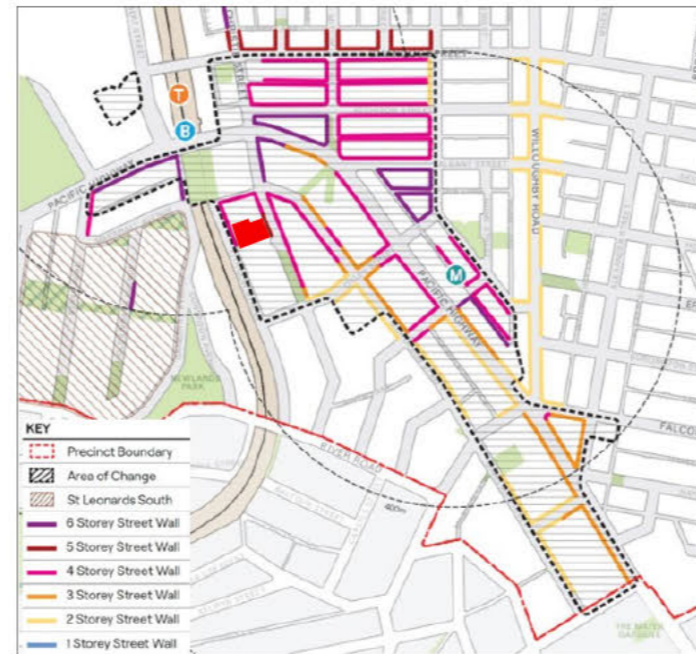
72 CHRISTIE STREET TOD REFORM ANALYSIS

OVERVIEW: CROWS NEST TOD REFORMS

CROWS NEST TOD REZONING

CROWS NEST LEP CONTROLS

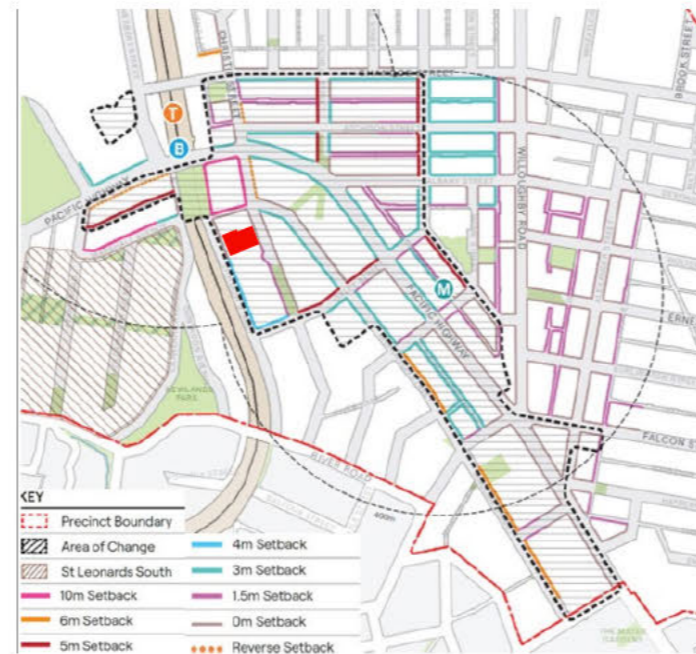
- The rezoning proposes tall buildings around the station arc to the north of the existing site.



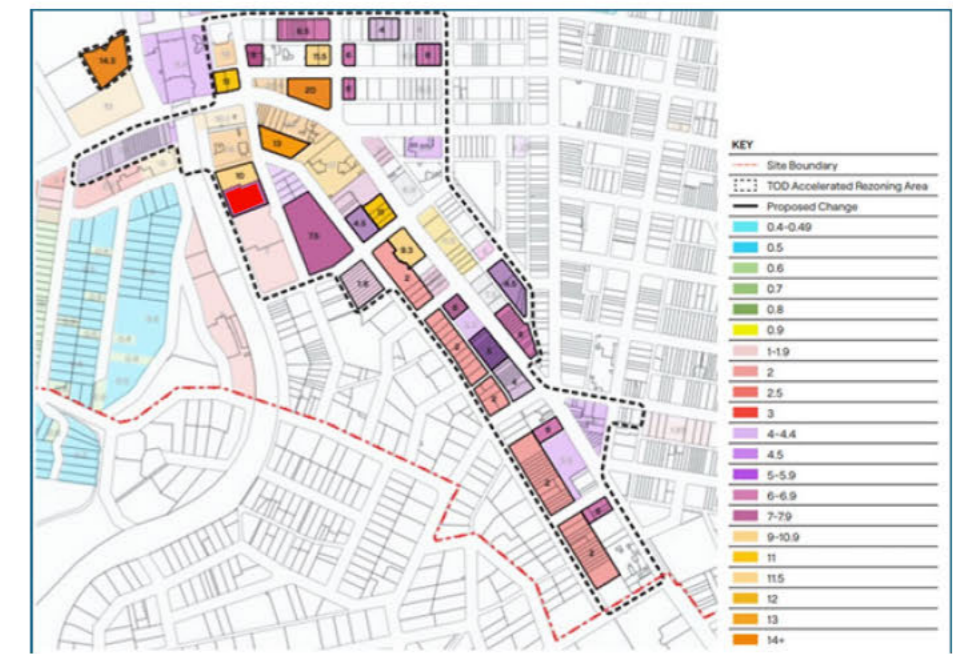
RECOMMENDED 4&5 STOREY STREET WALL HEIGHTS



PROPOSED 54M MAXIMUM HEIGHT OF BUILDING



RECOMMENDED 0M SETBACKS



PROPOSED MAXIMUM FSR 7:1

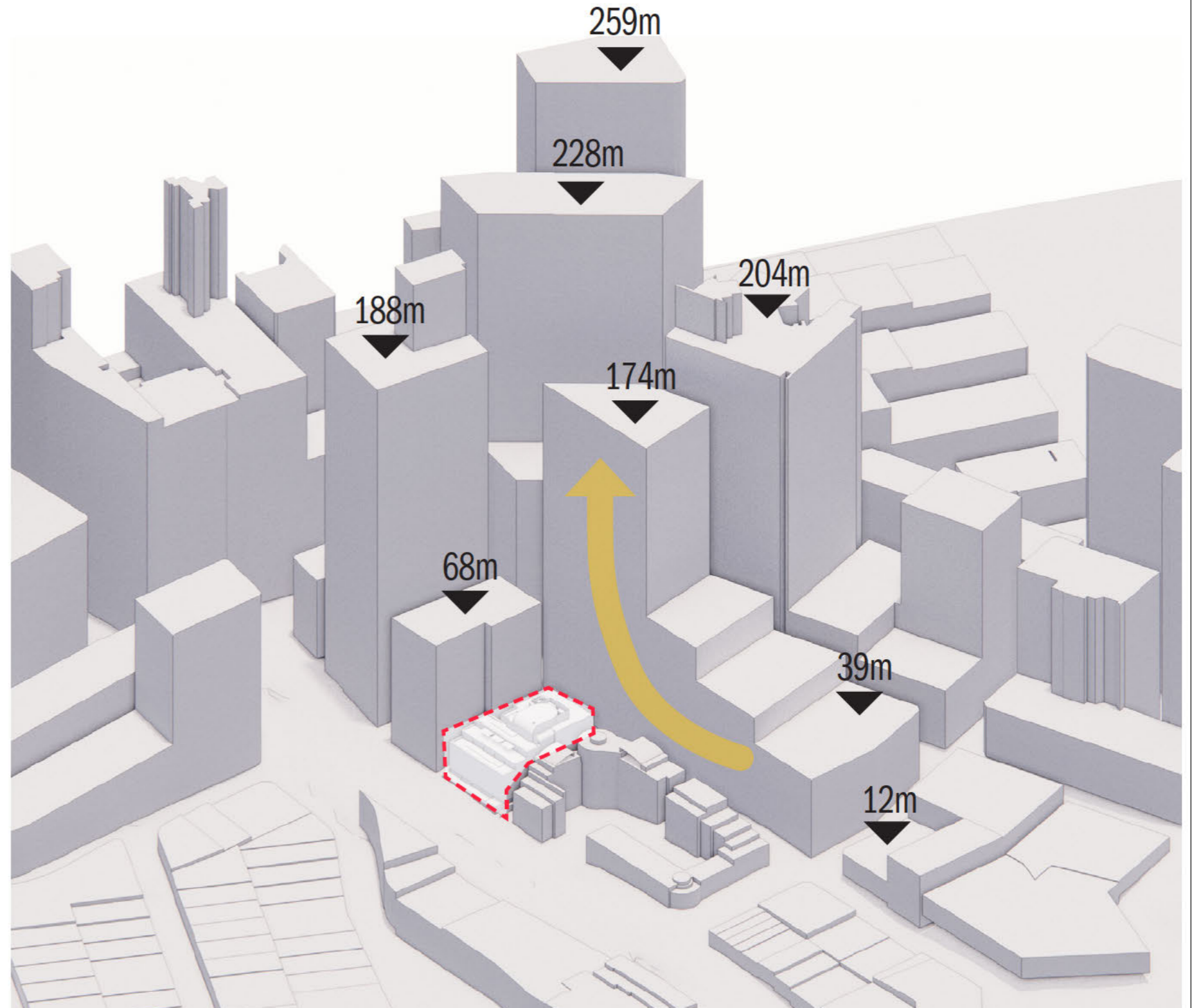
CROWS NEST TOD REZONING

MASSING AROUND THE SITE

Solar and urban studies have been undertaken in this document using a 3D model that represents the 2D TOD Rezoning Plans as above.

The 3D image of the TOD proposal clearly shows the massing to the north and east of the site stepping up towards the station.

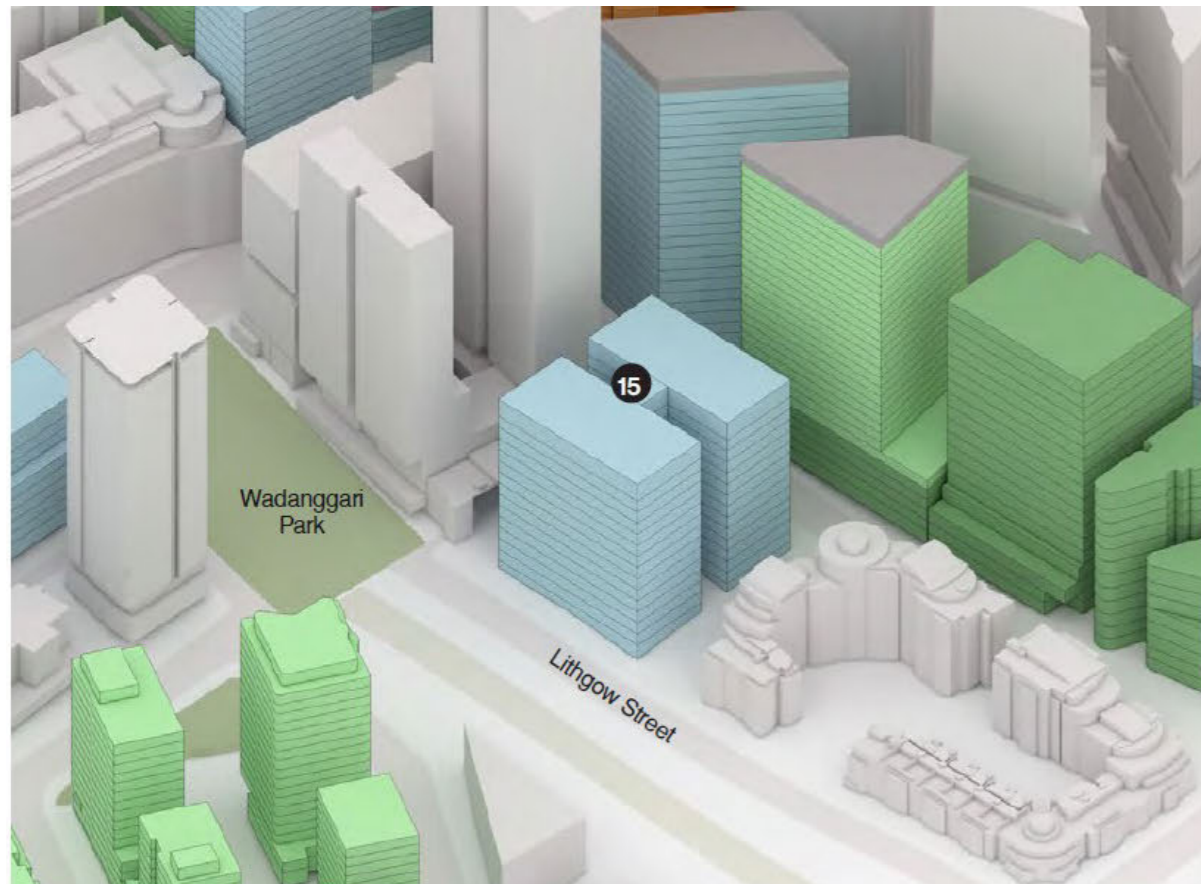
72 Christie street sits under the proposed height plane of the surrounding buildings and therefore is not setting the skyline profile for the area. Any future proposal for this site has stayed under the height of the taller buildings stepping upwards, so as not to impact the urban design approach of stepping massing up towards the centre of the area.



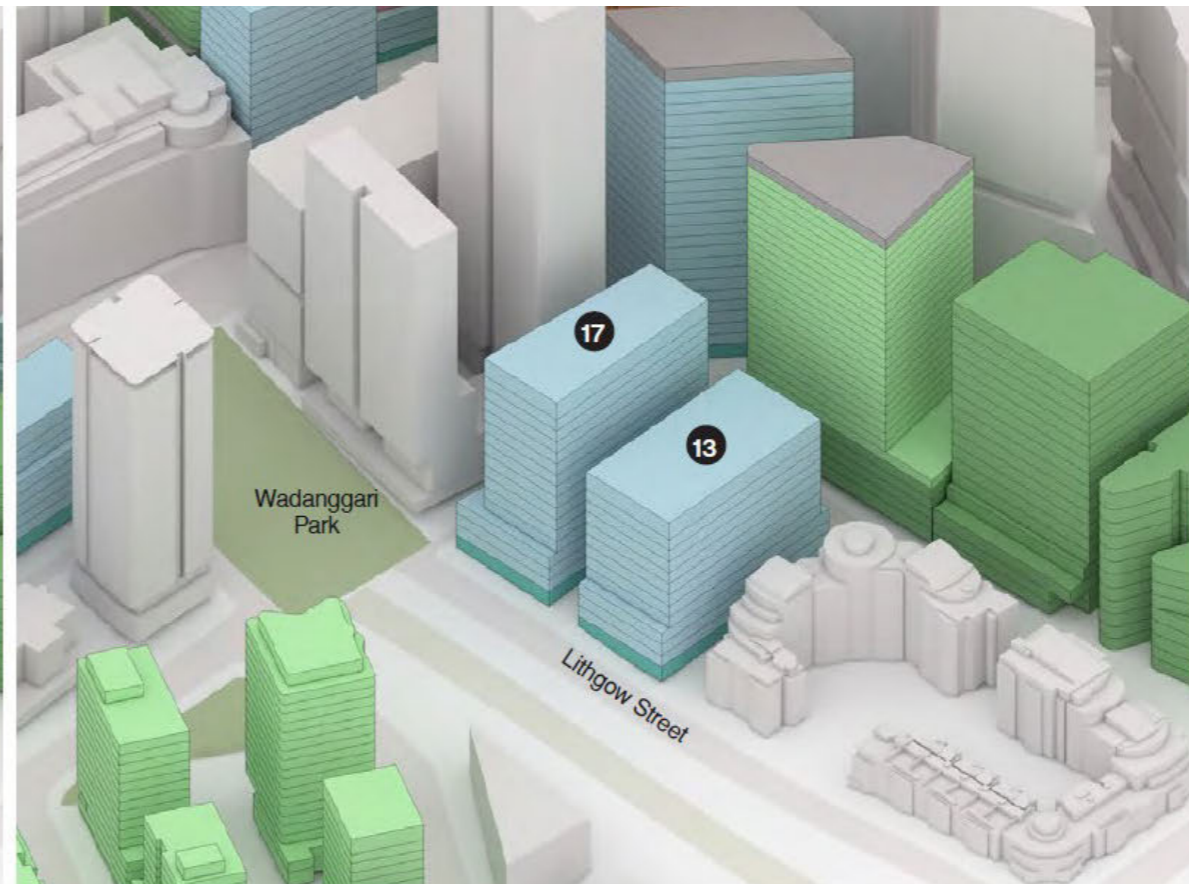
**CROWS NEST 2036 PLAN
TOD REZONING *CHANGES***

NEW REZONING MASSING PROPOSAL

2036 Plan - Initial Proposal



2036 Plan - Updated Proposal



- This area was identified as presenting an opportunity to improve height transition from north to south with two separate sites - noting the lower scale residential to the south (future zoned for commercial).

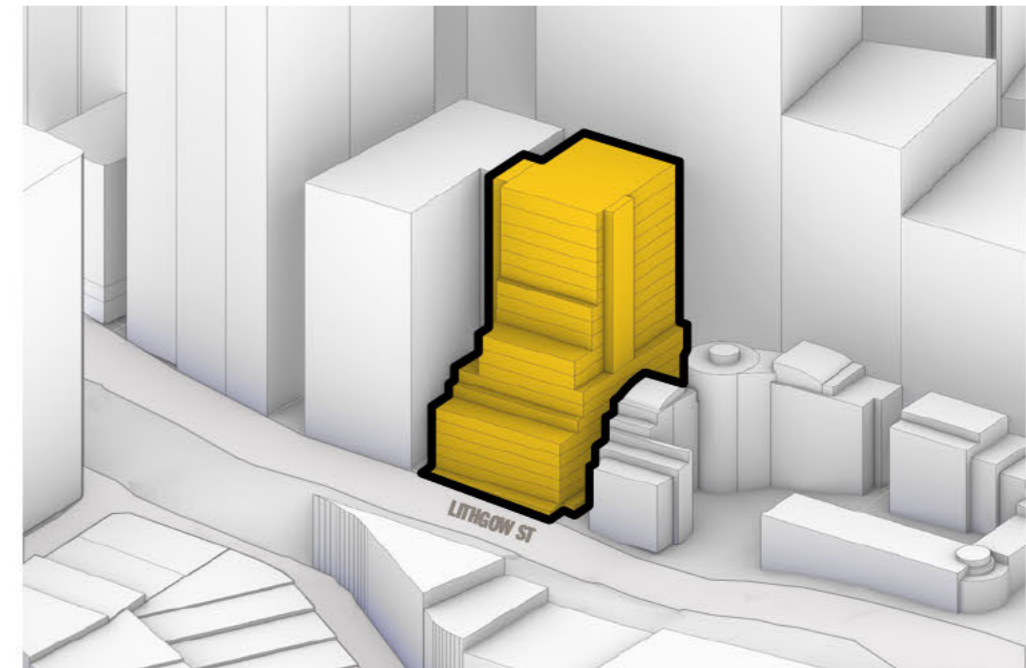
- Two approaches to the urban form have been considered by the 2036 plan - the first was a singular step down towards the south at 15 stories, and the second was multiple steps down to the site at 17 and 13 storeys.
- Both scenarios have no change to the solar access to adjacent sites.
- Both scenarios provide zero setback street walls to pedestrian experience.
- Both scenarios propose a low yield for 72 Christie street, reducing the viability of redevelopment, for no tangible benefit to the urban design outcome as the massing sits within the plane of larger buildings stepping up towards the town centre. The massing of 72 Christie street is not impacting the urban outcome of stepping buildings up towards the station.

CROWS NEST TOD REZONING

72 Christie Street FSR Review

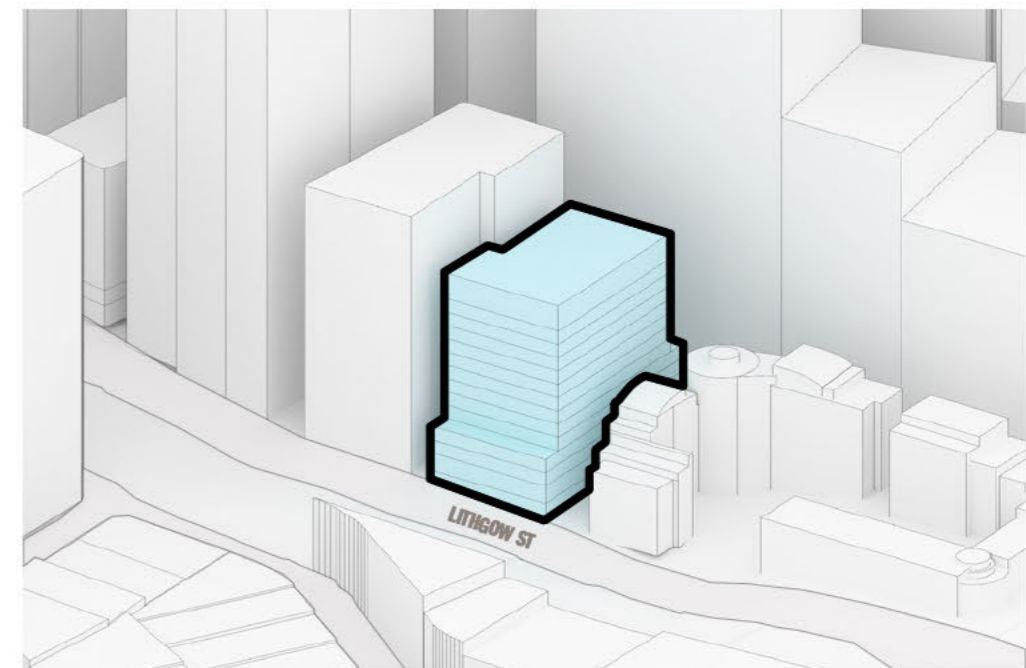
WHAT THE SITE OWNER APPLIED FOR - ADAPTIVE REUSE OF EXISTING

Building Heights:	18 Storey (70m)
Setbacks:	0m Setbacks on both Lithgow and Christie St
Street Wall Heights:	Varying tower setback to Lithgow Street based on the solar envelope limitations (irrelevant with new TOD massing surrounding the building)
Current FSR:	8.75 :1



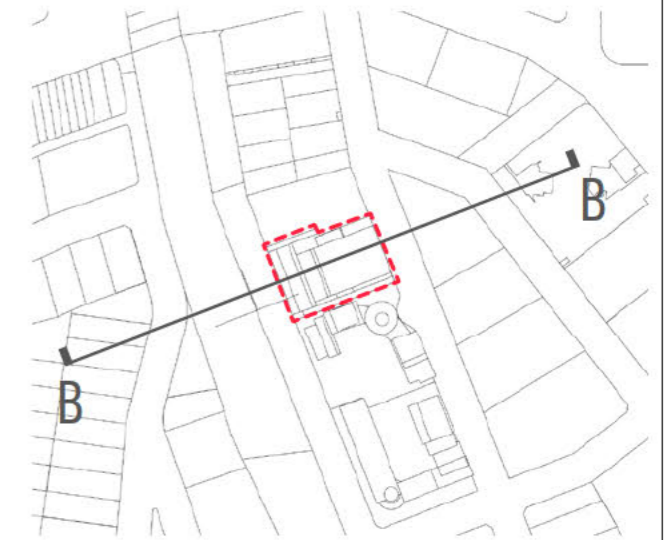
EXHIBITED TOD REFORMS

Building Heights:	13 Storey (54m) (existing building is 8 storeys)
Setbacks:	0m Setbacks on both Lithgow and Christie St
Street Wall Heights:	4 storey street wall on Lithgow St and 5 storey street wall on Christie St
Proposed FSR:	7 : 1



COMPARISON OF TOD PROPOSALS

SECTION OF SITE OWNER PROPOSED MASSING AND TOD PROPOSED MASSING



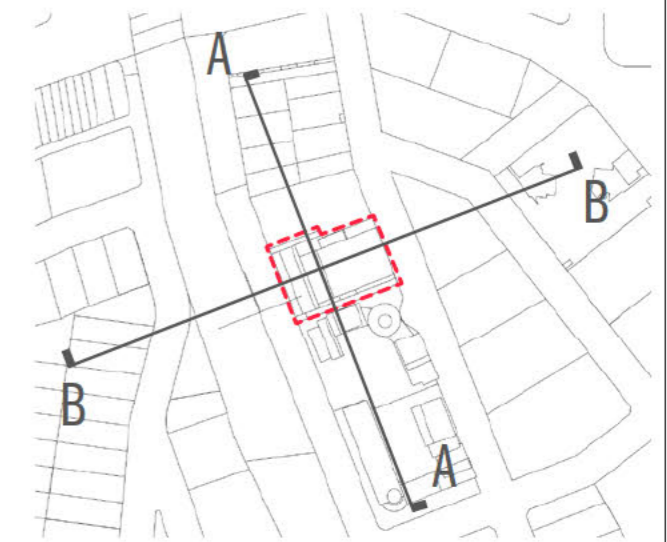
SITE OWNER MASSING - ADAPTIVE REUSE OF EXISTING BUILDING



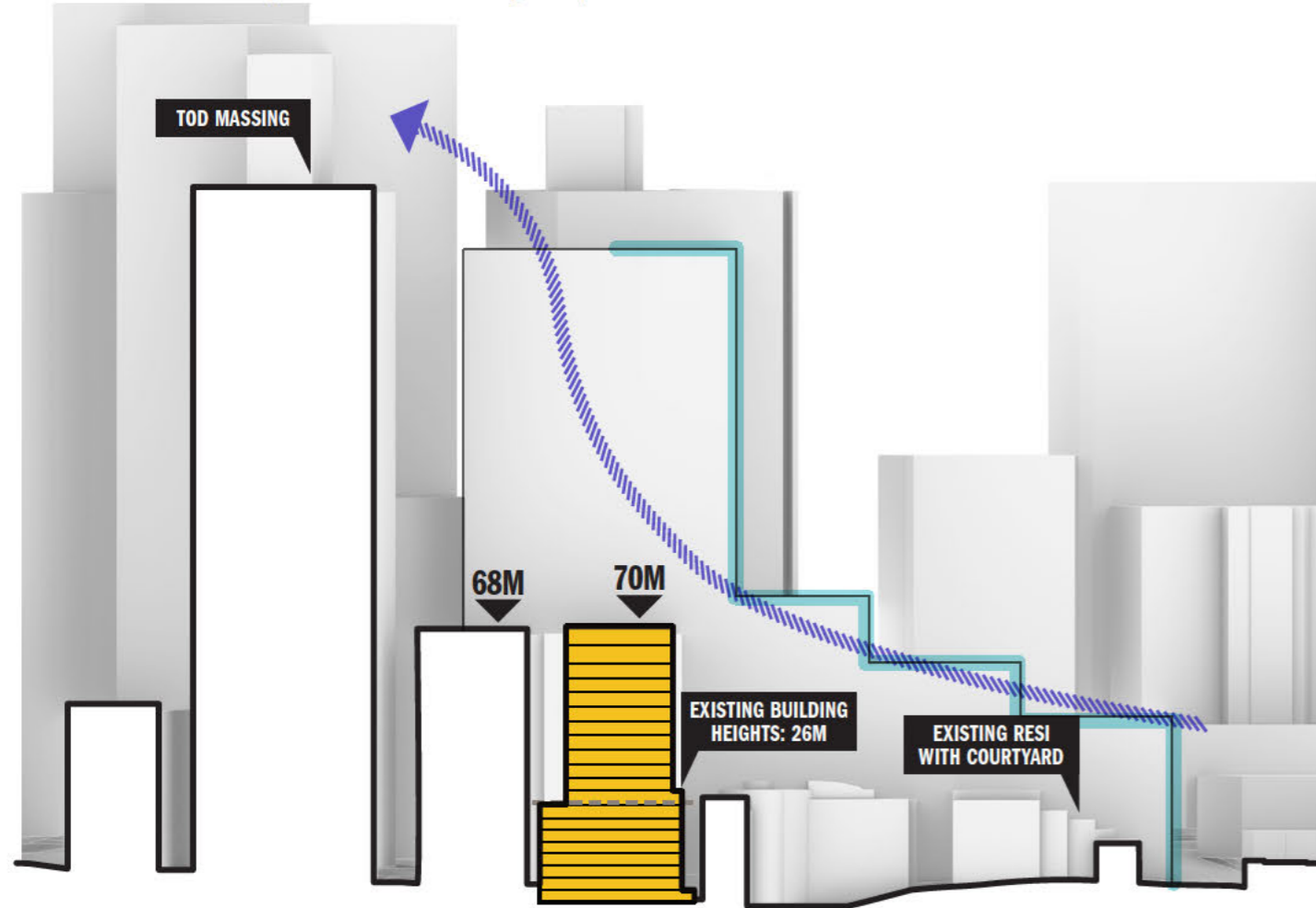
TOD REFORM MASSING

SITE OWNER PROPOSED MASSING

ANALYSIS OF PROPOSED NEW MASSING WITHIN TOD CONTEXT

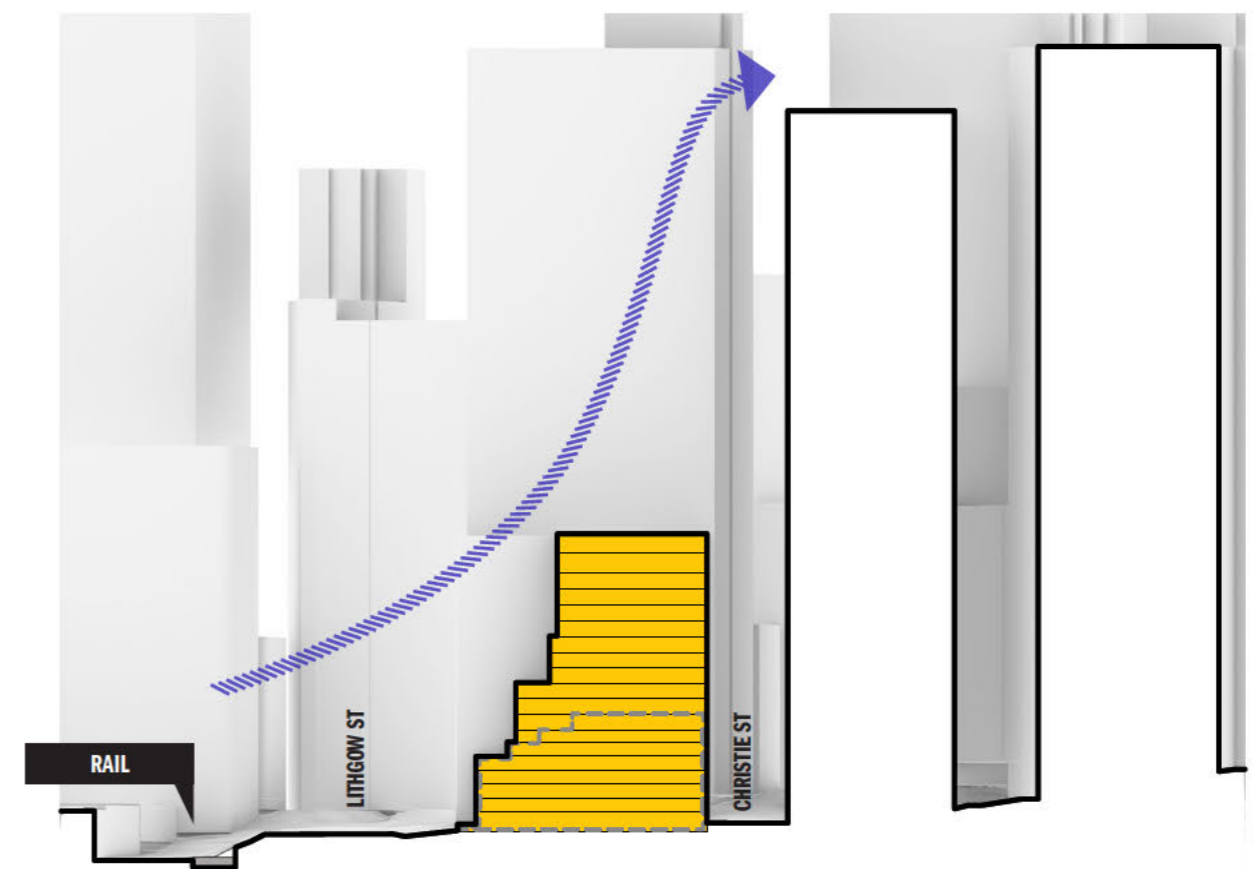


In the context of the other side of Christie Street, the proposed TOD massing is not a readable profile in the skyline, as shown in section A-A.



SECTION A-A

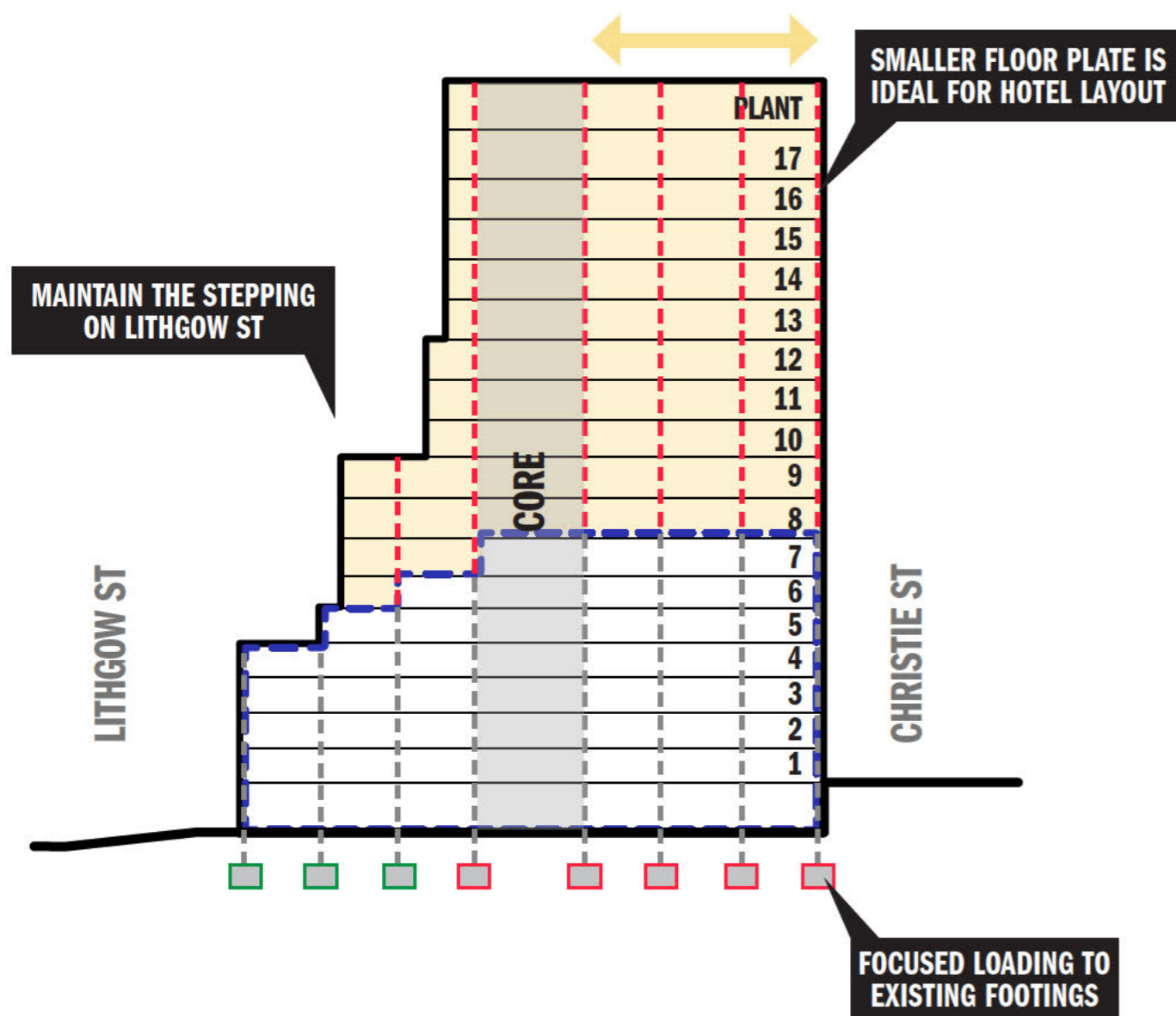
The proposed massing steps down towards the rail line in section B-B. It improves height transition from the rail corridor into the urban precinct of Crows Nest.



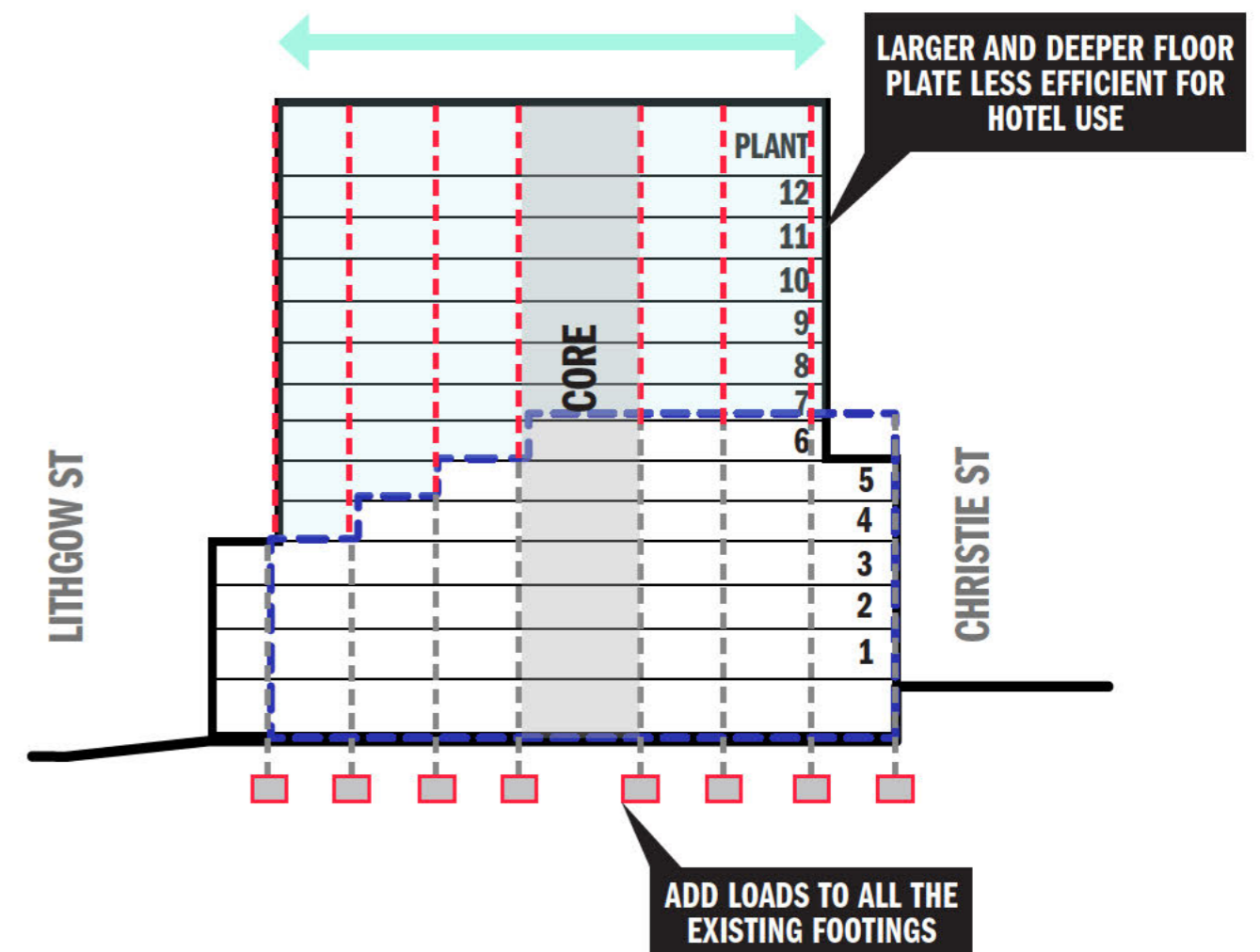
SECTION B-B

RETENTION OF THE EXISTING BUILDING

OPTIMISING IMPACTS TO EXISTING STRUCTURE



SITE OWNER MASSING

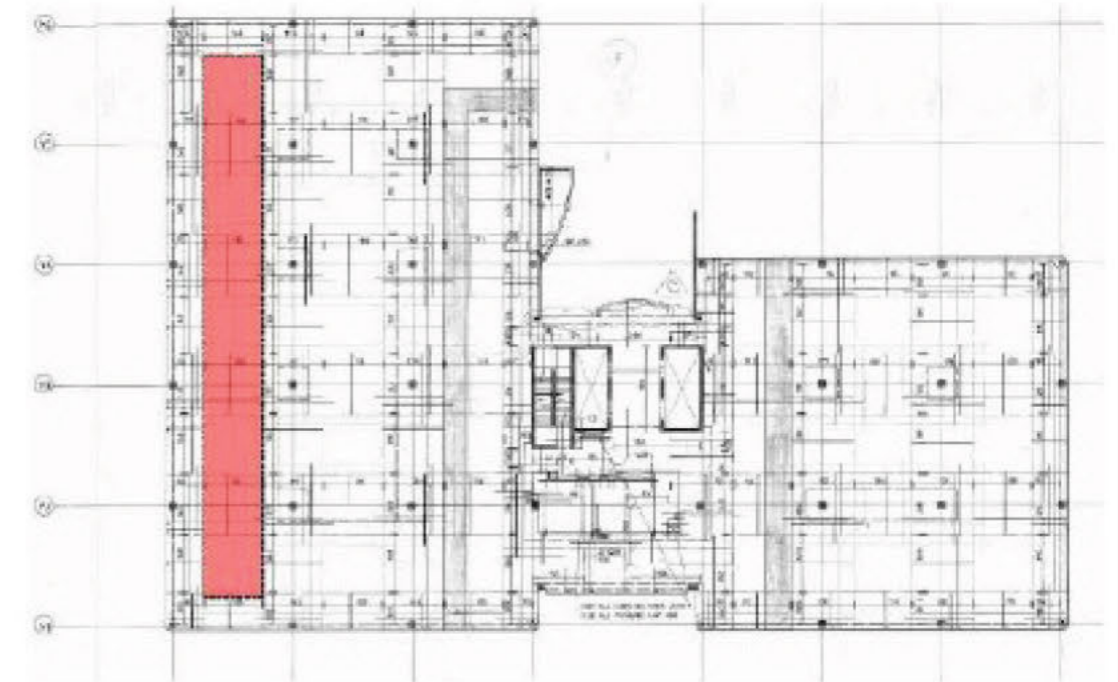
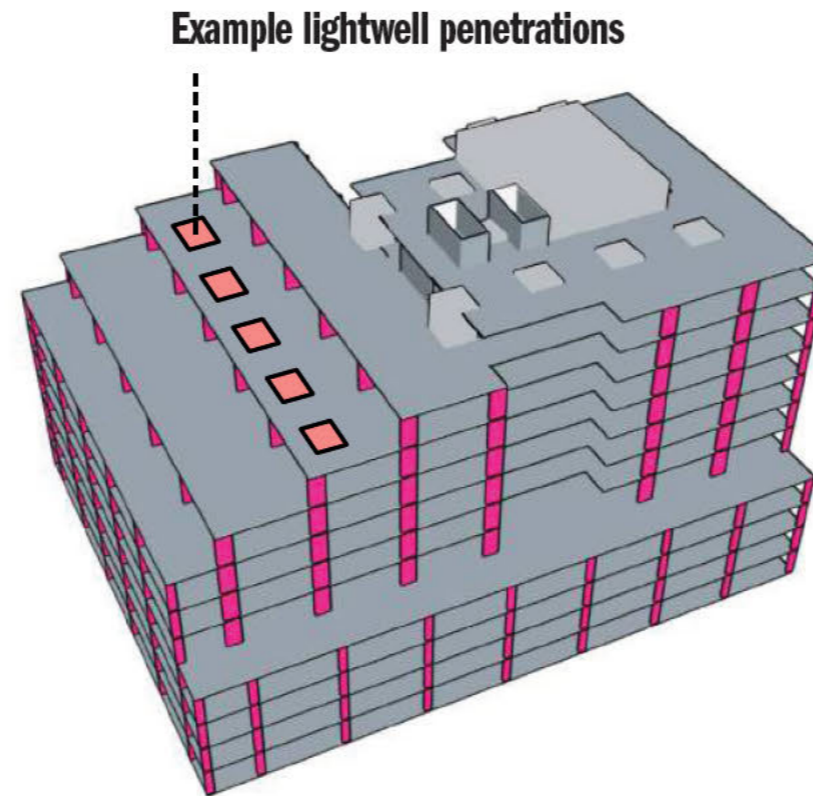


TOD REFORM MASSING

RETENTION STUDY

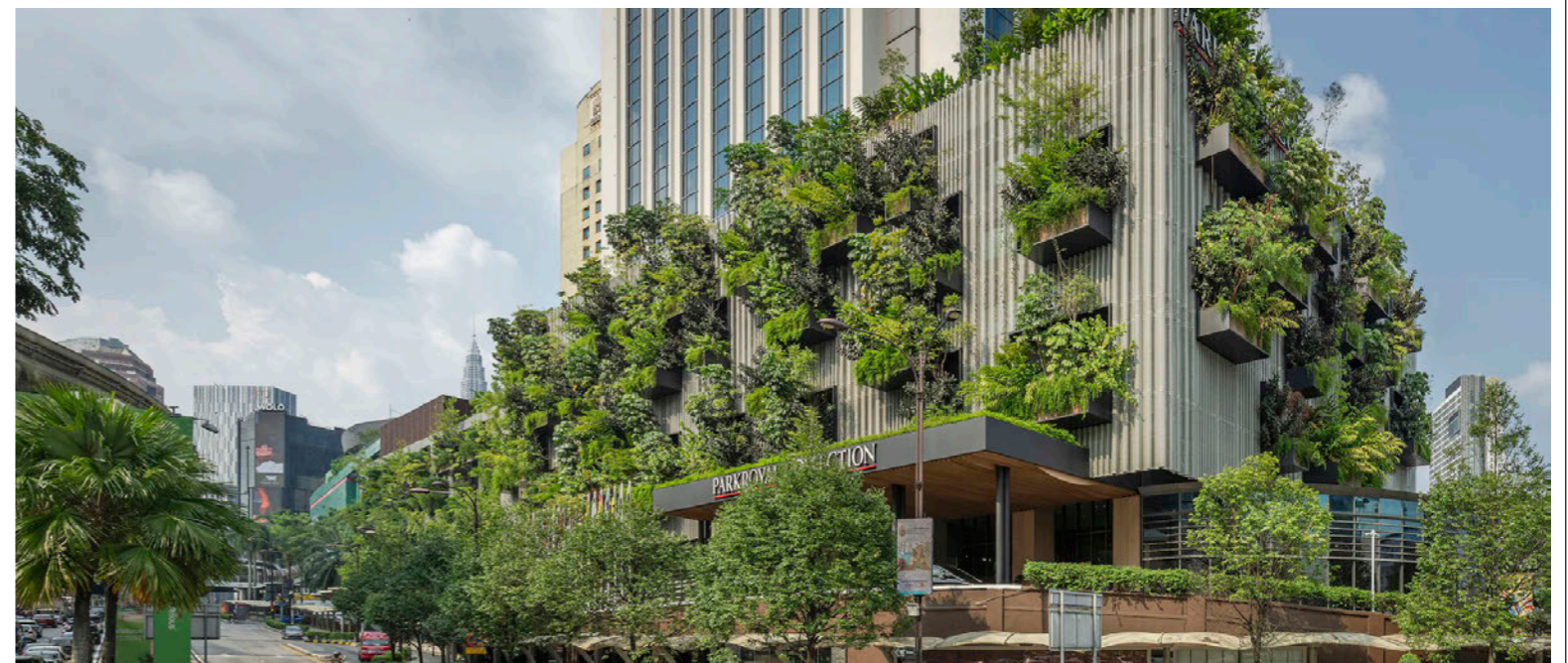
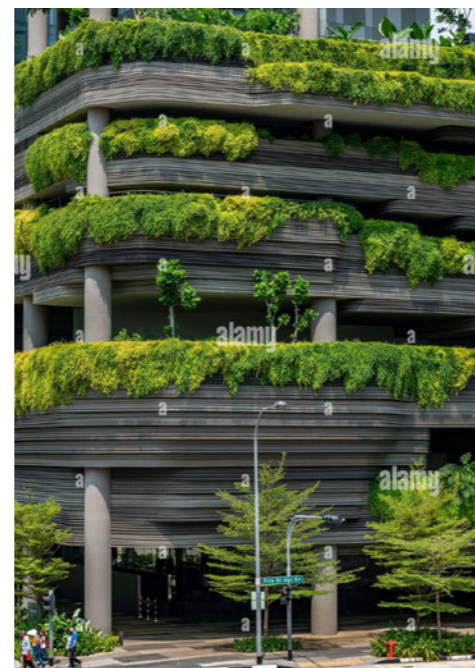
DESIGN APPROACH TO THE RETENTION OF EXISTING BUILT FORM

Opportunities for retention of the existing built form must consider various aspects to adaptively reuse the existing structure. These include understanding the structural grid and how the existing structure can be strengthened, understanding where external space can be extended from the existing structure, and understanding where penetrations and shafts can be introduced through the existing structure. A study has also been conducted reviewing the impacts of the building strengthening on the basements.



Lightwells & Softspots: To minimise impacts on structure, penetrations are recommended to be cut within the central 'panel' zones of the existing slabs. Whilst larger penetrations are possible, they would require structural strengthening to maintain overall building stability.

UOL - EXPERIENCE DELIVERING SIGNIFICANT GREEN FACADES



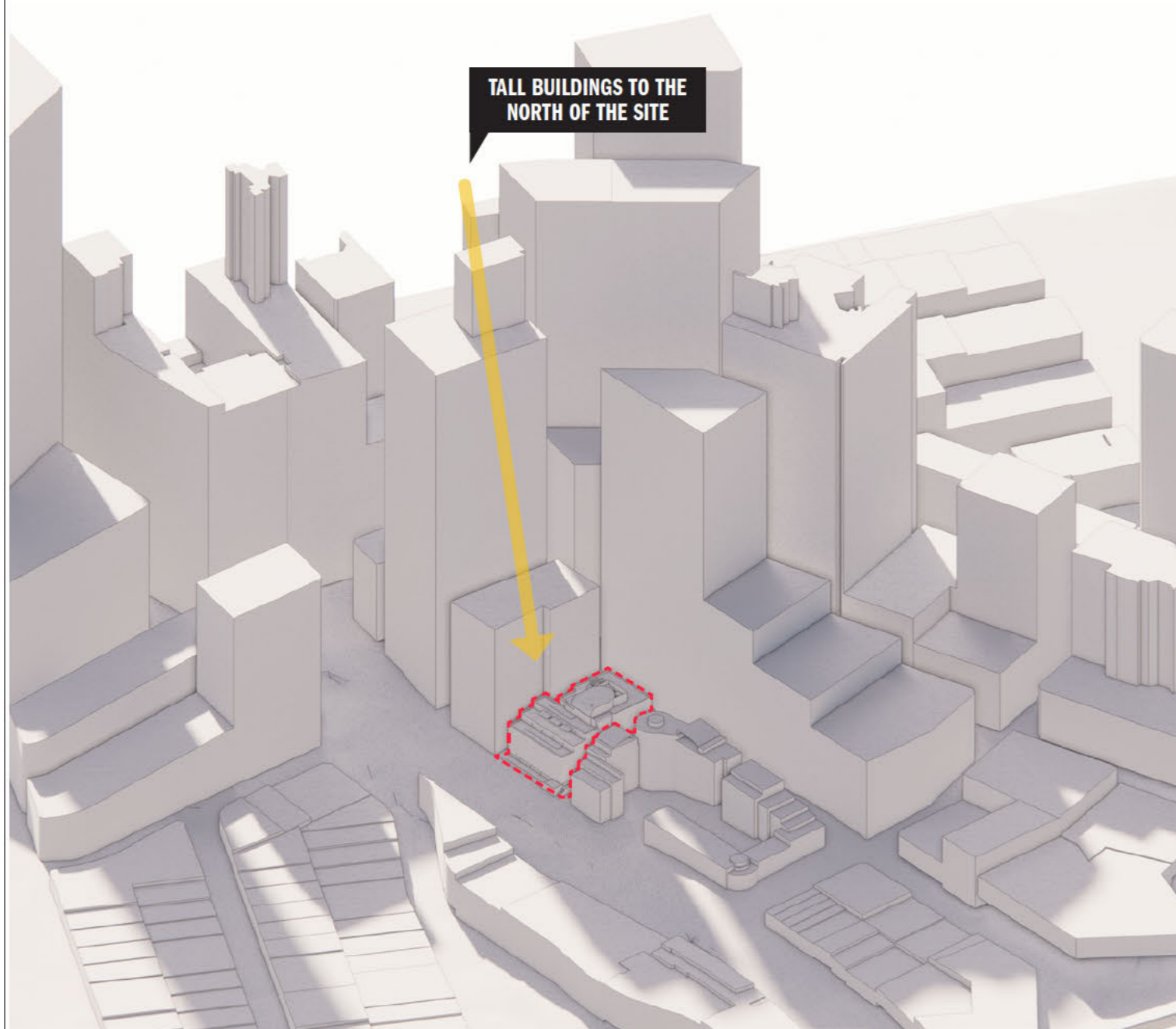
Park Royal on Pickering, Singapore

Parkroyal Collection Kuala Lumpur, Malaysia

SOLAR ANALYSIS

TOD MASSING OVERSHADOWS SOUTH SITES

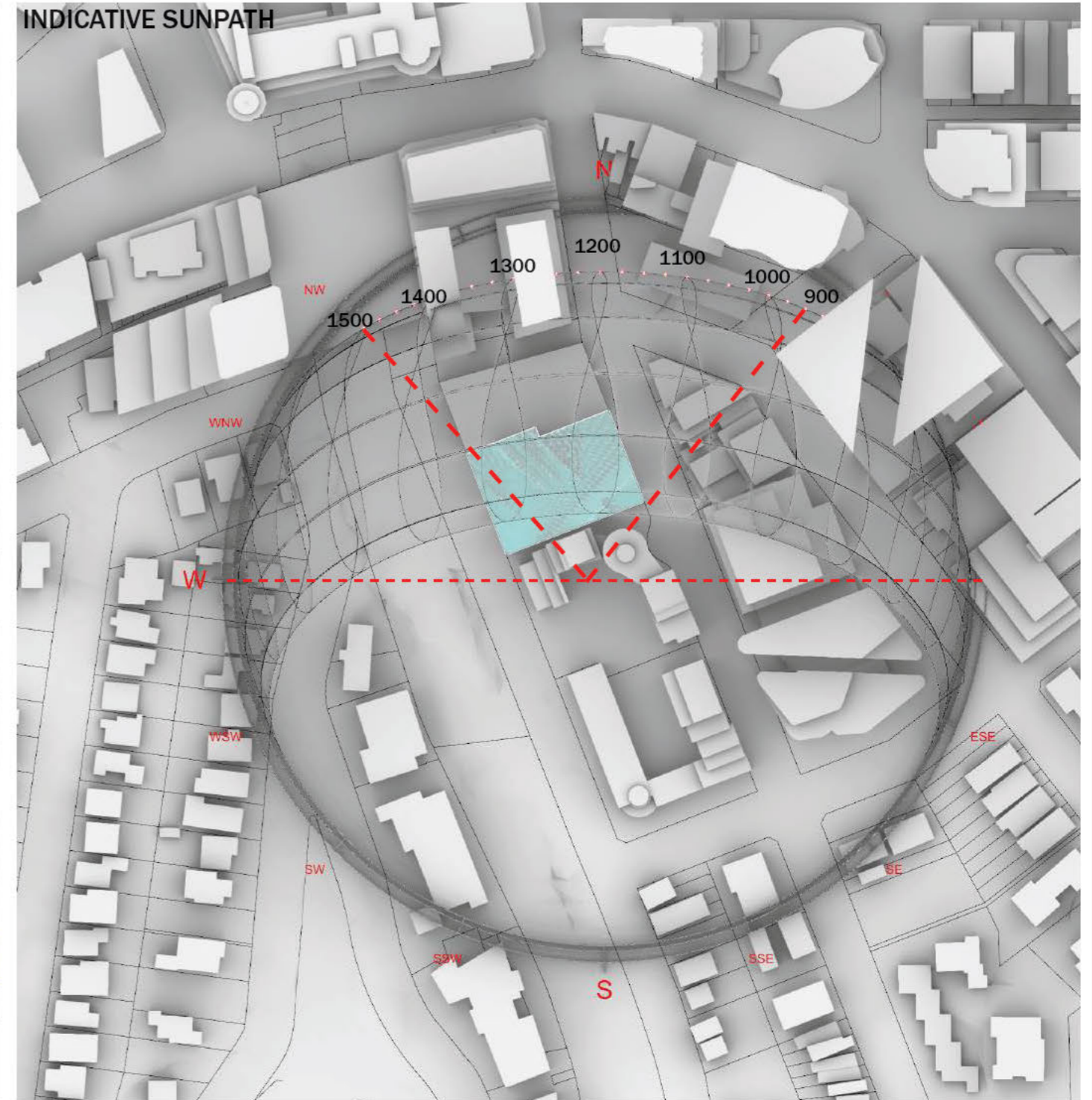
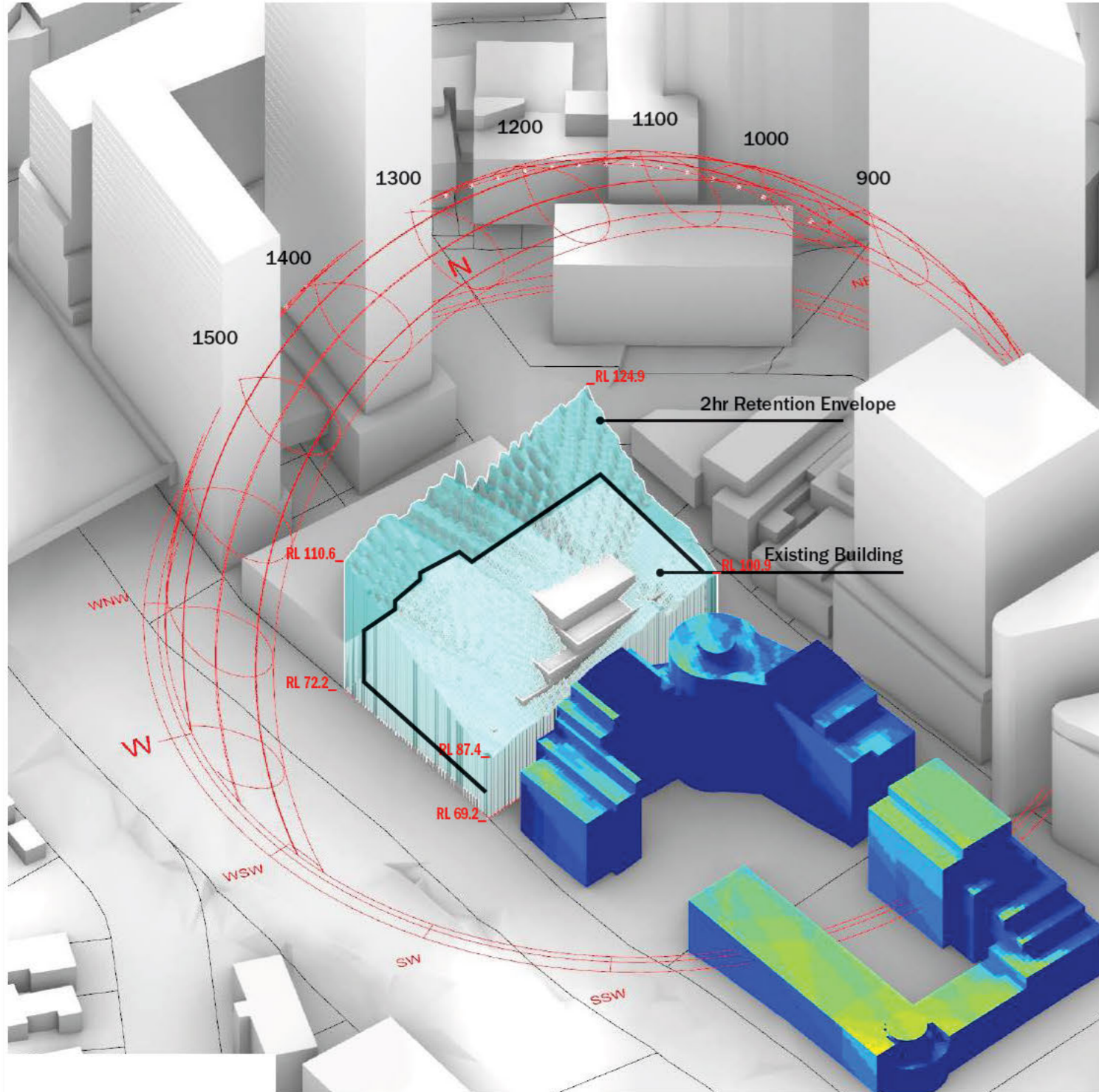
SHADOW DIAGRAM - 12PM WINTER SOLSTICE



WHAT IS THERE TODAY

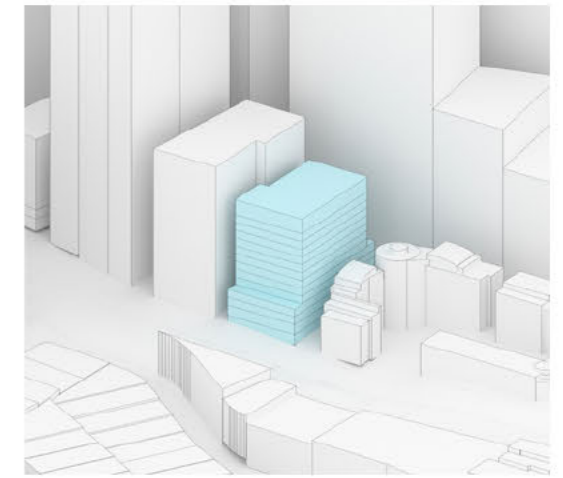
TESTING 2HR DIRECT SUNLIGHT RETENTION (21.06/ Winter Solstice)

This diagram shows the existing solar access to the residential site, with today's massing to the north. The proposed TOD reforms remove this sunlight in winter to the residential block.



SHADOW ANALYSIS OF TOD REFORMS

WINTER SOLSTICE: TOD massing proposal overshadows all southern sites



8AM



9AM



10AM



11AM



12PM



1PM



2PM



3PM



4PM

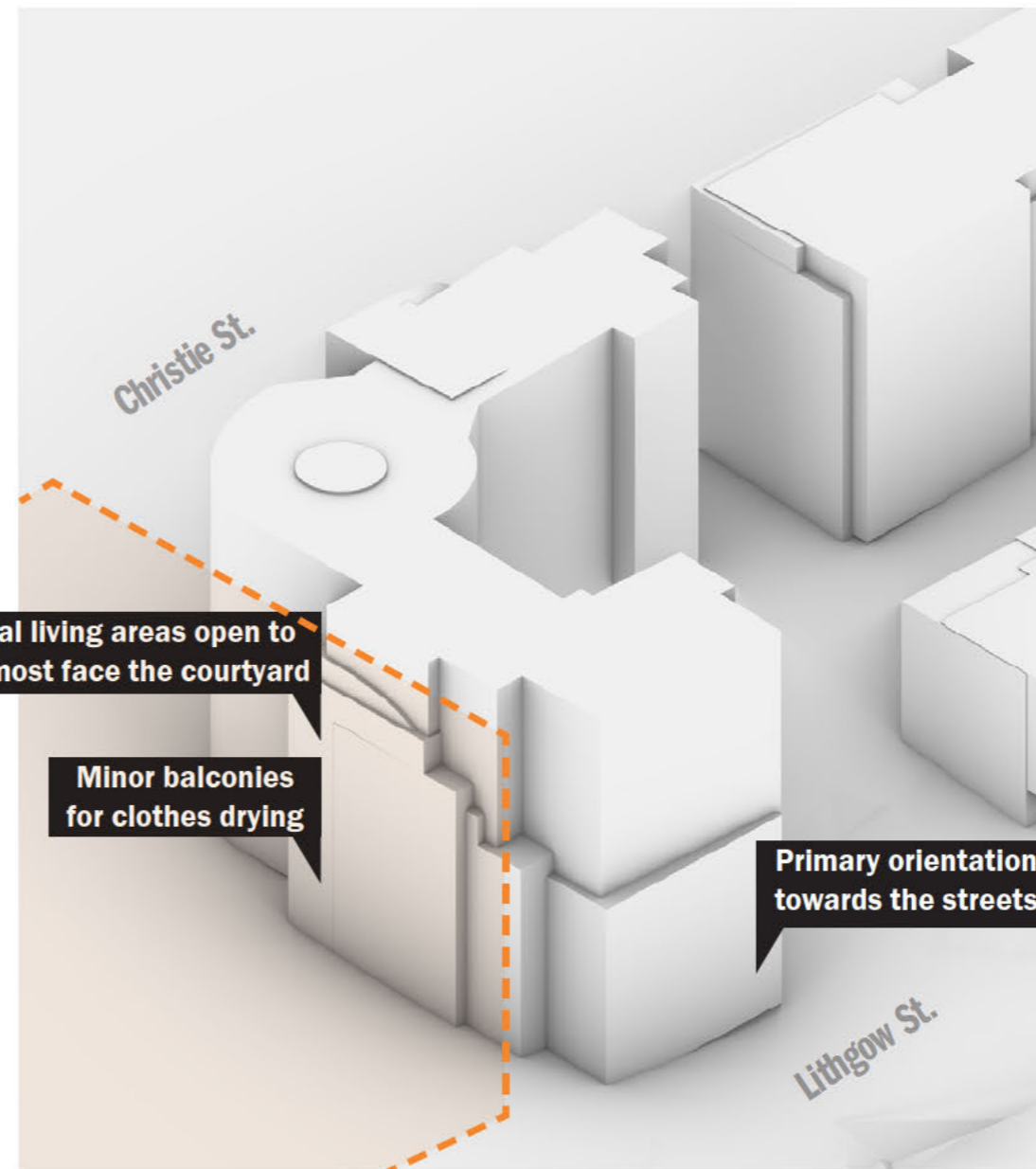


5PM

OVERLOOKING CONDITION ON EXISTING SITE

ASSESSING ADJACENT RESIDENTIAL BUILDING ELEVATIONS

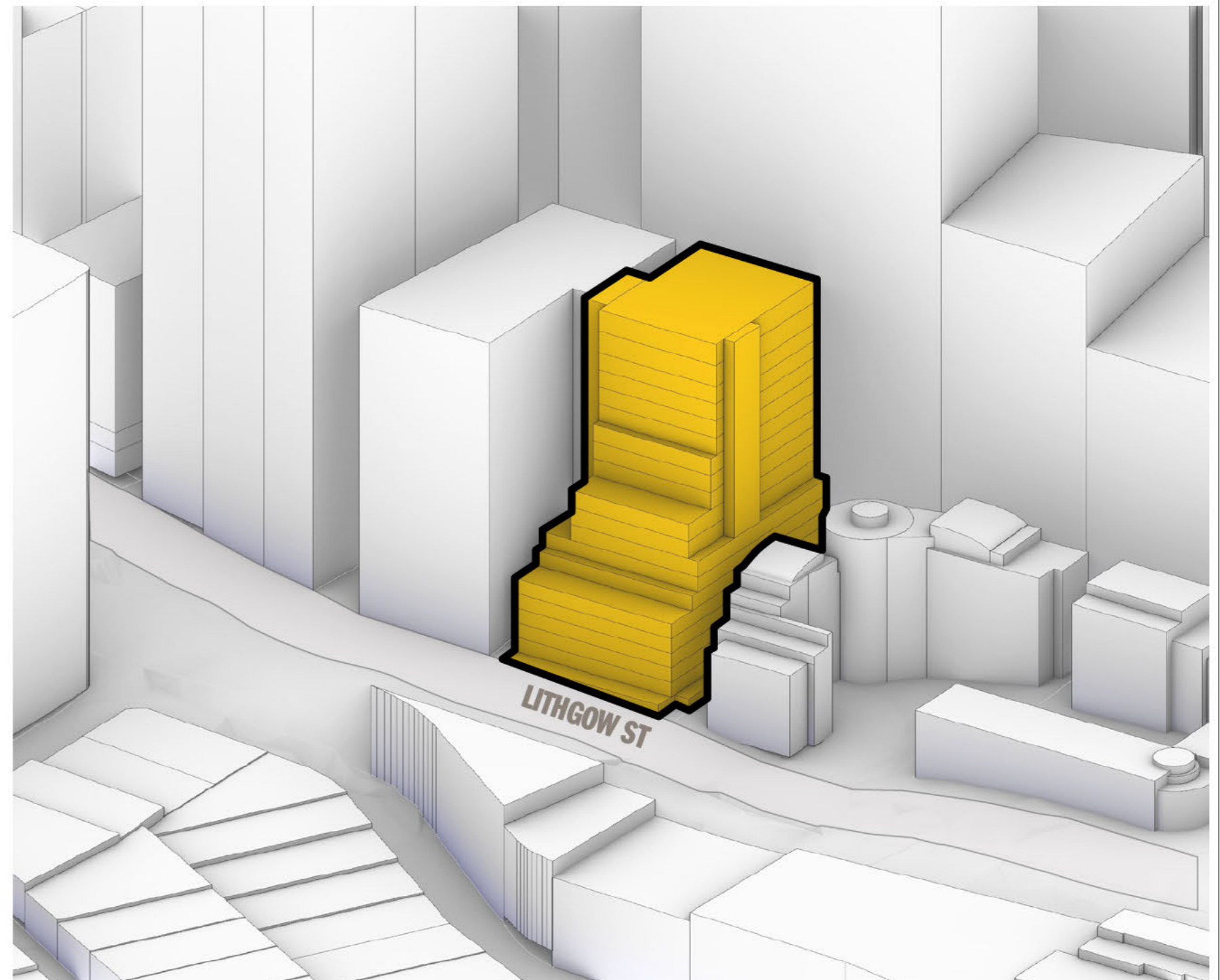
Deeper study into the residential building shows no living areas located in its northern facade. The residential building is oriented towards the streets.



72 CHRISTIE PROPOSAL
***WITH* 2036 MASSING**

SITE OWNER PROPOSED MASSING

- 6m setback to new tower at Southern boundary
- 6m weighted average setback to Northern boundary
- Nil tower setback to Christie Street, with facade articulation through external spaces
- Varying tower setback to Lithgow Street based on the solar envelope limitations (increased from the DCP setbacks) to minimise overshadowing to any open spaces (now redundant with TOD reforms adjacent)
- FSR 8.75:1 (increase from 7:1), 18 Storeys (increase from 13 Storeys)



EXISTING 72 CHRISTIE ST WITH CROWS NEST TOD REFORMS MASSING

WINTER SOLSTICE



8AM



9AM



10AM



11AM



12PM



1PM



2PM



3PM



4PM



5PM

PROPOSED BUILDING AT 72 CHRISTIE ST WITH CROWS NEST TOD REFORMS MASSING

WINTER SOLSTICE - NO IMPACT



8AM



9AM



10AM



11AM



12PM



1PM



2PM



3PM



4PM



5PM

EXISTING 72 CHRISTIE ST WITH CROWS NEST TOD REFORMS MASSING

SUMMER SOLSTICE



8AM



9AM



10AM



11AM



12PM



1PM



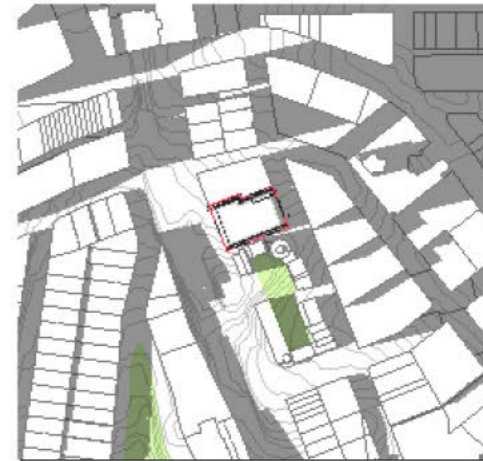
2PM



3PM



4PM



5PM

PROPOSED BUILDING AT 72 CHRISTIE ST WITH CROWS NEST TOD REFORMS MASSING

SUMMER SOLSTICE



8AM



9AM



10AM



11AM



12PM



1PM



2PM



3PM



4PM



5PM

EXISTING 72 CHRISTIE ST WITH CROWS NEST TOD REFORMS MASSING

SPRING/AUTUMN EQUINOX



8AM



9AM



10AM



11AM



12PM



1PM



2PM



3PM



4PM



5PM

PROPOSED BUILDING AT 72 CHRISTIE ST WITH CROWS NEST TOD REFORMS MASSING

SPRING/AUTUMN EQUINOX



8AM



9AM



10AM



11AM



12PM



1PM



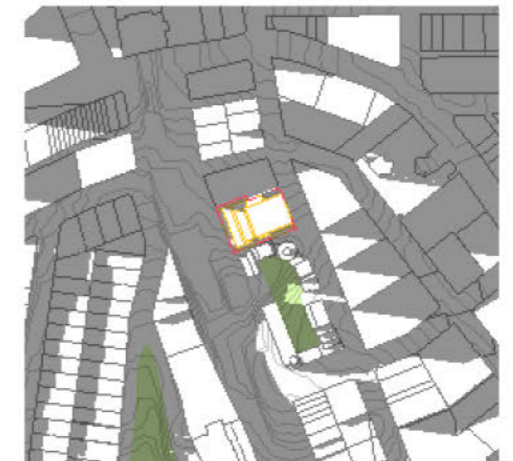
2PM



3PM



4PM



5PM



From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Wednesday, 14 August 2024 3:27:09 PM
Attachments: [1242_001.pdf](#)

Submitted on Wed, 14/08/2024 - 15:23

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

██████

Last name

██████ I

I would like my name and personal contact details to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

2060

Please provide your view on the project

I am just providing comments

Submission file

[1242_001.pdf](#) (9.39 MB)

Submission

I write on behalf of Fivex, the asset manager for a property located at 429 Pacific Highway, Crows Nest (the site). This property is a 6-storey commercial office building located in a very prominent gateway location at the intersection of Pacific Highway, Falcon Street and Willoughby Road and directly opposite the Five Ways Triangle development recently gazetted with a rezoned height limit of 58.5m.

The site at 429 Pacific Highway is located only 150m from the new metro station however it has been excluded from any uplift under the proposed and exhibited Tier 1 TOD rezoning proposal. Our site is circled in red below.

While it is clear from the EIE documentation that the site has been excluded from any potential rezoning it is unclear where the precinct boundary is located in relation to properties to the north of our site along Pacific Highway. From one reading it could be argued that properties from 437 to 429 Pacific Highway are excluded. However, on another reading it appears that part of 437 Pacific Highway (comprising of 3 lots) is included but 2 of its lots are excluded.

Recommendation 1: Clarify which properties are affected by the proposed rezoning along Pacific Highway.

We note within the EIE documentation that maintaining Willoughby Road is a priority as well as preserving the gateway and heritage character around Five ways. We agree with this priority and assessment. However, we maintain preserving the character of Willoughby Road can still be achieved and heritage considerations treated with sensitivity with additional uplift. There are many contemporary and contemporaneous international and domestic examples where significant additions and alterations to heritage items have been carried out with sensitivity and the resulting development has in fact enhanced the urban design and landscape. Heritage in of itself is not a reason to exclude all and any development potential. The SJB analysis as part of the EIE documentation states that 'developments may still occur on these sites however they will need to be respectful of reinforcing the heritage aspects of the site and their neighbours'. The exclusion of the site, will create a significant variation and transition of heights from the metro station south towards the Pacific Highway to the 5 ways triangle. Such variations include the following transition in storeys: 27->17->16->3->6->16 (21 with the Housing SEPP provisions at 5 Ways). It is further noted in the SJB report that 'good design is paramount in delivering a high-quality built form in the future'. Part of the design recommendation is to 'prioritise height at key corners. Our site is one such key corner.

Recommendation 2: That the TOD precinct boundary be extended to the whole of Pacific Highway from the Metro Station to the 5 ways triangle including properties 437 to 429 Pacific Highway Crows Nest.

The EIE documentation does not include a shadow analysis of the impact of the proposed upzoning along Pacific Highway on Willoughby Road. It is arguable that given the orientation of Willoughby Road being N-S that any shadowing would already been incorporated by the proposed buildings adjacent to the site and therefore would not cause any additional impact on Willoughby Road and its surrounds. Sensitivities along Willoughby Road can be addressed through appropriate setbacks and amalgamation patterns. This will enable a more suitable transition from Pacific Highway to Willoughby Road and would further encourage amalgamation of properties between Pacific Highway and Willoughby Road to provide suitable depth for residential building floorplates.

Recommendation 3: That additional height be given to properties along the southern side of Willoughby Road from Clarke Street to Pacific Highway.

I agree to the above statement

Yes

14 August 2024

Mr Andre Szczepanski
Director Assessment and Systems Policy
Department of Planning, Housing and Infrastructure

Dear Mr Szczepanski

Re: Crows Nest TOD Rezoning Proposal

I write on behalf of Fivex, the asset manager for a property located at 429 Pacific Highway, Crows Nest (the site). This property is a 6-storey commercial office building located in a very prominent gateway location at the intersection of Pacific Highway, Falcon Street and Willoughby Road and directly opposite the Five Ways Triangle development recently gazetted with a rezoned height limit of 58.5m.

The site at 429 Pacific Highway is located only 150m from the new metro station however it has been excluded from any uplift under the proposed and exhibited Tier 1 TOD rezoning proposal. Our site is circled in red below.

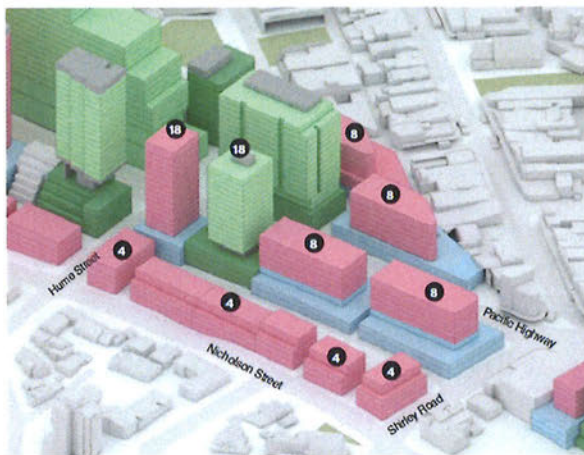


Figure 10: Proposed maximum Height of Buildings map (height in metres) (Source: SJB, 2024)

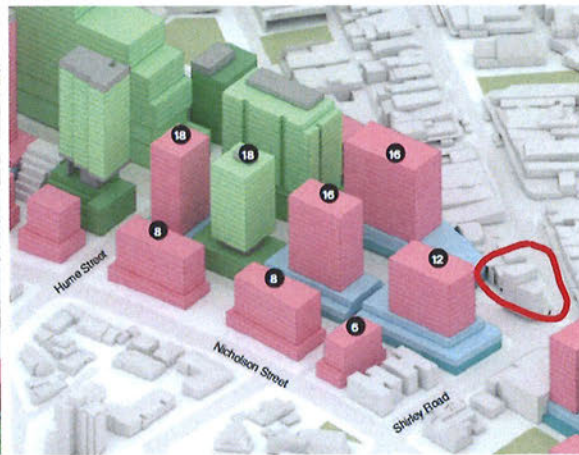
While it is clear from the EIE documentation that the site has been excluded from any potential rezoning it is unclear where the precinct boundary is located in relation to properties to the north of our site along Pacific Highway. From one reading it could be argued that properties from 437 to 429 Pacific Highway are excluded. However, on another reading it appears that part of 437 Pacific Highway (comprising of 3 lots) is included but 2 of its lots are excluded.

Recommendation 1: Clarify which properties are affected by the proposed rezoning along Pacific Highway.

We note within the EIE documentation that maintaining Willoughby Road is a priority as well as preserving the gateway and heritage character around Five ways. We agree with this priority and assessment. However, we maintain preserving the character of Willoughby Road can still be achieved and heritage considerations treated with sensitivity with additional uplift. There are many contemporary and contemporaneous international and domestic examples where significant additions and alterations to heritage items have been carried out with sensitivity and the resulting development has in fact enhanced the urban design and landscape. Heritage in of itself is not a reason to exclude all and any development potential. The SJB analysis as part of the EIE documentation states that ‘developments may still occur on these sites however they will need to be respectful of reinforcing the heritage aspects of the site and their neighbours’. The exclusion of the site, will create a significant variation and transition of heights from the metro station south towards the Pacific Highway to the 5 ways triangle. Such variations include the following transition in storeys: 27->17->16->3->6->16 (21 with the Housing SEPP provisions at 5 Ways). It is further noted in the SJB report that ‘good design is paramount in delivering a high-quality built form in the future’. Part of the design recommendation is to ‘prioritise height at key corners. Our site is one such key corner.



2036 Plan



Proposed

Recommendation 2: That the TOD precinct boundary be extended to the whole of Pacific Highway from the Metro Station to the 5 ways triangle including properties 437 to 429 Pacific Highway Crows Nest.

The EIE documentation does not include a shadow analysis of the impact of the proposed upsizing along Pacific Highway on Willoughby Road. It is arguable that given the orientation of Willoughby Road being N-S that any shadowing would already been incorporated by the proposed buildings adjacent to the site and therefore would not cause any additional impact on Willoughby Road and its surrounds. Sensitivities along Willoughby Road can be addressed through appropriate setbacks and amalgamation patterns. This will enable a more suitable transition from Pacific Highway to Willoughby Road and would further encourage amalgamation of properties between Pacific Highway and Willoughby Road to provide suitable depth for residential building floorplates.

Recommendation 3: That additional height be given to properties along the southern side of Willoughby Road from Clarke Street to Pacific Highway.

Attached is a previous and complementary submission made in relation to the 2036 Plan for St Leonards and Crows Nest.

Yours sincerely



Managing Director



20 December 2018

Director Sydney Central Urban Renewal
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

RE: Submission to Draft 2036 Plan for St Leonards and Crows Nest in relation to the site known as 429 Pacific Highway Crows Nest (Lot 1 DP651865)

1. Introduction

This submission has been prepared by Mecone on behalf of Fivex in relation to the Draft 2036 Plan for St Leonards and Crows Nest (The Draft Plan) prepared by the Department of Planning and Environment (DPE). The Plan is currently on Public Exhibition until the 8th of February 2019 and invites submissions until this time. The submission should be read in conjunction with the heritage submission by GBA Heritage which is enclosed with this document.

The submission relates to the Fivex owned property located at 429 Pacific Highway, Crows Nest, legally referred to as Lot 1 DP651865. This site is a local heritage item known as Willoughby House under the North Sydney LEP 2013 (NSLEP 2013). The site is not within a heritage conservation area.

The submission provides alternative suggestions for the Draft Plan in relation to the subject site and the investigation area more broadly. Currently, the Draft Plan proposes no change in height or FSR at the site while adjoining development is afforded considerable uplift. The plan acknowledges this has occurred in an effort to conserve the heritage nature of Willoughby House, however, in practice we do not believe this will be the outcome achieved. Instead, we consider that the controls proposed will result in an adverse heritage impact and restrict the ability of the site to become a landmark corner site development in the future.

In addition, we feel that the uplift proposed along the Pacific Highway and arterial roads within the investigation area is not commensurate to the increase in capacity of the area that can be facilitated by the new metro system. It is considered that the Metro will provide for increased development capacity within the local area that is not reflected by the current Draft Plan.

In summary, this submission requests that DPE review their recommendations for the subject site and consider the following amendments:

- Revise maximum 'height in storey' controls to match adjoining sites along the Pacific Highway;
- Revise maximum Floor Space Ratio (FSR) controls to match adjoining sites along the Pacific Highway; and
- Review uplift achievable in the area more broadly to increase development capacity of the St Leonards to Crows Nest investigation area.

2. The Site

The subject site is located in Crows Nest on land known as 429 Pacific Highway Crows Nest (Lot 1 DP651865) within the North Sydney LGA. It is on the corner of the Pacific Highway and Willoughby Road. High quantities of traffic utilise the Pacific Highway as it is a major thoroughfare within the area, while Willoughby Road is a local road which provides a high-amenity, pedestrian orientated environment.

The site comprises a 4-storey brick building which is listed as a heritage item under the NSLEP 2013 as the former Willoughby House. It can be described as remnant of inter-war functionalist style architecture. The significance of the site as a heritage item is attributed to the role it plays in providing a dramatic landmark building which provides a gateway function to Crows Nest. This results from its imposing size relative to surrounding development, which is generally 2-storeys in height.

The building is currently used for commercial purposes comprising ground floor retail with office suites above. Additionally, advertising signage is also located on the lift motor room facing southbound. The site is currently serviced by several buses along the Pacific Highway and St Leonards Train Station, which is approximately 800m away. The site will be approximately 270m from the new Crows Nest metro station.

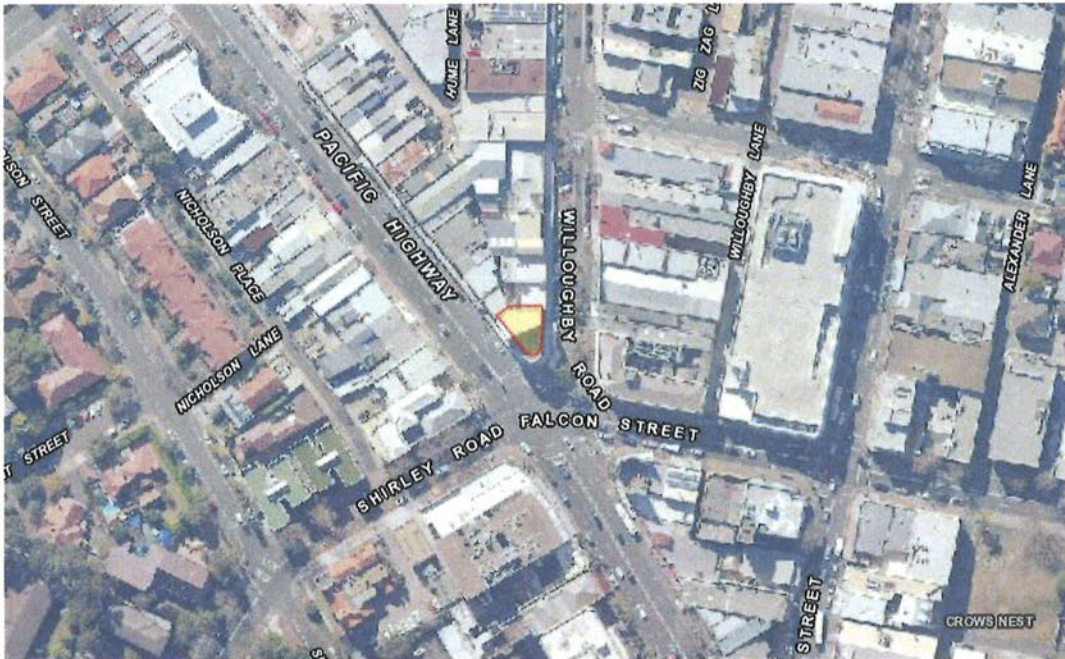


Figure 1 Site Context

Source: SixMaps (modified by Mecone)

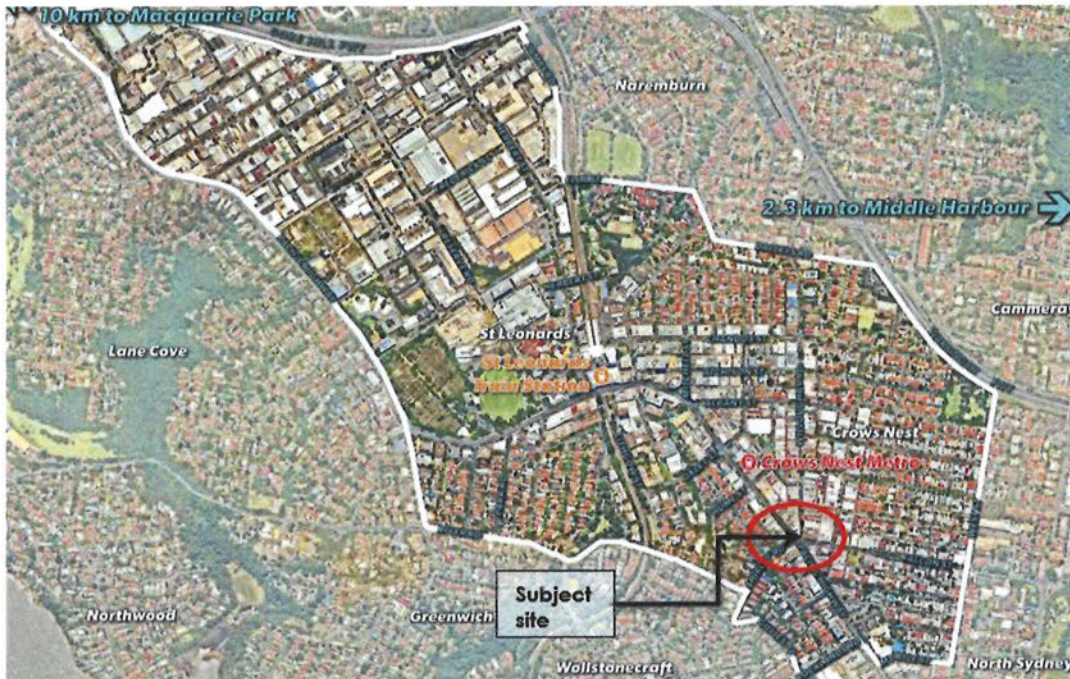


Figure 2 St Leonards to Crows Nest Study area

Source: DPE Website (modified by Mecone)

3. St Leonards to Crows Nest Plan 2036

The vision of the Draft Plan is to create a vibrant precinct that caters to people of all ages through a 'revitalised' St Leonards and Crows Nest, supported by a new metro system. There is a desire to provide a balance of commercial and residential development, provide lively and active streets, and retain the village atmosphere along Willoughby Road and the outer leafy suburban environments. The vision is driven by a range of background technical studies and guiding design principles described under the headings of: place, landscape, built form, land use and movement.

Mecone has reviewed the recommended controls for the subject site against the Draft Plan and its guiding principles. Mecone and Fivex are broadly supportive of the Draft Plan and agree with its intent – particularly relating to the character of the Willoughby Road area. However, we request that the proposed controls for Willoughby House be reconsidered to ensure that the existing 'landmark' role of the building can evolve and transition along with the broader area (especially the Pacific Highway) over time. Furthermore, it is considered that development uplift along the Pacific Highway and arterial Roads could also be further increased to respond accordingly to the increased capacity of the area enabled by the new Metro Stations. The Metro Stations will drastically improve public transport access to the locality and therefore uplift in the area should subsequently reflect this.

As shown in the figures below, the Plan recommends a height control of 3 storeys for the subject site (even though the existing building is 4-6 storeys) while no change in FSR is proposed. This is inconsistent with adjoining buildings along the Pacific Highway, which are recommended for height controls between 8-17 storeys and FSRs ranging between 8:1 and 12:1 to the north.

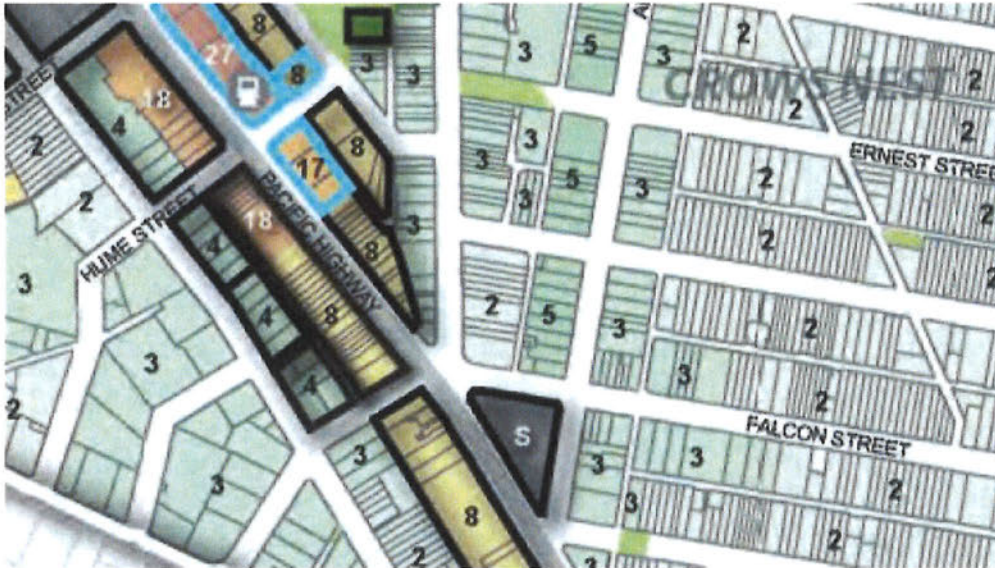


Figure 3 Draft Maximum Height in Storeys Mapping
Source: Draft Plan

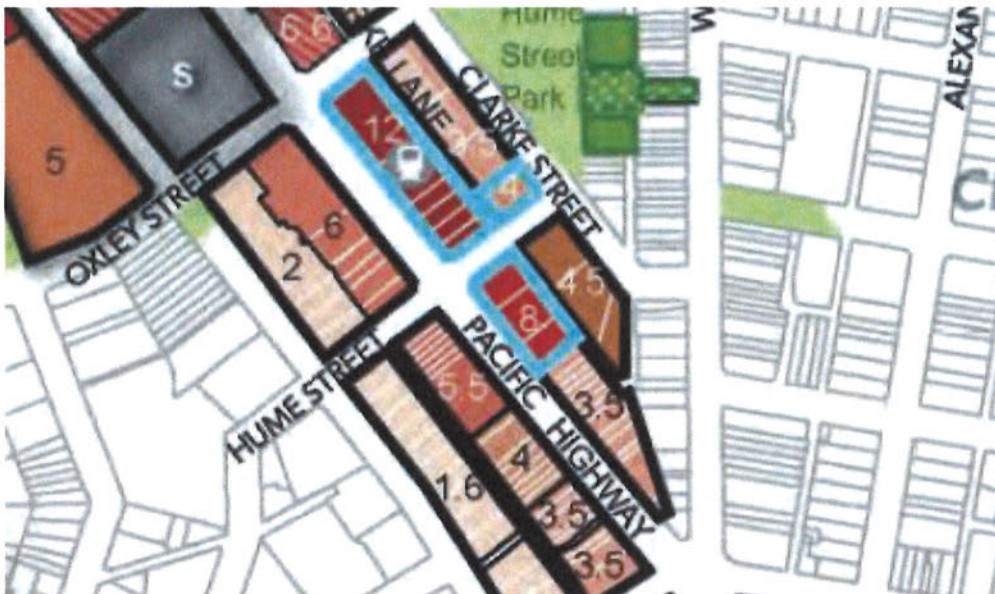


Figure 4 Draft Floor Space Ratio mapping
Source: Draft Plan

4. Recommended amendments

This submission requests that DPE consider the contents of this submission and heritage discussion paper enclosed and action the following changes to the Draft Plan prior to finalisation:

- Revise maximum height in storey controls to match adjoining sites along the Pacific Highway; and
- Revise maximum Floor Space Ratio (FSR) controls to match adjoining site along the Pacific Highway
- More broadly review uplift achievable in the area in response to the new Metro and increase development density along the Pacific Highway and Arterial Roads.

The basis for the above are explored in the headings below.

Heritage Considerations

The Draft Plan states that no changes are proposed to Heritage Conservation Areas or individual heritage items within the investigation area. This is proposed in an effort to ensure heritage objectives are achieved. However, in the instance of the subject site, we consider that this inaction will actually detrimentally impact the heritage significance of Willoughby House.

Under the Draft Plan, the height limit and density of adjoining properties increases along the Pacific Highway and north-west of the subject site. Directly adjoining building heights will be raised to 8 storeys while beyond this properties are recommended to allow for development up to 17 storeys. Furthermore, the new St Leonards Metro Station is proposed to reach 27 storeys in height while the site to the south is identified as a significant site with unconstrained height limitations.

We consider that this stark difference in heights with adjoining and nearby development identified for uplift will result in a disproportionate height transition at the site, and inevitable detriment to the heritage nature of Willoughby House. As cited in the heritage analysis to inform the plan, the state heritage inventory statement of significance for Willoughby House states:

'A dramatic and imposing commercial building on an important corner of a major intersection which is characterised by buildings of similar period and materials. A fine example of the Interwar Functionalist style and an early example of a large regional department store.'

While the architectural importance of the site will remain, the increase in heights of adjoining buildings proposed will clearly reduce the 'dramatic and imposing' nature of Willoughby House and therefore it's heritage significance overall. The increase in building height will result in Willoughby House no longer being a dominating landmark building on the Pacific Highway as it will be visually dominated by adjoining development. Therefore, the controls proposed to restrict its develop-ability, in an effort to preserve its heritage nature, will have the opposite intended effect.

Taking into consideration the above, we consider that the heritage significance of the building will be better preserved by allowing for controls to be introduced to the site that match adjoining development on the Pacific Highway. This provides an opportunity for the site to be revitalised and retain its role as a landmark building as has been the result for many other similar developments in Sydney, Australia and the world. Examples of where heritage buildings have been successfully developed to provide landmark buildings are provided in the heritage submission enclosed.

Development on the Pacific Highway

The Draft Plan identifies that the greatest height and density increases should occur along the Pacific Highway between the two metro stations where development can reach up to 50 storeys as established by past approvals. Furthermore, a number of sites have been identified as significant sites which can reach similar limits, subject to a design excellence process being undertaken. One such site is identified on the corner of the Pacific Highway and Falcon Street opposite Willoughby House.

The Draft Plan also states that moving away from the respective stations along the Pacific Highway, heights should begin to transition gradually into lower scale areas. In reference to Willoughby Road, the plan states the following:

"Gradual height transitions are proposed to Willoughby Road and the Five Ways intersection, with lower scale development recommended east of Oxley Street and north of Clarke Street towards Willoughby Road. Height transitions are also proposed along the Pacific Highway, reducing towards the Five Ways intersection."

We do not agree that the 3 storey limitation applied to the subject site represents a 'gradual height transition' when adjoining development earmarked for 8 storeys in height along the Pacific Highway – and possibly up to fifty stories for the adjoining 'significant site'. Furthermore,

we are of the opinion that additional height and FSR increases of adjoining buildings should also be explored to take advantage of the increase in development capacity created by the the new Metro.

Impact on Crows Nest Village and Willoughby Road

The plan expresses a desire to enhance and retain the 'village' atmosphere in and around Crows Nest, particularly Willoughby Road. Both Mecone and Fivex share this desire given the amenity this environment brings to the area and the clear importance it holds to the community as demonstrated in the consultation process expressed in the Draft Plan.

However, while retention of the Village atmosphere is desired, we do not consider the subject site to be a part of the undefined 'Crows Nest Village', which in our opinion truly begins north of the Willoughby Road/Burlington Street intersection, as also identified within the Heritage discussion paper enclosed.

In this area the 'village' type environment is evident as the footpath widens and the local shops, cafes and restaurants identified as of value to the community in the local character statement begin to appear. South of this intersection however, the street clearly is not of the same level of importance or value to the community. This is evident as this part of the street is clearly transitioning to a new environment which is encountered along the Pacific Highway where Willoughby House is located and orientated towards.

The transitioning nature of the street away from a 'village' environment is observable by the narrowing of the street; higher prevalence of business and office type premises occupying buildings along this part; and the presence of diagonal parking. This section of the street clearly provides less amenity and does not contribute to the 'village environment'.

As such, Willoughby House should be correctly recognised as a building which is representative of a change of environment as demonstrated by its differentiated building form and orientation towards an arterial road. The building is clearly of a differentiated height, bulk and scale when viewed comparatively to buildings along Willoughby Road and not a contributor to the village environment referenced throughout the Draft plan.

Given the context and nature of the building, we consider that the same uplift levels, in relation to building height and FSR, should be afforded to the subject site as neighbouring properties on the Pacific Highway. This will avoid a poor transition in heights occurring along the Pacific Highway and land in proximity to the new Crows Nest Metro Station being unnecessarily underutilised.

Amalgamation of Sites

The Draft Plan not only restricts the developability of the subject site as a standalone property, it also has the potential to reduce other opportunities for development to be undertaken in collaboration with adjoining landowners.

There have been preliminary discussions about site amalgamation along the Pacific Highway to create a new development between the subject site up to as far as 459 Pacific Highway, to the north. If this were to occur, the subject site is proposed to be a pivotal part of that development given its highly exposed location and role as a landmark building within the area.

The proposed controls which apply to the site will restrict this from occurring and instead result in the subject site being unnecessarily isolated and potentially dominated by significantly larger adjoining buildings. This is not a desirable outcome and will be a direct result of the current controls applied under the Draft Plan. As such we request that these recommended controls be revised to align Willoughby House's controls with the adjoining built form along the Pacific Highway.

Sub-Soil Stratum Land Acquisition

The Government is compulsorily acquiring a sub-soil stratum beneath the subject property without financial compensation being provided to Fivex as the landowner. Not only will an increase in height at the subject site result in an enhanced urban design outcome but it is considered that as a matter of equity, it is just and reasonable to increased height and FSR to offset the loss caused by this compulsory acquisition.

Development of corner sites

Urban design principles and strategic planning generally support the development of corner sites to act as a bookend and be a minimum of one to two stories higher than their neighbours. The existing Willoughby House building demonstrates this by being significantly taller than neighboring development; a characteristic which makes it a landmark building in the first place. As such, the Draft Plan directly contradicts established urban design principles in relation to corner sites and instead proposes that the site be dwarfed by buildings in the surrounds. It is considered that this will result in a poor urban outcome.

5. Recommendations and Conclusion

This submission has been prepared by Mecone on behalf of Fivex in relation to the Draft 2036 Plan for St Leonards and Crows Nest prepared by the Department of Planning and Environment. The submissions specifically relate to 429 Pacific Highway, Crows Nest, legally referred to as Lot 1 DP651865 and known as heritage item 'Willoughby House' under the North Sydney Local Environmental Plan 2013.

The submission requests the following amendments to the Draft Plan in relation to the subject site and broader St Leonards to Crows Nest Investigation area:

- Increasing the proposed height control to match the height of adjoining development along the Pacific Highway;
- Increasing the proposed FSR control to match development along the Pacific Highway; and
- Further increases to uplift within the St Leonards to Crows Nest Investigation to meet development capacity enabled by the new metro system.

The rationale behind the above requests to the Draft Plan is based on the following:

- While the current draft controls have been proposed in an effort to reduce heritage impacts on Willoughby House, we consider that they will have the opposite effect. The subject building will be visually dominated by surrounding development if the current draft controls remain. Therefore, the heritage significance of the building, which is known for its 'dramatic and imposing' role on the corner of the Pacific Highway and Willoughby Street will be diminished;
- Development of heritage items is becoming increasingly common and, in many cases, provide great urban outcomes that revitalise a building and renew visual interest. Ensuring a positive outcome at the site can be guaranteed through a rigorous Development Application process in the future. It is therefore not necessary to implement stringent controls that restrict all development potential for the site at this stage in the process of developing Crows Nest for the future;
- The Draft Plan encourages greater densities along the Pacific Highway and densities which gradually transition to lower density areas. It is suggested that an 8 storey to a 3 storey height decrease does not represent a 'gradual' height transition. Alternatively, it is suggested that this would create disproportionate scales of development and a poor visual outcome;
- Additional height at the subject site would not result in any detriment to the Willoughby Village area, which is noted as of value to the community throughout the Draft Plan.

The height increase would allow the site to be consistent with the surrounds and for the subject building to be revitalised. It is further suggested that a high quality, architectural development at the site could provide a landmark point of entry to Willoughby Road and the Crows Nest Village area;

- No change to the height of building controls will reduce the developability of the site unnecessarily and restrict the ability of adjoining and nearby sites to amalgamate in the future. Amalgamation of adjoining properties would allow for larger floor plates to be achieved and present an opportunity for a high quality corner site development in line with the principles and desired outcomes of the Draft Plan; and
- Overall it is considered that uplift within the investigation area is not commensurate to the level of uplift which can actually be achieved by the increased development capacity created by the new Metro. It is suggested that uplift should therefore be revised and increased accordingly.

Thank you for the opportunity to make this submission. Please do not hesitate to contact me on 8667 8668 or kbartlett@mecone.com.au with any comments or queries on its contents if any clarifications are required.

We are very eager to work with the DPE on this matter and hope that this document can be taken into consideration during finalisation and the requested changes adopted.

Yours sincerely,



Director

Attachment 1 – Heritage Discussion Paper – GBA Heritage

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Friday, 16 August 2024 2:57:31 PM
Attachments: [submission-on-crows-nest-rezoning-proposal.docx](#)

Submitted on Fri, 16/08/2024 - 14:56

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

██████

Last name

██████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

Cammeray

Please provide your view on the project

I am just providing comments

Submission file

[submission-on-crows-nest-rezoning-proposal.docx](#) (14.06 KB)

Submission

Please see the attached.

I agree to the above statement

Yes

Dear Sir or Madam,

I am a resident of Cammeray.

Generally, I am in support of the amended TOD rezoning proposal for Crows Nest. It is a considerable improvement on the original proposal and is much more sympathetic and responsive to the decades of prior planning controls in the region, especially in relation to the heritage areas between Alexander and West Streets. It is also broadly consistent with the St Leonards and Crows Nest 2036 Plan for which the authors should be congratulated.

There is, though, an urgent need to allocate additional greenspace to cater for the up to 3255 additional homes projected under the proposal.

At present, the only sizeable greenspace near the additional homes is Gore Hill Oval. This is already oversubscribed. It has been converted to an artificial pitch to withstand the constant use and now provides for multiple sports to be played at the same time to meet the community demand. The oval will come under further increased pressure in the future from the housing developments under construction or planned for St Leonard's South. In addition, nearby Cammeray Park is no longer available to the public. The golf course has now been fenced off and the balance of the Park is being used as a staging area for the Western Harbour Tunnel and the Waringah Freeway upgrade.

My request therefore is that final proposal addresses in greater detail, and with funding certainty, the provision of the extra greenspace that will be needed in the area as a result of the combined developments of St Leonard's South and under the proposed TOD.

Yours Faithfully

██████████

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Thursday, 29 August 2024 10:58:21 AM
Attachments: [submission---433---435-pacific-highway,-crows-nest.pdf](#)

Submitted on Thu, 29/08/2024 - 10:56

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Brendan

Last name

Hoskins

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

Sydney

Please provide your view on the project

I object to it

Submission file

[submission---433---435-pacific-highway,-crows-nest.pdf](#) (653.45 KB)

Submission

Refer to attachment

I agree to the above statement

Yes

24170

29 August 2024

Ms Kiersten Fishburn
Secretary
Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

Dear Ms Fishburn,

The Crows Nest TOD rezoning proposal
Submission on behalf of Owner of [REDACTED], Crows Nest

This submission is made on behalf of the landowner of [REDACTED], Crows Nest (the site), for the rezoning proposal related to Crows Nest, which is being exhibited as an accelerated precinct under the NSW Government Transport Oriented Development Program (TOD Program).

The site is approximately 85m² with a street frontage to the Pacific Highway and is immediately adjacent to the area labelled "*Focus for accelerated rezoning*" under the rezoning proposal. Given the site's proximity to the Crows Nest Metro Station, it represents a key landholding in the TOD Precinct and can contribute to the objectives of the rezoning to increase housing supply in Crows Nest.

This submission is provided in the context of the wider housing crisis, and the desire to expedite housing delivery across Australia. As the NSW government's key initiative to address the housing crisis and meet the National Housing Accord's target of 377,000 new homes by 2029, it is crucial that the rezoning of the Crows Nest under the TOD Program is both well-informed and practical in facilitating new housing development.

Despite broad in-principle support for the approach of a precinct-wide rezoning in accordance with TOD principles, there are a number of key matters within the rezoning proposal which require amendment to ensure the opportunity of Crows Nest is realised to its full potential. In particular, this submission requests that further consideration be provided to:

- The inconsistency between the 'TOD Precinct' boundary and the 'Accelerated Rezoning' boundary, and the subsequent barriers placed on sites within the TOD Precinct that receive no uplift compared to the current planning controls.
- The recognition of the TOD Program's objectives and overarching purpose to unlock high-density living opportunities in attractive and well-located spaces, rezoning the precinct for greater opportunities for density compared to the current planning framework.
- The opportunity to expand on the existing strategic study instead of duplicating the outcome of the St Leonards and Crows Nest 2036 Plan (the 2036 Plan). Whilst grounded in its own strategic objectives, the 2036 Plan does not align with the purpose of the TOD Program and is unlikely to achieve the same objective in the current context of the housing crisis.
- The opportunity to increase housing density and deliver suitable affordable housing within walkable distances of public transport.

1.0 The Site

This submission is made in relation to the landholding at 433 – 435 Pacific Highway, Crows Nest (shown in **Figure 1**). The site is approximately 200 metres south-east from the newly opened Crows Nest Metro Station and approximately 600 metres from the St Leonards Train Station.

The current building on the site is substantially underdeveloped, being a two-storey building with a massage therapy clinic and pawn shop currently operating at the ground level.



Figure 1 – Aerial view of the site and surrounds (site outlined)

Source: Planning Portal Spatial Viewer (2024)

The site has a frontage to the Pacific Highway and is immediately adjacent to the area labelled “focus for accelerated rezoning” under the Crows Nest rezoning proposal as shown in **Figure 2**. Additionally, the site is in land that is subject to the 2036 Plan which was finalised in 2020, however, the lot sits outside of the area recommended for changes to planning controls, as most amendments were made between the Metro and Train Station as shown in **Figure 3**.

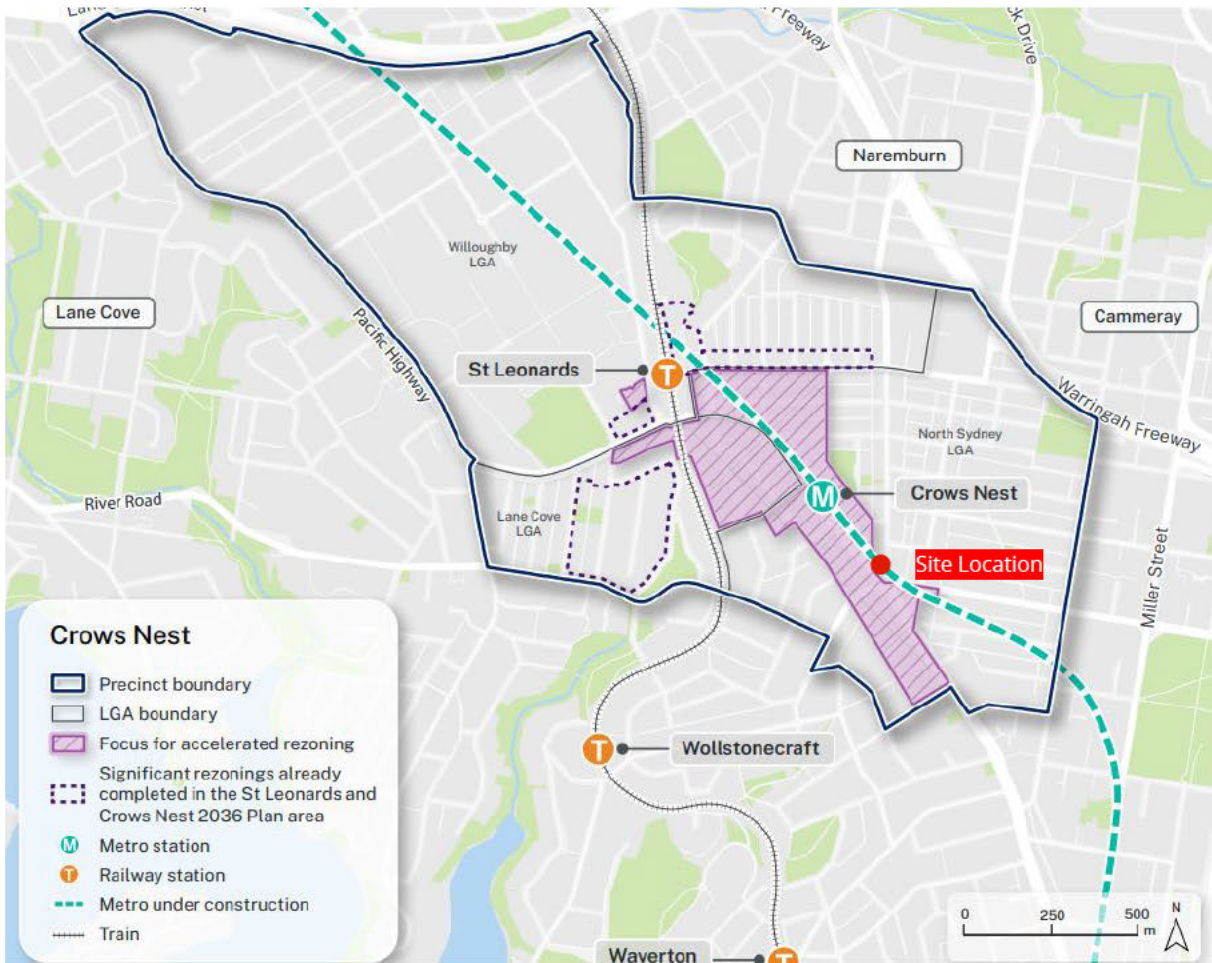


Figure 2 – Crows Nest TOD Boundary (site identified)

Source: NSW Department of Planning, Housing and Infrastructure 2024

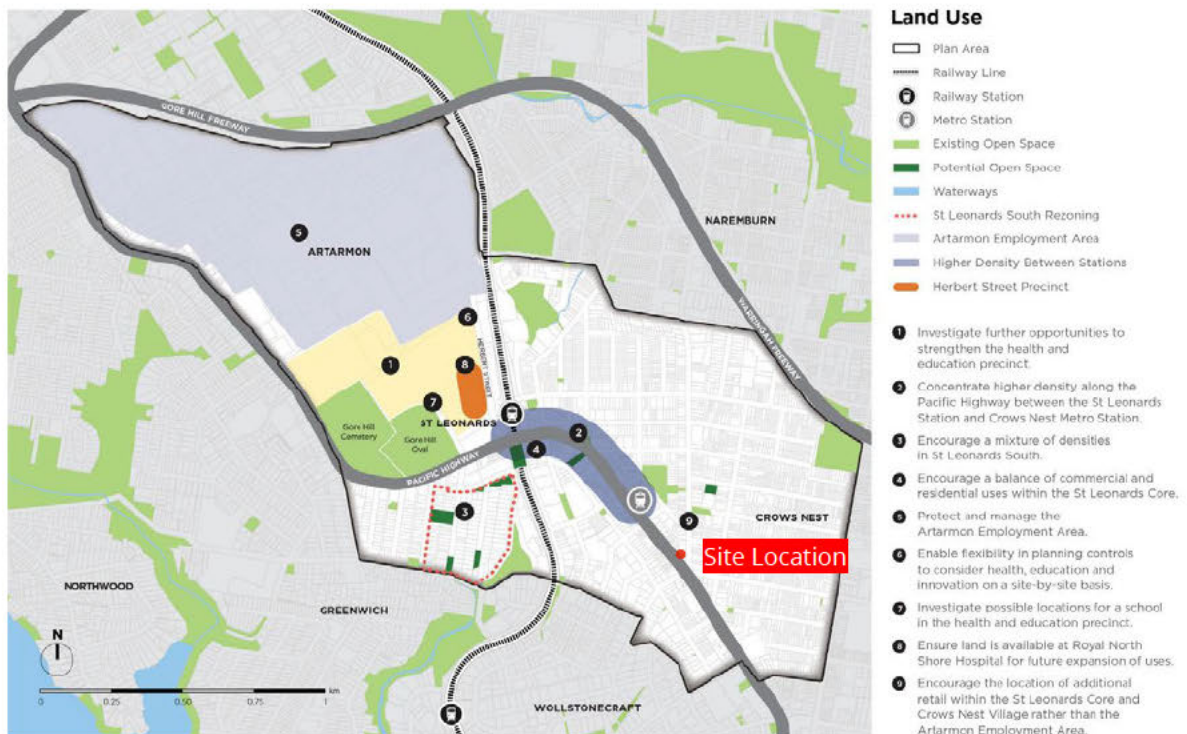


Figure 3 – St Leonards and Crows Nest 2036 Land Use (site identified)

Source: NSW Department of Planning, Industry and Environment 2020

2.0 Key Areas of Refinement Required

Through a review of the rezoning proposal currently on exhibition, several areas have been identified where amendment and reconsideration are necessary to meet the objectives of the TOD Program and ensure the rezoning of the TOD Precinct achieves the intended outcome of delivering housing. Although this submission particularly relates to the site as outlined in **Figure 1**, a number of recommendations have been suggested in recognition of shortfalls in the approach that will affect the broader TOD Precinct.

2.1 The TOD Precinct Boundary's Extent

Crows Nest has been designated as an Accelerated Precinct under Part 1 of the TOD Program. According to the NSW Government's TOD Program published in December 2023, land within a 1,200-metre radius of eight key rail and metro stations was slated for rezoning by the NSW Government. This policy aims to enhance accessibility and encourage residential development near major transport hubs.

However, the Crows Nest TOD Precinct boundary falls substantially short of the anticipated 1,200-metre radius, undermining the effectiveness of the TOD Program and potential for the TOD Precinct to deliver housing. Furthermore, as shown in **Figure 2**, even within the reduced TOD Precinct boundary, there is a limited *"Focus for Accelerated Rezoning"* zone which applies to a small portion of the TOD Precinct and proposed amendments to the current planning framework.

The Crows Nest Explanation of Intended Effects (EIE) notes that *"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 refinement in question has significantly decreased the impact of the TOD Program's potential uplift in density and delivery of housing.

The result of this limited rezoning is next to no change in current height and floor space controls for the vast majority of the TOD Precinct, suggesting no opportunity for additional density despite the significant investment in the recently opened Sydney Metro. There appears to be limited, to no, exploration in any of the exhibited documents of any consideration for uplift in density across the TOD Precinct, despite this being a clearly stated aim of the TOD Program and rezoning proposal.

The subject site of this submission is located approximately 200 meters from the newly opened Metro Station and approximately 600 metres from the existing St Leonards Train Station. Despite this proximity, it has not been included in the *"Focus for Accelerated Rezoning"* area. This omission is inconsistent with the objectives of the TOD Program, which aims to promote high-density development within a convenient walking distance of major transit hubs. Excluding this site and other properties within a similar walking radius undermines the TOD Program's goal of optimising accessibility to public transport and maximising housing opportunities.

The absence of any uplift on the majority of sites in the TOD Precinct raises the question of why they have been included in the Precinct. Given their proximity to the existing public transport infrastructure and their potential to contribute to the TOD Program's objectives, it is crucial to reconsider the opportunity on these sites to deliver housing.

It is recommended that the TOD Precinct Boundary be reconsidered to encompass the full 1,200-metre radius, and that proper consideration be provided to the planning for density within the Precinct as a whole. This is discussed further in the following sections.

2.2 Need for Precinct Planning

As outlined above, the TOD Precinct includes only a limited area, the “*Focus for Accelerated Rezoning*”, where amendments are proposed to the height and floor space controls in the existing planning framework. There is no clear rationale, beyond high-level reference to flooding and heritage constraints, for the limited changes which are proposed to the density controls applying to the TOD Precinct.

The Crows Nest Precinct presents a significant opportunity for housing due to its proximity to Sydney's Central Business District (CBD). The newly opened Sydney Metro offers frequent services from Crows Nest Station to Sydney's CBD in only 8 minutes. Despite the significant investment in the Metro infrastructure, the “*Focus for Accelerated Rezoning*” boundary offers little additional density in the Crows Nest Precinct, limiting the opportunity for residents to have greater access to the Sydney CBD.

Under the rezoning proposal, the “*Focus for Accelerated Rezoning*” area is proposed to receive both height and floor space uplift. The broader Precinct remains unchanged, creating a poor urban design outcome. This is evidenced with the subject site of this submission, which has a maximum height of buildings of 10 metres and no FSR provisions under the current planning framework, yet is proposed to be situated adjacent to a lot with a proposed maximum height of buildings of 59 metres and FSR of 6:1. When considering the 4-6 storey building already to the south of the site, the site will effectively remain as a ‘missing-tooth’ in the streetscape if no change is proposed under the rezoning proposal.

More broadly, heights outside the “*Focus for Accelerated Rezoning*” predominantly range from 7 metres to 20 metres, while heights within range from 23 metres to RL 283 metres. This establishes a clear concern that there is a disparity of height and density across the Precinct, with limited urban design rationale for such significant differences.

In the context of the current housing crisis, the majority of the Precinct remaining unchanged is unacceptable and in conflict with the intention to unlock housing.

Furthermore, landholdings with the broader TOD Precinct which do not receive uplift will also be penalised by their inclusion in the Precinct, with the removal of the ability to access bonuses under *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) and uplift under the mid-rise housing reforms. These additional barriers to development are discussed further below, but ultimately present an additional constraint to development which will be counterintuitive to the objectives of the TOD Program to deliver housing.

In light of the above, it is recommended that the entire TOD Precinct be considered for uplift, with detailed urban design review completed to increase both height and floor space opportunities on all sites.

2.3 Affordable Housing Contributions

Affordable housing contributions of 10-15 per cent, to be held in perpetuity and managed by a registered Community Housing Provider (CHP), are proposed in the rezoning proposal for all new residential development within the TOD Precinct. The EIE supporting the rezoning includes a general description of this approach, but there is limited detail on the mechanics of the contribution, such as whether dedication is required, or whether the requirement can be satisfied through a monetary contribution.

Unlike other TOD Precinct rezonings, no Affordable Housing Contribution Scheme is exhibited with the rezoning proposal.

While the importance of affordable housing is acknowledged, there are fundamental flaws in the proposed approach to delivering affordable housing in the context of the rezoning proposal and the stated objective to deliver housing.

As outlined above, the majority of the TOD Precinct is not proposed to receive any uplift or change from the existing planning framework. As such, the proposed affordable housing contribution will only present an additional barrier to development, resulting in retention of the status quo, and failing to fulfill the commitments of the National Housing Accord.

Contribution Rate and Economic Modelling

The identified contribution rate of 10-15% is vague and provided without any supporting robust financial modelling to justify the appropriateness and effect of this contribution on development viability. This suggests that there has not been detailed modelling completed, particularly across the TOD Precinct where no change is proposed to the existing planning framework. Financial modelling must be made public to understand the impact of this contribution.

It is recommended that any affordable housing requirement is justified with evidence-based research, supporting a specific contribution rate that reflects the existing context and proposed development potential. Importantly, no contribution should be mandated where no change is proposed to the existing planning framework. Any contribution rate must only be applied to floor space 'unlocked' through the rezoning process. This approach is similar to other Tier 1 TOD Accelerated Precincts, where reasonably uplift residential floor space is levied for affordable housing.

Relationship to Part 2 Division 1 of State Environmental Planning Policy (Housing) 2021 (Housing SEPP)

The EIE supporting the rezoning proposal identifies that no additional affordable housing incentives are available, including the infill affordable housing FSR and height bonuses under Chapter 2, Part 2, Division 1 of the Housing SEPP. The rationale for this restriction is that the urban design framework supporting the rezoning proposal has considered the maximum potential of the TOD Precinct, despite the urban design framework not considering any change for the majority of the TOD Precinct.

As outlined in this submission, there is greater development potential across the TOD Precinct. The provisions under the Housing SEPP enable a 30% uplift in both height and floor space, substantial bonuses that reflect the need for affordable housing and incentivise development that provides affordable housing. As such, these provisions should apply to the TOD Precinct, particularly where no change is proposed to the existing planning framework.

Under the provisions of the Housing SEPP, affordable housing is to be provided for a minimum of 15 years. The rezoning proposal is therefore in conflict with this approach, as the requirement for affordable housing within the TOD Precinct is to be provided in perpetuity – despite no change to the existing planning controls.

As above, there is a lack of any financial economic or feasibility modelling supporting the approach of mandating a rate 'range' of affordable housing to be provided in perpetuity without any incentive. The above recommendations are therefore reinforced, with a need for a clear evidenced-based approach to delivering affordable housing without creating additional barriers to development, and in turn the delivery of housing.

3.0 Summary and Recommendations

This submission has been prepared on behalf of the [REDACTED], Crows Nest in respect of the Crows Nest TOD Precinct rezoning proposal. In summary, the following recommendations are made:

- The TOD Precinct boundary should be expanded to encompass a full 1,200-metre radius, aligning with the original intent of the TOD Program.
- A detailed urban design review should be undertaken for the entire TOD Precinct, with a focus on increasing both height and floor space opportunities across all sites, not just within the "Focus for Accelerated Rezoning" area.
- Any affordable housing requirement should be justified with evidence-based research, particularly regarding the economic viability of development.
- Affordable housing contributions should only be mandated where rezoning provides an uplift in floor space, and an Affordable Housing Contributions Scheme must be publicly exhibited.
- Financial modelling supporting any contribution rates must be made public to ensure transparency and appropriateness. Any affordable housing requirement should only be required for 15 years, aligning with the Housing SEPP.

- The recently introduced affordable housing incentives under the Housing SEPP, should be made available in the Precinct, ensuring that incentive is provided for development to support the delivery of affordable housing.

Implementation of the above recommendations is critical. If the rezoning proposal were to remain in its current form, the majority of the TOD Precinct will be sterilised for years to come due to the recent nature of the rezoning, limiting the delivery of housing around one of Sydney's newest public transport hubs in close proximity to Sydney's CBD.

Kind regards

([Redacted Signature]

[Redacted Title]

Director

[Redacted Contact Information]

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Wednesday, 28 August 2024 1:11:02 PM
Attachments: [286-pacific-hwy-tod-submission-1.pdf](#)

Submitted on Wed, 28/08/2024 - 13:10

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

John

Last name

Wynne

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

2000

Please provide your view on the project

I object to it

Submission file

[286-pacific-hwy-tod-submission-1.pdf](#) (823.5 KB)

Submission

Please see attached letter.

I agree to the above statement

Yes



**ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000**

URBIS.COM.AU
Urbis Ltd
ABN 50 105 256 228

28 August 2024

Department of Planning, Housing and Infrastructure

Dear Sir/Madam

CROWS NEST TOD REZONING SUBMISSION: 290 PACIFIC HIGHWAY CROWS NEST (INCLUDING 79-81 SINCLAIR ST)

This submission is made of behalf of PDS Engineering Division Pty Ltd (**PDS**), representing the owners of the property located at [REDACTED], Crows Nest (**the site**), in response to the public exhibition of the proposed Crows Nest Transport Orientated Development Program (**TOD**) rezoning proposal.

On behalf of PDS, we summarise our submission in response to the exhibition of the TOD as follows:

1. We support the proposed controls on the MU1 zoned part of the site being 50m building height and 6:1 FSR as exhibited.
2. We object to the proposed designation of the RU2 zoned part of the site as being future open space and request that this part of the site be included in the proposed new R4 High Density zone with associated maximum building height of 29 metres and FSR of 2:1

1. THE SITE

The site is known as 290 Pacific Highway, Crows Nest and is legally described as Lot 1 in Deposited Plan 1279891. The site has an area of 2,791m², with a 24.4m frontage to the Pacific Highway and a 36.5m frontage to Sinclair Street and from where vehicular access is obtained

The site is well serviced by public transport with multiple bus routes running along the Pacific Highway, the St Leonards Train Station 1km to the north and the future Crows Nest Metro Station under construction approximately 400m to the north.

The site location is shown in Figure 1 below:

Figure 1 Site Location



The site currently accommodates two commercial buildings both of which are vacant:

- 286-288 Pacific Highway: a two-storey commercial building which is a locally listed heritage Item No. I0150: *Former North Shore Gas Co Office*. With the rear of the site comprising a hardstand parking area with frontage to Sinclair Street and which is included in the heritage listing.
- 290-294 Pacific Highway: comprises a two-storey office building.

The site is zoned part MU1 Mixed Use and part R2 Low Density Residential in accordance with the NSLEP and abuts land zoned as illustrated in Figure 2 below:

Figure 2 Land Use Zoning



The site is subject to a maximum height of building controls of 16m for the MU1 zoned land and 8.5m on the R2 zoned part of the site. The site is not subject to a floor space ratio (FSR) control. Most of the subject site (286-288 Pacific Highway) is listed as an item of environmental heritage under Schedule 5 of the North Sydney Local Environmental Plan 2013 (NSLEP 2013) being IO150 – Former North Shore Gas Co Office and including 79-81 Sinclair Street which is a carpark serving the buildings on the site.

The site is subject to the provisions of the St Leonards and Crows Nest 2036 Plan (**the 2036 plan**) which proposes the following key outcomes for the site and surrounds:

- Retain the current B4 Mixed Use Zone and R2 Low Density Residential Zone applying to the site.
- Increase building height to 8 storeys on the MU1 zoned part of the site with no change to the R2 zoned area (ie retaining 2 to 3 storey development).
- Increase floor space ratio (FSR) to 4:1 on the MU1 zoned part of the site and with no change to the R2 zoned area.
- A minimum quantum of 'non-residential' FSR on the MU1 zoned part of the site of 2:1.

The site is currently the subject of an Appeal to the NSW Land and Environment (Case No 2023/00185876) to determine a Development Application (DA66/23) for the partial demolition of the existing heritage building, construction of a part 11-storey part 4 storey mixed-use building comprising ground floor and first floor commercial tenancies, 52 residential units, public domain works and landscaping.

2. THE EXHIBITED TOD

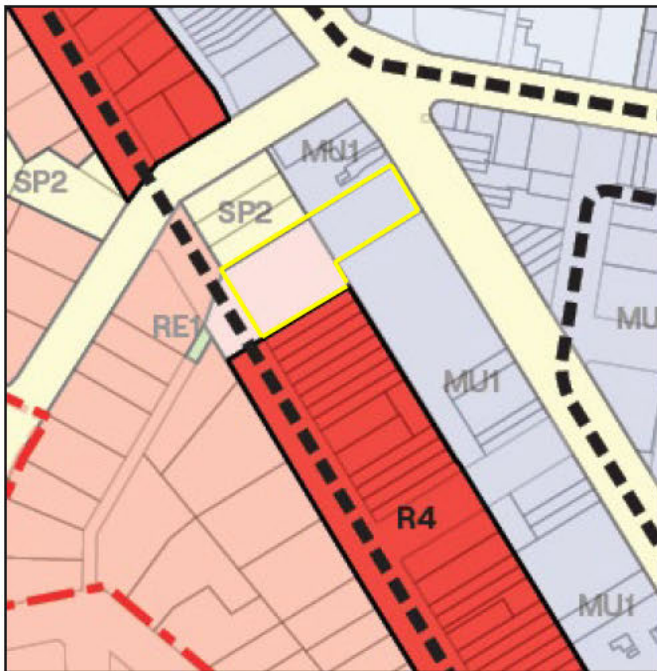
The EIE supporting the exhibited TOD proposes the following for the site and surrounds:

- Retain the MU1 zone on the front part of the site. The rear of the site is not identified for a zone change as it is identified as potential area of new public open space however all other land on the east side of Sinclair St abutting the site is proposed to be zoned to R4 High Density Residential.
- The proposed building height for the part of the site located in the MU1 Zone is 50 metres and with the properties to the north (300-306 Pacific Highway) proposed for 29 metre height. The height for the R2 zoned part of the site is not identified for change as this area is identified in the draft planning controls as a potential new area of open space, however all other land on the east side of Sinclair St abutting the site is proposed to have a 29 metre (8 storey) building height.
- A maximum FSR of 6:1 is proposed on the MU1 zoned part of the site and an FSR of 2:1 on the R2 zone part of the site.
- A minimum non-residential FSR is proposed on the MU1 zoned part of the site and no minimum non-residential FSR is proposed for the land proposed to zoned R4 High Density Residential in Sinclair Street.
- In regard to the area of potential new open space on the R2 zoned part of the site, the Urban Design Framework document supporting the proposal elaborates on this as follows, 'The use of this site for open space is to be considered indicative only *and is not to be rezoned for open space. Any site in this general area may be considered for open space. This site has simply been identified as a high opportunity location for the purpose of demonstrating a vision for the precinct*'.

Extracts from the EIE illustrating the site are attached in Figure 3 below:

Figure 3 Extracts from EIE

Land use zoning



Building height



FSR



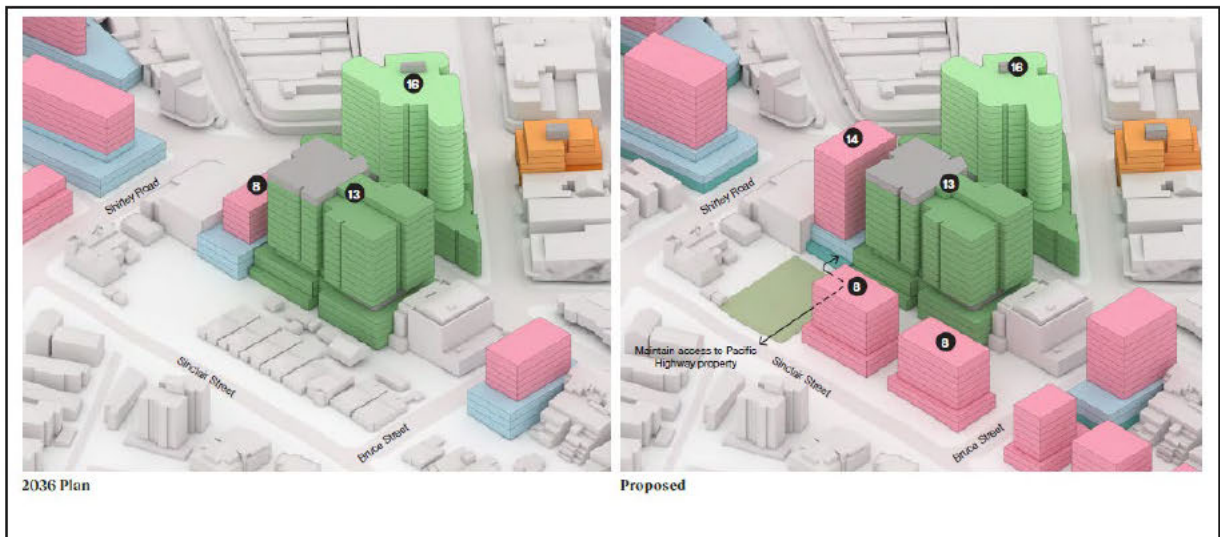
The controls proposed for the site expressed in the TOD EIE are informed by the accompanying Urban Design Report prepared by SJB. The site is identified as 79-81 Sinclair Street in the 'Open Space Investigation' (Page 53), as a potential location for future open space. The SJB report provides the following comments regarding the identification of the site:

- *79-81 Sinclair Street - 1,681sqm. Currently an at-grade carpark on private property. Technically, the property is heritage listed, however it is understood the heritage is related to the facade fronting Pacific Highway and an internal staircase.*
- *These sites have been selected due to their current existing properties of being Council operated or not currently developed, therefore making it easier to deliver open space on the site. Both are relatively well-located within walking distance of the Metro and being on the fringe of the area of change.*
- *The site maintains a large amount of direct sunlight to the majority of the surface area. This is due to the lower scale buildings to it's north that are not to change due to their heritage status.*
- *Site 2 can also be integrated within the heritage character and fabric of it's surrounds, allowing it to fit within the local character and possibly expand over time.*

- For these reasons, site 2 has been shown as a site for potential future open space on the following drawings. This study has not considered how this open space is to be delivered and or a plan of management considered.
- The use of this site for open space is to be considered indicative only and is not to be rezoned for open space. Any site in this general area may be considered for open space. This site has simply been identified as a high opportunity location for the purpose of demonstrating a vision for the precinct.

A plan is provided at Page 57 of the Urban Design Report illustrating the potential development of the site for high density development on the MU1 zoned part of the site and with open space on the balance of the site – see Figure 4 below.

Figure 4 Copy of Plan from SJB Urban Design Report



3. SUBMISSION

On behalf of PDS, we provide the following submission in response to the exhibition of the TOD:

1. We support the proposed controls on the MU1 zoned part of the site being 50m building height and 6:1 FSR.
2. We object to the proposed designation of the RU2 zoned part of the site as being future open space and request that this part of the site be included in the proposed new R4 High Density zone with associated maximum building height of 29 metres and FSR of 2:1. We provide the following information in support of this request:
 - a. The reference in the SJB Urban Design to the rear of the site as, 'not being developed' is inaccurate. The rear of the site (the part zoned R2) is developed as a car park supporting the commercial development on the site. The car park use has been in place for over 30 years and is an essential part of the overall existing and proposed future use and development on the property.

- b. North Sydney Council has rejected a proposal in DA66/23 currently under assessment, for the provision of open space on the R2 zoned part of the site as part of an integrated design for the entire landholding. Council’s Design Excellence Panel in assessing the proposal in May 2023 stated as follows:

‘Public open space – The public benefit of the proposed pocket park is questionable, it is proposed in a fairly hidden away location and will likely be used predominantly by residents of the site rather than the wider public. The value of the proposed through site link was also questioned, as east-west pedestrian movement is already facilitated by Shirley Rd and the though site link does not directly connect to any other laneways or east-west movement corridors.’ (Council Assessment Report, 1 November 2023)

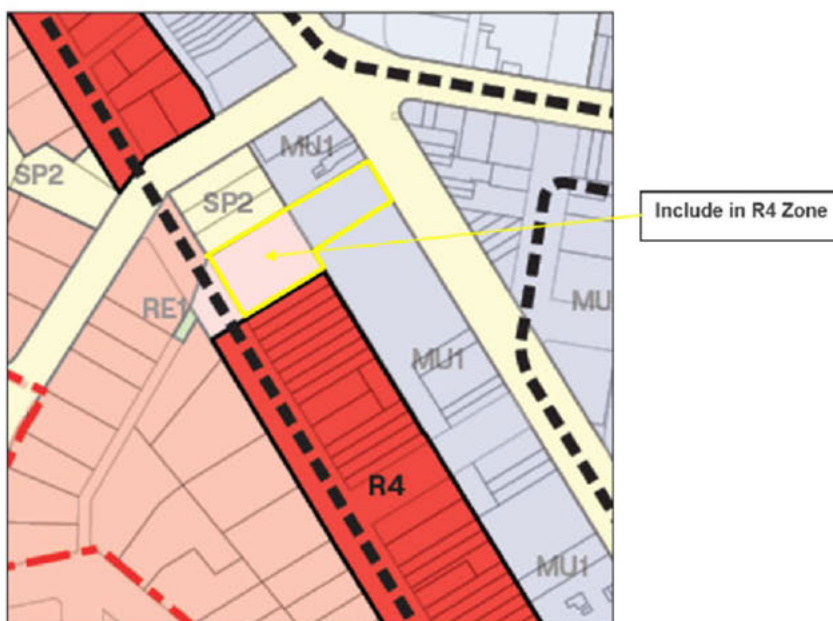
Following the refusal of the DA by the Panel, the applicant subsequently resolved to remove the provision of open space on this part of the site from the application.

- c. The provision of open space on this part of the site will significantly impact the potential use and development of the site, resulting in substantial commercial impacts on the landowner. Any proposal for open space on the site would therefore require appropriate compensation for the landowner. If such an outcome is desired, we submit that it is best achieved through a negotiation with the landowner as part of an integrated development plan for the site where increased development opportunity on the site is provided to offset the provision of land for open space.

Given the above, we request that the exhibited TOD be amended to include the R2 zoned part of the site in the proposed new R4 High Density zone with associated maximum building height of 29 metres and FSR of 2:1 that applies to all the adjoining sites located in the R2 zone as illustrated in Figure 5 below:

Figure 5 Requested changes to TOD

Zoning



Building height



4. SUMMARY

Please contact me if you have any questions or require further information.

Yours sincerely,

Director

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Tuesday, 20 August 2024 12:54:48 PM
Attachments: [240599---submission-letter-v1.pdf](#)

Submitted on Tue, 20/08/2024 - 12:50

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

██████████

Last name

██████████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

Erina NSW 2250

Please provide your view on the project

I object to it

Submission file

[240599---submission-letter-v1.pdf](#) (1.77 MB)

Submission

Please find attached a submission letter to this rezoning proposal prepared by Barker Ryan Stewart on behalf of the registered owners of sites at ██████████, St Leonards (Lot 16 Section 1 DP7259), and ██████████, St Leonards (Lot 26 DP658193 & Lot 27 Section 16 DP3175).

I agree to the above statement

Yes

Our Ref:240599

20 August 2024

Department of Planning, Housing and Infrastructure
Locked Bag 5022
Parramatta NSW 2124

Dear Sir / Madam,

Crows Nest Transport Oriented Development (TOD) Rezoning Proposal – 2-4 Pacific Highway & 65 Nicholson Street, St Leonards

This submission letter has been prepared by Barker Ryan Stewart on behalf of [REDACTED] who are the [REDACTED], St Leonards (Lot 16 Section 1 DP7259), and [REDACTED] St Leonards (Lot 26 DP658193 & Lot 27 Section 16 DP3175), respectively.

This submission is in response to the NSW Department of Planning, Housing and Infrastructure (DPHI)'s notice and invitation for feedback on 16 July 2024 for the State-led Crows Nest Transport Oriented Development (TOD) Rezoning Proposal. This submission proposes the subject sites' inclusion within the land use rezoning, in addition to the increased permitted building height. Both sites are in the TOD accelerated rezoning area.

An aerial photograph in **Figure 1** below identifies the relationship of our clients' properties to the locality which is subject to the rezoning proposal.



Figure 1 – Aerial view of subject sites and surrounds (Source: Nearmap, dated 22 July 2024)

It is understood that the rezoning proposal for the Crows Nest Precinct will amend the North Sydney Local

SYDNEY	CENTRAL COAST	HUNTER	COFFS HARBOUR	NORTHERN RIVERS	SOUTH EAST QLD	NORTH QLD
P (02) 9659 0005 E sydney@brs.com.au	P (02) 4325 5255 E coast@brs.com.au	P (02) 4966 8388 E hunter@brs.com.au	P (02) 5642 4222 E coffs@brs.com.au	P (02) 6681 6696 E northernrivers@brs.com.au	P (07) 5582 6555 E seqld@brs.com.au	P (07) 4453 0555 E northqld@brs.com.au

Environmental Plan (LEP) 2013, the Lane Cove LEP 2009 and the Willoughby LEP 2012. The amendments will facilitate changes to planning controls for land use zones, height of buildings, floor space ratio (FSR) and non-residential FSR, with an objective of increasing diverse and affordable housing supply within identified high-growth areas in proximity to transport infrastructure and services as part of DPHI's TOD program.

Our clients' properties are both currently zoned E2 Commercial Centre under the Lane Cove LEP 2009. Notably, all types of residential accommodation are prohibited in the E2 zone at present under the Lane Cove LEP 2009. State Environmental Planning Policy (Housing) 2021 does not currently provide additional opportunities for mixed-use development to be achieved on the subject sites.

This submission identifies the merit of a more uniform strip rezoning which would see the subject sites rezoned from E2 Commercial Centre to MU1 Mixed Use.

This submission has been prepared following review of DPHI's 'St Leonards and Crows Nest 2036 Plan', the associated Urban Design Report (SJB Architecture, dated October 2020), the exhibited rezoning proposal and its associated Urban Design Report (SJB Architecture, dated 12 July 2024).

The exhibited land use rezoning within the centre neglects large portions of unconstrained land directly adjacent to or in walkable proximity to the existing and future rail stations, including the subject sites, as per **Figure 2** below.

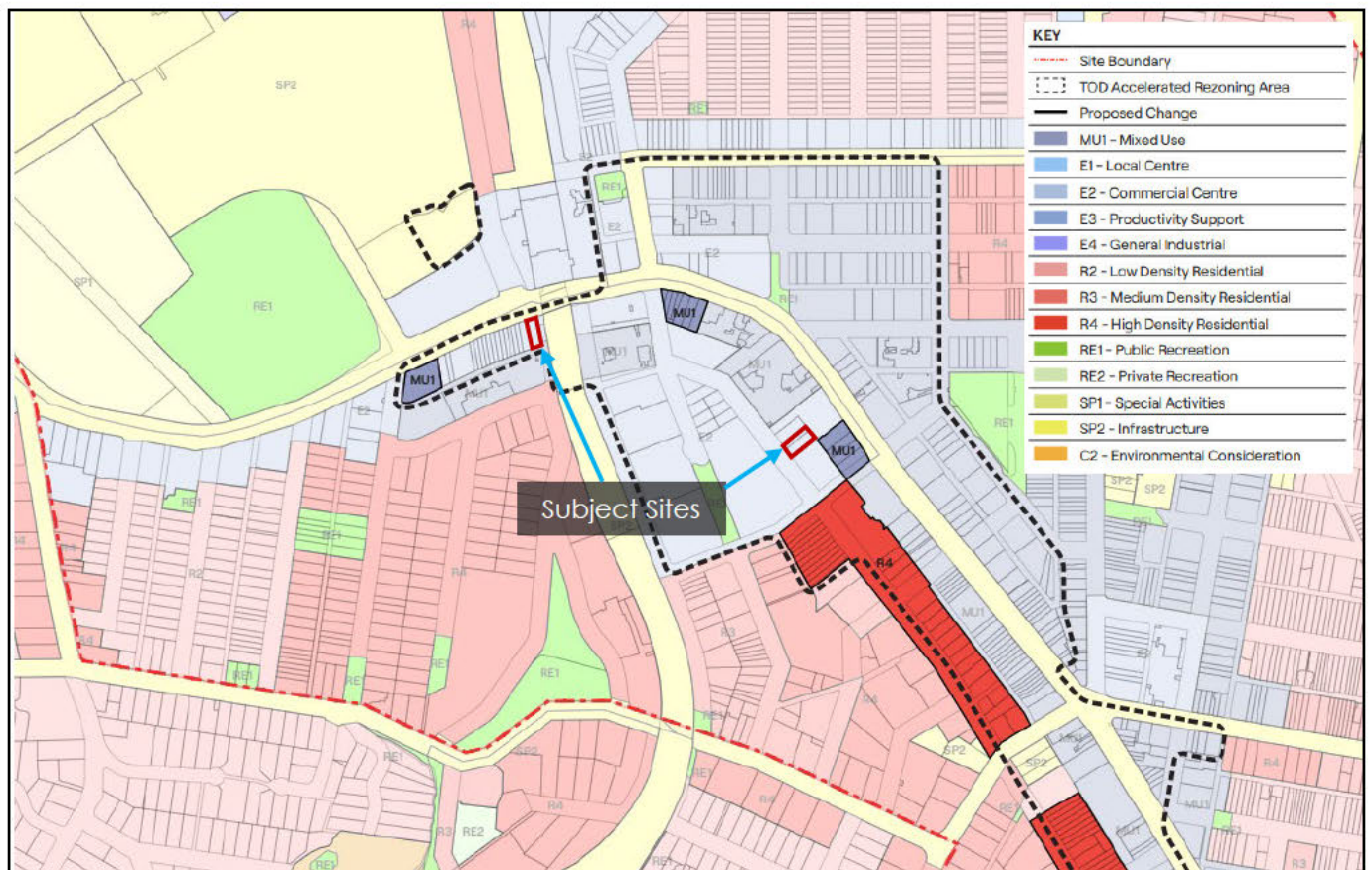


Figure 2 – Extract Land Use Rezoning (Source: SJB Architecture, 2024)

A more uniform, strip rezoning of sites from E2 to MU1 as recommended has sufficient strategic merit and consistency with strategic planning objectives to warrant its inclusion within the State-led rezoning. The added permissibility of mixed-use development through an extended rezoning would present a number of benefits and reduce strategic risks. An example is provided in **Figure 3** below, having regard for the constraints and challenges of the precinct identified by the TOD rezoning proposal's Urban Design Report.

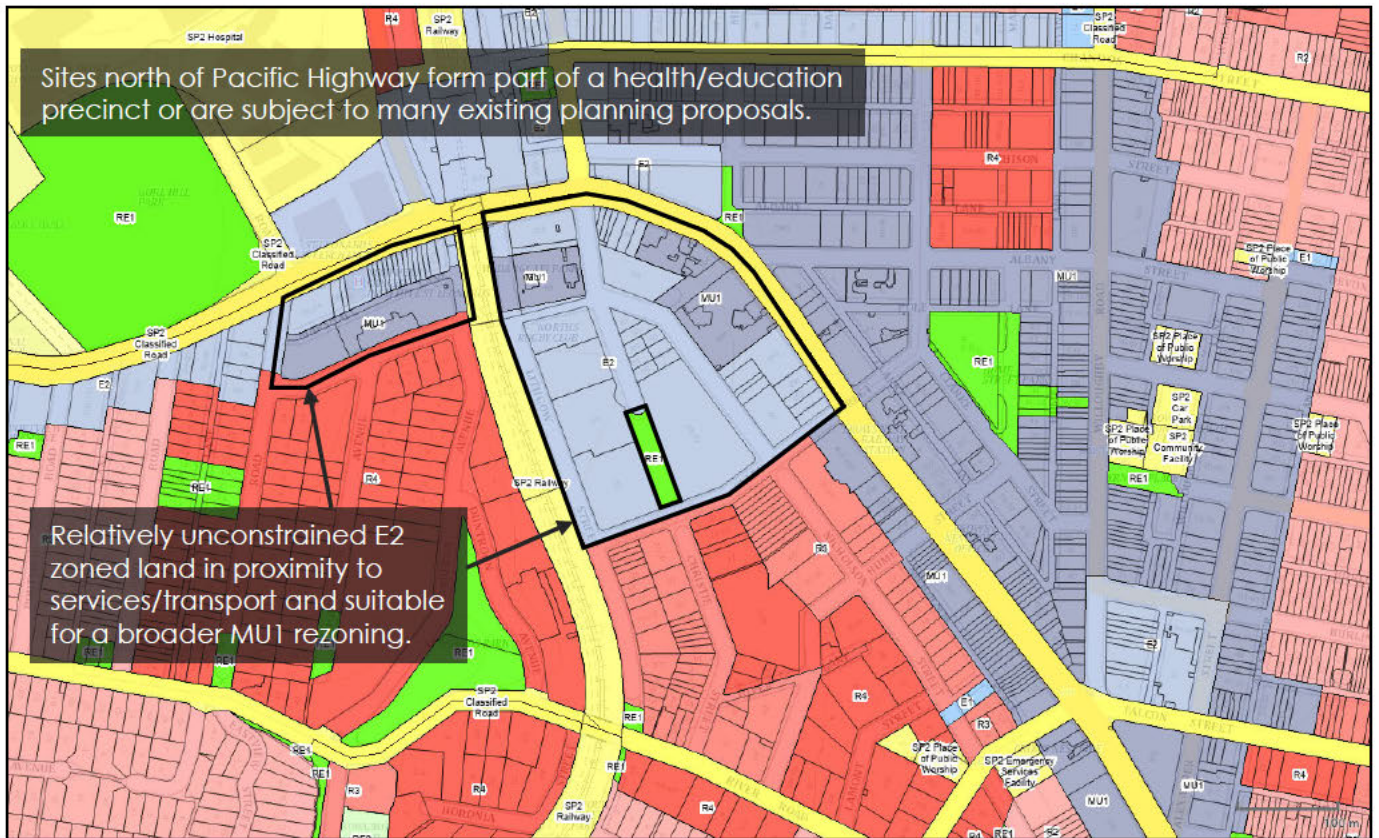


Figure 3 – Example Markup of Areas Suitable for a Broader Rezoning (Source: NSW Planning Portal 2024, annotated by BRS)

The subject sites are located in the central area of the precinct, strategised for higher density development and a balance of commercial and residential uses in the 2036 Plan. The sites are in walkable proximity to the existing St Leonards Railway Station and the future Crows Nest Metro Station, as well as existing services, employment, active transport infrastructure and public open space. The blocks containing the subject sites are separated from nearby hospital and education infrastructure by major transport corridors, and are less conveniently located for development associated with those development types.

Compared to most sites within the precinct, the subject sites (and those adjoining them) are relatively unconstrained. The sites are not subject to any constraints such as local character significance, biodiversity/ecological significance, or the presence of any key infrastructure items. The sites do not contain nor adjoin any heritage items or heritage conservation areas. The sites have frontage to local roads which can provide site access other than from a classified road.

Probable maximum flood (PMF) event affectation is at most minimal and flooding/stormwater management are not matters that would restrict residential development from being appropriately achieved on these sites.

The sites and a number of adjoining E2 properties are also under Torrens title, minimising stakeholder barriers to redevelopment that Strata-titled properties are noted to face within the strategic plans for the precinct.

In addition, the Urban Design Report identifies the subject sites as providing opportunities to facilitate uplift around the public transport stations and improve height transitions within the St Leonards centre, as shown in Figure 4 below.

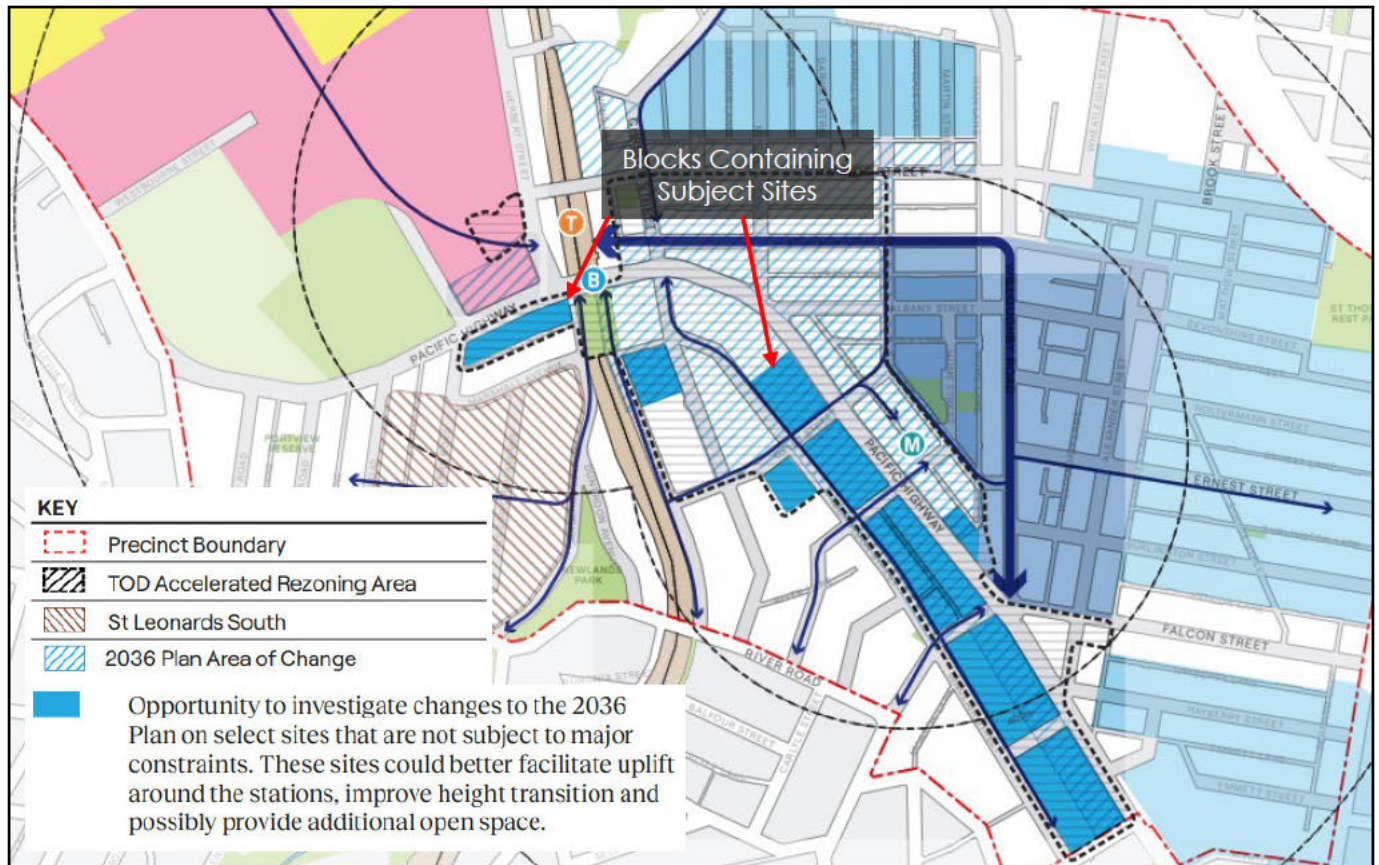


Figure 4 – Extract Precinct Opportunities Map (Source: SJB Architecture, 2024)

A more uniform mixed-use rezoning of the precinct would see additional residential development providing increased safety and security through natural/passive surveillance and local patronage through increased street activation. This would also achieve a more appropriately distributed increase in residential density (and consequent foot and vehicle traffic) through the locality.

The major concern with the promotion of commercial-only development precincts is the broader impact to street activation across the precinct including impacts to the night time economy. COVID has altered working environments and already we have experienced a decline in use and vibrancy of CBD commercial areas in Sydney. Limiting whole parts of the urban environment to commercial and office space is outdated and the movement to focus on '24/7' buildings is getting louder for good reason. Mixed use buildings inject culture, amenity and if done well, will continue to support and service the demand for commercial development.

The added permissibility of mixed-use development within the Crows Nest strip would increase the feasibility of uplift on currently commercial bound sites to achieve the objectives of higher employment and housing densities in proximity to public transport connections. There is currently limited benefit for developers to pursue commercial uplift within a market which is experiencing reduced commercial real estate demand, and the ability to pursue mixed-use development on these sites adjacent to the rail and metro stations would incentivise redevelopment and inject new life into the suburb.

Noting the 26% commercial vacancy rate discussed below, development costs associated with the redevelopment of commercial-only land in this area are likely to outweigh the potential benefits for landowners and developers. If existing commercial tenancies are subject to record vacancy rates why would developers formalise this additional commercial density? Further, the spot MUI rezoning proposed by this exhibition is unlikely to result in a built form incorporating appropriate height transitions or design interactions with the mixed-use sites experiencing significant uplift.

The Economic Impact Assessment associated with the exhibited rezoning proposal (Atlas Economics,

dated 10 July 2024) identifies that there is already a significant amount of vacant office floor space in Crows Nest/St Leonards owing to market conditions (approximately 95,000m²). The EIA makes the following observation:

“The dispersed nature of office employment activity has meant lower occupancy rates in the office, and consequently less aggregate demand for purpose-built office space. It has also meant higher demand for dwellings with flexible spaces.

Like other commercial office markets nationally, there has been a ‘re-setting’ of demand for commercial floorspace in Crows Nest/St Leonards. Overall demand has been softer, with a significant amount of vacant floorspace across the market (95,000sqm or 26%). Until vacancy rates return to ‘normal’ levels (5%-10%), effective rents will remain depressed which negatively impacts on development feasibility and the viability of new office development in Crows Nest/ St Leonards.”

In contrast, the EIA claims that housing development does not require additional encouragement given the chronic undersupply of housing:

“There is minimal need to proactively attract demand for new residential uses delivered in the Precinct – they will occur naturally and ‘as of course’ in response to a chronic undersupply of housing across Greater Sydney.”

It appears counterintuitive then that a strategy to provide more diverse and affordable housing in response to a severe undersupply of housing in the city during a housing crisis would be seeking to limit new housing opportunities in favour of maintaining commercial-only real estate. A broader mixed-use approach would benefit both commercial and residential with an injection of new residents that will actively use the area outside of office hours.

From 2020, the 2036 Plan targeted an additional uplift of 6,683 dwellings in the precinct. The EIA identifies that the exhibited TOD rezoning will achieve only 20% of the 16,400 total dwellings projected to be required by the Lane Cove, North Sydney and Willoughby LGAs during the 2022-2041 period for a projected population increase of approximately 23,900 residents. For that total to be achieved, 863 dwellings will be required per annum. The EIA identifies that this TOD rezoning will provide capacity for around 3,255 dwellings in total. This is a positive outcome, but one that could be significantly improved through the inclusion of additional mixed-use development within appropriate sites close to services.

The spot rezoning's emphasis on concentrating all new residential development into a small number of singular residential towers located on intersections will directly encourage the uneven redevelopment of the centre described above. There will be significant disparity in the heights between these mixed use/residential towers and adjoining commercial-only lands which will continue to be on the wrong side of commercial supply/ demand in the area. Reference is made to extracts shown in **Figure 5** below - noting the contrasting market conditions for residential and commercial development discussed above, the disparity in the resulting built form for residential and commercial development will likely be greater than that strategised. These spot rezonings will also have significant impacts on the operation of those intersections adjacent to towers containing all the mixed use development afforded to a single block. The rezoning as exhibited is aligned with ad-hoc owner-initiated planning proposals in this manner, rather than a more appropriate and comprehensive vision for the precinct which would result in a pragmatic urban planning outcome.

This is particularly applicable to the hypothetical “landmark” tower strategised for the Pacific Highway-Berry Road corner and the relationship it would have with the many sites between the Pacific Highway and Marshall Lane which have not been incorporated into the land use rezoning. Notably the traffic studies prepared for the 2036 Plan and the transport technical note for this exhibited rezoning did not provide discussion surrounding the impacts of such a hypothetical development on the operation of that intersection. Even if car parking provision for residents is minimised in line with the Crows Nest Precinct Design Guide, a significant proportion of precinct residents will own and use personal vehicles (and need to access sites and park them) and the new developments will need to be appropriately serviced. A more

evenly spread distribution of residential/ mixed use floor space and its vehicular traffic would be a more appropriate outcome, rather than directly discharging traffic into an intersection as the various strategised towers across the precinct will do.

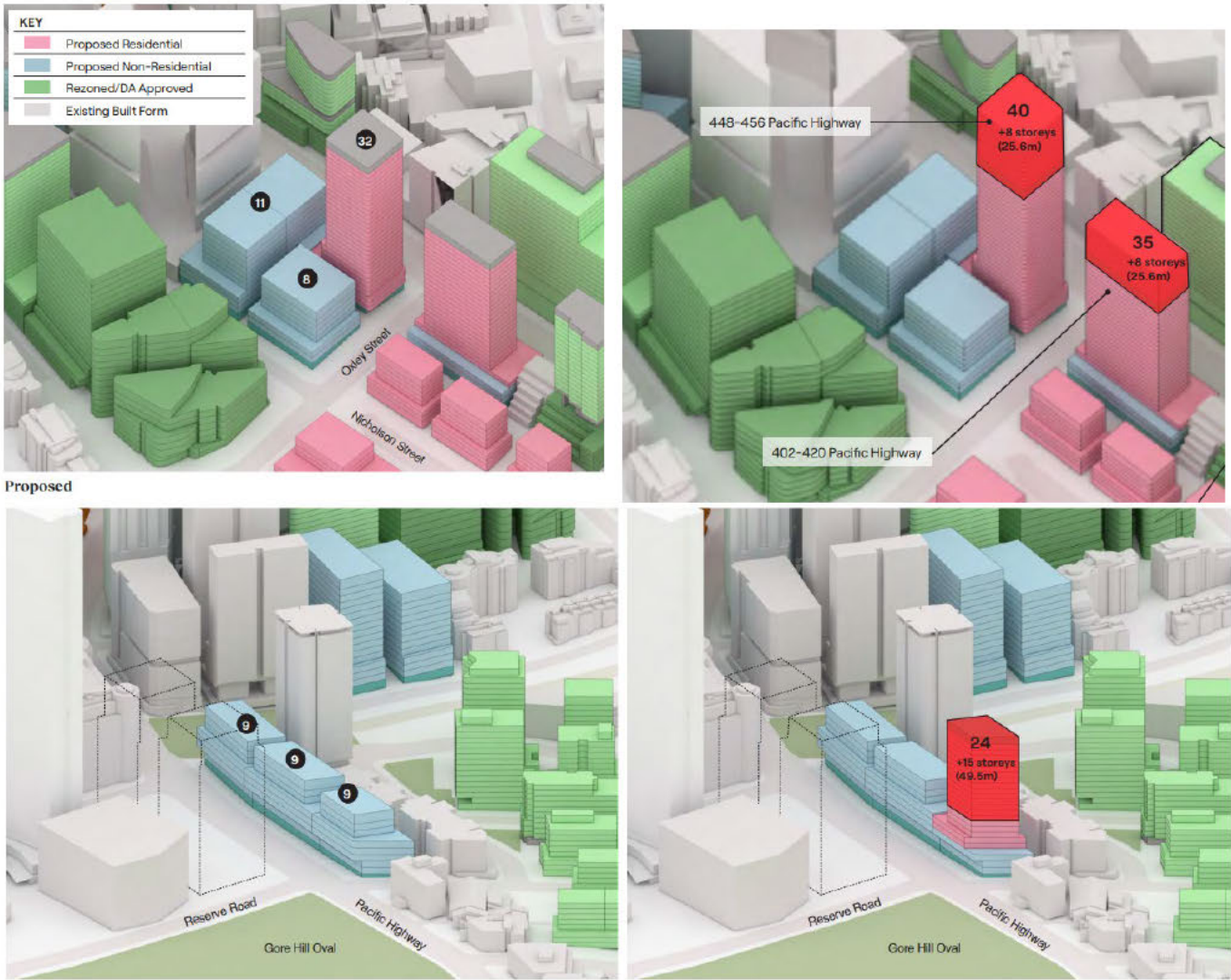


Figure 5 – Extracts of Masterplan Block 5 (Above) and Block 7 (Below) (Source: SJB Architecture, 2024)

A desired balance between employment and residential development can be achieved on the subject sites through the implementation of suitable built form and non-residential FSR controls within a MU1 zone, as exercised on other sites under the exhibited proposal. Similarly, amenity impacts such as overshadowing from future development can be managed by building envelope controls as at present.

There appears to be a clear disconnect between the strategic objectives of the rezoning and the practical outcomes that the spot MU1 rezoning exhibited would generate. It is considered that a more uniform rezoning of the St Leonards / Crows Nest centre permitting mixed-use development on currently commercial-only E2 sites adjacent to public transport connections would be a noted and significant improvement on the exhibited rezoning. It would contribute to ameliorating the uneven development outcomes, suboptimal streetscape and negative socio-economic effects that the spot rezoning and planned concentration of residential development into a handful of isolated towers in the centre would incentivise.

If you wish to discuss this submission to the rezoning proposal further or have any questions, please contact the undersigned or our office.

Yours faithfully,


Barker Ryan Stewart Pty Ltd


Barker Ryan Stewart Pty Ltd

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Friday, 9 August 2024 11:22:57 AM
Attachments: [board-chair-nslhd-submission---crows-nest-tod.pdf](#)

Submitted on Fri, 09/08/2024 - 11:20

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Trevor

Last name

Danos

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

St Leonards, 2065

Please provide your view on the project

I object to it

Submission file

[board-chair-nslhd-submission---crows-nest-tod.pdf](#) (233.75 KB)

Submission

Please find the attached submission from the Northern Sydney Local Health District Board.

I agree to the above statement

Yes

Kiersten Fishburn
Secretary
NSW Department of Planning, Housing and Infrastructure
Delivery: NSW Planning Portal

Crows Nest Transport Oriented Development (TOD) Rezoning Proposal

Dear Ms Fishburn

Royal North Shore Hospital (**RNSH**) is a facility of Northern Sydney Local Health District (**NSLHD**).

As the occupant of land adjacent to Lot 4B, NSLHD, through its Board, makes this submission in response to the Crows Nest Transport Oriented Development (**TOD**) rezoning proposal. This submission has been developed in consultation with, and unanimously endorsed by the *NSLHD RNSH Master Plan Advisory Group*, a representative group of clinical and non-clinical NSLHD staff who guided development of the *RNSH Campus Master Plan 2023* (as described below).

RNSH is the only major quaternary hospital located on Sydney's North Shore, and provides a comprehensive range of secondary, tertiary and designated supra local health district and statewide services including major trauma, severe burns, spinal cord injury, high risk maternity, neonatal and adult intensive care, bone marrow transplant, renal transplant, home dialysis training and voluntary assisted dying. With over 700 beds and over 5000 staff, RNSH is internationally recognised for its excellence in healthcare, research and education. In 2023, RNSH was ranked third best hospital in Australia in Newsweek's annual 'World's Best Hospitals' series.

The *RNSH Campus Master Plan 2023* (link to full document <https://www.nslhd.health.nsw.gov.au/AboutUs/Documents/2023/231108-RNSH-MP-REPORT.pdf> ; link to summary document www.nslhd.health.nsw.gov.au/AboutUs/Documents/2023/231110-RNSH-Master-Plan-SUMMARY.pdf) was developed over a five month period with broad and deep stakeholder consultation to define NSLHD's strategic vision and objectives for RNSH, over the next 40 year period, as a vibrant health, research and education precinct.

The *RNSH Campus Master Plan 2023* secures RNSH's capacity to meet clinical demand now and well into the future by identifying zones for short, medium and long-term expansion.

Unlike the RNSH Concept Plan 2006 that was registered and remains registered, the RNSH Campus Master Plan 2023 has not at this time been registered and thus does not have statutory planning approval. However, the *RNSH Campus Master Plan 2023* is the definitive master plan for RNSH and NSLHD as a NSLHD Board-approved strategic document, superseding the 2006 document, and this status has been advised to the Secretary and the Minister.

Northern Sydney Local Health District is located on the traditional lands of the Eora Nation

If you wish, we can arrange for a presentation to you and your colleagues on the *RNSH Campus Master Plan 2023*.

The NSLHD Board is extremely disappointed by the short-term vision, lack of essential assurances and incongruence to the *RNSH Campus Master Plan 2023* of the Crows Nest TOD rezoning proposal.

In its current form, the Crows Nest TOD rezoning proposal is strongly and will be forcefully opposed by the NSLHD Board.

NSLHD notes the proposal to retain the zoning of Lot 4B as 'SP2 – Infrastructure' with the addition of the below specified *additional permitted uses*:

- *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.*

It is noted that the proposed addition of these uses indicates that they are not considered 'ordinarily incidental or ancillary' to the infrastructure (hospital) purpose of the site and not consistent with the SP2 Zone.

NSLHD holds a number of fundamental concerns in relation to the Crows Nest TOD rezoning proposal.

At a high level, the key considerations in relation to the rezoning and any potential development on Lot 4B from the perspective of NSLHD are as set out below. Further details can be provided upon request.

1. **Benefits to RNSH** – Rezoning and development of Lot 4B should align to the *RNSH Campus Master Plan 2023* and deliver material benefits to RNSH which can be quantified and demonstrated. The rezoning and proposed development of a residential tower for Lot 4B does not adequately represent a benefit to RNSH but, quite to the contrary, is materially detrimental to the RNSH campus.
2. **Key worker and affordable housing** – The *RNSH Campus Master Plan 2023* identified affordable housing targeted to healthcare workers as a priority for the campus and proposed this to be located on Lot 4B. NSLHD welcomes the commitment to provide key worker housing on Lot 4B, particularly housing '*to support healthcare and key workers at RNSH*'. However, the Crows Nest TOD rezoning proposal indicates an affordable housing (including key worker housing) contribution rate of between 10-15% across the TOD. This is not a commitment to delivering affordable housing within and for the benefit of RNSH. This is not sufficient and not in line with the Labor government election commitment to provide a minimum 30% affordable housing for new developments, and for those at key hospital precincts. It is also noted that only six sites within the Crows Nest TOD are identified as capable of achieving 15% affordable housing and Lot 4B is not one of the identified sites.

NSLHD requires a commitment that any development on Lot 4B includes a minimum of 30% affordable housing to be delivered on the site, with a significant proportion of this reserved in perpetuity for health workers, particularly those working at RNSH and other NSW Health staff servicing the RNSH site (e.g. NSW Ambulance). NSLHD must be consulted and agreeable to the typology of this accommodation and the allocation and management policy of this key worker housing prior to any government commitment is made.

3. **Traffic and transport** – Staff, patients and visitors accessing RNSH already experience significant congestion issues and parking constraints. This includes community health workers based at the RNSH campus, who provide services within the local community. Any Lot 4B rezoning proposal must be supported by comprehensive traffic and transport advice, prepared by a suitably qualified consultant, confirming that there is no detrimental impact to pedestrian or vehicle access to RNSH as a result of potential future development. This must include specific consideration of the need to maintain time-critical access for emergency and non-emergency ambulances during construction and in the completed condition. It must also include specific consideration of the need to maintain private vehicle access with particular consideration for the unique needs of emergency department and maternity/neonatal service users. The advice must also address parking impacts during construction and in the final condition together with analysis of any necessary road and intersection upgrades. It also needs to detail the controls to be implemented to prevent construction workers parking on the RNSH campus during the construction phase and by residents parking on the campus in the final condition. The current reports do not adequately consider or address these concerns. Consultation with Ambulance NSW is also essential.
4. **Aviation** – NSLHD requires any rezoning or development to be supported by aviation advice, prepared by a suitably qualified consultant, which confirms that there will be no impact to helicopter movements. Consultation with Ambulance NSW is also essential.
5. **Childcare services** – Any Lot 4B development must ensure that the childcare services operated by NSLHD adjacent to Lot 4B are not impacted. This includes ensuring a safe environment during any construction activity and in the operational condition.
6. **Permanent access to St Leonards station** – Lot 4B acts as the gateway to the broader RNSH Campus from the St Leonards train station. The proposed Lot 4B development must deliver improved access to the St Leonards Forum Plaza space and connection with the St Leonards Train Station. As a minimum, the existing pedestrian bridge must be replaced with a wider structure that accommodates the large foot traffic and has appropriate urban design elements to welcome visitors and staff to the RNSH Campus. A like for like replacement of the existing bridge does not deliver a net benefit to NSLHD and will not be acceptable.
7. **Temporary access to the St Leonards station** – Any development must ensure that safe access, compliant with relevant accessibility standards, is maintained to the RNSH campus during construction on Lot 4B, and while the pedestrian bridge is replaced.
8. **Accessibility to the RNSH campus** – There is a significant level change between St Leonards station and the RNSH campus. As Lot 4B is situated at the gateway to the campus, any future public domain improvements must contribute to addressing this level change and improving accessibility to the campus, as per the directions of the *RNSH Campus Master Plan 2023*.

The planning document titled 'Lot 4B Rezoning (Herbert Street Precinct) Urban Design Report' includes visual representation (Figure 9, page 27) and discussion of the 'podium' along Herbert Street in reference to the *RNSH Campus Master Plan 2023*. 'A Common level throughout all new infrastructure to ensure accessibility and on-grade access between buildings' (page 28). The podium in the *RNSH Campus Master Plan 2023* encompasses Lot 4B and a portion of Health Administration Corporation (HAC) land. It is this integrated podium spanning both lots that creates the benefit to the RNSH campus. This is well-articulated within the *RNSH Campus Master Plan 2023*. The concept scheme in the same document does not include the connected podium (Figure 33, page 67). The proposition that a standalone tower on top of a standalone podium on Lot 4B is in line with the *RNSH Campus Master Plan*

2023 is an incorrect, misleading and irresponsible representation of the *RNSH Campus Master Plan 2023*. Without the shared podium, there is no alignment to the plan and no positive impact on campus access. Worse still, it is detrimental to RNSH and certainly impinges on the futureproofing of the RNSH campus (including future developments along Herbert Street) that so critically underpins the *RNSH Campus Master Plan 2023*.

It is also essential that access to Pacific Highway (between Lot 4A and Lot 4B) is maintained to allow direct access for staff and visitors.

9. **Basement parking** – Provision of parking servicing the Lot 4B development is to be wholly contained in the footprint of Lot 4B and be of a suitable quantity to adequately service the proposed development. This parking must be sufficient to ensure no impact on street or paid parking options currently available to patients, staff and visitors to the RNSH campus. The current proposal includes two levels of basement parking only, for what will be more than 448 dwellings over 60+ levels. This is a grossly insufficient volume of on-site parking for Lot 4B and appears to be aligned to an affordable housing proportion greater than that proposed in the rezoning documentation.
10. **Impact on future development of the RNSH campus** – Any rezoning and development on Lot 4B must not constrain NSLHD’s ability to develop the southern portion of the RNSH campus. The Lot 4B development must not limit potential by, for example, consuming utility or road capacity or constrain the health land through, for example, temporary support structures (e.g. rock anchors). An integrated development spanning Lot 4B and a portion of HAC land along Herbert Street should be considered to address the abovementioned gradient changes across the campus.
11. **Commercial and community facilities** – NSLHD recognises the need to activate Lot 4B. The methods by which this site is activated though should be in line with SP2 Zone allowances, be complementary to the RNSH campus and aligned to the non-clinical guiding principles established in the development of the *RNSH Campus Master Plan 2023*; prioritise staff/patient/family needs, support environmental sustainability, incorporate celebration and recognition of Aboriginal & Torres Strait Islander culture, support a place-based approach, address social determinants of health, complement health service delivery, and ensure campus viability.
12. **Design** – Any proposed rezoning or development must ensure public domain outcomes in line with SP2 zoning requirements. It is essential that the impact of any proposed development does not contribute towards or establish a wind tunnel on or adjacent to Lot 4B.
13. **Design Excellence** – The Explanation of Intended Effects (EIE) notes that Willoughby LEP 2012 currently has a design excellence clause (cl. 6.23). However, Clause 6.23 only applies to areas identified as “Area 5” on the ‘Special Provisions Map’. Lot 4B is not identified as “Area 5” and consequently and concerningly the design excellence provision does not apply. Given the City-Shaping scale of the proposal, the site should be captured within design excellence provisions. To ensure design excellence for such a significant development, it is requested that Lot 4B is also included as a part of “Area 5” on the Special Provisions Map.
14. **Role of Transport NSW** – In line with points 3, 6, 7, 8 and 9, NSLHD opposes the potential to limit engagement or referral to Transport NSW as part of the accelerated rezoning process.

The abovementioned matters are considered non-negotiable from the perspective of the NSLHD Board. To disregard them will adversely affect the delivery of health services at RNSH and will be detrimental to the community served by RNSH.

With regard to the Crows Nest TOD rezoning proposal documents specifically, I note the following.

The EIE document makes reference to RNSH and the RNSH Master Plan 2023. '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' (page 10). This building is built on Lot 4A and is occupied by NSW Ministry of Health and other State-wide NSW Health pillar organisations (e.g. Agency for Clinical Innovation (ACI), Clinical Excellence Commission (CEC) etc.). It is factually incorrect to describe this as a 'Royal North Shore Hospital Health Service Administration Building'.

The cover image used on the document titled 'Lot 4B - Herbert Street Infrastructure Analysis - Package B Engineering Department of Planning, Housing and Infrastructure (DPHI)' is taken from the Herbert Street Precinct proposal from 2019 and depicts an area outside of Lot 4B, within HAC land. This depiction is misleading and does not represent the potential outcome of the Lot 4B proposal.

The current proposal appears to deviate from the intended uses of the SP2 Zone and, without significant modification and additional assurances, is not in alignment to the RNSH Campus Master Plan 2023 and is not complementary to the RNSH campus. It is critical that there is a clear nexus between the proposed additional land uses and the strategic purpose of the Zone and site. In this case, the viable delivery of affordable housing for key workers is the principal link between the hospital campus and the proposed land use inclusions to the SP2 'Hospital' Zone. Accordingly, there needs to be a significant percentage of affordable, key worker housing statutorily imposed on Lot 4B, to achieve a proper planning outcome.

+++++

NSLHD engaged in a detailed planning process for Lot 4B with DPHI and Property & Development NSW in an attempt to develop a shared, integrated and mutually beneficial outcome for Lot 4B and the RNSH campus. When it became evident that the outcome would not represent the needs of RNSH, NSLHD expressed its dissatisfaction with the direction and disengaged from the joint development process, adopting the role of an interested neighbour, providing input and advice where possible. The outcome presented as part of the Crows Nest TOD rezoning proposal is what was feared by NSLHD. The proposal does not represent the position or desired outcome of NSLHD and is not reflective of a long term, strategic vision for the RNSH campus.

Lot 4B, whilst not 'Health-owned land', is an integral part of the broader RNSH campus and is the gateway to one of Australia's leading hospitals. NSLHD is not opposed to the development of Lot 4B, however it is imperative that the development is responsible, complementary, and aligned to the needs and vision of NSLHD and RNSH. The proposal as it stands today, is not, and represents a degradation of the campus.

NSLHD strongly encourages the Department of Planning, Housing & Infrastructure to revisit an integrated approach to the development of Lot 4B with a commitment to a long term, strategic vision for the RNSH campus in line with the RNSH Campus Master Plan 2023 and one that delivers substantial benefit, and is not material detrimental, to RNSH.

For more information, please contact Simon Radmore, Executive Director, Office of the Chief Executive, NSLHD at Simon.Radmore@health.nsw.gov.au or on [REDACTED]

Yours sincerely

[REDACTED]

[REDACTED]

Board Chair

Date: 9 August 2024

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Tuesday, 13 August 2024 3:55:02 PM
Attachments: [crow-nest-tod-development.docx](#)

Submitted on Tue, 13/08/2024 - 15:53

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Rod

Last name

Pomroy

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

Crows Nest

Please provide your view on the project

I object to it

Submission file

[crow-nest-tod-development.docx](#) (18.02 KB)

Submission

As attached

I agree to the above statement

Yes

Re Crow Nest TOD Development

My partner owns a unit at the [REDACTED] where we used to live and which is rented out at present which is impacted by the construction of the station over the last years, and now by the way the TOD is proposed to be developed and now there is our comment on this process of the community communication and consultation to date.

We lived through the early years of the station being built with the noise and dust at all hours the inconvenience of not being able to use Hume Street to access the shops the bus stop being moved etc. It we helped one of our residents who fell on the temporary pavement, breaking his arm with no apologies until I contacted Tim Parker PD Metro direct then John Holland finally did something but never paid any medical bills. So not a good start.

We have been shocked at the deaths of two people on the pedestrian crossing over the Pacific Highway at Hume Street which the Metro did not address and neither have the department in these latest developments by requiring now a section of the land be allocated to a future subway to make it safe to get into the station. Why should residents have to point out these things when the department is planning to jam thousands of people into the area.

The next impact of these types of proposed developments is impact on the existing residents left behind by the developers and builders. Around St Leonards, my partners sister and husband had a town house [REDACTED] where they had to put up for years with truck drivers delivering materials early in the morning for the developments towards St Leonards Station. The trucks would wait in the rear lane behind their town house until they were allowed on Site at 6am. They complained to Council who tried to regulate it but were only partially successful to stop the truck drivers one parking, two smoking and talking loudly at 4 am and not switching off their trucks but leaving them idle for hours. It will happen again. Noise noise noise and then dust. And now more of the same after what 10 years already.

Proposed Method of Development

1/ The Proposed Rezonings: The proposed removal of heritage controls north of the site towards Oxley Street with only the single dwelling terraces and stand alone houses to be developed is giving a free pass to developers. The length of block along Nicholson Street must be developed in one line including our apartment block of 24 units and next doors 18 units. The developers have savings in purchasing the single story dwelling which they can pass back to be able to buy out the unit dwellers. Otherwise it will years before these blocks might be developed despite being only 120 metres from the station. With no development the buildings remaining will be completely over shadowed for most of the day with all of the development to the north but worse have to put up with years of construction.

2/ Current and Future Overshadowing: Our unit is already suffering over shadowing from the huge development 36 stories on the old Leighton Holdings site along the Pacific Highway which is 2 blocks away with us losing winter sun on the balcony at midday for about an hour. The planning documents once you find them shows a 6 story limit. This a complete falsehood as we all know the government allows another 30% uplift if it includes social housing. Therefore, if only the single story dwellings are developed the over shadowing will be complete in our north facing apartment with upto a 10 storey block especially when you add the huge building proposed on the Fitness First site.

3/ Years of Construction Impacts : The construction period of noise dust construction workers parking and worst the delivery vehicles, cranes, concrete trucks will actually start from the time of demolition where the site could be sitting there vacant with its graffitied hoardings for upto 2 years whilst the plans are approved. Then the actual excavation and construction starts taking at least 3 years to complete. So we are sitting there, can't get any uplift on the sale of our units because of the construction, can't escape the dust and noise and inconvenience whilst some developers makes a killing. This is death by a thousand cuts. Rezone our building and include it so we can get on with the rest of lives somewhere else please. Another 5 years minimum of the same impact as the station no thank you.

Recommendation: Develop all of both sides of Nicholson Street between Hume and Oxley Street at once.

Comment on the Evening of Community Consultation:

The venue: Poor I think it would have been better to have had a theatre and answer questions at the end. Someone thought it would be good idea to have conference tables around which residents could ask questions and have access to the key documents. It was too noisy and you couldn't hear the staff very well describing the development or being able to hear others questions clearly or be able to respond without raising your voice which is immediately seen as aggressive. Some of the staff were quite softly spoken which didn't help as well. There should have been more time with several days of briefing to help those that work. One late afternoon and early evening just shows the contempt the department has to the process of community consultation. That is not good enough and just gets people backs up. Here we go again the elite telling us take it or leave it.

Poor Diagrams: All of the diagrams of the developments had no street names. This is major fail and makes everyone immediately suspicious. Even the cover diagram which was advertised at the front of the on line documents was just a blob and very hard to know where your own property was located. I also don't remember even seeing a north point on any of the drawings but I might have missed that as well. The 3 D document showing the final extent of high rise development did not describe the Metro Station. It could have simply had an M on it to at least get your bearings and names of streets. It would not have required much black ink.

No Overshadowing Diagrams: There were no overshadowing diagrams available to look at at all on the tables and we shouldn't have to wade through acres of documents to find these key documents unless there is something to hide by the government. But as we are already overshadowed in winter we were very interested to see if we would have any sun at all for most of the day. I have been able to access these diagrams thru another source and it isn't good for our buildings and is as I have described above; darkness.

Poor Advice: One older gentleman further south of [REDACTED] was told that if he didn't like what was happening he should sell. That is a pretty arrogant approach by the public servant to take particularly as that resident will probably be dead by end of demolition period but the planners should be sensitive to these people and have contingency plans that can allow some people to stay in the area. Why not allocate some social housing for this purpose. It happened in the Rocks for instance.

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Thursday, 29 August 2024 10:59:45 AM
Attachments: [crows-nest-tod-submission-sydney-alliance-20240829.docx](#)

Submitted on Thu, 29/08/2024 - 10:44

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Cat

Last name

Coghlan

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

Sydney

Please provide your view on the project

I object to it

Submission file

[crows-nest-tod-submission-sydney-alliance-20240829.docx](#) (102.93 KB)

Submission

29 August 2024

RE: Submission to Crows Nest TOD consultation

The Sydney Alliance, representing 40 civil society organisations within Sydney would like to oppose the Transport Oriented Development proposal for Crows Nest in it's current form.

Sydney Alliance calls on the Minns Government to deliver 15-20% affordable housing in perpetuity, in the planned transport-oriented developments.

The Alliance is demanding no less than 1 in 6 homes committed to affordable housing if the government is to adequately address the housing supply crisis.

The Crows nest proposal to require 9-15% of new developments to be zoned for affordable rentals falls short of our hopes by 165 homes. These are 165 homes that could house the low to medium income families who serve Crows Nest by cleaning buildings, stocking supermarkets, performing pathology, working in the local aged care homes and the like. The Alliance is also calling on the Minns Government to listen to the voices of low to middle income earners in Sydney who are looking to them to lead planning reform for the most vulnerable in the community, and to resist the lobbying pressure of those seeking to dilute the positive outcomes from these developments.

Sydney Alliance partners including Shelter NSW, the Tenants' Union of NSW, Faith Housing Alliance, United Workers Union, and Catholic Archdiocese of Sydney Justice and Peace office released a joint statement on 29 November 2023.

Sydney Alliance has been calling on both sides of politics in NSW for over 10 years to mandate a minimum percentage of housing developments be set aside for affordable rental housing, in perpetuity.

- 15%-20% on up zoned land on private land for lower-income-affordable rental housing.
- Minimum of 30% for those on government owned land.

Sydney Alliance says that the issue of homes being affordable in perpetuity is critical; the community will not accept affordable homes returned to developers to be sold at market rates after 10-15 years.

Regards

Cat Coghlan

Co-Lead Organiser Sydney Alliance

CEO of Shelter NSW, John Engeler, says it is vital that the next wave of Sydney's housing growth around stations is accompanied by commitments to boost social and affordable housing and improve access to jobs and amenities.

"The people of Greater Sydney are demanding a better deal out of density. We can break the cycle of density proposals leading to a community backlash with a solid government plan to ensure the general community gets a better deal out of increased density.

The right to develop bigger and taller buildings around publicly-funded transport nodes needs to be matched by the requirement to deliver something significant back to the community. That something needs to be truly affordable housing for low-middle income people, great public spaces and buildings that people can be proud of", Mr Engeler said.

United Workers Union Director, Mel Gatfield, said the Government needs to prioritise affordable housing and take action before the housing crisis worsened.

"UWU members across the board are reporting housing stress either through mounting interest rate increases, or through an inability to secure an affordable and suitable rental in the current market," Ms Gatfield said.

"Heaps of workers in the industries we represent are being paid the bare minimums set out in the Award which amounts to around \$900-a-week, meanwhile the average rental in Sydney is \$711-per-week.

"If we don't change the policy settings and change them quickly, we're essentially telling workers in cleaning, in hospo, in early childhood education, in factories and distribution centres that having a house is a luxury, not a right."

Justice and Peace Promoter for the Catholic Archdiocese of Sydney, Fr Peter Smith, said "Never in living memory has Sydney housing been more unaffordable than it is now."

"A roof over one's head is out of reach for a growing number of individuals and families, for whom the market has no answer. The Government needs to intervene to require a substantial number of these new dwellings to be set aside for social and affordable housing."

CEO of the Tenants' Union of NSW, Leo Patterson Ross, said, "Sydney is in an enduring rental crisis with many people struggling to keep themselves and their family in safe, healthy and affordable housing. Transformational projects like new transport hubs offer big opportunities for more homes and a more diverse range and price of housing but we know these developments won't deliver unless government asks for it. This is just one part of the housing puzzle, we especially need to ensure public and community housing is also being built, but we can't miss any opportunity to ensure our city works for everyone."

CEO of Faith Housing Alliance, Rose Thomson, said the community expects a Labor government to prioritise social and affordable housing for low-income households including key workers.

"Housing and homelessness services are telling us that families are cracking under the strain of extremely unaffordable rents. Increased densities around transport hubs must deliver social and affordable rental housing at scale for people who are otherwise locked out of well-located housing."

I agree to the above statement

Yes



29 August 2024

RE: Submission to Crows Nest TOD consultation

The Sydney Alliance, representing 40 civil society organisations within Sydney would like to oppose the Transport Oriented Development proposal for Crows Nest in it's current form.

Sydney Alliance calls on the Minns Government to deliver 15-20% affordable housing in perpetuity, in the planned transport-oriented developments.

The Alliance is demanding no less than 1 in 6 homes committed to affordable housing if the government is to adequately address the housing supply crisis.

The Crows nest proposal to require 9-15% of new developments to be zoned for affordable rentals falls short of our hopes by 165 homes. These are 165 homes that could house the low to medium income families who serve Crows Nest by cleaning buildings, stocking supermarkets, performing pathology, working in the local aged care homes and the like.

The Alliance is also calling on the Minns Government to listen to the voices of low to middle income earners in Sydney who are looking to them to lead planning reform for the most vulnerable in the community, and to resist the lobbying pressure of those seeking to dilute the positive outcomes from these developments.

Sydney Alliance partners including Shelter NSW, the Tenants' Union of NSW, Faith Housing Alliance, United Workers Union, and Catholic Archdiocese of Sydney Justice and Peace office released a joint statement on 29 November 2023.

Sydney Alliance has been calling on both sides of politics in NSW for over 10 years to mandate a minimum percentage of housing developments be set aside for affordable rental housing, in perpetuity.

- 15%-20% on up zoned land on private land for lower-income-affordable rental housing.
- Minimum of 30% for those on government owned land.

Sydney Alliance says that the issue of homes being affordable in perpetuity is critical; the community will not accept affordable homes returned to developers to be sold at market rates after 10-15 years.

Regards

[Redacted]

[Redacted] Sydney Alliance

CEO of [Shelter NSW](#), John Engeler, says it is vital that the next wave of Sydney's housing growth around stations is accompanied by commitments to boost social and affordable housing and improve access to jobs and amenities.

“The people of Greater Sydney are demanding a better deal out of density. We can break the cycle of density proposals leading to a community backlash with a solid government plan to ensure the general community gets a better deal out of increased density.

The right to develop bigger and taller buildings around publicly-funded transport nodes needs to be matched by the requirement to deliver something significant back to the community. That something needs to be truly affordable housing for low-middle income people, great public spaces and buildings that people can be proud of”, Mr Engeler said.

[United Workers Union](#) Director, Mel Gatfield, said the Government needs to prioritise affordable housing and take action before the housing crisis worsened.

“UWU members across the board are reporting housing stress either through mounting interest rate increases, or through an inability to secure an affordable and suitable rental in the current market,” Ms Gatfield said.

“Heaps of workers in the industries we represent are being paid the bare minimums set out in the Award which amounts to around \$900-a-week, meanwhile the average rental in Sydney is \$711-per-week.

“If we don’t change the policy settings and change them quickly, we’re essentially telling workers in cleaning, in hospo, in early childhood education, in factories and distribution centres that having a house is a luxury, not a right.”

Justice and Peace Promoter for the [Catholic Archdiocese of Sydney](#), Fr Peter Smith, said *“Never in living memory has Sydney housing been more unaffordable than it is now.”*

“A roof over one’s head is out of reach for a growing number of individuals and families, for whom the market has no answer. The Government needs to intervene to require a substantial number of these new dwellings to be set aside for social and affordable housing.”

CEO of the [Tenants’ Union of NSW](#), Leo Patterson Ross, said, *“Sydney is in an enduring rental crisis with many people struggling to keep themselves and their family in safe, healthy and affordable housing. Transformational projects like new transport hubs offer big opportunities for more homes and a more diverse range and price of housing but we know these developments won't deliver unless government asks for it. This is just one part of the housing puzzle, we especially need to ensure public and community housing is also being built, but we can't miss any opportunity to ensure our city works for everyone.”*

CEO of [Faith Housing Alliance](#), Rose Thomson, said the community expects a Labor government to prioritise social and affordable housing for low-income households including key workers.

“Housing and homelessness services are telling us that families are cracking under the strain of extremely unaffordable rents. Increased densities around transport hubs must deliver social and affordable rental housing at scale for people who are otherwise locked out of well-located housing.”

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Tuesday, 13 August 2024 10:51:20 AM
Attachments: [crows-nest-tod-eie---hi-submission-to-dphi.pdf](#)

Submitted on Tue, 13/08/2024 - 10:43

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Nicholas

Last name

Dowman

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

2065

Please provide your view on the project

I am just providing comments

Submission file

[crows-nest-tod-eie---hi-submission-to-dphi.pdf](#) (257.7 KB)

Submission

Please see the attached submission from Health Infrastructure NSW.

I agree to the above statement

Yes



12 August 2024

Kiersten Fishburn
Secretary
Department of Planning, Housing and Infrastructure
4 Parramatta Square
Parramatta NSW 2150

Attn: Brendan Metcalfe – Director State Rezoning

Dear Ms Fishburn,

Health Infrastructure NSW submission on the Crows Nest TOD Rezoning Proposal

Thank you for the opportunity for Health Infrastructure NSW (HI) to review and provide comment on the Crows Nest TOD rezoning proposal (DPHI, 2024).

HI is responsible for the delivery of essential public infrastructure and services to support the healthcare needs of the people of NSW. HI is tasked with delivering Australia's largest health infrastructure pipeline and supports government policy that ensures development across the State is well-designed, minimises adverse impact and maximises public benefit.

In particular, this submission considers the planning implications of the rezoning proposal in relation to the land in Herbert Street, St Leonards, identified as 'Lot 4B'. This parcel of land adjoins the Royal North Shore Hospital (RNSH) and has been subject to numerous strategic planning processes over the previous two decades.

We acknowledge that a separate submission has been prepared by the Northern Sydney Local Health District (NSLHD), as a critical stakeholder in the rezoning process. This submission provides a technical supplement to the broader concerns addressed by NSLHD.

SP2 "Hospital" Zone and Land Use Table

HI understands that the intention of the rezoning process is for Lot 4B to remain zoned *SP2 Infrastructure - 'Hospital'*. It is proposed to add "*residential accommodation, commercial and community facilities*" as additional land uses permitted with consent on the Lot 4B site.

The objectives of the SP2 'Hospital' Zone, currently applicable to the site are:

To provide for infrastructure and related uses.

To prevent development that is not compatible with or that may detract from the provision of infrastructure.

To provide for classified roads.

The proposed additional land uses are not directly consistent with the objectives of the SP2 'Hospital' Zone. It is noted that accommodation for nurses or other health care workers and commercial uses such as shops, kiosks, restaurants or cafes or take away food and drink premises are already permissible on the site under the definition of 'hospital'.

Conventional planning processes require a clear connection between the proposed additional land uses and the strategic purpose of the Zone and site. In this case, the viable delivery of affordable housing for key workers is the

principal link between the hospital campus and the proposed land use inclusions. Accordingly, there needs to be a significant percentage of affordable, key worker housing statutorily imposed on Lot 4B, to achieve a proper planning outcome (e.g. minimum 30% affordable housing and key worker housing).

The SP2 Zone currently permits with consent:

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

The act of separately adding *residential accommodation, commercial and community facilities* as permitted uses on the site suggests that they are not considered 'ordinarily incidental or ancillary' to the hospital purpose of the site. This further indicates that the proposed uses are not directly consistent with the objectives of the SP2 Zone.

Unless there is a clear and statutory link to affordable housing for key workers, there is no relationship between the proposed additional land uses and the SP2 Infrastructure - 'Hospital' zoning of the site.

Proposed Land Use Zones

The proposed additional uses are addressed individually below:

Residential accommodation

The EIE states that residential accommodation is included: "*to enable the delivery of housing including affordable housing in a height density and accessible location to support healthcare and key workers at RNSH*".

This land use does not adequately commit to the provision of affordable housing or the support of healthcare and key workers. Additional statutory measures must be added to ensure affordable housing for key workers is realised at the site.

Commercial

It is assumed that commercial will be defined as "*commercial premises*", in line with the Standard Instrument. This is a very broad definition that will permit all retail, office and business premises with consent. This is contrary to the SP2 Zoning of the site. Further consideration should be given to the extent of commercial land uses permissible within the SP2 Zone. It is noted that regular commercial uses associated with health precincts, such as shops, kiosks, restaurants or cafes or take away food and drink premises are already permissible on the site under the definition of 'hospital' (as ancillary uses).

Community Facilities

The EIE states that community facilities are to be included "*to enable communal open space to accommodate the social and infrastructure needs of the future population*". This appears to be an unnecessary inclusion as communal open space associated with the development would be ordinarily ancillary to the principal proposed use.

Affordable Housing

The proposal seeks to require a 10-15% affordable housing contribution from all new residential development within the precinct. This appears to be broadly in the form of an affordable housing levy. Six sites within the Crows Nest TOD precinct are identified as capable of achieving 15% affordable housing. It is noted that Lot 4B Herbert Street is not one of the identified sites.

A levy imposed on the development of Lot 4B would not result in the desired, strategic outcome for the site. It would not guarantee affordable housing for key workers in direct proximity of the hospital campus. The development would also not meet the objectives of the SP2 Zone. A significant percentage of affordable housing for key workers must be required as part of development of the Lot 4B site, rather than levying contributions for delivery of affordable housing in locations not proximate to the hospital campus.

Design Excellence

The EIE notes that *Willoughby Local Environmental Plan 2012 (Willoughby LEP 2012)* currently has a design excellence Clause (cl. 6.23). However, Clause 6.23 only applies to areas identified as “Area 5” on the “Special Provisions Map”. Lot 4B is not identified as Area 5 and consequently the design excellence provision does not apply.

We understand that a separate EIE for “*pathway changes to support Transit Oriented Development*” is also on exhibition and offers an alternative design excellence pathway for instances when an LEP requires a design competition. As there is no such design competition provision for Lot 4B, this means that there is no design excellence provision proposed for the site.

Given the City-Shaping scale of the proposal, at 62-storeys high, the site must be captured within design excellence provisions. To ensure design excellence for such a significant development, it is requested that Lot 4B is also included as a part of “Area 5” on the Willoughby LEP 2012 Special Provisions Map.

Use of the Special Provisions Clause in Willoughby LEP 2012

HI understands that the proposed additional land uses are to be identified through amending the “Special Provisions Map” and providing an associated Clause in Part 6 of the Willoughby LEP 2012. Given the proposal relates to additional land uses on a single parcel of land, these uses could be readily added to *Schedule 1: Additional Permitted Uses* of the Willoughby LEP 2012. It would be beneficial to clarify why the uses are being added via a “Special Provisions” clause.

Previous Concept Plans and Strategies

The Concept Plan associated with Major Project 06_051 and the RNSH Campus Master Plan 2023 envisaged complementary health uses on the site. The Master Plan noted that if this site is used for residential purposes, it should include a proportion of key worker and affordable housing to provide healthcare workers the opportunity to live close to where they work. This appears to be the strategic intention of the current rezoning and it must be reflected in the legislative provisions.

Traffic and Parking

The rezoning and subsequent development of Lot 4B must be supported by comprehensive traffic and transport advice. The proposal is of a significant scale in an area that requires good accessibility and parking opportunities to support the health functions of the RNSH campus. This includes specific consideration of the need to maintain time-critical access for emergency and non-emergency ambulances during construction and in the completed condition. It must also include specific consideration of the need to maintain private vehicle access with particular consideration for the unique needs of emergency department and maternity service users.

We note there appear to be discrepancies in the parking rates, relative to the indicative yields, in the exhibited Transport Impact Assessment for Lot 4B. And further record that the TIA does not make reference to controls to prevent the development of Lot 4B impacting parking for staff, patients and visitors to RNSH. Given the critical importance of access and parking in the area, traffic and parking assessment should go beyond use of the rates within Willoughby Development Control Plan 2023.

We trust that the above comments can assist DPHI in the considered progression of the rezoning. If you would like to discuss any of these comments, please contact Nicholas Dowman, Senior Planning Advisor, on [REDACTED]

Yours sincerely,

[REDACTED]
[REDACTED]
[REDACTED]
Capital and Commercial Advisory
Health Infrastructure

CC: [REDACTED], CE NSLHD

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Thursday, 8 August 2024 2:27:31 PM
Attachments: [planning-proposal-objection.pdf](#)

Submitted on Thu, 08/08/2024 - 14:22

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

[REDACTED]

Last name

[REDACTED]

I would like my name and personal contact details to remain confidential

Yes

Info

Email

[REDACTED]

Suburb/Town & Postcode

Carlton

Please provide your view on the project

I object to it

Submission file

[planning-proposal-objection.pdf](#) (238.04 KB)

Submission

Please find the attached submission on behalf of and as instructed by the Owners Corporation - [REDACTED], St Leonards.

I agree to the above statement

Yes



NETSTRATA

EST 1996

5th August 2024

The Executive Director – State-led Rezonings,
Department of Planning, Housing and Infrastructure,
NSW State Government,
[REDACTED] g 5022,
[REDACTED], NSW 2124.

Crows Nest Transport Orientated Development Rezoning proposal

[REDACTED]
[REDACTED]
We are the appointed Strata Managing Agent of Strata Plan [REDACTED] which is located at 500 Pacific Highway, St Leonards NSW 2065.

We write on behalf of the Owners Corporation as instructed, to express the formal objection to the Crows Nest Transport-Oriented Development Rezoning Proposal.

While the Owners Corporation support development initiatives in St Leonards, it is insisted that such proposals involve comprehensive consultation with the community to address critical concerns related to livability, infrastructure, and amenities.

The Owners Corporation object to the Crows Nest Transport-Oriented Development Rezoning Proposal on the following grounds:

1. Exceeding Planning Requirements:

The proposal appears to exceed the local planning requirements of North Sydney, Lane Cove, and Willoughby Councils. If approved, it could adversely impact existing residents in St Leonards, an area already experiencing high population density, severe traffic congestion, overburdened services, and substantial construction noise. The area is notably deficient in greenspace and public amenities compared to neighboring suburbs.

2. Livability and Neighborhood Impact:

New developments in St Leonards must prioritize livability, social cohesion, neighborhood resilience, and adequate public amenities. Proposed developments, including the 62-storey State Government project on the RNSH site in Herbert Street, raise significant concerns regarding the potential loss of sunlight, increased shadowing, and exacerbation of existing wind tunneling issues. The reports provided by developers on wind and shadowing are outdated, having been completed before recent developments such as St Leonards Square, Landmark, and 88 Christie Street.

p 1300 638 787
e hello@netstrata.com.au
w netstrata.com.au

Sydney Head Office
298 Railway Parade
Carlton NSW 2218

Wollongong Office
Level 3, 3 Rawson Street
Wollongong NSW 2500



NETSTRATA

EST 1996

3. Traffic Congestion:

The area suffers from substantial traffic congestion and construction-related disturbances. No comprehensive vehicular traffic study has been conducted in recent years for the North Sydney, Crows Nest, and St Leonards areas. Existing studies, dating back to 2013, do not reflect current conditions. The Owners Corporation recommend that no new developments be approved until a detailed and current study on vehicular traffic congestion, traffic flows, and parking is completed.

4. Greenspace Deficiency:

The area is currently lacking in greenspace, nature, and recreational facilities. The proposed developments do not address this deficiency, impacting the quality of life for residents.

5. Wind Tunneling and Shadowing:

The proposed developments could worsen existing wind tunneling issues and lead to increased shadowing. The provided reports do not account for the recent changes in the area, rendering them irrelevant for current assessments.

6. Coordination of Development:

The simultaneous approval of multiple developments in the North Sydney, Crows Nest, and St Leonards areas is leading to severe congestion, road closures, and construction-related issues. The lack of coordination between local councils and the State Government exacerbates these problems. The current list of proposed developments includes:

- 601 Pacific Highway (North Sydney)
- 617-621 Pacific Highway (North Sydney)
- 100 Christie Street (North Sydney)
- 55-69 Chandos Street (North Sydney)
- 71-89 Chandos Street (North Sydney)
- 448 Pacific Highway (Lane Cove)
- 524-542 Pacific Highway (Lane Cove)
- 46-52 Nicholson Street (Lane Cove)
- 29-57 Christie Street (Lane Cove)
- St Leonards Southside Development Quarter (Lane Cove) [Canberra Avenue, Holdsworth Avenue, and Berry Streets]
- RNSH Land in Herbert Street (Willoughby) [Opposite the pedestrian bridge from the train station]

p 1300 638 787
e hello@netstrata.com.au
w netstrata.com.au

Sydney Head Office
298 Railway Parade
Carlton NSW 2218

Wollongong Office
Level 3, 3 Rawson Street
Wollongong NSW 2500



NETSTRATA

EST 1996

Thank you for considering our concerns.



Associate Director



p 1300 638 787
e hello@netstrata.com.au
w netstrata.com.au

Sydney Head Office
298 Railway Parade
Carlton NSW 2218

Wollongong Office
Level 3, 3 Rawson Street
Wollongong NSW 2500

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Saturday, 10 August 2024 12:13:01 PM
Attachments: [crows-nest-tod-submission_impact-16-nicholson-street-wollstonecraft.pdf](#)

Submitted on Sat, 10/08/2024 - 12:09

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

[REDACTED]

Last name

[REDACTED]

I would like my name and personal contact details to remain confidential

Yes

Info

Email

[REDACTED]

Suburb/Town & Postcode

Wollstonecraft 2065

Please provide your view on the project

I am just providing comments

Submission file

[crows-nest-tod-submission_impact-16-nicholson-street-wollstonecraft.pdf](#) (280.04 KB)

Submission

Hello

Please find attached our submission for feedback on the Crows Nest TOD.

Best regards

[REDACTED]

I agree to the above statement

Yes

[REDACTED]
[REDACTED] NSW 2057
Email: [REDACTED]
Mbl: [REDACTED]

9th August 2024

Mr Brendan Metcalfe
Director, State rezoning
NSW DPHI

Reference: Crows Nest TOD Submission and impact on property 16 Nicholson Street
Wollstonecraft NSW 2065

Dear Brendan

My wife [REDACTED] and I are the [REDACTED] **NSW 2065** and we are writing to you in respect to the current exhibition of the TOD documents and plans for the Crows Nest area. We are a part of a collective for the properties from 8-24 Nicholson Street Wollstonecraft that has been in existence for a few years and has signed a MOU to show their commitment to offer this site for development as a part of the governments desire to increase housing density for people in key transport areas. The sight is a short distance (120m) from the about to be opened Crows Nest Metro station and as such would very much align with published government policies to provide extra housing close to key transport hubs.

Our key issues of the proposed plan and its impact on our property are as follows:

- The proposed R4 zoning with FSR of 1.6:1 and height limit of 23m or 6 stories would appear to be out of sync with the objective to promote significant extra housing for this key transport hub.
- If you look around our area you can already see high rise developments that look down on our street and the new LMR policy will now allow buildings to the south of us (Christie Street) to rise well above our height limits as well. We already have a 10 story building behind us. It would create a feeling of being in a goldfish

bowl with us as the attraction due to higher buildings in front and behind. This does not fit in with the stated objective to have a transition of high to low from the highway.

- These proposed developments surrounding us would have a negative impact on the solar coverage of our property as well. This has an impact of not only negatively impacting lifestyle but also negatively impacting the market value of our property. The net effect from what I am told from real estate professionals is that the existing property value has the potential to be below current level as a result of this solar impact from potential new developments in the area permitted by the new TOD.
- There is a benefit to all stakeholders to make this site a viable development opportunity but the proposed new FSR and height limit does not do that. As it stands, the residents will be stuck with a property that is not attractive enough for development which will not give extra housing density in a target area, will have to put up with an environment of surrounding construction sites with the resulting noise, traffic and dust impacts, and effectively realize a reduction in asset value as a result.

It is important to again highlight that as a collective, we are ready for development if the zoning, FSR and height allocations make us a viable opportunity for a developer. The 10 properties on the site have all signed a MOU and this has to be a step that makes us a realistic opportunity for making a positive step now towards more homes for people looking to work and live in the city as opposed to living in the outer suburbs and travelling long distances. There has been mention of a "stage 2" and we would not want to wait for that as we are ready to go and don't want to be pushed into a position where stage 2 may or may not happen. Now is the time we believe.

We believe that by increasing the FSR to 3:1 or above with a corresponding height increase would meet expectations of all stakeholders, allowing for the opportunity to create more housing in a high demand area, give the current owners a fair opportunity to realize the value of their property and not get stuck in a residence that may become the ugly duckling of the area if things stay as they are. We hope that the DPHI will give our submission careful consideration.

Yours Sincerely



From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Wednesday, 7 August 2024 2:43:44 PM
Attachments: [dvnsw-tod-letter.pdf](#)

Submitted on Wed, 07/08/2024 - 14:43

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

██████████

Last name

██████████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

REDFERN

Please provide your view on the project

I am just providing comments

Submission file

[dvnsw-tod-letter.pdf](#) (89.54 KB)

Submission

See attached letter on behalf of Domestic Violence NSW

I agree to the above statement

Yes

Department of Planning, Housing and Infrastructure
Locked Bag 5022,
Parramatta NSW 2124

7 August 2024

To whom it may concern,

**RE: Transport Oriented Development – Accelerated Precincts
Endorsement of People With Disability Australia response**

Domestic Violence NSW (DVNSW), on behalf of our 180+ members who represent the specialist domestic and family violence sector, write to endorse the response submitted by People with Disability Australia (PWDA), regarding the Transport Oriented Design (TOD) Precinct Plans.

Women with disability are 40% more likely to experience domestic and family violence; yet face significant barriers to leaving due to inaccessible services and housing – often forcing them to remain in abusive households. To provide pathways out of violence, the NSW government must ensure that all homes built within the TOD, are built to the Silver Livable Design Standard.

Approximately 34,000 women and children are on the social housing waitlist (DCJ,2024). Increasing the proportion of affordable housing within the TOD from 15% to 50% will help support more women and children into safe and secure homes. The location of these homes close to transport supports victim-survivors on lower incomes, or who have fled without transport, to remain connected to employment, support networks, education, justice, police and the services they are engaged with such as health.

Women and children escaping abuse deserve affordable homes. Approximately 190,000 of the 275,000 Australian women who participated in the study *The Choice – Violence or Poverty* (A. Summers, 2022), were not employed and had no access to independent income. This data, when considered alongside rising rents and costs of living, highlights that the NSW government must ensure housing affordability aligns with a person's income and means.

DVNSW endorses all recommendations made by PWDA, including:

1. Ensuring every home under the TOD is built to at least the Silver Livable Design Standard
2. Increasing the proportion of affordable housing to 50%
3. Setting affordable housing rents at no more than 30% of a person's income

In relation to recommendation two, we further assert that victim-survivors should receive priority allocation of affordable housing within the TOD.

Thank you for considering our feedback. If you have any questions, please contact Delia Donovan, CEO of DVNSW on ceo@dvnsw.org.au or Emily Roberts, Policy and Advocacy Officer on

Yours sincerely,



, Domestic Violence NSW

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Monday, 29 July 2024 6:29:14 PM
Attachments: [inbound2206547943789018518.pdf](#)

Submitted on Mon, 29/07/2024 - 18:28

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

██████████

Last name

██████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

2065 Crows Nest

Please provide your view on the project

I object to it

Submission file

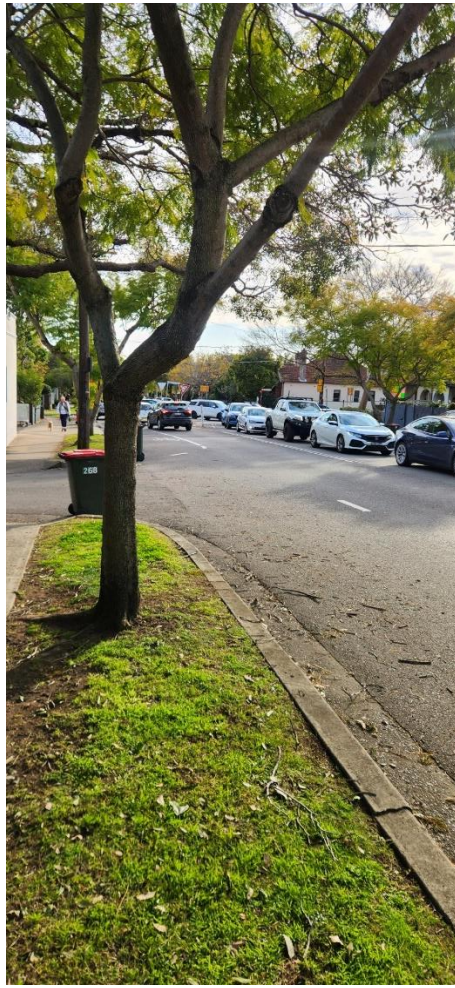
[inbound2206547943789018518.pdf](#) (960.84 KB)

Submission

Traffic congestion is already a huge issue in the area. This will make it worse. Streets are grid locked at 8.30am weekdays and 6pm Saturdays. More density will only make the situation worse and drive families further out to the outer suburbs.

I agree to the above statement

Yes







From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Thursday, 18 July 2024 11:56:09 AM
Attachments: [doc1.docx](#)

Submitted on Thu, 18/07/2024 - 11:55

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

[REDACTED]

Last name

[REDACTED]

I would like my name and personal contact details to remain confidential

Yes

Info

Email

[REDACTED]

Suburb/Town & Postcode

Lane Cove 2066

Please provide your view on the project

I support it

Submission file

[doc1.docx](#) (267.18 KB)

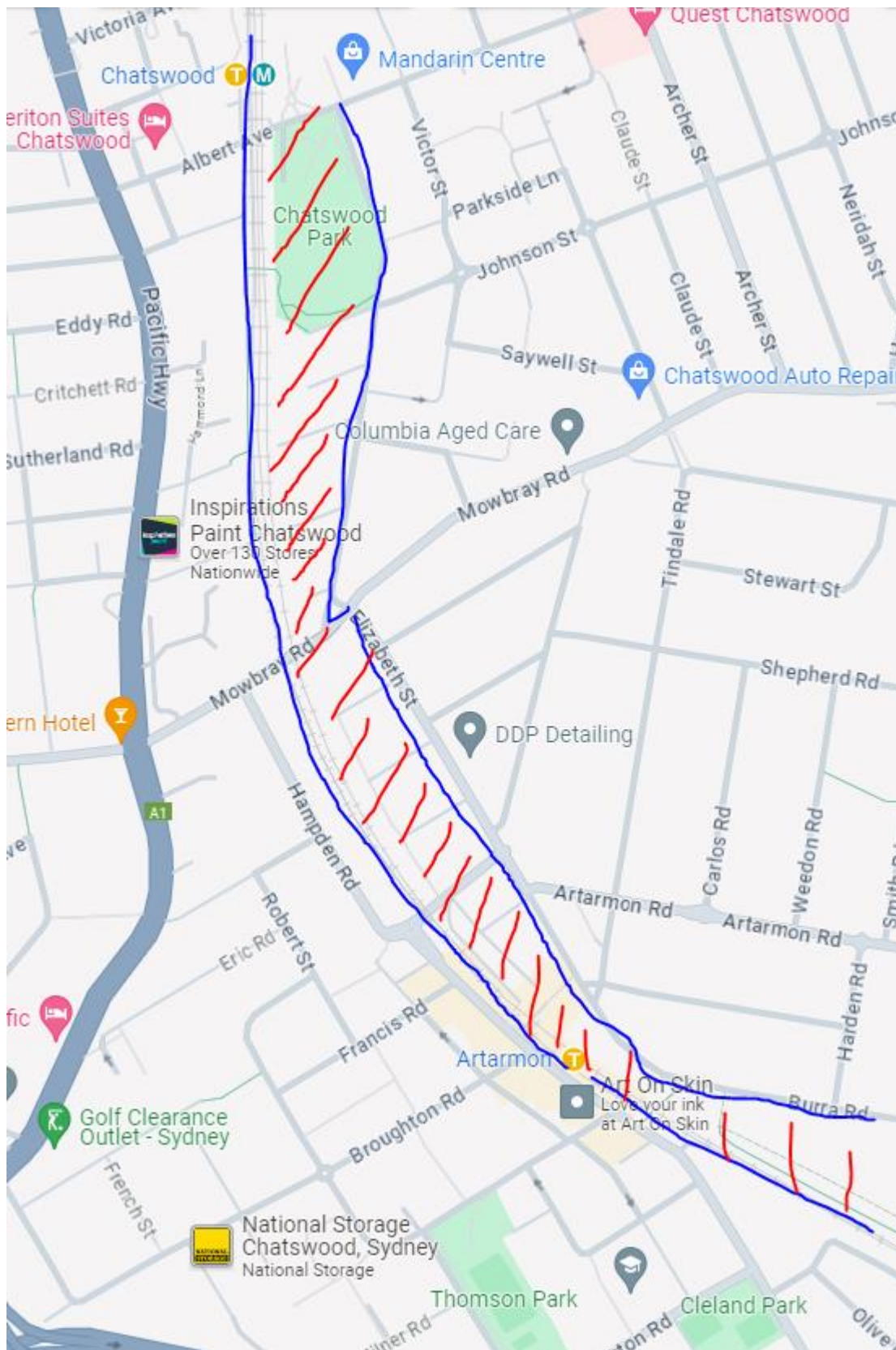
Submission

This is a very good idea - with the duplication of a new train line along the lower north shore corridor there needs to be more development otherwise we risk losing the heavy rail line. It is almost impossible to see the feasibility of the current heavy rail line as almost everyone I know and have spoken to will be taking the metro line instead. To increase numbers and population growth in the lower north and maximize the use of the existing infrastructure we have this makes perfectly good sense. I would even suggest rezoning the area between Artarmon and Chatswood along the rail corridor parallel to the rail corridor and Elizabeth and Orchard Street - see attached..

So in summer yes I do support it.

I agree to the above statement

Yes



The location of [REDACTED] is in close proximity to the new Crows Nest metro station (specifically, within 500m), making it an ideal candidate for redevelopment under the TOD regime. Inclusion in this program would allow us to leverage the strategic advantages of our position, promoting development that aligns with sustainable urban growth and transit accessibility principles.

By extending the TOD regime to cover our property, you would not only facilitate a much-needed transformation and assist the current residents to manage a difficult living situation. Redevelopment would enable us to negotiate a collective sale to a developer who can better utilise the site.

We respectfully request that our property be considered for inclusion in the TOD regime, allowing for a constructive path forward for all stakeholders involved. We believe that this extension serves the interests of efficient land use, community rejuvenation, and aligns with broader government goals of enhancing urban areas around transport nodes.

I hope that you will see the opportunities that including 116 Shirley Road into the TOD regime would provide and look forward to hearing a positive outcome.

Kind regards

[REDACTED]

I agree to the above statement

Yes

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Monday, 12 August 2024 4:29:18 PM
Attachments: [crows-nest-tod-submission---a-harris.pdf](#)

Submitted on Mon, 12/08/2024 - 16:28

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

[REDACTED]

Last name

[REDACTED]

I would like my name and personal contact details to remain confidential

Yes

Info

Email

[REDACTED]

Suburb/Town & Postcode

2065

Please provide your view on the project

I object to it

Submission file

[crows-nest-tod-submission---a-harris.pdf](#) (57.41 KB)

Submission

As per attached pdf 'Crows Nest TOD Submission - A Harris'

I agree to the above statement

Yes

Crows Nest Transport Orientated Development Proposal

Feedback: [REDACTED] Wollstonecraft
[REDACTED]

12 August 2024

Dear Department of Planning, Housing and Infrastructure

As a long-time resident of Wollstonecraft I would like to share my thoughts on the TOD Rezoning Proposal for Crows Nest and its environs. I am becoming increasingly concerned with the direction development is taking within the Crows Nest–Wollstonecraft Precinct. I understand the need to increase housing in Sydney, particularly social and affordable housing, but it shouldn't be on this overblown scale.

Crows Nest was supposed to be a transition zone between the high-rise towers of St Leonards and North Sydney but increasingly towers upwards of 30 storeys are being proposed. This is not 'transition', but a continuation of the over-development seen in the adjoining suburbs. Surely a maximum height of 10 storeys along the highway would give ample latitude for growth within the area without sacrificing light from overshadowing; compromising the existing infrastructure or destroying the village atmosphere which is what attracted residents to the area in the first place?

The Pacific Highway has been turned into a cold, deep, windswept canyon of towers – 62 storeys opposite St Leonards Station to 35+ storeys proposed on the Pacific Highway up to Shirley Road. This height increase will act as a tall 'fence' down the spine of the Pacific Highway and will mean overshadowing and loss of winter sunlight for streets along the Wollstonecraft side of the highway. These streets will be in cold shadow all winter – this is an unforgivable theft of sunlight and will amount in further pressure on the electricity grid as we try to light and heat our apartments.

How can buildings along the Pacific Hwy that are 32+ storeys 'transition' when the ones in surrounding streets are being zoned a maximum of between 3-7 storeys? Perhaps if the highway buildings were a maximum of 10 storeys it could be considered as a 'transition' and not overwhelm the current buildings.

The north-eastern side of Nicholson Street has had the height increased to 29m (about 7 storeys) – yet ours (the south-western side between Hume and Lamont) has an unchanged height limit of 12m (about 3 storeys). It becomes even more intriguing when you realise that the single houses on the same side of the street as our apartment, but in the next block between Hume and Oxley, were rezoned to 23 metres (5 storeys) in the proposal– this doesn't seem logical as we are on the same side of the street and just as close to the Metro station. I can't help wonder how a developer knew to purchase those particular houses.

The residential towers along the highway use a lot more energy per m² compared to modest height medium-density apartments a block back from the highway. More energy is needed to power lifts; to pump water to the top of towers; to fuel larger heating/cooling energy consumption/losses due to larger glass areas facing the sun/shade; and to ventilate or air condition apartments on the busy highway as windows will need to be kept closed at all times to block traffic noise. In contrast, in a block back from the highway, residents can simply open their windows for 75% of the year and enjoy the natural breeze and fresh air.

The TOD was supposed to increase residential density near Metro and train stations so I consider it is extremely poor urban planning to just throw up massive tower blocks and ignore the opportunity to just increase the height limit from 3 to 5 storeys between Nicholson Street and

River Road to allow for modest, eco-designed apartments with balconies, a quieter location, fresh air by opening windows (instead of 24x7 air conditioning) and charging for EVs in garage etc. when it is less than 100m-200m from the Crows Nest Metro Station. Surely that would increase the housing without the negativity of high-rise?

Traffic from the proposed towers, during construction and after completion, will increase traffic in Nicholson Street to intolerable levels – the same as the traffic jam at the Coles end of Nicholson Street every afternoon where it takes at least 15 minutes to exit from 4-7pm each night. Vehicle access to the proposed towers on the corner of the Pacific Hwy and Hume Street will be via Hume Street resulting in even more traffic on Nicholson Street which is already being overused as a 'rat run' due to congestion on River Road, Shirley Road and the Pacific Highway. I imagine this will only get worse along with noise, pollution and parking chaos.

There is also no planning for schools and additional green spaces for this dramatically increased population.

A number of very valid points were raised by Andrew Taylor in his article in the *Sydney Morning Herald*. He noted that "busy traffic corridors such as Canterbury Road, Princes Highway and the Pacific Highway are lined with squat, repetitive residential complexes built close to the road that unsurprisingly have empty ground floor shopfronts". This is quite evident along the Pacific Highway between St Leonards and Crows Nest where many retail spaces remain empty long after the buildings are completed.

Architect and former City of Sydney councillor Philip Thalys says residential buildings up to eight storeys should be built instead of "these clusters of towers across the metro skyline – totems of developers' manipulation of planning and profits".

Phillip Oldfield (Head of the University of NSW's school of built environment) says "mediocre apartments in Sydney are the product of a development model in which architects design for developers who seek to maximise their financial return". I couldn't agree more with his opinion.

In conclusion I maintain my view that Crows Nest and Wollstonecraft are in danger of becoming another high-rise satellite suburb of St Leonards and North Sydney and not a transition zone between the two.

The village atmosphere in Crows Nest that has been carefully established over the years and draws people to live, work, shop and eat in the area will slowly but surely be eroded if it becomes just another high-rise, dark, soulless wind tunnel like St Leonards – death by a thousand cuts.

I am not against all development as change is an inevitable and vital part of growth but keep it within maintainable levels so as not to over-impact the area's current infrastructure, utilities and services or destroy the area's character. Developers seem to be the only winners here.

Considered, well designed urban planning and architecture rather than generic, cookie-cutter over-development is the path to a positive, considered future and will benefit all who live and work here for decades to come.

Thank you for the opportunity to voice my opinion.

Yours sincerely,



From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Tuesday, 20 August 2024 10:29:26 AM
Attachments: [ce-nslhd-submission---crows-nest-tod.pdf](#)

Submitted on Tue, 20/08/2024 - 10:27

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Adjunct Professor Anthony M.

Last name

Schembri AM

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

St Leonards, 2065

Please provide your view on the project

I object to it

Submission file

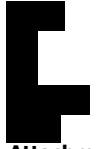
[ce-nslhd-submission---crows-nest-tod.pdf](#) (215.29 KB)

Submission

Please see the attached submission on behalf of Adjunct Professor [REDACTED] AM, Chief Executive, Northern Sydney Local Health District.

I agree to the above statement

Yes



Attachments:

[crows-nest-rezoning-plan.pdf](#)

Submitted on Mon, 12/08/2024 - 15:38

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name



Last name



I would like my name and personal contact details to remain confidential

Yes

Info

Email



Suburb/Town & Postcode

Crows Nest 2065

Please provide your view on the project

I am just providing comments

Submission file

[crows-nest-rezoning-plan.pdf](#) (1.19 MB)

Submission

See CROWS NEST REZONING PLAN.pdf attached.

I agree to the above statement

Yes

CROWS NEST REZONING



Att: NSW Department of planning.

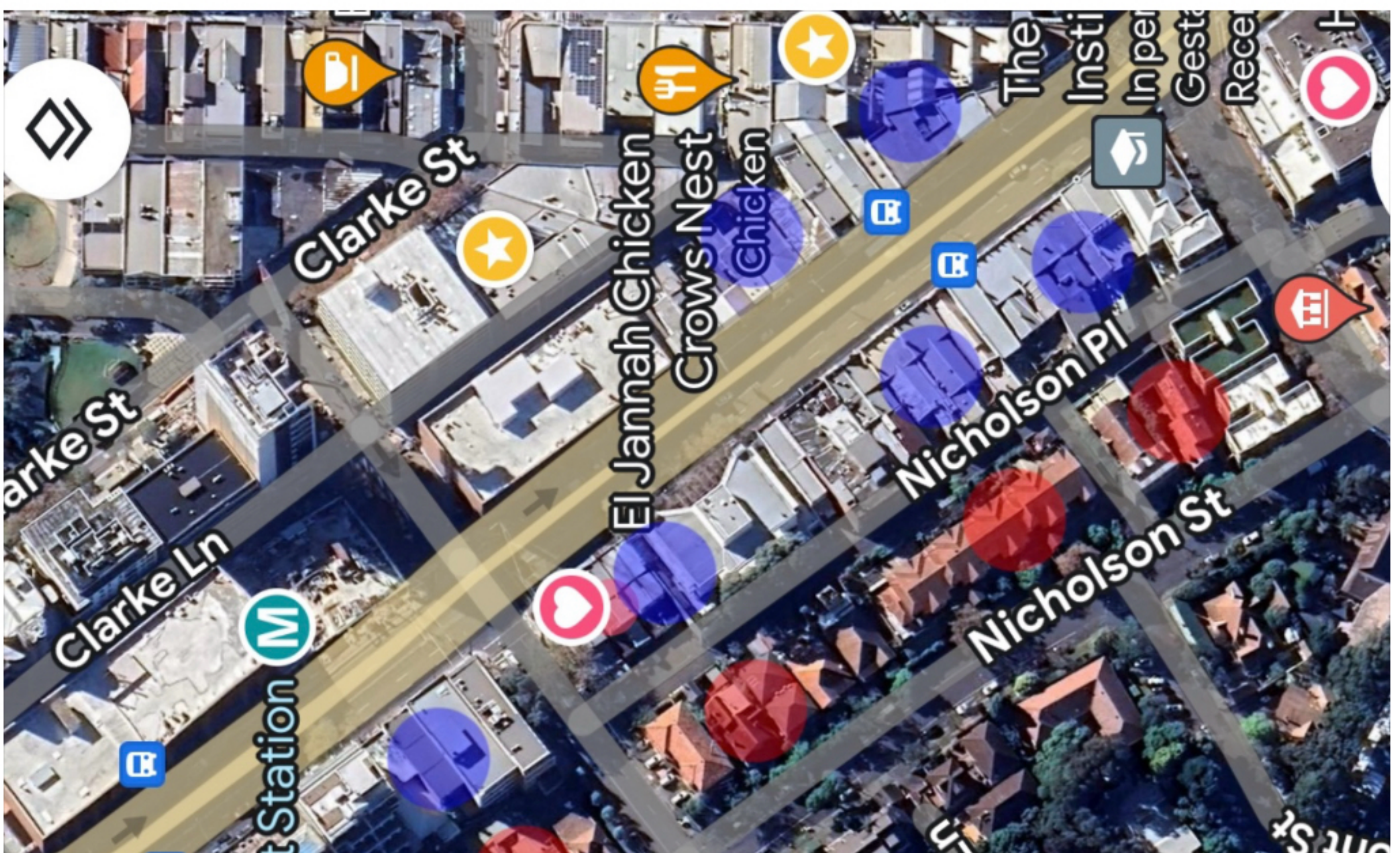
RE: Crows nest TOD rezoning proposal.

In my opinion, these changes should be made to Pacific highway & Nicholson street Crows Nest for the final Crows Nest TOD rezoning plan.

Crows Nest TOD final plan.

Shirley road to Oxley street.

	Height	FSR
 R4 Residential	90m+	6:1 +
 MU1 Mixed use	100m+	6:1 +



From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Monday, 12 August 2024 8:39:30 PM
Attachments: [rezoning-submission.pdf](#)

Submitted on Mon, 12/08/2024 - 20:37

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

██████████

Last name

██████████ -

I would like my name and personal contact details to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

2089

Please provide your view on the project

I object to it

Submission file

[rezoning-submission.pdf](#) (71.92 KB)

Submission

Feedback on the Proposed Rezoning:

The proposed rezoning of the Crows Nest and St.Leonards Transport Oriented Development (TOD) Precinct, which aims to deliver approximately 3,255 new homes, raises serious concerns regarding the adequacy of infrastructure and funding to support such a significant increase in population. The proposal is vague and relies heavily on "potential" developments rather than committing to concrete, guaranteed projects. This lack of specificity and commitment is particularly troubling given the scale of the rezoning

and the subsequent demands it will place on the community.

1. Inadequate Infrastructure Support:

The proposed increase in population will undoubtedly place an immense strain on existing infrastructure, particularly schools, hospitals, and childcare centers. The document fails to provide clear plans for the expansion of these essential services to accommodate the projected 8,100 new residents. To adequately support this population, the area would require:

- additional hospital beds to maintain standard healthcare provisions.
- 1-2 new primary schools and potential expansions of secondary schools to prevent overcrowding.
- At least 1-2 additional childcare centers to meet the needs of young families.

However, the proposal does not guarantee these necessary expansions, instead suggesting they are possibilities rather than certainties.

2. Insufficient Green Spaces:

The plan also fails to adequately address the increase in the ratio of people to green space. The proposal mentions potential enhancements to existing parks and the creation of new green spaces, but these are not guaranteed. With the expected population surge, existing green spaces will become overcrowded, reducing their effectiveness and diminishing the quality of life for both new and current residents. The emphasis on "potential" green space projects is inadequate and does not reassure the community that sufficient recreational and environmental resources will be available.

3. Insufficient Funding for Infrastructure Development:

The proposed \$520 million from the Housing and Productivity Fund to be spent on community infrastructure across all TOD precincts state-wide is grossly insufficient. This becomes particularly evident when comparing the costs of recent projects, such as the \$90 million bike ramp over Sydney Bridge and the \$85 million upgrade of the North Sydney Olympic Pool. Moreover, the recent upgrade of Mosman High School, which cost \$48 million, underscores the substantial financial demands of even moderate-scale projects. Given these examples, the proposed funding appears inadequate to meet the infrastructure needs of the Crows Nest and St.Leonards Precinct, let alone other precincts included in the TOD program.

4. Lack of Concrete Commitments:

Overall, the proposal appears to prioritize housing density and commercial development over the well-being and quality of life of the community. The vague language and reliance on potential rather than definitive infrastructure projects, coupled with insufficient funding, suggest a lack of real commitment to ensuring that the necessary facilities and services will be in place to support the new population. This approach risks creating an environment where essential community services are overwhelmed, green spaces are overused, and the local character is irrevocably altered.

Given these significant gaps, the over-reliance on uncertain future developments, and the clear inadequacy of funding, I strongly oppose the proposed rezoning. It is imperative that any such plan includes concrete, guaranteed commitments to expanding infrastructure, green spaces, and community services in line with the population growth. Without these guarantees and adequate financial support, the rezoning threatens to undermine the livability, sustainability, and character of the Crows Nest and St.Leonards Precinct.

I agree to the above statement
Yes

12 August 2024

Feedback on the Proposed Rezoning:

The proposed rezoning of the Crows Nest and St.Leonards Transport Oriented Development (TOD) Precinct, which aims to deliver approximately 3,255 new homes, raises serious concerns regarding the adequacy of infrastructure and funding to support such a significant increase in population. The proposal is vague and relies heavily on "potential" developments rather than committing to concrete, guaranteed projects. This lack of specificity and commitment is particularly troubling given the scale of the rezoning and the subsequent demands it will place on the community.

1. Inadequate Infrastructure Support:

The proposed increase in population will undoubtedly place an immense strain on existing infrastructure, particularly schools, hospitals, and childcare centers. The document fails to provide clear plans for the expansion of these essential services to accommodate the projected 8,100 new residents. To adequately support this population, the area would require:

- **additional hospital beds** to maintain standard healthcare provisions.
- **1-2 new primary schools** and potential expansions of secondary schools to prevent overcrowding.
- **At least 1-2 additional childcare centers** to meet the needs of young families.

However, the proposal does not guarantee these necessary expansions, instead suggesting they are possibilities rather than certainties.

2. Insufficient Green Spaces:

The plan also fails to adequately address the increase in the ratio of people to green space. The proposal mentions potential enhancements to existing parks and the creation of new green spaces, but these are not guaranteed. With the expected population surge, existing green spaces will become overcrowded, reducing their effectiveness and diminishing the quality of life for both new and current residents. The emphasis on "potential" green space projects is inadequate and does not reassure the community that sufficient recreational and environmental resources will be available.

3. Insufficient Funding for Infrastructure Development:

The proposed \$520 million from the Housing and Productivity Fund to be spent on community infrastructure across all TOD precincts state-wide is grossly insufficient. This becomes particularly evident when comparing the costs of recent projects, such as the \$90 million bike ramp over Sydney Bridge and the \$85 million upgrade of the North Sydney Olympic Pool. Moreover, the recent upgrade of Mosman High School, which cost \$48 million, underscores the substantial financial demands of even moderate-scale projects. Given these examples, the proposed funding appears inadequate to meet the infrastructure needs of the Crows Nest and St.Leonards Precinct, let alone other precincts included in the TOD program.

4. Lack of Concrete Commitments:

Overall, the proposal appears to prioritize housing density and commercial development over the well-being and quality of life of the community. The vague language and reliance on potential rather than definitive infrastructure projects, coupled with insufficient funding, suggest a lack of real commitment to ensuring that the necessary facilities and services will be in place to support the new population. This approach risks creating an environment where essential community services are overwhelmed, green spaces are overused, and the local character is irrevocably altered.

Given these significant gaps, the over-reliance on uncertain future developments, and the clear inadequacy of funding, I strongly oppose the proposed rezoning. It is imperative that any such plan includes concrete, guaranteed commitments to expanding infrastructure, green spaces, and community services in line with the population growth. Without these guarantees and adequate financial support, the rezoning threatens to undermine the livability, sustainability, and character of the Crows Nest and St. Leonards Precinct.

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Friday, 23 August 2024 2:03:25 PM
Attachments: [setia-carnegie-submission---20-22-atchison-street.pdf](#)

Submitted on Fri, 23/08/2024 - 14:01

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Setia Carnegie Pty Ltd

Last name

C/o - Urbis

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

St Leonards 2065

Please provide your view on the project

I object to it

Submission file

[setia-carnegie-submission---20-22-atchison-street.pdf](#) (4.1 MB)

Submission

The current draft TOD rezoning proposal would have significant impact on the feasibility of the shove-ready redevelopment of the site at 20-22 Atchison Street, St Leonards, if adopted.

The attached submission has been prepared by Urbis on behalf of Setia Carnegie Pty Ltd.

I agree to the above statement

Yes

SUBMISSION TO THE CROWS NEST TOD REZONING PROPOSAL

20-22 Atchison Street, St Leonards

ACKNOWLEDGEMENT OF COUNTRY

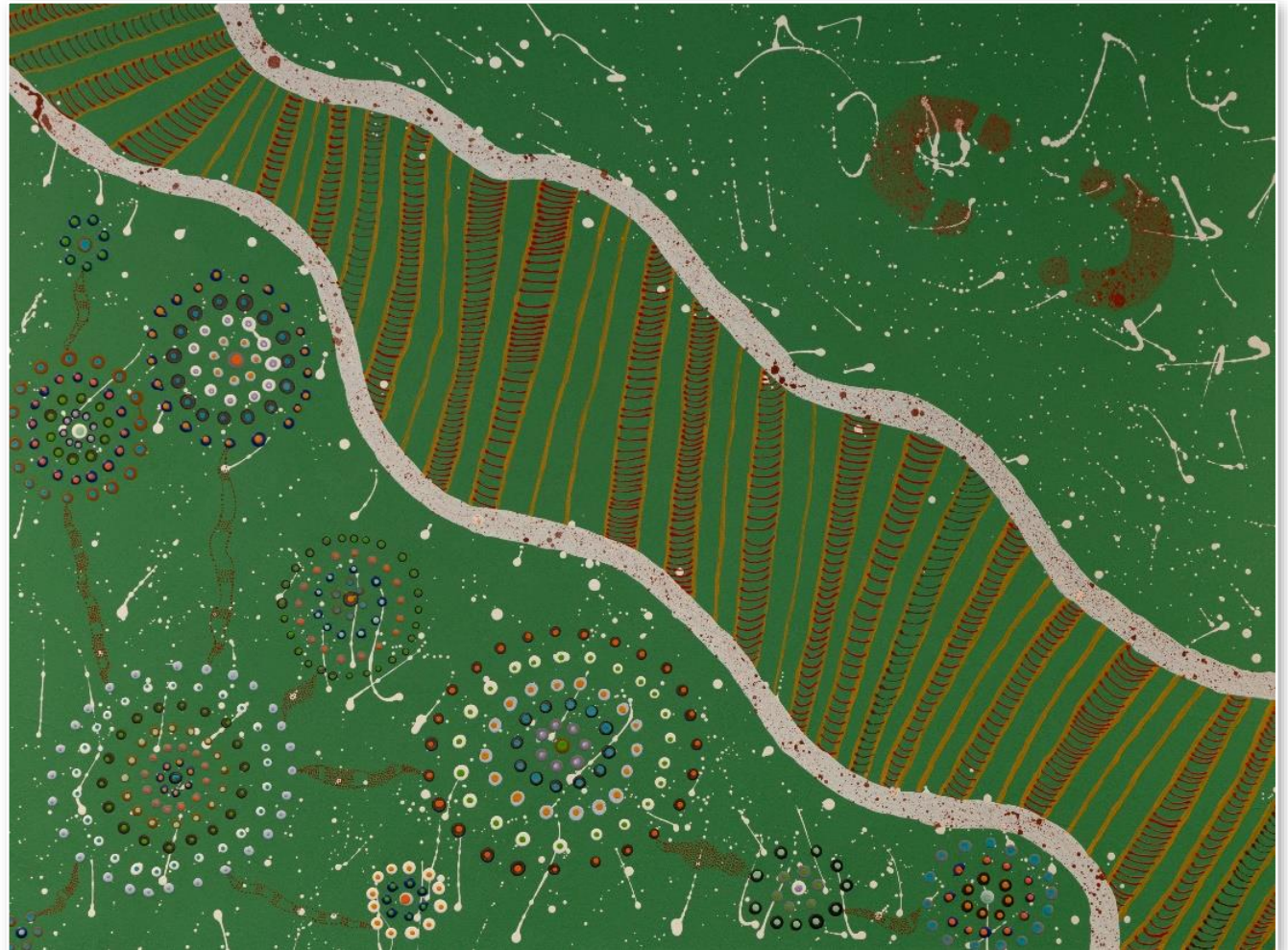
Urbis acknowledges the Traditional Custodians of the lands we operate on.

We recognise that First Nations sovereignty was never ceded and respect First Nations peoples continuing connection to these lands, waterways and ecosystems for over 60,000 years.

We pay our respects to First Nations Elders, past and present.

The river is the symbol of the Dreaming and the journey of life. The circles and lines represent people meeting and connections across time and space. When we are working in different places, we can still be connected and work towards the same goal.

Title: Sacred River Dreaming
Artist: Hayley Pigram
Darug Nation
Sydney, NSW



EXECUTIVE SUMMARY

The current draft TOD rezoning proposal would have significant impact on the feasibility of the shovel-ready redevelopment of the site at 20-22 Atchison Street, St Leonards, if adopted.

The exhibited planning provisions are inconsistent with the recommended planning controls for the 2036 Crows Nest and St Leonards Plan.

In order to be capable of incorporating affordable housing, the building height and density must be increased, otherwise the Department will sterilise any redevelopment of the site.

Setia Carnegie Pty Ltd (**Setia**) is the owner of the site at 20-22 Atchison Street, St Leonards (**the site**) which is located within the Crows Nest Transit Oriented Development (**TOD**) precinct. Urbis has prepared this submission on behalf of Setia in respect of the Crows Nest TOD Accelerated Precinct rezoning proposal.

We express our disappointment and strongly oppose the proposed planning provisions for the site as currently exhibited under the rezoning proposal.

The key reasons for a reconsideration of the planning provisions for this site are as follows:

- In 2022, Setia acquired the site based upon the recommended (and legislated) planning provisions of the 2036 Plan, with the clear intention to amend the planning provisions to enable a mixed-use redevelopment as intended under the objectives of the Plan.
- In 2023, Setia lodged a Planning Proposal in 2023 was fully compliant with the recommended planning provisions, and Setia have undertaken early preparation works to inform an early works development application lodged with the local Council to enable the site for redevelopment.
- Setia has a clear, genuine, intention to redevelop the site in the immediate term to deliver an increase in housing supply. This is a shovel ready development that will deliver increased housing and commercial floor space in the St Leonards Crows Nest precinct.
- The Department has subsequently prepared a rezoning proposal that is inconsistent with the adopted 2036 Plan and the Ministerial Direction 1.13 'Implementation of St Leonards and Crows Nest 2036 Plan due to a reduction in building height on the site from 35 storeys to

approximately 31 storeys.

- No justification is included in the EIE to warrant a reduced building height on the site.
- In addition to draft controls seek to impose a new required dedication of 10% affordable housing which would further reduce the residential GFA available for build to sell.
- The combination of the affordable housing requirement, with the built form controls constitute a "down zoning" of the site that if imposed would render the entire project unviable.
- In our view, even putting aside the construction cost escalation that has occurred since the 2036 Plan, it would be entirely reasonable that a 'compensatory' level of built form uplift beyond previously endorsed planning strategies (the 2036 Plan) would be assigned for this site if a percentage of affordable housing was required.
- The submission therefore provides two alternative planning provisions to ensure the intent of the TOD program is achieved whilst enabling feasible development outcomes.

This submission is structured as follows:

Part 1 – Background including analysis of the site and Setia's vision for the site.

Part 2 – An assessment of the key issues associated with the draft planning provisions.

Part 3 – Consideration of two alternative planning provisions to facilitate development outcomes in accordance with the TOD program.

PART 1 – PROJECT & POLICY BACKGROUND

THE SITE

Site Overview

Feature	Description
Site Area	The site comprises two allotments at 20 Atchison Street (690.4sqm) and 22 Atchison Street (684sqm) with a total area of 1,374.4sqm
Frontage	The site has a primary frontage to Atchison Street to the south, Mitchell Street to the east and Atchison Lane to the north.
Site Topography	The site is located near the crest of a high ridgeline point, with Mitchell Street falling in elevation towards the north of the site and Atchison Street falls towards the east. The land falls approximately 2m from east to west along the Atchison Street frontage and 2.6-3m south to north, from the Atchison Street frontage to the Atchison Lane frontage.
Lot and DP	Lot 1 in DP740017, Lot 120 DP564606
Existing development	<p>22 Atchison Street is currently occupied by six storey commercial office building and 18-20 Atchison Street comprises a three-storey commercial building which is currently vacant. The buildings are serviced internally with access provided via Atchison Lane, which serves as a service laneway for buildings fronting Atchison Street and Chandos Street. The buildings appears to be constructed in the 1980s. 22 Atchison Street accommodates additional vehicular access from Mitchell Street.</p> <p>The site does not accommodate existing vegetation. There is street trees and planting along the Atchison Street and Mitchell Street frontages.</p>

Site Aerial



REGIONAL CONTEXT

Site Context

The site is located within St Leonards, which is identified as a **strategic centre** in a suite of high-level planning documents, including the 2036 Plan, Greater Sydney Region Plan and the North District Plan. The strategic centre is forecast to accommodate greater residential and commercial growth over the next 20 years and is characterised by a mixture of land uses.

The site is also located within the St Leonards Crows Nest (SLCN) precinct as outlined in black in the adjacent figure. The SLCN precinct has undergone significant planning and growth in accordance with the growth opportunities identified in the 2036 Plan. These amendments seek to capitalise upon the introduction of the Sydney Metro network and opening of Crows Nest station to leverage this infrastructure and support a greater density and diversity of land uses.

The site neighbours both commercial and residential land uses, with the commercial precinct to the south and west and residential precinct to the north and east. The site's intersection of these two land uses provides a strategic opportunity to respond to and enable the simultaneous growth of these key uses.

The built form surrounding the site comprises predominantly medium to high-rise mixed-use buildings with commercial uses at the lower levels and residential above.

Site Location in St-Leonards Crows Nest Precinct



PLANNING HISTORY

2013	2014	2019	2020	2021	2022	2023	2024
<p>Concept approval for 16-storey mixed-use building envelope at 22 Atchison Street and a 15-storey mixed-use building envelope at 20 Atchison Street (DA187/13).</p>	<p>Detailed approval for the Stage 2 works at 20 Atchison Street (DA93/14).</p>	<p>PP (1/19) lodged and subsequently withdrawn for the site seeking a maximum building height of 177m (51-storeys) and FSR of 24.5:1.</p>	<p>Department of Planning release the St Leonards Crows Nest 2036 Plan.</p> <p>PP (3/20) lodged for the site seeking a maximum building height control of 169m (48-storeys) and FSR of 24.5:1.</p>	<p>North Sydney LPP resolved to not support the PP due to inconsistency with 2036 Plan and environmental impact.</p> <p>Regional Planning Panel refuse Rezoning Review Request and determine should not be submitted for Gateway determination due to lack of strategic merit.</p>	<p>Setia acquire the site with intention to act upon the provisions of the 2036 Plan.</p>	<p>Pre-lodgement meeting with Council and Setia on new PP.</p> <p>December: Department announce TOD program.</p>	<p>PP (1/2024) formally lodged. Height and FSR wholly consistent with 2036 Plan.</p> <p>Council advise application supported, progress to LPP.</p> <p>Council advise application 'on hold', to be considered in TOD rezoning.</p> <p>Release of Crows Nest TOD rezoning documents.</p> <p>Setia meet with DPHI on TOD rezoning.</p>

2036 PLAN

2036 Plan Vision and Objectives

The St Leonards and Crows Nest 2036 Plan (2036 Plan) adopted by the Department in August 2020 outlines the vision for the St Leonards Crows Nest (SLCN) precinct is:

“Facilitate the urban renewal of St Leonards and Crows Nest for an expanding employment centre and growing residential community.”

To achieve this vision and opportunities for urban renewal, the 2036 Plan identifies five key themes and recommended changes to existing planning controls to support the objectives and actions within this Plan.

The Plan is supported by a Section 9.1 Ministerial Direction (Direction 1.13) which requires planning proposals for land in the SLCN precinct to be consistent with the 2036 Plan.

The 2036 Plan does not specify a minimum amount of affordable housing to be delivered in the SLCN precinct, and instead recommends local Councils (with Department as a supporting stakeholder) undertake investigations to identify an appropriate target for affordable housing in the area.

Recommended Planning Provisions for the site



2036 Plan Recommended maximum building height: 35 storeys



2036 Plan Recommended FSR: 11.5:1

IMPLEMENTATION OF 2036 PLAN

Extent of Change in SLCN Precinct

Changes to the local planning provisions for sites within the SLCN precinct have been gazetted and subsequent development application (DAs) lodged. This has resulted in a significant change in the existing character of the centre, particularly with respect to its density and scale as illustrated in the building massing figure.

These landowners have acted upon and implemented the recommendations of the 2036 Plan.

Key PPs include:

- 100 Christie Street (132m) – DA under assessment, determination planned for September 2024.
- 617-621 Pacific Highway (180m) – DA under assessment
- 601 Pacific Highway (180m) – Planning Proposal completed public exhibition, moving to finalisation.

Massing of SLCN Precinct

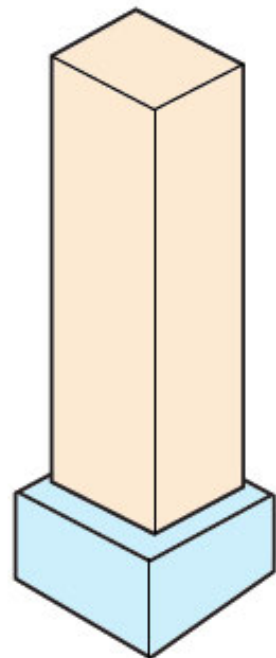
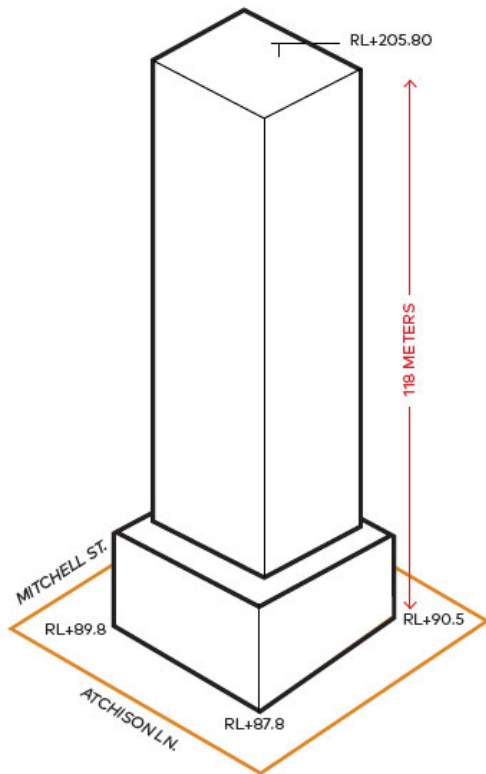
Cox Architecture, 2023



SITE VISION AND OPPORTUNITY – CURRENT PLANNING PROPOSAL

Cox Reference Scheme

Setia engaged Cox Architecture to prepare a vision for the site to support the Planning Proposal. The reference scheme proposes a mixed-use envelope with a total 15,799sqm gross floor area and building height of 118m.



PROPOSED
RESI. FSR
= 8.5:1

PROPOSED
NON-RESI. FSR
= 3:1

TOTAL FSR
PROPOSED
= 11.5:1

FSR CONSISTENT WITH
THE 2036 PLAN

Key Outcomes of this "Shovel Ready" Development



Housing

Provision of 124 new dwellings in a mix of 1, 2 and 3 bedroom apartments



Jobs

Increase in construction and operational jobs the retail and office premises, which accounts for 3:1 of the site FSR (4,125sqm).



Streetscape

Improved integration with adjoining sites and extension of the Mitchell Street plaza further north through a generous 5m eastern ground level setback.



Building Massing

Provision of a 4-storey podium and slender 33 storey tower form, supported by five levels of basement with 98 car parks.



Consistency with 2036 Plan

Wholly consistent with the recommended height and FSR of the 2036 Plan and DCP setback provisions.



Clear site-specific merit

The site is free from major environmental constraints and can provide immediate delivery on Government priority.

PART 2 – KEY SUBMISSION ISSUES

OVERVIEW – DRAFT TOD REZONING CONTROLS

The Explanation of Intended Effects (EIE) proposes the following controls for the site:

- Reduction in Building Height to 103m (*we assume this must be a typographical error*)
- Max FSR of 11.5:1 (incorporating non-residential FSR of 3:1) (no change from 2036 Plan)
- New Affordable Housing contribution of between 10%–15% (*but we assume 10% of residential floorspace*)

These draft rezoning controls – constitutes a "down zoning" of the site by reducing allowable building height and imposing 10% affordable housing obligation, which did not exist under 2036 Plan. If implemented, it would sterilise the site from future mixed use housing development.

The 2036 Plan was adopted after many years of engagement with key stakeholders and is legislated through a Section 9.1 Ministerial Direction. It establishes clear objectives and recommended planning provisions for sites in the 'Area of Change', including recommended land zoning, maximum building height and FSR. Since the adoption of the 2036 Plan, a range of landowners have lodged site-specific Planning Proposals to implement the recommended planning provisions as outlined earlier in this submission.

As outlined in the Planning History earlier, Setia acquired the site based upon the recommended (and legislated) planning provisions of the 2036 Plan and lodged a Planning Proposal back in 2023 to take advantage of the policy.

The proposed TOD controls if implemented would immediately sterilise the redevelopment of the site and trigger significant financial loss for Setia.

Consequently, it would stand as an unwanted exemplar to future investment in NSW by destroying confidence due to the shifting of policy settings which an application has been lodged for the site (and in the system) to deliver on State goals in good faith.

In summary – the 3 x Key Issues for this site are:

1. Reduction of Building Height
2. Inconsistency with TOD Rezoning Aims & Ministerial Direction 1.13
3. Adverse Impact on feasibility – that would sterilise site redevelopment



Exhibited building height: 103m



Exhibited FSR: 11.5:1



Exhibited non-residential FSR: 3:1

ISSUE 1: REDUCTION IN BUILDING HEIGHT

The TOD exhibition documents identifies a building height of 103m for the site. This results in a building height in storeys less than the 2036 Plan. Cox Architecture have modelled a building envelope on the site within a maximum height of 103m, using the floor-to-floor height assumptions outlined in Table 5 of the EIE document.

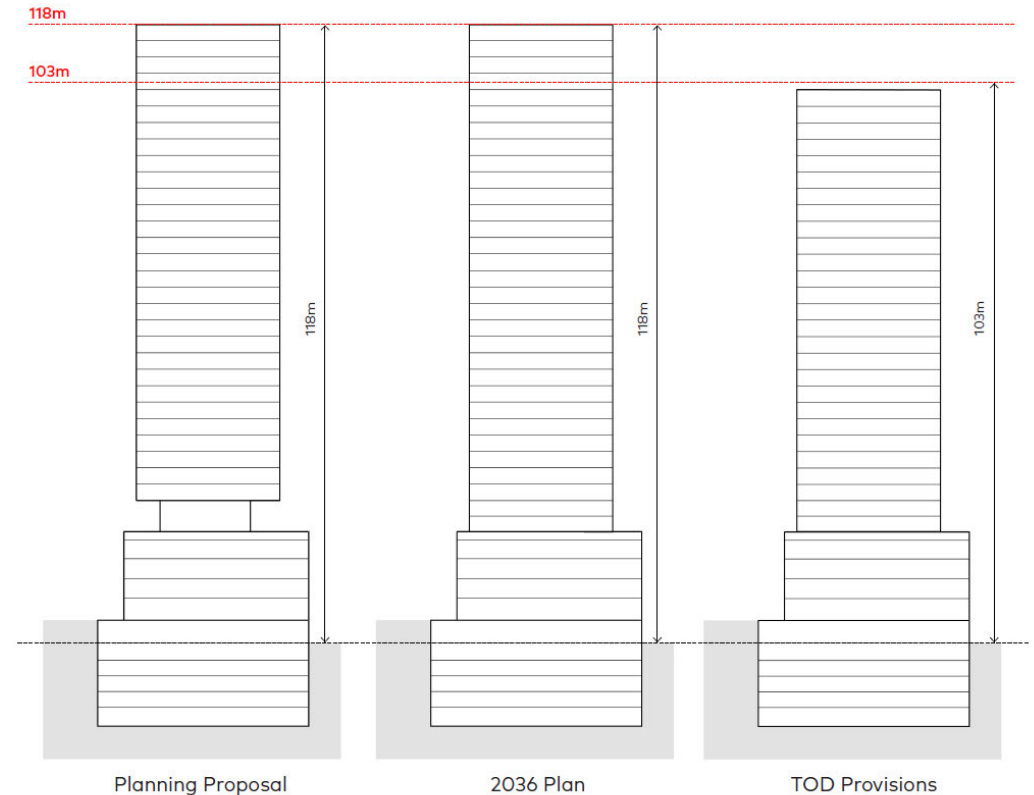
The exhibited controls result in a significant reduction in development density on the site compared to the adopted 2036 Plan, specifically:

- Reduction of 4 storeys
- Reduction in building Height of 10.7m
- Reduction in total gross floor area of 1,772sqm

Despite the reduced height, the Urban Design Report prepared by SJB does not provide any justification for reduction in density on the site, and instead acknowledges the PP proposed height (118m) and states:

“Sites subject to rezoning and have in-progress approvals that are to be captured as part of this process as well”

The exhibited documents have not accurately captured the proposed provisions for this site under the Planning Proposal. We have therefore assumed that the exhibited maximum building height must drafted in an error and has to be rectified as part of the final provisions. This was discussed with the Department officers at the meeting on 31 July.



Proposal	Storeys	Building Height (m)	Variation
TOD	31 storeys	103m	N/A
2036 Plan	35 storeys	113.7m (equivalent height based on floor to floor height in TOD Design Guide)	10.7m reduction
Planning Proposal	35 storeys	118m	15m reduction

ISSUE 1: REDUCTION IN BUILDING HEIGHT (CONT.)

The site at 20-22 Atchison Street is a strategically located site with a clear intention by the landholders to be developed in the short-term for mixed-use development. The extensive planning history on the site and preparation of a reference scheme by Cox Architecture illustrates the indicative outcome that can be achieved on the site, subject to determination of a development application by the consent authority.

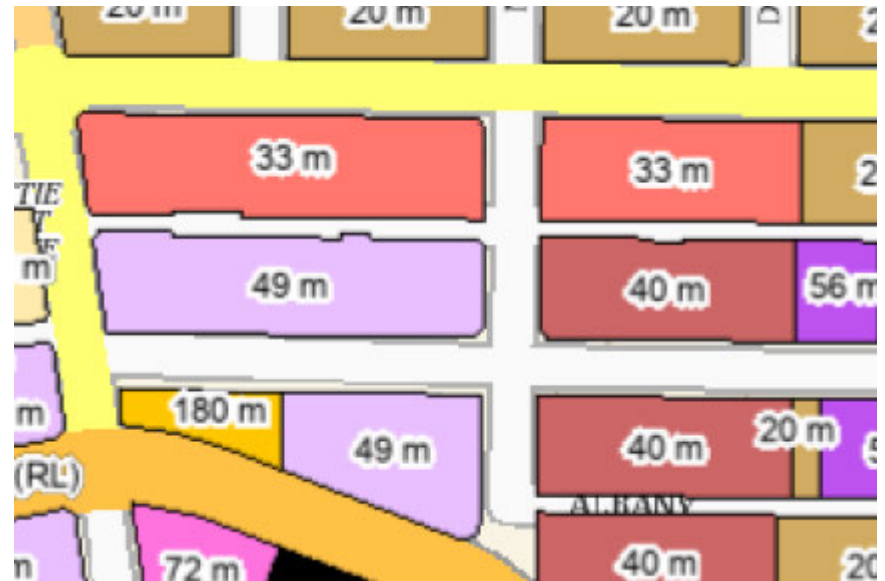
The exhibited TOD planning provisions for the site and immediate context does not consider the site-specific considerations of each site. This blanket approach to uplift will impact the extent of development (and residential dwellings) that can actually be developed and developed on the site.

In the street blocks between Mitchell Street, Christie Street, Chandos Street and Atchison Street, the building height control has been increased from 33m and 49m to between 64m, 95m and 103m. Despite the increased height, a number of these sites are unlikely to be redeveloped in the future as:

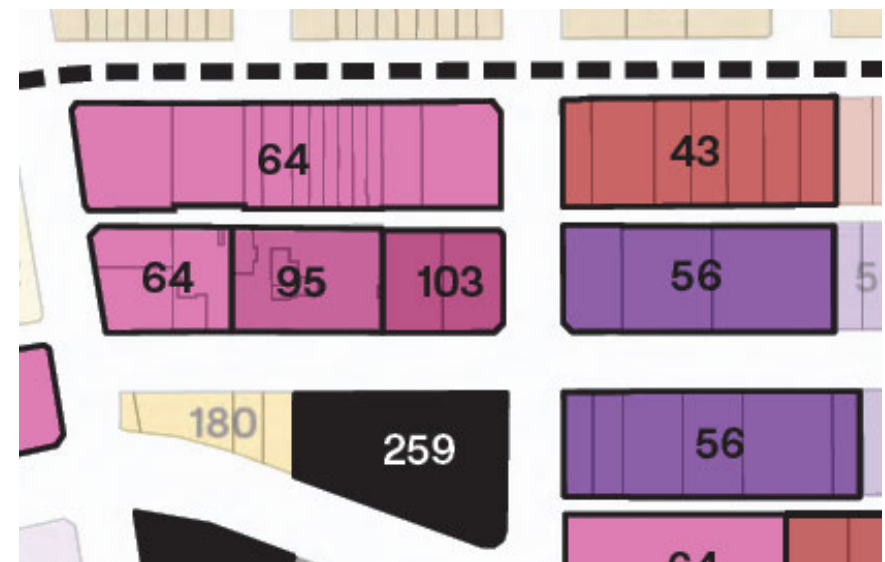
- The site to the north-west at 1 Chandos Street is a local heritage listed item (Item 1033 in the North Sydney LEP).
- The site to the immediate west at 10 Atchison Street is part strata-titled, part serviced apartment building. Whilst it is noted the exhibited EIE does not exclude strata titled properties, the SJB Urban Design Report states strata is “*not necessarily constraining to development however amalgamation of ownership may affect feasibility*”.

There is significant risk in meeting the dwelling target of 3,255 new homes when the planning provisions improperly benefit sites that are unlikely to be developed.

The site at 20-22 Atchison Street is free of major environmental constraints, contains underutilised buildings and is held in ownership by Setia who have a clear and genuine intention to redevelop the site for mixed-use development. The TOD provisions provide greater uplift to surrounding sites in the immediate area (particularly when considering the reduction of density of this site compared to the 2036 Plan) that are unlikely to be developed. This will undermine the objective of the TOD Rezoning Proposal to increase housing supply in the Crows Nest precinct.



Existing LEP maximum building heights



Proposed TOD maximum building heights

ISSUE 2: INCONSISTENCY WITH TOD REZONING AIMS & MINISTERIAL DIRECTION

The driver behind the TOD rezoning program is for the government to delivery housing supply as key priority and commitment with federal government under the housing accord.

Accordingly, the Crows Nest TOD aims to achieve the following outcomes:

- Facilitate additional diverse and affordable housing in a well located area close to transport
- To establish new built form controls that will incentivise the delivery of new housing in a short period of time.

The EIE fails to deliver on these objectives with respect to the site because with reduced height and thus density, it will not incentivise any redevelopment of the site. This would in turn adversely impact the achievement of the housing assumed in the centre and thus become a missed opportunity of s highly strategic site.

In addition this this, the EIE is also inconsistent with the Ministerial Direction 1.13 'Implementation of St Leonards and Crows Nest 2036 Plan' has the following objective:

“The objective of this direction is to ensure development within the St Leonards and Crows Nest Precinct is consistent with the St Leonards and Crows Nest 2036 Plan (the Plan).”

The Direction states a planning proposal authority must ensure that a planning proposal is consistent with the St Leonards and Crows Nest 2036 Plan, approved by the Minister for Planning and published on the Department of Planning and Environment website on 29 August 2020.

As outlined in the previous page, the exhibited maximum building height of 103m (approximately 31 storeys using the Department’s exhibited floor to floor assumptions) is inconsistent with the recommended planning provisions of the 2036 Plan of 35 storeys (113.7m – 118m).

The EIE and accompanying documents do not provide any justification for the inconsistency with the 2036 Plan as per the Ministerial Direction. The loss of floor space as a result of the building height reduction is not of minor significance to the landholder and will:

- impact the feasibility of the development, and
- undermine the achievement of the Plan’s vision, objectives and actions to deliver increased housing and jobs in the SLCN precinct.

ISSUE 3: MAJOR IMPACT ON DEVELOPMENT FEASIBILITY

Feasibility testings have been undertaken to inform this submission and information can be discussed directly (in commercial confidence) with the Department if required post submission.

It should not be dismissed by the Department that there has been significant market changes since the acquisition of the site by Setia in 2022 and preparation of the Planning Proposal and reference scheme in 2023, in terms of the cost for construction. This is an undeniable and enduring industry challenge that will not rebalance in the short term and thus places extreme project feasibility street before even factoring any new costs and obligations like affordable housing.

Setia last feasibility review of the PP scheme (prior to the TOD rezoning release) indicated the scheme provides a marginal return on gross development value and remained only just a feasible development. There is no remaining contingency for rising construction costs, market inflation, program delays, etc.

When compared to the exhibited provisions which reduce the building height and impose a 10% affordable housing contribution on the PP scheme, a mixed-use scheme is **completely unviable and would not be developed. Such an outcome if imposed would generate significant financial losses.**

In summary, any reduced density and/or additional imposed development cost/obligation (like affordable housing) on the site will not be feasible in the current market and will compromise the ability to redevelop the site.

PART 3 – PROPOSED SOLUTION

RECOMMENDED BUILT FORM OPTIONS

For the reasons outlined in this submission, the exhibited planning provisions for the site at 20-22 Atchison Street will have an untenable impact on the planned site redevelopment. Resulting in effectively sterilising a highly strategic site, that has been earmarked for high density development for over 5 years.

The current Draft TOD controls if remained unchanged would result in **the loss of potential:**

- 124 new dwellings centrally located in the centre
- Significant construction and operation jobs
- Public benefit associated with extension of Mitchell Street linear park
- Redevelopment and regeneration of underutilised buildings

We have set out in this section solutions for consideration of the Department on alternative planning controls for the site which would enable the future redevelopment of the site. These solutions are informed by built form testing undertaken by Cox Architects discussed in this section and the supporting documents at Attachment A.

Without understanding what is more important to government in terms of the quantum of affordable housing versus the change in built form scale, we have presented two options to consider.

The proposed two options are as follows:

1. **OPTION 1: Increase the building height to 127.5m (RL218) and FSR of 12.7:1 (including non-residential FSR of 3:1), with a 5% of total residential floorspace as affordable housing contribution (in perpetuity).**
2. **OPTION 2: Increase the building height to 139m (RL227.5) and FSR to 13.8:1 (including non-residential FSR of 3:1), with a 10% of total residential floorspace as affordable housing contribution (in perpetuity).**

Both Options presented will achieve a feasible redevelopment outcome for the landowner.

This Part of the submission explores these solutions in further detail.

OPTION 1: ALTERNATIVE PLANNING PROVISIONS & 5% AFFORDABLE HOUSING

Option 1 recommends an increase to the planning provisions to incentivise the delivery of affordable housing on the site as follows:

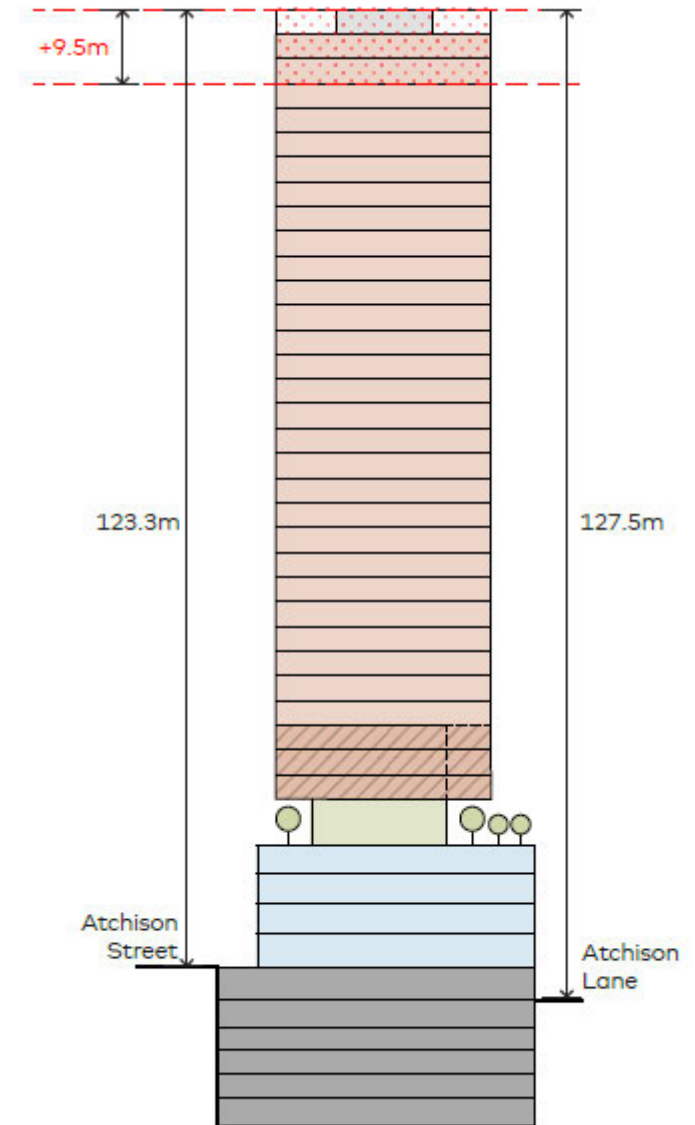
Provision	Option 1 Proposed
Maximum building height	127.5 (RL218)
FSR	12.51:1 (17,204sqm)
Non-residential FSR	3:1 (4,122sqm)
Affordable Housing	5% of total residential floorspace as affordable housing (in perpetuity)

This is an addition of 9.5m (three additional levels) above the current Planning Proposal height of 118m, and 78.45m above the current North Sydney LEP height of 49m.

This option allows for the contribution of 5% of total residential floor space for affordable housing, **in perpetuity**.

No change to the non-residential floorspace.

Off-site impact – 5 minutes of additional mid-winter shadow on primarily Clarke Street road reserve and the roof of the existing child care centre, as shown on the Cox diagrams.



OPTION 1 (CONT.)

Option 1 has an acceptable environmental impact as follows:

- The scheme retains commercial floor space on the site to ensure the ongoing mixed-use nature of the St Leonards mixed use zone.
- The proposed height is consistent with the emerging context and establishes a skyline relationship with 601 Pacific Highway and 617-612 Pacific Highway. The proposal sits comfortably in the context of the cluster of towers in the St Leonards skyline and will achieve a gentle transition in height down to the low-rise residential development to the north consistent with the 2036 Plan objectives.
- The envelope is assessed in accordance with the solar access provisions of the 2036 Plan which seeks to prevent a net increase in overshadowing to a number of existing and proposed public spaces between 10am and 3pm from the March Equinox to the September Equinox (inclusive), as well as to a number of streetscape and residential areas. The increased height results in negligible overshadowing at mid-winter (21 June), in exception of:
 - Mitchell Street streetscape between 11:30am – 2:30pm due to the proximity to the site. It is noted that a compliant development under the current LEP height limit would still overshadow the Plaza during lunch time period. Therefore, overshadow is inevitable and could be created by a compliant development. Strictly compliance with this control would significantly undermine development potential for the site. Further, the North Sydney DCP anticipates that land located directly adjacent to public open space areas may result in a net increase in overshadowing.
 - Hume Street Park between 2:55pm – 3pm for a 5-minute period only. During this 5 minutes, the shadow for 2.5 minutes fall on the road corridor and 2.5 minutes fall on the park area. This is very minor and negligible, for only a small portion of the open space on the southern end which generally aligns with the road reserve at Hume Street and the area of existing planting.
- The shadow impact is considered acceptable to achieve a feasible development outcome on this site.
- The proposed height is consistent with the key themes and objectives of the 2036 Plan, and the urban design principles outlined in the Crows Nest TOD Urban Design Report (obtained from the 2036 Plan). Analysis of consistency with the themes and objectives is provided at Attachment A.
- The visual effects and view impacts caused by the proposed development are considered to be reasonable and acceptable when considering the area is transitioning to one of increased density and there is a high capacity to absorb the visual changes as part of the emerging SLCN precinct skyline.

OPTION 1 (CONT.)

Control Area	Compliance
Public Open Space: No additional overshadowing between 10am – 3pm	
• Newlands Park	• No additional overshadowing
• Hume Street Park	• No additional overshadowing between 10am – 2:55pm. • Minor additional shadow for 5 minutes over the 5 hour period (1.6% of the protected time) between 2:55pm – 3pm on the southern end of the elevated open space.
• Ernest Place	• No additional overshadowing
• Holterman Reserve (proposed)	• No additional overshadowing

Control Area	Compliance
Residential areas: No additional shadow between 9am – 3pm	
• Residential areas inside boundary (for at least 2 hours)	• At 12pm a very minor level of shadow is cast on the site at 486 Pacific Highway for less than 15minutes, however this is a mixed-use development and receives solar access at other times of the day and maintains compliance.
• Heritage Conservation Areas Inside boundary (for at least 2 hours)	• No additional overshadowing
• Residential outside boundary (for the whole time between 9am and 3pm)	• No additional overshadowing

Control Area	Compliance
Streetscape: No additional shadow between 11:30am – 2:30pm	
• Mitchell Street	• No additional change from the planning proposal and what would be anticipated by the current strategy.
• Oxley Streets	• No additional overshadowing
• Willoughby Road	• No additional overshadowing

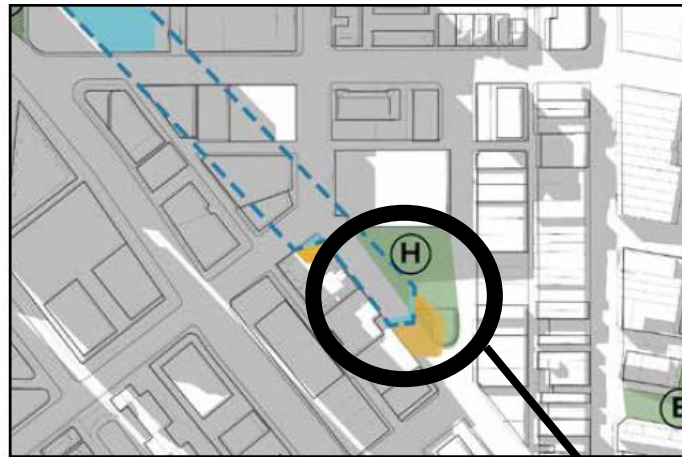
Minor additional shadow between 2:55pm – 3pm to Hume Street Park:



OPTION 1 (CONT.)



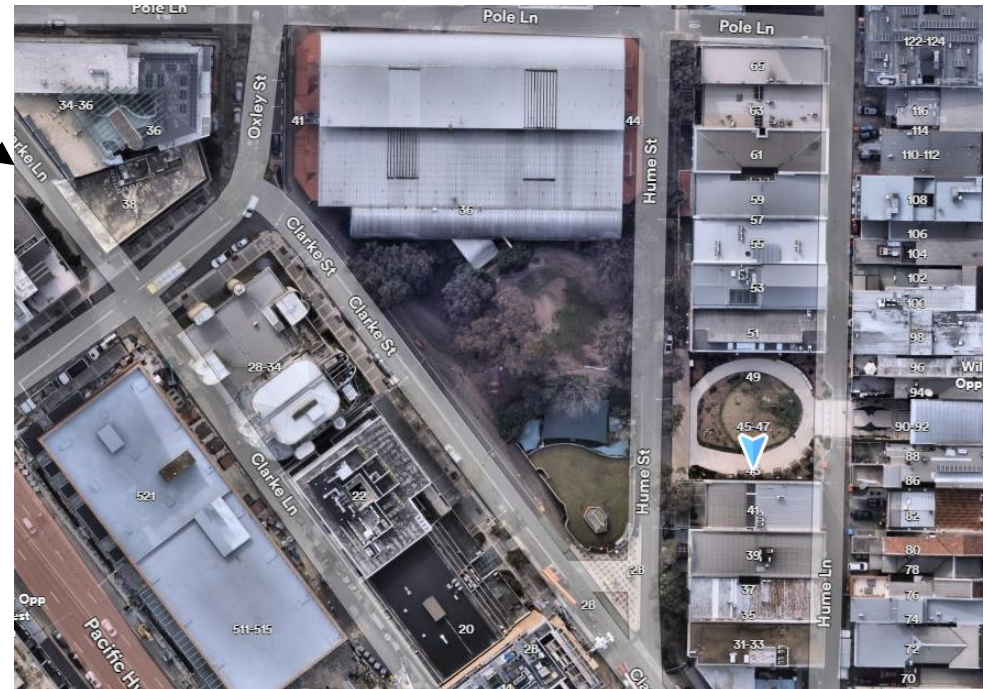
2:55pm



3pm

Upon further interrogation of the shadow impact to Hume Street Park, the additional 5 minute of shadow primarily falls on the south-western corner of the park on the elevated portion of the park at the intersection of Clarke Street and Hume Street, and partly on the roof of the child care centre. There is no shadow impact to the central park area which contains existing vegetation, or the adjacent circular open space to the east at 45-57 Hume Street.

This shadow is for 5 minutes, 1.6% of the protected time period of this open space.



OPTION 2: ALTERNATIVE PLANNING PROVISIONS AND 10% AFFORDABLE HOUSING

Option 2 recommends an increase to the planning provisions to incentivise the delivery of affordable housing on the site as follows:

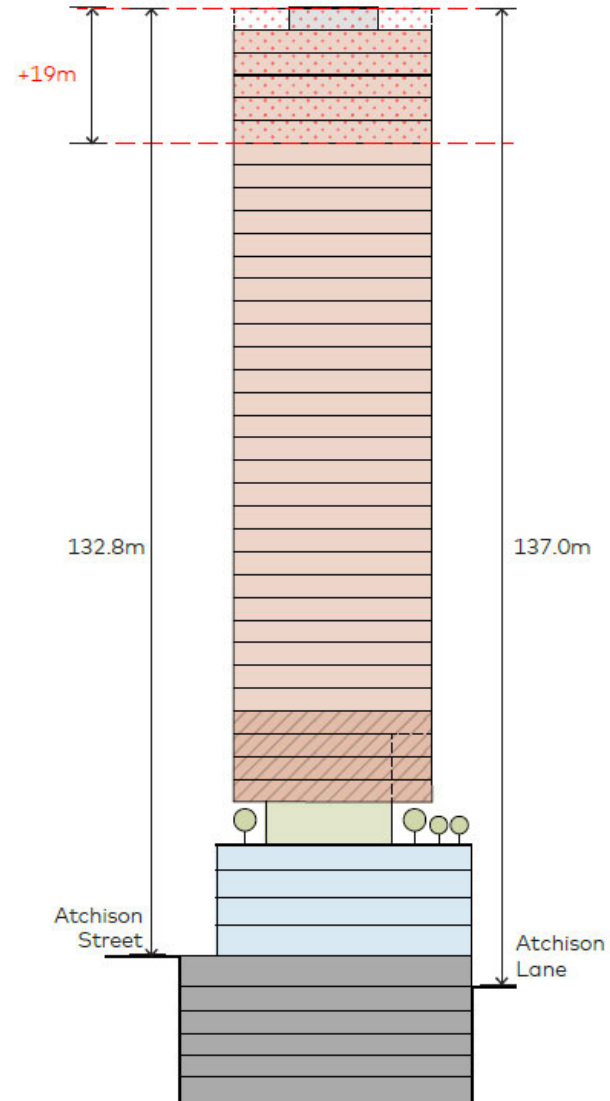
Provision	Option 2 Proposed
Maximum building height	139m (RL227.5)
FSR	13.6:1 (18,706sqm)
Non-residential FSR	3:1 (4,122sqm)
Affordable Housing	10% of total residential floorspace as affordable housing (in perpetuity)

This is an addition of 19m (6 levels) above the current Planning Proposal height of 118m, and 90m above the current North Sydney LEP height of 49m.

This option allows for the contribution of 10% of total residential floor space for affordable housing, in perpetuity.

No change to the non-residential floorspace.

Off-site impact – 5 minutes of additional mid-winter shadow on edge of Hume Street Park which is comparable to the minor impact analysed above and in Cox Design Study for Option 1.



OPTION 2 (CONT.)

Option 2 has an acceptable environmental impact as follows:

- The scheme retains commercial floor space on the site to ensure the ongoing mixed-use nature of the St Leonards mixed use zone.
- The proposed height is consistent with the emerging context and establishes a skyline relationship with 601 Pacific Highway and 617-612 Pacific Highway. The proposal sits comfortably in the context of the cluster of towers in the St Leonards skyline and will achieve a gentle transition in height down to the low-rise residential development to the north consistent with the 2036 Plan objectives.
- The envelope is assessed in accordance with the solar access provisions of the 2036 Plan which seeks to prevent a net increase in overshadowing to a number of existing and proposed public spaces between 10am and 3pm from the March Equinox to the September Equinox (inclusive), as well as to a number of streetscape and residential areas. The increased height results in negligible overshadowing at mid-winter (21 June).
- During the protected times under the 2036 Plan, the shadow is entirely consistent with Option 1 with any additional shadow cast from the increased tower height falling outside of the protected areas. The shadow impact is considered acceptable to achieve a feasible development outcome on this site.
- The proposed height is consistent with the key themes and objectives of the 2036 Plan, and the urban design principles outlined in the Crows Nest TOD Urban Design Report (obtained from the 2036 Plan). Analysis of consistency with the themes and objectives is provided at **Attachment A**.
- The visual effects and view impacts caused by the proposed development are considered to be reasonable and acceptable when considering the area is transitioning to one of increased density and there is a high capacity to absorb the visual changes as part of the emerging SLCN precinct skyline.

OPTION 2 (CONT.)

Control Area	Compliance
Public Open Space: No additional overshadowing between 10am – 3pm	
• Newlands Park	• No additional overshadowing
• Hume Street Park	• No additional overshadowing between 10am – 2:55pm. • Minor additional shadow for 5 minutes over a 5 hour period (1.6% of the protected time) between 2:55pm – 3pm on the southern end of the elevated open space.
• Ernest Place	• No additional overshadowing
• Holterman Reserve (proposed)	• No additional overshadowing

Control Area	Compliance
Residential areas: No additional shadow between 9am – 3pm	
• Residential areas inside boundary (for at least 2 hours)	• At 12pm a very minor level of shadow is cast on the site at 486 Pacific Highway for less than 15minutes, however this is a mixed-use development and receives solar access at other times of the day and maintains compliance.
• Heritage Conservation Areas Inside boundary (for at least 2 hours)	• No additional overshadowing
• Residential outside boundary (for the whole time between 9am and 3pm)	• No additional overshadowing

Control Area	Compliance
Streetscape: No additional shadow between 11:30am – 2:30pm	
• Mitchell Street	• No additional change from the planning proposal and what would be anticipated by the current strategy.
• Oxley Streets	• No additional overshadowing
• Willoughby Road	• No additional overshadowing

Minor additional shadow between 2:55pm – 3pm to Hume Street Park:



PART 3 – CONCLUSION

RECOMMENDATIONS

Thank you for the consideration of this submission in relation to the Crows Nest TOD Explanation of Intended Effects.

Setia are supportive of the NSW Government's initiative to address the housing crisis facing NSW, and are committed to redeveloping the site, subject to the new controls providing a reasonable incentive to do so.

Based on current draft provisions, any redevelopment would be completely unfeasible and results in a reduced density and high cost (with affordable housing) compared with the current planning proposal. If unchanged it would create a significant financial loss for Setia that would not be recoverable.

To avoid 'downzoning' the site and sterilizing its future redevelopment, we have presented two viable options that would enable the site to be developed and achieve the TOD aims.

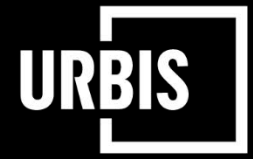
The recommendations of this submission are as follows:

- 1. OPTION 1: Increase the building height to 127.5m (RL218) and FSR of 12.51:1 (including non-residential FSR of 3:1), with a 5% affordable housing contribution (in perpetuity);**

OR

- 2. OPTION 2: Increase the building height to 139m (RL227.5) and FSR to 13.6:1 (including non-residential FSR of 3:1), with a 10% affordable housing contribution (in perpetuity).**

We look forward to the Department's finalisation of the controls and welcome further consultation to discuss this site.

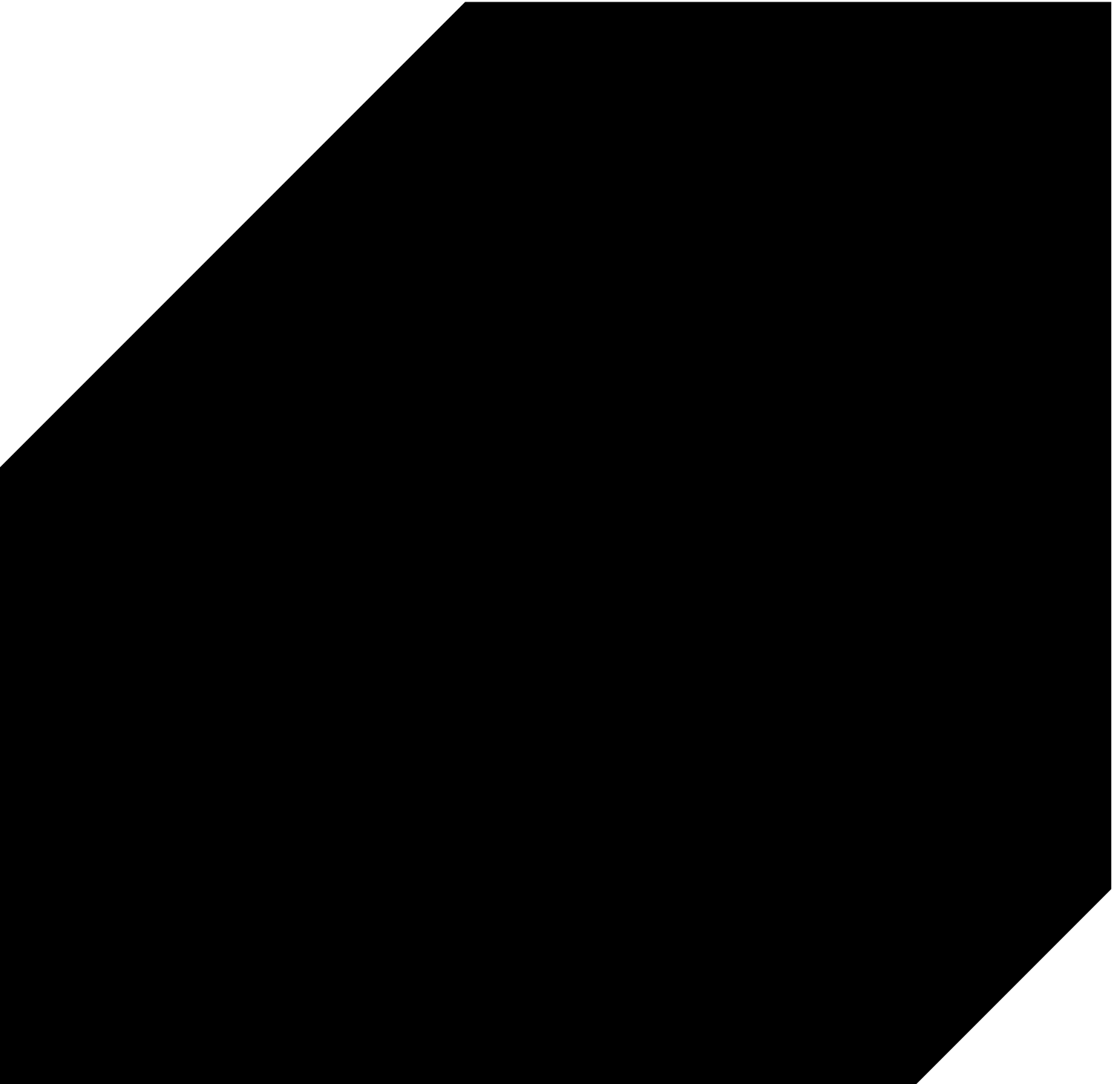


ATTACHMENT A – COX DESIGN STUDY



20-22 Atchison Street St. Leonards

Response to DPHI TOD Crows Nest Accelerated Precinct Rezoning Proposal



Contents

Introduction and Executive Summary	05
Site and Planning Proposal	09
Test option 01 - 5% Affordable Housing	15
Test option 02 - 10% Affordable Housing	23
Urban Design Principles	31
Key Themes and Objectives	41

C O X

**Introduction
and Executive
Summary**

Introduction

The following report outlines SP Setia's, the owners of 20-22 Atchison Street, St. Leonards response to the recently issued NSW Department of Planning, Housing and Infrastructures Crow's Nest Transport Orientated Development (TOD) rezoning proposal.

The planning proposal for the site 22-24 Atchison Street, St Leonards was submitted to North Sydney Council on 18/01/2024.

The planning proposal had gone through a lengthy engagement process with North Sydney Council prior to being approved for lodgement.

Subsequent to the planning proposals lodgement as part of the DPHI TOD rezoning proposal, the said site was amended to reflect the following :

- TOTAL FSR of 11.5 1 (Min Non-residential FSR of 3:1)
- Height limit of 103m (Building height informed by the 'height in storeys' of the 2036 Plan.
- Mandatory Affordable Housing contribution of 10-15 % - to be held in perpetuity and managed by a registered Community Housing Provider (CHP)
- A new temporary State Significant Development (SSD) pathway proposed for residential development that is valued above \$60 million

Executive Summary

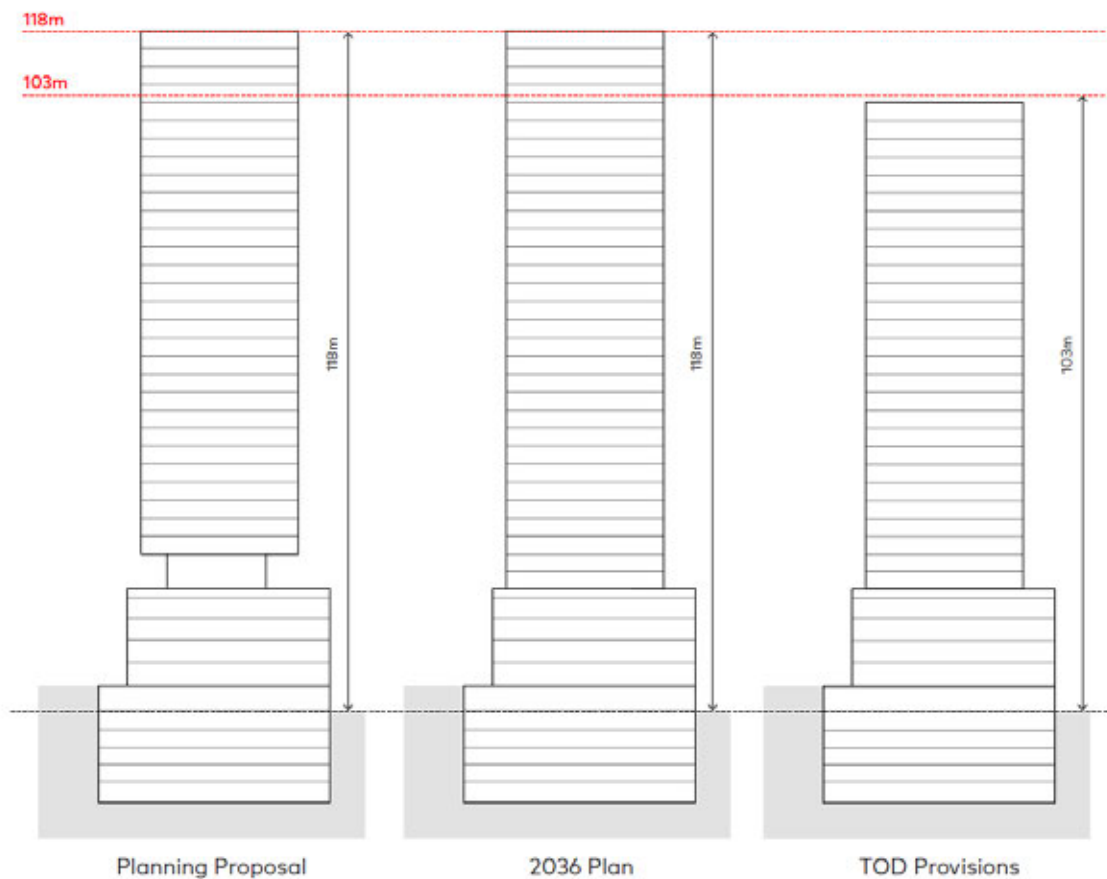
This report has been prepared to demonstrate alternative height, FSR and affordable housing planning provisions for the site that will enable a feasible redevelopment on the site in accordance with the objectives of the TOD program.

This report demonstrates the feasibility of the proposed schemes and is based on the following:

- 127.5m and 139 m Height from Atchison Lane respectively
- Setbacks that are consistent with the TOD draft Design Guide
- 3:1 Non-Residential FSR
- 9.5:1 and 10.6:1 Residential FSR respectively
- 12.5:1 and 13.6:1 Total Proposed FSR respectively
- 5% and 10% Affordable Housing respectively

As indicated in the accompanying analysis the additional height will result in some minor additional overshadowing of Hume Street and the Hume Street Park for approx. 5 minutes between 2:55pm and 3:00pm on the 21st June.

Based on the additional benefit of the provision of affordable housing on the proposed site, this minor non-compliance should be deemed acceptable.



C O X

**Site and Planning
Proposal**

The Site



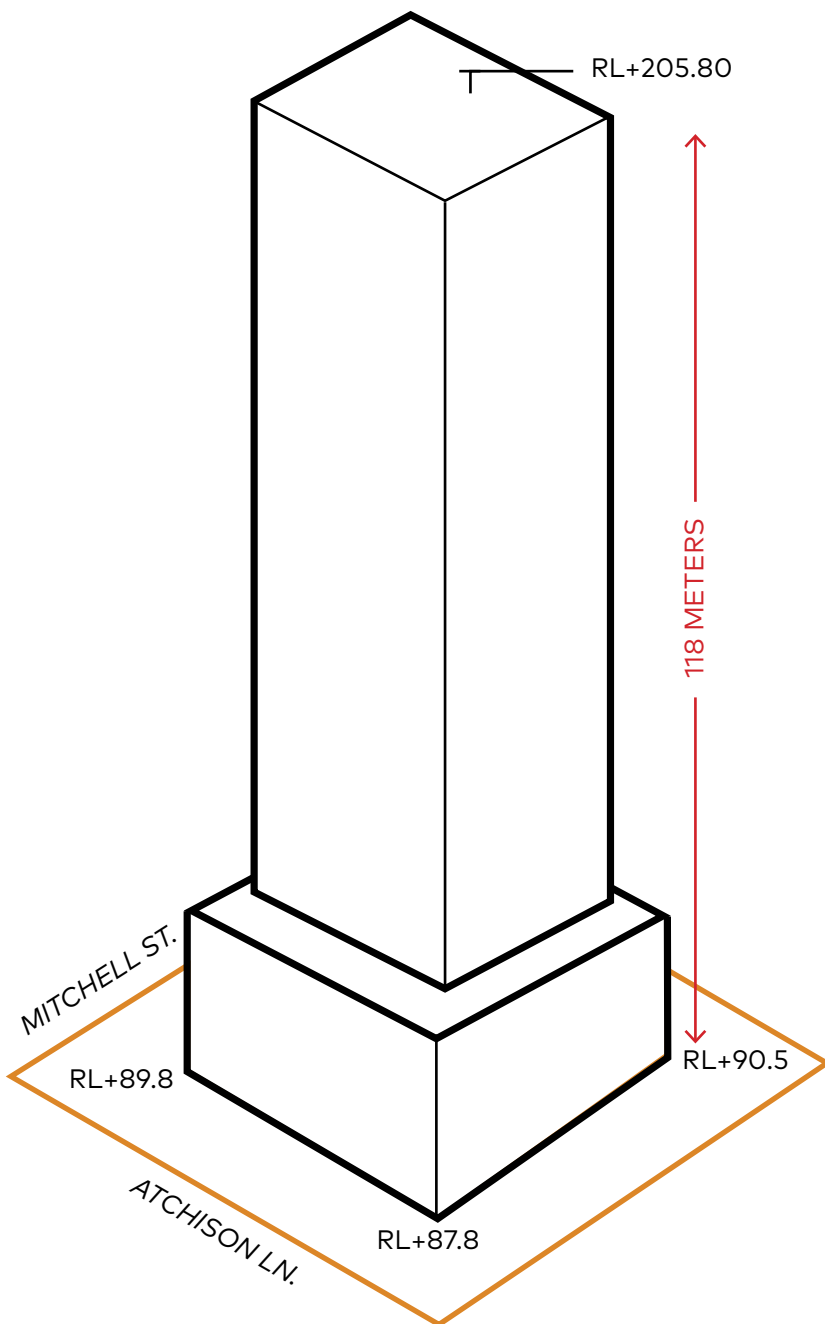
[Aerial Plan view]



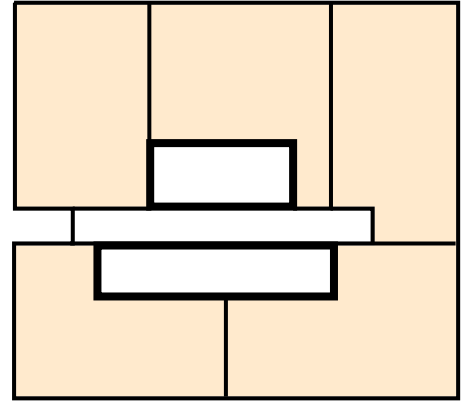
[Aerial view of the site looking West]

Planning Proposal

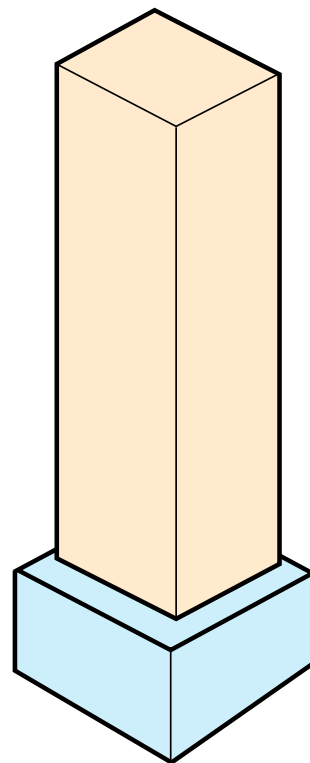
Key metrics of the submitted Planning Proposal (PP1/24)



HEIGHT CONSISTENT WITH 2036 PLAN TO ADDRESS THE DEVELOPMENT AND GROWTH OF THE TOWN CENTRE



TOTAL OF 124 UNITS
18 x 1 BED / 70 x 2 BED / 36 x 3 BED



PROPOSED RESI. FSR = 8.5:1

PROPOSED NON-RESI. FSR = 3:1

TOTAL FSR PROPOSED = 11.5:1

FSR CONSISTENT WITH THE 2036 PLAN

Planning Proposal

Key metrics of the submitted Planning Proposal (PP1/24)

PUBLIC BENEFITS



EMPLOYMENT OPPORTUNITIES

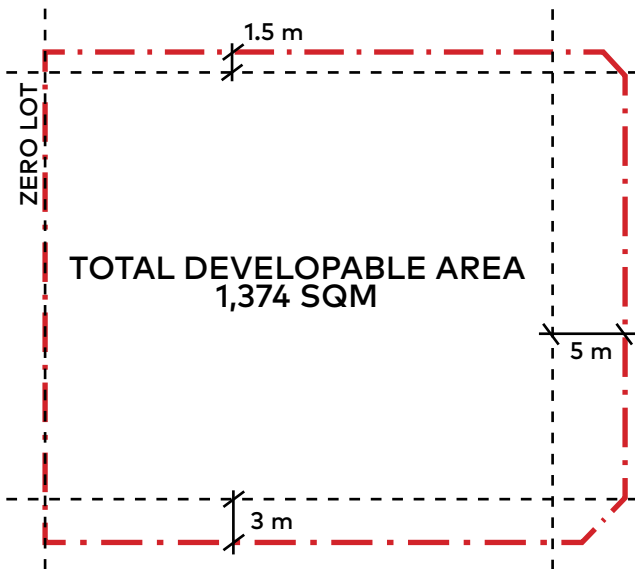


CLOSE PROXIMITY TO PUBLIC TRANSPORT



NEW COMMERCIAL WORKSPACES

SETBACKS ON GROUND PLANE



EXTENSION OF GREEN LINK ON MITCHELL STREET TO PLAZA



WIDENED FOOTPATHS TO ACTIVATE THE STREETS



OPPORTUNITIES TO PROMOTE WALKABILITY



TOTAL GFA PROPOSED
15,799 SQM



RESI. GFA PROPOSED
11,674 SQM



NON RESI. GFA PROPOSED
4,125 SQM

(WITH PROPOSED F&B AND COMMERCIAL PROVISIONS)

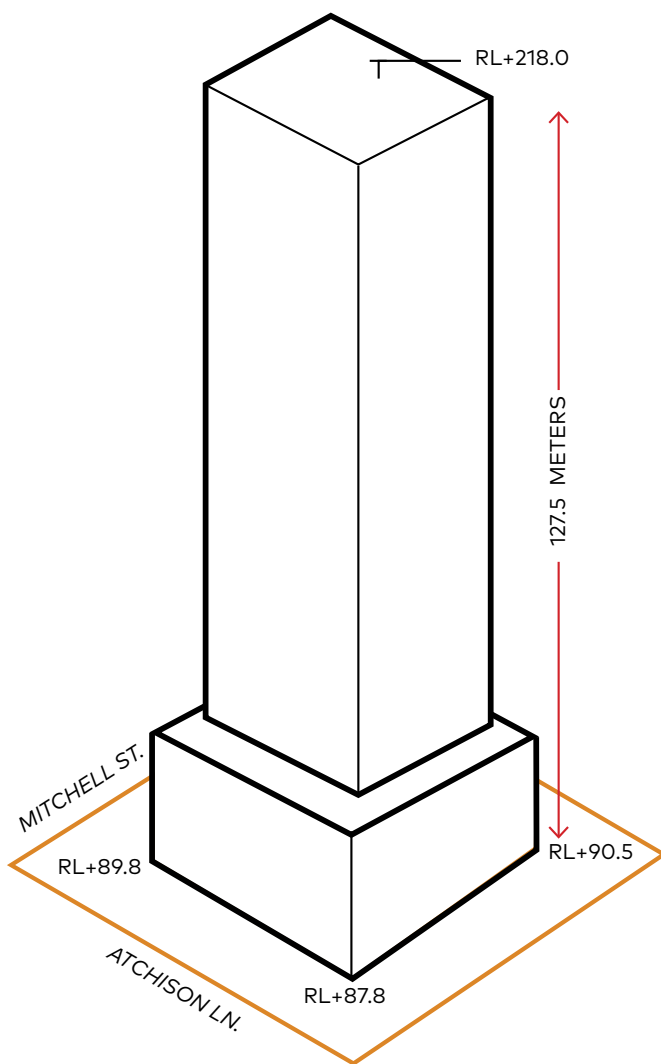
C O X

Test Option 01
5% Affordable
Housing

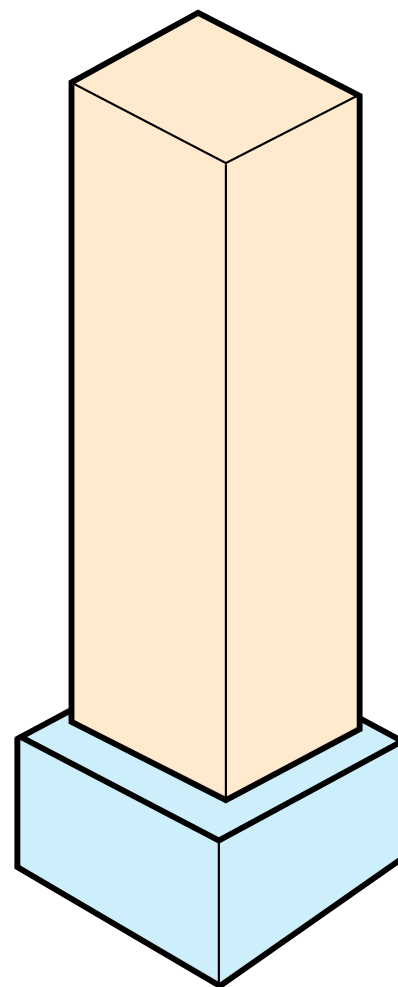
Test Option 01

5% Affordable Housing

Key metrics



Proposed Heights



Proposed FSR

PROPOSED
RESI. FSR
= 9.5:1

PROPOSED
NON-RESI. FSR
= 3:1

TOTAL FSR
PROPOSED
= 12.5:1

Test Option 01

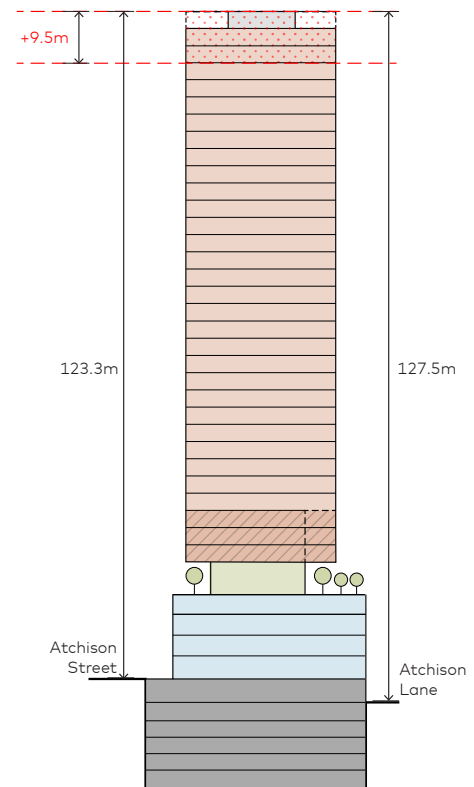
5% Affordable Housing

Key changes

- 5% of total residential floorspace as affordable housing in perpetuity.
- 5% of additional residential floor space based on total GFA
- 9.5 extra metres of building height to allow for extra 3 floors to allow for affordable housing
- No impact on communal open space
- Commercial GFA consistent with the Planning Proposal and existing minimum non-residential FSR contained in the LEP.
- 5 minutes maximum overshadowing impact on Hume Park.
- *Note: The Planning Proposal envelope also results in overshadowing to Mitchell Street streetscape between 12pm-2pm and some residential to south of Pacific Highway.*

GFA & FSR Comparison

	Planning Proposal	Option 01	Difference
Site Area	1,374 sqm	1,374 sqm	No Changes
Commercial GFA	4,122 sqm	4,122 sqm	No Changes
Residential GFA (BTS)	11,679 sqm	12,459 sqm	+780sqm
Residential GFA (AH)	NA	623 sqm	+623sqm
Total GFA	15,801 sqm	17,204 sqm	+1,403 sqm
Commercial FSR	3.0	3.0	No Changes
Residential FSR (BTS)	8.5	9.06	+0.56
Total FSR	11.5	12.51	+1.01
Max height	118 m	127.5 m	+9.5 m

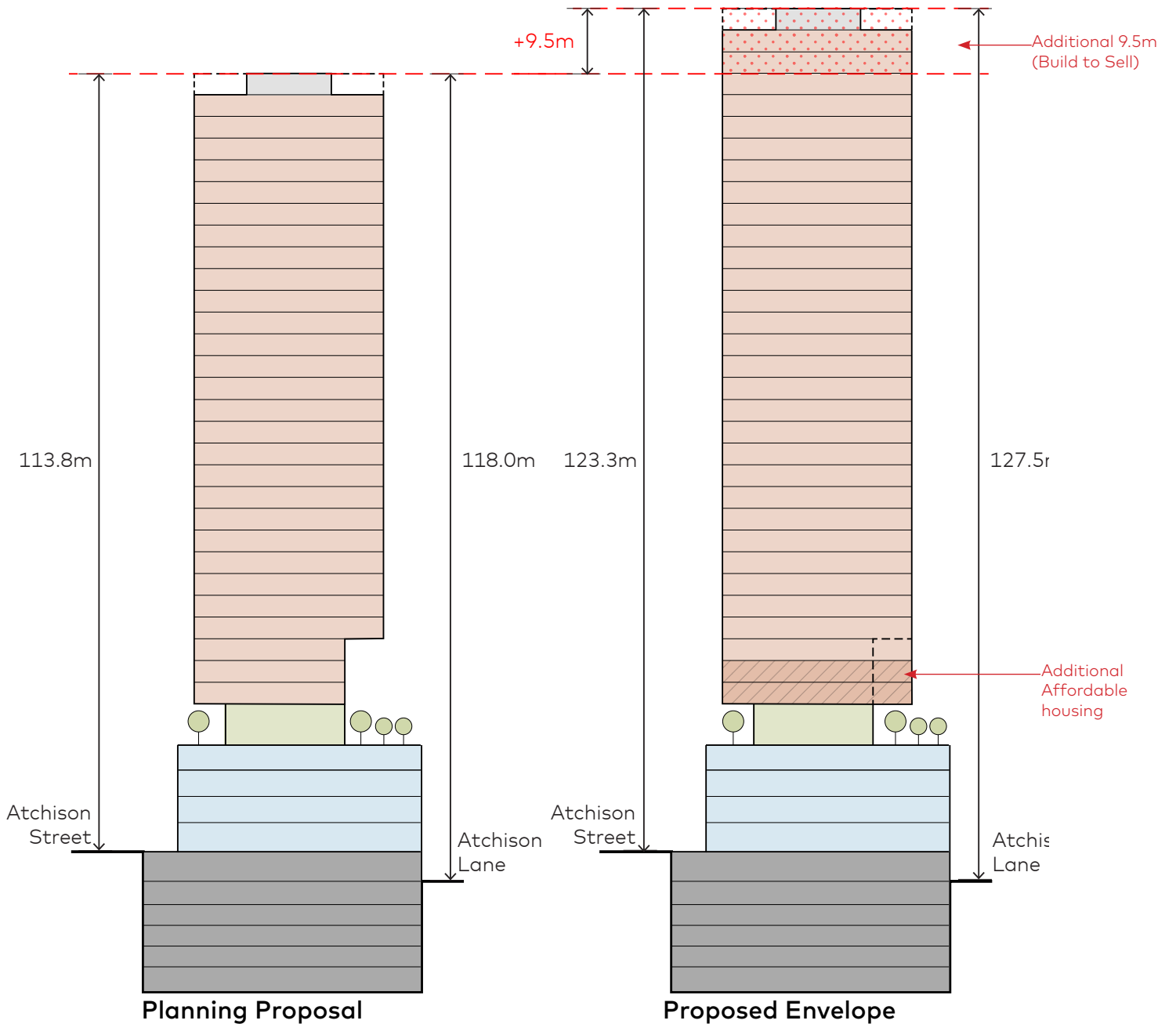


BTS = Build to Sell
 AH = Affordable housing

Test Option 01

5% Affordable Housing

Envelope comparison



Legend

- Height increase
- Residential - BTS
- Residential - AH
- Communal
- Commercial
- Carpark
- Plant

BTS = Build to Sell

AH = Affordable housing

Test Option 01

5% Affordable Housing infill

Additional Overshadowing

Solar Analysis June 21st 9am-3pm



09:00am



10:00am



11:00am



12:00pm



01:00pm



02:00pm



02:45pm



02:55pm



03:00pm

Time range with additional shadow impact

LEGEND



Site



Public Open Spaces



Extent of Shadow Cast



Additional Shadow Contribution



AH + 5% (9.5m) Additional Shadow Contribution



Christie Street Reserve



Newlands Park



Mitchell Street



Hume Street Park - See page 5 for addition impact

Test Option 01

5% Affordable Housing

Additional Overshadowing

Additional Impact -
Control Area **H** - June 21
Hume St Park

2036 Plan

Public Open Space - no additional shadow between 10:00am-3:00pm:

3) Hume St Park

The endorsed 2036 Plan (August 2020) contains solar access provisions which seek to prevent a net increase in overshadowing to a number of existing and proposed public spaces, residential areas and streetscapes.

These controls are reflected within the North Sydney DCP.



02:55pm

Shadow impact

The majority of the extra overshadowing between 2:55pm and 3:00pm occurs over Clarke Street and the roof of the existing childcare centre.

Minimal impact over Hume Park and no impact to adjoining properties.



03:00pm

LEGEND

- Site
- Public Open Spaces
- Extent of Shadow Cast
- Additional Shadow Contribution
- AH + 5% (9.5m) Additional Shadow Contribution

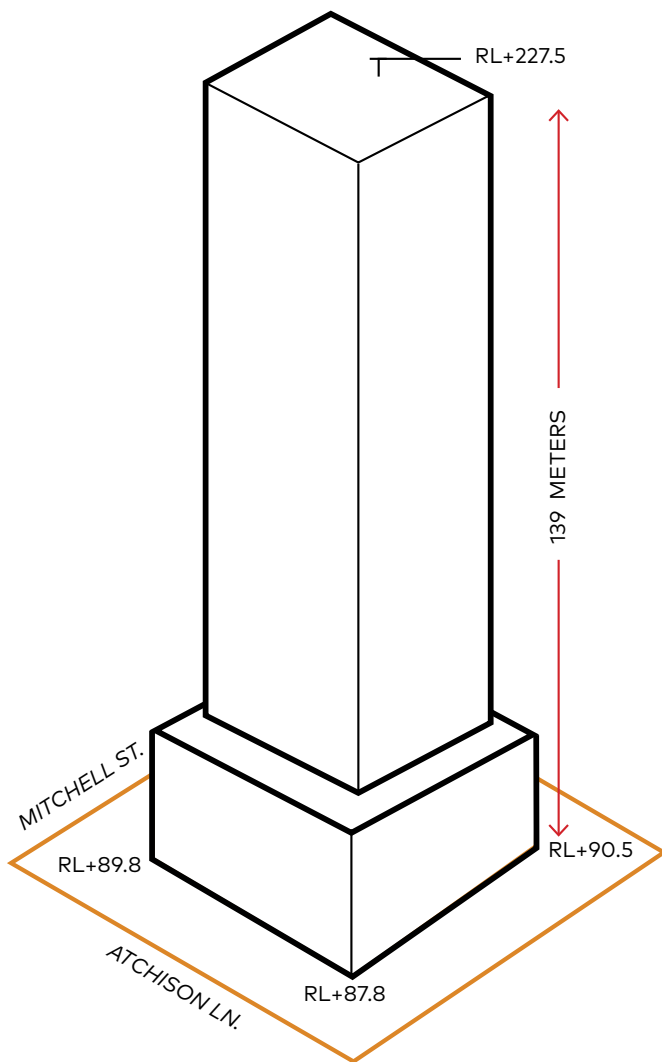
C O X

Test Option 02
10% Affordable
Housing

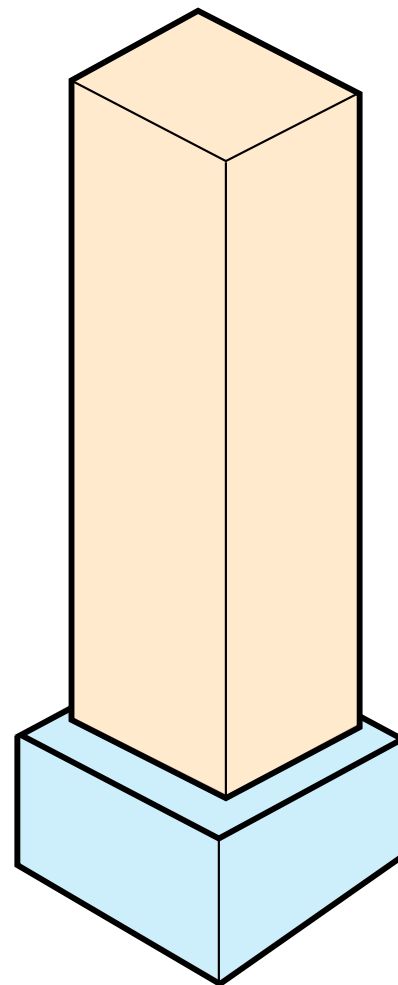
Test Option 02

10% Affordable Housing

Key metrics



Proposed Heights



PROPOSED
RESI. FSR
= 10.6:1

PROPOSED
NON-RESI. FSR
= 3:1

TOTAL FSR
PROPOSED
= 13.6:1

Proposed FSR

Test Option 02

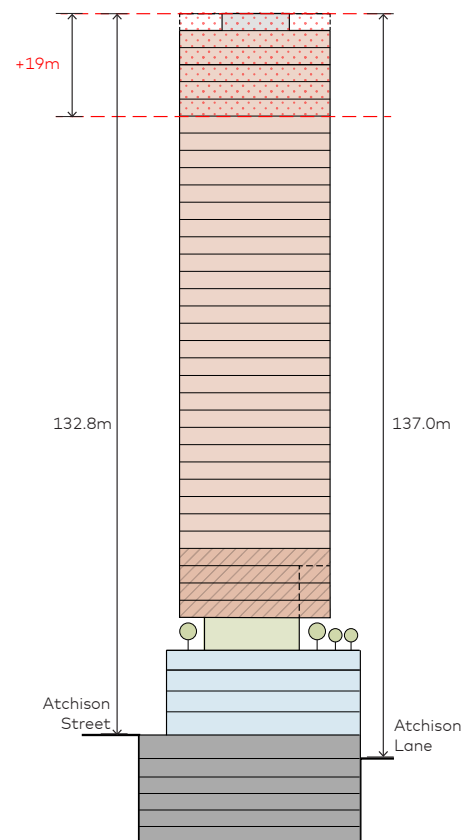
10% Affordable Housing

Key changes

- 10% of total residential floorspace as affordable housing in perpetuity.
- 19 extra metres of building height to allow for extra 6 floors to allow for affordable housing
- No impact on communal open space
- Residential Built to Sell GFA consistent with Planning Proposal
- Commercial GFA consistent with Planning Proposal and existing provision of the North Sydney LEP
- 5 minutes maximum overshadowing impact on Hume Park.
- *Note: The Planning Proposal envelope also results in overshadowing to Mitchell Street streetscape between 12pm-2pm and some residential to south of Pacific Highway.*

GFA & FSR Comparison

	Planning Proposal	Option 02	Difference
Site Area	1,374 sqm	1,374 sqm	No Changes
Commercial GFA	4,122 sqm	4,122 sqm	No Changes
Residential GFA (BTS)	11,679 sqm	13,259 sqm	+1,580 sqm
Residential GFA (AH)	NA	1,325 sqm	+1,325sqm
Total GFA	15,801 sqm	18,706 sqm	+2,905 sqm
Commercial FSR	3.0	3.0	No Changes
Residential FSR (BTS)	8.5	9.65	+1.15
Total FSR	11.5	13.6	+2.1
Max height	118 m	137m	+19 m

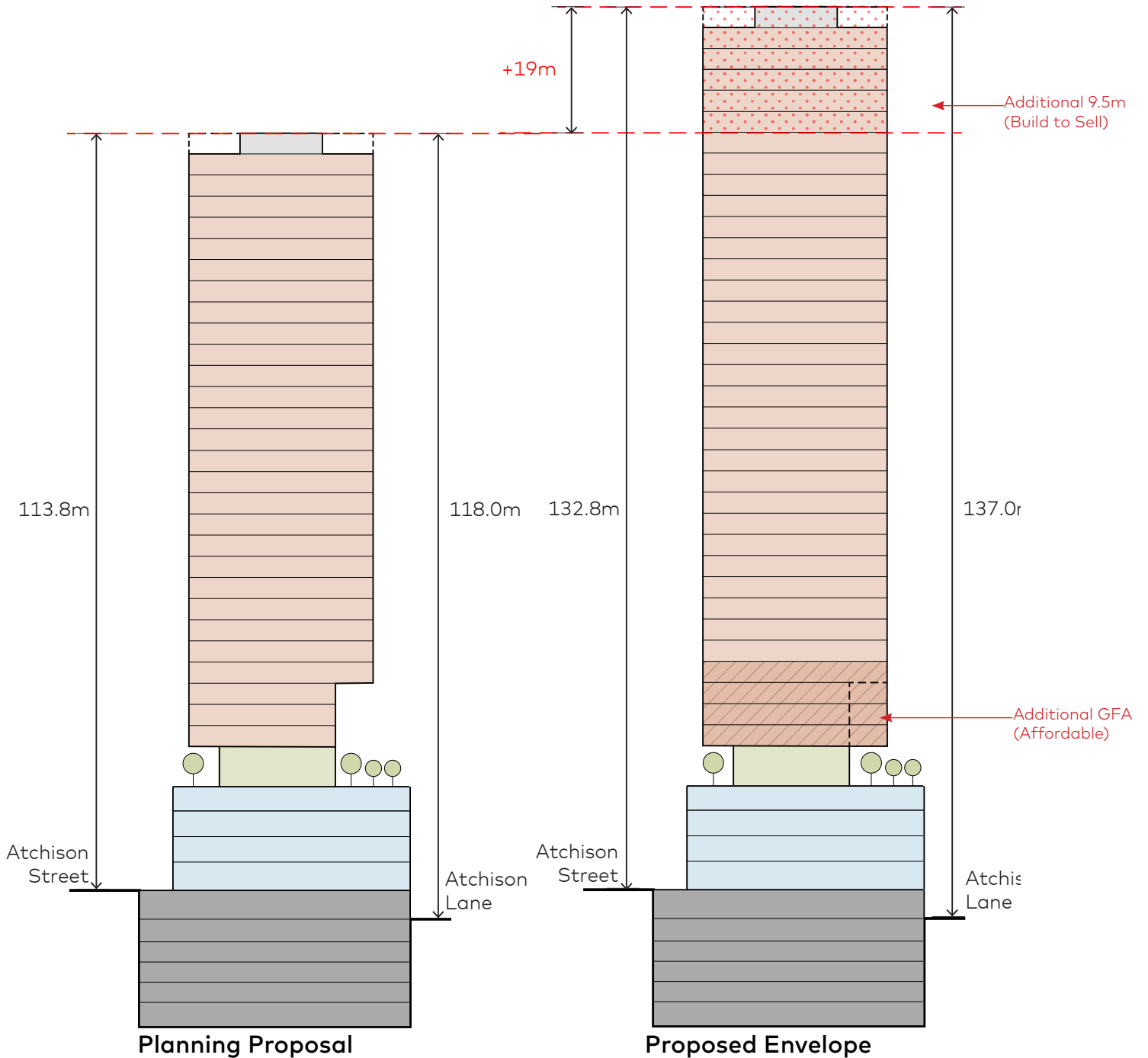


BTS = Build to Sell
 AH = Affordable housing

Test Option 02

10% Affordable Housing

Envelope comparison



Legend

- Height increase
- Residential - BTS
- Residential - AH
- Communal
- Communal
- Commercial
- Carpark
- Plant

BTS = Build to Sell
 AH = Affordable housing

Test Option 02

10% Affordable Housing infill

Additional Overshadowing

Solar Analysis June 21st 9am-3pm



09:00am



10:00am



11:00am



12:00pm



01:00pm



02:00pm



02:45pm








02:55pm




03:00pm

Time range with additional shadow impact

LEGEND

-  Site
-  Public Open Spaces
-  Extent of Shadow Cast
-  Additional Shadow Contribution
-  AH +10% (19m) Additional Shadow Contribution

-  Christie Street Reserve
-  Newlands Park
-  Mitchell Street
-  Hume Street Park - See page 5 for addition impact

Test Option 02

10% Affordable Housing infill

Additional Overshadowing

Additional Impact -
Control Area **H** - June 21
Hume St Park

2036 Plan

Public Open Space - no additional shadow between 10:00am-3:00pm:

3) Hume St Park

The endorsed 2036 Plan (August 2020) contains solar access provisions which seek to prevent a net increase in overshadowing to a number of existing and proposed public spaces, residential areas and streetscapes.

These controls are reflected within the North Sydney DCP.



02:55pm

Shadow impact

The majority of the extra overshadowing between 2:55pm and 3:00pm occurs over Clarke Street and the roof of the existing childcare centre.

Minimal impact over Hume Park and no impact to adjoining properties.



03:00pm

LEGEND

- Site
- Public Open Spaces
- Extent of Shadow Cast
- Additional Shadow Contribution
- AH +10% (19m) Additional Shadow Contribution

C O X

Urban Design
Principles

Urban Design Principles

1. Proximity to Stations

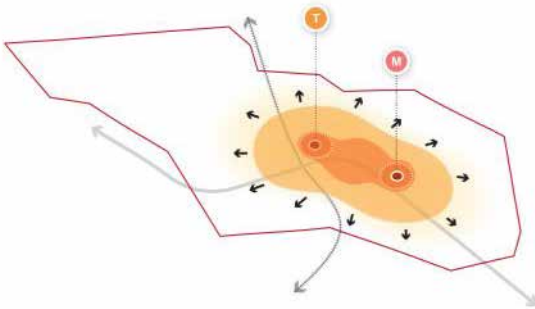
Density located close to transport hubs such as St Leonards Station or Crows Nest Metro.

Taller buildings located within 150-200m of a transport hub and transitions in height to surrounding areas.

The site at 20-22 Atchison Street is located in St Leonards town centre, and within a 400m walking catchment of both the existing St Leonards station and the proposed Crows Nest Metro Station.

The site is well supported by public transport and has access to one of the key open space and public domain elements in St Leonards town centre: Mitchell Street Plaza.

Under the 2036 Plan taller buildings are proposed closer to the transport hubs, transitioning down to the surrounding context. The proposed tower in one of the smaller towers proposed.



Legend

- Suburb Boundaries
- Open Spaces
- Heritage Conservation Area
- Distance From Subject Site
- Radius From Subject Site
- Train Route
- St Leonards Train Station
- Future Crows Nest Metro Station
- Precinct 2
- Subject Amalgamated Sites
- Public Plaza
- Royal North Shore Hospital



Urban Design Principles

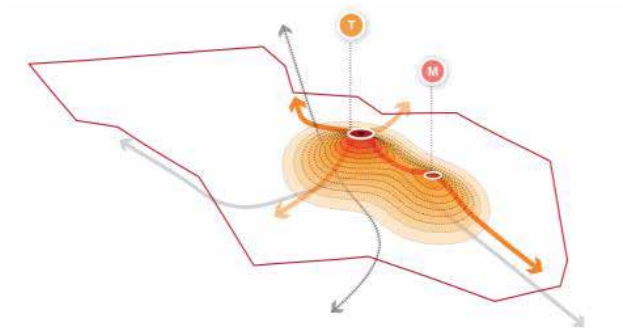
2. Centre and Height Transition

St Leonards is the predominant centre to reinforce its commercial role. Crows Nest as a secondary lifestyle destination.

Large developments are located between the stations and transition in height, bulk and scale from the Pacific Highway to the surrounding neighbourhood.

The high density commercial and mixed use areas are located immediately east of the St Leonard train station. The height of buildings is concentrated around the centre of this area, and transition in height, bulk and scale towards the edge of this zone.

The proposed development is one of a number of taller buildings envisaged under the 2036 plan.



- Height recommendation under the 2036 Plan
- Approved building/ Pending approval
- Proposed height envelope
- Buildings under construction/ Recently completed

Urban Design Principles

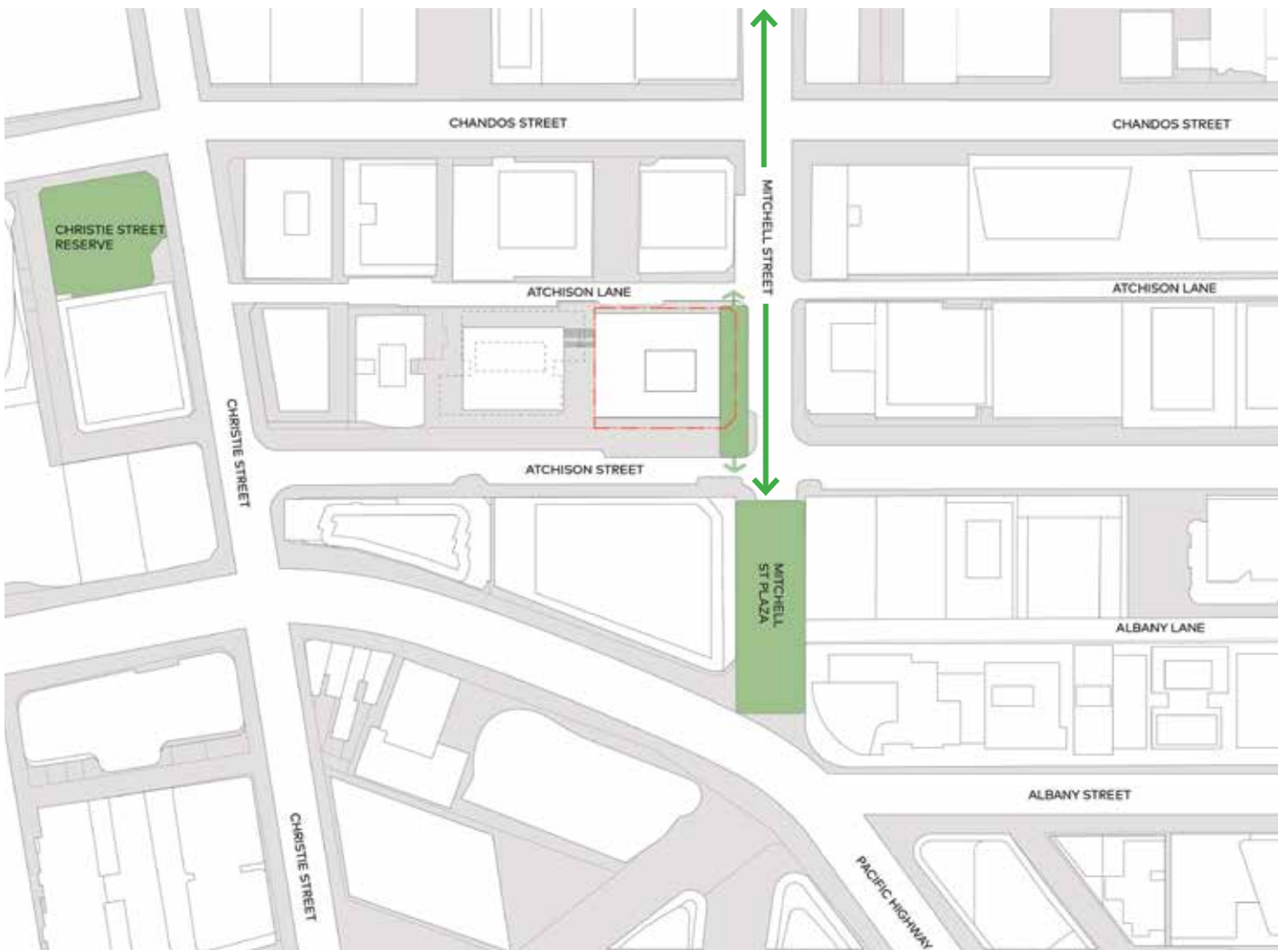
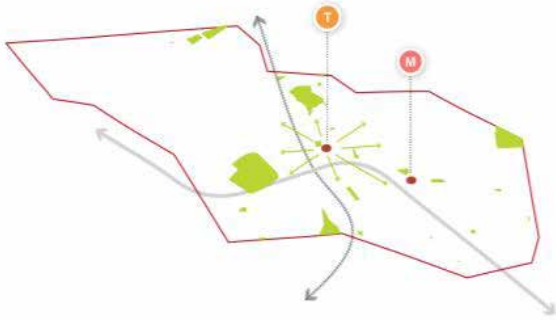
3. Expand Open Space Network and Protect Amenity

Investigate opportunities for additional open space and improvements.

New development does not cause unacceptable overshadowing to any key existing or proposed public open space.

The site forms part of a key section of the Mitchell Street Plaza that is directly adjacent to the site. This public space has undergone upgrades to improve its landscaping offerings.

The site's redevelopment will allow for the further greening of Mitchell Street as envisaged in the DPE's 2036 Plan.



Mitchell St Green Link

Urban Design Principles

4. Respond to Character Areas and Transition between Areas

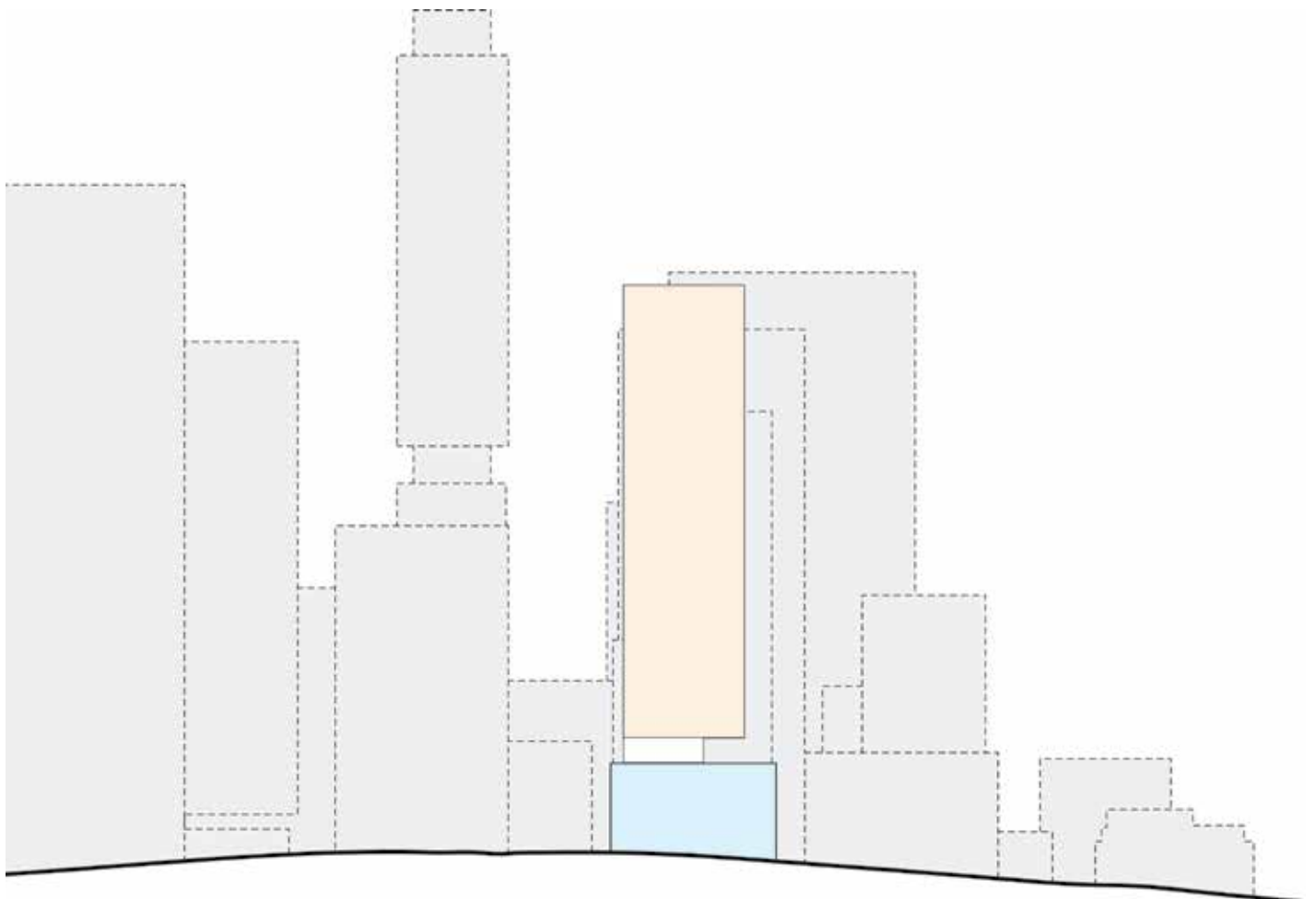
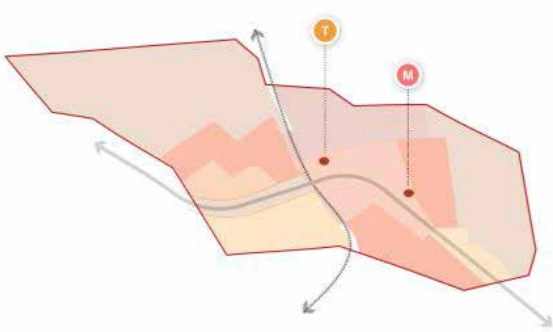
New development responds to built form character including height, bulk and scale as well as existing and proposed uses.

The site sits on the topographical high point of St. Leonards.

Here, the site is best suited for a tall and slender tower that steps down in scale and height from 617-621 Pacific Highway (approved development). It compliments the current and proposed skyline and also creates an iconic form that benefits from its central location.

The podium and tower levels bring a combination of retail, commercial and residential components to 20-22 Atchison Street.

The podium incorporates commercial and active retail uses. Whilst the tower above houses a range of 1, 2 & 3 bedroom apartment types with open air residential amenities.



Scale & Context

Urban Design Principles

5. Fine Grain Approach

New development should consider its relationship to surrounding context and urban grain.

Provide improved accessibility through appropriate frontage treatment and provision of arcades, lane ways and enhanced public domain.

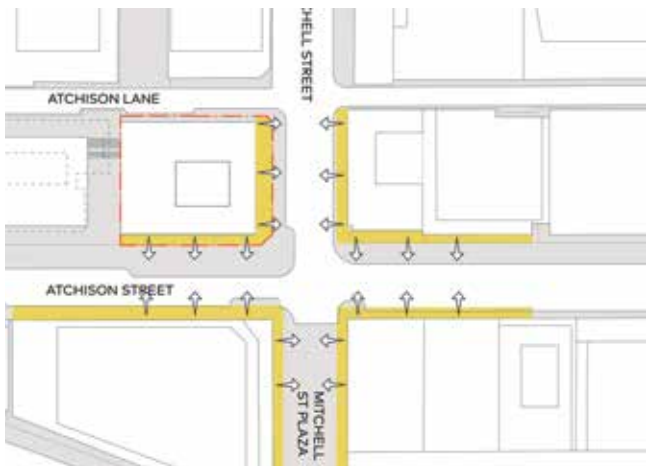


The proposed ground plane will be activated through complimentary uses such as the residential and commercial lobbies and retail opportunities.

The site's redevelopment will allow for an activated podium that strengthens the existing through-site link in addition to creating highly activated, permeable amenity for the precinct.

The podium has been set back along Mitchell Street to provide a wider footpath and greening of the public domain. This is key for to link the future Linear Park to Mitchell Street Plaza to the south.

Setbacks help to ensure that privacy is maintained in all levels while views and outlook are maximised to the North, East and South-East.



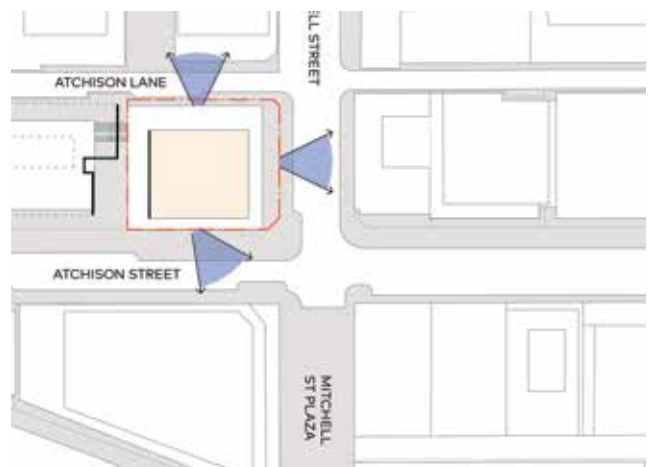
Activated Street Response



Activated Podium Edges



Podium Setback



Privacy

Urban Design Principles

6. Maintain Willoughby Road

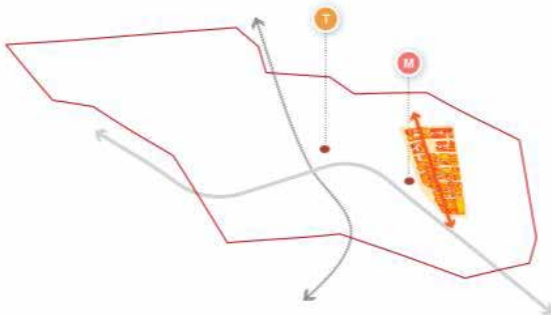
Willoughby Road is important and is to be protected.

New development is to ensure minimal overshadowing and avoid unreasonable visual impact to the public domain.

As part of the 2036 Plan, solar access controls were put in place so that new developments in the area do not produce substantial additional overshadowing during specific hours in mid-winter (21 June).

The following diagram identifies these areas within the context of the proposal.

The additional Solar Diagrams provided in this document demonstrate that the proposed tower options creates no additional overshadowing to Willoughby Rd and minor additional overshadowing (5 minutes) to Clarke Street and Hume Street Park



- Proposed buildings under the 2036 Plan
- Buildings under construction/ Recently completed
- Approved building/ Pending approval
- Parklands
- Site

Urban Design Principles

7. Reduce Impact on Heritage Conservation Areas

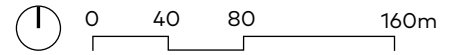
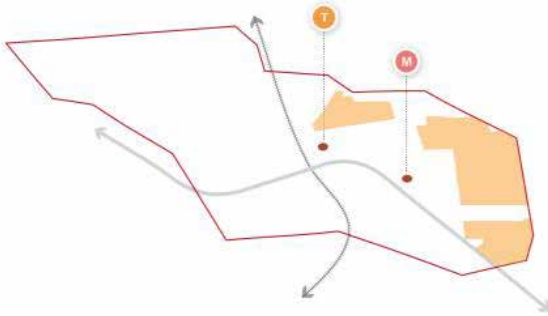
Protection of heritage conservation areas.

Ensure minimal overshadowing and avoid unreasonable visual impact to the public domain or private open spaces of dwellings within these areas.

As part of the 2036 Plan, solar access controls were put in place so that new developments in the area do not produce substantial additional overshadowing during specific hours in mid-winter (21 June).

The following diagram identifies these areas within the context of the proposal.

The additional Solar Diagrams provided in this document demonstrate that the proposed tower options creates no additional overshadowing to the Heritage Conservation Areas.



- | | | | |
|--|--|---|--|
|  | Proposed buildings under the 2036 Plan |  | Buildings under construction/ Recently completed |
|  | Approved building/ Pending approval |  | Parklands |
|  | Site |  | Heritage Conservation Area |

C O X

Key Themes and Objectives

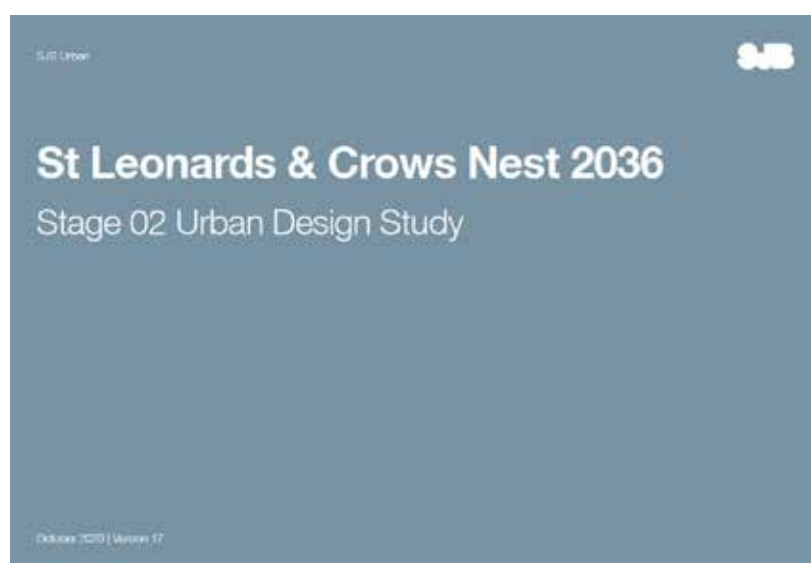
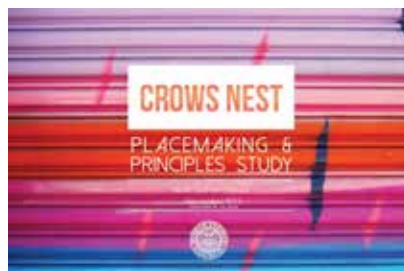
Key Themes and Objectives

1. Land-use:

"Protect and strengthen the area`s commercial role supported by complementary uses to capitalise on the close proximity to stations. Leverage world-class health and education uses to provide opportunities for training and employment growth into the future. Expand residential opportunities through mixed-use development ensuring long-term activation across the precinct."

The Test Option:

- Create an appropriate balance of both residential and non-residential uses, while intensifying development around public transport.
- Provides affordable housing in line with the TOD Program and Housing Accord objectives
- Allows for commercial activity in the mixed-use core between the stations
- The proposed development is surrounded by local shops, services, public transport, community infrastructure and open space.
- Ensures the precinct can grow with community needs



Key Themes and Objectives

2. Built Form:

"Preserve, strengthen and enhance the existing diverse character areas and design, and plan for optimal built form outcomes. Height and density should be appropriate within the immediate context, emphasising key locations such as the stations whilst also protecting public spaces through solar access controls."

The Test Option :

- Promote diverse housing typologies by including affordable housing and build to sell housing.
- Both options have been designed to maximise amenity to the residents while minimising any additional impacts to the public domain.
- Connecting with Country framework will be incorporated in the next phase of the development.



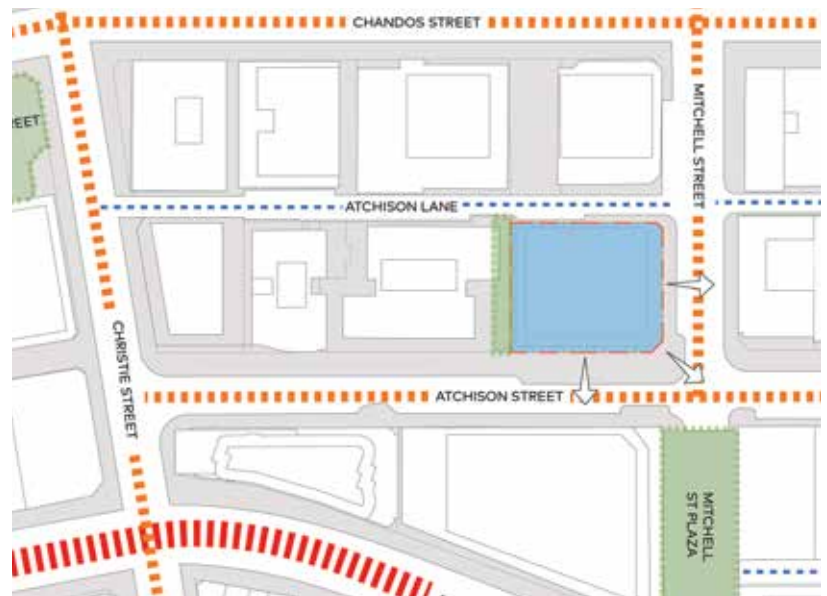
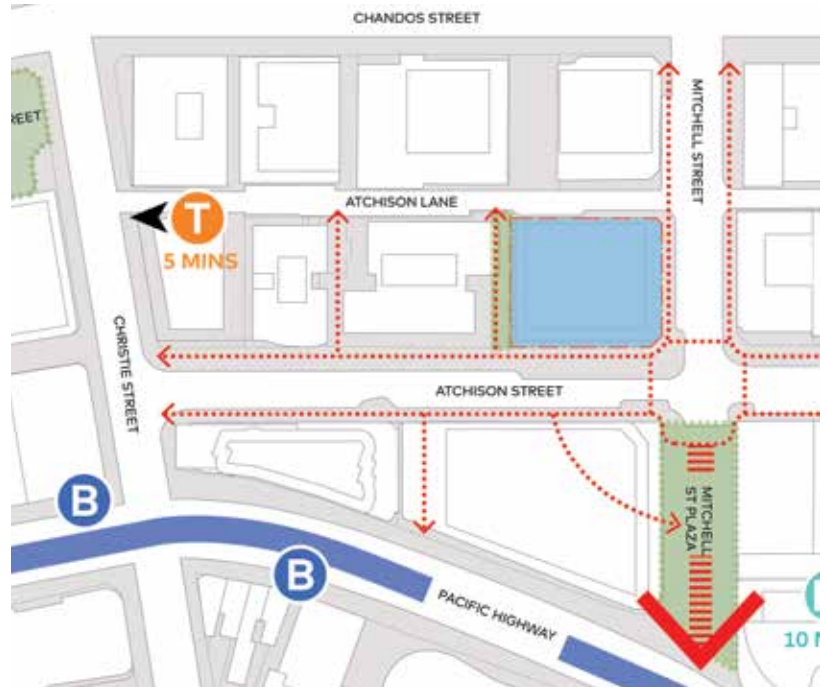
Key Themes and Objectives

3. Movement:

“Capitalise on the opportunity to improve movement and access towards transport-orientated development while prioritising pedestrian safety, considering the close proximity to both St Leonards station and Crows Nest metro Station. Mitigate conflicts between different modes of transport and create new connections between core areas.”

The Test Option:

- The proposed options reinforce the current street hierarchy and caters to pedestrian, cyclists and vehicles.
- Proposed podium setbacks promote legibility and improves key sightlines and corridors.
- Future development phases will utilise movement networks as a storey telling device.



Key Themes and Objectives

4. Environment:

“Create a network of new and existing useable, public open spaces which prioritise walking, cycling, and access to transport to promote a healthier urban environment and encourage social interaction. Ensure public streets are safer and more enjoyable places to be by improving safety and accessibility and ensure a diversity of spaces are delivered that cater to varying needs.”

The Test Option:

- The proposed options help knit together the network of streets, civic spaces and open spaces through the expanded green link along Mitchell St.
- Maximises tree canopy along Mitchell St, and encourages local biodiversity through the introduction of roof gardens and communal open space..
- Protects solar access and amenity to keep public spaces through minimising additional overshadowing to five minutes on the 21st June..



C O X



From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Tuesday, 27 August 2024 12:56:14 PM
Attachments: [reduction-in-well-being-of-owner.docx](#)

Submitted on Tue, 27/08/2024 - 12:55

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

██████████

Last name

██████████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

Crows Nest 2065

Please provide your view on the project

I object to it

Submission file

[reduction-in-well-being-of-owner.docx](#) (13.96 KB)

Submission

Reduction in well being of owner/residents currently continuing to significantly invest in unanticipated remedial and rectification works on defects, water ingress, cladding (NSW ban)

Significant reduction in light and introduction of afternoon shading for Panorama west facing units

Loss of privacy for west facing units in Panorama that will be directly facing into proposed new dwellings and for all eastern side of new developments dwellings .

Loss of views in 51 west facing units in 220 Pacific Highway

Pedestrian hazard and safety for primary and high school aged student minors from North

Sydney Girls HS and Cammeraygal High School

Impediments to parking and access affecting Mater Hospital and the MIA, existing Sinclair street residents and guests

Traffic congestion along Sinclair and from Bruce to Pacific Highway Northbound and from Rocklands Road to the Pacific Highway Northbound and Southbound

Increased noise and emissions from rooftop services such as ventilation and heating equipment in addition to the current noise levels generated by Mater Hospital And the Melanoma Institute of Australia (MIA) facilities

Impact to the tree canopy cover on Sinclair street

Loss of maintaining the integrity of the historic skyline Panorama has offered visible from many areas

Loss of retention of area specific appearance and heritage

Lack of light and shading in all eastern facing units in new dwellings built on the 8 store sites in Bruce Street

Impact on existing town services such as sewage, waste, water, electrical sub stations etc

I agree to the above statement

Yes

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Sunday, 28 July 2024 3:23:48 PM
Attachments: [tod-crows-nest.pdf](#)

Submitted on Sun, 28/07/2024 - 15:22

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

████████

Last name

████████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

████████████████████

Suburb/Town & Postcode

Greenwich 2065

Please provide your view on the project

I am just providing comments

Submission file

[tod-crows-nest.pdf](#) (136.99 KB)

Submission

Please see file

I agree to the above statement

Yes

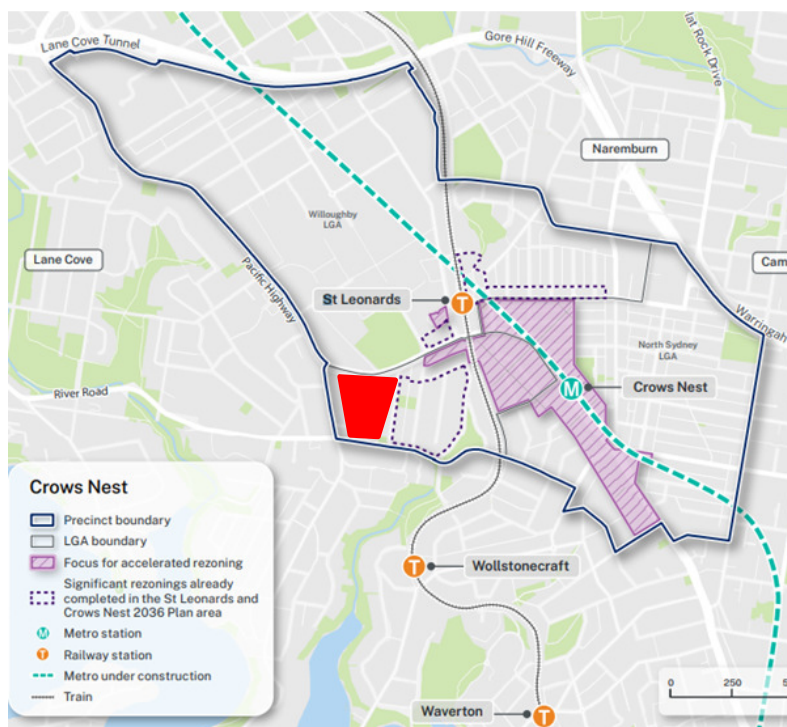
Crows Nest TOD rezoning proposal

I believe the objective of delivering 3,225 new homes is insufficient for the area. A greater number of homes could be achieved by rezoning the area in red on the map below.

The area includes Park Rd, Park Lane, Portview Road, Anglo Lane and Anglo Road. This area is bordered by the Pacific Highway to the North, River Road to the South, the rezoned land to the East, and Greenwich Road to the West.

The area is supported by 2 hospitals (RNSH and Mater), 2 rail options (St Leonards Train and Crows Nest Metro), 2 arterial roads (Pacific Highway and River Road), 2 green spaces (Gore Hill Oval and Newlands Park), 2 schools (Bradfield Senior College and the International Chinese School).

The majority of the residents are agreeable to the rezoning and it would enable the Lane Cove Council to be a leader in alleviating the shortage of homes.



From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Thursday, 29 August 2024 1:29:41 PM
Attachments: [crows-nest-submission.pdf](#)

Submitted on Thu, 29/08/2024 - 13:29

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

██████████

Last name

██████████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

██████████

Suburb/Town & Postcode

Crows Nest NSW 2065

Please provide your view on the project

I object to it

Submission file

[crows-nest-submission.pdf](#) (97.93 KB)

Submission

Crows Nest TOD Submission

We, owners and residents in ██████████ Crows Nest strongly object to the Crows Nest Transport Orientated Development Rezoning proposal as we believe it goes well beyond the North Sydney Council local planning requirements, and if approved would have a detrimental effect on all existing residents in the area.

Reasons:

Excessive density as evident in the proposed built form. ...

Lack of information on total floor space, and populations employment and residents

Lack of open space commensurate with population.
Negative impact on the amenity of the neighbourhood.
The change from human scale streets to windswept streets as evident in the existing development
Impact on residents of 220 Pacific Highway
Reduction in well-being of owner/residents currently continuing to significantly invest in unanticipated remedial and rectification works on defects, water ingress, cladding (NSW ban)
Significant reduction in light and introduction of afternoon shading for Panorama west facing units
Loss of privacy for west facing units in Panorama directly facing into proposed new dwellings
Loss of privacy for all eastern facing units in new developments dwellings.
Loss of views for 47-51 west facing units in 220 Pacific Highway
Lack of light and shading in units of new dwellings built on the 8 storey sites in Bruce Street
Issues for Precinct
Pedestrian hazard and safety for primary and high school aged student minors from North Sydney Girls HS and Cammeraygal High School
Impediments to parking and access affecting Mater Hospital and the MIA, existing Sinclair Street residents and guests
Traffic congestion along Sinclair, from Bruce St to Pacific Highway Northbound and from Rocklands Road to the Pacific Highway Northbound and Southbound
Increased noise and emissions from rooftop services such as ventilation and heating equipment in addition to the current noise levels generated by Mater Hospital and the Melanoma Institute of Australia (MIA) facilities
Loss of the tree canopy on Sinclair Street
Failure to provide 2.83 hectares of open space per 1000 population which is an established benchmark that should apply to St. Leonards and Crows Nest
Loss of maintaining the integrity of the historic skyline Panorama historically visible from many areas
Negative impact on adjacent local character and heritage because of the scale of the proposal
Impact on existing town services such as sewage, waste, water, electrical sub stations etc
16. There should be no additional density (FSR) for site 238-242 Pacific Highway, 1 Bruce Street Crows Nest and 1 Bruce Street, given the excessive density in the precinct. The pocket park can be delivered through a Voluntary Planning Agreement (VPA) from the development sites.

Background

220 Pacific Highway Crow's Nest. (Panorama Residences)

Class 2; 17 story high rise; refurbished hotel; developer Barana Group & builder Probuild Corp (liquidated 2022)

160 units; occupied 2013 as Strata; situated behind residences at 19-41 Sinclair Street; 82 units west facing; 51 units on floors 1-7

Panorama Residences have suffered from two unexpected and uncontrollable events:

- Collapse of the builder, Probuild, leaving a massive liability for unresolved defects
- NSW retroactive ban on cladding and requirement for replacement

Probuild liquidation left unaddressed construction defects; 2019 investigations identified non-compliant external. Current OC remediation costs for defects, water damage and cladding are being borne by all unit owners via special levies to-date of \$5.5million

The owners are, in effect, continuing the purchase of their units while facing property value losses due to the Crows Nest Transport Orientated Development Rezoning proposal

in terms of the loss of amenity of the precinct and in terms of the direct impact on harbour views and outlook resulting from the proposals for Sinclair Street. The rezoning proposal goes well beyond the North Sydney Councils, local planning requirements, and if approved would have a detrimental impact on the quality of life for all existing residents in the area and will have a negative impact on the value of apartments in the area

Issues

The proposal overrides and exceeds the LEP controls of North Sydney, Lane Cove, and Willoughby Councils.

The current proposed development of the NSW State Government does not adequately consider liveability. The actual mass and form of development in such a small area is a false interpretation of a TOD and does not enable reasonable amenity for either existing residents or proposed residents. There is inadequate separation of buildings, lack of green space, tree canopy, deep soil and walkable streets. There is insufficient recreation facilities and services.

The existing Townhouses on Sinclair Street are located at a lower level than Pacific Highway, therefore the majority of the apartments in 220 Pacific Highway currently have district views.

The rezoning and proposal to allow 8 storey development of the Townhouse site will result in the loss of harbour and district views for 50% of western facing units in Panorama. It will result in a substantial number of apartments losing their outlook, with a detrimental effect on property values.

Additionally, if the eastern side of Sinclair semi-detached dwellings (25-35) are redeveloped into a high-rise sites, they will obstruct additional views, and therefore more apartments in Panorama Residences and adjoining highway residences will be adversely impacted.

Sinclair Street is at the very boundary of the proposed rezoning and therefore at the furthest point from stations, would have significant view affection if rezoning of that street is approved, and would significantly alter the character of Sinclair Street and the existing tree canopy. There is an imbalance in Crow's Nest. At the proposed density the built form is unsustainable and the actual and perceived density excessive.

Sinclair Street already has higher density housing forms in the form of townhouses and should not be rezoned but be retained to contribute to the housing mix and to preserve the existing character of Sinclair Street.

Crows Nest is known as high density 'Bedroom Suburbs'. Best practice residential development should be located away from major traffic arteries, on a complex fine grain street network with a diverse mix of uses, walkable and adequate open space. The lack of accessible open space will reduce the potential range of demographics that can live in the towers.

Much of Sydney's open space is in the gullies, the transport is on the ridges. Locating excessive densities around transport nodes does not reflect the intent of TODs and will not produce a liveable city.

Cumulative & Community Development Impact

The simultaneous approval of multiple developments in North Sydney, Crows Nest, and St Leonards is causing severe congestion, frequent road closures, and prolonged construction

disturbances. There appears to be a lack of coordination between Councils and State Government in managing these impacts.

The NSW State Government has not conducted adequate research to assess the adverse impacts on our community. Despite widespread opposition from residents, the government is prepared to unilaterally impose this proposal, disregarding local sentiment and the potential negative consequences

Given the significant increase in residents in the last 4 years and the majority of proposals planned for the west side of the Pacific Highway pedestrians have not been taken into account. Higher density and walkability are the keystone of TOD development but the proposed building form, overshadowed windswept streets, lack of open space do not comply with the stated priority for pedestrians in 2036 plan.

Traffic Congestion & Insufficient Traffic Analysis

The most recent comprehensive vehicular traffic study for the area dates back to 2013, failing to account for current congestion levels

No new developments for the area should be approved by the NSW State Government or Councils until such time as a detailed study is undertaken by the State Government concerning the current vehicular traffic congestion, traffic flows, construction congestion and parking. The Pacific Highway and side streets in this area are currently extremely congested at peak times with insufficient access to and from existing developments.

Insufficient green space

Crows Nest is lacking in green space, overall nature, public amenities and recreational precincts, particularly when compared to most of its neighbouring suburbs. Our residents have to live in the area and put up with all the developments approved by the State Government and Councils, with some that go totally against local planning and residents' values and wishes and do not represent best practice higher density development.

I agree to the above statement

Yes

Crows Nest TOD Submission

We, owners and residents in [REDACTED] Crows Nest strongly object to the Crows Nest Transport Orientated Development Rezoning proposal as we believe it goes well beyond the North Sydney Council local planning requirements, and if approved would have a detrimental effect on all existing residents in the area.

Reasons:

- Excessive density as evident in the proposed built form. ...
- Lack of information on total floor space, and populations employment and residents
- Lack of open space commensurate with population.
- Negative impact on the amenity of the neighbourhood.
- The change from human scale streets to windswept streets as evident in the existing development

Impact on residents of 220 Pacific Highway

1. Reduction in well-being of owner/residents currently continuing to significantly invest in unanticipated remedial and rectification works on defects, water ingress, cladding (NSW ban)
2. Significant reduction in light and introduction of afternoon shading for Panorama west facing units
3. Loss of privacy for west facing units in Panorama directly facing into proposed new dwellings
4. Loss of privacy for all eastern facing units in new developments dwellings.
5. Loss of views for 47-51 west facing units in 220 Pacific Highway
6. Lack of light and shading in units of new dwellings built on the 8 storey sites in Bruce Street

Issues for Precinct

7. Pedestrian hazard and safety for primary and high school aged student minors from North Sydney Girls HS and Cammeraygal High School
8. Impediments to parking and access affecting Mater Hospital and the MIA, existing Sinclair Street residents and guests
9. Traffic congestion along Sinclair, from Bruce St to Pacific Highway Northbound and from Rocklands Road to the Pacific Highway Northbound and Southbound
10. Increased noise and emissions from rooftop services such as ventilation and heating equipment in addition to the current noise levels generated by Mater Hospital and the Melanoma Institute of Australia (MIA) facilities
11. Loss of the tree canopy on Sinclair Street
12. Failure to provide 2.83 hectares of of open space per 1000 population which is an established benchmark that should apply to St. Leonards and Crows Nest
13. Loss of maintaining the integrity of the historic skyline Panorama historically visible from many areas
14. Negative impact on adjacent local character and heritage because of the scale of the proposal
15. Impact on existing town services such as sewage, waste, water, electrical sub stations etc

16. There should be no additional density (FSR) for site 238-242 Pacific Highway, 1 Bruce Street Crows Nest and 1 Bruce Street, given the excessive density in the precinct. The pocket park can be delivered through a Voluntary Planning Agreement (VPA) from the development sites.

Background

220 Pacific Highway Crow's Nest. (Panorama Residences)

Class 2; 17 story high rise; refurbished hotel; developer Barana Group & builder Probuild Corp (liquidated 2022)

160 units; occupied 2013 as Strata; situated behind residences at 19-41 Sinclair Street; 82 units west facing; 51 units on floors 1-7

Panorama Residences have suffered from two unexpected and uncontrollable events:

-Collapse of the builder, Probuild, leaving a massive liability for unresolved defects

-NSW retroactive ban on cladding and requirement for replacement

Probuild liquidation left unaddressed construction defects; 2019 investigations identified non-compliant external. Current OC remediation costs for defects, water damage and cladding are being borne by all unit owners via special levies to-date of \$5.5million

The owners are, in effect, continuing the purchase of their units while facing property value losses due to the Crows Nest Transport Orientated Development Rezoning proposal in terms of the loss of amenity of the precinct and in terms of the direct impact on harbour views and outlook resulting from the proposals for Sinclair Street. The rezoning proposal goes well beyond the North Sydney Councils, local planning requirements, and if approved would have a detrimental impact on the quality of life for all existing residents in the area and will have a negative impact on the value of apartments in the area

Issues

The proposal overrides and exceeds the LEP controls of North Sydney, Lane Cove, and Willoughby Councils.

The current proposed development of the NSW State Government does not adequately consider liveability. The actual mass and form of development in such a small area is a false interpretation of a TOD and does not enable reasonable amenity for either existing residents or proposed residents. There is inadequate separation of buildings, lack of green space, tree canopy, deep soil and walkable streets. There is insufficient recreation facilities and services.

The existing Townhouses on Sinclair Street are located at a lower level than Pacific Highway, therefore the majority of the apartments in 220 Pacific Highway currently have district views.

The rezoning and proposal to allow 8 storey development of the Townhouse site will result in the loss of harbour and district views for 50% of western facing units in Panorama. It will result in a substantial number of apartments losing their outlook, with a detrimental effect on property values.

Additionally, if the eastern side of Sinclair semi-detached dwellings (25-35) are redeveloped into a high-rise sites, they will obstruct additional views, and therefore more apartments in Panorama Residences and adjoining highway residences will be adversely impacted.

Sinclair Street is at the very boundary of the proposed rezoning and therefore at the furthest point from stations, would have significant view affection if rezoning of that street

is approved, and would significantly alter the character of Sinclair Street and the existing tree canopy. **There is an imbalance in Crow's Nest. At the proposed density the built form is unsustainable and the actual and perceived density excessive.**

Sinclair Street already has higher density housing forms in the form of townhouses and should not be rezoned but be retained to contribute to the housing mix and to preserve the existing character of Sinclair Street.

Crows Nest is known as high density 'Bedroom Suburbs'. Best practice residential development should be located away from major traffic arteries, on a complex fine grain street network with a diverse mix of uses, walkable and adequate open space. The lack of accessible open space will reduce the potential range of demographics that can live in the towers.

Much of Sydney's open space is in the gullies, the transport is on the ridges. Locating excessive densities around transport nodes does not reflect the intent of TODs and will not produce a liveable city.

Cumulative & Community Development Impact

The simultaneous approval of multiple developments in North Sydney, Crows Nest, and St Leonards is causing severe congestion, frequent road closures, and prolonged construction disturbances. There appears to be a lack of coordination between Councils and State Government in managing these impacts.

The NSW State Government has not conducted adequate research to assess the adverse impacts on our community. Despite widespread opposition from residents, the government is prepared to unilaterally impose this proposal, disregarding local sentiment and the potential negative consequences

Given the significant increase in residents in the last 4 years and the majority of proposals planned for the west side of the Pacific Highway pedestrians have not been taken into account. Higher density and walkability are the keystone of TOD development but the proposed building form, overshadowed windswept streets, lack of open space do not comply with the stated priority for pedestrians in 2036 plan.

Traffic Congestion & Insufficient Traffic Analysis

The most recent comprehensive vehicular traffic study for the area dates back to 2013, failing to account for current congestion levels

No new developments for the area should be approved by the NSW State Government or Councils until such time as a detailed study is undertaken by the State Government concerning the current vehicular traffic congestion, traffic flows, construction congestion and parking. The Pacific Highway and side streets in this area are currently extremely congested at peak times with insufficient access to and from existing developments.

Insufficient green space

Crows Nest is lacking in green space, overall nature, public amenities and recreational precincts, particularly when compared to most of its neighbouring suburbs. Our residents have to live in the area and put up with all the developments approved by the State Government and Councils, with some that go totally against local planning and residents' values and wishes and do not represent best practice higher density development.

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Wednesday, 28 August 2024 6:26:35 PM
Attachments: [objection-to-tod.pdf](#)

Submitted on Wed, 28/08/2024 - 18:25

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

██████

Last name

██████████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

████████████████████

Suburb/Town & Postcode

Crows Nest

Please provide your view on the project

I object to it

Submission file

[objection-to-tod.pdf](#) (1.25 MB)

Submission

Please find attached submission for the Crows Nest TOD.

Thank you

I agree to the above statement

Yes

Wednesday, 28 August 2024

**The Department of Planning,
Housing and Infrastructure**

Re: Objection to Crows Nest TOD Proposal

To Whom It May Concern,

I am writing to formally object to the Crows Nest Transit Oriented Development (TOD) project.

It is not the overall proposal that I object to, as I understand and agree to the demand for housing in Crows Nest. What I object to is the limited coverage of the "Focus for accelerated rezoning area" outlined in the proposal.

The majority of the accelerated rezoning actually in Crows Nest is situated along Pacific Highway. Why is the rezoning limited to such a small area of Crows Nest, especially in comparisons to other TOD proposals, when the aim is to provide much needed housing to a growing population in a high demand and growth area?

Given the pressing need for housing in such a central location, this is a minimal contributing to the housing crisis, in which the government is partly reliant on property owners to contribute in supplying the much needed housing. How can this be facilitated if the rezoning is minimal and the North Sydney Council future 2036 zoning was the basis of the current proposal which also provides little for the future.

Properties within close walking distance of the Crows Nest metro are not even included in the TOD or North Sydney Council's 2036 plan.

Crows Nest and its close surrounding suburbs, have existing infrastructure of transport, hospitals, education facilities and supermarkets. How is there not an even unobtrusive solution to cater for housing other than building high rise properties on Pacific Highway?

Why has Falcon Street, Crows Nest as a major thoroughfare been predominately excluded?

As a commercial building owner of a property located on Falcon Street, Crows Nest, it is unclear as to why the focus for accelerated rezoning excludes most of Falcon Street and its surround streets. Please could this be seriously considered and reviewed?

There are a number of properties that are within 400m radius and approx. 5min walk to the Crows Nest Metro. They are in desperate need of redevelopment. A lot of these properties are older commercial buildings, which over that past several years have struggled to lease their commercial space, even prior to Covid. Vacant commercial/retail properties bring down the value of an area, make little money to property owners and the tax office. They could be better utilised for mixed use residential developments if they were to be included in the Crows Nest TOD.

How is one side of Falcon Street, being a greater distance away from the Crows Nest Metro included in the accelerated rezoning, but not the opposite side? Both sides of Pacific Highway are included and Falcon Street should have the same treatment.

No. 3-15 Falcon Street, Crows Nest already has a submission for 22 storey mixed use development. No. 17, 19, 21 and 25 Falcon Street, Crows Nest have been included in the accelerated rezoning but all other properties directly across the road have been excluded. This will not be a pleasant streetscape or outlook.

Some of the excluded properties on Falcon Street, Crows Nest
12 Falcon Street to 30 Falcon Street , Crows Nest







Deicorp proposed development corner 291 Pacific Highway to 15 Falcon Street

As you can see from the photographs of the existing streetscape Falcon Street, is in need of a major revamp.

I have waited over 20 years for the zoning to change, so as a property owner we can provide additional housing, modern retail/commercial facilities and improve the aesthetics of this derelict looking street, but have been unable to provide this service to the community with the existing North Sydney Council limitation.

Falcon Street is one of the main thoroughfares into Crows Nest, an affluent area but the existing properties, most definitely do not represent this. This will not change in the future as noted there are no future planned zoning amendments.

I would like to take this opportunity to ask that Falcon Street, Crows Nest be included in the Crows Nest TOD and thank you in advance for addressing this submission.

Kind regards,

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Tuesday, 20 August 2024 2:52:49 PM
Attachments: [dphi-crows-nest-tod-submission-20240819.pdf](#)

Submitted on Tue, 20/08/2024 - 14:51

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

██████████

Last name

██████████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

Wollstonecraft 2065

Please provide your view on the project

I support it

Submission file

[dphi-crows-nest-tod-submission-20240819.pdf](#) (719.65 KB)

Submission

Submission contained in the attached file

I agree to the above statement

Yes

[REDACTED]
Wollstonecraft NSW 2065
[REDACTED]

19 August 2024

Mr. Brendan Metcalfe
Director, State Rezoning
NSW Department of Planning, Housing, and Infrastructure

Dear Mr. Metcalfe,

I hope this letter finds you well. I am writing concerning the recently exhibited TOD documents, specifically regarding the rezoning parameters affecting the collective properties at 8-24 Nicholson St., situated merely 160 metres from the Crows Nest Metro Oxley St entrance. My husband and I, as long-term investors in this locality and consistent advocates for collaborative development efforts, are keen to engage constructively on the potential rezoning outcomes influenced by the TOD program.

We note with concern that despite the proximity to significant transport infrastructure, our property has been earmarked with an FSR of 1.6:1 and a height limit of 23 metres. This is particularly perplexing, considering my husband's recent studies in real estate at Harvard University that strongly affirm increased density near transport nodes is essential for addressing housing affordability issues.

The current market conditions and professional valuations suggest that the proposed FSR will significantly undervalue our property, constraining our willingness to participate in a collective sale which was already agreed with our neighbours. This scenario, compounded by the likely appreciation of our asset due to its strategic location, suggests that the proposed rezoning parameters will not be economically viable for us or conducive to the broader community benefits envisaged by the TOD principles.

Moreover, there are concerns regarding compliance with existing Development Control Plans, particularly related to shadowing and solar access, which the proposed development parameters will exacerbate – refer Appendix A. It is crucial that any development respects the established local standards to maintain the quality of life for all residents.

We acknowledge the challenges and complexities involved in rezoning processes and are committed to a dialogue that considers both community benefits and the economic realities of property development. We believe that revisiting the FSR and height restrictions, not only aligns with sound urban planning but also enhances the feasibility of redevelopment, contributing positively to the community and meeting the housing targets set for North Sydney Council.

Therefore, we respectfully request that the Department consider our feedback for immediate review rather than deferring it to future considerations. We are prepared and motivated to contribute to the housing solutions our community urgently needs.

Thank you for your attention to this matter. We look forward to your supportive response and to finding a mutually beneficial path forward.

Yours sincerely,

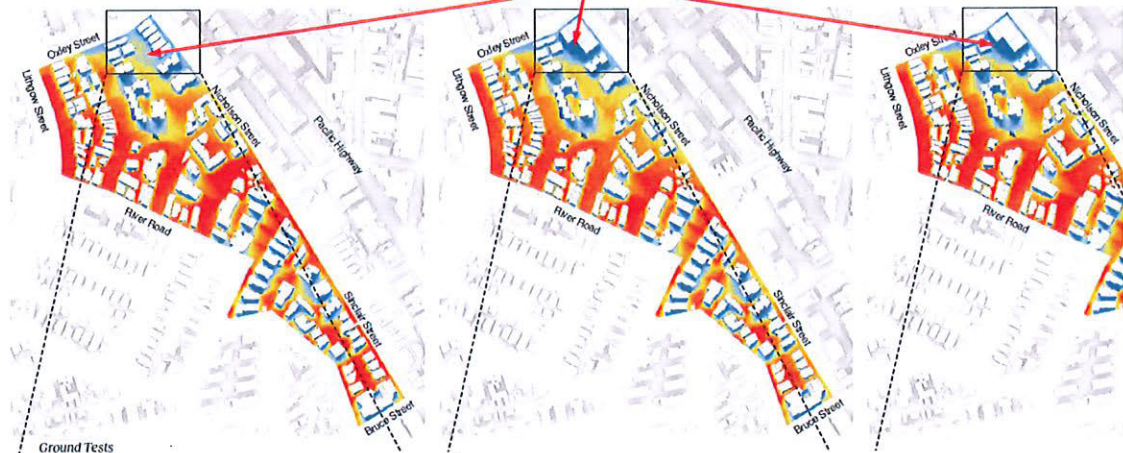
A black rectangular redaction box covers the signature and name of the sender. The box is composed of two parts: a smaller rectangle on top and a larger, wider rectangle below it, both completely obscuring any text underneath.

Appendix A

2036 Plan

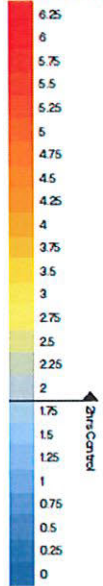
Proposed

Proposed with Incentives



Ground Tests

Winter Solstice - 10am - 3pm



From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Monday, 26 August 2024 1:36:12 PM
Attachments: [crows-nest-tod---jessica-lin.pdf](#)

Submitted on Mon, 26/08/2024 - 13:34

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

██████████

Last name

████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

linjessica@hotmail.com

Suburb/Town & Postcode

2065

Please provide your view on the project

I am just providing comments

Submission file

[crows-nest-tod---jessica-lin.pdf](#) (222.54 KB)

Submission

Please refer to the PDF:

By way of background, I am a resident in the Naremburn heritage conservation area. Overall, I am supportive of the rejuvenation of Pacific Highway and surrounding areas, however, I do have a number of concerns.

Creating and maintaining a vibrant suburb

It would be important to create a vibrant community with pedestrian friendly areas. Willoughby Road and the current surrounding areas are slowly improving but more can be done to reduce speed limits and make this an area that people are happy to move around.

Parking and cars

With the increase in housing in the area, I believe this will cause further congestion on the roads which needs to be addressed. At the moment, the area is not particularly pedestrian friendly, especially in the areas marked on the map below. It would be important to introduce a number of measures including:

- Lower speed limits on Chandos St, Willoughby Road, Oxley St, Christie St, Alexander St as these will be high pedestrian areas. We currently see cars speeding down Chandos Street everyday, for example. In other suburbs, the speed limits in high pedestrian areas are 30-40kph. More speed bumps should be introduced to stop the speeding
- Introduction of more traffic lights or other measures to help with the flow of traffic. We currently see significant congestion during peak hour in areas such as Alexander St, Chandos Street, Christie Street where cars and pedestrians need to navigate the roundabouts. The department and councils will need to monitor the traffic in the area to improve this. We do not want to see Crows Nest become a constant congestion area like Alexandria and Green Square, especially with the new metro station
- Street parking – street parking should be removed on narrower streets such as Oxley St, Chandos St and Christie St. The parked cars currently obstruct traffic and there have been many near-collisions between cars and cars with pedestrians
- More pedestrian crossings, especially on Willoughby Rd or areas with new commercial development such as restaurants
- Ensuring the new apartment towers do not cause traffic on Pacific Hwy where residents are entering the carpark etc.

It will be important to assess the traffic implications from the new metro station, especially where residents in surrounding areas may look to drive/drop off at the metro station which will most likely increase traffic to the area.

Green spaces

Although Crows Nest/Naremburn is a beautiful area, there are limited green spaces for adults, children and pets. There are limited walking paths available, especially as the freeway divides our already small suburb, with Pacific Hwy on the other side.

With the limited number of existing parks, friends who live in the area play in St Thomas Rest Park, a children's playground and dog park within a cemetery.

The provision of a large park area with walking paths or improvements to existing parks should be prioritised, especially as the population grows.

Density and apartment design

We do not believe it is necessary to have large towers as this will impact the sunlight and vibrancy of the area. At the moment, North Sydney CBD is dark and uninviting. Similar to the Lane Cove and Artarmon area, while there are many apartments surrounding the trains and shops, they have height limitations which maintain the character of the suburbs. We do not want Crows Nest/St Leonards to become another Rhodes with traffic and wind tunnels.

I look forward to your response and please don't hesitate to contact me if you have any questions.

I agree to the above statement

Yes

Crows Nest TOD – submission

By way of background, I am a resident in the Naremburn heritage conservation area.

Overall, I am supportive of the rejuvenation of Pacific Highway and surrounding areas, however, I do have a number of concerns.

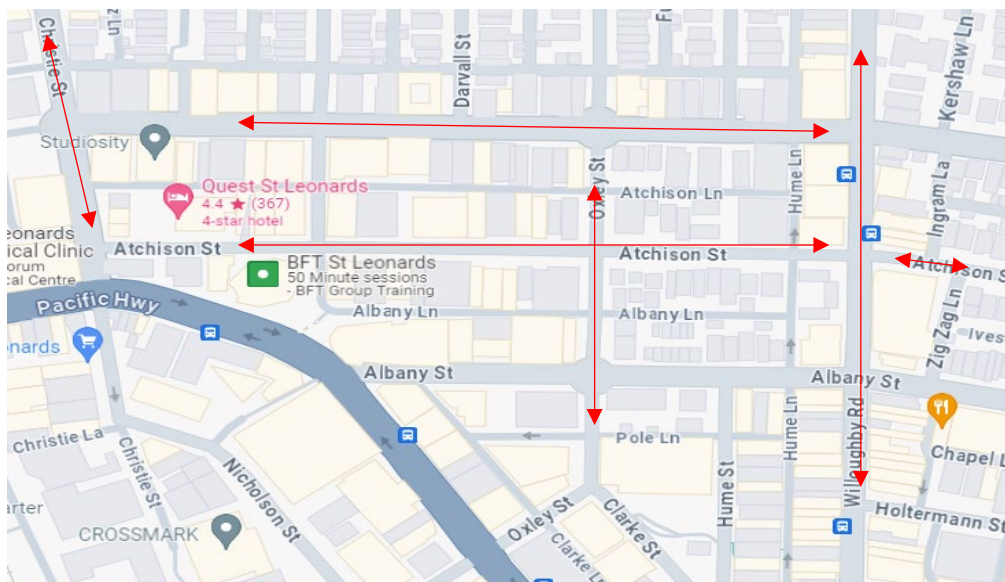
Creating and maintaining a vibrant suburb

It would be important to create a vibrant community with pedestrian friendly areas. Willoughby Road and the current surrounding areas are slowly improving but more can be done to reduce speed limits and make this an area that people are happy to move around.

Parking and cars

With the increase in housing in the area, I believe this will cause further congestion on the roads which needs to be addressed. At the moment, the area is not particularly pedestrian friendly, especially in the areas marked on the map below. It would be important to introduce a number of measures including:

- Lower speed limits on Chandos St, Willoughby Road, Oxley St, Christie St, Alexander St as these will be high pedestrian areas. We currently see cars speeding down Chandos Street everyday, for example. In other suburbs, the speed limits in high pedestrian areas are 30-40kph. More speed bumps should be introduced to stop the speeding
- Introduction of more traffic lights or other measures to help with the flow of traffic. We currently see significant congestion during peak hour in areas such as Alexander St, Chandos Street, Christie Street where cars and pedestrians need to navigate the roundabouts. The department and councils will need to monitor the traffic in the area to improve this. We do not want to see Crows Nest become a constant congestion area like Alexandria and Green Square, especially with the new metro station
- Street parking – street parking should be removed on narrower streets such as Oxley St, Chandos St and Christie St. The parked cars currently obstruct traffic and there have been many near-collisions between cars and cars with pedestrians
- More pedestrian crossings, especially on Willoughby Rd or areas with new commercial development such as restaurants
- Ensuring the new apartment towers do not cause traffic on Pacific Hwy where residents are entering the carpark etc.



It will be important to assess the traffic implications from the new metro station, especially where residents in surrounding areas may look to drive/drop off at the metro station which will most likely increase traffic to the area.

Green spaces

Although Crows Nest/Naremburn is a beautiful area, there are limited green spaces for adults, children and pets. There are limited walking paths available, especially as the freeway divides our already small suburb, with Pacific Hwy on the other side.

With the limited number of existing parks, friends who live in the area play in St Thomas Rest Park, a children's playground and dog park within a cemetery.

The provision of a large park area with walking paths or improvements to existing parks should be prioritised, especially as the population grows.

Density and apartment design

We do not believe it is necessary to have large towers as this will impact the sunlight and vibrancy of the area. At the moment, North Sydney CBD is dark and uninviting. Similar to the Lane Cove and Artarmon area, while there are many apartments surrounding the trains and shops, they have height limitations which maintain the character of the suburbs. We do not want Crows Nest/St Leonards to become another Rhodes with traffic and wind tunnels.

I look forward to your response and please don't hesitate to contact me if you have any questions.

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Thursday, 29 August 2024 1:32:17 PM
Attachments: [crows-nest-submission- compressed.pdf](#)

Submitted on Thu, 29/08/2024 - 13:31

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

██████

Last name

██████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

Crows Nest NSW 2065

Please provide your view on the project

I object to it

Submission file

[crows-nest-submission- compressed.pdf](#) (89.84 KB)

Submission

File attache

I agree to the above statement

Yes

Crows Nest TOD Submission

We, owners and residents in [REDACTED] Crows Nest strongly object to the Crows Nest Transport Orientated Development Rezoning proposal as we believe it goes well beyond the North Sydney Council local planning requirements, and if approved would have a detrimental effect on all existing residents in the area.

Reasons:

- Excessive density as evident in the proposed built form. ...
- Lack of information on total floor space, and populations employment and residents
- Lack of open space commensurate with population.
- Negative impact on the amenity of the neighbourhood.
- The change from human scale streets to windswept streets as evident in the existing development

Impact on residents of 220 Pacific Highway

1. Reduction in well-being of owner/residents currently continuing to significantly invest in unanticipated remedial and rectification works on defects, water ingress, cladding (NSW ban)
2. Significant reduction in light and introduction of afternoon shading for Panorama west facing units
3. Loss of privacy for west facing units in Panorama directly facing into proposed new dwellings
4. Loss of privacy for all eastern facing units in new developments dwellings.
5. Loss of views for 47-51 west facing units in 220 Pacific Highway
6. Lack of light and shading in units of new dwellings built on the 8 storey sites in Bruce Street

Issues for Precinct

7. Pedestrian hazard and safety for primary and high school aged student minors from North Sydney Girls HS and Cammeraygal High School
8. Impediments to parking and access affecting Mater Hospital and the MIA, existing Sinclair Street residents and guests
9. Traffic congestion along Sinclair, from Bruce St to Pacific Highway Northbound and from Rocklands Road to the Pacific Highway Northbound and Southbound
10. Increased noise and emissions from rooftop services such as ventilation and heating equipment in addition to the current noise levels generated by Mater Hospital and the Melanoma Institute of Australia (MIA) facilities
11. Loss of the tree canopy on Sinclair Street
12. Failure to provide 2.83 hectares of open space per 1000 population which is an established benchmark that should apply to St. Leonards and Crows Nest
13. Loss of maintaining the integrity of the historic skyline Panorama historically visible from many areas
14. Negative impact on adjacent local character and heritage because of the scale of the proposal
15. Impact on existing town services such as sewage, waste, water, electrical sub stations etc

16. There should be no additional density (FSR) for site 238-242 Pacific Highway, 1 Bruce Street Crows Nest and 1 Bruce Street, given the excessive density in the precinct. The pocket park can be delivered through a Voluntary Planning Agreement (VPA) from the development sites.

Background

220 Pacific Highway Crow's Nest. (Panorama Residences)

Class 2; 17 story high rise; refurbished hotel; developer Barana Group & builder Probuild Corp (liquidated 2022)

160 units; occupied 2013 as Strata; situated behind residences at 19-41 Sinclair Street; 82 units west facing; 51 units on floors 1-7

Panorama Residences have suffered from two unexpected and uncontrollable events:

-Collapse of the builder, Probuild, leaving a massive liability for unresolved defects

-NSW retroactive ban on cladding and requirement for replacement

Probuild liquidation left unaddressed construction defects; 2019 investigations identified non-compliant external. Current OC remediation costs for defects, water damage and cladding are being borne by all unit owners via special levies to-date of \$5.5million

The owners are, in effect, continuing the purchase of their units while facing property value losses due to the Crows Nest Transport Orientated Development Rezoning proposal in terms of the loss of amenity of the precinct and in terms of the direct impact on harbour views and outlook resulting from the proposals for Sinclair Street. The rezoning proposal goes well beyond the North Sydney Councils, local planning requirements, and if approved would have a detrimental impact on the quality of life for all existing residents in the area and will have a negative impact on the value of apartments in the area

Issues

The proposal overrides and exceeds the LEP controls of North Sydney, Lane Cove, and Willoughby Councils.

The current proposed development of the NSW State Government does not adequately consider liveability. The actual mass and form of development in such a small area is a false interpretation of a TOD and does not enable reasonable amenity for either existing residents or proposed residents. There is inadequate separation of buildings, lack of green space, tree canopy, deep soil and walkable streets. There is insufficient recreation facilities and services.

The existing Townhouses on Sinclair Street are located at a lower level than Pacific Highway, therefore the majority of the apartments in 220 Pacific Highway currently have district views.

The rezoning and proposal to allow 8 storey development of the Townhouse site will result in the loss of harbour and district views for 50% of western facing units in Panorama. It will result in a substantial number of apartments losing their outlook, with a detrimental effect on property values.

Additionally, if the eastern side of Sinclair semi-detached dwellings (25-35) are redeveloped into a high-rise sites, they will obstruct additional views, and therefore more apartments in Panorama Residences and adjoining highway residences will be adversely impacted.

Sinclair Street is at the very boundary of the proposed rezoning and therefore at the furthest point from stations, would have significant view affection if rezoning of that street

is approved, and would significantly alter the character of Sinclair Street and the existing tree canopy. **There is an imbalance in Crow's Nest. At the proposed density the built form is unsustainable and the actual and perceived density excessive.**

Sinclair Street already has higher density housing forms in the form of townhouses and should not be rezoned but be retained to contribute to the housing mix and to preserve the existing character of Sinclair Street.

Crows Nest is known as high density 'Bedroom Suburbs'. Best practice residential development should be located away from major traffic arteries, on a complex fine grain street network with a diverse mix of uses, walkable and adequate open space. The lack of accessible open space will reduce the potential range of demographics that can live in the towers.

Much of Sydney's open space is in the gullies, the transport is on the ridges. Locating excessive densities around transport nodes does not reflect the intent of TODs and will not produce a liveable city.

Cumulative & Community Development Impact

The simultaneous approval of multiple developments in North Sydney, Crows Nest, and St Leonards is causing severe congestion, frequent road closures, and prolonged construction disturbances. There appears to be a lack of coordination between Councils and State Government in managing these impacts.

The NSW State Government has not conducted adequate research to assess the adverse impacts on our community. Despite widespread opposition from residents, the government is prepared to unilaterally impose this proposal, disregarding local sentiment and the potential negative consequences

Given the significant increase in residents in the last 4 years and the majority of proposals planned for the west side of the Pacific Highway pedestrians have not been taken into account. Higher density and walkability are the keystone of TOD development but the proposed building form, overshadowed windswept streets, lack of open space do not comply with the stated priority for pedestrians in 2036 plan.

Traffic Congestion & Insufficient Traffic Analysis

The most recent comprehensive vehicular traffic study for the area dates back to 2013, failing to account for current congestion levels

No new developments for the area should be approved by the NSW State Government or Councils until such time as a detailed study is undertaken by the State Government concerning the current vehicular traffic congestion, traffic flows, construction congestion and parking. The Pacific Highway and side streets in this area are currently extremely congested at peak times with insufficient access to and from existing developments.

Insufficient green space

Crows Nest is lacking in green space, overall nature, public amenities and recreational precincts, particularly when compared to most of its neighbouring suburbs. Our residents have to live in the area and put up with all the developments approved by the State Government and Councils, with some that go totally against local planning and residents' values and wishes and do not represent best practice higher density development.

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Monday, 26 August 2024 10:07:06 PM
Attachments: [tod.docx](#)

Submitted on Mon, 26/08/2024 - 22:04

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

██████████ ■

Last name

██████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

████████████████████

Suburb/Town & Postcode

St Leonards

Please provide your view on the project

I object to it

Submission file

[tod.docx](#) (14.05 KB)

Submission

1. High density of buildings in excessive height – Building of giant buildings in a high density would prohibit sunlight coming into the existing units. The overshadowing does not comply with the 2036 plan in relation to solar impacts in mid-winter.
2. Wind tunneling effect – Residents here are now experiencing extra strong wind. It also comes with loud noise which causes nuisance to our daily living. The situation would be worsened when more buildings in excess height are built.
3. Traffic congestion – Due to the rapid increase in the population living in St Leonards in the past years, the existing roads are over-burden. We are experiencing traffic congestion in St Leonards and Crows Nest in peak hours.

4. Construction disruptions – There are numerous construction sites around us now. The constructions sites cause noise and air pollution. The increasing number of construction vehicles using the road, the frequent road works, road closure and detours cause safety hazards to the residents living here.

5. Lack of green space and public amenities – St Leonards is one of the most densely populated areas in NSW, the livability, social cohesion, public amenities and green spaces are highly concerned with the rapid increase in population.

I am extremely concerned by the amount of development approved or to be approved in Crows Nest and St Leonards. I would like to urge all the Councils and the State Government to co-ordinate, undergo studies in relation to the environment, traffic, social livability and hear our voice before any new developments to be approved.

Thank you very much.

I agree to the above statement

Yes

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Thursday, 29 August 2024 1:33:28 PM
Attachments: [crows-nest-submission- compressed.pdf](#)

Submitted on Thu, 29/08/2024 - 13:33

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

██████████

Last name

██████████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

Crows Nest NSW 2065

Please provide your view on the project

I object to it

Submission file

[crows-nest-submission- compressed.pdf](#) (89.84 KB)

Submission

File attached

I agree to the above statement

Yes

Crows Nest TOD Submission

We, [REDACTED] **Crows Nest strongly object to the Crows Nest Transport Orientated Development Rezoning** proposal as we believe it goes well beyond the North Sydney Council local planning requirements, and if approved would have a detrimental effect on all existing residents in the area.

Reasons:

- Excessive density as evident in the proposed built form. ...
- Lack of information on total floor space, and populations employment and residents
- Lack of open space commensurate with population.
- Negative impact on the amenity of the neighbourhood.
- The change from human scale streets to windswept streets as evident in the existing development

Impact on residents of 220 Pacific Highway

1. Reduction in well-being of owner/residents currently continuing to significantly invest in unanticipated remedial and rectification works on defects, water ingress, cladding (NSW ban)
2. Significant reduction in light and introduction of afternoon shading for Panorama west facing units
3. Loss of privacy for west facing units in Panorama directly facing into proposed new dwellings
4. Loss of privacy for all eastern facing units in new developments dwellings.
5. Loss of views for 47-51 west facing units in 220 Pacific Highway
6. Lack of light and shading in units of new dwellings built on the 8 storey sites in Bruce Street

Issues for Precinct

7. Pedestrian hazard and safety for primary and high school aged student minors from North Sydney Girls HS and Cammeraygal High School
8. Impediments to parking and access affecting Mater Hospital and the MIA, existing Sinclair Street residents and guests
9. Traffic congestion along Sinclair, from Bruce St to Pacific Highway Northbound and from Rocklands Road to the Pacific Highway Northbound and Southbound
10. Increased noise and emissions from rooftop services such as ventilation and heating equipment in addition to the current noise levels generated by Mater Hospital and the Melanoma Institute of Australia (MIA) facilities
11. Loss of the tree canopy on Sinclair Street
12. Failure to provide 2.83 hectares of open space per 1000 population which is an established benchmark that should apply to St. Leonards and Crows Nest
13. Loss of maintaining the integrity of the historic skyline Panorama historically visible from many areas
14. Negative impact on adjacent local character and heritage because of the scale of the proposal
15. Impact on existing town services such as sewage, waste, water, electrical sub stations etc

16. There should be no additional density (FSR) for site 238-242 Pacific Highway, 1 Bruce Street Crows Nest and 1 Bruce Street, given the excessive density in the precinct. The pocket park can be delivered through a Voluntary Planning Agreement (VPA) from the development sites.

Background

220 Pacific Highway Crow's Nest. (Panorama Residences)

Class 2; 17 story high rise; refurbished hotel; developer Barana Group & builder Probuild Corp (liquidated 2022)

160 units; occupied 2013 as Strata; situated behind residences at 19-41 Sinclair Street; 82 units west facing; 51 units on floors 1-7

Panorama Residences have suffered from two unexpected and uncontrollable events:

-Collapse of the builder, Probuild, leaving a massive liability for unresolved defects

-NSW retroactive ban on cladding and requirement for replacement

Probuild liquidation left unaddressed construction defects; 2019 investigations identified non-compliant external. Current OC remediation costs for defects, water damage and cladding are being borne by all unit owners via special levies to-date of \$5.5million

The owners are, in effect, continuing the purchase of their units while facing property value losses due to the Crows Nest Transport Orientated Development Rezoning proposal in terms of the loss of amenity of the precinct and in terms of the direct impact on harbour views and outlook resulting from the proposals for Sinclair Street. The rezoning proposal goes well beyond the North Sydney Councils, local planning requirements, and if approved would have a detrimental impact on the quality of life for all existing residents in the area and will have a negative impact on the value of apartments in the area

Issues

The proposal overrides and exceeds the LEP controls of North Sydney, Lane Cove, and Willoughby Councils.

The current proposed development of the NSW State Government does not adequately consider liveability. The actual mass and form of development in such a small area is a false interpretation of a TOD and does not enable reasonable amenity for either existing residents or proposed residents. There is inadequate separation of buildings, lack of green space, tree canopy, deep soil and walkable streets. There is insufficient recreation facilities and services.

The existing Townhouses on Sinclair Street are located at a lower level than Pacific Highway, therefore the majority of the apartments in 220 Pacific Highway currently have district views.

The rezoning and proposal to allow 8 storey development of the Townhouse site will result in the loss of harbour and district views for 50% of western facing units in Panorama. It will result in a substantial number of apartments losing their outlook, with a detrimental effect on property values.

Additionally, if the eastern side of Sinclair semi-detached dwellings (25-35) are redeveloped into a high-rise sites, they will obstruct additional views, and therefore more apartments in Panorama Residences and adjoining highway residences will be adversely impacted.

Sinclair Street is at the very boundary of the proposed rezoning and therefore at the furthest point from stations, would have significant view affection if rezoning of that street

is approved, and would significantly alter the character of Sinclair Street and the existing tree canopy. **There is an imbalance in Crow's Nest. At the proposed density the built form is unsustainable and the actual and perceived density excessive.**

Sinclair Street already has higher density housing forms in the form of townhouses and should not be rezoned but be retained to contribute to the housing mix and to preserve the existing character of Sinclair Street.

Crows Nest is known as high density 'Bedroom Suburbs'. Best practice residential development should be located away from major traffic arteries, on a complex fine grain street network with a diverse mix of uses, walkable and adequate open space. The lack of accessible open space will reduce the potential range of demographics that can live in the towers.

Much of Sydney's open space is in the gullies, the transport is on the ridges. Locating excessive densities around transport nodes does not reflect the intent of TODs and will not produce a liveable city.

Cumulative & Community Development Impact

The simultaneous approval of multiple developments in North Sydney, Crows Nest, and St Leonards is causing severe congestion, frequent road closures, and prolonged construction disturbances. There appears to be a lack of coordination between Councils and State Government in managing these impacts.

The NSW State Government has not conducted adequate research to assess the adverse impacts on our community. Despite widespread opposition from residents, the government is prepared to unilaterally impose this proposal, disregarding local sentiment and the potential negative consequences

Given the significant increase in residents in the last 4 years and the majority of proposals planned for the west side of the Pacific Highway pedestrians have not been taken into account. Higher density and walkability are the keystone of TOD development but the proposed building form, overshadowed windswept streets, lack of open space do not comply with the stated priority for pedestrians in 2036 plan.

Traffic Congestion & Insufficient Traffic Analysis

The most recent comprehensive vehicular traffic study for the area dates back to 2013, failing to account for current congestion levels

No new developments for the area should be approved by the NSW State Government or Councils until such time as a detailed study is undertaken by the State Government concerning the current vehicular traffic congestion, traffic flows, construction congestion and parking. The Pacific Highway and side streets in this area are currently extremely congested at peak times with insufficient access to and from existing developments.

Insufficient green space

Crows Nest is lacking in green space, overall nature, public amenities and recreational precincts, particularly when compared to most of its neighbouring suburbs. Our residents have to live in the area and put up with all the developments approved by the State Government and Councils, with some that go totally against local planning and residents' values and wishes and do not represent best practice higher density development.

development heights of neighboring buildings. There will be loss of amenity through loss of privacy and sun to the common rooftop entertaining area on top of the building. Access to street parking for those with resident parking permits at 124 Shirley Rd, Wollstonecraft, will be severely impacted because of increased population and future parking demands in the area. If we ever want to rent out our units, we will face with reduced rental returns given the above points, together with the large number of newer rental options for tenants planned for the area.

The current proposal will have significant negative impact on values of the units in our building and the group of those adjacent dwellings.

The following options should be considered in relation to 124 Shirley Rd Wollstonecraft:

- Site consolidation to ensure minimum lot sizes of at least 1,000sqm or in the case of 124 Shirley Rd 2,000 sqm which would see the amalgamation of 3,5 and 5a Nicholson St with 124 and 126 Shirley Rd.
- Site consolidation would allow additional floorspace to be approved on the site and a higher building envelope.
- A FSR of 6:1 (instead of 2:1) should be considered.
- 8-9 storey building is recommended

Thank you for your attention. I look forward to a positive improved plan and outcome.

I agree to the above statement

Yes

I am the [REDACTED] Wollstonecraft. I would like to make the following submission in relation to the Crows Nest TOD rezoning proposal.

I believe the current proposal is flawed because the proposed uplift in zoning particularly on 124 and 126 Shirley Rd Wollstonecraft does not provide any incentive for redevelopment of the site or those adjacent. The masterplan as presented does not address lot consolidation and ground plane access which is vital for good development.

Furthermore, our building will constantly be in shade due to the proposed increased development heights of neighbouring buildings. There will be loss of amenity through loss of privacy and sun to the common rooftop entertaining area on top of the building. Access to street parking for those with resident parking permits at 124 Shirley Rd, Wollstonecraft, will be severely impacted because of increased population and future parking demands in the area. If we ever want to rent out our units, we will face with reduced rental returns given the above points, together with the large number of newer rental options for tenants planned for the area.

The current proposal will have significant negative impact on values of the units in our building and the group of those adjacent dwellings.

The following options should be considered in relation to 124 Shirley Rd Wollstonecraft:

- Site consolidation to ensure minimum lot sizes of at least 1,000sqm or in the case of 124 Shirley Rd 2,000 sqm which would see the amalgamation of 3,5 and 5a Nicholson St with 124 and 126 Shirley Rd.
- Site consolidation would allow additional floorspace to be approved on the site and a higher building envelope.
- A FSR of 6:1 (instead of 2:1) should be considered.
- 8-9 storey building is recommended

Thank you for your attention. I look forward to a positive improved plan and outcome.

26th August 2024

[REDACTED]
[REDACTED]
Wollstonecraft NSW 2065

To Whom It May Concern

Re: [REDACTED], Wollstonecraft and surrounding development

Thank you for our meeting at 124 Shirley Rd, Wollstonecraft.

As you know, and as disclosure, I own within [REDACTED] Wollstonecraft. I am also a licenced Real Estate Agent with 24 years selling experience within the local community.

I have reviewed the plans for the Crows Nest rezoning proposals and have concluded the current development plans will have significant **negative** impact on values of the group of dwellings flanked by Nicholson Street, Nicholson Lane, Nicholson Place and Shirley Road due to the following reasons:

1. Future overshadowing, spanning from the easterly direction over to the North-West. The building at 124 Shirley Road will constantly be in shade due to the proposed increased development heights of neighbouring buildings.
2. Loss of amenity through loss of privacy and sun to the common rooftop entertaining area on top of the building
3. Greatly reduced access to street parking for those with resident parking permits at 124 Shirley Rd, Wollstonecraft, which currently qualifies for these council permits, because of increased population and future parking demands in the area.
4. Reduced rental returns for investors given the above points, together with the large number of newer rental options for tenants planned for the area.

This negative impact will affect sale prices, potentially by up to \$80,000-\$100,000 for the one-bedroom apartments and \$100,000-\$300,000 for the larger apartments in today's terms. Similarly, there will be a negative impact on investor rental returns and lifestyle. The building will also be incongruous to the planned image envisaged for the area.

The only price benefit achievable for owners, would be from a further increase in zoning height for 124 Shirley Road, Wollstonecraft, to allow the building to attract developer interest with equal importance to the other local buildings and the plans for the Crows Nest area.

I hope this has been of assistance to you and please feel free to reach out should you have any other questions.

Yours sincerely
RAINE&HORNE LOWER NORTH SHORE

[REDACTED]

[REDACTED]
Licenced Real Estate Agent
[REDACTED]
[REDACTED]

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Monday, 12 August 2024 2:33:32 PM
Attachments: [crows-nest-tod-submission.docx](#)

Submitted on Mon, 12/08/2024 - 14:31

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

██████████

Last name

██████████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

ST LEONARDS 2065

Please provide your view on the project

I am just providing comments

Submission file

[crows-nest-tod-submission.docx](#) (19.67 KB)

Submission

Please see attached submission

I agree to the above statement

Yes

Crow's Nest TOD Submission

(Name and address not for publication)

- We are the owners of [REDACTED]. These are each part of the small pocket of houses bounded by the current St Leonards South development precinct (ending on the eastern side of Park Road), Pacific Highway, River Road and the upper part of Greenwich Road. We refer to this small section of houses as “the Rump”.
- The Crow's Nest TOD proposes a massive redevelopment around the Crow's Nest Metro. It ignores any proposal for the Rump, for reasons not immediately apparent. We have been asked by letter-box drop to express our views.
- We would support a high-rise rezoning of the Rump. There is of course some relevant history.
- When it became clear that Lane Cove Council (**Council**) and NSW Planning were hell-bent on high rise development at St Leonards, we were heavily involved in forming a resident action group pushing for the Rump to be included in the rezoning. We met on several occasions with NSW Planning and our local member who believed that this made good sense, provided there was enough resident support. We also met with Council who were opposed on the basis it would constitute too much development.
- In response to this, a group of us door-knocked the neighbourhood. We gathered signatures from well over 90% of residents in the Rump (including Park Road, Portview Road, Anglo Road and upper Greenwich Road) in support of high-rise rezoning, so that St Leonards South could be developed holistically.
- The rationale for development of the Rump is quite simple:
 - the area is within a close walk of a number of train stations (St Leonards, Wollstonecraft and the new Crow's Nest Metro)
 - the area is also well-supported by bus transport along Pacific Highway. Studies at the time showed a very high (>70%) uptake of public transport in the area.
 - the area is part of a medical hub around Royal North Shore Hospital, while the large light industrial area of Artarmon provides access to significant amenities for local residents.
 - the area is very close to the City, which makes it a desirable place to live, and accordingly could attract prices sufficient to make sense for developers to develop.
 - the Gore Hill Oval and Canberra Avenue parks as well as the new park at St Leonards, plus surrounding bushland towards Wollstonecraft and Greenwich peninsula provide sufficient open space to support apartment living.

- there are a large number of schools nearby with easy access to transport (eg in Greenwich, Lane Cove, St Leonards, Crow's Nest and North Sydney)
- building of a wall of high-rise apartments opposite one and two storey dwellings significantly disadvantages those residents remaining in the Rump, especially as to access to light, traffic and years of construction.
- it seems inevitable to everyone that the Rump will eventually be developed, with remaining residents locked in some twilight zone of uncertainty as to when this might occur, and with all of the joys of living in a construction zone in the interim.
- Despite all of this, the rezoning did not occur. This was because:
 - the Greenwich Community Association (representing the interests of the Greenwich peninsula) campaigned vocally against it, including on radio and in newspapers. Traffic congestion from the peninsula was seemingly their major issue. With an election looming, and fearing a backlash, the local Liberal member withdrew support.
 - Council did not support it. Having proposed and supported the huge development of St Leonards, Council now said the development of the Rump would be too much. To address the concerns of residents in the Rump, especially as to light and overshadowing, Council proposed a new kind of Development Control Plan (DCP) which they said would be enforceable to ensure that height, setback and storey limits would be adhered to – and that Council would be rigorous in its approach to enforcement. As predicted:
 - the DCP has been flouted (with Council support) on numerous occasions. Developers and Council staff have developed plans outside of the DCP which elected Council representatives are not allowed to even question.
 - various parts of the DCP prepared by Council staff were incorrect and prepared with marginal competence – so that they made no sense for developers or remaining residents. These were amended generally in favour of developers.
 - height and storey restrictions have been ignored by Council, or opposed by Council and allowed in Court proceedings.
 - the new provisions around affordable housing have the effect of allowing four or five additional storeys on already significant heights. Already one of these has been approved for St Leonards South, with others in the pipeline for approval. The effects of overshadowing, especially on Park Road, will be significant.

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Friday, 16 August 2024 1:02:48 PM
Attachments: [chia-nsw-submission---crows-nest-precinct.pdf](#)

Submitted on Fri, 16/08/2024 - 13:01

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Michael

Last name

Carnuccio

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

2016

Please provide your view on the project

I am just providing comments

Submission file

[chia-nsw-submission---crows-nest-precinct.pdf](#) (301.55 KB)

Submission

Please refer to attached submission from the Community Housing Industry Association NSW.

I agree to the above statement

Yes

16 August 2024

Department of Planning, Housing and Infrastructure
12 Darcy Street
Parramatta NSW 2150
Via submission portal

Submission: Transport Oriented Development – Crows Nest Accelerated Precinct

The Community Housing Industry Association NSW (CHIA NSW) welcomes the opportunity to provide feedback on the Crows nest TOD rezoning proposal.

CHIA NSW represents the not-for-profit community housing industry in NSW. Our members currently own or manage more than 54,000 homes across NSW for individuals and families who cannot afford to rent or purchase a home on the private market. Since 2012, community housing providers (CHPs) have delivered nearly 5,800 new homes across NSW, representing an investment of over \$2 billion. Critically, these are new homes that the private sector cannot – or will not – deliver in response to housing need.

CHIA NSW supports the NSW Government's efforts to increase housing in locations close to transport and services. Increasing opportunities for new homes is critical to addressing the worsening housing crisis in NSW. To be effective, the accelerated TOD precincts must include affordable housing options for a broad range of income groups.

CHIA NSW provides the following comments in support of maximising affordable housing outcomes in the precinct.

The need for mandatory affordable housing requirements

CHIA NSW strongly supports the inclusion of mandatory affordable housing contribution requirements in the precinct. This is consistent with the NSW Government's commitment under the National Planning Reform Blueprint to phase in inclusionary zoning to support permanent affordable, social and specialist housing.

The evidence of the entrenched housing crisis in NSW is well established. For many people in NSW, affordably renting a home, let alone owning one, is a dream. Without urgent, ambitious action, this dire housing situation will only worsen.

Simply increasing the supply of homes on the market, no matter how ambitious the targets, will not reduce housing costs sufficiently for those on the lowest incomes, including essential workers in low paying jobs. This is evident from a consideration of recent supply trends.

Between 2006 and 2021 the number of homes in NSW increased by 23.1%, outstripping the 17.4% increase in householdsⁱ. Despite this, housing became more expensive. Median rents increased by 83% and property prices increased by 116%ⁱⁱ. This outpaced the rise in median household income of 77%ⁱⁱⁱ and inflation of 38%^{iv}. As a result, housing was further pushed out of the reach of lower income households.

Housing Australia estimates that 132,600 households in NSW are in need of social and affordable housing.^v Without sufficient interventions, unmet housing need could reach over 320,000 households by 2041.^{vi}

Affordable housing contribution requirements ensure that development responds to the full range of housing needs, providing maximum public benefit. They also help to offset the impacts of development activity, which can itself directly exacerbate affordability issues by displacing lower cost homes from supply and/or increasing property values and rents. CHIA NSW notes that the precinct includes significant amounts of employment generating uses, which will further contribute to the need for affordable housing options in the precinct for low-waged workers.

Optimising affordable housing outcomes

The planning proposal envisages an affordable housing target in the range of 10% to 15%. To ensure the TOD Program delivers a diversity of homes across the housing spectrum, it is critical the maximum feasible affordable housing contributions requirement is adopted.

The Explanation of Intended Effect proposes bonus FSR on six sites to incentivise a 15% affordable housing provision. While CHIA NSW supports higher rates being applied to sites that will benefit from greater uplift, it is unclear what rate is to be applied should the incentive FSR not be taken up. Furthermore, it is unclear how the proposed 10% - 15% range is to be applied to other sites in the precinct.

The final planning provisions for the precinct must provide greater clarity on the affordable housing requirements. CHIA NSW does not support the use of a broad target, as this will create uncertainty, add unnecessary complexity to the approvals process, and result in inferior outcomes. It is strongly recommended that a clear rate for each site be prescribed.

Where there are government-owned development sites in the precincts, a 30% affordable housing requirement needs to be applied, consistent with current NSW Government commitments applying to publicly owned land.

While a lower rate may be necessary in the initial years of the precinct, given prevailing market conditions, a higher target is likely to be feasible in the future as development returns increase and requirements are costed into land purchases. The final planning package for the precinct must commit to increasing rates over time, consistent with the approach being taken in the tier 2 TOD precincts.

There is clear evidence that carefully implemented contributions requirements do not impede development, as developers incorporate the contribution into the land purchase price.^{vii} The Centre for International Economics, in its evaluation of infrastructure contributions reforms in NSW, also concluded that over time, infrastructure costs will be factored into lower land values, rather than higher housing prices.^{viii}

CHIA NSW recommends that the affordable housing contributions scheme for the precinct, and associated LEP provision, includes a clear trajectory for increasing the affordable housing requirement over time to ensure higher rates are factored into land price expectations. An example of such an approach is the [Sydney](#) Local Environmental Plan.

Affordable housing must be retained over the long-term

CHIA NSW strongly supports requirements for any affordable housing delivered to be retained in perpetuity. Providing affordable housing in perpetuity benefits both current and future generations by providing a permanent increase in supply for people who cannot access home ownership or (market) private rental housing. This supply can then be leveraged to support the delivery of more affordable homes over time. Over the long-term, this will likely result in more

affordable housing in the system than is likely if affordable housing is only required to be provided for a temporary period of time.

Clarity needs to be provided as to arrangements for disposal of properties in the future to enable portfolio optimisation, with proceeds to be reinvested into replacement affordable housing. This would include cases where properties have reached the end of their life, no longer meet the profile of need, or where recycling of assets will be leveraged to grow the portfolio of social and affordable homes.

It is recommended that the precinct affordable housing contribution scheme allows Council discretion to remove any restrictions on title to facilitate the sale of affordable rental housing where Council is satisfied equivalent, or better, replacement stock is to be provided within the LGA. Such an approach has been taken by other councils in their local schemes, such as in the City of Canada Bay.

Application of the Affordable Housing Ministerial Guidelines

CHIA NSW supports an income-based definition of affordable housing. Accordingly, it is recommended that prescribed conditions of consent be set in the Environmental Planning and Assessment Regulation 2021 requiring affordable housing in the precinct to be delivered in accordance with the NSW Affordable Housing Ministerial Guidelines. This is consistent with the requirements for in-fill affordable housing under the Housing SEPP.

Timely implementation of affordable housing contributions scheme

The Explanation of Intended Effect does not provide details of the timeframe for establishing the precinct's affordable housing contribution scheme. It is strongly recommended that the NSW Government prepares and implements this scheme alongside the finalisation of the rezoning. Such an approach is proposed for the other accelerated TOD precincts. This will avoid the need for councils to prepare a scheme separately and will be critical to the timely delivery of affordable housing outcomes and ensuring opportunities are not missed.

Many councils have indicated interest in improving affordable housing outcomes in the local community, but they note the barriers to developing a comprehensive contributions schemes due to the complexity of the process and the cost and time investment required. This creates uncertainty and results in missed opportunities. Furthermore, if the scheme is not finalised alongside the rezoning, the potential scale of affordable housing contributions that could be supported may decrease, as land values begin to increase following rezoning.

Dedication of affordable housing to a registered community housing provider

CHIA NSW supports the requirement for affordable housing delivered in the precinct to be managed a registered CHP. Additionally, CHIA NSW strongly recommends that ownership of the affordable housing be transferred to the CHP.

The public would reasonably expect that there is oversight to ensure the homes continue to be operated as affordable housing, that properties are appropriately allocated to eligible tenants, and maintained at a reasonable standard.

Without transparent monitoring and registration requirements, subsequent owners have limited motivation to comply with the affordability requirements. Research by CHIA NSW has highlighted the extent of non-compliance when no requirement for management by a CHP was in place. It found that as many as 30% of projects completed by private developers did not comply with the ARHSEPP requirements.^{ix}

As purpose-driven and highly regulated organisations with an established track record of over 40 years, CHPs are best placed to own and manage affordable housing over the long-term. Requiring affordable housing to be owned and operated by a CHP registered under the National Regulatory System for Community Housing (NRSCH) provides an assurance mechanism. This independent and robust regulatory system ensures high standards of service is provided, that homes continue to be operated as affordable housing, that properties are appropriately allocated to eligible tenants, and maintained at a reasonable standard.

Ownership of affordable homes by registered CHPs will deliver additional benefits. Research by Paxon Group^x, commissioned by CHIA NSW in 2023, demonstrated the cost efficiencies that arise as a result of transferring ownership of affordable housing to CHPs. In addition, the research found that up to an additional 27% homes could be delivered by CHPs leveraging the asset value of the transferred homes.

This finding aligns with evidence quoted by the [Australian Housing and Urban Research Institute \(AHURI\)](#). Under the Nation Building and Economic Stimulus Program's Social Housing Initiative, 6,276 social homes were transferred to CHPs in NSW. As a result, CHPs leveraged an additional 1,310 homes.

The nature of affordable housing contributions

Affordable housing contributions schemes typically enable affordable housing requirements to be provided as either in-kind or monetary contributions.

CHPs have raised concerns with the quality of dwellings allocated for affordable housing through in-kind contributions. This includes concerns over the quality of homes delivered and increased operating costs and inefficiencies associated with managing a fragmented portfolio of homes scattered across multiple strata buildings. The provision of an in-kind contribution of dwellings would be most beneficial in larger schemes, where larger clusters of completed affordable housing dwellings could be delivered.

Where in-kind provision is proposed, it needs to be a condition of consent that evidence of an agreement with a registered CHP for the management and ownership of the affordable housing is submitted before an occupation certificate can be issued. CHIA NSW recommends that the developer engages early with a CHP to ensure the design of the affordable housing is fit-for-purpose, the needs of future tenants are accounted for, operational costs are reasonable, and to consider management and maintenance arrangements including arrangements for access to shared communal facilities.

For smaller schemes, an equivalent monetary contribution would likely be more beneficial, to avoid the fragmentation of affordable housing supply across multiple buildings and the operational inefficiencies that brings.

Monetary contributions can be put towards the delivery of purpose-built affordable housing which is not subject to strata fees and other potential operating inefficiencies. CHPs can combine these contributions with other funding sources to leverage additional homes. This includes concessional financing available from Housing Australia and funding available through the Housing Australia Future Fund (HAFF) and National Housing Accord Facility (NHAFF). In preparing applications for funding under these programs, many CHPs are identifying a long-term pipeline of potential projects that could be deployed should additional funding become available.

When combined with savings in construction and operating costs due to CHPs' not-for-profit status and GST exemptions, monetary contributions can deliver more affordable homes compared to in-kind contributions.

Summary of recommendations:

- Ensure the precinct's affordable housing contribution scheme is finalised and in place alongside the rezoning.
- This must implement the maximum feasible mandatory affordable housing requirement within the precinct. The final planning framework for the precinct must prescribe a clear requirement for each site, not a target range.
- Adopt a consistent methodology for determining contribution rates across the TOD accelerated precincts, based on the applicable uplift beyond existing controls. CHIA NSW supports higher rates being applied to sites benefiting from significant additional uplift. Where bonus FSR provisions are applied, provide clarity as to the base requirement for affordable housing should the bonus not be taken up.
- Apply a contribution requirement of 30% to government owned land within the precinct.
- The planning framework for the precinct must include a clear trajectory for increasing the affordable housing requirements over time.
- Affordable housing must be required to be retained in perpetuity. The contributions scheme should set out provisions for the recycling of properties where this benefits affordable housing outcomes.
- Require ownership of all affordable housing delivered within the precincts to be transferred to a registered community housing provider.
- For larger schemes, where an in-kind contribution is required, require developers to engage early with a CHP to ensure the design of affordable housing is fit-for-purpose. It needs to be a condition of consent that evidence of an agreement with a CHP for the management and ownership of the affordable housing is submitted before an occupation certificate can be issued.
- A monetary contribution should be required for smaller schemes, to leverage more homes and avoid operational inefficiencies.
- Prescribed conditions of consent requiring application of the NSW Affordable Housing Ministerial Guidelines.

CHIA NSW appreciates the opportunity to provide feedback on the TOD rezoning proposal. Please don't hesitate to get in touch if you require any further information about this submission. CHIA NSW looks forward to continued engagement with the NSW Government on planning reforms.

Kind regards,



r - Policy
CHIA NSW

References

- ⁱ Based on a comparison of Census data.
- ⁱⁱ Based on a review of DCJ Rent and Sales Reports.
- ⁱⁱⁱ Based on Census data.
- ^{iv} ABS Consumer Price Index.
- ^v National Housing Finance and Investment Corporation (2023) *State of the Nation's Housing 2022-23*, NHFIC, Sydney.
- ^{vi} van den Nouwelant, R., Troy, L, and Soundararaj, B. (2022) *Quantifying Australia's unmet housing need – A national snapshot*, prepared for the Community Housing Industry Association, University of NSW City Futures Research Centre.
- ^{vii} Gurran, N., Gilbert, C., Gibb, K., van den Nouwelant, R., James, A. and Phibbs, P. (2018) *Supporting affordable housing supply: inclusionary planning in new and renewing communities*, AHURI Final Report No. 297, Australian Housing and Urban Research Institute Limited, Melbourne.
- ^{viii} The Centre for International Economics, (2020) *Evaluation of infrastructure contributions reform in New South Wales - Final Report*, prepared for the NSW Productivity Commission.
- ^{ix} Community Housing Industry Association NSW (2021) [Taking Action on Affordability](#).
- ^x Paxon Group (2022) *Local Council Partnerships for Provision of Affordable Housing*, prepared for Community Housing Industry Association NSW.

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Tuesday, 13 August 2024 12:36:11 PM
Attachments: [grinstons-rezoning-submission-august-2024.pdf](#)

Submitted on Tue, 13/08/2024 - 12:35

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

David

Last name

Grinston

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

PO Box 6371

Please provide your view on the project

I object to it

Submission file

[grinstons-rezoning-submission-august-2024.pdf](#) (218.84 KB)

Submission

Please see attached submission letter dated 13 August 2024 from Grinstons

I agree to the above statement

Yes

Grinstons

Lawyers

Suite R1101/220 Pacific Highway
Crow's Nest NSW Australia
PO Box 6371
North Sydney 2059
Phone: [REDACTED]
Email: [REDACTED]
Website: www.grinstons.com.au
ABN 92 170 702 699

Principal: [REDACTED] LLB Dip. SIA

13/08/2024

Ms Kiersten Fishburn,
Secretary, NSW Department of Planning Housing and Infrastructure (DOP)
4 Parramatta Square
12 Darcy Street
Parramatta NSW 2150

Subject: Crows Nest Transport Oriented Development (TOD) Rezoning Proposal.

BACKGROUND TO THIS SUBMISSION

I am the owner [REDACTED]
[REDACTED] Crow's Nest.

Panorama Residences is a 16-story tower comprising 160 units. Initially operated as a hotel, it was acquired and refurbished by Probuild, converted to strata title units and sold off between 2011 and 2013. It is situated directly above a small block of low-rise town houses and single storey residences on the eastern alignment of Sinclair Street. Over 50 per cent of the units in Panorama Residences face west and enjoy a leafy (and on higher levels a water view) above those current buildings on Sinclair Street.

Probuild went into liquidation several years ago, without rectifying a number of significant and identified construction defects. To make matters worse, in the wake of the Grenfell Tower fire in London, Panorama Residences was found to be fitted with a considerable quantity of external cladding that did not comply with the new fire safety standards.

The Owners Corporation Strata Plan 88827 at Panorama Residences is currently undertaking a protracted and costly process of replacing the noncompliant cladding and the full cost will be borne by all unit owners by way of special levies.

The provisional estimated cost of the cladding replacement process is \$5 million, although the cost is likely to rise once a firm quote is obtained and accepted. All unit owners in Panorama Residences have felt the initial burden of that cost by paying their unit entitlement of the estimated cost by a special levy, which fell due for final payment on 1 August 2024.

DocuSigned by:
[REDACTED]
E24385D8340C46C...

Grinstons

Lawyers

Principal: [REDACTED] LLB Dip. SIA

Suite R1101/220 Pacific Highway
Crow's Nest NSW Australia
PO Box 6371
North Sydney 2059
Phone: [REDACTED]
Email: [REDACTED]
Website: www.grinstons.com.au
ABN 92 170 702 699

RESPONSE TO THE PROPOSED REZONING

I acknowledge the NSW Government's goal to allow additional residential housing in locations close to the Crows Nest Metro station. However, I submit that if the planned rezoning allows 8 stories up to a height of 29 metres along Sinclair Street, it will have actual and potential negative impacts and consequences set out in this Submission.

I respectfully ask the DOP to take into consideration the contents of this Submission.

1. IMPACT ON UNITS ON LOWER FLOOR UNITS IN PANORAMA RESIDENCES

Submission

If the zoning is changed to allow construction of residential buildings up to a height of 29 metres or 8 stories, buildings of that maximum height will significantly reduce the amenity of residents in Panorama Residences units located on the ground floor up to the 8-story level of the increased building height. In that event, residents of those units will suffer a material loss of natural light, sunlight and privacy from what they have with the building heights currently in place on Sinclair Street.

In addition, this zoning change has the potential to seriously reduce the resale value of the units described in the prior paragraph, whose owners have already suffered the negative financial impact of the cost of cladding repair and building defect rectifications, as outlined in the Introduction to this submission.

2. VEHICULAR TRAFFIC ON SINCLAIR AND BRUCE STREETS AND ROCKLANDS RD

Background

Other than a small block of townhouses near the corner of Rocklands Road, the current buildings on the eastern alignment of Sinclair Street, from Rocklands Road to Bruce Street, comprise single residence houses, some with Federation style features.

The residences on the eastern alignment of Sinclair Street, from River Road to Bruce Street, currently comprise single storey Federation-style houses. At the northern end, there is an open carpark behind a vacant commercial building fronting the Pacific Highway.

All vehicular traffic from Sinclair Street can only access the Pacific Highway or Waverton/Wollstonecraft via Rocklands Road or Bruce Street. The section of Sinclair Street north of Bruce Street is limited to one way traffic going south towards Bruce Street.

Grinstons

Lawyers

Suite R1101/220 Pacific Highway
Crow's Nest NSW Australia
PO Box 6371
North Sydney 2059
Phone [REDACTED]
[REDACTED]
Website: www.grinstons.com.au
ABN 92 170 702 699

Principal: [REDACTED] LLB Dip. SIA

Submission

If the zoning on Sinclair Street is changed to allow construction of residential buildings, up to a height of 29 metres or 8 stories, such buildings are likely to generate a significant increase in vehicular traffic along Sinclair Street, to access either Bruce Street and Pacific Highway and/or to access Rocklands Road and then left up to Pacific Highway or right to parts of Waverton and Wollstonecraft.

In its rezoning decision, I submit that the NSW Government and the DOP should consider that a significant number of residents in any new 8 story buildings will own or use private vehicles. Sinclair Street already has a level of vehicular traffic, doing as follows:

- a) accessing Pacific Highway via Bruce Street;
- b) accessing Pacific Highway and/or parts of Waverton and Wollstonecraft via Rocklands Road; and/or
- c) entering and exiting the Mater Hospital at its intersection with Rocklands Road.

There is also a level of regular pedestrian traffic entering and exiting the Mater Hospital and MIA, at the intersection of Sinclair Street and Rocklands Road.

During school terms, many teenage children use the pedestrian crossing at corner Pacific Highway and Rocklands Road to access North Sydney Girls High School and the Cammeraygal School.

Therefore, an increase in traffic, due to residents of new 8 story buildings constructed on Sinclair Street owning or having access to private vehicles, may significantly increase the risk of injury to pedestrians described above.

3. LOSS OF LOCAL CHARACTER AND HERITAGE

Submission

The majority of single dwelling houses currently standing along the eastern alignment of Sinclair Street between Rocklands Road and River Road are Federation style cottages and semi-detached cottages. Many of them still incorporate original Federation era features. If the zoning is changed to allow 8 storey buildings up to a height of 29 metres on Sinclair Street, many Federation houses are likely to be acquired and demolished by property developers taking advantage of the increased maximum building height. The loss of those Federation houses will significantly impact the Heritage value of the Sinclair Street precinct.

Grinstons

Lawyers

Suite R1101/220 Pacific Highway
Crow's Nest NSW Australia
PO Box 6371
North Sydney 2059
Phone: [REDACTED]
Email: [REDACTED]
Website: www.grinstons.com.au
ABN 92 170 702 699

Principal: [REDACTED] LLB Dip. SIA

NOISE FROM VENTILATION AND HEATING PLANT ON ROOFTOPS

Submission

If the zoning is changed to allow construction of residential buildings, up to 29 metres or 8 stories, there is likely to be a significant increase in "ambient" noise generated by the heating and air conditioning plant and equipment installed on their roof tops. As noise tends to travel upwards, this noise increase will negatively affect the amenity of all residents in west-facing units in Panorama Residences- not just residents of units on the lower floors affected by the increased building height limit.

Such increased noise level will add to the current ambient noise generated by the air conditioning plant and equipment installed on the top of the Mater Hospital, which affects residents of units facing the south-west corner of Panorama Residences.

5 PREMATURE REZONING OF SECONDARY STREETS BEFOR ASSESSING OVERALL IMPACT OF HIGH-RISE DEVELOPMENT

Background

The proposed rezoning will open up development opportunities for substantial high rise commercial and residential buildings on Pacific Highway, going north from the Bruce Street intersection, past River Road and the Crow's Nest Metro Station, towards St Leonards.

Submission

I submit that it would be premature -and even short-sighted- to confirm a building height increase up to 29 metres or 8 stories along secondary streets like Sinclair Street, until the impact of a sizeable number of new high-rise residential redevelopments on the Pacific Highway (as above) can be properly assessed.

I submit that only after a sizeable number of residents have occupied such new high-rise residential buildings on Pacific Highway can the impact of consequential vehicular and pedestrian traffic affecting secondary streets like Sinclair Street be accurately assessed.

That assessment can then inform a decision on what is a reasonable height limit for future residential developments on such secondary streets, to preserve local amenity and safety.

Yours faithfully

DocuSigned by:
[REDACTED]
E24385D8340C46C...

Grinstons Lawyers

Liability is limited by a scheme under NSW Professional Standards Legislation

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Friday, 23 August 2024 1:19:08 PM
Attachments: [home-apartments---crows-nest-tod-submission---524-542-pacific-hwy,-st-leonards---23-august-2024.pdf](#)

Submitted on Fri, 23/08/2024 - 13:07

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Michael

Last name

Oliver

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

Sydney 2000

Please provide your view on the project

I am just providing comments

Submission file

[home-apartments---crows-nest-tod-submission---524-542-pacific-hwy,-st-leonards---23-august-2024.pdf](#) (209.67 KB)

Submission

Refer to attached submission.

I agree to the above statement

Yes

23 August 2024

2210028

Kiersten Fishburn
Secretary
NSW Department of Planning, Housing and Infrastructure
4 Parramatta Square
Parramatta NSW 2150

Attention: Brendan Metcalfe (Director, State Rezoning)

Dear Brendan,

Submission on Crows Nest Transport Oriented Development Precinct For Home Apartments in relation to the Telstra St Leonards Exchange Site

Thank you for the opportunity to provide a submission on the Explanation of Intended Effect (EIE) and supporting materials for the Crows Nest Transport Oriented Development Precinct. This submission has been prepared on behalf of Home Apartments, the owner and developer of the Telstra Exchange site in St Leonards.

The Site

The Telstra Exchange site is located at 524-542 Pacific Highway, St Leonards, comprising eight lots with a total area of approximately 1,671m² (the Site). Existing development of the site includes the Telstra Exchange, which provides critical telecommunications infrastructure for northern Sydney, along with four attached commercial tenancies. The site is well-located, with St Leonards Station, Crows Nest Metro, local services, amenities and open space all within close walking distance.

Planning History & Background

The Site has been the subject of an exhaustive planning process that commenced in 2016, an abridged version of which is outlined below:

2016	Home (formerly Grocon) submitted a Planning Proposal to rezone the site to permit a 53-storey mixed use tower. However, the Council's assessment of the original Planning Proposal was delayed while the DPE prepared the 2036 Plan and Home withdrew the proposal at Council's request to allow consideration of the 2036 Plan.
December 2018	Following the release of the draft 2036 Plan, the Planning Proposal was resubmitted and following Council's failure to endorse the proposal, a Rezoning Review request was sought on 30 January 2020 as the Council had not supported the request to amend the LEP within the 90 day timeframe.
May 2020	The Rezoning Review was not supported by the Sydney North Planning Panel. The Panel cited that the 2036 Plan was 'imminent' and that it would be premature to consider the Planning Proposal without the directions of the 2036 Plan.
November 2021	DPHI accepted the project as a Priority Assessment Project, allowing the concurrent submission of a State Led Rezoning and State Significant Development Application, led by the DPE with the appointment of the Secretary as the Relevant Planning Authority (RPA) under Section 54(2)(a) of the EP&A Act.
2022	Industry Specific SEAR's for BTR Housing issued. Preparation of documents for the lodgement of the application, as well as undertaking extensive engagement with the Planning Delivery Unit (PDU), Department of Planning and Environment, State Design Review Panel (SDRP), and Lane Cove Council (Council).
July 2022	Negotiations on the public benefit offer commenced with Council, which were ongoing until May 2023. This process confirmed that the original public benefit offer made by Home was reasonable and anything more would not be feasible for the project.
May 2023	Home revised the public benefit offer to include key worker housing and monetary contributions to satisfy Council's needs. This was presented to Council at a Lane Cove Council meeting on 20 September 2023 and accepted in principle.

January-February 2024	Public exhibition of an EIE for State-Led Rezoning and the State Significant Development Application and referral for Council and agency feedback.
April 2024	Lodgement of Submissions Report by Home with DPHI in respect of the SSDA.
July 2024	Planning Agreement between Lane Cove Council and Home Apartments executed. The required restrictions on title have now also been registered on title.
Late-August/early-September 2023	Home Apartment's understanding of the targeted finalisation date for the State-led Rezoning and determination of the SSDA

Telstra St Leonards Exchange Project

As outlined above, between 30 January 2024 and 26 February 2024 the Department of Planning, Housing and Infrastructure publicly exhibited of an EIE for the State-led Rezoning of the site in order to amend the Lane Cove Local Environmental Plan 2009 to:

- Rezone the site from E2 Commercial Centre to MU1 Mixed Use
- Increase the maximum building height permitted from 72m to 148m (RL 228.8m AHD)
- Provide for an additional 7m height allowance for rooftop plant equipment, lift overruns and associated structures (RL235.8m AHD); and
- Include a minimum non-residential floor space ratio of 2.3:1

These planning controls would facilitate the approval of a concurrent State Significant Development Application (SSDA) (SSD-35631707) that seeks consent for the design, construction and use of a 42-storey mixed-use tower comprising 272 build-to-rent dwellings, 10 key worker housing dwellings, 3,840m² of non-residential floorspace and 2,014m² of community amenity facilities, and associated works.

This project represents a significant contribution to housing supply within the Crows Nest TOD Precinct, delivering 282 dwellings in total which equates to nearly 1 in 10 of the 3,255 new homes envisaged within the Crows Nest TOD Precinct.



Figure 1 *Illustrative photomontage of proposed development subject to SSD-35631707*

Source: DKO

Comments on Crows Nest TOD Precinct

Home Apartments supports the overall intent of the Crows Nest TOD Precinct, whilst noting that the Telstra St Leonards Exchange Site is the subject of a separate State-led Rezoning that is expected to imminently enact new controls well in advance of the finalisation of the Crows Nest TOD Precinct, allowing determination of the related SSDA shortly thereafter. Our priority is therefore that:

- Finalisation of the Crows Nest TOD Precinct controls does not in any way further delay the finalisation of the State-led Rezoning and SSDA process; and
- The subsequent finalisation of the Crows Nest TOD Precinct planning controls in respect of the Site are consistent with those enacted through the State-led Rezoning.

With this in mind, we offer the following comments on the Crows Nest TOD Precinct planning package. We have limited our comments to the EIE and the Draft Design Guide, being the documents that are intended to have effect in the anticipated future planning framework.

General

It is acknowledged and appreciated that the EIE notes at Section 1.5 that *“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”*.

Building Height

Figure 10 within the EIE notes the proposed building height as RL 228.8m AHD. This is consistent with the State-led Rezoning, however, it is noted that the State-led Rezoning also provides for an additional 7m height allowance for rooftop plant equipment, lift overruns and associated structures to RL 235.8m AHD. This additional allowance should continue to be provided under any amendments to the Lane Cove LEP arising from the Crows Nest TOD Precinct.

Alternatively, we would not object if DPHI preferred to map the maximum building height applying to the Site as 235.8 metres (228.8 + 7 metres) and remove the site-specific allowance for plant and lift overruns, noting that the standard definition of building height under the Lane Cove Local Environmental Plan 2013 requires these elements to be included within the maximum building height.

Floor Space

We note that the maximum floor space ratio would remain unchanged from that currently applicable under the Lane Cove LEP (17.1:1), consistent with the State-led Rezoning, and that the minimum non-residential floorspace provision would be 2.3:1 consistent with the State-led rezoning.

Affordable Housing and Contributions

The affordable housing contribution rates proposed at Section 2.6 of the EIE are noted. We note that the Site is subject to a previously negotiated and agreed VPA for the provision of key worker housing dwellings and other Public Benefits, and that agreement (now registered on Title) should continue to apply. On this basis we request that the subject site be excluded from the application of the proposed affordable housing requirement. This reflects the existing arrangements made between Home Apartments and Lane Cove Council as reflected in the Planning Agreement executed on 8 July 2024 that provides for the provision of affordable key-worker housing on the Site and payment of monetary contributions to Council.

Design Guide

The EIE is accompanied by the Draft Crows Nest Precinct Design Guide which the EIE proposes would become a mandatory matter for consideration for all development within the Crows Nest Precinct. Figure 1 of the Draft Crows Nest Design Guide identifies that this would apply to the Site.

The State-led Rezoning for the Site includes the Draft St Leonards Telstra Exchange Design Guide, which sets out site-specific design guidance that would be given effect through a site-specific provision within the Lane Cove LEP. This Draft Design Guide sets out specific controls for the Site, with which the SSDA complies.

Our preferred position is that the Section 1.1 of the Draft Crows Nest Precinct Design Guide should be amended to exclude its application to the Site, with reference made instead to the Draft St Leonards Telstra Exchange Design Guide. This will avoid any confusion or inconsistent application of planning controls to the Site. This is

because the Crows Nest TOD Precinct Design Guide should not apply to the Site, on the basis that a site-specific Design Guide has already been prepared and exhibited with the EIE for the site-specific State-led Rezoning.

In the alternative, the Draft Crows Nest Precinct Design Guide should be amended to import the provisions of the Draft St Leonards Telstra Exchange Design Guide verbatim, either within a new sub-section within Section 4 or as a separate appendix. If this approach is taken, it should be made clear that the imported provisions are the only provisions of the Design Guide that apply to the Site.

We note that the above approach will assist in resolving areas of potential inconsistency between the Draft Crows Nest Precinct Design Guide and the Draft St Leonards Telstra Exchange Design Guide, for example in the way in which maximum floor heights are set out in Section 3.4 or street wall heights in Section 3.8

Specific comments on select aspects of the Draft Crows Nest Precinct Design Guide are also outlined below:

- It is noted that the EIE outlines at Table 5 and Appendix B typical assumptions for floor-to-floor heights. We note that these assumptions are generic in nature and are different in some instances from those proposed on the Site as set out in SSD-35631707. We understand that these heights have been used to inform the proposed LEP height map. However, the inclusion of these heights as maximums in Section 3.4 of the Draft Crows Nest Precinct Design Guide is not supported. All future development will be required to comply with the maximum building heights prescribed by the applicable LEP. It is not necessary or appropriate to apply maximum floor-to-floor heights on development within this framework. Irrespective of floor-to-floor heights proposed in any individual development, compliance with the LEP will continue to be required. Section 3.4(5) of the Draft Crows Nest Precinct Design Guide operates to unnecessarily constrain the delivery of good building design and amenity that is appropriate in the circumstances of individual developments. The application of prescriptive controls in respect of floor-to-floor heights is not appropriate.
- As per the above, the reliance upon GBA-GFA efficiency for assumptions underlying built form modelling and controls is standard strategic planning practice, however, it is not necessary or appropriate to apply these generic assumptions to the assessment of individual development projects as proposed in Section 3.4(6) of the Draft Design Guidelines. Each individual development project will have different efficiencies based on the specific circumstances and constraints of the site, the mix of land uses and key design drivers. Each DA will be required to comply with the applicable floor space standard prescribed by the applicable LEP. There is no need or planning purpose in applying these assumptions as development controls.
- Section 3.4(7) of the Draft Design Guidelines simply states the position required by the standard definition of building height as adopted in each of the applicable LEPs within the Crows Nest Precinct. As noted earlier in this submission, for consistency of planning practice we would not object to the Crows Nest TOD Precinct rationalising the planning controls for the Site as set out in the State-led Rezoning to a single height limit of RL 235.8m AHD, inclusive of the 7m rooftop plant/ lift overrun zone which is to be applied as a separate allowance above the mapped building height.

Conclusion

Home Apartments is ready to deliver 282 dwellings within the Crows Nest Precinct, subject to the completion by the Department of the State-led Rezoning process and determination of SSD-35631707. This will complete an 8-year long planning process to deliver housing in this well-located area. We respectfully request that the Department complete this process as quickly as possible, noting the extensive planning process already completed in respect of the Site.

We are supportive of the broader changes to the St Leonards and Crows Nest Precinct as outlined in the Crows Nest Transport Oriented Development Precinct EIE and Draft Design Guide, subject to ensuring that the final controls implemented in the Lane Cove LEP and Final Design Guide are consistent with those that have been established on a site-specific basis in respect of the Telstra St Leonards Exchange as outlined in our submission.

Should you have any further queries, please do not hesitate to contact the undersigned.

Yours sincerely,

[Redacted signature]

[Redacted contact information]

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Thursday, 1 August 2024 1:18:48 PM
Attachments: [tod-have-your-say-response.pdf](#)

Submitted on Thu, 01/08/2024 - 13:18

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

██████████

Last name

██████████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

2000

Please provide your view on the project

I am just providing comments

Submission file

[tod-have-your-say-response.pdf](#) (251.8 KB)

Submission

Please see our submission attached that calls for Transport Oriented Design projects to deliver a better return on investment for the people of NSW. You may publish the submission.

I agree to the above statement

Yes




9 August 2024

Department of Planning, Housing and Infrastructure
 Locked Bag 5022,
 Parramatta NSW 2124
 Submitted via web-form link

Dear Sir or Madame

RE: Transport Oriented Development – Accelerated Precincts

We write to call on the NSW Government to amend **Transport Oriented Development (TOD) Accelerated Precinct** plans to improve inclusion and equity for the people of NSW. The current TOD proposals have the potential to deliver up to 49,677 new homes in NSW, in locations centered around railway stations that either are, or soon will be accessible.

Location	Total Homes	Affordable Homes	Accessible Homes
Hornsby 	Up to 5,000	5–10% 250–500	0?
Macquarie Park 	Up to 4,622	10–15% 460–690	0?
Kellyville and Bella Vista 	Up to 20,700	3–8% 620–1,650	0?
Crows Nest (2024)	Up to 3,255	10–15% 325–488	0?
Homebush (2024)	Up to 16,100	5–10% 805-1,610	0?

For people with disability, access to accessible public transport is essential, to enable travel to work, education, essential services and recreation. Train and tram travel offer the greatest accessibility, but not all stations are currently accessible.

Livable Design for Accessibility

People with disability are already excluded from much of the housing stock in NSW, due to inaccessible design, which often cannot be affordably modified. It is crucial that all homes built in the TOD precincts are built to the **Silver Livable Design Standard**, in line with the **Building Better Homes Campaign**, to enable access by people with disability and end housing discrimination for the 1 in 5 Australians who have a disability. For developers, this also means more potential customers. Building to the Silver Livable design standard adds less than 1% to the cost of building homes according to Australian Building Codes Board modelling, but this is far less than it will cost to retro-fit these homes, or move people into specialist aged or disability care if their circumstances change.

More affordable homes

Of the proposed 49,677 homes, the maximum target for affordable homes is 4938. As of May 2024 the **NSW Housing Register** showed that 58,942 applicants were waiting for social housing, and 9142 were identified as priority applicants.

The need for affordable housing is critical, but the number of homes designated under TOD to be affordable only has the potential to accommodate half of the priority list, or 8% of the total number of waiting applicants. We call on the NSW Government to increase the proportion housing allocated to be affordable under TOD to 50% in every location. This would accommodate half of the applicants currently waiting on the NSW Housing Register.

Affordability settings

We also call on the NSW Government to set affordability standards to meet the needs of people who live on social security payments. Some providers define housing as 'affordable' because its rent is set at a discount compared with the market. At a median rent of **\$745 per week**, even a 25% discount on Sydney rents would only lower weekly costs to \$558.

Without urgent intervention to provide affordable housing, many in NSW risk homelessness. Anglicare Australia's 2024 **Rental Affordability Snapshot** has identified

that of 45,115 rental listings, none were affordable for a person living on Youth Allowance, only 3 share-houses were affordable for a person on JobSeeker, 31 rentals were affordable for a person on the Disability Support Pension, 89 were affordable for a person on the Age Pension and 289 were affordable for a person on full time minimum wage. We call on the NSW Government to set affordable rents at **no more than 30% of a person's income**, in line with the Australian Housing and Urban Research Institute's settings. This will ensure that it is truly affordable.

The land being released for development represents a huge investment by the people of NSW in housing that enables more people to access work, education, essential services and recreation. Together with our peers at Homelessness NSW we call on the NSW Government to improve inclusion and equity for the people of NSW by:

- ensuring every home under the TOD is built to at least the Silver Livable Design Standard
- increasing the proportion of accessible housing in each location to 50%
- setting the housing affordability standards at 30%

Yours sincerely

[Redacted signature]

[Redacted name]

[Redacted title]

People with Disability Australia



From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Monday, 19 August 2024 2:03:17 PM
Attachments: [willoughby-council-tod-submission-endorsed-council-meeting-12-august-2024.pdf](#)

Submitted on Mon, 19/08/2024 - 14:00

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

██████████

Last name

██████████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

Chatswood 2067

Please provide your view on the project

I am just providing comments

Submission file

[willoughby-council-tod-submission-endorsed-council-meeting-12-august-2024.pdf](#) (1.98 MB)

Submission

This submission is provided in response to the NSW Department of Planning, Housing and Infrastructure's exhibition of:

- * The Crows Nest (St Leonards) Transport Oriented Development (TOD) Program accelerated precinct rezoning proposal exhibition (note: for the purposes of this submission Lot 4B is referred to as 4B Herbert Street).
- * Pathway changes to support transport oriented development and residential housing delivery.

I agree to the above statement
Yes

Submission to Transport Oriented Development Program

This submission is provided in response to the NSW Department of Planning, Housing and Infrastructure's exhibition of:

- The Crows Nest (St Leonards) Transport Oriented Development (TOD) Program accelerated precinct rezoning proposal exhibition (note: for the purposes of this submission Lot 4B is referred to as 4B Herbert Street).
- Pathway changes to support transport oriented development and residential housing delivery.

Executive Summary

On 16 July 2024, the NSW Department of Planning Housing and Infrastructure (DPHI) published a rezoning proposal relating to the Crows Nest TOD Precinct (see figure 1 for proposed are to be rezoned). DPHI is also concurrently exhibiting an Explanation of Intended Effect (EIE) proposing policy changes seeking to accelerated housing delivery in the TOD accelerated precincts.

The Crows Nest TOD rezoning proposal includes 3,255 dwellings (representing an increase of 1,762 dwellings above the total capacity provided for in the previously adopted St Leonards Crows Nest 2036 Plan. The TOD concentrates on land predominately in the North Sydney and Lane Cove Local Government Areas, with one site included in the Willoughby Local Government Area (LGA) being 4B Herbert Street.

Council has identified a number of concerns and issues which are summarised as follows:

- The rezoning should not proceed in advance of funding commitments to the supporting infrastructure required. Consideration should be given to immediate funding for upgrades to deliver indoor sports facilities at Gore Hill Oval, cycleways connecting the station to surrounding suburbs, and improved pedestrian links to the metro and rail stations. The funding mechanism and timeline for the projects identified under the previous SIC should also be confirmed before any rezoning is finalised.
- Council supports the 10-15% affordable housing requirement across the Crows Nest TOD precinct.
- Council recommends that a minimum of 15% of the 4B Herbert Street be Affordable Housing.
- The exhibited TOD program materials do not specify who owns and manages proposed affordable housing. Affordable Housing units should be dedicated to Council for management as part of Council's well-established Affordable Housing portfolio.
- Council re-affirms its position (resolved on 25 March 2024):

that Royal North Shore Hospital land that is most accessible to St Leonards Station and the new Crows Nest Metro should be reserved for clinical health care, research and education to allow for the hospital's future expansion, and not be used for residential, commercial, or retail purposes. Confirming that Council's recently gazetted Local Environmental Plan explicitly encourages non-clinical health related land use in the nearby employment zones.

- Council recommends that a review of the Royal North Shore Hospital Masterplan is undertaken in light of the TOD, and a Community Reference Group is established.
- Rather than remove the requirement for referrals and concurrence, the State Government should be working with relevant State agencies and bodies to improve resourcing and processing capacity to reduce processing times.
- The specific alternative to design competitions should be articulated and provided to Councils, the community, and other stakeholders, for consideration and input before any change is made.
- With particular regard to 4B Herbert Street:
 - Council seeks for Clause 6.23 of *Willoughby Local Environmental Plan 2012* (WLEP 2012) to be applicable and for the site to be identified as Area 5 on the Special Provisions Area Map. The effect of this would be to require the consent authority to be satisfied that the development exhibits design excellence.
 - Any rezoning of 4B Herbert St should include floor space requirements confirming the future residential and non-residential mix to be accommodated on the site. This should be informed by confirmation of the anticipated future needs of the hospital catchment, and the need to ensure the site remains a key employer and service provider for residents of the precinct.
 - Council recommends that at least 15% affordable housing be provided at 4B Herbert Street. The site should be added to the Affordable Housing Map in WLEP 2012 with the specific required rate added to 6.8 of the Affordable Housing clause.
 - Consideration of a height response on 4B Herbert Street more sensitive to the surrounding sites and to the future skyline of the precinct is requested. Particularly given the proposed height, the proposed built form should be revised to ensure a more slender tower form is delivered on the site.
 - A setback of 7m should be required to the southern boundary of 4B Herbert Street and the site specific Design Guide should be updated accordingly to clarify an inconsistency.
 - Given the proposed height and the prominence of the site, consideration should be given to implementing a more detailed site specific DCP (which would replace the proposed Design Guidelines) for the 4B Herbert Street site

- To ensure the development of 4B Herbert Street is accompanied by appropriate ground level public realm outcomes, greater resolution of the ground plane are required in accordance with Council's detailed comments contained within the relevant section of this submission. Consideration should be given to replacing the proposed Design Guide with a more detailed Site Specific DCP.
- Documentation should be updated to consistently refer to the proposed realigned Herbert Street pedestrian bridge.
- Section 4.3.1 'Building Massing and Envelope' should be amended to remove the invitation to vary the prescribed building envelopes as part of the design excellence process.
- The Landscape Plan and Design Guide should be updated to require additional planting where possible. Deep Soil areas should be utilised to maximise the tree canopy provided.
- Greater consistency is required between the Site Specific Design Guideline and the Crows Nest Design Guide and they should be updated to maximise deep soil provision and tree canopy.
- The design guides should be updated to sufficiently specify loading and unloading requirements including requirements loading bay length, height and clearance requirements.

Council requests that these matters be addressed by DPHI prior to the finalisation of the rezoning proposal.

Figure 1 - Boundary of the Crows Nest TOD



Source - DPHI

Contents

This submission is structured as follows:

1) Background

- Recent History
- Summary of changes in the Willoughby LGA

2) Key Issues

- Proposed pathway changes
- Infrastructure funding
- Affordable Housing
- Importance of retaining RNSH land
- Loss of Employment lands
- Design Excellence
- Sustainability
- Height
- Built form
- Tree removal / replacement and deep soil planting
- Ground level publicly accessible space
- Loading and unloading
- Car parking

3) Requested additional information, clarification or technical matters

- Herbert Street pedestrian bridge and other works
- Infrastructure Funding
- Flood related comments and associated matters
- Helicopter path
- Waste Provision
- Consultation with Council prior to construction


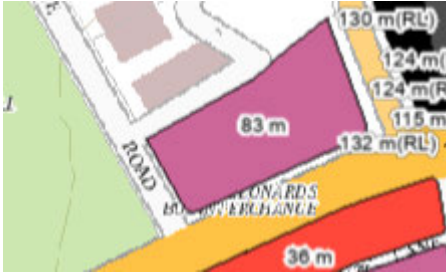
1. Background


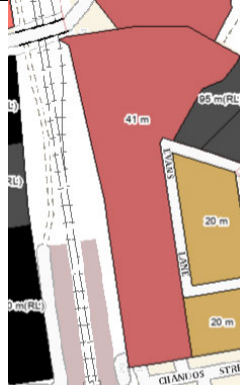




Recent History

The Crows Nest TOD is located in the same boundary as the approved *St Leonards Crows Nest 2036 Plan* (the 2036 Plan). The 2036 Plan was released in August 2020 and included some sites in the Willoughby LGA. The majority of the changes occurred along the Pacific Highway from St Leonards Station to the new Crows Nest Metro Station.

Willoughby Council incorporated the recommended land use changes into the comprehensive review of WLEP 2012, which became Amendment No 34. Amendment No. 34 was brought into effect in June 2023, Table 1 provides a summary of the changes that have been implemented.

Table 1 – Implementation of the 2036 Plan in Willoughby LGA

Previous controls (pre Amendment 34)	WLEP 2012 Current controls - incorporating St Leonards 2036 Plan (Post Amendment 34)
207 Pacific Highway St Leonards	
Zoning B3 Commercial core HOB (previous heights varied across the site)  FSR 3:1	Zoning E2 Commercial Centre HOB 83m across entire site (25 storeys)  FSR 10: 1 with a 10.1 non res FSR
2-10 Chandos Street	
Zoning B3 Commercial core HOB 26m	Zoning E2 Commercial Centre HOB 41m (13 storeys)

Previous controls (pre Amendment 34)	WLEP 2012 Current controls - incorporating St Leonards 2036 Plan (Post Amendment 34)
 <p>FSR 3:1</p>	 <p>FSR 4.5:1 with 4.5:1 non res FSR</p>
<p>110-120 Christie Street</p> <p>Zoning B3 Commercial core HOB 14m</p>  <p>FSR 1.5:1</p>	<p>Zoning E2 Commercial Centre HOB 20m (6 storeys)</p>  <p>3:1 with 3:1 no res FSR</p>
<p>14-102 Chandos Street</p> <p>Zoning B3 Commercial core (Schedule 1 allows shop top) HOB 20m</p>  <p>FSR 2.5:1</p>	<p>Zoning E2 Commercial Centre HOB 20m (5 storeys) – no change</p>  <p>FSR 3:1 with minimum no res FSR of 2:1</p>

Summary of Changes in the Willoughby LGA

The proposed changes in the Willoughby LGA under the proposal are limited to the 4B Herbert Street site; however, the growth proposed across all three precincts will affect infrastructure demands across all three precincts.

The 4B Herbert Street site covers an area of 3,371m² (0.34ha) and is owned by Property NSW. Adjacent is a recently constructed 10-storey Administration Building occupied by Health NSW (Lot 4A).

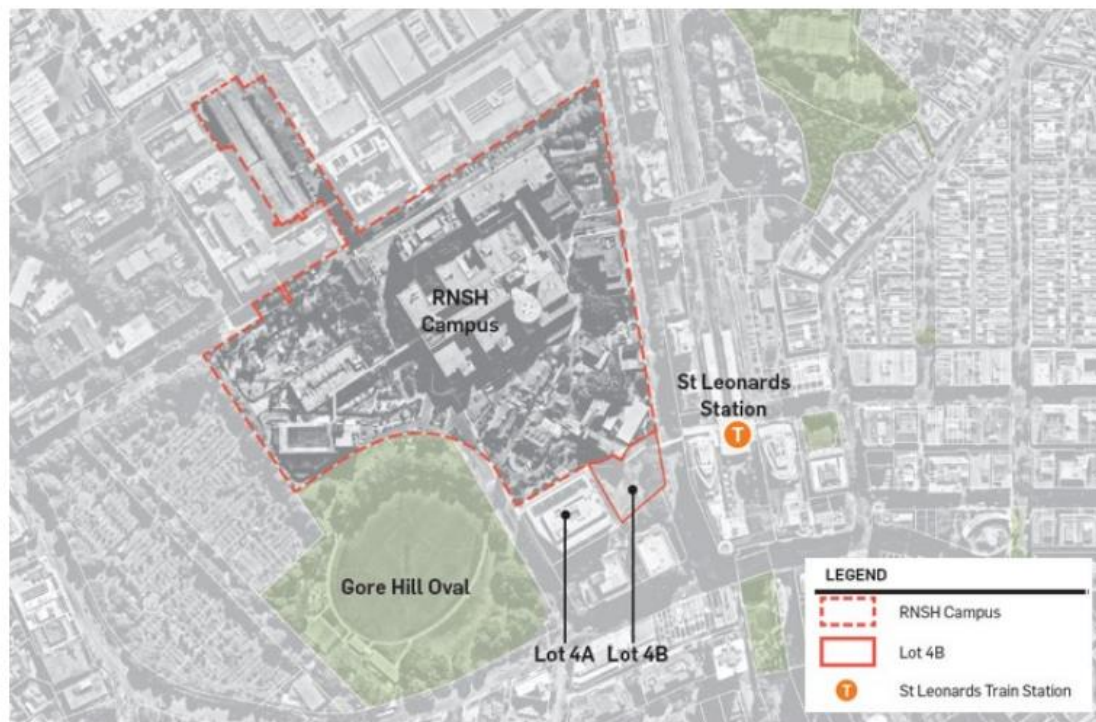
The current controls on the site are:

- SP2 Infrastructure (Hospital) zone
- No current height or Floor Space Ratio (FSR) controls

The vision is stated in the Urban Design Report (P.67):

To unlock well-located, but currently underutilised NSW Government land (Lot 4B), to provide much needed housing for key workers in the area, with access to high-quality transport and local services. To provide improved access and arrival experience, for the RNSH Campus within St Leonards Health and Education Precinct in the short-term.

Figure 2 - 4B Herbert St and immediate surrounds



Source: DPHI

The key elements that form the Concept Plan include:

- A building envelope with a maximum building height of up to RL283m and a floor space ratio (FSR) of 14.3:1. The envelope can accommodate a tower of up to 62-storeys comprising 2 basement levels, 2 podium levels, residential and non-residential uses.
- Approximately 448 residential dwellings supported by communal open space at podium level.
- Affordable housing provision of 10-15%

- Relocated and improved public pedestrian access from Herbert Street to the RNSH campus via a new stairs and lift and an arrival plaza at upper ground level.
- Pedestrian access to the building from ground level at Herbert Street and upper ground level from the proposed new arrival plaza.
- New entry/exit vehicular access via Herbert Street.

The proposal seeks to retain the existing SP2 Hospital zoning, with additional permissible uses for the site identified through amending the Special Provisions Area Map:

- 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 Crows Nest Explanation of Intended Effect states (P. 4):

“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 ..., Lane Cove Environmental Plan 2009 ..., and Willoughby Local Environmental Plan 2012.”

The proposed self-repealing SEPP has not been included in this exhibition.

In parallel to the above changes proposed under the TOD program, the following is proposed as part of the Pathway changes to support the TOD.

The Pathway changes to support Transport Orientated Development, Explanation of Intended Effect, Section 1.6 ‘Focus and objectives of proposed changes’ (July 2024) states (P. 8 and 9):

The focus of the proposed changes is to support the TOD program and streamline the delivery of dwellings in the TOD Accelerated Precincts.

The objectives are to:

- *simplify planning controls within the TOD Accelerated Precincts*
- *encourage lodgement of applications for residential development in the TOD Accelerated Precincts.*
- *Streamline the development application process so that applicants can lodge development applications sooner and so that consent authorities can determine them rapidly*
- *Ensure that developments within the TOD Accelerated Precincts achieve high-quality design outcomes.*

The Pathway changes to support Transport Orientated Development, Explanation of Intended Effect, Section 2.2 ‘Exemptions from low and mid-rise housing reforms’ (July 2024) states (P. 11) states:

To ensure the most appropriate outcomes for the areas identified in both the application of the LMR housing reforms and the accelerated TOD rezonings, the interrelation between the two will be fully assessed. The intention is to reduce duplication and maximise housing potential for lots identified in both the TOD Accelerated Precincts and the low and mid-rise reforms, which may mean exempting some TOD Accelerated Precincts from the LMR housing reforms.

With respect to design excellence, the exhibited Explanation of Intended Effect states:

Where a LEP requires a design competition introducing Offering [sic] an alternative design excellence pathway to be developed by the Government Architect NSW for any design competitions required by the local Council.

The Pathway changes to support Transport Orientated Development, Explanation of Intended Effect, Section 2.2 'Exemptions from certain concurrence and referral requirements' (July 2024) states (P. 11):

It is proposed to exempt local and regionally significant development within the TOD Accelerated Precincts from concurrence and referral requirements that are not considered high-risk. This exemption is proposed to be established for a period of five years. High-risk concurrence and referrals will be retained to ensure safe and orderly development.

To determine which concurrence and referral provisions will be subject to the exemption, the Department is developing risk criteria, including the potential of potential hazards and the likelihood of significant adverse planning outcomes and will work with Government agencies to finalise this.

The Department wants to understand from stakeholders, councils, agencies and the development sector about what concurrence and referrals could be switched off through the development assessment process...

2. Key Issues

Proposed pathway changes

Council thanks DPHI for the opportunity to combine its comments on the Crows Nest TOD and the Proposed pathway changes to support the TOD.

Council supports the exclusion of TOD precincts from the in-fill affordable housing height and floor space bonuses. Council does not support policies that provide permanent uplift for temporary affordable housing delivery.

Council suggests that this same principle should apply to other areas, such as Chatswood CBD, where similar detailed masterplanning has maximised heights and floor spaces controls and set associated affordable housing requirements based on detailed feasibility analysis (though it is noted that this is beyond the scope of the proposed TOD program).

Council supports the exemption of these precincts from the low and mid-rise housing reforms to reduce duplication. However, it is Council's view that this exemption should be

complete and without qualification. This principle should also be applied to locations where Council has undertaken and implemented significant recent masterplanning such as those areas where upzonings occurred as part of Council's recent Comprehensive LEP (Council notes that this is beyond the scope of the proposed TOD program).

Council does not support exemptions from concurrence and referral requirements. Referrals are required to ensure minimum expectations regarding quality, amenity, and sustainability are met. The community should not have to take on additional risk in the form of developments approved under reduced scrutiny.

Rather than remove these necessary considerations, the State Government should be working with referral bodies to improve resourcing and processing capacity to reduce processing times.

Similarly, the high visibility and density of TOD precincts require careful and considered design. Design competitions, when managed correctly, are an effective means of delivering diverse, high quality built form outcomes. These precincts should be examples of the highest standards of design and design competitions are considered a best practice means of ensuring these standards are achieved. Council cannot support a proposal for an unspecified alternative to design competitions.

Given the scale of the proposed future development of 4B Herbert Street, this site should be subject to excellence.

The specific alternative should be articulated and provided to Councils, the community, and other stakeholders, before any change is made.

With particular regard to 4B Herbert Street, Council seeks for Clause 6.23 of WLEP 2012 to be applicable and for the site to be identified as Area 5 on the Special Provisions Area Map.

Infrastructure funding

When approved, the 2036 Plan was accompanied by a Special Infrastructure Contribution (SIC) to ensure development delivered under the plan would be contributing to the \$113.6 million of infrastructure required to support the future residents and employees of the precinct. The SIC was subsequently repealed and replaced by the Housing Productivity Contribution, which does not provide the same certainty of funding for the infrastructure required in the precinct.

The State Government has yet to confirm how the infrastructure requirements arising from the 2036 plan will be funded. The most recent advice provided to Council from DPHI advised that the process for allocating funds from the Housing Productivity Contribution is yet to be finalised.

The level of growth in the precinct will affect infrastructure across all three affected Local Government Areas. In the Willoughby LGA, the demand for use of open space at Gore Hill Oval and demand for active transport and pedestrian links will dramatically increase. Given the significant uplift proposed under the rezoning, funds should be assigned to upgrades of existing open space such as provision of indoor recreation facilities at Gore Hill Oval, and

pedestrian and cycle ways improving access to the station within the precinct and to the surrounding suburbs. Improved cycleways will be critical to managing the increased potential conflicts between cyclists seeking to access the station from surrounding suburbs and the increased pedestrian activity within the precinct.

\$520 million has been identified for allocation to the 8 TOD precincts identified under the program. Given the substantial growth anticipated across the 8 precincts, there is concern that this will not be sufficient to deliver the required supporting infrastructure. In discussions to date, DPHI has advised that the funds will not be allocated evenly, and given the growth and needs anticipated in each precinct vary, this is understandable; however, consideration of needs and allocation of funding should occur in parallel to the rezoning, as was the case with the 2036 Plan, it should not lag behind the masterplanning and rezoning process.

The rezoning should not proceed before funding the infrastructure required to support growth. Consideration should be given to immediate funding for upgrades to Gore Hill Oval, cycleways connecting the station to surrounding suburbs, and improved pedestrian links to the station. The funding mechanism and timeline for the projects identified under the previous SIC should also be confirmed before any rezoning is finalised.

Affordable Housing

Development of the site at 4B Herbert Street is an opportunity for the State Government to show leadership and demonstrate its commitment to Affordable Housing delivery.

The exhibition materials do not clarify how affordable housing requirements are to be satisfied. Council is seeking dedication of the affordable housing units delivered on 4B Herbert Street to Council so that they can be managed as part of Council's well-established Affordable Housing portfolio. As Council has existing capacity and established operational procedures for the management of Affordable Housing this would be the most effective and efficient means for the delivery and ongoing management of units within the precinct.

Council supports the 10-15% affordable housing requirement across the Crows Nest TOD precinct.

For the site at 4B Herbert St a minimum of 15% affordable housing should be provided noting the significant uplift to be delivered on this State Government owned site.

Affordable Housing units should be dedicated to Council for management as part of Council's well-established Affordable Housing portfolio.

It is recommended that the site be added to the Affordable Housing Map in WLEP 2012 with a rate of at least 15% added to 6.8 of the Affordable Housing clause and that the clause confirm dedication of units is required.

The relevant objectives of the Design Guides should also be updated to reflect the *minimum* 15% Affordable Housing that should be provided on 4B Herbert Street.

Importance of retaining RNSH land

Subsequently to the 2036 Plan and Council's comprehensive LEP, NSW Health's Northern Sydney Local Health District developed and adopted a Masterplan for the Royal North Shore Hospital Site. It is noted that the site now known as 4B Herbert Street was not included in the masterplan as this land is not in the care and control of the Northern Sydney Local Health District.

The Royal North Shore Hospital Masterplan 2023-2036 was considered by Council on 25 March 2024. Council reiterated its longstanding objection to any loss of key hospital, health services, and health education lands and its position:

that Royal North Shore Hospital land most accessible to St Leonards Station and the new Crows Nest Metro should be reserved for clinical health care, research and education to allow for the hospital's future expansion, and not be used for residential, commercial, or retail purposes. Confirming that Council's recently gazetted Local Environmental Plan explicitly encourages non-clinical health related land use in the nearby employment zones.

Council also recommended that the Royal North Shore Hospital Masterplan be reviewed in light of the recent State Planning Reforms and the TOD Program. This is considered necessary to ensure that planning for the hospital considers the new scale and pattern of development arising from the reforms and the TOD. Council and the community considers it appropriate for such significant public infrastructure to be planned with cross-agency and community collaboration. To this end, Council has requested a Community Reference group be established, similar to that which has been established as part of the masterplanning for Bankstown Hospital.

Noting the need for cross-agency consideration, Council seeks DPHI's support through the TOD program for a review of the Royal North Shore Hospital Masterplan and the establishment of a Community Reference Group.

Health care and social assistance is the largest employer in the Willoughby LGA, at 23% of the workforce, or 16,477 people (source: .id economic profile). Much of this Health care workforce is located at the Royal North Shore Hospital. The premise of the Low and Mid Rise reforms and the TOD program is to accelerate delivery of housing, it follows that infrastructure planning needs to be reviewed to ensure this accelerated growth can be supported by the necessary facilities and services.

While Council acknowledges that 4B Herbert St is not currently in the care and control of NSW Health, it has historically been zoned for health purposes. Council supports the retention of the primary zoning on the site remaining commensurate with potential future health purposes. However, before amendments are made to introduce residential uses that will displace future capacity for health services to be delivered on the land, it should be demonstrated that the remaining land will be sufficient in light of current population projections and anticipated development in the hospital's catchment.

Neither the materials published in relation to the TOD nor the materials published with the Royal North Shore Hospital Masterplan demonstrate how much 4B Herbert St is surplus to future requirements. This should inform the rezoning, which should include floor space requirements confirming the residential and non-residential mix to be provided on the site.

Any rezoning of 4B Herbert St should include floor space requirements confirming the future residential and non-residential mix to be accommodated on the site. This should be informed by confirmation of the anticipated future needs of the hospital catchment, and the need to ensure the site remains a key employer and service provider for residents of the precinct.

Loss of Employment lands

The St Leonards Crows Nest 2036 Plan aimed to make the area a key employment centre, with particular regard to health or education related employment. The TOD program also appears to recognize the need to balance the allocation of land to future employment and residential needs in principle. The Crows Nest Design Guide, Section 2.4 'Key themes and objectives', (P. 10), states as land use objectives:

Protect and strengthen the area's commercial role supported by complementary uses to capitalise on the close proximity to stations. Leverage world-class health and education uses to provide opportunities for training and employment growth into the future. Expand residential opportunities through mixed-use development ensuring long-term activation across the precinct.

Objectives

- *Intensify all types of development around public transport, providing an appropriate balance of residential and non-residential land uses.*
- *Prioritise affordable housing up to 15% ...*
- *Focus commercial activity in the mixed-use core between the station ...*
- *Future proof the precinct to ensure spaces can grow with community needs.*
- *Protect and leverage from significant contributors to the local economy such as the Artarmon Employment Area and the Royal North Shore Hospital Precinct.*

Having regard to the above, Council supports retention of the WLEP 2012 SP2 Infrastructure zone with regard to the 4B Herbert Street site as the associated zone objectives are consistent with the desired future function of the site.

However, the proposal in its current form does not appear to meet the relevant objectives. The breakdown of land uses anticipated for the site under the proposal is:

- Residential: 46,340m²
- Non-residential: 623m²

The 4B Herbert Street site represents an opportunity for the State Government to deliver an exemplar development that provides significant employment as well as market and affordable housing. Providing such a minimal amount of non-residential uses on the site will undermine the ability for the precinct to function as a balanced employment and residential centre and will signal to the market that the objectives can be satisfied with minimal consideration for provision of non-residential uses.

As noted previously, any rezoning of 4B Herbert St should include floor space requirements confirming the future residential and non-residential mix to be accommodated on the site. This should be informed by confirmation of the anticipated future needs of the hospital catchment, and the need to ensure the site remains a key employer and service provider for residents of the precinct.

Design Excellence

The need for design excellence is referred to throughout the exhibited materials in principle, however, the mechanism by which it will be guaranteed is not specified. Design excellence is a crucial component of delivering a successful TOD program and for this component to be unresolved is a significant flaw. The proposed mechanism should be specified and the community, Councils and stakeholders should have meaningful input before any rezoning is implemented.

The Crows Nest TOD Explanation of Intended Effect (EIE) states:

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.

The proposed approach to design excellence is addressed in the reforms proposed in 'Pathway changes to support transport oriented development and residential housing delivery' EIE publicly exhibited alongside the Crows Nest TOD rezoning proposal. Specifically:

Where a LEP requires a design competition introducing Offering [sic] an alternative design excellence pathway to be developed by the Government Architect NSW for any design competitions required by the local Council.

In the absence of a specified improved alternative, Council recommends that the 4B Herbert Street is subject to Clause 6.23 of WLEP 2012 to be applicable and for the site to be identified as Area 5 on the Special Provisions Area Map.

Sustainability

The site specific Design Guide does not have a section on sustainability. This is considered a significant deficiency. Sustainability is of sufficient import to deserve its own section in the site specific DCP.

Height

The proposed building height for site 4B within the Royal North Shore Precinct will result in a building height that is significantly greater than the surrounding built form. The height of the Forum development (being 45 storeys, approximately 150m) was previously established as an area marker to clearly identify that site as being above the St Leonards Train Station.

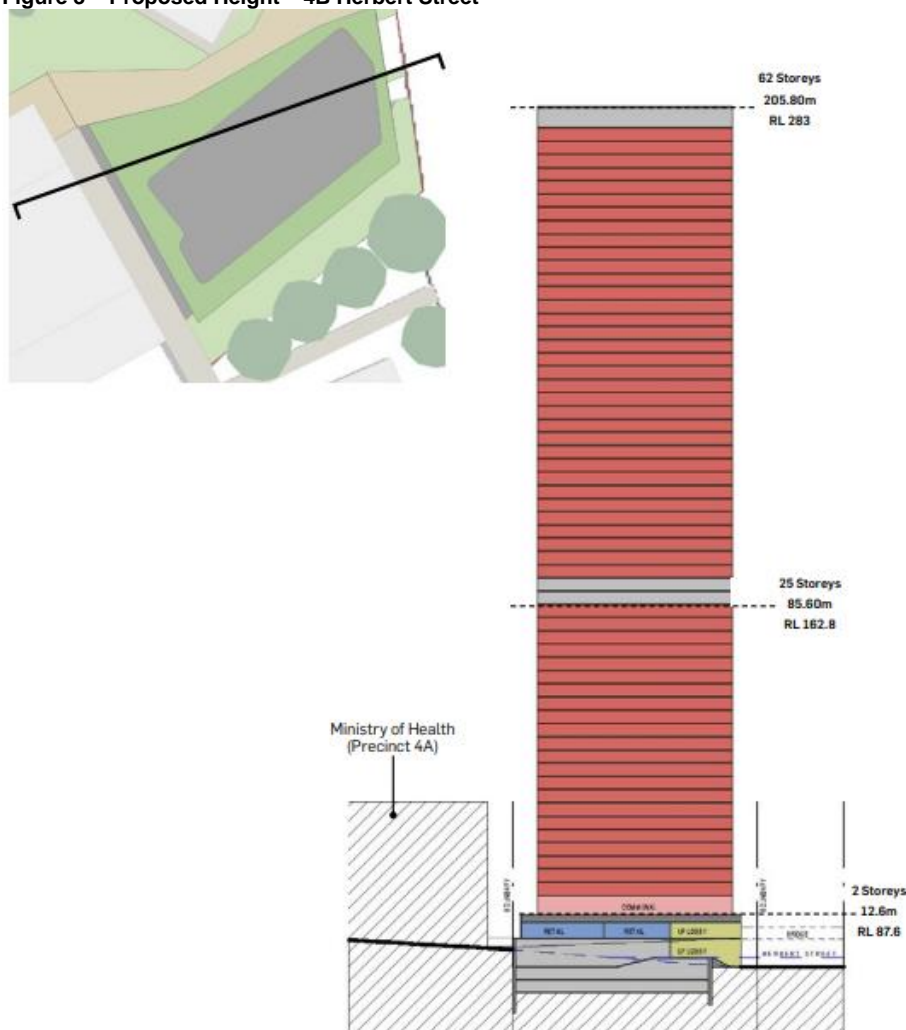
The redevelopment of 4B Herbert Street proposes 62 storeys, 205.8m, being significantly higher by 17 storeys or approximately 55m above the Forum development. The adjacent site at 4A Herbert Street has a recently constructed 10 storey RNSH Service Administration building occupied by Health NSW. The adjacent site at 207 Pacific Highway, which was originally part of the RNSH site but subdivided for sale and subsequent development, has a maximum height of 25 storeys.

The Crows Nest Design Guide, Section 2.4 'Key themes and objectives', built form (P. 10) states as built form objectives:

Preserve, strengthen and enhance the existing diverse character areas and design and plan for the optimal built form outcomes. Height and density should be appropriate within the immediate context, emphasising key locations such as the stations whilst also protecting public spaces through solar access controls.

It is unclear how the proposed height on 4B Herbert Street achieves these objectives.

Figure 3 – Proposed Height – 4B Herbert Street



Source: Crows Nest Precinct Design Guide

Council is concerned with the dramatic increase in height above the 25 storeys at 207 Pacific Highway. Council is also concerned with the proposed Lot 4B height being significantly higher than the Forum, which minimises the Forum as an area marker for the St Leonards Train Station.

It is the view of Council officers that while public spaces within the Willoughby LGA are not adversely impacted by the proposed height with regard to solar access, this is not the only consideration that should determine what height is to be established.

Council seeks a balanced height solution on this site, noting its proximity to the direct neighbouring properties at RNSH, 207 Pacific Highway and Lot 4A Herbert Street. It is considered that this 62 storey proposal will dominate the built form within close proximity, being the RNSH including the heritage precinct, Gore Hill Park and Oval and as already mentioned, St Leonards Station.

Consideration of a height response more sensitive to the surrounding sites and to the future skyline of the precinct is requested

Built Form

Concern is raised with the 4B Herbert Street concept scheme residential tower floor plates, from level 3 upwards, being approximately 1,000m², and the north / south facing presentation to the RNSH and the Pacific Highway.

In the formulation of the Chatswood CBD Planning and Urban Design Strategy 2036, prepared by Architectus on behalf of Willoughby Council, an important outcome was slender towers based on a floor plate size of 700m². In pursuit of slender tower forms, the width of each side of any tower was to be minimised. On large sites this was achieved via two towers. A similar vision is considered deserving for 4B Herbert Street and its surrounds.

Particularly given the proposed height, the proposed built form should be revised to ensure a more slender tower form is delivered on the site.

Council notes that there are inconsistencies in documentation. The Crows Nest Design Guide refers to a podium 7m setback to the southern boundary. However the site specific Design Guide, Section 4.3.1 'Building Massing and Envelope' has the following provisions:

1. *Built form within Lot 4B is to be in accordance with Figures 13 to 14 relating to setbacks, street frontage heights and tower setbacks.*
2. *The envelopes prescribed by these figures are the maximum permissible extent of any future built form on the site. Variances will only be considered where design excellence can be demonstrated ...*
4. *Development is to ensure that public domain within the site and Gore Hill Oval receive an appropriate solar amenity for their intended use.*

Figure 13 of the Design Guide refers to a podium setback of 6m to the southern boundary

Being a flood zone, a setback of 7m is supported and the site specific Design Guide should be updated accordingly.

Neither Figures 13 nor 14 of the Design Guide make reference to street frontage heights. Street frontage heights should be specified on Figure 13 of the Design Guide.

Concern is raised regarding Point 2 regarding variances, design excellence can be achieved within the prescribed envelope. Variation should not be invited and this wording should be removed.

It is also suggested that Point 4 is strengthened to ensure that there is no additional overshadowing on Gore Hill park (including the Oval) between 9am and 3pm as a result of any development on 4B Herbert Street.

Figure 4 – 4B Herbert Street Podium Envelope “Figure 13” of the Design Guide



Figure 13: Podium envelop (source: Urbis)

Figure 5 – 4B Herbert Street Tower Envelope “Figure 14” of the Design Guide



Figure 14: Tower envelop (source: Urbis)

Tree removal / replacement and deep soil planting

The existing site is largely an open lawn area with a stand of 8 established trees located near the Herbert Street boundary, which the plans indicate are to be removed. Of the trees to be removed the 3 large deciduous trees closest to the street appear to be *Liquidambar styraciflua* which are an exempt species of tree. The others appear to be native species. *Syncarpia glomulifera* (Turpentine) and *Ficus rubiginosa* (Port Jackson Fig). An arborist report was not cited in the documents, and species identification is based on street view images only.

Figure 6 – 4B Herbert Street - Existing stand of trees to be removed along Herbert Street boundary



Source: Google street view image

Willoughby DCP Part G requires replacement for removal of trees at a rate of 3:1. The Landscape Design Concept does not specify tree species and numbers, however the plans indicate approximately 8 new trees to be planted on the ground and lower ground floor, with potential for more, and approximately 35 shown on the Level 2 podium.

Figure 7 – 4B Herbert Street - Trees to be removed (circled red) and trees on adjoining site to be retained (circled green)



Source: Google Street View image

The setback along the southern boundary and green space along Herbert Street connect with the existing green space and trees on the adjoining site to create a larger more continuous green space, as well as providing sufficient setback allowing for the retention and protection of the existing trees. This lawn space is intended to be utilised as publicly accessible space combined with the neighbouring sites.

There is minimal planting volume along the street frontage to Herbert Street. Consideration should be given to trees and planting to present a greener appearance at street level and softening of the built form around the entrance.

At the ground and upper ground levels there are minimal trees proposed, with a heavy reliance on trees and green space within adjoining sites. Greater tree planting at ground level is encouraged.

The report indicates compliance with the Apartment Design Guide (ADG) 7% deep soil zone requirement. The deep soil zone is indicated to be entirely along the southern boundary within the flood zone. There are no trees proposed within the deep soil zone.

The basement outline and Lower Ground Landscape Design Concept indicate that there is additional deep soil extending along the Herbert street frontage, however this is excluded from the calculations as it does not meet the ADG minimum 6m dimension criteria for deep soil zones involving sites greater than 1,500m², being only 4m in width. As discussed below, the Crows Nest Design Guide provides a new provision regarding what is a deep soil zone.

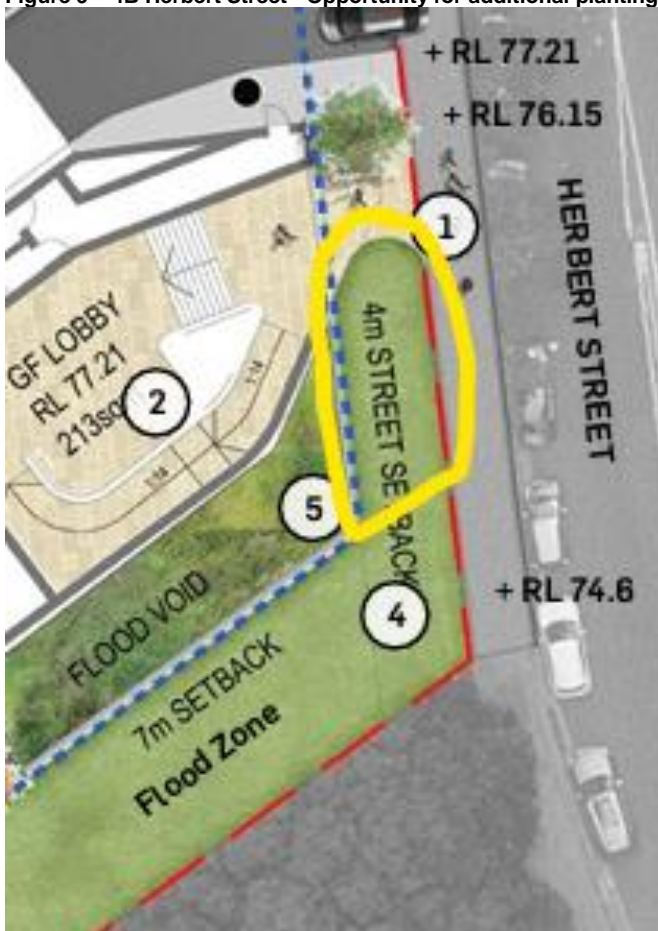
The Landscape Plan and Design Guide should be updated to require additional planting where possible. Deep Soil areas should be utilised to maximise the tree canopy provided on the site.

Figure 8 – 4B Herbert Street Lower Ground Deep Soil Zone



Source: Crows Nest Precinct Design Guide

Figure 9 – 4B Herbert Street - Opportunity for additional planting



Crows Nest Precinct Design Guide

The Crows Nest Design Guide, 3.5.2 'Tree Canopy and Deep Soil' (P. 22) states:

A key aspect of the Green Plan that supported the 2036 Plan is to retain and enhance the existing network of tree lined streets and remains relevant to including the plans for the Crows Nest Precinct.

The following objectives are stated (P. 22):

- *Maintain and enhance canopy cover to address urban heat, contribute to local amenity, reduce air pollution, support biodiversity and improve community health and wellbeing across the Crows Nest Precinct.*
- *Build on the 2036 Plan to increase the health and extent of the tree canopy or vegetation cover for Crows Nest.*
- *Ensure development provides sufficient deep soil to support healthy root systems and ensure trees reach maturity.*
- *Retain and protect existing trees*

The following provisions are stated (P.23):

1. *Provide deep soil zones are to be a minimum dimension of 3m x 3m to support new trees and retain any existing trees. Deep soil zones for development should be provided as per the benchmarks in Tables 3 and 4. Development is not to reduce the amount of deep soil provided.*
2. *Deep soil is to be unimpeded by any building or structure above or below ground, except for minor structures such as pathways, access ramps or area of paving with a maximum width of 1.2m; essential services infrastructure (such as stormwater pipes) with a maximum diameter of up to 300m; and landscape structures (such as lightweight fences, light poles or seating) requiring a footing with a maximum size of up to 300m x 300m in cross section.*
3. *Where possible establish contiguous deep soil zones within and between property boundaries to maximise tree planting by establishing them right up to abutting boundary walls and fence lines.*

There is minimal coverage of tree canopy and deep soil in the site specific Design Guidelines for 4B Herbert Street. Concerns include:

- The loss of highly visible of trees to Herbert Street.
- The proportion of tree replacement not being at ground and upper ground levels.
- The limited opportunity provided for deep soil planting along the northern and Herbert Street boundaries. It is unclear why a lower minimum dimension of 3m x 3m is provided in the Crows Nest Design Guide.

Greater consistency is required between the Site Specific Design Guideline and the Crows Nest Design Guide and they should be updated to maximise deep soil provision and tree canopy. Consideration should also be given to implementing a more detailed site specific DCP (which would replace the proposed Design Guidelines) for the 4B Herbert Street site given the proposed height and the prominence of the site.

Ground level publicly accessible space

Successful high density precincts require attractive publicly accessible space provided at ground level to provide community amenity, vibrancy, and to minimize urban heat by providing significant tree canopy.

Council also supports the integration of NSW Government owned land such as Sydney Trains/TAHE to support greener places, pedestrian connectivity (walkable communities) and active transport options.

The site specific Design Guide, Section 4.2.2 'Design Principles' identifies the following key design principle:

(h) Deliver a centrally located communal area surrounded by supporting outdoor open space.

Clarification is sought where this centrally located communal area is located. It is assumed this is to be along the northern boundary. Due to the northern boundary configuration, the middle or central area of this outdoor open space reduces to 5m width, being 16m at the Herbert Street end, and 12m at the 4A Herbert Street end. There is an existing building on the RNSH site which prevents any widening occurring on that site.

This narrowing represents an unsatisfactory pinch point, which could be widened at design stage (for the podium), to better reflect the characteristics of the site, being the irregular northern boundary, and ensure a more satisfying through site link and contiguous publicly accessible open space area of similar width.

Council expectations regarding the ground level space between the proposed building and the northern boundary are as follows:

- This represents the area of highest public benefit regarding publicly accessible open space and it is imperative that any design guide acknowledges this and any future development is designed on this basis.
- Refer to the discussion over widening at the 5m pinch point above, as well as the meaningful achievement of design excellence particularly with ground level public spaces.
- Provision of a crucial pedestrian connection from the eastern side of Herbert Street and St Leonards Station, over the Herbert Street pedestrian bridge to the western side and on to the Royal North Shore Hospital (RNSH).
- To provide quality plaza space of sufficient size to reflect different uses – being a combination of movement, passive rest areas, landscaping and mitigation of urban heat through significant canopy trees.
- To ensure that publicly accessible open space is clearly understood at application and consent stage, with public and private or commercially used areas (such as outdoor dining) clearly delineated.
- The proposed awning along the northern frontage of the podium should provide relief from the elements for pedestrians. There appear to be conflicts between pedestrian movement and outdoor dining here. It is requested the podium be pushed back in this location to achieve the increased open space at the pinch point identified above, and allow for redesign to both achieve outdoor dining opportunities and awning relief to pedestrians.

In regards the above, the following points are made:

- Council seeks for a strong green presence or gateway involving significant trees along this pedestrian connection from the Herbert Street pedestrian bridge. This position is based on the significant development proposed, the importance of providing canopy trees and addressing urban heat and the loss of a number of established trees within the site and presenting to Herbert Street. At present this strong green presence involving significant trees, involving deep soil planting, is not achieved.
- Consistent with the above, as a minimum, Council requires deep soil planting to facilitate the planting and growth of significant trees along the northern boundary of the pedestrian connection. Consistent with the Apartment Design Guide (ADG), a minimum 6m dimension is required. It is requested that consideration be made to the provision of at least two locations, where a 6m deep soil setback is provided to facilitate significant tree growth and canopy provision. These two locations should be spread out, one in the first section of the northern setback area (closest to Herbert Street) and one in the second section (closest to 4A Herbert Street).
- For the remainder of the northern boundary, a 3m deep soil zone is sought to also facilitate tree growth.
- Less substantive tree planting, without a deep soil zone, would be supported on the southern side of the pedestrian connection, at ground level, to still foster a green presence / gateway / boulevard towards the RNSH and Gore Hill Park heading west and towards St Leonards Station heading east.
- The realigned pedestrian bridge provides the opportunity for planting that, involving an appropriate species, would be visible from Herbert Street. This should be explored.
- Any increase in ground level publicly accessible space here is strongly encouraged.
- If outdoor dining is proposed in the retail shops facing the proposed pedestrian connection, this should be designed for now and be outside of publicly accessible open space. In this regard the podium may need to be pushed back to both provide for outdoor dining while not reducing the publicly accessible open space shown in the Urban Design Report and accompanying Figures. To be clear outdoor dining is separate to public open space and should be addressed in the Crows Nest Design Guide and any document specific to 4B Herbert Street.

Council expectations regarding the ground level space between the proposed building and the southern boundary as follows:

- This space is secondary to the offering along the northern boundary (high side) of the site.
- To provide for a minimum 7m wide green space directly accessible at grade from Herbert Street, noting that this is a flood zone area.
- To integrate with the publicly accessible open space, and significant trees, at 207 Pacific Highway.

- To connect with the existing through site link at 207 Pacific Highway through to Reserve Road and Gore Hill Park beyond, as well as the existing path on the NSW Health building site (Lot 4A) and RNSH.

In regards the above, the following points are made:

- Council seeks for meaningful integration with the existing publicly accessible open space and through site links at 207 Pacific Highway and the Lot 4A site.
- To this end fencing is not supported and appropriate measures should be explored to encourage public usage of this space as appropriate noting the flood zone status.

Council expectations regarding the Herbert Street setback are as follows:

- To provide for significant tree planting to Herbert Street, subject to the flood zone, noting that there is no basement in this location.
- To replace the existing trees presenting to Herbert Street that will be removed by the development.

In regards the above, the following points are made:

- For a setback to be provided in accordance with ADG's requirement of 6m for deep soil zones. No clear reasoning is provided why this cannot be delivered, and why a smaller standard is provided in the proposed
- It is requested that opportunities be explored to provide a minimum of one significant tree within this setback to provide a strong green presence to Herbert Street.

To ensure the development of 4B Herbert Street is accompanied by appropriate ground level public realm outcomes, greater resolution of the ground plane is required in accordance with the above. Consideration should be given to replacing the proposed Design Guide with a more detailed Site Specific DCP.

Loading and unloading

The site specific Design Guide, Section 4.4.1 'Movement and Access' states the following provision:

- 1. Basement parking and service vehicle entry and exit points is to be provided from Herbert Street only, generally in the locations nominated on Figure 16.*

Basement loading is supported and it is critical that this is established early in the planning process to ensure the expected outcome.

In regards to 4B Herbert Street, and Figure 39 on P. 76 of the Urban Design Report (see below), concern is raised with:

- The potential for adverse impacts on traffic movement in Herbert Street, a significant road access to the Gore Hill Freeway, Artarmon as well as Chatswood.
- The potential for adverse impacts on the Pacific Highway, noting that the intersection of Herbert Street with the Pacific Highway is approximately 70m away.

- The capacity of heavy rigid loading vehicles, which would include Council's waste vehicles as well as other loading related activity including residential moving vehicles, being able to access the basement for the purposes of loading and unloading. In this regard, Council's waste vehicle is 10.5m long, requires a 12.5m long loading bay and 4.5m headroom between the frontage road and the loading bay. A minimum side clearance of 0.5m each side of the vehicle is required for occupant exit, entry and access to load. Servicing by a smaller waste vehicle is not appropriate, as it will result in an increased number of vehicle movements to the site and to the waste management centre.
- The capacity of heavy rigid vehicles being able to enter the site in a forward direction, manoeuvre within the basement level to access the loading area and then leave the site in a forward direction (a non-mechanical solution is sought).
- The capacity of heavy rigid vehicles within the basement to not interfere with vehicles associated with the proposed 448 residential units and non-residential uses.

Due to the density of development, it is considered critical at the very early stage to ensure that loading and unloading can be adequately addressed. It is Council's expectation that waste servicing occurs on-site, on the ground floor or basement level, not on any part of Herbert Street, and that the development provides an on-site servicing waste space that seeks AS2890.2 compliance. Council has seen a number of examples where heavy rigid vehicle loading is confirmed as possible at high level conceptual stage, but is found to not work at the more detailed stage.

There is no section of the proposed Crows Nest Design Guide that addresses loading and unloading. This is considered a significant deficiency and a specific section should be provided having regard to the concerns identified above regarding 4B Herbert Street, or state that loading should be in accordance with Council's DCP.

The design guides should be updated to sufficiently specify loading and unloading requirements including requirements loading bay length, height and clearance requirements.

Car parking

The proposed Crows Nest Design Guide, Section 3.10, relating to the TOD area states in regards car parking:

1. *The parking provisions in the relevant Council DCP will apply and must be referred to as part of any planning proposal and/or development application.*
2. *Notwithstanding maximum car parking rates in the relevant LEP's and DCP's, minimised provision of parking for all land uses is encouraged to capitalise on the proximity of St Leonards Station and the Metro Station.*

Council supports the position of the Crows Nest Design Guide in regards to car parking.

The site specific Design Guide, Section 4.4.1 'Movement and Access' states the following objectives:

- *Promote the use of public transport infrastructure including St Leonards railway station, Crows Nest Metro station and the St Leonards bus interchange.*

- *Prioritise active transport.*
- *Minimise the provision of on-site car parking within future development.*

These objectives are supported.

The Transport Impact Assessment (7 June 2024) provides the following table in comparing Council WDCP car parking rates and what is required as a result of the proposed development on 4B Herbert Street.

Table 2 – Parking Requirement of Indicative Yields

Type	Size	Parking Rate		Parking Requirement	
		Minimum	Maximum	Minimum	Maximum
Residential					
1-Bedroom unit	139 units	0.10 per unit	0.50 per unit	17	85
2-Bedroom unit	174 units	0.20 per unit	0.50 per unit	45	112
3-Bedroom unit	39 units	0.25 per unit	0.50 per unit	13	27
Visitors		NA	1.00 per 7 unit	-	64
Sub-Total				75	288
Retail	623m ²	1 space per 200m ²	1 space per 70m ²	3	9
Total				78	297

Note:

1. Portion of affordable housing is unknown, as such has been excluded from this indicative assessment.
2. The non-residential component has been assumed to be all retail.

Source : Table 7.2 Traffic Impact Assessment

The correct WDCP car parking rates are provided. However two points are made:

- Council encourages and seeks minimum car parking rates in locations so close to train stations. It is requested that this site set an example regarding minimum parking rates.
- The car parking requirement shown above in the Transport Impact Assessment is mathematically incorrect. The following correct numbers are provided:

Type	Size	Parking requirement	
		Minimum	Maximum
1 bedroom unit	139	14	70
2 bedroom unit	174	35	87
3 bedroom unit	39	10	20
Visitors		0	69
Retail	623	3	9
Total		62	255

Car parking related to 4B Herbert Street should be as per WDCP, which deliberately seeks to minimise car parking provision, encourage public transport usage close to public transport

options, encourage active transport options and minimise additional traffic congestion arising from significant and dramatic increases in density.

3. Requested additional information, clarification and technical matters

Herbert Street pedestrian bridge and other works

There are discrepancies in documentation that require clarification:

On Figure 44 'Landscape Design Concept', P. 81 of the Urban Design Report, the insert states:

Indicative future configuration of realigned pedestrian bridge and stairs considers RNSH campus Master plan and is subject to detailed design.

This insert shows a realigned pedestrian bridge as well as the existing bridge.

P. 82 of the Urban Design Report states:

This landscape design proposes to upgrade the streetscape along Herbert Street with new access (via lift and stairs) to the arrival plaza.

However, Figure 48 'Landscape Design Concept' on P.83 of the same document only refers to the existing pedestrian bridge.

The site specific Design Guide, Section 4.2.1 'Desired Future Character for lot 4B' states the vision is to (in part):

(h) Improve connections between Gore Hill Park and St Leonards railway station through a realignment of the pedestrian bridge.

The site specific Design Guide, Section 4.2.2 'Design Principles' identifies the following key design principles:

(d) Improve public safety and line of sight through a new public lift and stair connection from Herbert Street.

(e) Provide a realigned pedestrian bridge across Herbert Street to unlock large public plaza amenity.

The site specific Design Guide, Section 4.5 'Landscape', 4.5.1 'Public Domain and Landscaping', Provisions states:

3. Future development should consider realignment of the Herbert Street pedestrian bridge in accordance with Figure 16 to formalise a pedestrian connection from St Leonards Station to the site.

The renewal of the pedestrian bridge, stairs and lift access, to meet increased density and to more effectively connect to St Leonards Station is a fundamental infrastructure requirement of any development of Lot 4B and the Crows Nest TOD generally and supported. In regards

Point 3 above, it is critical that ‘must’ replaces ‘should’, so that certainty regarding the realignment of the bridge is provided. Funding, ownership and ongoing maintenance are crucial matters regarding this pedestrian bridge and are addressed in the funding section below.

All documentation should refer to the proposed realigned Herbert Street pedestrian bridge.

Funding

The Crows Nest Explanation of Intended Effect states in Section 3 ‘Infrastructure funding and delivery’ 3.1 State Infrastructure (P.29):

“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 Crows Nest Explanation of Intended Effect states in Section 3 ‘Infrastructure funding and delivery’ 3.2 Local Infrastructure (P.29):

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 ...

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

- *North Sydney 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.*

Council’s 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.”

Willoughby Council has a hybrid section 7.11 and 7.12 plan.

Concerns include:

- Whether there is sufficient funding to accommodate the proposed additional density. The \$520 million is identified as covering the identified 8 Sydney priority high growth areas near transport hubs for accelerated rezoning, which are intended to provide capacity for up to 61,855 new homes over 15 years.

- When approved, the 2036 Plan included a special infrastructure contributions (SIC) of \$113.6M to deliver open space, pedestrian and cycling facilities, education and transport improvements. The SIC was subsequently repealed. However, the need for all the infrastructure additions and improvements remains, and will be exacerbated by the additional growth delivered by the TOD program.
- The process for allocation of the Housing Productivity Contributions has not been confirmed and no commitment has been made to ensure that it will be utilised to replace the funding for infrastructure in the precinct that was previously committed to under the SIC.
- The identification of Council as a source of co-contributions regarding infrastructure provision, is concerning noting that local contributions are capped such that funding of existing local infrastructure needs is already constrained.
- The lack of certainty regarding allocation of other potential funding sources such as grants.
- The impacts on the adjacent Willoughby LGA of increased density in North Sydney and Lane Cove Council areas under the Crows Nest TOD.
- The already identified and pressing infrastructure embellishment required within the Willoughby LGA. This is discussed further below.

Gore Hill Park and Oval are identified in the TOD Plan as locations of existing open space. As previously raised with DPFI, Gore Hill Park and Oval play a regional role and will be crucial in meeting the recreational needs of the additional population of St Leonards, including the TOD area. This area also plans an important supporting role to RNSH. An upgrade to provide indoor recreation facilities will be required to support the growth associated with the TOD.

Council seeks for this regional indoor recreation facility to be included in any infrastructure funding consideration related to the Crows Nest TOD.

It is recommended that the infrastructure items previously identified in the 2036 SIC Plan (copied below) be funded and incorporated into the implementation of the TOD. Cost estimates should be reviewed and updated to reflect changes in construction costs.

It should be further noted that Council is also involved in shared path installation and upgrades to the Pacific Highway (eastern side), from Herbert Street up to Mowbray Road. In addition, Council is in the planning process of improving cycle connectivity between St Leonards Station and Artarmon Station via Herbert Street. Appropriate funding is requested to facilitate these desired outcomes.

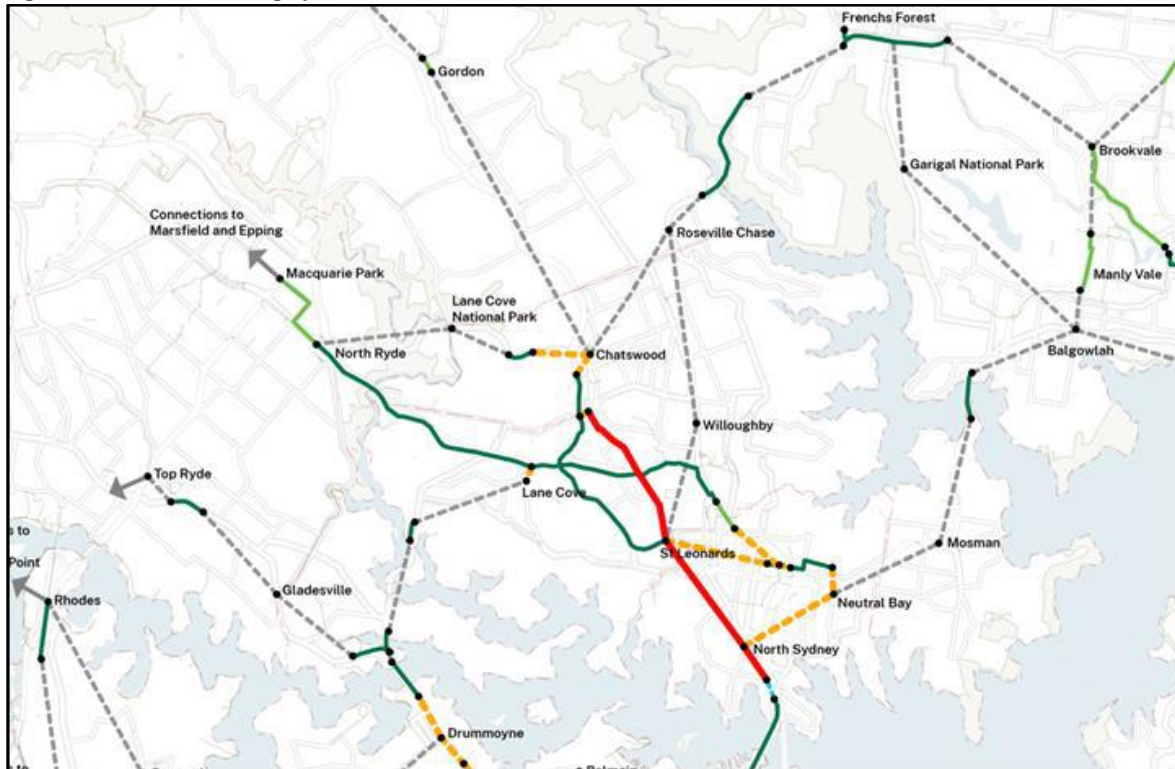
TfNSW has previously presented to council a *Priorities Map* for the Eastern Harbour City, identifying '*missing cycle links for future investigation*' within the Willoughby LGA connecting to surrounding LGA's.

Table 3 – SIC Projects

Project	Cost estimate
Roads	\$4,736,000
R1 Signalised pedestrian crossing: Pacific Highway at Portview Road	\$858,000
R2 Signalised pedestrian improvement: Pacific Highway at Reserve Road	\$343,000
R3 Signalised pedestrian improvement: Pacific Highway at Herbert Street	\$433,000
R4 Signalised pedestrian improvement: Pacific highway at Christie Street	\$1,557,000
R5 Signalised pedestrian improvements: Albany Street at Pacific Highway	\$172,000
R6 Signalised intersection improvement: Pacific highway at Oxley Street	\$515,000
R7 Signalised intersection improvement: Pacific Highway, Falcon Street and Willoughby Road	\$858,000
Education	\$21,984,000
E1 Primary School (funding towards additional school places generated by the new population)	\$16,471,000
E2 Secondary School (funding towards additional school places generated by the new population)	\$5,513,000
Open Space	\$57,659,000
OS1 North linear park: Herbert Street bridge to Chandos Street (land acquisition only)	\$28,058,000
OS2 South linear park: Lithgow Street	\$1,701,000
OS3 Hume Street park expansion	\$25,900,000
OS4 Gore Hill regional playground	\$2,000,000

Project	Cost estimate
<i>Pedestrian & Cycle Improvements</i>	<i>\$27,570,000</i>
<i>P1 Pedestrian and cycle link: Herbert Street to Chondos Street</i>	<i>\$12,514,000</i>
<i>P2 Cycle connection: Talus reserve to Naremburn Park</i>	<i>\$1,952,000</i>
<i>P3 Pedestrian and cycle connection: Pacific Highway to River Road via south linear park</i>	<i>\$1,308,000</i>
<i>P4 Pedestrian and cycle connection: Canberra Avenue</i>	<i>\$3,182,000</i>
<i>P5 Pedestrian and cycle improvements: Willoughby Road</i>	<i>\$668,000</i>
<i>P6 Pedestrian and cycle improvements: Sergeants Lane/Christie Street</i>	<i>\$191,000</i>
<i>P7 Cycle improvements: Oxley Street</i>	<i>\$1,185,000</i>
<i>P8 Cycle improvements: Shirley Road</i>	<i>\$309,000</i>
<i>P9 Cycle improvements: River Road</i>	<i>\$2,824,000</i>
<i>R10 Pedestrian and cycle improvements: Chandos Street</i>	<i>\$3,437,000</i>
<i>Planning & Delivery</i>	<i>\$1,679,000</i>
<i>Precinct Planning Costs</i>	<i>\$1,119,000</i>
<i>Precinct Delivery and SIC Review Costs</i>	<i>\$560,000</i>
<i>Other – Funded via Voluntary Planning Agreement</i>	
<i>C1 Community Arts Centre - Funded via Voluntary Planning Agreement</i>	

Figure 10 – TfNSW Missing cycle links



The Crows Nest TOD rezoning precinct location has been identified by TfNSW as an “*immediate opportunity for investigation*”. Council has responded to TfNSW, by providing its priorities with respect to the current regional gaps in the bicycle and walking network, including investigation and design development involving vital missing links between the Gore Hill cycleway network and the Naremburn network and St Leonards strategic centre.

Council is also open to funding initiatives aimed at improving bus services in the St Leonards/Artarmon area. This is particularly important given that the proposed TOD rezoning is likely to generate increased demand for bus services to complement the existing train and new Metro line.

More clarity is also required with respect to the proposed realigned pedestrian bridge. An upgrade or realignment of the bridge is supported. However, who carries out and funds this project long term is unclear and this should be resolved as part of this masterplanning process.

From “Supplementary Transport Technical Note” under the Cycling Infrastructure section, it is observed that new bike parking will be provided at the Metro Station. Provision should also be made for improved bike parking at St Leonards Station. The current provision for bike parking at the train station is minimal, and will not be able to cope with the increased population when demand for cycling increases.

Flood related comments and associated matters

The flooding and stormwater analysis detailed in the Urban Design Report (P. 44) states:

“A baseline desktop analysis of flooding and stormwater was prepared To provide an indication if a flood study may be required for the site and, where appropriate, a high level advice to manage flood impacts on the proposed development, evaluate any OSD and Water Sensitive Urban Design (WSUD) requirements for the site from Council controls.”

This analysis concludes initial findings are as follows:

“The site is relatively flood free with the exception of minor encroachments along the southern boundary ...”

Council provides a considered response based on its local knowledge of the site in order to ensure that the particular flooding circumstances are understood at the earliest possible stage.

The site 4B Herbert Street is tagged as flood affected. Please refer to Figure 11.

Figure 11 Flood Affection (marked in yellow/orange)



The Crows Nest Design Guide provides a very broad section on flooding. Council provides greater detail to assist in considering the appropriate development on this site.

There is an overland flow path along the southern boundary and flood storage occurring in Herbert St adjacent to the site and adjacent to the south-east corner of the site.

If the capacity of a flood storage area is significantly reduced, flood levels and depths or hazard in nearby areas may increase, leading to higher peak discharges downstream.

A substantial reduction in flood storage can also lead to a considerable redistribution of flood flows affecting downstream assets. Typically, intensification of land use or development in storage areas needs to consider the impacts of loss of storage through flood behaviour.

Impacts are minimised by the changes being storage neutral though safety should also be a consideration if someone was within this area. This demands assessment of the impacts regarding the development, including any changes to flood risk on-site or off-site to life and property and detail design solutions and operational procedures to mitigate flood risk as required.

Floor levels for the building need to comply with the requirements of Technical Standard 2. Of particular relevance:

- The ground floor level needs to be at a level of the 1%AEP flood level plus 500mm.
- All access points to the basement, including the vehicle access ramp, need to be at a level of the 1%AEP flood level plus 500mm or the PMF, whichever is higher.
- If the building includes any sensitive uses, which include childcare, aged care or health services, then access to the site in all storms, including the PMF, needs to be available.

In the vicinity of the proposed vehicle access to the site, in the 1%AEP storm event water depths in Herbert Street are in the range of 400-600mm, while in the PMF water depths exceed 1.5m. To protect the basement area, access should be above the PMF, which could require access to be up to 2m above the road level.

Helicopter flight path

As part of the completion of WLEP 2012 (Amendment No 34) Council was advised to introduce a new clause 6.6 with specific sites that were upzoned in the 2036 Plan to require consideration of hospital helicopter airspace at development application stage.

The TOD documentation states that the 62 storey will have no impact on helicopter airspace and DPHI has advised that consideration of the flight path was part of the masterplan. As the sites identified in Clause 6.6 are much lower in height it is requested that DPHI review the lots identified against the study to confirm if the control need to be retained. Should the work undertaken as part of the masterplan confirm the height controls in the precinct do not impact the flight path, Clause 6.6 should be removed, to reduce the unnecessary burden on the development application process.

Waste provision

The comments below are specific to 4B Herbert Street, and should be included in the site specific Design Guide. However, the general principles are also applicable to the Crows Nest TOD area.

Willoughby Council has formally adopted the Waste Management Technical Guide and development controls by North Sydney Regional Organisation of Councils for multi-dwelling housing, residential flat buildings and mixed-use developments. The technical guide provides comprehensive information to achieve best practice design and construction of waste management and recycling systems.

The development controls provide specific requirements for internal waste storage facilities, individual bin storage areas, communal bin storage areas, bin carting routes, and access for collection vehicles.

All major residential developments are required to comply with the technical guide and the specific controls for multi dwelling housing, residential flat buildings, and mixed-use buildings. This has been adopted because it provides consistency with Council's requirements and standards, many of which are needed to accommodate Council's collection and processing contacts and waste collection policies and procedures.

Waste management is an essential consideration in the planning controls and design at the future 4B Herbert Street development. For best practice, waste management systems meet long-term sustainability and best practice when the following principles are considered:

- Accessible processes to promote waste avoidance, waste minimisation, waste separation and resource recovery;
- Flexibility in design to allow for future changes in waste management systems (e.g., but not limited to the future introduction of a FOGO service and other recycling options over the lifespan of a building); and
- Innovative waste management facilities that complement the waste collection and management services offered by Council for residential waste (bins and bulky waste) and private contractors (where applicable).

Further detail is provided below.

Waste collection

The development and surrounding areas should be able to accommodate Council's waste collection HRV (10.5m long). Loading and unloading, involving waste vehicles, has been addressed above.

Bin storage areas

Residential bin storage areas should be large enough for the required number of bins and carefully designed to ensure bin carting routes (if applicable) are practical and safe, particularly recognising the large number of bins required by a development with 448 units. If the bins need to be carted between floors, a back-of-house lift would be required.

The proposal should include a lower ground floor bin room and separate bulky waste room within 2-10m of the loading dock on the lower ground floor. This will minimise bin and bulky waste handling for caretakers, whilst also ensuring that Council contractors are able to service residential waste bins.

Recycling chute and bulky cardboard disposal

Recycling chutes typically do not accept cardboard, particularly bulky cardboard, because it blocks the chutes and can be a fire and efficiency risk.

This means a recycling chute does not provide Council with an holistic recycling solution for all recyclables. A chute with no bin for oversized recyclables like bulky cardboard can lead to dumping on each level. Bulky cardboard comprises a large proportion of the recycling at MUDs in Council's area, approximately 60% of all recycling in a recent audit. The proposal should consider how residents will dispose of cardboard, particularly bulky cardboard.

It is important to note that Council does not require a recycling chute (although it is recognised as a valuable amenity) and NSROC (2018) states that “current best practice is to have a chute for garbage only” (Section 5.4, p. 48). If a recycling chute is considered, this could be proposed in conjunction with a 240L recycling bin for bulky cardboard waste on each residential level (or alternative, suitable bulky cardboard disposal option). The waste, recycling and FOGO disposal locations for residents (waste chutes or waste storage cupboards on each residential level) should be designed by considering FOGO disposal (see future point) and bulky cardboard waste disposal.

FOGO waste disposal for residents

The NSW EPA (2022), in the *NSW Waste and Sustainability Materials Strategy 2041 – Stage 1: 2021-2027*, will require the separate collection of food and garden organics from all NSW households by 2030. Although Council does not have a FOGO service currently, FO has been trialled and Council will be required to introduce a FOGO service in the future.

It is Council’s preference that there is a FOGO disposal option for residents that is in close proximity to the general waste and recycling disposal options. This would make waste separation and disposal convenient for all residents so they are able to drop-off all waste to one central point. Common suggestions, to require residents to travel to a basement level bin room to dispose of FOGO waste is not suitable. With the convenient disposal for general waste and recycling on each residential level, (e.g., through waste and recycling chutes), residents are unlikely to travel to a separate FOGO bin room to dispose of food organics. This would lead to food waste disposal in the waste or recycling chutes, leading to the loss of a large proportion of recoverable material and potentially high recycling bin contamination rates. This is not conducive to achieving Council’s improved resource recovery targets and increased diversion of organics waste from landfill (see the *Northern Sydney Regional Waste Strategy 2022* which has been adopted by Council).

To future-proof the development at 4B Herbert Street, the waste, recycling and FOGO disposal locations for residents (waste chutes or waste storage cupboards on each residential level) should be designed considering FOGO disposal and bulky cardboard waste disposal, as outlined in the previous point.

Bulky waste and charity waste

Residential bulky waste must be collected by Council’s waste collection HRV. The bulky waste presentation space, a room, should be of an approximate size and 2-10m from the loading bay to facilitate collection by Council’s contractor. The location of bulky waste storage should be carefully considered to reduce manual handling, particularly due to the typical size and weight of residential bulky waste.

It is Council’s preference for the development to provide a 6m² space for charity bins and other recycling, as required in NSROC 2018.

The site specific design guide should be updated in line with the above waste collection requirements.
--



Consultation with Council prior to construction

Council seeks to be consulted regarding potential impacts during the construction phase and various contentious issues such as regarding parking, safety and cycling/ walking connectivity.

It is requested that this be added to the site specific Design Guidelines for 4B Herbert Street.

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Thursday, 29 August 2024 1:34:50 PM
Attachments: [crows-nest-submission- compressed.pdf](#)

Submitted on Thu, 29/08/2024 - 13:34

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

██████

Last name

██████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

Crows Nest NSW 2065

Please provide your view on the project

I object to it

Submission file

[crows-nest-submission- compressed.pdf](#) (89.84 KB)

Submission

File attached

I agree to the above statement

Yes

Crows Nest TOD Submission

We, owners and residents [REDACTED] **strongly object to the Crows Nest Transport Orientated Development Rezoning** proposal as we believe it goes well beyond the North Sydney Council local planning requirements, and if approved would have a detrimental effect on all existing residents in the area.

Reasons:

- Excessive density as evident in the proposed built form. ...
- Lack of information on total floor space, and populations employment and residents
- Lack of open space commensurate with population.
- Negative impact on the amenity of the neighbourhood.
- The change from human scale streets to windswept streets as evident in the existing development

Impact on residents of 220 Pacific Highway

1. Reduction in well-being of owner/residents currently continuing to significantly invest in unanticipated remedial and rectification works on defects, water ingress, cladding (NSW ban)
2. Significant reduction in light and introduction of afternoon shading for Panorama west facing units
3. Loss of privacy for west facing units in Panorama directly facing into proposed new dwellings
4. Loss of privacy for all eastern facing units in new developments dwellings.
5. Loss of views for 47-51 west facing units in 220 Pacific Highway
6. Lack of light and shading in units of new dwellings built on the 8 storey sites in Bruce Street

Issues for Precinct

7. Pedestrian hazard and safety for primary and high school aged student minors from North Sydney Girls HS and Cammeraygal High School
8. Impediments to parking and access affecting Mater Hospital and the MIA, existing Sinclair Street residents and guests
9. Traffic congestion along Sinclair, from Bruce St to Pacific Highway Northbound and from Rocklands Road to the Pacific Highway Northbound and Southbound
10. Increased noise and emissions from rooftop services such as ventilation and heating equipment in addition to the current noise levels generated by Mater Hospital and the Melanoma Institute of Australia (MIA) facilities
11. Loss of the tree canopy on Sinclair Street
12. Failure to provide 2.83 hectares of of open space per 1000 population which is an established benchmark that should apply to St. Leonards and Crows Nest
13. Loss of maintaining the integrity of the historic skyline Panorama historically visible from many areas
14. Negative impact on adjacent local character and heritage because of the scale of the proposal
15. Impact on existing town services such as sewage, waste, water, electrical sub stations etc

16. There should be no additional density (FSR) for site 238-242 Pacific Highway, 1 Bruce Street Crows Nest and 1 Bruce Street, given the excessive density in the precinct. The pocket park can be delivered through a Voluntary Planning Agreement (VPA) from the development sites.

Background

220 Pacific Highway Crow's Nest. (Panorama Residences)

Class 2; 17 story high rise; refurbished hotel; developer Barana Group & builder Probuild Corp (liquidated 2022)

160 units; occupied 2013 as Strata; situated behind residences at 19-41 Sinclair Street; 82 units west facing; 51 units on floors 1-7

Panorama Residences have suffered from two unexpected and uncontrollable events:

-Collapse of the builder, Probuild, leaving a massive liability for unresolved defects

-NSW retroactive ban on cladding and requirement for replacement

Probuild liquidation left unaddressed construction defects; 2019 investigations identified non-compliant external. Current OC remediation costs for defects, water damage and cladding are being borne by all unit owners via special levies to-date of \$5.5million

The owners are, in effect, continuing the purchase of their units while facing property value losses due to the Crows Nest Transport Orientated Development Rezoning proposal in terms of the loss of amenity of the precinct and in terms of the direct impact on harbour views and outlook resulting from the proposals for Sinclair Street. The rezoning proposal goes well beyond the North Sydney Councils, local planning requirements, and if approved would have a detrimental impact on the quality of life for all existing residents in the area and will have a negative impact on the value of apartments in the area

Issues

The proposal overrides and exceeds the LEP controls of North Sydney, Lane Cove, and Willoughby Councils.

The current proposed development of the NSW State Government does not adequately consider liveability. The actual mass and form of development in such a small area is a false interpretation of a TOD and does not enable reasonable amenity for either existing residents or proposed residents. There is inadequate separation of buildings, lack of green space, tree canopy, deep soil and walkable streets. There is insufficient recreation facilities and services.

The existing Townhouses on Sinclair Street are located at a lower level than Pacific Highway, therefore the majority of the apartments in 220 Pacific Highway currently have district views.

The rezoning and proposal to allow 8 storey development of the Townhouse site will result in the loss of harbour and district views for 50% of western facing units in Panorama. It will result in a substantial number of apartments losing their outlook, with a detrimental effect on property values.

Additionally, if the eastern side of Sinclair semi-detached dwellings (25-35) are redeveloped into a high-rise sites, they will obstruct additional views, and therefore more apartments in Panorama Residences and adjoining highway residences will be adversely impacted.

Sinclair Street is at the very boundary of the proposed rezoning and therefore at the furthest point from stations, would have significant view affection if rezoning of that street

is approved, and would significantly alter the character of Sinclair Street and the existing tree canopy. **There is an imbalance in Crow's Nest. At the proposed density the built form is unsustainable and the actual and perceived density excessive.**

Sinclair Street already has higher density housing forms in the form of townhouses and should not be rezoned but be retained to contribute to the housing mix and to preserve the existing character of Sinclair Street.

Crows Nest is known as high density 'Bedroom Suburbs'. Best practice residential development should be located away from major traffic arteries, on a complex fine grain street network with a diverse mix of uses, walkable and adequate open space. The lack of accessible open space will reduce the potential range of demographics that can live in the towers.

Much of Sydney's open space is in the gullies, the transport is on the ridges. Locating excessive densities around transport nodes does not reflect the intent of TODs and will not produce a liveable city.

Cumulative & Community Development Impact

The simultaneous approval of multiple developments in North Sydney, Crows Nest, and St Leonards is causing severe congestion, frequent road closures, and prolonged construction disturbances. There appears to be a lack of coordination between Councils and State Government in managing these impacts.

The NSW State Government has not conducted adequate research to assess the adverse impacts on our community. Despite widespread opposition from residents, the government is prepared to unilaterally impose this proposal, disregarding local sentiment and the potential negative consequences

Given the significant increase in residents in the last 4 years and the majority of proposals planned for the west side of the Pacific Highway pedestrians have not been taken into account. Higher density and walkability are the keystone of TOD development but the proposed building form, overshadowed windswept streets, lack of open space do not comply with the stated priority for pedestrians in 2036 plan.

Traffic Congestion & Insufficient Traffic Analysis

The most recent comprehensive vehicular traffic study for the area dates back to 2013, failing to account for current congestion levels

No new developments for the area should be approved by the NSW State Government or Councils until such time as a detailed study is undertaken by the State Government concerning the current vehicular traffic congestion, traffic flows, construction congestion and parking. The Pacific Highway and side streets in this area are currently extremely congested at peak times with insufficient access to and from existing developments.

Insufficient green space

Crows Nest is lacking in green space, overall nature, public amenities and recreational precincts, particularly when compared to most of its neighbouring suburbs. Our residents have to live in the area and put up with all the developments approved by the State Government and Councils, with some that go totally against local planning and residents' values and wishes and do not represent best practice higher density development.

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Tuesday, 27 August 2024 1:44:07 PM
Attachments: [2240254_submission-to-crows-nest-tod_2-10-chandos-street.pdf](#)

Submitted on Tue, 27/08/2024 - 13:42

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

██████████

Last name

██████████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

Sydney 2000

Please provide your view on the project

I object to it

Submission file

[2240254_submission-to-crows-nest-tod_2-10-chandos-street.pdf](#) (6.17 MB)

Submission

In relation to 2-10 Chandos Street, St Leonards - please refer uploaded document.

I agree to the above statement

Yes

27 August 2024

2240256

Brendan Metcalfe
Director, State Rezoning
Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy St
Parramatta NSW 2150

Attention: Brendan Metcalfe, [REDACTED]

Dear Mr Metcalfe,

RE: SUBMISSION REQUESTING INCLUSION OF LOTS AT 2-10 CHANDOS STREET, ST LEONARDS IN THE CROWS NEST TOD REZONING

Thank you for providing the opportunity to make a submission to the Department of Planning, Housing and Infrastructure's (DPHI) Crows Nest Transport Oriented Development Program (TOD) rezoning proposal (Rezoning Proposal).

This submission has been prepared by Ethos Urban on behalf of Alto Group who own land located at 2-10 Chandos Street, St Leonards, and relates to both the Alto Group lot and adjacent Government-owned lots adjoining its western boundary (the Site). We note that this submission represents the views of Alto Group only, however Alto Group has commenced engagement with Willoughby City Council (Council) and will engage with the Transport Asset Holding Entity (TAHE) in respect of their landholdings.

Alto Group would like to first commend DPHI on preparing the Rezoning Proposal to deliver additional housing across Sydney and for welcoming stakeholder feedback in its preparation and finalisation. Alto Group support the key objectives of the Rezoning Proposal, including:

- *Simplifying planning controls within the TOD Accelerated Precinct*
- *Encouraging lodgment of application for residential development in the TOD Accelerated Precincts*
- *Streamlining the development application process so that applicants can lodge development applications sooner and so that consent authorities can determine them rapidly*
- *Ensuring that developments within the TOD Accelerated Precincts achieve high-quality design outcomes*

In addition, Alto Group are generally supportive of the principles and key elements of the Urban Design Report and Explanation of Intended Effect for Crows Nest.

However, the focus area for accelerated rezoning within the Crows Nest TOD precinct has omitted the largest vacant site adjacent to any railway station in the North Shore, being lots at 2-10 Chandos Street. The omission of this site represents a significant lost opportunity, politically and practically, to deliver approximately 552 dwellings, immediately adjacent to St Leonards Station and in close walking distance of the St Leonards bus interchange and Royal North Shore Hospital.

A summary of reasoning to include the Site in the Crows Nest TOD is as follows:

- The Site presents a significant and valuable opportunity to deliver **approximately 552 apartments** to meet the Willoughby Council housing target and in turn the National Housing Accord.
- The recent rezoning of the Chandos Street lots (inclusive of Alto, TAHE and Council owned lots), as acknowledged by the TOD and in accordance with the 2036 Plan has sterilised the site from orderly and economic development (given limited demand for commercial floorspace in St Leonards), and prohibits residential development.
- The Site, located directly adjacent to the St Leonards Station entrance, is the largest vacant and development ready site within a TOD perimeter of any station on the North Shore (at 9,513m²).

- The subject site is larger than any site identified for rezoning within the Crows Nest TOD, and is shovel ready. Other sites in the Crows Nest TOD mostly require multiple small land owners agreement to sell or partner, which can itself take years, before any application can be made for planning consent, which must be followed by demolition and site preparation works, prior to construction of any development.
- Rezoning to enable a mixed use development inclusive of residential accommodation, with an increase to the Floor Space Ratio and Height of Building commensurate to existing and future proposed development in the precinct, will facilitate a significant quantum of diverse housing, including **approximately 55 in-perpetuity affordable apartments** (equating to 10% of the residential GFA) immediately opposite the rail corridor to the Royal North Shore Health Precinct.
- The Site, as rezoned, will achieve a high quality design outcome, demonstrated in the urban design analysis included in this submission, consistent with the design intent and aspirations of the EIE and accompanying Crows Nest TOD Urban Design Report.

We recommend that in finalising the precinct controls that:

- The Site be rezoned from E2 to **MU1** to accommodate a mixed-use development (including residential flat buildings and shop top housing);
- The current LEP mapped height be varied from 41 metres to a range from **41m to up to 98m** (as per the urban design testing), tapering down to Chandos Street to retain solar to the Christie Street Reserve and existing adjacent residential apartments; and
- The current LEP mapped floor space ratio be changed from 4.5:1 (2-10 Chandos Street) and no FSR (adjacent government owned lots) to **5.3:1** across the site
- No minimum non-residential floor space ratio be applied.

Given the significant opportunity presented by the Site, if inclusion within the Crows Nest TOD planning reform is not possible post-exhibition (given constraints to DPHI timeframe to finalise the reform), we request that, as a minimum, DPHI formally acknowledge that the site is subject to further investigation for review of planning controls, including zoning and built form, through a separate planning pathway (rather than denote the Site as having been recently rezoned as basis for exclusion from the reform).

This submission provides an overview of the background and history of the Site, the existing planning framework, and details the opportunity and significant public benefit that can be realised with its inclusion in the TOD reform, along with a high-level analysis of the associated impacts of future development.

Meeting with DPHI prior to making this submission

This submission is informed by a meeting held with DPHI on 13 August 2024. In attendance was Ethos Urban, Andrew Gibbons on behalf of Alto Group and DPHI personnel Brendan Metcalfe, Charlene Nelson and Christina Brooks. Also in attendance were Willoughby City Council officers Craig O'Brian, Dyalan Govender and Mitch Noble. We thank DPHI for the opportunity to share the critical importance of including the Site, and providing the necessary uplift to deliver affordable housing, within the Crows Nest TOD reform. We also thank Council for confirming in the meeting that they are open-minded to explore a different outcome to the existing commercial zoning of the site. This position is consistent with our earlier interactions with Council, where they have expressed appreciation of the importance of activating the site as an adjacent landowner. We outline the following requests made by DPHI in the meeting, which have been addressed in this submission:

- Additional information to confirm the lack of demand and unfeasibility of a commercial tower in St Leonards.
- Investigation of additional uplift required (and associated additional impact) for a scheme to delivers 15% affordable housing.

We note DPHI's verbal support for a scheme that addresses each of the Key Moves stated in urban design report exhibited with the Crows Nest TOD EIE, which has been demonstrated in the indicative concept scheme prepared for this submission. We also note DPHI's comment that rezoning can occur outside of the Crows Nest TOD by way of a Proponent-led Planning Proposal. We strongly believe, however, that inclusion of the Site within the TOD reform is necessary to ensure delivery of affordable housing in the Precinct in a timely manner.

1.0 The Site

The Site is referred to as *lots at 2-10 Chandos Street, St Leonards* and comprises Lot 11 in DP 1003022 (owned by Alto Group), part lot in DP1015776 (owned by TAHE), Lot 12 in DP1003022 (owned by TAHE with Council air rights stratum) and Lot 13 in DP1003022 (owned by TAHE) – refer **Figure 1**.

The Site is located adjacent to the St Leonards Train Station and will be well serviced by the adjacent existing and future development to the south. It provides an unmissable opportunity to create genuine Transit Oriented Development as it will be serviced by major rail networks that will offer services every 4 minutes and facilitate connections to key employment hubs within Greater Sydney. The Site is in the heart of the St Leonards and provides an opportunity to facilitate an economic and orderly mixed-use residential development.

The Site is currently underutilised for on-grade parking and a car service and repair centre, no longer in operation, and is ready for development. Alto Group have relocated their business to another site are currently not using the Site. There are no other size-equivalent, development ready sites on the North Shore that are shovel ready within close proximity to a railway station.

The incumbent planning controls under the *Willoughby Local Environmental Plan 2012* (WLEP 2012) for the Site are as follows:

- Zoning: **E2 Commercial Centre**
- Floor Space Ratio: **4.5:1** (2-10 Chandos Street) **and no FSR** (western lots)
- Maximum Building Height: **41m**.

The area for the land owned by Alto Group, as the major landowner, is 5,741m². TAHE and Willoughby City Council own the remaining land, with a total area of 3,772m². This Site has a total land area of **9,518m²**. The lots are constrained in width and are unable to be developed in a stand-alone manner for either residential or employment uses on their own. However, collectively, they are sufficient to support a mixed-use development with significant opportunity for public benefits.

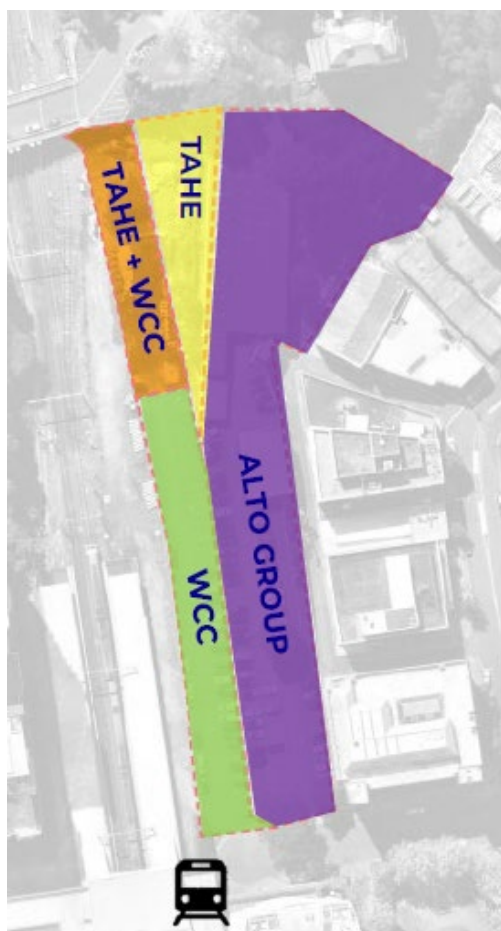


Figure 1 Land Ownership

Source: Ethos Urban

The site is located within the Crows Nest TOD precinct, immediately north of the Focus area of accelerated rezoning – refer **Figure 2**.

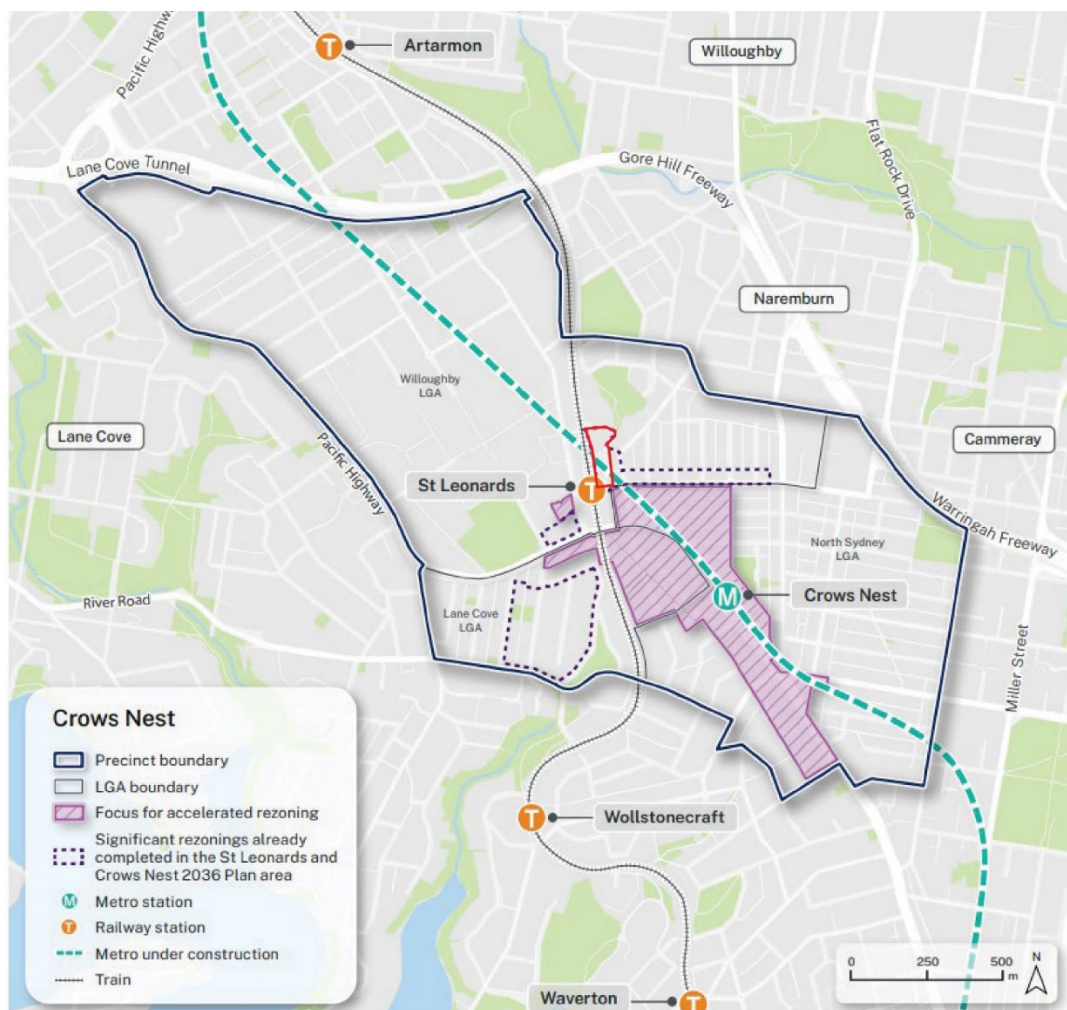


Figure 2 Site Location within the Crows Nest TOD Precinct

Source: NSW Department of Planning, Housing and Infrastructure

2.0 St Leonards and Crows Nest 2036 Plan

The Site's planning controls have developed over the past 5-10 years as the strategic planning for St Leonards and Crows Nest has evolved.

In 2020, the St Leonards and Crows Nest 2036 Plan was released, outlining the proposed changes to planning controls to facilitate urban renewal in St Leonards, Greenwich, Naremburn, Wollstonecraft, Crows Nest, and Artarmon. The 2036 Plan seeks to facilitate the urban renewal of the precinct for an expanding employment centre and growing residential community. It aims to deliver 6,680 new homes and 16,500 new jobs within the precinct.

Consistent with the principles of TOD, the 2036 Plan implements the 'two peak' concept, where maximum density is allocated to the Sites closest to the two key transport nodes. This will create a cluster of high-density mixed-use development around the St Leonards and Crows Nest Stations, which are referred to as the 'height knuckle areas'.

The additional density and mix of land uses are envisaged to instigate development renewal and create a vibrant, high amenity atmosphere that is appropriately activated during the day, in evenings and on the weekends around the stations. The goal of the 2036 plan is to encourage redevelopment around the transport nodes to leverage the existing and future infrastructure.

The 2036 Plan, and associated WLEP 2012 amendment by Willoughby Council in 2022, resulted in adoption of the incumbent planning controls for the Site.

Of note, the Site retained its previous E2 Commercial Centre zoning, which excludes residential uses. An E2 Commercial Centre zoning is therefore unable to support an In-fill Affordable Housing development under Chapter 2 of the State Environmental Planning Policy (Housing) 2021 (SEPP Housing 2021). As discussed in **Section 4.0**, the E2 zoning has prevented redevelopment of the Site for the foreseeable future as there is limited demand for new commercial floorspace in St Leonards. The 2036 Plan, finalised in August 2020, predates the significant post-COVID-19 impacts on the commercial office market, resulting primarily from implementation of flexible work location conditions (WFH).

In addition to the recommended changes to principal development standards, the 2036 Plan outlines the following key design parameters for the Site as follows:

- Retain solar access to Christie Street Reserve from 10:00am to 3:00pm;
- Retain 2 hours of solar access to existing residential and heritage conservation areas to the east from 9:00am to 3:00pm;
- Maximum height of 13 Storeys; and
- Maximum podium height of 4 storeys.

3.0 Crows Nest TOD Rezoning Proposal

3.1 TOD rezoning program and Site opportunity

Delivery of housing is a critical priority for the NSW Government, with 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. The key objectives of the TOD Rezoning Program as set out in the Explanation of Intended Effect are:

- *Simplify planning controls within the TOD Accelerated Precinct*
- *Encourage lodgment of applications for residential development in the TOD Accelerated Precincts*
- *Streamline the development application process so that applicants can lodge development applications sooner and so that consent authorities can determine them rapidly*
- *Ensure that developments within the TOD Accelerated Precincts achieve high-quality design outcomes*

Alto Group are supportive of the TOD rezoning program. This Site provides an unparalleled opportunity to contribute to the TOD program by unlocking opportunity for residential use, thereby contributing a significant quantum of housing. DPPI taking carriage of rezoning the site, as part of the Crows Nest TOD, is particularly relevant in its context of both Government and private ownership.

Crows Nest (including St Leonards) is one of the eight TOD accelerated precincts identified as having substantial capacity to support an increase in population and additional housing growth, close to a transport hub and other essential amenities. St Leonards and Crows Nest has an opportunity to support up to 3,255 new homes within the proposed planning controls under the TOD program. The exhibited Crows Nest TOD does not propose change to planning controls for the Site, stating that it was recently the subject of rezoning as part of the WLEP 2012 amendment in 2022. However, while the Site's LEP controls for Floor Space Ratio and Height of Building were changed, the Land Zoning was retained as E2 Commercial Centre. Although in accordance with the 2036 Plan, the lack of zoning change has sterilised redevelopment of the site. Further discussion of the implications of this is outlined in **Section 5.0**.

3.2 Urban Design Framework

The Urban Design Framework for Crows Nest, exhibited with the Crows Nest TOD, outlines the over-arching approach for the study area. The Site is within the "Mixed Use Centre" as outlined in the Structure Plan in **Figure 3**. However, given its current zoning, a mixed-use development (that includes residential) is not permissible on the site. Notwithstanding this, it is identified as being within immediate proximity to public transport and existing high-density development, with opportunity to contribute with commensurate density, enhance the quality of the streetscape, and supporting activation of the centre.

As identified on page 79 of the Urban Design Report and illustrated in **Figure 4**, the Site is within the light blue outer zone of the Commercial and Employment area. As such, and appropriate to its immediate context, the Site is not in a critical commercial core. The over-station development to the immediate south west of the Site, as well as the lodged Development Application (DA) to the immediate south of the site at 100 Christie Street, provide directly adjacent shop top housing (primarily residential) development. The site is therefore in a

transitional zone from the commercial St Leonards core along the Pacific Highway to a residential-priority area. The land zoning should be amended to suit this.

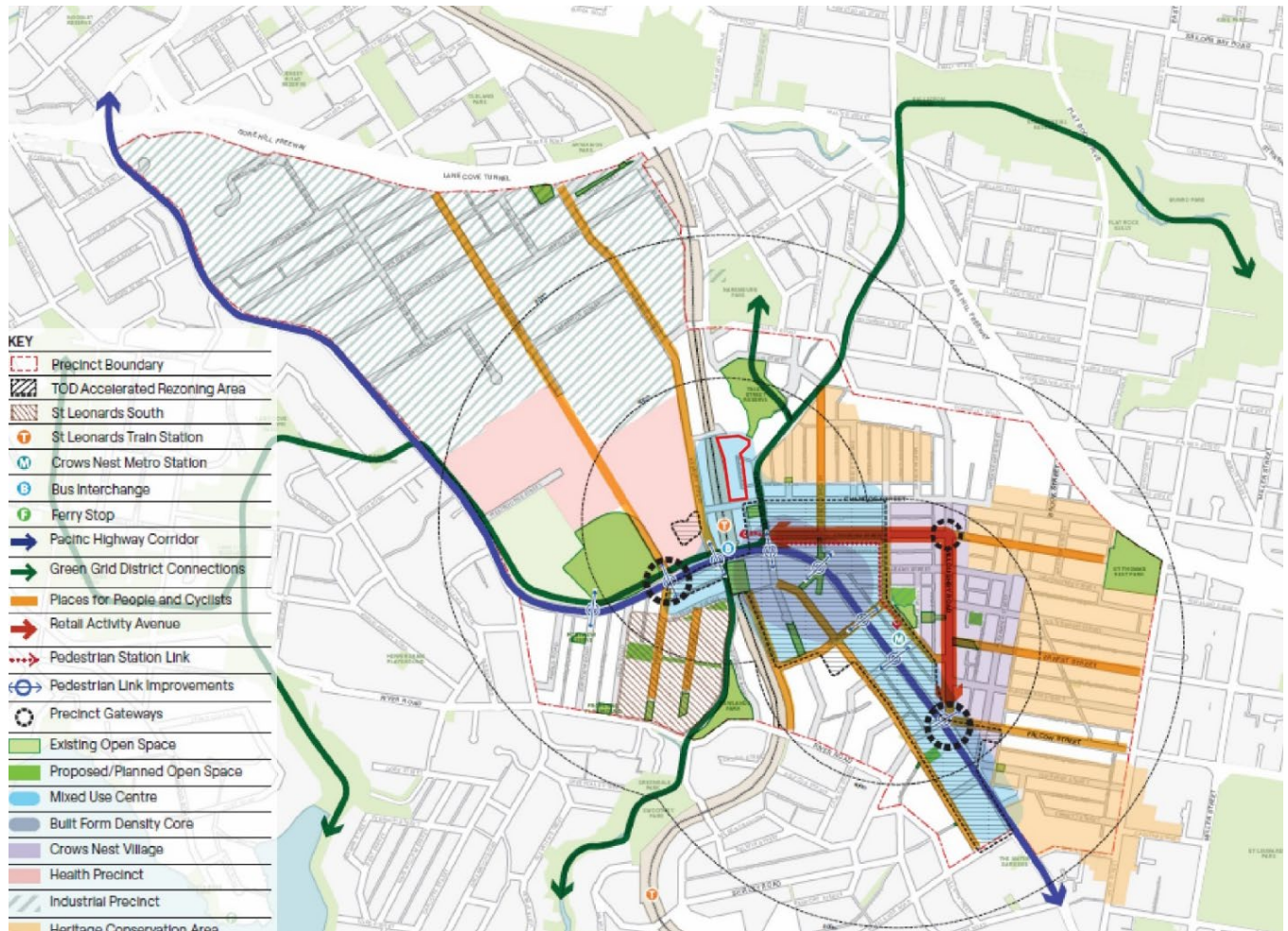


Figure 3 Crows Nest TOD Structure plan

Source: SJB for NSW Department of Planning, Housing and Infrastructure

Commercial and Employment Priorities

Residential Priorities



Figure 4 Crows Nest TOD land use priorities

Source: SJB for NSW Department of Planning, Housing and Infrastructure

3.3 Crows Nest TOD Economic Impact Assessment – commercial floorspace utilisation trends

The Crows Nest Economic Impact Assessment, prepared by Atlas Economics, has been exhibited alongside the Crows Nest TOD EIE. The assessment identifies that there is a high vacancy rate for both higher grade and secondary grade office stock. There is a clear decline in office occupancy rates, and consequently less aggregate demand for purpose-built office space. Currently, there is a significant amount of vacant office floorspace across Crows Nest/St Leonards, in the order of 95,000sqm.

Endeavour Property Advisory have conducted a review of commercial floorspace utilisation trends (refer **Attachment A**) and has made the following key findings:

- The commercial office market has changed significantly since the COVID-19 pandemic. Established commercial occupancy trends, largely shaped by flexible working (work from home, WFH) entitlements, are out of step with the statutory enforcement of commercial space in lower-tier CBDs, such as St Leonards. Engagement with the following organisations has found that white collar workers typically WFH 2-3 days per week.
 - **QBE:** Cut commercial floorspace by 40% since COVID, now provide space to accommodate 29% of staff
 - **AMP:** Staff average 1.8 days/week in office, despite new luxury Sydney CBD office
 - **Cuscal:** Staff average 1.5 days/week in office
 - **AGL:** Staff average 2.5 days/week in office
- As a result, commercial lease renewals are experiencing a reduction in floor space and thus commercial office vacancy levels are increasing. Tenants are seeking smaller premises in higher quality buildings to attract and retain staff. Lower quality buildings experience highest rates of vacancy. However, vacancies are very high across all building grades. Key examples:
 - Victoria Cross (North Sydney) to be completed 2025, has only secured pre-lease of 4,000m² out of 57,000m²
 - JQZ – 558 Pacific Hwy St Leonards (St Leonards newest A Grade building) is over 12 months old and remains over 50% vacant
- Unprecedented commercial lease incentives being offered for North Shore Premium, A & B Grade buildings of 45-55% (either as a fit out contribution or amortised over the term of the lease)
- Given current vacancies, long-term WFH trends and increased incentives, there is a negative value for developers to build new commercial buildings, compounded by a 30+% higher construction cost post-COVID.
- Commercial premises are being substituted by individual home-based offices. This is evidenced by new residential development providing increased home office amenity, especially in a higher socioeconomic areas such as St Leonards. This in turn reduces traffic volumes in peak hour, relieves stress to public transport systems, contributes to local economies (such as medical and allied health, professional services, local retail).
- 50-60% of residents accommodated in a residential development on the subject site would likely WFH 2-3 days per week, significantly bolstering the local economy in terms of retail, gyms, childcare, health services, etc, and increasing active transport modes such as walking and cycling, reducing vehicular traffic.

In stark contrast, there is a clear demand for housing in the Crows Nest and St Leonards. The most recent DPHI population projections for the North Sydney and Willoughby LGAs indicate the over the coming decades to 2041, an additional ~16,400 dwellings will be required to satisfy population growth. This suggests that the commercial zoning of the site is out of step with the measured demand for commercial space, and that a mixed use zoning would enable a development that better addresses present demand for housing.

Further discussion of the implications of this is outlined in **Section 5.0**.

3.4 Housing opportunity

The limited uplift in Floor Space Ratio and Height of Building facilitated by the 2036 Plan and the subsequent WLEP 2012 amendment has not facilitated redevelopment of the site. Conversely, without a change to the land zoning, the Site's prospect for redevelopment remains the same as prior to the recent rezoning.

Unfortunately, the Rezoning Proposal identifies the site as recently rezoned, without testing the adequacy and success of that rezoning. Given current commercial market conditions, including post-COVID vacancies, record lease incentives, flexible work from home arrangements and a significant reduction in commercial property value, the current E2 zoning sterilises redevelopment of the Site. This is reinforced by the Economic Impact Assessment exhibited with the Rezoning Proposal, discussed in **Section 3.3**.

The present zoning clearly misaligns with the intent of the Crows Nest TOD, which seeks to provide more housing in areas close to public transport. The Site is directly adjacent to an entrance to St Leonards Station and is essentially vacant. If the Site retains its E2 zoning, it is unlikely to remain undeveloped for some years.

Inclusion of the Site within the Crows Nest TOD, rezoned to MU1, realises a significant opportunity to deliver housing (including 10% affordable housing), and will have immediate effect to the urban renewal of the precinct, including provision of through site links consistent with the Urban Design Framework’s Structure Plan.

4.0 Development opportunity on the Site

St Leonards has recently undergone significant transformation, initiated by the 2036 Plan. A large number of Planning Proposals (included State-led proposals), as well as recently completed high-density developments have established St Leonards as a key precinct for delivery of housing in Sydney.

The Site presents a large, unconstrained vacant TOD site. The urban design analysis assumes amalgamation of the adjacent lots, recognising that the lots are incapable of independent development in an economic and orderly manner.

It is recognised that the Site, if included within the Crows Nest TOD rezoning, will be ineligible for the Housing SEPP affordable housing bonus (pursuant to the proposed amendment to the Housing SEPP made in association with the TOD Program), and will be required to deliver affordable housing in perpetuity. As such, the urban design analysis investigates uplift to support delivery of affordable housing equivalent to 10% of residential floorspace.

4.1 Concept Scheme

An indicative concept scheme has been prepared by Ethos Urban to establish uplift opportunity on the Site. The scheme has been prepared following detailed analysis of environmental and contextual constraints and opportunities, outlined in the following sections. The indicative scheme proposes a shop top housing massing envelope, up to 30 storeys, with the following key attributes:

- Three development volumes that increase in height toward the north do not overshadow Christie Street Reserve;
- A total GFA of 50,856m² (subject to further detailed analysis) which includes:
 - 1,144m² of non-residential GFA to achieve an active ground floor fronting Chandos Street
 - 49,712m² of residential GFA
- A total of approximately **552 residential apartments**, including **55 affordable housing apartments** (equating to 10% of the residential GFA).

Table 1 below provides a numerical overview of the proposal, and **Figure 5** illustrates the massing.

Table 1 Concept scheme – numerical overview and comparison with current controls

Component	Current Control	Proposed Control
Site Area	9,518m ²	9,518m ²
Land Use	E2 – Commercial Core	MU1 – Mixed Use
Key Permitted Uses	Commercial premises;	Shop-top housing
Additional Permitted Uses	N/A	Residential flat building
Building Height	41m	41m, 75m, 98m
Height in Storeys	13 storeys	10 storeys, 21 storeys and 30 storeys
Residential GFA	0m ²	49,712m ²
Retail / Commercial GFA	Potential 42,831m ² (with 4.5:1 FSR to all lots)	1,144m ²

Total GFA	Potential 42,831m ² (with 4.5:1 FSR to all lots)	50,856m ²
Floor Space Ratio	4.5:1 (2-10 Chandos) and no FSR	5.3:1 (all lots)
Apartments	0	552
Affordable Housing (10%)	0	55

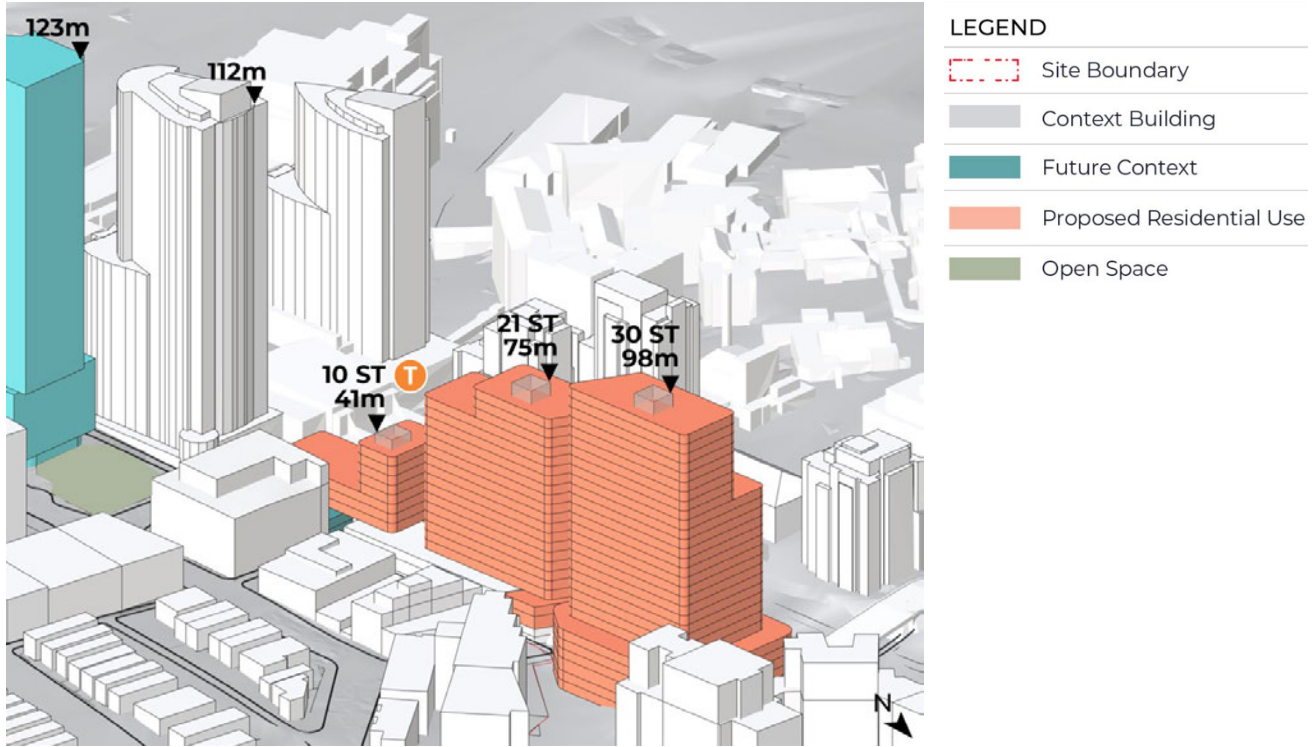


Figure 5 Concept scheme

Source: Ethos Urban

4.2 Environmental impacts and contextual analysis

4.2.1 Setback and solar plane study

A detailed solar analysis was undertaken to ensure that the concept scheme does not produce any additional overshadowing between 9am and 3pm mid-winter (21 June). Of particular relevance to the overshadowing analysis is the HCA to the east, Christie Street Reserve to the south and existing residential apartments to the east and west (across the rail corridor). Together with boundary setbacks, the solar planes dictate the developable volume of the Site. This analysis is illustrated in **Figure 6**, described below.

7-9 Herbert solar protection plane

This property is opposite the rail corridor to the Site, and currently receives excellent solar exposure to its eastern (rail corridor), northern and western facades. While floor plans have not been sourced for this submission, it is highly likely that the building well exceeds the minimum Apartment Design Guide (ADG) criteria for 70% of apartments to receive 2 or more hours direct solar mid-winter. On this basis, the solar plane projected from the eastern façade is located at a height one third from ground level. The urban design analysis identifies that this minor reduction to direct solar to the east façade is highly unlikely to reduce the overall provision of solar amenity to the building below that prescribed by the ADG.

Christie Street Reserve solar protection plane

The solar plane projected from Christie Street reserve is positioned to ensure no additional overshadowing of the park results from the development volume on the Site.

2-4 Northcote solar protection plane

This property, to the immediate east of the site, benefits from the site being undeveloped. Notwithstanding its borrowed solar amenity, the solar plane projected from its façade is positioned to retain the full quantum of existing direct solar exposure to the property.

LEGEND

	Site Boundary		ADG Setback
	Developable Area (up to 4 storeys)		Solar Setback
	Developable Area (>4 storeys)		7-9 Herbert Street
	Solar Impacting Building Height		2-4 Northcote Street
	LEP 6m Through-Site Link (EU Assumption)		15 Herbert Street



Step 1
Full site envelope



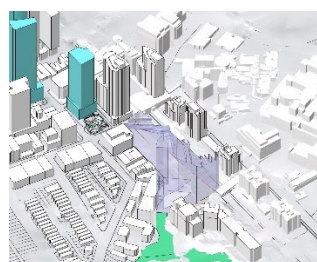
Step 2
7-9 Herbert St solar plane (retaining minimum 70% ADG solar apartments)



Step 3
Christie Reserve solar plane



Step 3
2-4 Northcote St solar plane



Step 4
Define developable volume

Figure 6 Developable volume study – setbacks and solar planes

Source: Ethos Urban

4.2.2 Recent and proposed development analysis

Having determined a development envelope, the Urban Design analysis considered recent and proposed development in the vicinity of the site. As illustrated in **Figure 7**, SJB conducted a similar analysis to inform the Crows Nest Rezoning Proposal. High-density mixed-use development either exists, is DA approved or is subject to an active Planning Proposal in the immediate vicinity of the site (shown in blue). The existing and future development varies in height, with 39 and 36 storeys to the immediate south of the Site, 20 and 24 storeys across the rail corridor to the west.

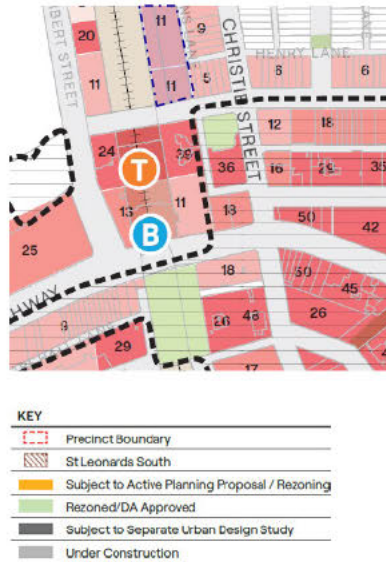


Figure 7 Recent and proposed development

Source: SJB for NSW Department of Planning, Housing and Infrastructure

4.2.3 Proposed concept scheme

As illustrated in **Figure 8**, the proposed concept scheme generally accords with the maximum developable envelope established by the solar plane sculpting, retaining solar amenity to Christie Street Reserve and to adjacent existing residential apartments. Further, the height is commensurate to the immediate existing and future context, established in the analysis illustrated earlier and prepared by SJB to support the Rezoning Proposal. This scheme therefore represents an economic and orderly redevelopment of the site, suitable to support delivery of approximately 55 affordable apartments in perpetuity, and a total of approximately 552 apartments with site frontage adjacent to St Leonards Station, realising the vision and intent of the Crows Nest TOD.

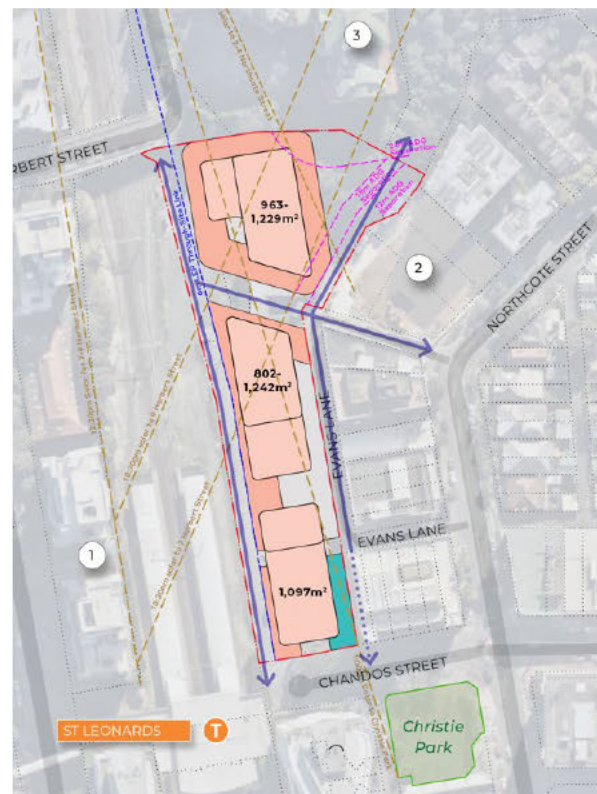
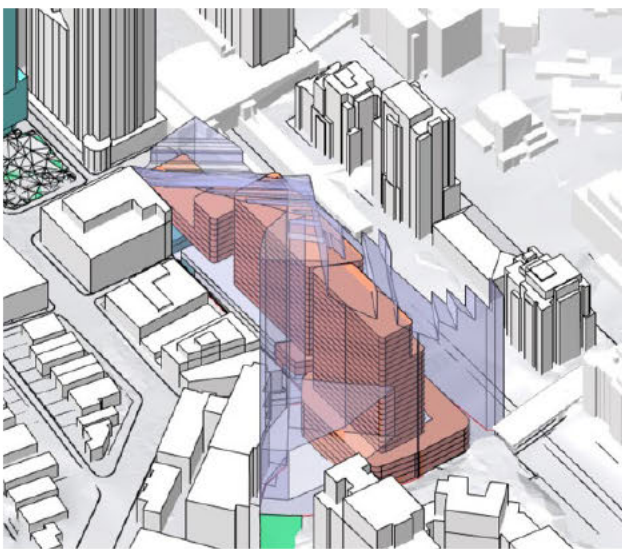


Figure 8 Proposed concept scheme

Source: Ethos Urban

4.2.4 Affordable Housing

Proposal – 10%

The exhibited Crows Nest TOD clearly correlates delivery of affordable housing in perpetuity with additional density (height and floor space). Delivery of affordable housing on the site is thus rationally achieved by increase in density, in a manner tested and supported by urban design analysis. The existing LEP mapped floor space ratio of 4.5:1 and maximum height of 45 metres will not economically facilitate a development outcome sufficient to support delivery of affordable housing in line with that expected for sites proposed to receive uplift in the exhibited TOD.

This Site provides an excellent opportunity to deliver affordable housing immediately opposite the rail corridor to the Health and Education Precinct at RNSH. Additional height, floor space and rezoning to mixed use will directly address the need to house key workers in the Health and Education Precinct.

The proposed concept scheme will deliver approximately **55 affordable apartments in perpetuity which equates to 10% of the total residential GFA**. These units will have capacity to house approximately 138 residents, particularly suited to key workers of the Health and Education Precinct to the opposite side of the rail corridor. The units will benefit from excellent amenity given their location immediately adjacent to a public open space (Christie Street Reserve), as well as immediate connectivity to St Leonards Station to the south, connecting residents with the wider metropolitan area. This need is highlighted in the Lot 4B Rezoning (Herbert Street Precinct) Urban Design Report, which states:

“The shortage of affordable housing in suitable locations is particularly being felt by key workers such as nurses, teachers and emergency officers, who typically earn moderate to low incomes and require a physical presence to perform their work.”

Community Housing Providers (CHPs) find much greater efficiencies in managing a large quantity of consolidated affordable housing. A fragmented approach to provision of affordable housing, such as that proposed in smaller lots across the TOD Precinct, present management challenging to a CHP. The proposal therefore represents a highly desirable outcome for a CHP.

Constraints – 15%

The Crows Nest TOD EIE outlines a requirement for the provision of 10-15% affordable housing delivered in perpetuity on sites provided uplift. Urban design testing, supplemented with economic analysis, has found that the delivery of 15% affordable housing on the site is unfeasible.

The developable envelope illustrated in this submission is dictated by protection of solar amenity to neighbouring existing residential development and open space. The resulting schematic envelope and quantum of floorspace is sufficient to economically deliver 10% affordable dwellings, equivalent to approximately 55 dwellings. In order to deliver 15% affordable dwellings, the following would be required:

- The minor quantum of non-residential floor space on the site (fronting Chandos Street) would need to be replaced with additional residential floor space. This reinforces that any imposition of a minimum non-residential floor space ration would likely render development on the site with affordable housing unfeasible.
- The most constrained part of the site (to the south) would require additional height commensurate with the proposed central building height (from 41m to 75m), supplemented by additional FSR to accommodate development within the additional envelope. This would result in overshadowing of Christie Street Reserve.
- Alternatively to the above point, the northern end of the site would require additional height to match that of the St Leonards over-station development towers (from 30 to approximately 40+ storeys), supplemented by additional FSR to accommodate development within the additional envelope. This may result in adverse overshadowing impact to existing residential development to the east and west of the Site.
- The through site links established as required by the site-specific provision in the WLEP 2012 would need to either be removed, or be covered by a wider development envelope that extends close to the site boundaries (again, supplemented by additional FSR to accommodate development within the additional envelope). This would result in a poor amenity outcomes for the through site links, as well as resulting from the reduced setbacks to neighbours. Despite this, a wider development envelope may not achieve ADG compliant apartment plans.
- The opportunity to deliver additional public benefits associated with development of the site would be lost, such as expansive landscaped rooftop area that may be accessible to the public. Further, economic capacity of the development to make both local s7.11 contributions and the state Housing and Productivity Contribution (HPC) would be hampered.

4.2.5 Enhanced public domain

The proposed concept scheme includes the creation and embellishment of a publicly accessible through site link, greatly improving north south connectivity between Chandos Street and Talus Street. This breaks down the barrier effect produced by the rail corridor, better connecting potential key workers on the Site to the Health and Education precinct in the surrounding context.

Together with the delivery of through site links, the proposed active retail frontage to Chandos Street and the delivery of a significant quantum of housing on the Site, rezoning of the site will facilitate a significantly enhanced public domain and pedestrian amenity in the wider precinct.

5.0 Urban Design Key Moves

Alto Group agree with the urban design Key Moves (**Figure 9**) established for the Crows Nest TOD Precinct. We support provision of additional density in close proximity to St Leonards Station. The Site is located adjacent to an entrance to the Station, and should, as identified in the Key Moves, have greater density than land further from the station.

As identified in Ethos Urban’s scheme in **Section 4.0**, additional floor space and height can be accommodated on the site without presenting additional adverse environmental impact to existing adjacent residential development, the Heritage Conservation Area to the east and Christie Street Reserve to the south. Overshadowing impact has been analysed and has sculpted the concept scheme.

The Site presents opportunity to transition between the commercial centre adjacent the Pacific Highway to the south and the residential areas to the north and east. This transition in use is associated with a transition of height and density.

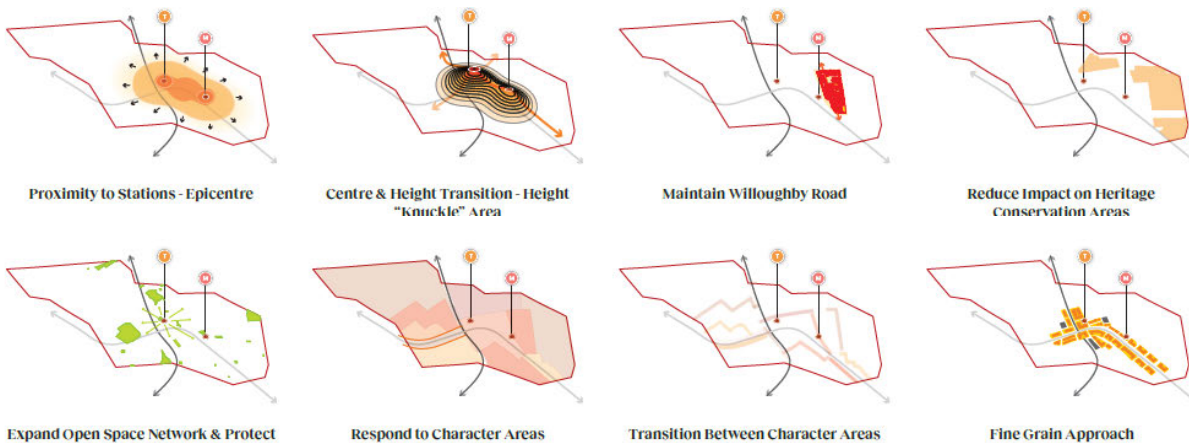


Figure 9 Crows Nest TOD Key Moves

Source: SJB for NSW Department of Planning, Housing and Infrastructure

The indicative concept scheme addresses specific key moves as detailed below.

Proximity to Stations

The Chandos Street frontage of the site is within 10m of an entrance to St Leonards Station. Rationally, any development on the site should be denser than surrounding areas to ensure that taller buildings are located close to transport hubs.

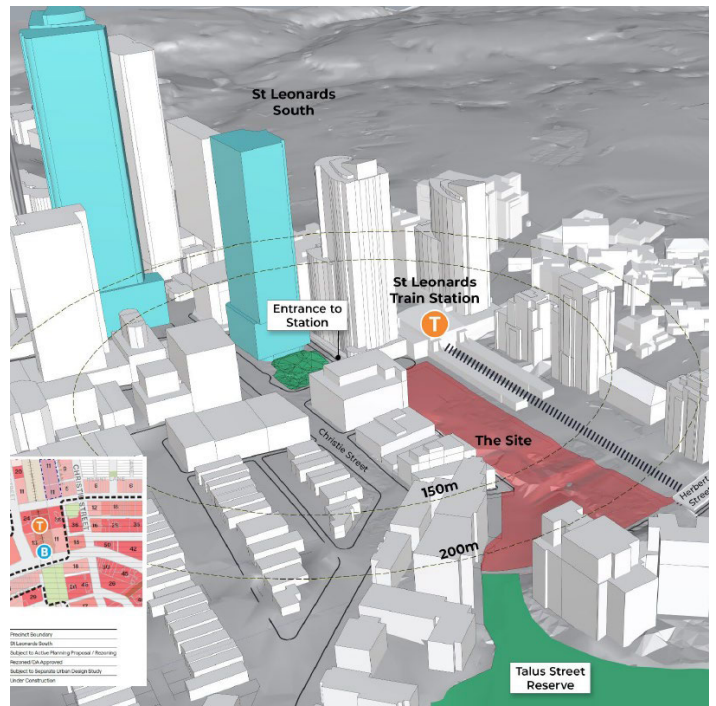
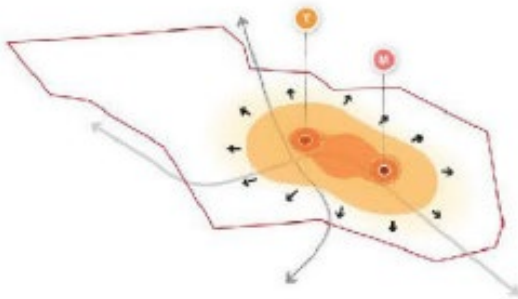


Figure 10 Proximity to Stations

Source: Ethos Urban

Expanded Open Space Network

The indicative scheme will expand upon the open space network by providing through site links to Talus Street Reserve and to Herbert Street. This will break down the barrier effect of the rail corridor in St Leonards. There is also opportunity to partner with TfNSW and provide an aerial connection direct to the station concourse south-west of the Site.

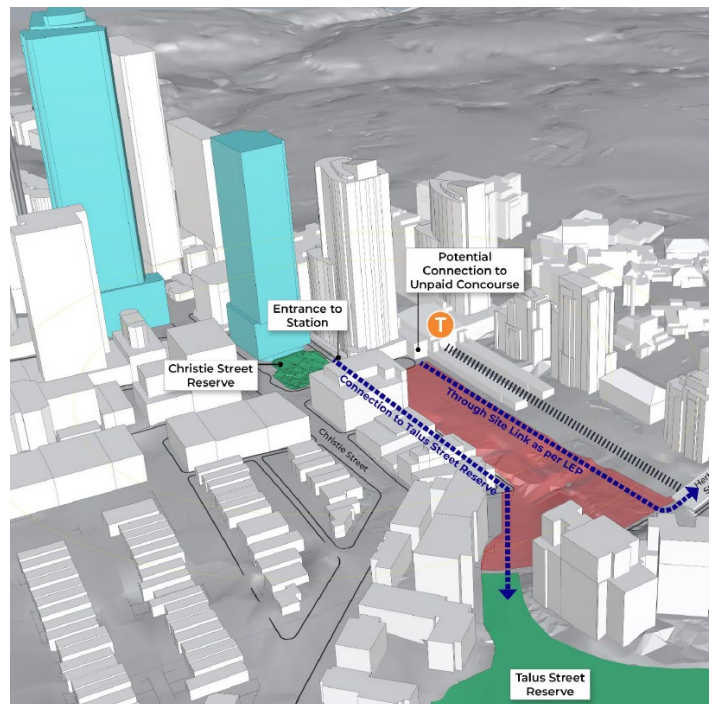


Figure 11 Expand Open Space Network and Protect Amenity

Source: Ethos Urban

Fine Grain Approach

The indicative scheme expands upon and takes cues from the adjacent fine grain pedestrian and street network, articulating the massing with east-west axial breaks in the envelope form.

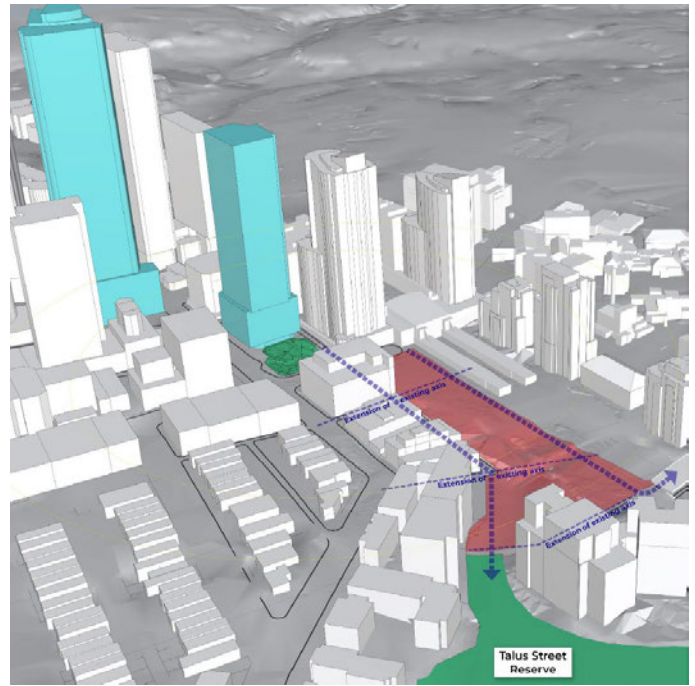


Figure 12 Fine Grain Approach

Source: Ethos Urban

Reduce Impact on Heritage Conservation Areas

The indicative scheme has minimised impact to the adjacent Heritage Conservation Area. A height transition between the two storey residential dwellings and development on the Site is achieved by leveraging the buffer provided by existing, taller built form separating the site from the HCA. The development will not result in any adverse overshadowing of the HCA.

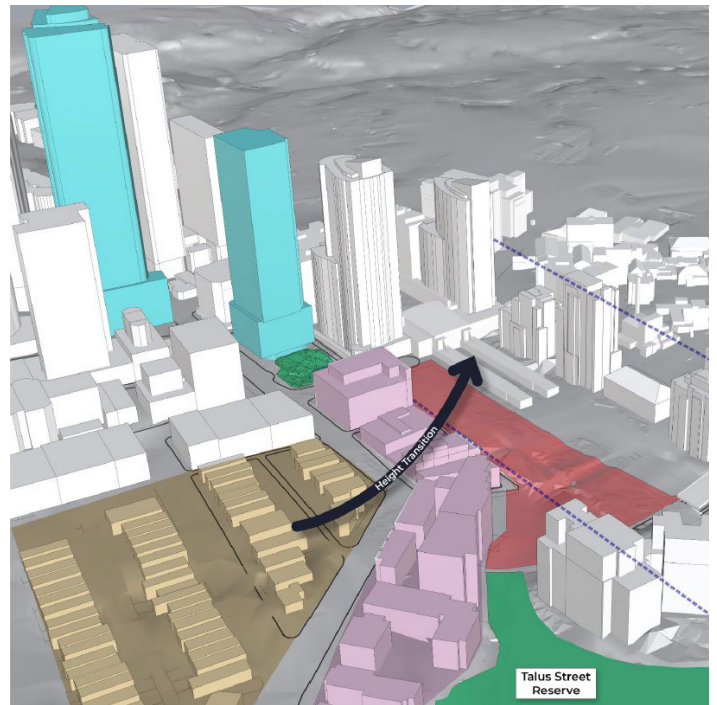


Figure 13 Reduce Impact on Heritage Conservation Areas

Source: Ethos Urban

6.0 Summary of requested changes to the Crows Nest TOD reform

6.1 Changes to WLEP 2012 development standards for the Site

Alto Group request that the following amendments are made to the existing planning controls, in finalising the Crows Nest TOD reform. These changes will facilitate the indicative scheme prepared as part of this submission, which is grounded in robust urban design and environmental impact analysis, required to achieve delivery of 10% affordable housing on the Site.

Existing zoning



Existing FSR



Existing Height



Proposed zoning



Proposed FSR



Proposed Height



KEY

	TOD Accelerated Rezoning Area
	Proposed Additional Site For Inclusion in TOD Rezoning Area
	MU1 - Mixed Use

(Note: The proposed land zoning change would include an additional permitted use for residential flat buildings)

KEY

	TOD Accelerated Rezoning Area
	Proposed Additional Site For Inclusion in TOD Rezoning Area
	5-5.9

KEY

	TOD Accelerated Rezoning Area
	Proposed Additional Site For Inclusion in TOD Rezoning Area
	40-44.9m
	45-49.9m
	50-54.9m
	55-59.9m
	60-79.9m
	80-99.9m

Table 2 Summary of requested amendments to WLEP 2012

Component	Current Control	Proposed Control
Land Use	E2 – Commercial Core	MU1 – Mixed Use
Key Permitted Use	Commercial premises	Shop-top housing
Additional Permitted Use	-	Residential flat building
Height of Building	41m	41m, 75m, 98m
Floor Space Ratio	4.5:1 (2-10 Chandos) and no FSR	5.3:1 (all lots)

6.2 Formal acknowledgement of the Site as being suitable for increased density

In our meeting with DPHI on 13 August 2024, DPHI advised that rezoning can occur outside of the Crows Nest TOD reform, by way of a Proponent-led Planning Proposal. We strongly believe, however, that inclusion of the Site within the TOD reform is necessary to ensure delivery of affordable housing in the Precinct in a timely manner.

Notwithstanding the above, if inclusion within the Crows Nest TOD is not possible post-exhibition (given constraints to DPHI timeframe to finalise the reform), as the Site presents significant opportunity for delivery of affordable housing, we request that, as a minimum, DPHI formally acknowledge that the site be subject to further investigation for review of planning controls, including zoning and built form, through a separate planning pathway (rather than denote the Site as having been recently rezoned as basis for exclusion from the reform).

We request that this be formally acknowledged in two ways:

1. That the Site be identified within the Focus area for accelerated rezoning as per Figure 14.

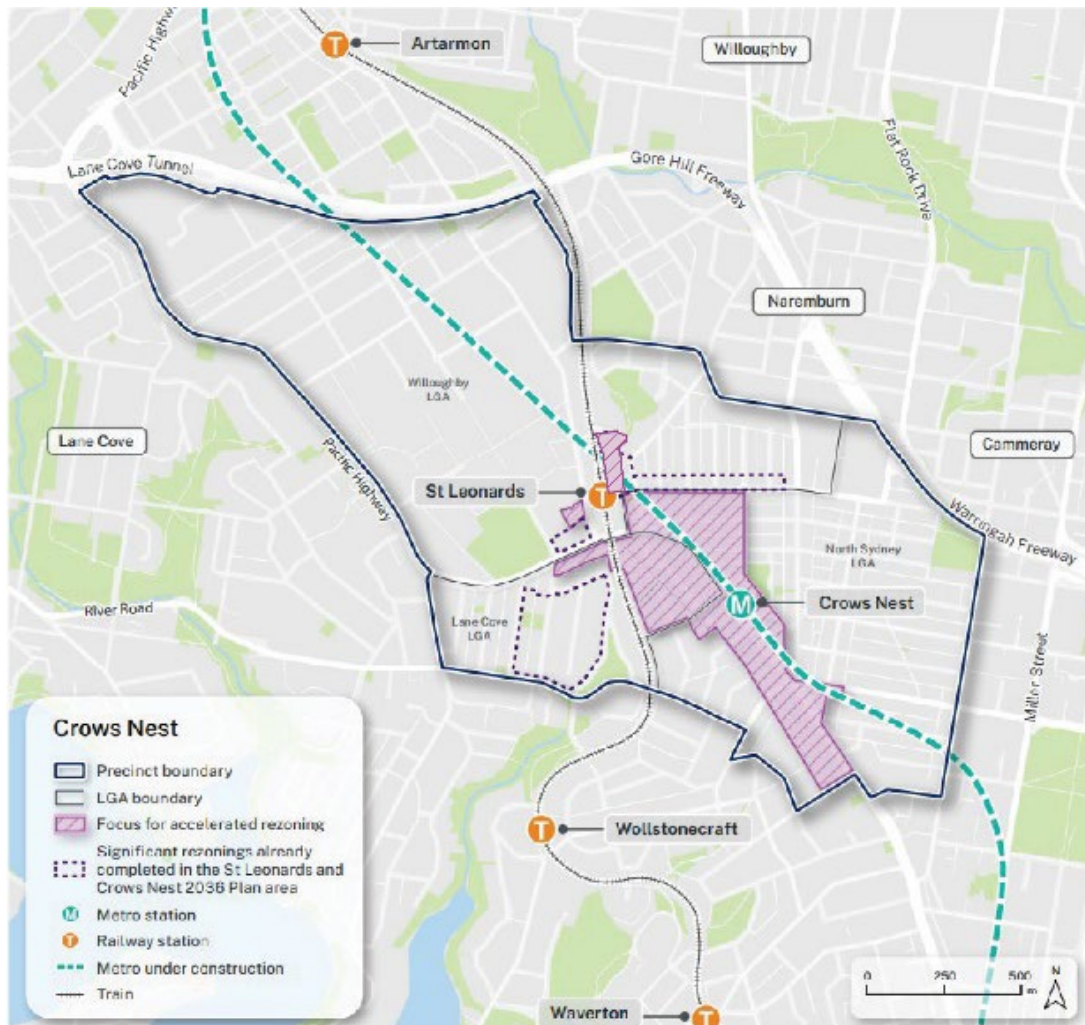


Figure 14 Option 1 – Focus for Accelerated Rezoning

Source: NSW Department of Planning, Housing and Infrastructure and Ethos Urban

2. That the site be updated in its status from *Already rezoned* to *Site subject to further investigation* as per Figure 15.

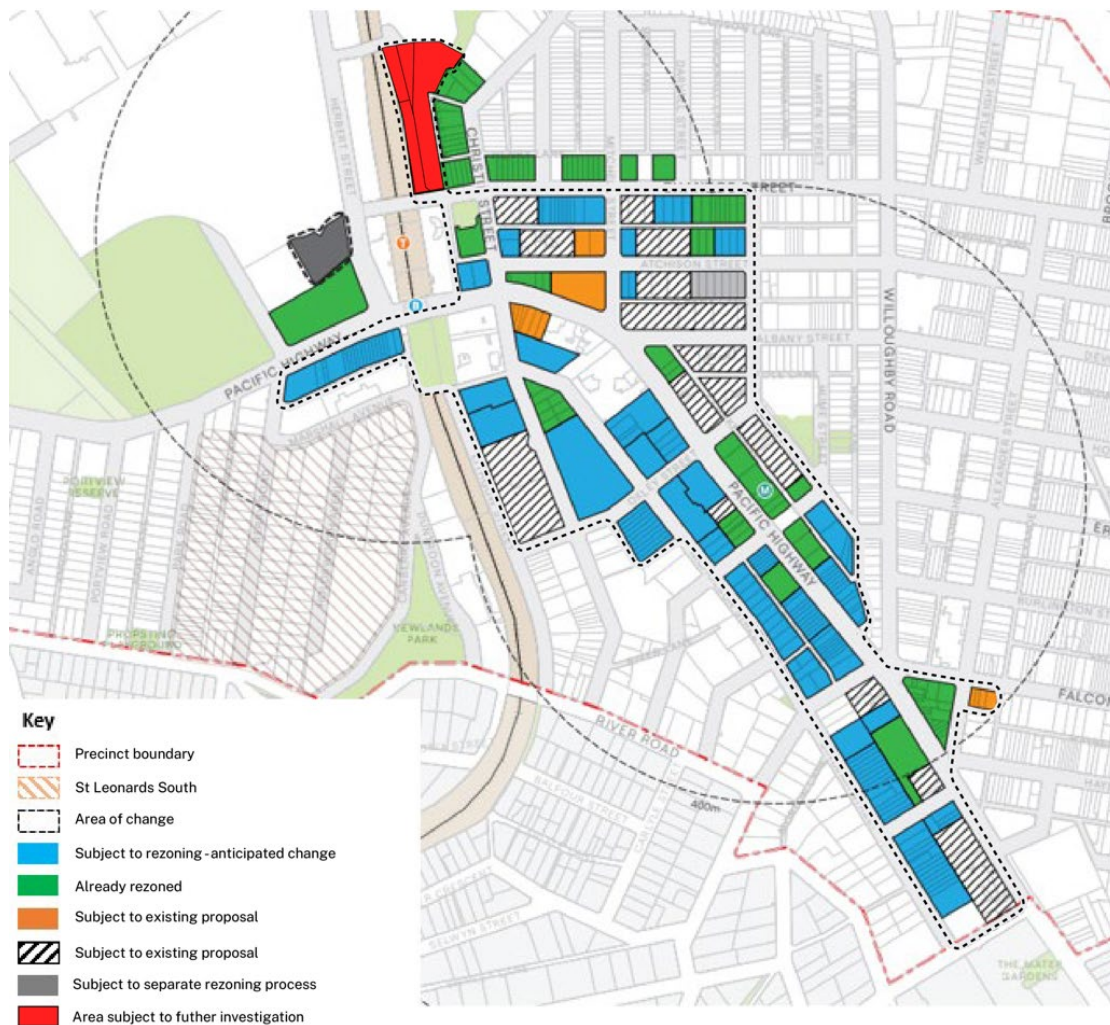


Figure 15 Option 2 – Site for Further Investigation

Source: NSW Department of Planning, Housing and Infrastructure and Ethos Urban

7.0 Conclusion

Thank you for the opportunity to provide a submission of the Crows Nest Rezoning Proposal. We believe that a truly integrated and coordinated planning, design and land use approach is required to ensure that the Department’s vision for Crows Nest and St Leonards can be realised.

The focus area for accelerated rezoning within the Crows Nest TOD precinct has omitted the largest vacant site adjacent to any railway station in the North Shore, being lots at 2-10 Chandos Street. We are of the opinion that omission of this site represents a significant lost opportunity, politically and practically, to deliver a large quantum of housing.

Despite its recent rezoning, the site remains undeveloped and will continue to be as such given the current commercial climate and unprecedented vacancy rates. The exhibited Rezoning Proposal falls short in understanding that a recent rezoning does not achieve development nor delivery of housing (inclusive of affordable housing) on the Site.

The Site presents an unmatched opportunity in St Leonards to deliver diverse housing to meet both the Crows Nest TOD and National Housing Accord targets. Given its mixed private and Government ownership, the State Government is best positioned to oversee the Site’s rezoning from commercial to mixed use, accompanied by an increase to height and floor space ratio to facilitate delivery of affordable housing in perpetuity.

The Urban Design analysis has clearly illustrated the capacity to transform the Site from a vacant, station-side car park to a high-density mixed-use development with significant benefits to the St Leonards precinct.

Alto Group requests the following amendments to the WLEP 2012 as part of the Crows Nest TOD:

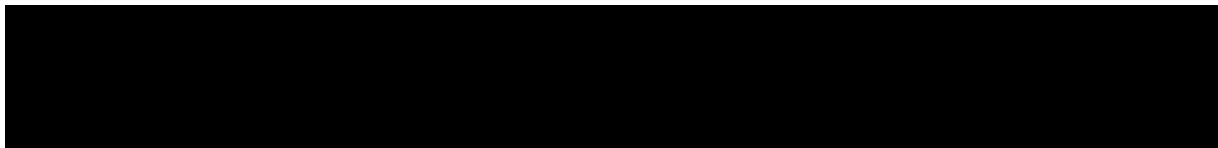
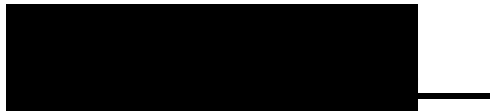
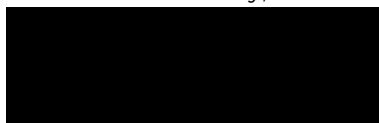
- Rezoning of the site from E2 (commercial centre) to **MU1** (mixed use) to facilitate shop top housing, as well as an additional permitted use for residential flat building;
- Retain current LEP **41m** height to part of the site, with increase to **75m and 98m** to the remaining parts;
- Increasing the current LEP FSR of 4.5:1 (2-10 Chandos) and providing an FSR to the western Government-owned lots of **5.3:1** (consistent FSR across all adjacent lots);
- Enable achievement of a **design excellence** that is consistent with the design intent and aspirations of the Rezoning Proposal's Urban Design.
- Enable delivery of **10% affordable housing delivered in perpetuity** on the Site, equating to approximately 55 affordable housing apartments

We strongly believe that inclusion of the Site within the TOD reform is necessary to ensure delivery of affordable housing in the Precinct in a timely manner. Notwithstanding this, if inclusion in the TOD is not possible post-exhibition (given constraints to DPHI timeframe to finalise the reform), as the Site presents significant opportunity for delivery of affordable housing, we request that, as a minimum, DPHI formally acknowledge in the TOD finalisation that:

1. That the Site be identified within the *Focus area for accelerated rezoning*; and
2. That the site be updated in its status from *Already rezoned* to *Site subject to further investigation*

Alto Group welcomes further opportunity to collaborative with DPHI to finalise the Rezoning Proposal for the Crows Nest TOD, incorporating the amendments to the WLEP 2012 identified above. We thank DPHI for their consideration of this valuable opportunity to rezone the largest vacant TOD site on Sydney's North Shore.

Yours sincerely,



Attachment A: Commercial floorspace utilisation trends

Endeavour Property Group

Colliers

Knight Frank

Commercial Floorspace Utilisation Trends Sydney North Shore

Commercial Floorspace Utilisation Trends

The Commercial Office market has changed significantly since the COVID-19 pandemic. We are now seeing established commercial occupancy trends from occupiers, which in our opinion should be considered in the shaping of our cities.

The below facts have been sourced from direct dialogues with the following organisations in an attempt to understand the new Work From Home (WFH) employment trends. Where able we have named the source, but this is not always possible due to confidentiality reasons.

1. QBE Insurance – Steve Elliott – Head of Property & Business Operations
 - a. Sydney CBD Head office + national offices
 - b. Reduced their overall commercial floorspace by 40% since COVID-19
 - c. Provide office accommodation to a maximum of 29% of their workforce across their national offices
2. Cuscal – Craig Kennedy – CEO
 - a. Sydney CBD office
 - b. 1.5 days per week actual
3. Baker McKenzie – Sebastian Busa – Partner Property
 - a. Sydney CBD Head office + national offices
 - b. 3 days mandated
 - c. Mostly 2-3 days actual
4. AMP – confidential senior management source
 - a. Sydney CBD Head office + national offices
 - b. Mandated 2 days per week to attend the office
 - c. Actual office attendance 1.8 days per week average
 - d. AMP occupy one of the newest and most luxurious offices in the Sydney CBD, 50 Bridge Street, Sydney, where staff have a major incentive to come to the office.
5. AGL - confidential senior management source
 - a. Melbourne & Sydney Offices
 - b. 2.5 days per week attendance
 - c. AGL would like their staff in the office 3 days per week but have not achieved this goal
6. ING Bank - confidential senior management source
 - a. Sydney CBD Head office + national offices
 - b. Mandated 5 days per fortnight (2.5 days per week)
 - c. Strictly monitored mostly achieved
7. NSW & VIC Government Depts
 - a. Various Offices in each state
 - b. Mandated 3 days per week
 - c. Actuals unknown
8. Major 4 Banks
 - a. Various offices nationally
 - b. Various policies amongst the banks and roles
 - c. Most are 2-3 days
 - d. Actuals are unknown
 - e. Their websites HR policies offer flexible working arrangements

The above information indicates a strong trend that White Collar workers WFH 2-3 days per week at a minimum. The reality of most corporates and government departments is their stated office staff attendance days are rarely achieved.

Vacancy Data

This vacancy data has been sourced from the major north shore leasing agents (CBRE, Colliers & JLL) showing the current availability of floor space in the following major commercial markets (source Knight Frank March 2024 North Shore Office Market Report).

North Sydney

Total Stock	936,914m ²
Annual Absorption	-11,286m² (Last 6 months, the -ve figure indicates space vacated is greater than space leased)
Vacancy	226,733m ² (24.2%)
Comment	The new Lend Lease Victoria Cross office building will be complete within 12 months. Total NLA 57,000m ² with 4,000m ² pre leased and 53,000m ² still available (approx. 93% vacant)

St Leonards

Total Stock	359,557m ²
Annual Absorption	-5,854m² (Last 6 months, the -ve figure indicates space vacated is greater than space leased)
Vacancy	94,563m ² (26.31%)
Comment	JQZ - 558 Pacific Hwy St Leonards has been completed for 12 months and has 8,405.70m ² of never occupied commercial space available for lease. Incentives are above 50% for any new tenant.

Chatswood

Total Stock	271,003m ²
Annual Absorption	-7,260m² (Last 6 months, the -ve figure indicates space vacated is greater than space leased)
Vacancy	50,499m ² (18.8% vacancy)
Comment	There has been no new office building built in Chatswood for over 33 years due to ongoing poor demand and supply characteristics. This will be further affected by the new Metro rail with access to Macquarie Park and Nth Ryde at considerably lower rentals.

Macquarie Park & North Ryde

Total Stock	936,052m ²
Annual Absorption	-9,015m² (Last 6 months, the -ve figure indicates space vacated is greater than space leased)
Vacancy	188,146m ² (20.1% vacancy)
Comment	The newest building in Macquarie Park "Array" was completed in early 2023 just over 10,000m ² and the building remains 57% vacant with 3 of 7 floors leased in the last 18 months (Toshiba and Hyundai – both existing tenants with the Macquarie Park office park).

The trend for all these office markets will be negative absorption in the next 2-3 years as existing leases expire and tenants reduce their commercial footprint due to WFH. As a result, vacancies will increase, incentives will remain high and commercial development remain financially unviable. The incentives numbers listed in the agents reports are not accurate given Endeavour Property Advisory are active in the role as Tenant Reps and are consistently seeing deals offered between 45-55% net lease incentives.

The new Metro rail also provides tenants with a much greater choice across the office markets mentioned above. These combined markets have approx. 560,000m2 of vacant space currently available for lease, not including the new Lend Lease Victoria Cross commercial building of 53,000m2 still available for lease. This creates a significant over supply that we estimate will last for a decade or more, subject to WFH policies remaining constant.

We have attached Knight Franks & Colliers and research reports and have also completed our independent research on vacancies and incentives.




Census Data - St Leonards

We include relevant Census data from 2021 for the working population make up of St Leonards

St Leonards (NSW)

2021 Census All persons QuickStats


Geography type [Suburbs and Localities](#)
Area code SAL13657

	People	7,212
	Male	49.6%
	Female	50.4%
	Median age	34
	Families	1,944
	Average number of children per family	
	for families with children	1.4
	for all households (a)	0.3
	All private dwellings	4,199
	Average number of people per household	1.9
	Median weekly household income	\$2,475
	Median monthly mortgage repayments	\$2,600
	Median weekly rent (b)	\$600
	Average number of motor vehicles per dwelling	0.9

(a) This label has been updated to more accurately reflect the Census concept shown in this data item. The data has not changed.
(b) For 2021, median weekly rent calculations exclude dwellings being occupied rent-free.

Search all persons QuickStats for another area

2021 ▾ Enter a location, postcode or geography



Map data © OpenStreetMap contributors, CC-BY-SA. Powered by Esri.

Other 2021 Census products available for this area:

- [Community Profiles](#)

To view more QuickStats or Community Profiles for a different area, see [Search Census data](#).

Employment status	St Leonards (NSW)	%	New South Wales	%	Australia	%
<i>People who reported being in the labour force, aged 15 years and over</i>						
Worked full-time	3,626	72.5	2,136,610	55.2	7,095,103	55.9
Worked part-time	865	17.3	1,151,660	29.7	3,962,550	31.2
Away from work (a)	327	6.5	395,888	10.2	991,758	7.8
Unemployed	183	3.7	189,852	4.9	646,442	5.1

Note 1: Calculated percentages represent a proportion of people aged 15 and over who reported being in the labour force in the area.

Note 2: The ABS Labour Force Survey provides the official estimates of Australia's labour force. More information is provided in [Comparing 2021 Census and Labour Force Survey](#).

(a) Counts employed people who reported 0 hours of work the week before the Census or did not state their hours of work.

More information on [Labour force status \(LFSP\)](#)

Table based on place of usual residence

Note - Higher percentage of Full Time workers in St Leonards compared to the State (31.3% Higher) and National (29.7% higher) averages

Occupation, top responses <i>Employed people aged 15 years and over</i>	St Leonards (NSW)	%	New South Wales	%	Australia	%
Professionals	2,336	48.5	952,131	25.8	2,886,921	24.0
Managers	1,022	21.2	536,820	14.6	1,645,769	13.7
Clerical and Administrative Workers	524	10.9	480,612	13.0	1,525,311	12.7
Technicians and Trades Workers	272	5.6	436,589	11.9	1,554,313	12.9
Community and Personal Service Workers	253	5.2	390,779	10.6	1,382,205	11.5
Sales Workers	211	4.4	294,889	8.0	986,433	8.2
Labourers	94	2.0	300,966	8.2	1,086,120	9.0
Machinery Operators and Drivers	37	0.8	222,186	6.0	755,863	6.3

More information on [Occupation \(OCCP\)](#)
Table based on place of usual residence

Note – Higher percentage of *White Collar (Professional, Managers, Clerical Administration) workers in St Leonards compared to the State (50.93% Higher) and National (59.92% higher) averages*

Tenure type <i>Occupied private dwellings (excl. visitor only and other non-classifiable households)</i>	St Leonards (NSW)	%	New South Wales	%	Australia	%
Owned outright	435	12.2	914,537	31.5	2,872,331	31.0
Owned with a mortgage (a)	626	17.6	942,804	32.5	3,242,449	35.0
Rented (b)	2,433	68.3	944,585	32.6	2,842,378	30.6
Other tenure type (c)	45	1.3	55,931	1.9	181,518	2.0
Tenure type not stated	23	0.6	42,613	1.5	136,538	1.5

(a) Includes dwellings purchased under a shared equity scheme.
(b) Excludes dwellings being occupied rent-free, this is not comparable to 2016 QuickStats data.
(c) Comprises dwellings occupied rent free, occupied under a life tenure scheme and other tenure type.

More information on [Tenure type \(TEND\)](#)
Table based on place of enumeration

Note – Lower percentage of Owned Outright compared to *the State (158.2% Lower) and National (154.1% lower) averages*

Note – Lower percentage of Ownership with a Mortgage compared to *the State (84.66% Lower) and National (98.86% lower) averages*

Note – Higher percentage of *Rented properties in St Leonards compared to the State (109.51% higher) and National (123.20% higher) averages*

Source - <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL13657>

Trend to Consider

1. Working from Home –
 - a. Since COVID-19 there has been a fundamental change in the way people work in corporate Australia
 - b. White collar workers are working 2-3 days per week from home minimum
 - c. Corporates are leasing significantly less office space due to WFH trends
 - d. Employees are asking about companies WFH policies prior to accepting new roles
2. Commercial Vacancies
 - a. Commercial lease renewals current & future are experiencing a reduction in floor space and thus commercial office vacancy levels are increasing
 - b. Tenants are seeking smaller premises in A or Premium grade buildings to attract and retain staff
 - c. B & C Grade buildings is where most of the office vacancy will exist
 - d. Victoria Cross (Lend Lease's new commercial development Nth Sydney)
 - i. Total NLA 57,000m²
 - ii. Pre Lease 4,000m²

- iii. Current Vacancy 53,000m² (93% vacant)
- iv. Completion mid/late 2025
- 3. Commercial Lease Incentives
 - a. Lease incentives offered on the North Shore for Premium, A & B Grade buildings are 45-55%
 - b. Lease incentives are calculated as follows e.g.
 - i. Annual Rental bill \$1million net rental + outgoings
 - ii. Lease Term 10 years
 - iii. Incentive calc. 10 years x \$1,000,000 = \$10,000,000
 - iv. \$10,000,000 x 45% or 55% = \$4.5million to \$5.5m Incentive
 - v. Incentives taken as either fitout contribution (up to 70%) or amortised over the term of the lease to reduce annual rental
 - c. Current Vacancies + Long Term WFH trends + Incentives = Negative value to build new commercial buildings
 - d. Construction costs coupled with the above are also a major disincentive being 30+% higher than pre COVID-19
- 4. Post COVID-19 Commercial Working Arrangements
 - a. Commercial premises are being substituted by peoples WFH residential offices
 - b. Residential dwellings are now used 2-3 days a week for WFH
 - c. Dwelling designs are accommodating home office needs
 - d. Home office workers are positively contributing to local economies
 - i. Childcare
 - ii. Financial Services
 - iii. Health Industry
 - iv. Medical & Allied Health
 - v. Professional Services
 - vi. Retail
 - vii. Telecommunications
 - e. Reductions in traffic volumes with WFH not needing to use cars or deciding to travel outside of peak times
 - f. Reduced use of Public Transport at Peak times



Submitted on Thu, 29/08/2024 - 13:35

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name



Last name



I would like my name and personal contact details to remain confidential

Yes

Info

Email



Suburb/Town & Postcode

Crows Nest NSW 2065

Please provide your view on the project

I object to it

Submission file

[crows-nest-submission-_compressed.pdf](#) (89.84 KB)

Submission

File attached

I agree to the above statement

Yes

Crows Nest TOD Submission

We, owners and residents [REDACTED] **strongly object to the Crows Nest Transport Orientated Development Rezoning** proposal as we believe it goes well beyond the North Sydney Council local planning requirements, and if approved would have a detrimental effect on all existing residents in the area.

Reasons:

- Excessive density as evident in the proposed built form. ...
- Lack of information on total floor space, and populations employment and residents
- Lack of open space commensurate with population.
- Negative impact on the amenity of the neighbourhood.
- The change from human scale streets to windswept streets as evident in the existing development

Impact on residents of 220 Pacific Highway

1. Reduction in well-being of owner/residents currently continuing to significantly invest in unanticipated remedial and rectification works on defects, water ingress, cladding (NSW ban)
2. Significant reduction in light and introduction of afternoon shading for Panorama west facing units
3. Loss of privacy for west facing units in Panorama directly facing into proposed new dwellings
4. Loss of privacy for all eastern facing units in new developments dwellings.
5. Loss of views for 47-51 west facing units in 220 Pacific Highway
6. Lack of light and shading in units of new dwellings built on the 8 storey sites in Bruce Street

Issues for Precinct

7. Pedestrian hazard and safety for primary and high school aged student minors from North Sydney Girls HS and Cammeraygal High School
8. Impediments to parking and access affecting Mater Hospital and the MIA, existing Sinclair Street residents and guests
9. Traffic congestion along Sinclair, from Bruce St to Pacific Highway Northbound and from Rocklands Road to the Pacific Highway Northbound and Southbound
10. Increased noise and emissions from rooftop services such as ventilation and heating equipment in addition to the current noise levels generated by Mater Hospital and the Melanoma Institute of Australia (MIA) facilities
11. Loss of the tree canopy on Sinclair Street
12. Failure to provide 2.83 hectares of open space per 1000 population which is an established benchmark that should apply to St. Leonards and Crows Nest
13. Loss of maintaining the integrity of the historic skyline Panorama historically visible from many areas
14. Negative impact on adjacent local character and heritage because of the scale of the proposal
15. Impact on existing town services such as sewage, waste, water, electrical sub stations etc

16. There should be no additional density (FSR) for site 238-242 Pacific Highway, 1 Bruce Street Crows Nest and 1 Bruce Street, given the excessive density in the precinct. The pocket park can be delivered through a Voluntary Planning Agreement (VPA) from the development sites.

Background

220 Pacific Highway Crow's Nest. (Panorama Residences)

Class 2; 17 story high rise; refurbished hotel; developer Barana Group & builder Probuild Corp (liquidated 2022)

160 units; occupied 2013 as Strata; situated behind residences at 19-41 Sinclair Street; 82 units west facing; 51 units on floors 1-7

Panorama Residences have suffered from two unexpected and uncontrollable events:

-Collapse of the builder, Probuild, leaving a massive liability for unresolved defects

-NSW retroactive ban on cladding and requirement for replacement

Probuild liquidation left unaddressed construction defects; 2019 investigations identified non-compliant external. Current OC remediation costs for defects, water damage and cladding are being borne by all unit owners via special levies to-date of \$5.5million

The owners are, in effect, continuing the purchase of their units while facing property value losses due to the Crows Nest Transport Orientated Development Rezoning proposal in terms of the loss of amenity of the precinct and in terms of the direct impact on harbour views and outlook resulting from the proposals for Sinclair Street. The rezoning proposal goes well beyond the North Sydney Councils, local planning requirements, and if approved would have a detrimental impact on the quality of life for all existing residents in the area and will have a negative impact on the value of apartments in the area

Issues

The proposal overrides and exceeds the LEP controls of North Sydney, Lane Cove, and Willoughby Councils.

The current proposed development of the NSW State Government does not adequately consider liveability. The actual mass and form of development in such a small area is a false interpretation of a TOD and does not enable reasonable amenity for either existing residents or proposed residents. There is inadequate separation of buildings, lack of green space, tree canopy, deep soil and walkable streets. There is insufficient recreation facilities and services.

The existing Townhouses on Sinclair Street are located at a lower level than Pacific Highway, therefore the majority of the apartments in 220 Pacific Highway currently have district views.

The rezoning and proposal to allow 8 storey development of the Townhouse site will result in the loss of harbour and district views for 50% of western facing units in Panorama. It will result in a substantial number of apartments losing their outlook, with a detrimental effect on property values.

Additionally, if the eastern side of Sinclair semi-detached dwellings (25-35) are redeveloped into a high-rise sites, they will obstruct additional views, and therefore more apartments in Panorama Residences and adjoining highway residences will be adversely impacted.

Sinclair Street is at the very boundary of the proposed rezoning and therefore at the furthest point from stations, would have significant view affection if rezoning of that street

is approved, and would significantly alter the character of Sinclair Street and the existing tree canopy. **There is an imbalance in Crow's Nest. At the proposed density the built form is unsustainable and the actual and perceived density excessive.**

Sinclair Street already has higher density housing forms in the form of townhouses and should not be rezoned but be retained to contribute to the housing mix and to preserve the existing character of Sinclair Street.

Crows Nest is known as high density 'Bedroom Suburbs'. Best practice residential development should be located away from major traffic arteries, on a complex fine grain street network with a diverse mix of uses, walkable and adequate open space. The lack of accessible open space will reduce the potential range of demographics that can live in the towers.

Much of Sydney's open space is in the gullies, the transport is on the ridges. Locating excessive densities around transport nodes does not reflect the intent of TODs and will not produce a liveable city.

Cumulative & Community Development Impact

The simultaneous approval of multiple developments in North Sydney, Crows Nest, and St Leonards is causing severe congestion, frequent road closures, and prolonged construction disturbances. There appears to be a lack of coordination between Councils and State Government in managing these impacts.

The NSW State Government has not conducted adequate research to assess the adverse impacts on our community. Despite widespread opposition from residents, the government is prepared to unilaterally impose this proposal, disregarding local sentiment and the potential negative consequences

Given the significant increase in residents in the last 4 years and the majority of proposals planned for the west side of the Pacific Highway pedestrians have not been taken into account. Higher density and walkability are the keystone of TOD development but the proposed building form, overshadowed windswept streets, lack of open space do not comply with the stated priority for pedestrians in 2036 plan.

Traffic Congestion & Insufficient Traffic Analysis

The most recent comprehensive vehicular traffic study for the area dates back to 2013, failing to account for current congestion levels

No new developments for the area should be approved by the NSW State Government or Councils until such time as a detailed study is undertaken by the State Government concerning the current vehicular traffic congestion, traffic flows, construction congestion and parking. The Pacific Highway and side streets in this area are currently extremely congested at peak times with insufficient access to and from existing developments.

Insufficient green space

Crows Nest is lacking in green space, overall nature, public amenities and recreational precincts, particularly when compared to most of its neighbouring suburbs. Our residents have to live in the area and put up with all the developments approved by the State Government and Councils, with some that go totally against local planning and residents' values and wishes and do not represent best practice higher density development.

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Tuesday, 20 August 2024 11:26:37 AM
Attachments: [sinclair-street-tod-submission-august-2024.pdf](#)

Submitted on Tue, 20/08/2024 - 11:22

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Sinclair Street Group

Last name

C/o - Urbis

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

Wollstonecraft 2065

Please provide your view on the project

I object to it

Submission file

[sinclair-street-tod-submission-august-2024.pdf](#) (1.86 MB)

Submission

Submission on behalf of Sinclair Street Group by Urbis. See attached document for submission and built form study.

I agree to the above statement

Yes



**ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000**

URBIS.COM.AU
Urbis Ltd
ABN 50 105 256 228

20 August 2024

Mr Brendan Metcalfe
Director North District
Department of Planning, Housing & Infrastructure
4 Parramatta Square 12 Darcy St
Parramatta NSW 2150

Dear Brendan,

Crows Nest TOD Submission | 51-77 Sinclair Street & 2A Bruce Street, Wollstonecraft

1. Introduction

Urbis has been engaged by a collective group of landholders referred to as the Sinclair Street Group, whom own [REDACTED], [REDACTED], Wollstonecraft (the site).

This submission has been prepared on their behalf and relates to the Crows Nest Transport Oriented Development (TOD) program. This submission should be read in conjunction with the attached Built Form Study (the study) prepared by Urbis which examines the draft controls and presents a preferred alternate built form (and policy setting) approach for the site.

We wish to advise the Department of Planning, Housing and Infrastructure (DPHI) that our client group have all executed a legally drafted and binding deed of agreement that in effect obligates them to act as a single entity and that costs and proceeds from a land sale process will be distributed according to the specifications of the agreement. This is a critical step to enable immediate disposal of the site should the planning controls incentivise the owners to do so. In addition, in assuming that the draft controls are amended to encourage the disposal of the landholding, the owners have already appointed a real estate agent to act on their behalf to sell the site.

This submission identifies the following key issues with the TOD controls, which form the basis of this objection:

- **Given the site is located within 400m of the Metro and is adjacent to buildings of 54m, there is a significant lost opportunity to capitalise on this substantial site, whilst maintaining reasonable solar access to surrounds.** Our built form testing confirms that the site can comfortably accommodate a 10 storey development, which would enable the delivery of 10% affordable housing in perpetuity, as per the Governments intent.
- **Current built form controls would result in the inability to deliver meaningful affordable housing.** Other Government housing policies, including the Low- and Mid-Rise Housing reforms



and the Tier 2 TOD yield higher FSR's for the site. The TOD Tier 1 should provide the greatest level of incentive for Government and for private landowners to sell their assets for future redevelopment. Simply put, the current controls don't provide an incentive for the sites redevelopment.

- **No rationale that supports expansive setback controls in a high-density environment 400m from the Metro.** If the Government's intent is to deliver housing within close proximity to mass transport, there is no sound reason to apply setback controls which are well in excess of that established under the Apartment Design Guide (ADG), particularly at the cost of delivering housing. The Built Form Study demonstrates compliance with deep soil and communal open space is still achievable with standard ADG setbacks.

Based on a review of the proposed controls and the detailed urban design study conducted, an increase of FSR on the site is necessary to achieve the fundamental intent of the TOD accelerated precinct, which is to deliver housing and, in particular, affordable housing in close proximity to mass public transport.

2. Site Context

A description of the site context is provided in **Table 1** below. See **Figure 1** and **Figure 2** for site aerial and site context.

Table 1 Description of site context

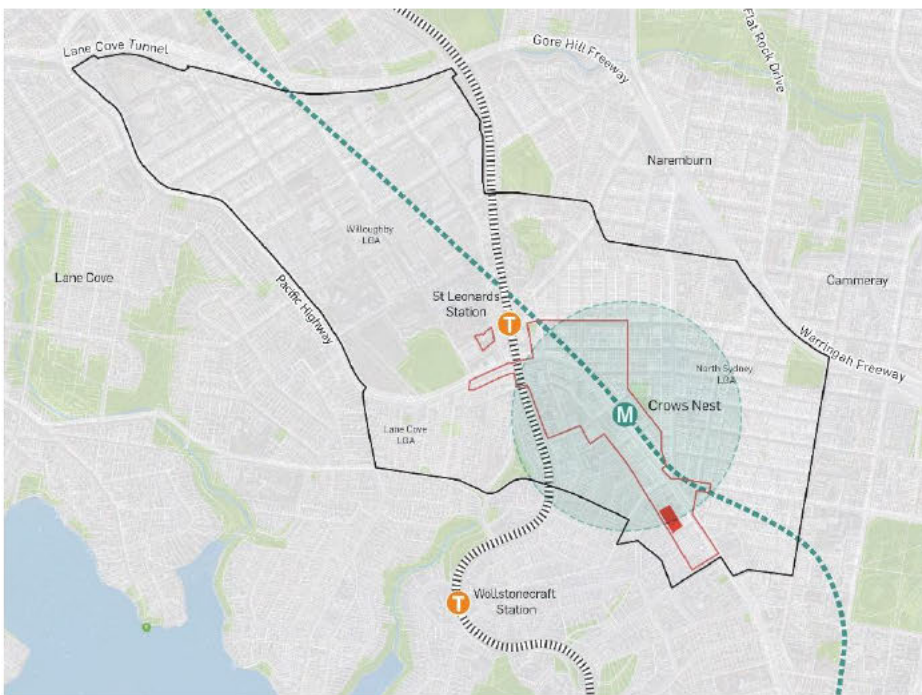
Quality	Description																
Address	51-77 Sinclair Street and 2A Bruce Street, Wollstonecraft																
Legal Description	<table border="0"> <tr> <td>Lot 1 DP 204722</td> <td>Lot 1 DP 571726</td> </tr> <tr> <td>Lot 2 DP 204722</td> <td>Lot 2 DP 571726</td> </tr> <tr> <td>Lot D DP 107388</td> <td>Lot A DP 373650</td> </tr> <tr> <td>Lot E DP 107388</td> <td>Lot B DP 373650</td> </tr> <tr> <td>Lot 1 DP 208275</td> <td>Lot 100 DP 513077</td> </tr> <tr> <td>Lot 211 DP 738187</td> <td>Lot 1 DP 617549</td> </tr> <tr> <td>Lot 212 DP 738187</td> <td>Lot 2 DP 617549</td> </tr> <tr> <td>Lot 101 DP 513077</td> <td></td> </tr> </table>	Lot 1 DP 204722	Lot 1 DP 571726	Lot 2 DP 204722	Lot 2 DP 571726	Lot D DP 107388	Lot A DP 373650	Lot E DP 107388	Lot B DP 373650	Lot 1 DP 208275	Lot 100 DP 513077	Lot 211 DP 738187	Lot 1 DP 617549	Lot 212 DP 738187	Lot 2 DP 617549	Lot 101 DP 513077	
Lot 1 DP 204722	Lot 1 DP 571726																
Lot 2 DP 204722	Lot 2 DP 571726																
Lot D DP 107388	Lot A DP 373650																
Lot E DP 107388	Lot B DP 373650																
Lot 1 DP 208275	Lot 100 DP 513077																
Lot 211 DP 738187	Lot 1 DP 617549																
Lot 212 DP 738187	Lot 2 DP 617549																
Lot 101 DP 513077																	
Site Area	Approximately 4,500m ²																
Site Description	The site includes 15 landholdings that forms a rectangular shape with two street frontages. Access is provided from Bruce Street, Sinclair Street, and a rear laneway.																
Local Government Area	North Sydney Council																
Zoning	R2 – Residential Zoning																
Local Context	<p>To the north of the site is currently an empty portion of a lot that is proposed to be redeveloped pending a decision by the LEC. Further north is significant retail and commercial centre – Crows Nest. This includes a full-line supermarket, food and goods retail, and office space. Crows Nest metro station is less than 400m to the north and will provide direct connection to the CBD and Chatswood. Further to the north is the St Leonards train station, Gore Hill Oval, and the Royal North Shore hospital.</p> <p>To the east of the site is the Pacific Highway, and some shop-top housing, residential flat buildings, and commercial offices along the road. The Pacific Highway has several bus services running along the length connecting to major nodes including the Crows Nest metro and North Sydney.</p> <p>To the south of the site is a combination of low and medium density residential. The site is proximate to the Mater Hospital – a private hospital.</p> <p>To the west of the site is a combination of low and medium density residential. Further west is Wollstonecraft train station, connecting to the T1 North Shore line.</p>																
Existing Development	The site currently contains low density residential consisting of detached and semi-attached housing. The site has a topographical fall from the north-east to the south-west corner of the site, with Sinclair Street being 3m below the front alignment of the properties.																

Figure 1 Site Aerial Map



Source: Nearmaps 2024

Figure 2 Site Context Map



Source: Urbis 2024



3. Site History

St Leonards and Crows Nest Plan 2036

On 14 October 2018, the State Government released the draft SNCP 2036. The SCNP 2036 did not propose any significant changes to the site, electing to retain the pre-existing controls on the site. This was in contrast to the plan identifying the Pacific Highway as a corridor with strategic merit for additional density and uplift due to its proximity to the future Crows Nest metro station.

Previous Submissions

The landholders of 51-77 Sinclair Street engaged with the Department of Planning and Environment (now known as DPHI), regarding the SCNP 2036. Prepared by Ethos Urban, the submission raised the following points:

- Fragmented planning controls and built form – the site would become an island of low density within higher density built form surrounding the site.
- Housing diversity – The site's positioning close to the Mater hospital makes it an ideal location to provide affordable and diverse forms of housing.
- Inhibiting development of adjacent sites along the Pacific Highway – maintaining the existing controls on the site limits the potential of future development on the Pacific Highway due to high potential for non-compliances with solar access provisions.

The submission identified strong potential for 8-storey residential flat buildings on the site, with additional density subject to further design testing.

4. Draft TOD Tier 1 Controls

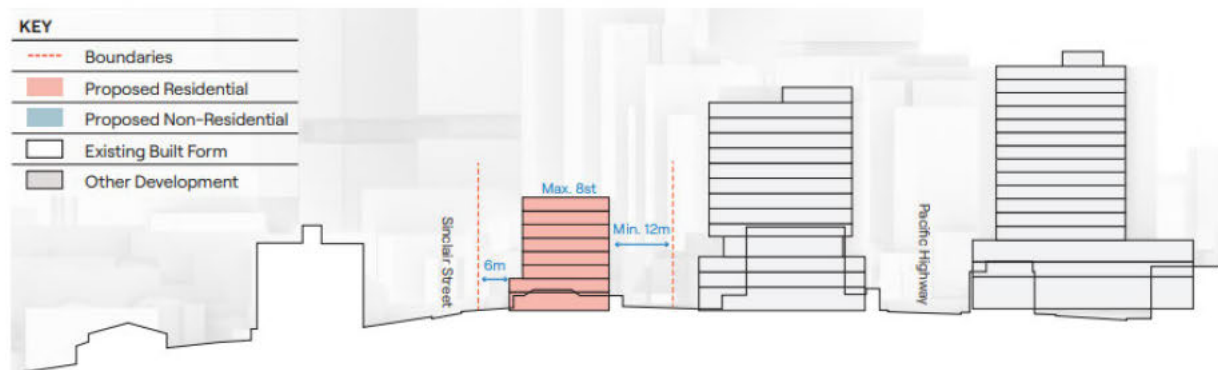
The draft TOD Tier 1 controls for the site are as follows:

Provision	Control
Zoning	R4 – High Density Residential
Height	29m with an indicative 8-storey floor height
Floor Space Ratio	2:1
Deep Soil	A minimum area of 3m by 3m with 20% canopy coverage and a 15% deep soil area. For every 575sqm of site, at least one large tree or two medium trees need to be planted within the deep soil area.
Street Wall Height	2 storeys
Setbacks	6m front setback (Sinclair Street) 1.5m secondary setback (Bruce Street) 12m rear setback (indicative only)
Affordable Housing	10%

**A full list of the controls and assumptions applied to the Built Form Study are included in that package. These broadly align with the DPHI’s Design Guidelines.*

The site has been identified as Block 2 within the SJB Urban Design Report. An extract of the built form controls nominated for the site, is illustrated below.

Figure 3: Draft building envelope controls for Block 2



Source: SJB, Crows Nest Urban Design Report



5. Reason for Objection

5.1. Misalignment between State Policy Reforms confirms that TOD Tier 1 is a missed opportunity

The attached built form study tested three potential built form controls on the site, based on an analysis of recent State Policy forms. This included:

- Option One: The Crows Nest TOD – Accelerated Precinct base controls.
- Option Two: A proportional increase in FSR of 33% which reflects the proportional height increase applied to the site compared to the TOD Tier 2 controls.
- Option Three: A proportional increase in FSR of 44% which reflects a proportional increase in AH, from 2% of dwellings (as per the TOD Tier 2 controls) to 10% of dwellings.

A summary of the options can be found in the table below:

Number	Name	FSR	Height (storeys)	Height (m)	Affordable Housing Provision
-	LMRH Reform (Draft)	2.2:1	6 storeys	22m	0%
-	TOD Tier 2	2.5:1	6 storeys	22m	2%
Option 1	Crows Nest TOD – Accelerated Precinct	2.0:1	8 storeys	29m	10%
Option 2	Crows Nest TOD – Proportional FSR to TOD Tier 2	3.3:1	8 storeys	29m	2%
Option 3	Crows Nest TOD – Proportional AH	3.6:1	10 storeys	34m	10%

It should be further understood that the LMRH and the TOD Tier 2 policy reforms still enable the infill affordable Housing SEPP bonus, which allows for a 30% increase in building height and FSR where 15% of the GFA is dedicated to affordable housing. Under these policies, there are 'added' incentives and an ability to achieve greater density, whereas the draft TOD Tier 1 controls propose to 'switch off' these provisions. This is an obvious discrepancy and should be revisited to achieve greater consistency across the policy reform spectrum, particularly as these are not "as of right controls", thus merit assessment will always be required.

Option 2

In reviewing SJB's Urban Design Report and the FSR's applied to the site, there appears to be a misalignment with other State based policies.

The TOD Tier 2 Precincts have an FSR of 2.5:1 and 6 storeys in height, and with potential for a further 30% increase in building height (up to 8 storeys) and FSR (up to 3.25:1) for provision for 15% affordable housing, when applying the Infill Affordable housing SEPP provisions. As this site is nominated for 8 storeys, if we were to adopt a 'proportional increase' in FSR to align with current policies, this would result in an FSR of 3.3:1.

Applying the ADG setbacks and other key design requirements, such as deep soil, an actual FSR of only 3.1:1 can be achieved. This is not a sufficient density increase to facilitate land sale by the owners and thus creates a missed opportunity for a strategic site to deliver the desired 10% AH housing as envisaged by the rezoning.

Therefore, in order for this development opportunity to be unlocked on this site in this option, the AH requirement would need to be reduced to 2%. This would put in in alignment with the state requirements under the TOD Tier 2 scheme.

Option 3

In Option 3, we tested proportionally increasing the AH, from the 2% guided by the TOD Tier 2 controls to 10% to align with the desired outcome from TOD Tier 1 controls. To achieve a proportional increase in AH, an FSR of 3.6:1 would be required.

Under this scenario, this means that the TOD Tier 2 controls should have a minimum FSR of 3.6:1 FSR, to support a comparable amount of affordable housing.

Urbis has tested this (Option 3) and produced a building envelope that is compliant with the ADG setbacks, and consistent with the design guide. This demonstrates that building height of 10 storeys would be required and can suitably accommodate an FSR of 3.7:1. Option 3 is illustrated in Figure 3 below.

Figure 4 Excerpt from Built Form Study – Option 3



Source: Urbis 2024

Preferred Scheme – Option Three

In further interrogating the appropriateness of Option 3, the solar access studies confirm that properties to the west would still retain 2 hours solar access mid-winter, with a building of up to 10 storeys. The extra two storeys in height and the appropriate FSR is significant in that:

- It will deliver approximately 190 dwellings – an increase of 81% compared to the current controls.
- Capable of delivering 10% affordable housing.
- Provides a viable development option which is capable of being realised.
- The building envelope sits comfortably within the surrounding future urban context and continues to provide a strong transition from the west to the east and to those properties on the southern side of Bruce Street.

Given the sites fronting Pacific Highway still have a greater height, the 10 storey height limit continues to provide a transition from the east to the west and maintains consistency with the overarching urban design objectives of the TOD rezoning.

Recommendation: In order to incentive landowners to sell whilst also achieving a fair equitable approach to the delivery of housing across each of these State based policies, the FSR needs to be adjusted comparatively to the % of AH required to be delivered.

In order to facilitate the delivery of additional housing and also optimising affordable rental housing, we therefore recommend that the height be amended to 10 storeys and the FSR be increased to 3.7:1 to unlock this site.

5.2. Inability to deliver meaningful affordable housing

The government has established a clear hierarchy of incentive planning controls to facilitate housing growth across metropolitan centre as the means to address the housing crisis and delivery of new housing in accordance with commitments to the federal government under the Housing Accord.

The TOD Tier 1 precincts set around the new metro stations are the highest order controls, and the policy setting steps down from there to ultimately the LMRH being the lowest order controls.

The current working draft of the LMRH policy currently aims to facilitate a FSR of 2.2:1 and 6 storeys as a 'blanket' policy position for areas that are outside the designated metro or heavy rail centres with capacity for significant growth. Further to this, such sites would be able to apply the infill affordable housing bonus to create a further 30% uplift in FSR and Building Height for provision of 15% affordable housing. **The current draft TOD controls for the site proposes a density well below this, which, if left unchanged, would clearly not incentivise redevelopment of this strategic site, leading to a missed opportunity.**

Furthermore, the current exhibited built form controls would again create an outcome where the proposed site would receive less density uplift within an accelerated precinct than if it was in the lower scaled centre Tier 2 – which only requires 2% AH.

The application of the accelerated precinct controls instead of the Tier 2 TOD controls would result in 105 units being delivered instead of 131 units, if the TOD Tier 2 controls were applied.

Evidently, the intent of this policy is to increase housing supply and maximise the ability to deliver a meaningful and feasible quantum of affordable housing.

The proposed controls represent a de-scaling from the TOD tier 2 controls and unquestionably is not a viable policy setting to facilitate redevelopment of this landholding.

The accelerated precincts have been specifically identified because they are capable of high density development given they will be benefiting from significant transport infrastructure investment.

In order for the TOD rezoning to achieve the assumed housing outcomes, the heights and FSR's need to be amended to become a true 'incentive' for landowners to sell and for developers to acquire and construct within the short timeframes permitted.

Under the current controls, the owners of Sinclair Street Group would not be incentivised to sell as their current land values are priced higher than what a developer would be willing to pay, given the low FSR and high AH contribution rate.

In order for the Government to make the TOD Program successful, the proposed densities and heights must work.

Recommendation: We therefore recommend that the DPPI review the built form testing provided as part of this submission and increase the height to 10 storeys and the FSR to 3.7:1 which would then provide certainty of the sale and redevelopment of this site.

This would result in approximately 190 dwellings inclusive of 19 affordable dwellings in perpetuity.

Based on the built form modelling, this is the density required in order to incentivise the sale of the land and enable future developers to deliver 10% affordable housing.

This would result in a successful outcome, under the TOD accelerated program.

5.3. Building envelope setbacks

As demonstrated in *Figure 3: Draft building envelope controls for Block 2*, the site is identified as having a minimum setback of 12m.

The land to the immediate east of the site has been the subject of recent rezonings or DA's. The building footprints for these sites and indicative envelopes provide for an approximately 10m-12m rear setback within the tower form. Separating those properties from the site is a laneway which is approximately 12m wide. An easement for access exists over the laneway, benefitting the Sinclair Street properties.

This site is in a high density residential area, within 400m of the metro and with a dense urban corridor. Adopting minimum 12m setbacks, particularly at the ground floor and podium level results in an underutilisation of the site and is at odds with the requirement to supply housing.

The proposed rear setbacks are considered to unnecessarily restrict the urban design outcomes that could potentially be achieved on the site.

Testing of the building envelopes demonstrates that a variety of different building envelope forms can be achieved on the site, by simply retaining the ADG setbacks, which include a minimum of 6m. The study confirms that under Option 3, 15% deep soil can be achieved, with the standard ADG setbacks and therefore there is no rationale to restrict this further.

Recommendation: We therefore recommend that the DPHI remove the excessive setback requirement to allow developers flexibility in the design of future building envelopes through the appropriate application of the ADG.

By applying the standard ADG setbacks, a greater FSR can be achieved whilst still complying with the other amenity and landscape requirements within the Design Guide.



6. Summary & Recommendations

The Sinclair Street Group applaud the DPHI for including the site within the Crows Nest TOD, particularly on the back of many previous submissions to the DPHI. However, the proposed FSR controls are simply underwhelming and do not enable the sites redevelopment and thus the ability to deliver housing and affordable housing within 400m of the Metro will be lost.

Urbis' Built Form Study provides the evidence to demonstrate that a proportional increase in FSR, coupled with an increase in height will result in both a feasible outcome and an outcome that can deliver on the Governments objective, to deliver 10% affordable housing.

The built form study has been prepared by applying the assumptions used within the SJB Urban Design Report and applies the relevant site based controls with the Urban Design Guide.

Recommendations

Urbis recommends the following changes to be implemented for the site:

- Amend the FSR on the site to 3.7:1
- Amend the height limit on the site to 34m
- Implement a rear setback control of 6m

We'd like to thank DPHI for the opportunity to provide this submission.

We advise that the landowner group have appointed a top tier real estate agent to act on their behalf and stand ready to immediately commence a sale process in the event that the rezoning controls are amended to enable developers to immediately commence a development application process to seek approval and then commence construction.

Our client remains committed to supporting future redevelopment of this precinct, for additional housing, in line with the DPHI's vision for the broader Crows Nest Precinct.

For further information or questions, please do not hesitate to contact either Stephen White or Sophy Purton. Stephen White can be reached by phone on 0419 7897 555 or by email at swhite@urbis.com.au. Sophy Purton's details can be found undersigned.

Kind regards,

A handwritten signature in black ink, appearing to be "Sophy Purton".

[Redacted signature block]

OVERVIEW

TABLE 1 HOUSING CONTROLS COMPARISON

NO.	NAME	FSR	HEIGHT (ST)	HEIGHT (M)	AFFORDABLE HOUSING (AH) PROVISION
-	LOW-MEDIUM HOUSING	2.2:1	6 ST	22M	0%
-	TOD TIER 2	2.5:1	6 ST	22M	2%
1	CROWS NEST TOD - ACCELERATED PRECINCT	2.0:1	8 ST	29M	10%
2	CROWS NEST TOD - PROPORTIONAL FSR TESTING	3.3:1	8 ST	29M	2%
3	CROWS NEST TOD - PROPORTIONAL AH TESTING	3.6:1	10 ST	34M	10%

The planning controls applied to the site within the Crows Nest TOD - Accelerated Precinct result in a lower housing yield than if the Tier 2 TOD planning controls were applied, being 105 units and 131 units respectively.

This is despite the site being located within 400m of a recently constructed Metro station (compared within 400m of a train station) and St Leonards-Crows Nest being a higher order centre than the Tier 2 TODs.

The massing approach tested three options which reflect:

1 - Crows Nest TOD - Accelerated Precinct Controls.

2 - Proportional FSR increase of Option 1 of 33% which reflects the proportional height increase applied to the site compared with the Tier 2 controls. This represents an FSR of 3.3:1

3 - Proportional FSR increase of Option 2 of 44% which reflects additional FSR required to deliver 10% of the units as Affordable Housing as compared with 2% in the Tier 2 TODs. This represents an FSR of 3.6:1.

#1 CROWS NEST TOD - ACCELERATED PRECINCT



	FSR	HEIGHT (ST)	HEIGHT (M)	AH %	AH #UNITS
CONTROLS	2.0:1	8 ST	29M	10%	10
ACHIEVED	2.06:1	8 ST	29M	10%	10

#2 CROWS NEST TOD - PROPORTIONAL FSR TESTING



	FSR	HEIGHT (ST)	HEIGHT (M)	AH %	AH #UNITS
CONTROLS	3.3:1	8 ST	29M	2%	3
ACHIEVED	3.1:1	8 ST	27.6M	2%	3

#3 CROWS NEST TOD - PROPORTIONAL AH TESTING



	FSR	HEIGHT (ST)	HEIGHT (M)	AH %	AH #UNITS
CONTROLS	3.6:1	10 ST	34M	10%	19
ACHIEVED	3.69:1	10 ST	34M	10%	19

#1 CROWS NEST TOD - ACCELERATED PRECINCT



BUILDING USE	LEVEL	FLOOR PLATE (SQM)	LEVELS	TOTAL GFA (SQM)	HEIGHT (M)	NO. OF DWELLINGS
Residential Tower 1	Ground	935	1	701	4.60	8
	L1 - 2	935	1	701	3.20	8
	L2 - 3	818	2	1,227	6.40	14
	L4 - 7	692	4	2,076	12.80	24
Residential Tower 2	Ground	935	1	701	4.60	8
	L1 - 2	935	1	701	3.20	8
	L2 - 3	734	2	1,101	6.40	12
	L4 - 7	671	4	2,013	12.80	23
TOTAL			8	9,222	29.00 *	105

* Note: includes 2m lift overrun for accessible rooftop

CAR PARKING	FLOOR PLATE (SQM)	LEVELS	# CAR PARKS	REQUIRED CAR PARKS
Basement	2,159	2	123	105

LANDSCAPE AREAS	REQUIRED (SQM)	REQUIRED (% SITE)	PROVIDED (SQM)	PROVIDED (% NET SITE)
Communal Open Space	1,119	25	1,404	31.4
Deep Soil Zone	672	15%	1,074	24.0

	FSR	HEIGHT (ST)	HEIGHT (M)	AH %	AH #UNITS
CONTROLS	2.0:1	8 ST	29M	10%	10
ACHIEVED	2.06:1	8 ST	29M	10%	10



51-77 SINCLAIR STREET AND 2A BRUCE STREET, WOLLSTONECRAFT
BUILT FORM TESTING

DATE: 20.08.2024
JOB NO: P0054922

#2 CROWS NEST TOD - PROPORTIONAL FSR TESTING



BUILDING USE	LEVEL	FLOOR PLATE (SQM)	LEVELS	TOTAL GFA (SQM)	HEIGHT (M)	NO. OF DWELLINGS
Residential Tower 1	Ground-L1	1,299	2	1,949	6.40 **	22
	L2 - 3	1,254	2	1,881	6.40	22
	L4 - 7	1,108	4	3,324	12.80	39
Residential Tower 2	Ground-L1	1,224	2	1,836	6.40	21
	L2 - 3	1,150	2	1,725	6.40	20
	L4 - 7	1,052	4	3,156	12.80	37
TOTAL			8	13,871	27.60	161

* Note: includes 2m lift overrun for accessible rooftop
 ** Note: assumes 3.2m floor to floor height for ground floor residential use

CAR PARKING	FLOOR PLATE (SQM)	LEVELS	# CAR PARKS	REQUIRED CAR PARKS
Basement	3,151	2	180	161

LANDSCAPE AREAS	REQUIRED (SQM)	REQUIRED (% SITE)	PROVIDED (SQM)	PROVIDED (% NET SITE)
Communal Open Space	1,119	25	1,505	33.6
Deep Soil Zone	672	15%	1,074	24.0

	FSR	HEIGHT (ST)	HEIGHT (M)	AH %	AH #UNITS
CONTROLS	3.3:1	8 ST	29M	2%	3
ACHIEVED	3.1:1	8 ST	27.6M	2%	3

#3 CROWS NEST TOD - PROPORTIONAL AH TESTING (PREFERRED SCHEME)



BUILDING USE	LEVEL	FLOOR PLATE (SQM)	LEVELS	TOTAL GFA (SQM)	HEIGHT (M)	NO. OF DWELLINGS
Residential Tower 1	Ground-L1	1,299	2	1,949	6.40 **	22
	L2 - 3	1,254	2	1,881	6.40	22
	L4 - 7	1,108	4	3,324	12.80	39
	L8 - 9	896	2	1,344	6.40	15
Residential Tower 2	Ground-L1	1,224	2	1,949	6.40	21
	L2 - 3	1,150	2	1,881	6.40	20
	L4 - 7	1,052	4	3,324	12.80	37
	L8 - 9	873	2	1,310	6.40	15
TOTAL			10	16,524	34.00	191

CAR PARKING	FLOOR PLATE (SQM)	LEVELS	# CAR PARKS	REQUIRED CAR PARKS
Basement	3,151	3	270	191

LANDSCAPE AREAS	REQUIRED (SQM)	REQUIRED (% SITE)	PROVIDED (SQM)	PROVIDED (% NET SITE)
Communal Open Space	1,119	25	1,446	32.3
Deep Soil Zone	672	15%	1,074	24.0

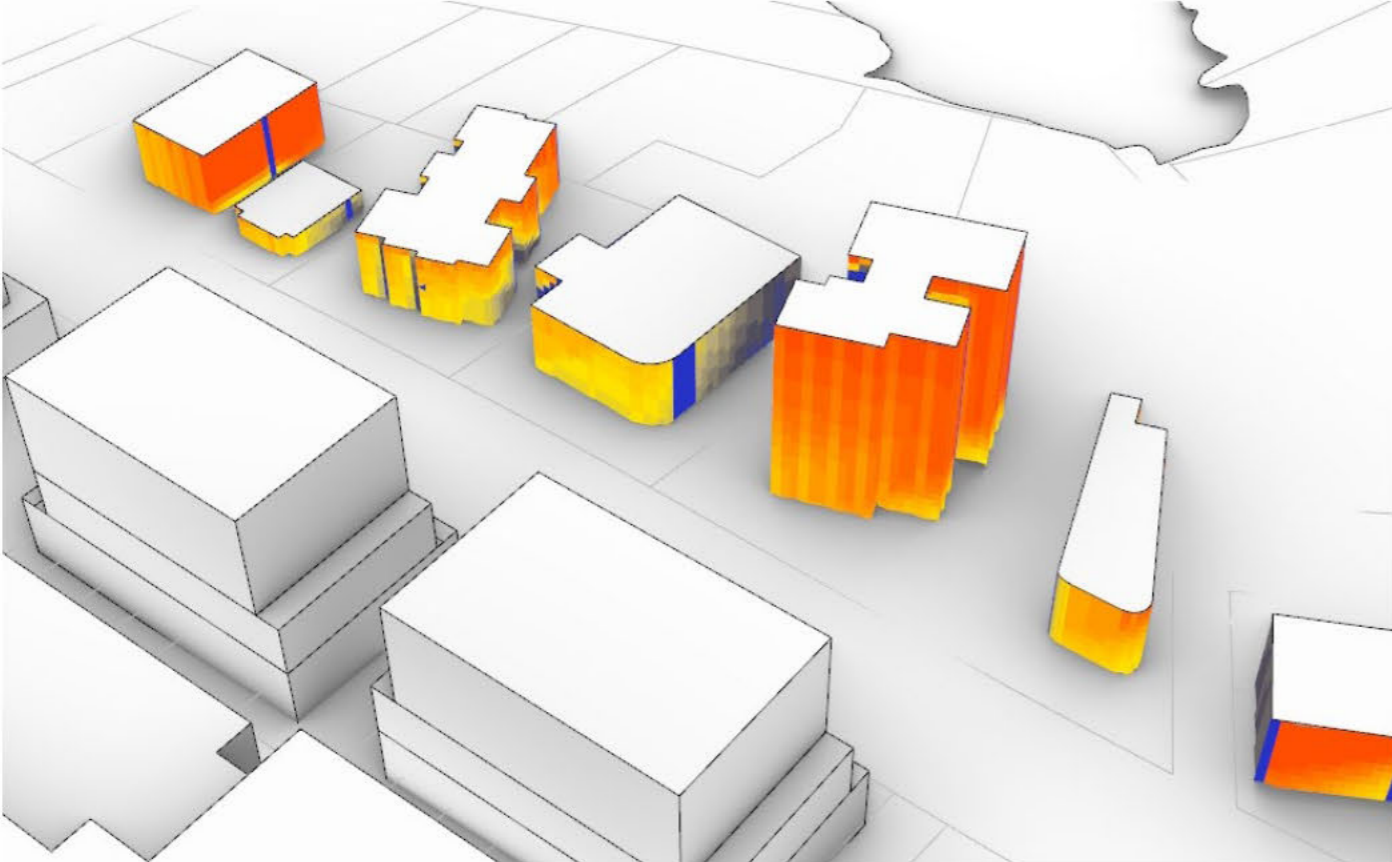
	FSR	HEIGHT (ST)	HEIGHT (M)	AH %	AH #UNITS
CONTROLS	3.6:1	10 ST	34M	10%	19
ACHIEVED	3.69:1	10 ST	34M	10%	19

* Note: includes 2m lift overrun for accessible rooftop

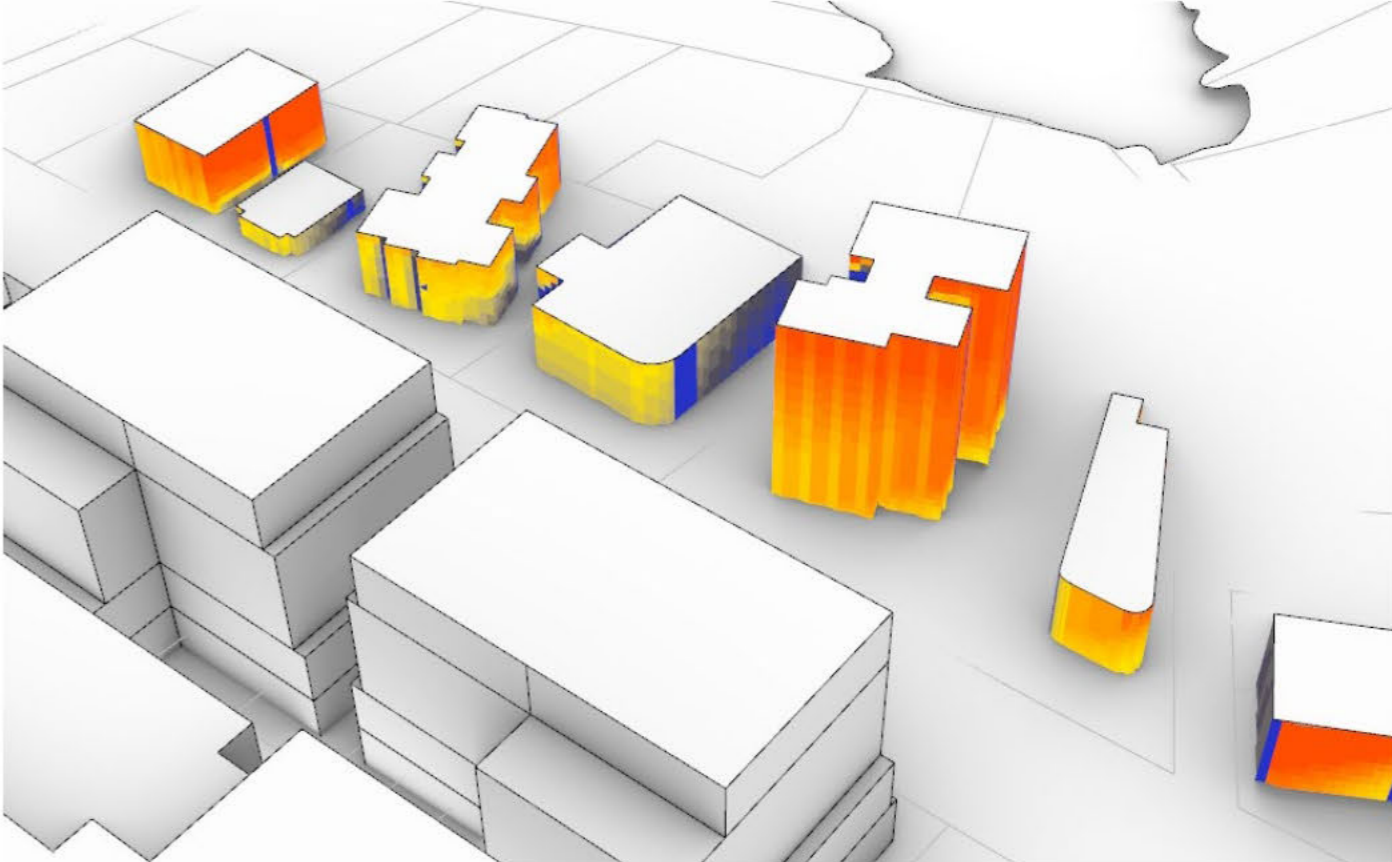
** Note: assumes 3.2m floor to floor height for ground floor residential use



SOLAR ACCESS COMPARISON



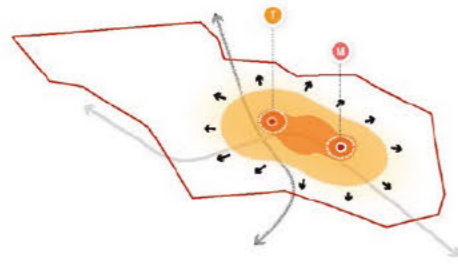
#1 CROWS NEST TOD - ACCELERATED PRECINCT



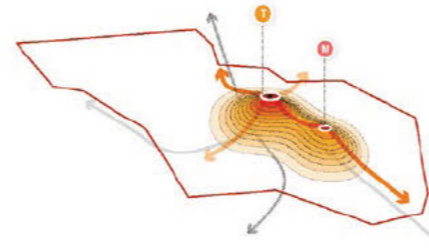
#3 CROWS NEST TOD - PROPORTIONAL AH TESTING

- Legend**
- 6+ Hours Solar Amenity
 - 5+ Hours Solar Amenity
 - 4+ Hours Solar Amenity
 - 3+ Hours Solar Amenity
 - 2+ Hours Solar Amenity
 - 1+ Hours Solar Amenity
 - 0 Hours Solar Amenity

RESPONSE TO URBAN DESIGN PRINCIPLES



Proximity to Stations - Epicentre



Centre & Height Transition - Height "Knuckle" Area



Expand Open Space Network & Protect Amenity

PRINCIPLE

This principle recognises that density located in close proximity to a transport hub such as St Leonards Train Station and Crows Nest Metro Station facilitates Transport Oriented Development (TOD). Taller buildings are to be located within 150-200m of either station, and transition in height outwards.

RESPONSE

The site is located within 400m from the Crows Nest Metro Station. Noting that the TOD Tier 2 precincts include stations with no upgrades and given the better infrastructure delivered through the Metro Station. We think that there is potential to increase the FSR proportionately with the Tier 2 controls.

PRINCIPLE

Through height and bulk, St Leonards is to be read as the predominant centre to reinforce its commercial role and Crows Nest as secondary to reinforce its role as a lifestyle destination. Large developments are to be located between St Leonards Train Station and Crows Nest Metro Station along the Pacific Highway with a transition in height, bulk and scale from the highway to the surrounding neighbourhood areas.

RESPONSE

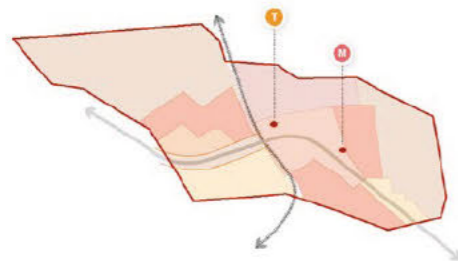
The increased height along Pacific Highway, sloping topography and proximity to the Metro Station are key factors contributing to the opportunity for increased height on the site. The site has the potential to increase its height limit by approximately 2 storeys whilst retaining the same ADG amenity outcomes of the proposed controls for the Accelerated Precinct.

PRINCIPLE

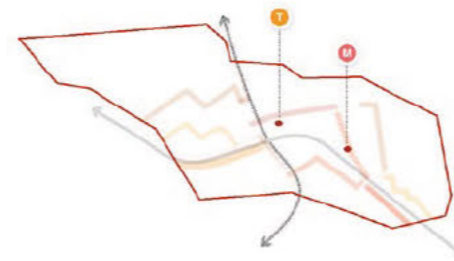
Find opportunities to provide additional open space in the Precinct. Proposed developments are not to cause unacceptable overshadowing to any key existing or proposed public open spaces.

RESPONSE

The site is located adjacent to a proposed open space which will contribute to the amenities available in close proximity to the site. Additionally, the orientation of the site and the preferred scheme will have no solar access impacts to this open space.



Respond to Character Areas



Transition Between Character Areas

PRINCIPLE

Proposed developments must respond appropriately to the built form character of the sub-precinct, including height, bulk and scale, as well as the character areas and existing and proposed uses.

RESPONSE

The preferred scheme has taken into consideration the height transition given the buildings along Pacific Highway can go up to 14 storeys in height and there is an existing building of 8 storeys to the west of Sinclair Street.

PRINCIPLE

It is acknowledged that at the edges of a character area, development should respond to the adjacent character to create an appropriate transition between the two.

RESPONSE

The preferred scheme maintains a streetwall height of 2 storeys that responds to the surrounding character. Additionally, given the low-medium density housing reform, there lies an opportunity for the character of the Wollstonecraft residential area to change.

CONTROLS AND ASSUMPTIONS

PLANNING CONTROLS

Zoning	R4 - High Density Residential
Maximum Building Height	29m
Floor Space Ratio	2:1
Street Wall	2 storeys
Deep Soil Zones	<ul style="list-style-type: none"> Minimum of 3 x 3m. Canopy Coverage: 20% minimum. Deep Soil Zone: 15% minimum. For every 575sqm of site area at least one large tree or two medium trees is to be planted in the deep soil area.
Setbacks	<ul style="list-style-type: none"> Front Setback / Sinclair Street: 6m. Side Setback / Bruce Street: 1.5m.

ADG REQUIREMENTS

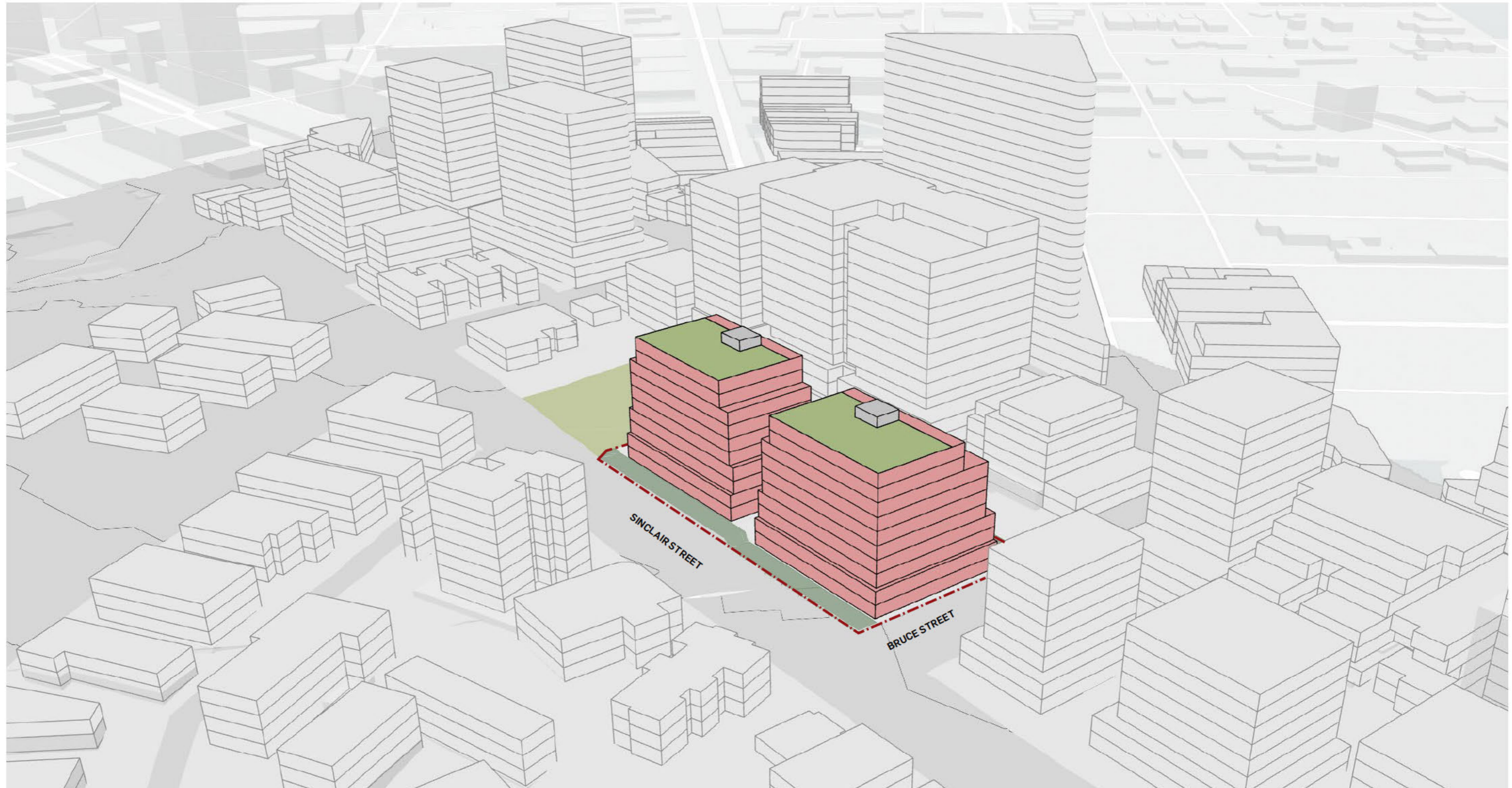
Building Separation	<ul style="list-style-type: none"> For buildings up to and including four storeys, the following separation distances apply: <table border="1"> <tr> <td>12m</td> <td>between habitable rooms / balconies</td> </tr> <tr> <td>9m</td> <td>between habitable and non-habitable rooms</td> </tr> <tr> <td>6m</td> <td>between non-habitable rooms</td> </tr> </table> For five to eight storeys (approximately 25m): <table border="1"> <tr> <td>18m</td> <td>between habitable rooms / balconies</td> </tr> <tr> <td>12m</td> <td>between habitable and non-habitable rooms</td> </tr> <tr> <td>9m</td> <td>between non-habitable rooms</td> </tr> </table> For nine storeys and above (over 25m): <table border="1"> <tr> <td>24m</td> <td>between habitable rooms / balconies</td> </tr> <tr> <td>18m</td> <td>between habitable and non-habitable rooms</td> </tr> <tr> <td>12m</td> <td>between non-habitable rooms</td> </tr> </table> 	12m	between habitable rooms / balconies	9m	between habitable and non-habitable rooms	6m	between non-habitable rooms	18m	between habitable rooms / balconies	12m	between habitable and non-habitable rooms	9m	between non-habitable rooms	24m	between habitable rooms / balconies	18m	between habitable and non-habitable rooms	12m	between non-habitable rooms
12m	between habitable rooms / balconies																		
9m	between habitable and non-habitable rooms																		
6m	between non-habitable rooms																		
18m	between habitable rooms / balconies																		
12m	between habitable and non-habitable rooms																		
9m	between non-habitable rooms																		
24m	between habitable rooms / balconies																		
18m	between habitable and non-habitable rooms																		
12m	between non-habitable rooms																		
Deep Soil Zone	<ul style="list-style-type: none"> Minimum 7% of site area. Minimum 6m wide. 																		
Solar Access	<ul style="list-style-type: none"> Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter. 																		
Communal Open Space	<ul style="list-style-type: none"> Minimum 25% of site area. Minimum dimension of 3m. Minimum 50% of usable communal open space receives a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter. 																		

KEY ASSUMPTIONS

Floor to Floor Heights	<ul style="list-style-type: none"> Ground Floor - all uses: 5m. Residential Upper Level: 3.2m. Rooftop Service Zone (2 - 30 st.): 2m. B1 Basement Parking: 3.5m. Lower Basement Parking: 3.0m. Accessible Lift Overrun: 2m. 								
Building Efficiency - Residential	<ul style="list-style-type: none"> GFA = 75% GBA. 								
Dwelling Mix	<ul style="list-style-type: none"> 1 Bedroom: 25%. 2 Bedroom: 60%. 3 Bedroom: 15%. 								
Apartment Size	<ul style="list-style-type: none"> Average GFA: 80 - 85sqm. 								
Car-Parking Provision	<ul style="list-style-type: none"> North Sydney DCP 2013: <table border="1"> <tr> <td>Studio</td> <td>0.3 space / dw.</td> </tr> <tr> <td>1 Bedroom</td> <td>0.4 space / dw.</td> </tr> <tr> <td>2 Bedrooms</td> <td>0.7 space / dw.</td> </tr> <tr> <td>3+ Bedrooms</td> <td>1 space / dw.</td> </tr> </table> Motorcycle Parking: 1 space / 10 car parking spaces. Assumed Average: 1 space / dwelling 	Studio	0.3 space / dw.	1 Bedroom	0.4 space / dw.	2 Bedrooms	0.7 space / dw.	3+ Bedrooms	1 space / dw.
Studio	0.3 space / dw.								
1 Bedroom	0.4 space / dw.								
2 Bedrooms	0.7 space / dw.								
3+ Bedrooms	1 space / dw.								
Car-Parking Space - Basement	<ul style="list-style-type: none"> 35 sqm / vehicle. 								

* Note: Assumptions surrounding residential efficiency, setbacks, floor to floor heights, and deep soil zone requirements are based on the TOD EIE Controls.

APPENDIX: #3 CROWS NEST TOD - PROPORTIONAL AH TESTING (PREFERRED SCHEME) CONTEXT



3D VIEW IN CONTEXT



51-77 SINCLAIR STREET AND 2A BRUCE STREET, WOLLSTONECRAFT
BUILT FORM TESTING

DATE: 20.08.2024
JOB NO: P0054922

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Tuesday, 27 August 2024 8:09:34 AM
Attachments: [100-christie-street,-st-leonards-submisison-to-crows-nest-tod.pdf](#)

Submitted on Tue, 27/08/2024 - 08:09

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Stephen

Last name

White

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

2000

Please provide your view on the project

I object to it

Submission file

[100-christie-street,-st-leonards-submisison-to-crows-nest-tod.pdf](#) (193.7 KB)

Submission

Please find attached letter submission on behalf of 100 Christie St, St Leonards owner.

I agree to the above statement

Yes



**ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000**

URBIS.COM.AU
Urbis Ltd
ABN 50 105 256 228

26 August 2024

Metro North Team
NSW Department of Planning, Housing and Infrastructure
Via email

Dear TOD Team,

LANDOWNER SUBMISSION | 100 CHRISTIE ST | DRAFT CROWS NEST TOD CONTROLS

This submission letter has been prepared on behalf of Elegant Group (the **Proponent**) to the Department of Planning, Housing and Infrastructure (DPHI) as part of the draft TOD rezoning controls for Crows Nest metro precinct. The Proponent owns the property at 100 Christie Street, St Leonards.

1. PROJECT OVERVIEW

The site was identified for development uplift as part of the St Leonards 2036 Plan. Accordingly a landowner Planning Proposal was submitted to Council and LEP controls ultimately amended for the site on 15 May 2020.

The key North Sydney LEP 2013 amendments included:

- Increasing the maximum building height of the site from 49m to 132m (36 storeys).
- Imposing a maximum Floor Space Ratio (FSR) of 18:1 (and a minimum non-residential FSR of 4.25:1).
- Adding a clause to Schedule 1 – Additional Permitted Uses to allow “shop top housing” on the site as a permissible land use (with consent).
- Adding a clause to Part 6 – Local Provisions to allow basement parking to be constructed under 50% of the northern lot containing Christie Street Reserve.

Follow the rezoning, the site was sold to the proponent and a Development Application D392/22 was registered by North Sydney Council on 22 December 2022 for the following:

- To demolish existing building and construction of a 39 storey mixed use building comprising retail, office and 184 dwellings and basement car parking associated landscaping.

- It also includes the embellishment and dedication of Christie Street Reserve to Council and construction and dedication of commercial office space in the podium to North Sydney Council, all committed to as part of a Voluntary Planning Agreement (VPA).

Since the DA was submitted, in July 2023, the proposed development has been amended and refined in response to Council's and the DEP's feedback and recommendations.

The DA Assessment is now effectively completed however the application cannot proceed to determination as we await concurrence approval from Sydney Metro which has been ongoing for many months. We expect determination will occur in September 2024.

REQUESTED CHANGES

On behalf of the proponent, we have reviewed the draft TOD rezoning package released as part of the public exhibition process. Upon review we request the following changes.

1. Remove site from the Area of Change Boundary

As outlined above, the site has already been subject to change with the rezoning back in 2020 and the current DA determination being imminent.

As per the Figure 1 extract from the EIE – the site is clearly outside the “focus for accelerated rezoning” – which is correct and should be replicated consistently in the mapping in the final documentation including the Design Guide.

Figure 1 – TOD rezoning Extract



Source: Crows Nest EIE

However, all of the subsequent maps throughout the EIE, such as Figure 2 extract below, the site is now included in the “area of change boundary”. Similarly, the Urban Design Report incorrectly includes the site as within the area of change boundary.

Figure 2 – TOD Area of change boundary map



Source: SJB Urban Design Study

It is important that the benefits and respective obligations as part of this Rezoning process relate to only lands proposed to have statutory built form changes. Failure to resolve this discrepancy, could result in unintended consequences that council prejudice future development planning on the site.

2. Refine approach to switching off Infill Affordable Housing SEPP provisions

The current wording in the EIE package implies that all sites within the precinct will be exempt from accessing the infill affordable housing provisions under Chapter 2, Part 2, Division 1 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP).

We understand the logic as to why such a step would apply to sites benefiting from substantial built form uplift as their impacts have been tested. However, for sites such as our site which is not



benefitting from any built form changes as part of the TOD rezoning, it should not be exempt from being able to apply the affordable housing incentive provisions if desired.

We don't believe applying a 'blanket' approach is appropriate in this instance as it would deny the potential for further housing supply and affordable housing rental accommodation in the precinct.

3. Exempt site from current proposed affordable housing provisions

The draft EIE defines the precinct as the 2036 Plan study area even though the rezoning will relate to a much smaller portion, identified in another boundary as area of change. However, we understand that the application of the proposed new affordable housing clause will apply to the 'precinct' as opposed to just the area designated for rezoning change. So, there is a clarification required to understand whether this is the intent or not.

Furthermore, the EIE does not provide details on whether there will be saving and transition provisions. Applying a savings provision will be critical in this precinct given there are applications in varying stages that were made under the current planning policy regime absent of the knowledge of these draft rezoning controls and obligations.

The site for instance is subject to a development application that was lodged on 22 December 2022. The assessment of the application has effectively completed however we are in a 'holding pattern' until our project engineers satisfy Sydney Metro that concurrence can be granted.

So, our client wishes to ensure that the final legislation, through a savings provision to make it clear that there is no obligation for the provision of affordable housing for this application.

Furthermore, as outlined above, should the site be subject to a subsequent development application, it should also be exempt from the provision of any mandatory affordable housing requirements because it has not benefitted from density uplift as part of the TOD rezoning process. This can be simply resolved by addressed request 1 by changing the area of change map which would create a clear delineation of sites benefitting from uplift and required to meet public benefit obligations versus the remainder of the site.

SUMMARY & REQUESTED CHANGES

The site has been long earmarked for future development. The proposed development at 100 Christie Street, St Leonards will deliver a mixed-use building that will incorporate some 184 new dwellings.

In addition, the project will deliver demonstrable public benefits in the form of dedication of commercial office space to North Sydney Council and upgrades and dedication of Christie Street Reserve to Council ownership.

In summary we make the following specific requests:

- **Request 1:** amend the 'area of change' boundary to remove the site to establish a clearer delineation of areas proposed for change as part of the TOD rezoning and those not as a means to establish a simple and fair approach to obligations.



- **Request 2:** the LEP amendment provisions be re-worded such that it identifies only the sites that have benefitted from built form change to be excluded from the above infill affordable Housing SEPP provisions.
- **Request 3:** - ensure that the SEPP amendment includes savings provision to apply to ensure that applications (such as this) will be exempt from the new affordable housing mandates given the existence of a development application lodged prior to the release of the draft provisions and the fact that the site is not benefitting from any uplift under the rezoning.

We trust that the request will be carefully considered and the final policy package will make the requested changes and clarify areas of uncertainty to ensure that there is no unintended consequences that would adversely impact on this project and other projects in the system, or prevent future development applications accessing the infill affordable SEPP housing provisions.

Should you have any questions in relation to this letter, please do not hesitate to contact the undersigned.

Yours sincerely,

A large black rectangular redaction box covering the signature area.


Director


From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Saturday, 24 August 2024 11:36:32 PM
Attachments: [tod-crows-nest-submission-2024.pdf](#)

Submitted on Sat, 24/08/2024 - 23:34

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

██████

Last name

██████████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

Crows Nest 2065

Please provide your view on the project

I object to it

Submission file

[tod-crows-nest-submission-2024.pdf](#) (216.61 KB)

Submission

My objection to the Crows Nest TOD program is described in the attached.

I agree to the above statement

Yes

CROWS NEST TRANSPORT ORIENTED DEVELOPMENT

SUBMISSION

As a Crows Nest resident for over 30 years, I support appropriate re-development within the local area however **I vehemently object to the Crows Nest Transport Oriented Development Program** proposed by the NSW Government. The so-called Crows Nest Precinct is already doing enough of our city's 'heavy lifting' for increased housing and commercial development in response to the new Metro line. Please head back to the rail map and identify an alternative precinct!

The selection of Crows Nest as one of the eight 2024 'identified TOD Accelerated Precincts' is disingenuous at best, even callous, given that only four years ago the state government produced the below changes to planning controls in the 'St Leonards Crows Nest 2036 Plan', published in **August 2020**:



NSW Department of Planning, Industry and Environment | August 2020 | Final Plan 64

The above new high-density development is already well underway as planned. If the purpose of the TOD program is to deliver a "large volume of new dwellings" then the NSW Government must recognise that the identical Crows Nest Precinct was plundered for 6,683 new dwellings by the above 'St Leonards Crows Nest 2036 Plan'. It is an insult to our community and our collective intelligence to return once more with an additional development programme for a **further 3,255 new dwellings** over a similar 15-year period.

A quick review of Crows Nest housing confirms that our existing residential development is denser than most Sydney suburbs. The dominant housing types are single and two-storey semi-detached on narrow lots, two-storey terraces, townhouses and walk-up flat buildings. The comparatively few detached houses are on relatively small lots. The identified Precinct offers too few opportunities to increase development density without ignoring the three heritage conservation areas which were confirmed as being protected in the 2036 Plan of August 2020.

CROWS NEST TRANSPORT ORIENTED DEVELOPMENT

SUBMISSION

Explanation of Intended effect (July 2024):

The above document released by the Planning Department to inform the public proposes vague rezonings only in general terms, without any defined zones being identified for rezoning within the Precinct or indeed any proposed rezoning categories. One cannot glean whether the proposed rezonings are, perhaps, wholesale across the whole of the identified Precinct. It is impossible for the public to review, assess, provide any beneficial response or a focussed submission. The slapdash presentation of the TOD programme cannot support any benefit to the community with vague references to 'increased tree canopy' or 'better connectivity' or support the fulfillment of the stated aim to provide significant additional housing in the Crows Nest Precinct.

Transport Oriented Development Program (December 2023):

The above document provides little material information describing the impact of the planned TOD. I challenge the Planning Department to identify another of the '39 transport hubs' as a high-yield development precinct. Which zones within the Crows Nest Precinct are to be squeezed for additional development? The majority of the precinct is unsuitable for rezoning as noted below:

- **about half** of the precinct comprises the Artarmon industrial area, RNSH, NSPH, Gore Hill oval and cemetery – all essential services for our local community and all non-residential zoning,
- **about a quarter** of the precinct is Council designated heritage conservation areas – protected by Council for over 40 years and by the 2036 plan in August 2020,
- **most of the remaining quarter** comprises the 'focus' strip along the highway - already rezoned by the St Leonards 2036 Plan for buildings up to 50 storeys,
- a very restricted number of low-density housing in the remaining pockets offer any realistic opportunity for rezoning.

Surely any one of the other 31 Precincts has better latent capacity than Crows Nest to contribute to the stated intention of the 8 accelerated precincts providing 47,800 new dwellings over 15 years.

Conclusion

Four years ago our local community reluctantly accepted new development controls allowing significant high-density development up to 50 storeys high within an identical Precinct boundary. The current accelerated TOD programme for Crows Nest is a 'second bite of the apple' with no chance of serving the intended purpose and is therefore strongly rejected.

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Tuesday, 27 August 2024 6:25:54 PM
Attachments: [126-shirley-tod-submission.pdf](#)

Submitted on Tue, 27/08/2024 - 18:24

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

██████████

Last name

██████████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

Wollstonecraft 2065

Please provide your view on the project

I object to it

Submission file

[126-shirley-tod-submission.pdf](#) (564.1 KB)

Submission

Submission attached as pdf

I agree to the above statement

Yes

The Owners [REDACTED]
Wollstonecraft NSW 2065

To Whom it May Concern

We, the [REDACTED] Wollstonecraft, wish to make the following submission in relation to the Crows Nest TOD rezoning proposal.

The current proposal is flawed in its approach on two levels. The first is the proposed uplift in zoning particularly on 126 Shirley Rd Wollstonecraft, provides no incentive for redevelopment of the site or those adjacent. The second is the masterplan as presented does not address lot consolidation and ground plane access which is vital for good development.

In relation to the above I provide the following information in relation to 126 Shirley Rd Wollstonecraft, and the financial feasibility of redeveloping the site:

- Current site area 530m²
- Current FSR 1.6:1
- Proposing 2:1
- Currently 12 units in block with a value of approximately \$1m each
- The rezoning provides for 1,060m² of new development. Discussions with developers working on other sites in the TOD indicate that the potential floorspace has a value of between \$5,000-\$7,000 p/m² of development. Leaving a current land value of between \$5.3m and \$7.5m. Significantly less than the current market value of the individual units of approximately \$12m.
- If 16 apartments were built following rezoning at a cost of \$10.4m (\$650,000 per unit construction costs) added together with just the current value of each unit at say a total of \$12m, plus a developers margin of 20% (\$4m), holding costs of 20% (\$2M) and the provision of affordable housing at say 10% (\$1.3m), the 14 available units for sale would need to sell for over \$2.2m which is not sustainable, would not be commercially viable and does nothing for affordable housing in Sydney.
- There is no heritage value in the current built form which was confirmed by North Sydney Council when they last undertook a review of their heritage register. As such there should be no limitations on height compared to other sites in the TOD.

In relation to basic planning principles, I make the following comments:

The plan

- Provides for no minimum lot size to ensure quality redevelopment i.e. good setbacks, solar access and through site links etc.
- Does not allow for future growth of Crows Nest. Similar issues occurred in areas such as Chatswood where height limits were put in place which are now irrelevant and have restricted the growth of Chatswood as these sites previously redeveloped are not able to be recycled due to their current values.

- Proposes 6 storeys with 1,060m² of FSR or 177m² per floor which is a site coverage of 33%. This is underdevelopment of the site.
- The Affordable Housing provision means this site is further impeded as a redevelopment site. A substantial uplift is required to deliver the proposed 10-15% affordable housing provision.

The plan is flawed as it proposes growth opportunities which financially cannot be achieved. This is an ongoing issue with Councils and Government rezoning initiatives that do not factor in the current land value or value of the residences currently in place.

The following options should be considered in relation to 126 Shirley Rd Wollstonecraft:

- Site consolidation to ensure minimum lot sizes of at least 1,000m² or in the case of 126 Shirley Rd 2,000m² which would see the amalgamation of 3,5 and 5a Nicholson St with 124 and 126 Shirley Rd.
- Site consolidation would allow additional floorspace to be approved on the site and a higher building envelope.
- An FSR of 6:1 should be considered. Based on 126 Shirley Rd this would see the following scenario
 - 3,180 of FSR
 - 8-9 storeys recommended.
 - Site coverage 67% which could be reduced at upper levels depending on the podium.
 - Total costs \$60-68m
 - Price per unit \$1,528m
 - Provision of 5 affordable housing units (10%)

Additionally, more work is required on the fine grain/street level activation. Height should be embraced as it allows for much better planning outcomes on the ground plane. Recent master planning of St Leonards South has highlighted the need for better articulation of plans at the ground plan and the use of height across the whole area, not just consolidated around or close to the railway/metro station.

Yours Sincerely

For and on behalf of the

[Redacted signature block]

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Thursday, 8 August 2024 7:36:18 PM
Attachments: [8-august-2024---minister\[REDACTED\]---submission---tods--\[REDACTED\].pdf](#)

Submitted on Thu, 08/08/2024 - 19:35

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

[REDACTED]

Last name

[REDACTED]

I would like my name and personal contact details to remain confidential

Yes

Info

Email

[REDACTED]

Suburb/Town & Postcode

SPEERS POINT 2284

Please provide your view on the project

I am just providing comments

Submission file

[8-august-2024---minister\[REDACTED\]---submission---tods--\[REDACTED\].pdf](#) (48.96 KB)

Submission

I have uploaded a file which outlines my wish for a higher percentage of affordable housing in the TOD's.

I agree to the above statement

Yes

8 August 2024

[REDACTED]
[REDACTED]
[REDACTED]. NSW 2284
[REDACTED]
[REDACTED]

The Hon. [REDACTED]
Member for Wollongong
Minister for Planning and Public Spaces

Dear Mr. [REDACTED]

Thank you for progressing the proposed Transport Oriented Developments (TOD) for NSW across the initial six influential sites in Sydney.

I have read and applaud the proposals for Hornsby, Macquarie Park, Bellavista and Kellyville, Bankstown, Crows Nest and Homebush. Having just spent time at a Conference in Brisbane City I was impressed by the number of apartment-living options, with good availability to the city precinct and modes of transport. As well as during the day, the city was a hub of activity in the mornings and evenings.

I note the total number of dwellings across these six locations is estimated to be 62,155. However, the proposed number of affordable housing at the lower end would only be 2,835 or 6,190 at the higher proposed end.

You will note that I live in the Hunter and am concerned that this lower end of providing affordable housing in the Sydney roll out of TOD's will also be applied to the nine "Tier 2" stations in the Hunter. We in the Hunter need at least 15% affordable housing options in our roll out.

I believe there needs to be an increase in the percentage of affordable housing provided in this much needed initiative. Could you and your department please consider raising the affordable housing allocation to 15% for these developments?

As a member of the Catholic Church and the Hunter Community Alliance, I am very aware of the cost-of-living pressures faced by many who live in the Hunter and the prohibitive cost of housing for many. Affordable Housing would allow many who provide essential services to those living in the Hunter and particularly those who work in the Newcastle and Lake Macquarie areas an affordable place to call home. As part of the Hunter Community Alliance, I have heard many stories from people who are unable to afford to rent and certainly are unable to buy a home. The situation is quite desperate.

As you know, essential to these developments is the provision of green space, community facilities and services. While I was in Brisbane, I did not need to use my car once and could walk to the Brisbane Convention Centre, shops, Southbank, church and restaurants. This is good for our health, the environment and well-being.

I believe the intention is for people to be able to afford to live, work and socialize locally.

I ask that you please consider an increase in the proposed percentage provision of affordable housing in the "Tier 1" Transport Oriented Developments. I believe this outcome would then have a flow-on effect to the provision of the "Tier 2" TOD's in the Hunter. I also think that these affordable housing options need to be in perpetuity.

Having a village feel to these proposed developments is achievable with good planning. Increasing the affordable housing component of these developments would provide a greater diversity of people who would have access to these housing changes.

Thank you for considering my request.

[Redacted signature]

[Redacted contact information]

[Redacted contact information]

We believe that the main arguments in favour of developing this site are:

- 1) It is within 500m of the new Crows Nest Metro Station and 200m of Pacific Highway
- 2) It's location, exceptional views from corner of Shirley and River Rd
- 3) Existing Concrete Cancer
- 4) Existing 9 storey building on Lamont St

By extending the TOD regime to cover our property, you would not only facilitate a much-needed transformation and assist the current residents to manage a difficult living situation. Redevelopment would enable us to negotiate a collective sale to a developer who can better utilise the site.

We respectfully request that our property be considered for inclusion in the TOD regime, allowing for a constructive path forward for all stakeholders involved. We believe that this extension serves the interests of efficient land use, community rejuvenation, and aligns with broader government goals of enhancing urban areas around transport nodes.

I look forward to a favourable response and the opportunity to contribute positively to our community's future through this initiative.

Kind regards



I agree to the above statement

Yes

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Tuesday, 27 August 2024 6:26:56 PM
Attachments: [individual-submission-126-shirley-ln.pdf](#)

Submitted on Tue, 27/08/2024 - 18:26

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

██████

Last name

██████ -

I would like my name and personal contact details to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

Wollstonecraft 2065

Please provide your view on the project

I object to it

Submission file

[individual-submission-126-shirley-ln.pdf](#) (487.65 KB)

Submission

Submission attached (pdf file)

I agree to the above statement

Yes

27th August 2024

To Whom it May Concern

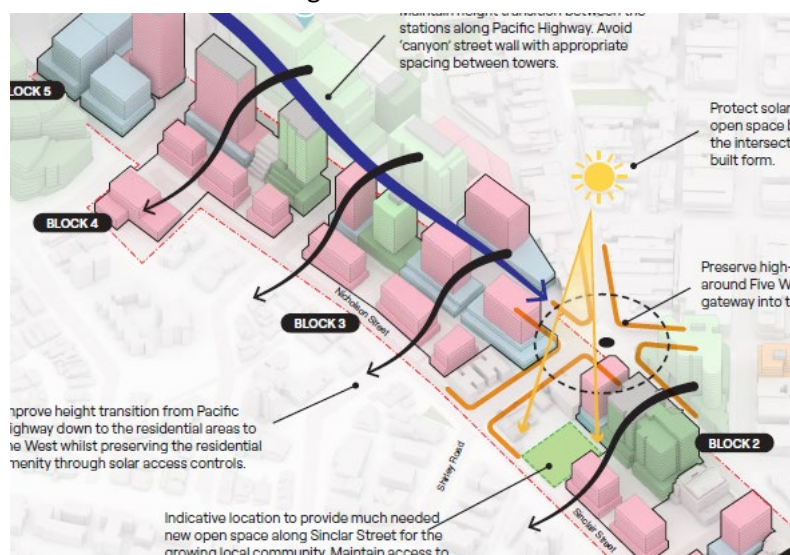
I write as a supporter of the broad principles of the Transport Oriented Development (TOD) Policy, though with strong objections to its application to the property I own within the Accelerated Development Precinct near Crows Nest Metro Station.

I own a property in [REDACTED], a building that has been earmarked for re-zoning and development since the inception of the St. Leonards and Crows Nest 2036 Plan (2036 Plan). The flaws in the 2036 Plan that made redevelopment of our site unviable have been further impaired by the recent proposal under the TOD scheme to preserve our building (and neighbouring building) under the irrational premise of 'contributing to the local character of the area'. To do so is at odds with the priorities of the TOD scheme, stifles a development opportunity of prime space within the TOD Accelerated Development Precinct, and disadvantages owners in those buildings financially and socially.

I offer the following comments:

- The 2036 Plan foreshadowed development of the entire precinct including 126 & 124 Shirley Road, at that stage to 4 stories (NSW Department of Planning, Industry and Environment, 2020). Owners had accepted such and have managed our capital works and maintenance accordingly i.e. being of the understanding that the building would be coming to the end of its life due to the urban renewal flagged for the area in the Plan. The building was completed in 1934, and whilst extremely well-designed and structurally sound, has on-going maintenance requirements commensurate with a building of its age. This includes capital works required to keep it compliant with modern standards.
- There is no heritage value in the current built form of 126 Shirley Road, which was confirmed by North Sydney Council when they last undertook a review of their heritage register. The building itself does not fall within the boundaries of the *Heritage Conservation Area*, which lies east of the Pacific Highway. It lies within the bounds of the *TOD Accelerated Rezoning Area*, and the *St. Leonards and Crows Nest Station* character area (SJB, 2024). As well as the *2036 Area for change* (NSW Department of Planning, Industry and Environment, 2020). As such there should be no limitations on height compared to other sites in the TOD.
- 126 Shirley Road lies 210m from the nearest Crows Nest station entrance, and nearer to the boundaries of the wider station precinct. An urban design principle for the as identified states *taller buildings located within 150-200m of a transport hub and transitions in height to surrounding areas* (SJB, 2024).
- If rezoning under the TOD plan were to proceed on our site without the spurious 'heritage look' restriction, it provides for 1,060m² of new development. Discussions with developers working on other sites in the TOD indicate that the potential floorspace has a value of between \$5,000-\$7,000 per m² of development. Leaving a current land value of between \$5.3m and \$7.5m. Significantly less than the current market value of the individual units of approximately \$12m. It is inconceivable that owners of property in such close proximity to this vibrant new hub, may actually see a significant decrease in property value (estimated at between \$100k to \$300k in today's terms), rental income and lifestyle value.
- If 16 apartments were built following rezoning at a cost of \$10.4m (\$650,000 per unit construction costs) added together with just the current value of each unit at say a total of \$12m, plus a developers margin of 20% (\$4m), holding costs of 20% (\$2m) and the provision of affordable housing at say 10% (\$1.3m), the 14 available units for sale would need to sell for over \$2.2m which is not sustainable, would not be commercially viable and does nothing for affordable housing in Sydney. There needs to be an uplift in floor height, FSR and amalgamation of sites to be viable.

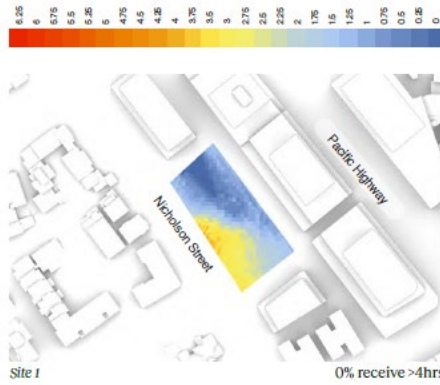
- Both 126 Shirley Road, and our neighbouring building 124 Shirley Road, are referenced as a consolidated block with the notation - *Contributes to local character, however is not listed heritage. Future development can occur but should be contributory to the local character.* (SJB, 2024) The small footprint of 126 & 124 combined has already been demonstrated as being uneconomical to develop in the present scheme without significant uplift and/or site amalgamation, let alone in future once the area surrounding has already been developed.
- Owners rely on the street parking in neighbouring Nicholson and Lamont Streets. Proposed development at the exclusion of our building will most certainly make parking impossible with the increased volume of business traffic to the precinct. Whilst I appreciate the change of demographic and travel habits brought to the area by the Metro, present residents left behind may not be able to adapt given the personal circumstances they invested in the area with at the time. Lack of parking represents another negative driver of property value and potential rental income.
- A key objective of the land use is to *future proof the precinct to ensure spaces can grow with community needs* (Department of Planning, Housing and Infrastructure, 2024). With that in mind, one wonders why the largely unused Nicholson Lane is not being removed from plans so that the sites along Nicholson Street between Shirley Road and Hume Street can be amalgamated as one homogenous strip of developable land. This makes sense economically and aesthetically whilst making best use of an otherwise redundant roadway. At present, developers in the area have advised that 3, 5 & 5A Nicholson Street to the north, are not viable for urban renewal due to the restrictions placed on 126 & 124 Shirley Road. i.e. land proposed for development WILL NOT be developed with present restrictions on neighbouring buildings as it is not viable.
- Further to the above, in order to consolidate the blocks within the same width as the neighbouring blocks to the north and south - (**Block 2**: The area bounded by Shirley Rd, Pacific Hwy, Bruce St & Sinclair St, and **Block 4**: The area bounded by Hume St, Nicholson St, Oxley St, & Pacific Hwy), consideration should be given to the removal of Nicholson Place to make one amalgamated site bounded by Pacific Hwy, Shirley Rd, Nicholson St & Hume St. (**Block 3**). There is precedence for this in the nearby development of Crows Nest Coles, where Zig Zag Lane was purchased from Council and incorporated into the redevelopment. This would allow space for more pedestrian arcades and active frontages similar to other local development proposals in the area, as well as allowing buildings required to preserve heritage facades on Pacific Highway the ability to set back further and improve the scale of their design.



(SJB, 2024)

- Two open space proposals were considered for the TOD development in the vicinity of our property. 'Site 1', at 7-17 Nicholson Street, directly to the north of our block of properties, was decided as unsuitable after testing for solar analysis as it *is largely overshadowed by proposed development to the north* (SJB, 2024). This demonstrates the loss of amenity to our own buildings through loss of sun. Not to mention loss of privacy to rooftop entertaining areas.

Solar Analysis - Winter Solstice 9am-3pm

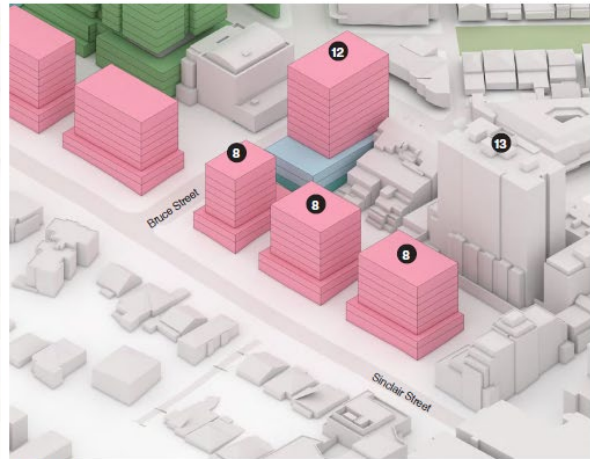


(SJB, 2024)

- Several houses of a similar era and character to 126 Shirley Road, running along the eastern side of Sinclair Street in Blocks 1 & 2, were not earmarked for rezoning in the 2036 Plan, yet are so in the TOD Proposal. It seems a contradiction that these buildings, not within the Accelerated Development Precinct, are given priority for re-zoning and re-development over a building within the Accelerated Development Precinct.

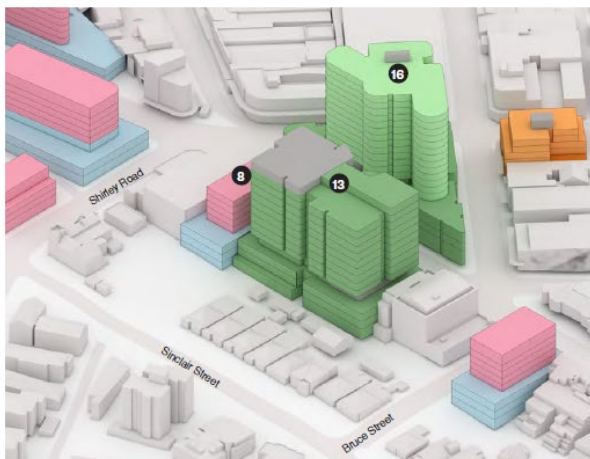


2036 Plan

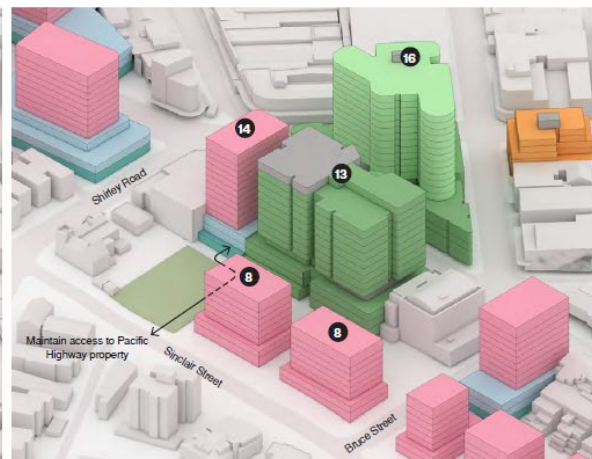


Proposed

(SJB, 2024)



2036 Plan



Proposed

(SJB, 2024)

To remedy the flaws in the draft plan, I make the following suggestions for your consideration:

- Remove limitations on the development of 126 & 124 Shirley Road as proposed under the draft TOD provisions.
- Remove misleading references to heritage in connection with 126 & 124 Shirley Road (the buildings are not heritage listed).

- Site consolidation – As a minimum, 126 and 124 Shirley Road should be amalgamated with 3, 5 and 5A Nicholson Streets to the north, to create a 2000m² block. This is only viable for urban renewal with an increase to 8-9 storeys and an FSR of 6:1.
- Preferably – Close Nicholson Lane and amalgamate above sites with 7-17 Nicholson Street and continued lots north to Hume Street. Increase heights to 8-9 storeys to match the entire block and increase FSR of 6:1, or,
- Close Nicholson Lane and Nicholson Place, amalgamate sites across entirety of 'Block 3' with the opportunity to improve scale of buildings above heritage facades on Pacific Highway, and provide pedestrian arcades.

I trust these suggestions will be considered thoughtfully and welcome to opportunity to discuss this further.

Yours Sincerely



From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Sunday, 4 August 2024 5:40:34 PM
Attachments: [crows-nest-tod.pdf](#)

Submitted on Sun, 04/08/2024 - 17:38

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

██████████

Last name

██████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

████████████████████

Suburb/Town & Postcode

St Leonards

Please provide your view on the project

I am just providing comments

Submission file

[crows-nest-tod.pdf](#) (129.07 KB)

Submission

Please refer to the attached submission file.

I am writing to express urgent concerns shared by numerous residents in our community regarding the proposed planning controls on 460 Pacific Highway and 53-67 Nicholson Street Crows Nest, with consideration of view sharing, solar access and traffic congestion issues - which need to be re-considered in the rezoning.

I agree to the above statement

Yes

4 August 2024

Directors

Department of Planning and Environment

GPO Box 39 Sydney NSW 2001

Dear Sir/Madam

Submission | Crows Nest TOD rezoning

RE: 460 Pacific Highway, St Leonards and 53-67 Nicholson Street, St Leonards

Thank you for the opportunity to provide feedback in relation to the Crows Nest TOD rezoning. We have an interest in the subject areas, given its current mixed-use development project which is under construction at 472 and 486 Pacific Highway St Leonards, known as St Leonards Square.

Regarding to the site located on 460 Pacific Highway St Leonards ("**Pacific Site**") and 53-67 Nicholson Street, St Leonards ("**Nicholson Site**"), this site is likely to have material impacts on the St Leonards Square project, that should be taken into account in relation to any proposed new controls.

View Sharing:

St Leonards Square was approved in 2016. At the time, a robust design and approval process was completed to achieve a high level of design excellence and resident amenity – including views for future occupants, tenants and visitors of the development.

Acknowledgement and consideration of any impacts to this project and its established resident amenity (located on **Level 14 of St Leonards Square**) particularly views – should be considered as part of any future plan for the precinct. View sharing principles are established by the Land and Environment Court and we respectfully seek that this item be given due consideration in finalising the TOD rezoning.

Preservation of views is an important aspect to be considered in the TOD rezoning. The St Leonards Square currently enjoys iconic views to the Harbour Bridge, Sydney Harbour and CBD to the south. These views are a fundamental element of the project and must be a consideration in any future plans for Pacific Site and Nicholson Site. Accordingly, we submit that any future development of Pacific Site and Nicholson Site, should consider view sharing principles and should allow St Leonards Square to maintain its iconic viewlines.

Solar Access:

St Leonards Square is approved and completed with detailed sunlight assessment. With a potential development of Pacific Site and Nicholson Site, St Leonards Square would not be able to meet solar access guidelines under the Apartment Design Code (“ADG”). In order to seek to achieve ADG solar access guideline compliance, any future development of Pacific Site and Nicholson Site, would need to consider impact of the solar lines to the St Leonards Square.

Traffic congestion:

The current traffic conditions in the area have already reached a critical point, with the opening of the Crows Nest metro station contributing to heightened congestion during peak hours. The proposed apartment development, coupled with the increased population density it entails, is likely to exacerbate this issue, leading to longer travel times, heightened frustration among commuters, and an overall decline in the quality of life for those residing in the vicinity.

Our community is deeply troubled by the prospect of further strain on the existing road infrastructure, and we implore the Department of Planning to conduct a meticulous analysis of the proposed development's impact on traffic congestion, especially in conjunction with the recent metro station opening. The intersections of Oxley Street and Christie Street, already critical points for traffic flow, demand special attention in this assessment.

We emphasize the need for proactive measures to address the current and anticipated traffic congestion, including potential upgrades to road infrastructure, optimized traffic management plans, and enhanced public transportation options. The situation is time-sensitive, and decisive action is crucial to ensure the well-being of our community.

Moreover, with the opening of the Crows Nest metro station, the impending surge in metro commuters adds another layer of complexity to the traffic scenario. A thorough reevaluation of the existing traffic management plan is essential to accommodate this increased demand and to prevent further exacerbation of congestion.

As concerned members of the community, we urge the Department of Planning to reassess the current plans for the proposed apartment development, prioritizing the urgent need to address escalating traffic congestion post the opening of the Crows Nest metro station. We appreciate your prompt attention to this matter and look forward to collaborative efforts in finding viable solutions that balance urban development with the well-being of our community.

Thank you for your time and consideration.

██████████

WS Property Services

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Saturday, 20 July 2024 5:10:59 PM
Attachments: [proposed-pedestrianisation-of-the-junction-of-oxley-street-and-alexander-street.pdf](#)

Submitted on Sat, 20/07/2024 - 17:06

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

████

Last name

████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

████████████████████

Suburb/Town & Postcode

2065

Please provide your view on the project

I am just providing comments

Submission file

[proposed-pedestrianisation-of-the-junction-of-oxley-street-and-alexander-street.pdf](#) (5.6 MB)

Submission

I support the proposal, but feel it should go faster and further in extending the amount and quality of public green space within and near to the precinct. Major projects such as the Hume Street park extension, the Lithgow Street Linear park and the platform park at St Leonards Station should be committed to and progressed by the NSW Government and not left to the uncertainties of future local government funding.

Other opportunities for green pedestrianised space should be taken wherever available. In that regard I have a specific proposal for a more ambitious pedestrianisation of the junction

of Oxley Street and Alexander Street. This can bring a valuable amenity and make a reality of the Oxley Street Linear park. It will add public space, facilitate pedestrians and cyclists, and increase tree cover, providing a cooler oasis at a significant heat spot. Car access is not required because following redevelopment all car park access will be from Atchison Lane and Albany Lane. A document is attached with more details

I agree to the above statement

Yes

Proposed pedestrianisation of the junction of Oxley Street and Alexander Street, St Leonards

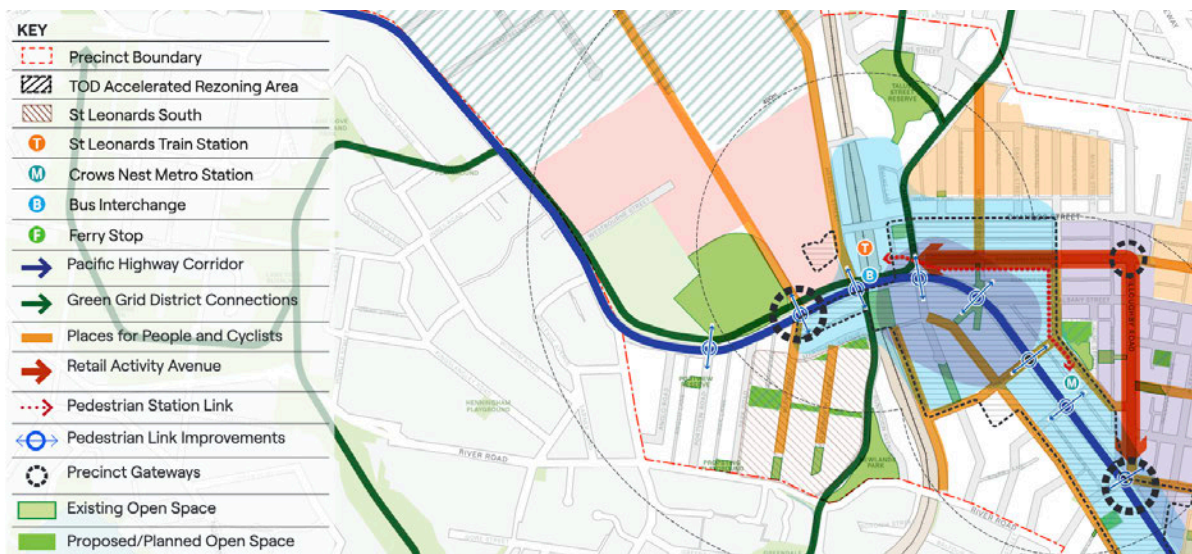
- Oxley Street is designated as a linear park in the St Leonards and Crows Nest 2036 Plan (the 2036 Plan). This involves the provision of a greater setback for new construction and ultimately for North Sydney Council to widen the nature strip with additional planting to be determined. It is a valuable addition to local space but will do little to add to tree cover and with continued traffic use it does nothing to create a sense of place.
- The Oxley Street Linear Park is shown as a committed initiative in the St Leonard Crows Nest Green Plan 2020 (Green Plan 2020)

52	Oxley St Linear Park (NSC)	0.07	●
53	Oxley St Linear Park (NSC)	0.04	●
54	Oxley St Linear Park (NSC)	0.07	●


- Oxley St and Mitchell St Linear Parks - North Sydney Council is proposing widening footpaths, additional tree planting and public domain improvements along both Oxley St and Mitchell St. This would be facilitated by increasing building setbacks along these streets and upgrades may be delivered as part of adjacent development proposals.




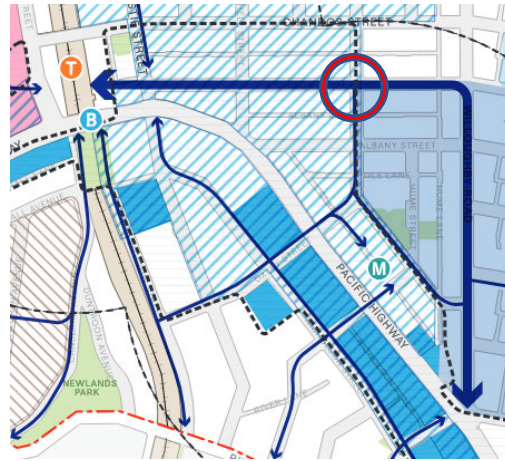
- The 2036 Plan and the Crows Nest State-led Rezoning 2024 (the 2024 Rezoning) identify Oxley Street and Alexander Street near to their junction as “places for people and cyclists” and “pedestrian station link”. On page 77 of the 2024 rezoning it is shown as a defined pedestrian avenue to be established between the two stations.



The Junction sits on a corridor identified in the 2024 rezoning as an opportunity for active connectivity – ie walking and cycling.











 Junction of Oxley Street and Alexander Street

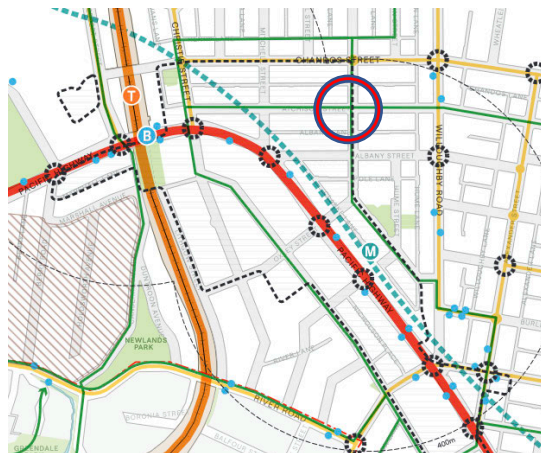
 Connectivity across the precinct can be improved with upgrades from development contributions. In particular, emphasis should be placed on key corridors such as Atchison Street and Willoughby Road to move people throughout the precinct in an active setting.



- In the 2036 Plan and 2024 Rezoning neither Oxley Street nor Alexander Street are designated as primary or secondary roads and they are both designated as cycleways. They are meant for local traffic not for through traffic.









KEY

	Precinct Boundary
	TOD Accelerated Rezoning Area
	St Leonards South
	Motorway
	Primary
	Secondary
	Metro Line
	Train Line
	Cycleways
	Traffic Lights/Crossings










- Recent planning applications and approvals for new developments facing Oxley Street and Alexander Street near where they cross, all have vehicle access to underground car parks along Atchison Lane and Albany Lane. This access serves both residential and commercial units. So no street access on Oxley Street or Atchison Street is required.
- Oxley Street is a hot spot with low tree cover <10% and heat island effect more than 9C. It needs more trees.

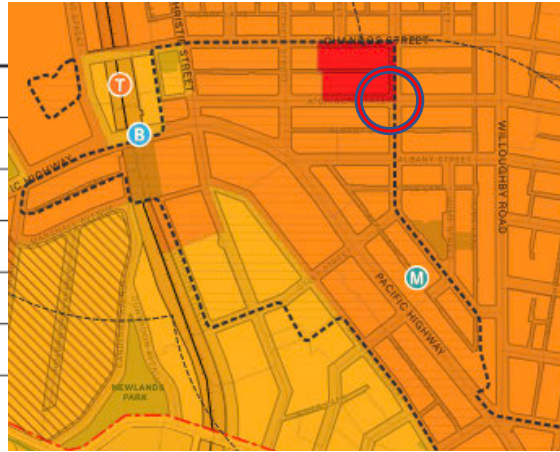
KEY

	Precinct Boundary
	TOD Accelerated Rezoning Area
	St Leonards South
	Less than 10%
	10 - 20%
	20 - 30%
	30 - 40%
	More than 40%



KEY

	Precinct Boundary
	TOD Accelerated Rezoning Area
	St Leonards South
	0-3 Degrees Warmer
	3-6 Degrees Warmer
	6-9 Degrees Warmer
	Warmer Than 9 Degrees



Proposal

- Close Oxley Street to vehicle access between Atchison Lane and Albany Lane. Close Atchison Street to vehicle access between (say) 21 Atchison Street and (say) 39 Atchison Street. Retain access for maintenance and for emergency vehicles;
- Develop the area as a cool shaded park with tree cover with pedestrian and cycle access only and designated cycle lane.
- Encourage active link between the park area and the neighbouring ground floor commercial units for mutual benefit.
- The proposed area for pedestrianisation is indicated below:



From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Thursday, 29 August 2024 1:44:46 PM
Attachments: [response-to-crows-nest-tod.pdf](#)

Submitted on Thu, 29/08/2024 - 13:43

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

[REDACTED]

Last name

[REDACTED]

I would like my name and personal contact details to remain confidential

Yes

Info

Email

[REDACTED]

Suburb/Town & Postcode

Lane Cove 2066

Please provide your view on the project

I am just providing comments

Submission file

[response-to-crows-nest-tod.pdf](#) (802.43 KB)

Submission

Please find attached Lane Cove Council's submission to the Plans

I agree to the above statement

Yes

Mr Brendan Metcalfe
Director, State Rezoning
NSW Department of Planning, Housing and Infrastructure,
Locked Bag 5022
PARRAMATTA NSW 2124

Dear Brendan;

Council would like to thank the Department for the opportunity to provide feedback on the Crows Nest TOD plans. Council generally supports the proposal and would like to make the following comments and suggestions.

Precinct funding

The Explanation of Intended Effect states that the NSW Government has committed a total of \$520 million to community infrastructure from the Housing and Productivity Fund (page 29 of EIE). Beyond this statement, there is no detail about what exactly the money is to be or can be spent on.

It is understood that this total is to be distributed across the eight (8) Transport Orientated Development (TOD) Precincts. The Crows Nest TOD area is divided between the three (3) Councils of Lane Cove, North Sydney and Willoughby. It is noted that the plans state that there will be funding provided for each Council but there are no details in relation to how the funding will be distributed, each Council's needs assessed or the timing of the funding therefore it is unclear how any money received would be distributed between the three Councils.

Regarding the funding there is a particular emphasis placed on new public open space etc. Lane Cove would like to highlight its significant contribution to open space in the area.

For example;

- The development of Wadanggari Park which features an adventure style playground, open space, public art, pedestrian connectivity to St Leonard's South & St Leonard's CBD through to the Crows Nest Metro.
- Friedlander Place, which hosts Exercise and Outdoor Gym Equipment, Ping Pong Table and Playground with a play unit paying homage to the local leaf curl spider.
- The St Leonards South Masterplan provides a local park, five pocket parks and significant green spines (private open space) through each development.

The best opportunity for delivery of significant new open space adjacent to the precinct is through the expansion of Newlands Park. Council has resolved to integrate the section of Canberra Avenue between River Road and Duntroon Avenue into Newlands Park which will increase its size from 10,120m² to 14,120m², creating the largest passive open space park in the Local Government Area. Council has identified the need for more active recreation opportunities in the precinct, such as sports courts, water play, off leash dog park and the like which can be accommodated by the expansion of Newlands Park. Lane Cove therefore requests funding to develop and implement a Masterplan for Newlands Park.

Affordable Housing

Council's approach to affordable housing is the provision of these dwellings (for key workers) must be in perpetuity – this aspect of the rezoning is supported. Further, Council supports the requirement that developments under the TOD should all deliver a minimum of 15% affordable housing in perpetuity.

However, Council wishes to make the following general observations about affordable/key worker housing:

- the term 'key workers' is currently not defined in the *State Environmental Planning Policy (Housing) 2021* and it is left to individual Council policies to determine its meaning – A single SEPP-based definition of 'key worker' would ensure a more consistent approach.
- Any State-based definition about key workers should not include reference to income levels, as this is already covered by the existing definition.

Also the Explanation of Intended Effect states the following;

"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."

Clarification is required as to whether Council can charge a levy notwithstanding we don't have a Scheme or the fact that the TOD is mandating the provision of Affordable Housing.

Dwelling numbers

Based on the Urban Design Report (page 70), Lane Cove's additional dwellings in the precinct will be 637 above current zonings. It is understood that these numbers will be inclusive of any additional affordable housing being taken up.

As noted in the same report (on page 36), the site of 524-542 Pacific Highway {Telstra} is currently being rezoned with a subsequent State Significant Development Application and 46-52 Nicholson Street (also the subject of State Significant Development Application) are currently seeking development approval for Build-to-Rent (BTR) towers allowing for a combined 540+ dwellings.

Council previously supported a Planning Proposal for the Car Wash site (448-456 Pacific Highway) allowing for 242 new dwellings, this site is in TOD Accelerated Rezoning area.

Based on Urban Design Report (page 70 in particular), the following observations about the dwelling numbers are made:

- 46-52 Nicholson Street is not counted in the additional dwelling numbers, nor in the already rezoned figures.
- 524-542 Pacific Highway {Telstra} is counted in the additional dwelling figures.
- The remaining dwelling numbers are distributed between the sites of 448-456 Pacific

Highway {Car Wash} and at the Berry Road/Pacific Highway intersection.

As a result, the additional dwelling numbers shown in the document are not correct as they appear to exclude the contribution of the 46-52 Nicholson Street site.

It is requested that the total number of new dwellings for Lane Cove be adjusted to 900 (made of rezonings + 46-52 Nicholson Street).

Sites along Pacific Highway

Described as Block 7 in the Urban Design Report, these sites are along Pacific Highway near the intersection with Berry Road. The plan describes a singular commercial building height of 9 storeys, with an incentive for the corner site of up to 24 storeys if affordable housing is provided in perpetuity, as shown below.



2036 Plan - Baseline Proposed Controls
(page 68 of Urban Design Report)

Affordable Housing Incentive

While the intent appears to incentivise redevelopment of the entire block, this scenario is unlikely to occur due to feasibility constraints and only appears to benefit one site. Council cannot support this approach unless it includes controls which genuinely incentivise redevelopment of the entire block. In addition, no modeling has been undertaken to determine the impact of an economically viable development of the remaining sites.

It is requested that this block be removed from the TOD and reviewed.

Christie Street sites

Described as Block 6 in the Urban Design Report, the sites of 72 and 80 Christie Street (shown below) were previously identified in the 2036 Plan as both having the same height of 15 storeys. The report recommends that 80 Christie Street has 17 storeys, while 72 Christie Street has 13 storeys (as shown below).



2036 Plan

(page 67 of Urban Design Report)

Proposed

No reasoning has been provided as to why this has been done and it is not clearly explained in the report and 72 Christie Street is now lower than what was proposed in the 2036 Plan. Even if the buildings are to be separated, it is unclear how or why this is a better outcome.

Prior to the commencement of the TOD program the applicant for 72 Christie Street had been working with Council on a proposal. Council understands that the applicant has made a submission suggesting amendments for the controls proposed at exhibition for their site.

Council requests that the Department refer their submission to Council for further comments.

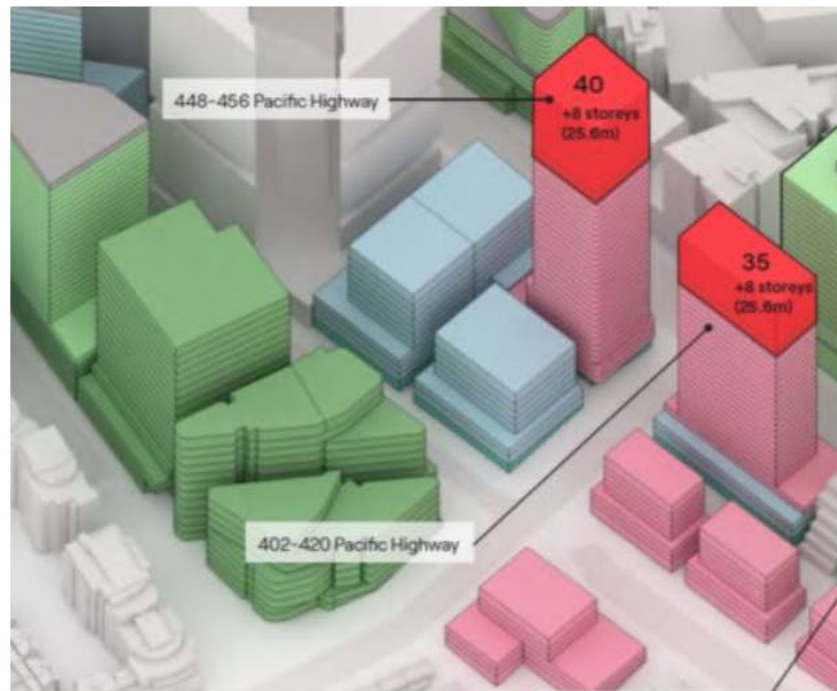
Built form at Pacific Highway/Oxley Street intersection

Identified as Block 5 in the Urban Design Report is the site of 448-456 Pacific Highway (Car Wash site). The report recommends that the site have a 32-storey tower with surrounding commercial buildings of 8 and 11 storeys. If affordable housing is provided in perpetuity, then the towers' height becomes 40 storeys. This is shown in the images below.



Proposed

(page 61 of Urban Design Report)



(page 63 of Urban Design Report)

It is important to point out that Council had already supported a planning proposal for this site at a lower scale of 30 storeys including 12% of affordable housing provided in perpetuity. Therefore, the proposed 40 storeys (with affordable housing) appears to be excessive and unnecessary.

Council seeks more information regarding the rationale for the changes to the developments in Oxley Street {8 storey} and Nicholson street {11 storey} and the extent to which the 448-456 Pacific Hwy tower has been reduced in width to reduce view loss compared to the planning proposal scheme.

Traffic Flow

Due to the recent construction activity and completed developments in the Lane Cove portion of St Leonards, east of the railway line, Oxley Street has become the only vehicular exit onto the Pacific Highway. While Council's and the 2036 study traffic modelling of this area indicated there was sufficient capacity in the road network for the current level of development, the increased density proposed in the Crows Nest TOD will potentially cause traffic congestion.

Currently Nicholson Street is closed to through traffic at its intersection with Oxley Street. Council suggests that re-opening this closure would help alleviate the traffic flow generated from Nicholson Street by providing vehicular access to three additional exit points on to the Pacific Highway and Shirley Street.

While Council appreciates that this road closure is located in the North Sydney Local Government Area, there is a strong case for this road reconfiguration given that all of Nicholson Street is included in the TOD Accelerated Rezoning Area. This enhanced connection will also provide additional benefits to North Sydney residents by providing improved access to new facilities such as Wadanggari Park, St Leonards Library, Coles Supermarket and Friedlander Place.

As a further point, the road network in the Christie Street/Chandos Street/Oxley Street area already appears to be operating beyond its capacity. It is recommended that a full traffic study (based on the Crows Nest TOD proposal) is undertaken before finalisation.



(Existing Nicholson Street road closure)

Lot 4B Herbert Street proposal

The subject of its own Urban Design Report, the site known as Lot 4B Herbert Street is proposed to be a 62 storey tower. While it is understood that this is a Government owned site, it only proposes to have 15% of dwellings as affordable housing in perpetuity. There is no suitable justification for a building of this size, scale and density without a substantial contribution of either public open space or affordable housing in perpetuity.

Any Government owned sites in the TOD precinct should include the requirement that all residential development deliver 100% social or affordable housing. At a bare minimum, the government must keep their commitment to deliver 30% social, affordable and universal design housing on surplus government land. This should be maintained in perpetuity.

Urban Sensitive Water Design and Sediment Control

Council recommends that at a State Planning level the inclusion of sediment control and Urban Sensitive water design can be most effective in shaping an effective solution to these urban challenges.

- a) Sediment control - The experience with St Leonards South Development suggests existing

controls to manage sediment impacts on downstream waterways are not effective and we have strong community advocacy for the protection of Berry Creek which is impacted by stormwater runoff and in particular construction sediment. We ask that the TOD outline stronger sediment control measures for development sites to adhere to, aiming to prevent downhill travel of sediment into the Berrys Creek area.

- b) Urban Sensitive Water Design - Include a risk based framework for strategic land use planning to ensure that waterway health objectives in areas downstream of the TOD are protected, maintained or improved. An example of principles suggested to adopt are outlined in the "Urban Typologies and Stormwater Management principles for achieving cool, green, liveable cities" (refer to as an example the document of these names for Western Parkland City). The summary of what this would achieve is:
- i. urban typologies for all development types (with permeability requirements in development controls) can reduce stormwater runoff and pollutant concentrations in the years after construction is complete
 - ii. urban cooling and liveability to support healthy green spaces and mitigate urban heat stress on communities should include irrigation of pervious areas with sustainable water sources
 - iii. stormwater reuse should be considered and effectively maintained to lower the water that is placed into our stormwater system.

If you have any further questions about this submission, please don't hesitate to contact myself on (02) 9911-3610 or our Coordinator – Strategic Planning on (02) 9911-3516.

Regards,

[Redacted signature]

[Redacted contact information]

Yes

Artarmon Progress Association

ARTARMON NSW 1570

26 August 2024

TOD submission

CC Health Minister, Premier, Planning Minister, Education Minister. Roads Minister

PROPOSED HERBERT STREET PRECINCT DEVELOPMENT “LOT 4B”

The Artarmon Progress Association strongly objects to the revised plans for the Royal North Shore Hospital site and is concerned about the impact on the immediate and broader community, the lack of supporting infrastructure such as schools, open space, roads, future health requirements and missing input from Traditional Owners.

Heritage issues and consultation with Native Title holders

We note that the Weir Phillips Heritage report (dated September 2018) pays scant regard to heritage issues for Lot 4B on Herbert Street. The report states that “A detailed history of the site and a full assessment of significance to NSW Heritage Division standards was not undertaken.” This is disappointing, especially for an area of such historic significance.

In this regard we note the following:

Native Title.

There is no mention of the existence or otherwise of a Native Title claim over the lot in question. It is well beyond the capacity of the APA to make judgements about such important issues as Native Title and dealings with Traditional Owners. However, our searches suggest that Lot 4B might be subject to a Native Title Determination (see plan in Appendix 1). If this is the case, have the Traditional Owners been consulted about this proposal? If so, what is their view about the proposed development.

We note that the NSW Department of Planning, Industry and Environment acknowledges the Traditional Custodians of the land, the Cammeraygal People of the Guringai language group, and that it pays respect to all Elders past, present, and emerging. We at the APA would like to see evidence that the Department has demonstrated genuine engagement and consultation in appropriate discussions with the Traditional Owners.

Heritage issues. Our searches have suggested that Lot 4B is the last remaining section of a historic recreational reserve which extended along the ridgeline upon which the Royal North Shore Hospital is built. As shown in Appendix 2, this reserve is referenced in 19th century maps of the St Leonards area. Inspection of the site and environs reveals that Lot 4B is the only remaining remnant of that reserve. Furthermore, it contains a segment of the creek system (SE corner), which now drains under Herbert Street. It is a unique area, and it is hoped that the watercourse can be protected from future re-development.

Disappointingly, the historical significance is not referred to in the 2018 Heritage report. The APA requests that a more detailed study is undertaken on this heritage site.

Overdevelopment of the Herbert Street Precinct will have a negative impact on infrastructure and the community

The latest Herbert Street Precinct proposal includes a 62-storey tower incorporating commercial and residential units near the junction of the Pacific Highway and Herbert Street. However, the land is zoned for hospital use. There has been no consultation with the community about future uses of this land.

At its proposed height, this building would be the tallest on the North Shore, and would dwarf the surrounding high rise, with consequent shade impacts. We believe that at this height it would rival the tallest in Sydney when measured above sea level. This is not within the design parameters to which the APA believes the local community is aspiring.

In addition, it may have a significant impact of the flight path of helicopters delivering emergency patients to the hospital. Royal North Shore Hospital is a major referral hospital for the whole of NSW. Changing flight paths could have a significant noise impact on existing residents in the area.

The proposed development will also exacerbate existing traffic congestion on Herbert Street and create a bottleneck along Pacific Highway from residents' entry/exit to the tower, commuter drop-off/pick-up, and shoppers and delivery vehicles accessing retail outlets.

With a population now over 5,500 people within a very small urban footprint, St Leonards is a vibrant hub that currently accommodates well over 100 houses and over 2000 units. The current proposal for over 3,000 additional dwellings on and around the Pacific Highway in this area, in our view, will result in an unacceptable increase in the population density of the area without the necessary infrastructure to support the increase

Adequate setback area between the proposed development and Reserve Road is necessary

Willoughby City Council's Development Control Plan requires a minimum 12-metre building setback to Herbert Street for any redevelopment. Maintaining a 12-metre setback is important to provide a satisfactory building transition and an inviting boulevard environment that accommodates deep soil planting of street trees with a shade canopy. Ongoing climate change will cause significant increases in urban heat so the loss of the setback and lack of tree canopy will result in higher temperatures in the area and greater demand for energy.

The Royal North Shore Hospital campus must be reserved for clinical and medical facilities

As discussed in our 2020 submission, the APA supports the Royal North Shore Hospital Master Plan developed in line with the 2012 Clinical Services Plan. The 2012 Master Plan focuses on ensuring the hospital provides world-class health and research facilities that respond to the community's future needs. Importantly, the 2012 Master Plan was endorsed by clinical and community representatives as well as the Northern Sydney Local Health District Board. The Ministry of Health building (built on Lot 4A), together with the Herbert Street Precinct, removes more than 22 percent of campus land proposed for much-needed ambulatory care and clinical support services. This land is the closest to public transport, which makes it the most accessible, level land for patients and outpatients and those with mobility issues. With a growing community and ageing population, we believe the NSW Government should be expanding clinical and medical facilities, not reducing them.

We at the APA are in accord with the vision expressed by your Department:

"Sitting at the heart of the Eastern Economic Corridor; connectivity, innovation and a commitment to great design will see the St Leonards and Crows Nest area transform as a jobs powerhouse. Mixing commercial and residential, the centre will offer workers, residents, students and visitors a variety of

homes, jobs and activities with increased accessibility with a new world class metro service.” (St Leonards Crows Nest 2036 Plan)

However, we see shortcomings in the proposal for the Herbert Street Precinct.

- We see no evidence that Traditional Owners have been consulted about this development.
- The proposal does not appear to be in the best interests of the Royal North Shore Hospital and its ability to deal with a rapidly expanding local community.
- Investment in public green space is inadequate and ignores the important heritage value of the site.
- Road congestion will surge and have significant negative impacts on the community’s quality of life and productivity.
- The inclusion of a 62-storey commercial/residential block will generate unacceptable population density growth for the immediate Herbert Street area without supporting physical and social infrastructure
- A 62-storey tower could not possibly be in keeping with sensible urban design for the Lower North Shore of Sydney.
- There has been no consultation with the community about changes to the hospital precinct (noting that already Royal North Shore Hospital is barely meeting its clinical delivery standards, beds are in short supply and ramping is not unusual). Removing land designated for hospital use creates future long-term problems.

The APA requests that the NSW Government reconsiders the proposal for the Herbert Street Precinct

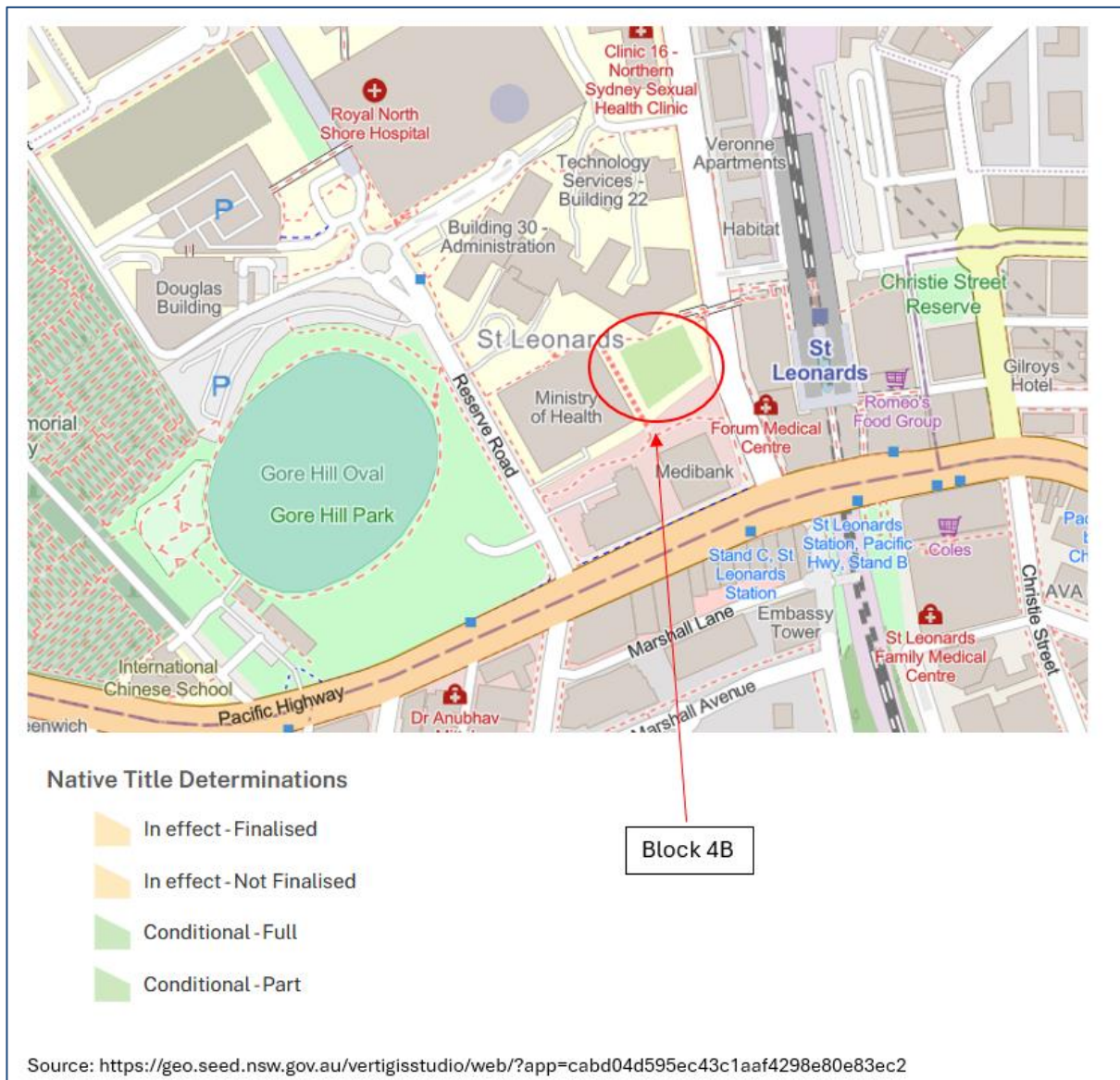
Yours faithfully,

[Redacted Signature]

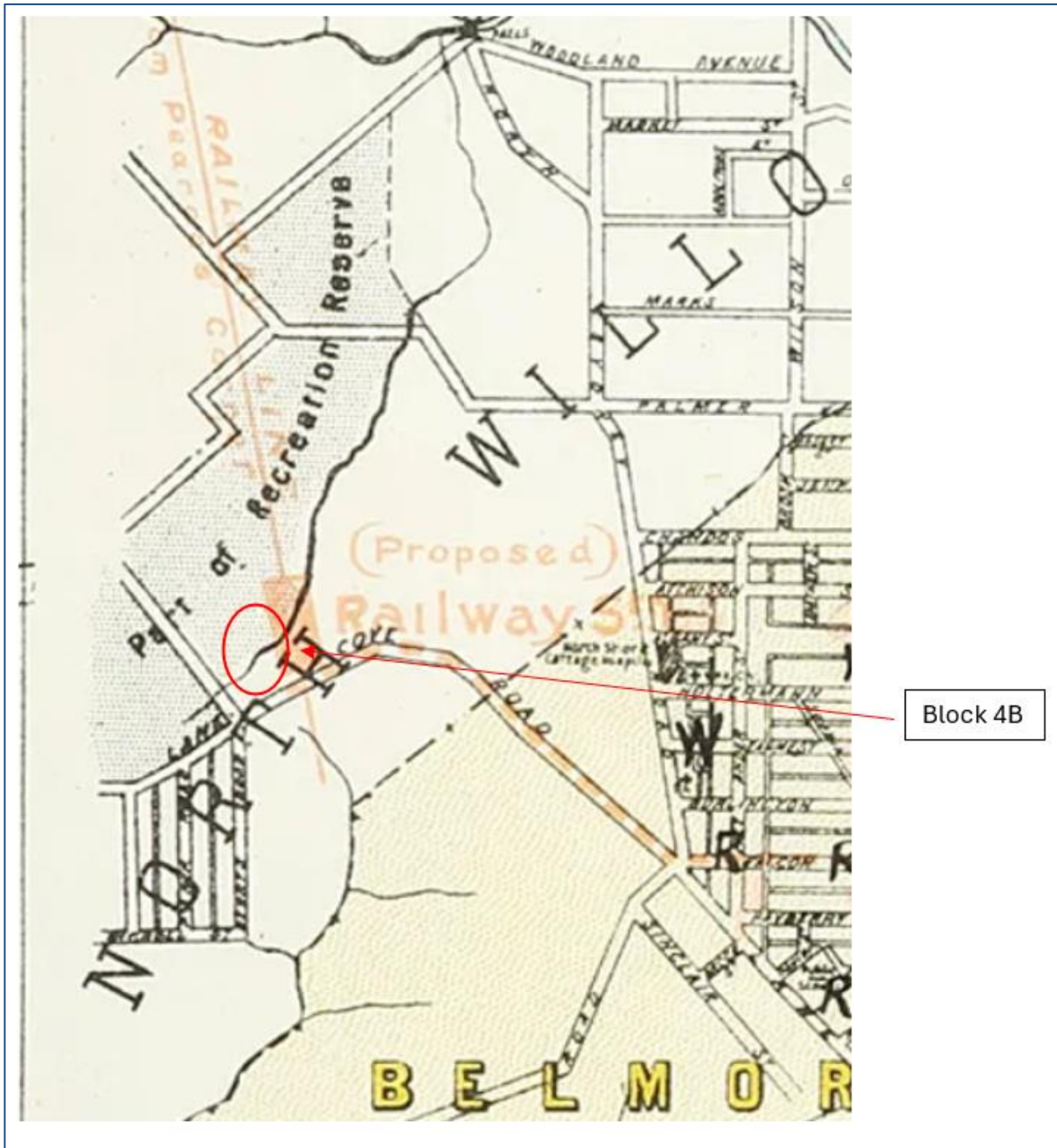
Pres@artarmonprogress.org.au

The Artarmon Progress Association, Inc. (APA) was founded in 1906 as a not-for-profit group and our objectives are to promote the welfare, physical and intellectual advancement of the suburb of Artarmon and the City of Willoughby, to protect the interests of the residents, and to encourage a keener spirit of citizenship and mutual help amongst residents. Our newsletter, the Artarmon Gazette, is distributed quarterly to over 5,000 homes and businesses in Artarmon. We regularly communicate with residents and act as a conduit between local residents and elected representatives on matters concerning our local community.

Appendix 1. Native Title Determinations



Appendix 2. Historic Recreation Reserve



Source: Higinbotham and Robinson's Atlas 1887

Please do not hesitate to contact us should you have any queries regarding our submission.

- Current FSR 1.6:1
- Proposing 2:1
- Currently 12 units in block with a value of approximately \$1M each
- The rezoning provides for 1,060 sqm of new development. Discussions with developers working on other sites in the TOD indicate that the potential floorspace has a value of between \$5,000-\$7,000 psm of development. Leaving a current land value of between \$5.3M and \$7.5M. Significantly less than the current market value of the individual units of approximately \$12M.
- If 16 apartments were built following rezoning at a cost of \$10.4M (\$650,000 per unit construction costs) added together with just the current value of each unit at say a total of \$12M, plus a developers margin of 20% (\$4M), holding costs of 20% (\$2M) and the provision of affordable housing at say 10% (\$1.3M), the 14 available units for sale would need to sell for over \$2.2M which is not sustainable, would not be commercially viable and does nothing for affordable housing in Sydney.
- There is no heritage value in the current built form which was confirmed by North Sydney Council when they last undertook a review of their heritage register. As such there should be no limitations on height compared to other sites in the TOD.

In relation to basic planning principles, I make the following comments:

The plan

- Provides for no minimum lot size to ensure quality redevelopment i.e good setbacks, solar access and through site links etc
- Does not allow for future growth of Crows Nest. Similar issues occurred in areas such as Chatswood where height limits were put in place which are now irrelevant and have restricted the growth of Chatswood as these sites previously redeveloped are not able to be recycled due to their current values.
- Proposes 6 storeys with 1,060 sqm of FSR or 177sqm per floor which is a site coverage of 33%. This is underdevelopment of the site.
- The Affordable Housing provision means this site is further impeded as a redevelopment site. A substantial uplift is required to deliver the proposed 10-15% affordable housing provision.

The plan is flawed as it proposes grow opportunities which financially cannot be achieved. This is an ongoing issue with Councils and Government rezoning initiatives that do not factor in the current land value or value of the residences currently in place.

The following options should be considered in relation to 126 Shirley Rd Crows Nest:

- Site consolidation to ensure minimum lot sizes of at least 1,000sqm or in the case of 126 Shirley Rd 2,000 sqm which would see the amalgamation of 3,5 and 5a Nicholson St with 124 and 126 Shirley Rd.
- Site consolidation would allow additional floorspace to be approved on the site and a higher building envelope.
- An FSR of 6:1 should be considered. Based on 126 Shirley Rd this would see the following scenario
 - o 3,180 of FSR
 - o 8-9 storeys recommended
 - o Site coverage 67% which could be reduced at upper levels depending on the podium
 - o Total costs \$60-68M
 - o Price per unit \$1,528M
 - o Provision of 5 affordable housing units (10%)

Additionally, more work is required on the fine grain/street level activation. Height should be embraced as it allows for much better planning outcomes on the ground plane. Recent master planning of St Leonards South has highlighted the need for better articulation of plans at the ground plan and the use of height across the whole area, not just consolidated around or close to the railway/metro station.

I agree to the above statement
Yes

On behalf of the The Landmark representing 417 units and over 1,100 residents, we strongly object to the Crows Nest Transport Oriented Development (TOD) Rezoning proposal

The Crows Nest Transport Oriented Development (TOD) Rezoning proposal is fundamentally misaligned with the best interests of St Leonards residents. The NSW State Government has not conducted adequate research to assess the adverse impacts on our community. Despite widespread opposition from residents, the government is prepared to unilaterally impose this proposal, disregarding local sentiment and the potential negative consequences.

Insufficient greenspace

Outdated Environmental Studies

Cumulative Development Impact

Insufficient Traffic Analysis

Infrastructure strain

Significant safety concerns

Significant overshadowing

Construction Congestion and lack of Co-ordination between councils and state governments

Key objections include:

Insufficient Greenspace: St Leonards is notably deficient in greenspace, natural environments, public amenities, and recreational areas, especially when compared to its neighboring suburbs. Residents are compelled to endure the extensive developments sanctioned by the State Government and local Councils, many of which contradict local planning principles and community values. It is imperative that all new developments incorporate adequate separation between buildings and include greenspace and/or recreational precincts. The current development proposals before the NSW State Government fail to adequately address liveability concerns and do not align to the 2036 plan for green spaces.

2. Outdated Environmental Studies: Wind tunneling and shadowing reports predate the completion of significant nearby developments (St Leonards Square, Landmark, 88 Christie St), rendering them obsolete.

3. Cumulative Development Impact: The simultaneous approval of multiple developments in North Sydney, Crows Nest, and St Leonards is causing severe congestion, frequent road closures, and prolonged construction disturbances. There appears to be a lack of coordination between Councils and State Government in managing these impacts.

4. Insufficient Traffic Analysis: The most recent comprehensive vehicular traffic study for the area dates back to 2013, failing to account for current congestion levels. Recent studies have focused solely on cyclist and pedestrian movements, neglecting the critical issue of vehicular traffic. These studies do not take into account additional traffic caused by the St. Leonard's Square Development nor the more recent The Landmark and 88 Mall development's which have also added considerable traffic with limited entry and exit points.

5. Infrastructure Strain: The Pacific Highway and surrounding streets are already at capacity during peak hours, with inadequate access to existing developments, Crows Nest metro station and St Leonards station for pedestrians. The previously proposed underpass

from the west side of the Pacific Highway has been scrapped with no currently planned overpass or underpass. Given the significant increase in residents in the last 4 years and the majority of proposals planned for the west side of the Pacific Highway pedestrians have not been taken into account which does not comply with the 2036 plan especially given the priority around pedestrians in 2036 plan.

6. Significant Safety Concerns:

a) Wind Tunneling and Falling Objects

The architectural design and placement of high-rise buildings in St Leonards have created wind tunnels that amplify wind speeds at ground level and around the structures. This phenomenon poses a substantial risk to public safety, particularly concerning items falling from balconies. The increased wind speeds can dislodge unsecured objects, leading to potential injuries or fatalities among pedestrians and residents.

b) Proximity of Developments and Fire Spread

The close proximity of buildings in St Leonards exacerbates the risk of fire spreading from one structure to another. In the event of a fire, the limited distance between buildings can facilitate the rapid transmission of flames, endangering lives and property. This risk is particularly concerning given recent incidents in Sydney where fires have spread quickly due to the dense urban environment.

7. Significant Overshadowing: The proposal does not take into account overshadowing to The Landmark as previous studies seem to predate this development. Both the streetscape and residential would see significant impact given the proposed new heights. which does not comply with the 2036 plan in relation to solar impacts in mid-winter.

8. Construction Congestion and lack of Co-ordination between councils and state governments: We are deeply concerned about the volume of development approvals in the North Sydney, Crows Nest, and St Leonards areas, which is leading to significant congestion, increased heavy traffic, road closures, and issues related to construction noise and dust. There appears to be a lack of coordination between the Councils and the State Government, resulting in persistent construction congestion in the area.

In conclusion, the Crows Nest TOD Rezoning proposal fails to address the critical needs and concerns of St Leonards residents. It overlooks the necessity for greenspace, exacerbates traffic and construction congestion, major safety concerns around wind and fire and disregards the liveability and environmental impact on the community. We urge the NSW State Government to reconsider this proposal and conduct thorough, up-to-date studies to ensure any future developments align with the values and needs of the local residents. Only through such measures can we achieve a balanced and sustainable urban environment that respects both community values and developmental goals.

We urge that no new developments be approved until both North Sydney Council and the NSW State Government conducts a thorough, up-to-date study on vehicular traffic congestion, traffic flows, construction impacts, safety issues, green spaces and parking in the area.





500 Pacific Highway
St Leonards 2065

I agree to the above statement
Yes

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Thursday, 1 August 2024 3:35:31 PM
Attachments: [submission-crows-nest-tod-rezoning-proposal.pdf](#)

Submitted on Thu, 01/08/2024 - 15:32

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Peter

Last name

Smith

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

Alexandria

Please provide your view on the project

I support it

Submission file

[submission-crows-nest-tod-rezoning-proposal.pdf](#) (469.93 KB)

Submission

See attached letter

I agree to the above statement

Yes

01 Aug 2024

NSW Department of Planning Housing and Infrastructure

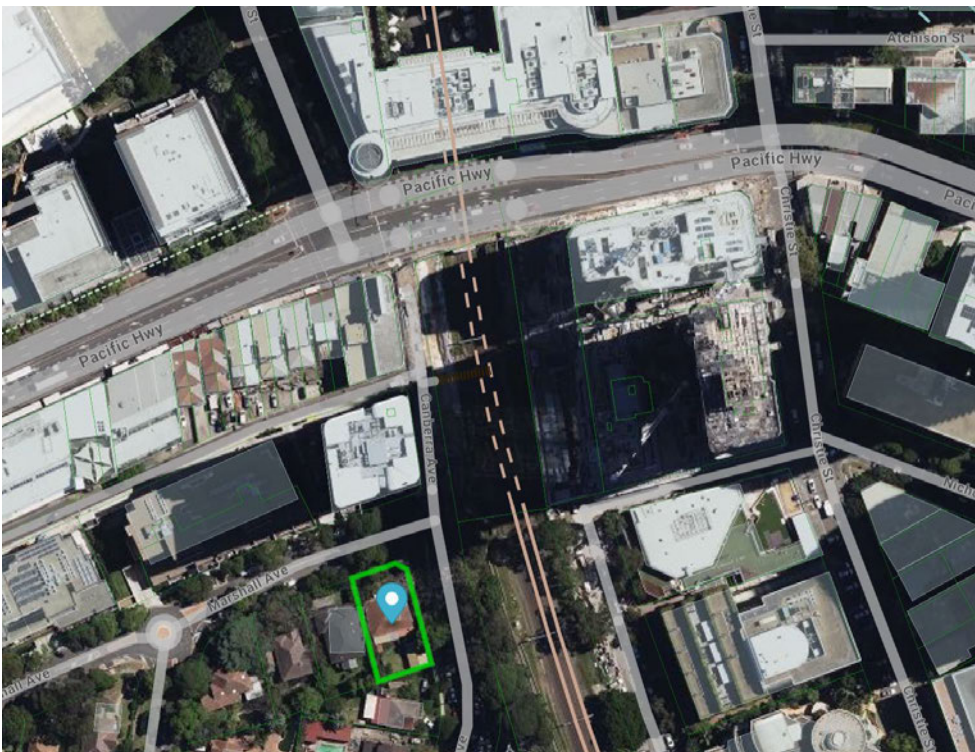
4 Parramatta Square
12 Darcey Street
PARRAMATTA NSW

SUBMISSION CROWS NEST TOD REZONING PROPOSAL

2 MARSHALL ST ST LEONARDS

I provide this submission on behalf of my client and [REDACTED] St Leonards.

The site is located to the south of St Leonards Station, and south of the Pacific Highway as indicated in green in the map below.



The land falls within the **St Leonards South Precinct**, and the Lane Cove LEP (LCLEP) was amended in 2022 to increase residential densities in the precinct. Under Part 7 of the LCLEP bonus height and floor space provisions apply to the construction of a residential flat building or shop top housing on the land.

If development is not for the purpose of a residential flat building or shop top housing the mapped height and FSR apply - being FSR – 0.5:1 and height 9.5m.

**ARCHITECTURE
URBAN STRATEGY**

Smith and Tzannes Pty Ltd
ABN 96 142 020 693

M1/147 McEvoy Street
Alexandria NSW 2015

+ 61 2 9516 2022
email@smithtzannes.com.au
smithtzannes.com.au

DIRECTORS:
Peter Smith
Andrew Tzannes

Nominated Architect:
Peter Smith NSW ARB 7024

Unfortunately for my client, development has been approved and is currently under construction on the land surrounding my clients land. My client's land is isolated.

If the bonus provisions in the LEP applied the site would have the following development standards applying:

Maximum height of building:	65m
Floor Space Ratio:	3.85:1

My client intends to redevelop their land using the **Co-Living** provisions contained in the Chapter 3 Part 3 of the **Housing SEPP**. However, because of the construction of Part 7 of LCLEP – the maximum height of building permissible is 9.5m with a maximum FSR of 0.575:1 (Base FSR with the 15% bonus from the Housing SEPP) (The bonus provisions to not apply to co-living housing)

We consider that that development of such a small scale would be out of character in an area where most of the development exceeds 50m in height.

It is a pity that when the LCLEP when amended it was drafted in such a way to excluded uses such as Co-living from the bonus provisions. Co-Living housing provides an affordable housing product for the key workers. For a precinct that is less than 400m from the largest health and education precinct in Sydney's north there is very limited supply for housing affordable for many of those who work at these institutions.

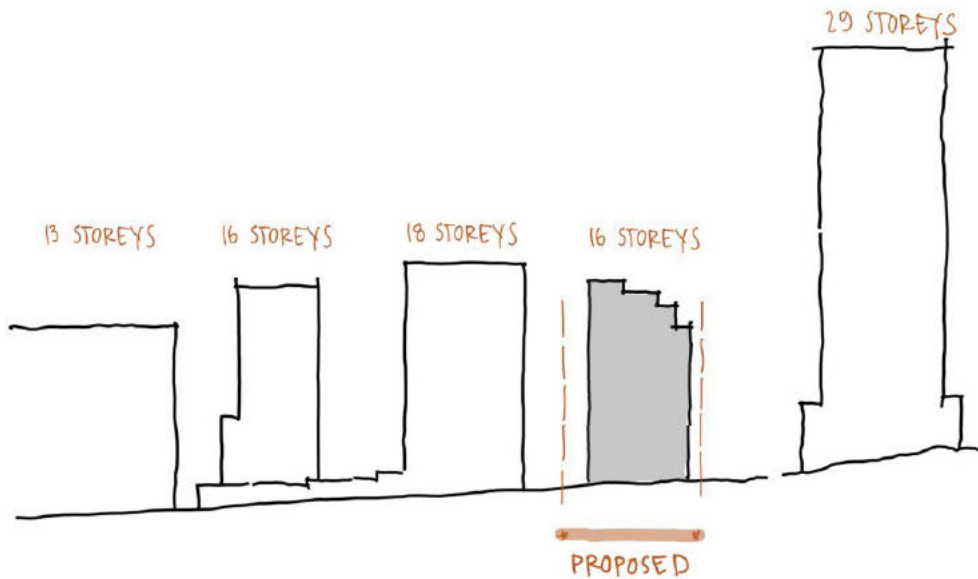
We have been in conversation with Lane Cove Council over the past 6 months, however to date we have had limited traction with council accepting any variance to the development controls using cl 4.6 of the LEP. There seems to be a reluctance to support any application where there would be a substantial 4.6 variation for both height and FSR:

Proposed variation.

Height:	9.5m to 55m
FSR	0.57:1 to 3.85:1

I have attached a plan of draft building envelopes that we have shared with Council.

Below is a sketch of the street elevation that would result from the amendment.



CANBERRA AVENUE STREET ELEVATION

Our request

We request that consideration be given to inclusion of the our land within the Crows Nest Rezoning Proposal and the following amendments be made:

When the land is developed for the purpose of Co-living:

- Maximum height of building: 55m
- Floor Space Ratio: 3.85:1

We would be delighted to discuss this proposal further to hopefully come to a resolution on the planning controls for my client and enable development for a much needed housing type on land located so close to where the intended residents will work.

[Redacted] n:
[Redacted] .au
[Redacted]

Yours Faithfully
SMITH & TZANNES,

[Redacted]
[Redacted]

CANBERRA AVE



Landscaped Area 20% of site area

DRAFT BUILDING ENVELOPES

2 MARSHALL ST CO-LIVING

23 071

REV 26 07 2024

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Sunday, 11 August 2024 12:35:23 AM
Attachments: [submission-tod-august2024-nicholson-st.pdf](#)

Submitted on Sun, 11/08/2024 - 00:34

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

██████████

Last name

██████████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

2065

Please provide your view on the project

I object to it

Submission file

[submission-tod-august2024-nicholson-st.pdf](#) (189.42 KB)

Submission

Refer attached file

I agree to the above statement

Yes

[REDACTED]
[REDACTED]
Wollstonecraft NSW 2065
[REDACTED]
[REDACTED]

11 August 2024

Brendan Metcalfe

Director, State Rezoning

NSW DPHI

Dear Brendan,

I am writing with reference to the exhibited TOD documents. I own a rental investment property located at [REDACTED]. I have entered into an agreement with the other owners 8-24 Nicholson to sell as a collective and an MOU has been signed.

I have reviewed the August 2024 TOD documentation and am extremely concerned that I will no longer be able to rent my property at current market rates due to the number of developments proposed to start demolition and construction along Oxley St that will severely negatively impact the solar to my property. I acknowledge my rental return is my issue, not the Department's, however I am trying to find a mutually agreeable solution that allows me to sell my property at a fair rate and also work with my neighbours as they have deep concerns regarding these same developments.

Noting the rezoning of the site with maximum height of 23m & FSR 1.6:1 is too restrictive and will not generate a viable development value. Current market value for my property is estimated by Domain.com.au as \$2.75m-\$3.11m. Colliers assessment August 2024 advises a group sale value at FSR1.6:1 of \$2.8m. Unfortunately - not viable.

It is proposed that the Nicholson site with a more reasonable FSR at 3:1 or above will generate approximately 70-100 new dwellings. Given that North Sydney Council has failed to meet its housing

target in the lead up to the TOD Master Plan it would be a wasted opportunity for all parties not to make minor changes to the site FSR & height to allow a viable development value to be generated. This corrective action by the DPHI at this early stage would also then avoid the domino effect of subsequent objections to the solar impact for 8-24 Nicholson from Oxley St developments should the Nicholson 10 owners be economically constrained to remain as single storey dwellings.

I recognise the importance of the Transition Principle that the DPHI is looking to incorporate and that North Sydney Council endorses. However, as per the photo below, the southern boundary of my property is already impacted by a 30m existing building. Note also that the slope of the land means the Nicholson site sits lower than the northern side of the street. It follows then there is some assistance lent to the transition process by the topography and a height increase would be less impactful due to this factor.



Figure 1: [REDACTED] - below street level & rear boundary dominated by a 30m building.

The reason I highlight the above perspective is that with the forthcoming Low Mid-Rise policy this issue will need to be addressed. Under LMR buildings to the south can utilise higher codes than those allotted to our site. Our site in the draft plan is 6 storeys, the sites to the rear under LMR will

be able to reach 8 storeys once the affordable housing bonus is incorporated. This is not acceptable to curb development at 8-24 Nicholson and allow it for properties to the south when ALL properties should be adhering to the height transition principle.

As the DPHI is well aware, the precinct is complicated, 3 councils, NSW Health and local residents and developers all vying for a solution that works for them. I would like to work cooperatively with the DPHI and find a workable and timely solution that allows a development viable FSR for the site at 3:1 or above and thus allow housing supply to be created.

Timing is important and I strongly petition the DPHI to review the Nicholson site within this feedback period. I request it not be held over for future plans. The reason is simple, until a site is bound collectively by the legalities of an MOU all you have is potential to sell, potential for redevelopment. This Nicholson site can be converted to housing supply now. It would be a lost opportunity not to convert the homes of 10 into dwellings for 70-100 families in a well located & resourced area allowing the Intent of the TOD Master Plan for this site to be realised. Delaying a tweak to the site FSR & height restriction would likely entail a wait of months to possibly many years until the Master Plan is revisited by which time owners come & go and then the site reverts to potential only, not a win that could be on the board now in 2024.

Thank you for reviewing my concerns & I look forward to being able to move forward on the sale of this site.

Sincerely,

██████████

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Wednesday, 28 August 2024 11:29:44 AM
Attachments: [twt-village---crows-nest-tod-sepp-submission---28.08.24.pdf](#)

Submitted on Wed, 28/08/2024 - 11:18

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Gavin

Last name

Serra

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

Sydney NSW 2000

Please provide your view on the project

I object to it

Submission file

[twt-village---crows-nest-tod-sepp-submission---28.08.24.pdf](#) (4.6 MB)

Submission

Hello,

Please find the TOD SEPP submission on behalf of TWT Global Pty Ltd for the Crows Nest TOD SEPP rezoning proposal attached. The larger final submission is included within the following link:

https://jbaurban-my.sharepoint.com/:f:/g/personal/bcraig_ethosurban_com/EqI55NIt2mNokjWq14RaGVUB5G98X0oHF9hp8y_vLSSkdg?e=ZyR3d6

It is noted that this was provided within an email sent by [REDACTED] to [REDACTED] [REDACTED] dated Wednesday 28 August at 10:14am. The documents provided within this email provide context to the issues raised within the submission.

If you have any queries, especially in accessing the documents, please do not hesitate to contact me on the undersigned.

[REDACTED]

I agree to the above statement

Yes

TOD Program Submission

TWT Village, St Leonards

Submitted to Department of Planning, Housing and Infrastructure
on behalf of TWT Global



'Gura Bulga'

Liz Belanjee Cameron

'Gura Bulga' – translates to Warm Green Country. Representing New South Wales.



'Dagura Buumarri'

Liz Belanjee Cameron

'Dagura Buumarri' – translates to Cold Brown Country. Representing Victoria.



'Gadalung Djarri'

Liz Belanjee Cameron

'Gadalung Djarri' – translates to Hot Red Country. Representing Queensland.

Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We pay our respects to their Elders past, present and emerging.

In supporting the Uluru Statement from the Heart, we walk with Aboriginal and Torres Strait Islander people in a movement of the Australian people for a better future.

Contact:

██████████
Director

This document has been prepared by:

Liam Serra 28 August 2024

This document has been reviewed by:

Ben Craig 28 August 2024

Version No.

Date of issue

Prepared by

Approved by

1.0 (DRAFT)
2.0 (DRAFT)
3.0 (FINAL)

08/08/2024
21/08/2024
28/08/2024

LS
LS
LS

BC
BC
BC

Reproduction of this document or any part thereof is not permitted without written permission of Ethos Urban Pty Ltd. Ethos Urban operates under a Quality Management System. This report has been prepared and reviewed in accordance with that system. If the report is not signed, it is a preliminary draft.



Ethos Urban Pty Ltd | ABN 13 615 087 931 | Sydney NSW | Melbourne VIC | Brisbane QLD | ethosurban.com

Contents

1.0	Introduction	5
2.0	Background	5
2.1	TWT Village	5
2.2	Development History.....	6
2.3	Site Context and Location	11
2.4	Current Planning Controls.....	12
3.0	Strategic Alignment	15
3.1	National Housing Accord.....	15
3.2	Housing Supply and Demand	15
3.3	NSW Housing Strategy – Housing 2041.....	16
3.4	North District Plan	16
3.5	St Leonards and Crows Nest 2036 Plan	16
4.0	Crows Nest State-Led Rezoning Proposal	18
4.1	TOD Rezoning Program	18
4.2	Summary of Proposed Exhibited Controls	18
4.3	Key Concerns with the Proposed Controls.....	20
4.4	Implications of the current proposed controls	22
5.0	The Opportunity	23
5.1	Options Analysis.....	23
5.2	Options Summary.....	30
5.3	Preferred Option.....	30
6.0	Recommendations	33
7.0	Conclusion	34

Figures

Figure 1	TWT Village	6
Figure 2	Photomontage of the proposed development (as seen from Chandos Street)	9
Figure 3	Photomontage of the proposed development (as seen from the intersection of Chandos Street and Oxley Street)	9
Figure 4	Photomontage of the proposed development (left image displaying its interface with Atchison Lane, right image displaying the proposed open-to-sky through-site link)	10
Figure 5	Site Aerial and Context Map	11

Figure 6	Approximate TWT Village location within the Crows Nest State Led Rezoning Precinct.....	12
Figure 7	Land Use Zoning Map (TWT Village indicated in red).....	13
Figure 8	Height of Building Map (TWT Village indicated in yellow).....	13
Figure 9	Residential Floor Space Ratio Map (TWT Village indicated in red).....	14
Figure 10	Non-Residential Floor Space Ratio Map (TWT Village indicated in red).....	14
Figure 11	Sydney areas worst affected by rent rises.....	15
Figure 12	Indicative Crows Nest massing outcome including affordable housing provisions (TWT Village identified in blue).....	19
Figure 13	Comparison of approved building envelope versus proposed envelope on Site 2.....	20
Figure 14	Base Option – Concept through-site linkage.....	24
Figure 15	Base Option– Massing concept scheme.....	24
Figure 16	Option 1 – Surrounding / Adjacent Building Height.....	25
Figure 17	Option 1 – Concept through-site linkage.....	26
Figure 18	Option 1 – Massing concept scheme.....	26
Figure 19	Option 1A – Concept through-site linkage.....	27
Figure 20	Option 1A – Massing Concept Scheme.....	27
Figure 21	Option 2 – Surrounding / Adjacent Building Height.....	28
Figure 22	Option 2 – Concept through-site linkage.....	29
Figure 23	Option 2 – Massing concept scheme.....	29

Tables

Table 1	Proposed TWT Village Planning Controls.....	18
Table 2	Proposed and permissible maximum FSR.....	20
Table 3	Numeric Summary of Options.....	30
Table 4	Overview of Alternatives.....	30

Appendices

Appendix	Author
A. Urban Design Report	PTW Architects
B. Existing Development Consents	Land and Environment Court, Northern Sydney Independent Planning Panel
C. 55-69 Chandos Street GFA Plans	Smart Design Studio

1.0 Introduction

Thank you for providing the opportunity to make a submission on the Department of Planning, Housing and Infrastructure's (DPHI) Crows Nest draft state-led rezoning proposal (Draft Rezoning Proposal). This submission has been prepared by Ethos Urban on behalf of TWT Global who have a consolidated landholding of several sites known as the 'TWT Village' within the north-eastern corner of the Crows Nest TOD precinct.

TWT Global would like to first commend DPHI on delivering their Draft State Led Rezoning Proposals to deliver additional housing across Sydney and for welcoming stakeholder feedback in its preparation and finalisation. TWT Global support the key objectives of the TOD Rezoning program of:

- *Simplifying planning controls within the TOD Accelerated Precinct*
- *Encouraging lodgment of application for residential development in the TOD Accelerated Precincts*
- *Streamlining the development application process so that applicants can lodge development applications sooner and so that consent authorities can determine them rapidly*
- *Ensuring that developments within the TOD Accelerated Precincts achieve high-quality design outcomes*

TWT Global are supportive of the aspiration to increase density and housing delivery within Crows Nest to take advantage of the Government's significant investment in public transport. Being a major landowner in the Precinct, TWT welcome the opportunity to collaborate with the DPHI to deliver a suitable housing outcome in the TWT Village, that effectively balances density and viability, whilst maintaining the amenity of surrounding public spaces and delivering much needed affordable housing.

While the Urban Design Report establishes a broad spatial framework for the future planning of the area, we believe there are four key issues relevant to the TWT Village that require further consideration and resolution prior to the finalisation of the Rezoning Proposal, they are:

1. The proposal to implement a maximum FSR of 4:1 on Site 2 (55-69 Chandos Street) does not take into account the fact that these sites have existing active development consents (DA 30/19, DA 219/13 and DA 32/19) that apply to the land, and which collectively permit a consolidated FSR of 6.01:1.
2. Site 3 (71-89 Chandos Street) and the western part of Site 4 (50-56 Atchison Street) have been the subject of proponent led site-specific rezonings that have already delivered uplift on these sites. If they are to receive no additional uplift above these rezoned controls, then they should not be subjected to any requirement to provide affordable housing.
3. The provision of no additional bonus on Site 4 with a requirement for 10-15% of dwellings to be affordable housing will result in TWT Global being unable to feasibly develop the site to accommodate both market and affordable housing in a future mixed-use scheme. Indeed, the existing and likely future economic climate will prevent any ability to redevelop this site feasibly for the foreseeable future. Additional uplift on this site is therefore required to enable TWT Global to pursue a feasible development outcome that is able to contribute to affordable housing supply in the precinct.
4. The ambiguity surrounding the allocation of savings provisions may result in currently active development applications (DA 120/24 applying to Sites 2 and 3) being required to provide affordable housing, despite significant investment and public benefit offerings already being agreed as part of the rezoning for these sites and reflected in an existing Voluntary Planning Agreement with North Sydney Council.

This submission provides an overview of the background and history of the site, identifies the existing planning framework, details the opportunity for realising significant public benefit in the form of on-site affordable housing, and demonstrates the acceptability of increased density and height within the TWT Village.

This letter should be read in conjunction with the accompanying Urban Design Report prepared by PTW (refer to **Attachment A**).

2.0 Background

2.1 TWT Village

The TWT Village refers to a large landholding within St Leonards that is being delivered by TWT Global, whereby several different planning applications have been lodged and approved. Whilst all these proposals are capable of

standing alone and can be addressed, constructed and operated independently from each other, it is anticipated that these buildings will become an interconnecting village.

A summary of the respective addresses within each of the site's is provided below:

- **Site 1:** 23-35 Atchison Street, St Leonards.
- **Site 2:** 55-69 Chandos Street, St Leonards.
- **Site 3:** 71-89 Chandos Street, St Leonards.
- **Site 4:** 50-64 Atchison Street, St Leonards.

The TWT Village is illustrated within **Figure 1** below.



Figure 1 TWT Village

Source: Ethos Urban

2.2 Development History

2.2.1 Site 1 – 23-35 Atchison Street

Site 1 currently comprises five separate allotments, which are subject to DA161/20, which granted approval by the Sydney North Planning Panel (SNPP) on 18 May 2021 for the “*demolition of existing structures and construction of a 17-storey shop top housing development and associated works*”.

Four modification applications have been previously lodged, with three currently approved. Construction is currently in progress on the site, with demolition of the existing buildings on the site and excavation completed, with the proposed construction of the basement car parking levels ongoing.

2.2.2 Site 2 – 55-69 Chandos Street

Site 2 comprises three (3) separate active development consents that apply to each of the individual allotments that make up 55-69 Chandos Street, these being:

- 55-61 Chandos Street – DA32/19
- 63-65 Chandos Street – DA219/13
- 67-69 Chandos Street – DA30/19

In addition to these active development consents, there is currently an ongoing development application (DA120/20) lodged with North Sydney Council which seeks to construct an 11-storey shop-top housing building on the subject site (as part of a consolidated development application with Site 3).

The above-mentioned active development consents are detailed further below.

55-61 Chandos Street

In February 2019, development application 32/19 was lodged with North Sydney Council for alterations and additions to the existing commercial building at 55-61 Chandos Street to create shop top housing. Specifically, the application sought approval for the construction of 16 residential apartments over four levels, above the existing seven storey commercial building.

In April 2019, a Class 1 appeal was lodged for this DA against Council's deemed refusal determination of the application. This appeal was upheld in the Land and Environment Court in August 2020 (appeal no. 2019/100913).

This consent remains valid and is included at **Appendix B**.

63-65 Chandos Street

In April 2014, development consent 219/13 was approved by the Northern Sydney Independent Planning Panel (now the Sydney North Planning Panel). The development involved the demolition of the existing building at 63-65 Chandos Street and construction of a 12-13 storey mixed use building comprising street level retail, commercial podium and 30 apartments with basement parking. Works have physically commenced on the site, and the consent remains operational and current. This consent remains valid and is included at **Appendix B**.

67-69 Chandos Street

In February 2020, development application 30/19 was submitted to North Sydney Council for the demolition of existing structures and construction of an 11-storey mixed use building containing 22 apartments for 67-69 Chandos Street. In August 2020, a Class 1 appeal was lodged against Council's deemed refusal of this application. The appeal was upheld in the Land and Environment Court in August 2020. The consent is still valid for the site and is included at **Appendix B**.

Consolidated Development Application

On 29th June 2024, development application 120/24 was submitted to North Sydney Council for a mixed-use development at 55-69 Chandos Street and 71-89 Chandos Street within the TWT Village. Specifically, this involved the consolidation of the existing three separate allotments, utilising the controls approved within the DAs outlined above to construct an 11-storey building with a building height of 41.44m and floor space ratio of 6.3:1. Further detail on this development application is provided within **Section 2.2.4** below.

2.2.3 Site 3 – 71-89 Chandos Street

Planning Proposal [5/21]

On 8 April 2022, a Planning Proposal was submitted to North Sydney Council to amend the relevant controls of the *North Sydney Local Environmental Plan 2013* (NSLEP 2013) for Site 3 at 71-89 Chandos Street, St Leonards in line with the 2036 Plan. Specifically, the planning proposal sought the following amendments:

- Increase the maximum building height from 20m to 44m (12 storeys);
- Establish a maximum FSR of 4:1 as no maximum FSR control previously applied;
- Increase the minimum non-residential floor space (FSR) from 0.6:1 to 1:1; and
- Introduce a site-specific provision allowing the maximum building height to be exceeded by no more than 2m for portions of the building providing inclusive access to the communal open space at the rooftop level.

The Planning Proposal was finalised and gazetted within the NSLEP 2013 on 22nd July 2024. This confirmed gazettal will facilitate the execution of the Voluntary Planning Agreement (VPA), between TWT and North Sydney Council, which will enable the future dedication and embellishment of Oxley Street Park and the provision of a 6m wide through-site link between the buildings at Sites 2 and 3, connecting Chandos Street and Atchison Lane.

Further detail on the consolidated development application which will enable these public benefits to be realised is provided within **Section 2.2.4** below.

2.2.4 Consolidated Development Application – DA120/24

On 29th June 2024, development application 120/24 was submitted to North Sydney Council for a mixed-use development at 55-69 Chandos Street and 71-89 Chandos Street within the TWT Village. Specifically, the application sought approval for the following:

- Site preparation works, including demolition and excavation.
- Retention and integration of the existing commercial building at 55-61 Chandos Street, as well as the one level basement carparking located beneath the footprint.
- Construction of a mixed-use development comprising a total of 137 apartments across 2 buildings, including:
 - Western Site (55-69 Chandos Street, St Leonards)**
 - An 11-storey building with a building height of 41.44m and gross floor area of 11,000m², consisting of:
 - 5,439m² of non-residential GFA, comprising 4,537m² of commercial floor area, and 902m² of retail floor area at the ground level.
 - 5,525m² of residential floor space, comprising a total of 62 apartments.
 - Eastern Site (71-89 Chandos Street, St Leonards)**
 - A 12-storey building with a building height of 45m and gross floor area of 9,859m², consisting of:
 - 2,449m² of non-residential GFA, comprising 1,377m² of commercial floor area and 1,072m² of retail floor area from basement 1 to level 1.
 - 7,410m² residential GFA, comprising a total of 75 apartments.
 - Provision of a 6m open-to-sky through site link traversing through the centre of the site.
 - Dedication and embellishment of a 5m wide linear park along Oxley Street (pending the gazettal of Planning Proposal 5/21).
 - Provision of an additional basement carpark for the proposed new build.
 - Vehicular access provided via Atchison Lane for both basement carparks.
 - Associated landscaping and public domain works; and
 - Augmentation of, and connection to, existing utilities as required

The proposal seeks to deliver a development outcome that is generally consistent in mass and scale as that of the approved buildings under the existing consents for the three Sites that make up 55-69 Chandos Street. The consolidation of the separate allotments into one built form is described as the 'western site'. This has enabled a variety of public benefits and built form improvements to be realised in comparison to the existing approved development consents, including:

- it enables the provision of a 6m open-to-sky through site link that traverses through the centre of the consolidated site, and which connect with the other proposed through-site links throughout the TWT Village.
- it allows for greater efficiencies in floor space that is achieved through the consolidation of commercial and residential lift cores, compared to the fragmented, separate cores associated with each allotment previously, as well as improved ground floor retail interface opportunities.
- It delivers a more unified, well considered and high-quality architectural design outcome for the site and the surrounding precinct.

Photomontages of the proposed development are shown at **Figure 2** to **Figure 4** below, with the 55-69 Chandos Street site indicated in green, and the 71-89 Chandos Street site indicated in red.



Figure 2 *Photomontage of the proposed development (as seen from Chandos Street)*

Source: Smart Design Studio



Figure 3 *Photomontage of the proposed development (as seen from the intersection of Chandos Street and Oxley Street)*

Source: Smart Design Studio

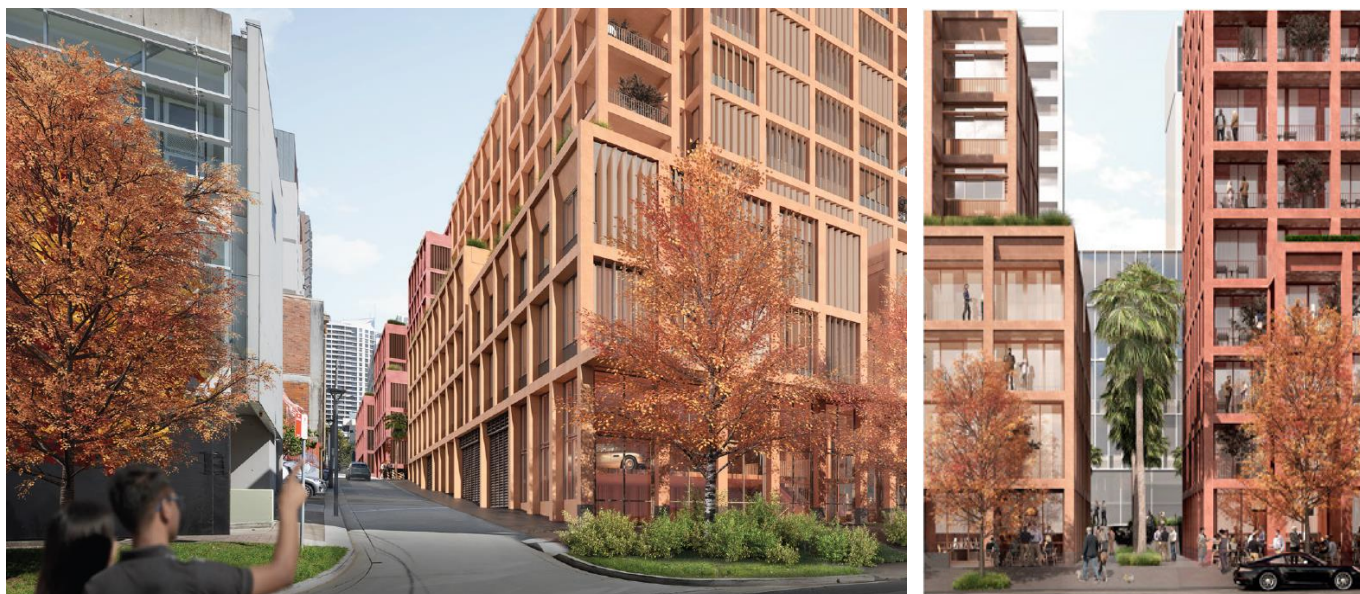


Figure 4 Photomontage of the proposed development (left image displaying its interface with Atchison Lane, right image displaying the proposed open-to-sky through-site link)

Source: Smart Design Studio

2.2.5 Site 4 – 50-64 Atchison Street

50-56 Atchison Street - Planning Proposal [3/18]

On 6 April 2018, PP3/18 applying to the 50-56 Atchison Street portion (western part) of Site 4 was submitted to North Sydney Council, which sought the following key amendments to the NSLEP 2013:

- Increase the maximum building height control from 20m to 56m (RL 145);
- Introduce a maximum FSR of 6.4:1;
- Increase the minimum non-residential FSR control from 0.6:1 to 1.7:1; and
- Introduce a new site site-specific provision that allows a lift overrun to provide access to communal open space at the rooftop to exceed the maximum building height control to a maximum building height of 58.1m (RL147.1).

The PP3/18 sought to facilitate a new mixed-use development and was accompanied by a Voluntary Planning Agreement (VPA), which was executed in January 2022 and included the following:

- Provision of a 3m wide building setback from Atchison Street, which will be established through the registration of a covenant restricting building and an easement for public access to the relevant land.
- Provision of a publicly accessible pedestrian thoroughfare between 4.6m and 5.6m wide and at least 7m high from Atchison Street to Atchison Lane, with an easement for public access between 6am to 11pm; and
- A \$1.4 million monetary contribution towards the upgrade of Hume Street Park or public open space within the suburbs of St Leonards and Crows Nest.

The planning proposal was gazetted and finalised on 18 February 2022.

58-64 Atchison Street - Planning Proposal [5/21]

In July 2021, a Planning Proposal was lodged by TWT Global in relation to land at 58-64 Atchison Street and 71-89 Chandos Street. Essentially, the proposal sought to amend the controls of the NSLEP 2013 in line with the recommendations of the 2036 Plan. It was withdrawn upon request by North Sydney Council on 18 May 2022, who sought a more consolidated masterplan approach across all TWT landholdings within St Leonards.

Pre-Planning Proposal Discussions – 58-64 Atchison Street

A Scoping Report was prepared and submitted to North Sydney Council on 10th October 2023 to facilitate pre-planning proposal discussions in relation to the 58-64 Atchison Street site. The planning proposal sought the following amendments to the NSLEP 2013:

- Amend the NSLEP 2013 Height of Buildings Map to increase the maximum permitted height on the site from 20m to 56m (RL 140.20);

- Establish an overall maximum floor space ratio control for the site of 6.25:1, including;
 - Amending the NSLEP 2013 minimum non-residential floor space ratio control to increase the minimum non-residential floor space ratio from 0.6:1 to 1:1; and
- Introduce a site-specific clause allowing a 2.1m exceedance to a maximum permitted height of 56m on the site to accommodate a lift overrun and structures associated with access to open space.

While the abovementioned amendments only related to the land at 58-64 Atchison Street, the planning proposal also proposed a reference scheme that consolidates the land immediately to the west at 50-56 Atchison Street, which was acquired by TWT and has already been rezoned under PP3/18.

Pre-planning proposal discussions We're paused on the Planning Proposal following the State Government's announcement on the TOD SEPP rezoning program.

2.3 Site Context and Location

St Leonards is a key centre in the Lower North Shore and has a major role to play in the provision of housing and employment. St Leonards has rapidly evolved from a fine grain, local centre to a now large-scale, high density and mixed-use strategic centre that is leveraging of significant health and transport infrastructure.

The TWT Village is approximately 400m from St Leonards Railway Station and 300m from the Crows Nest Metro Station. It is only 6km and 2km north of the Sydney CBD and North Sydney respectively, 5km south of Chatswood and 10km west of Macquarie Park. It provides a clear opportunity to create genuine Transit Oriented Development as it will be serviced by two major rail networks that will offer services every 4 minutes and facilitate connections to key employment hubs in Greater Sydney, including North Sydney, Sydney CBD and Parramatta.

Figure 5 below provides a site aerial and context map of the TWT Village precinct. **Figure 6** indicates the approximate TWT Village location within the Crows Nest Transit-Oriented Development (TOD) Precinct.

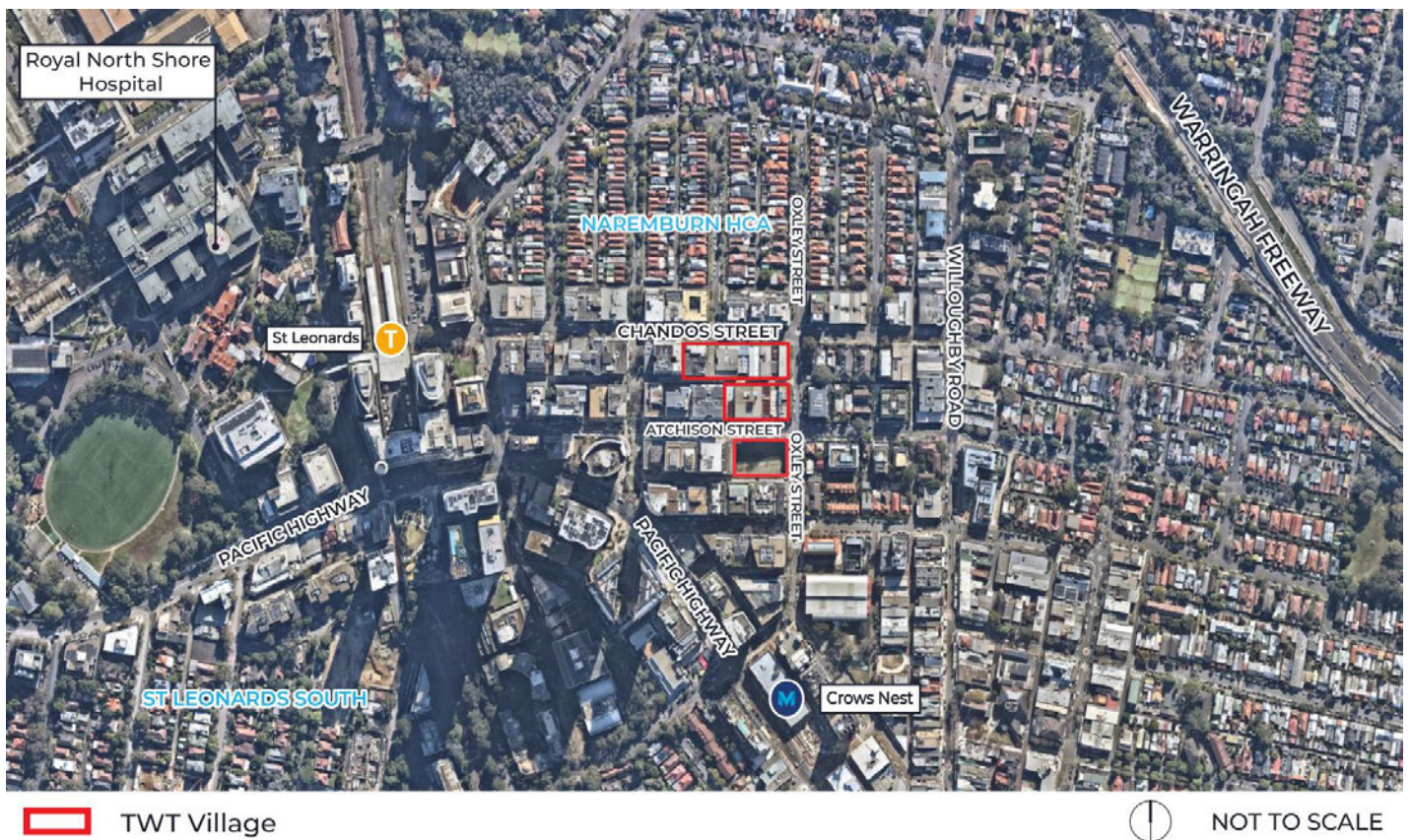
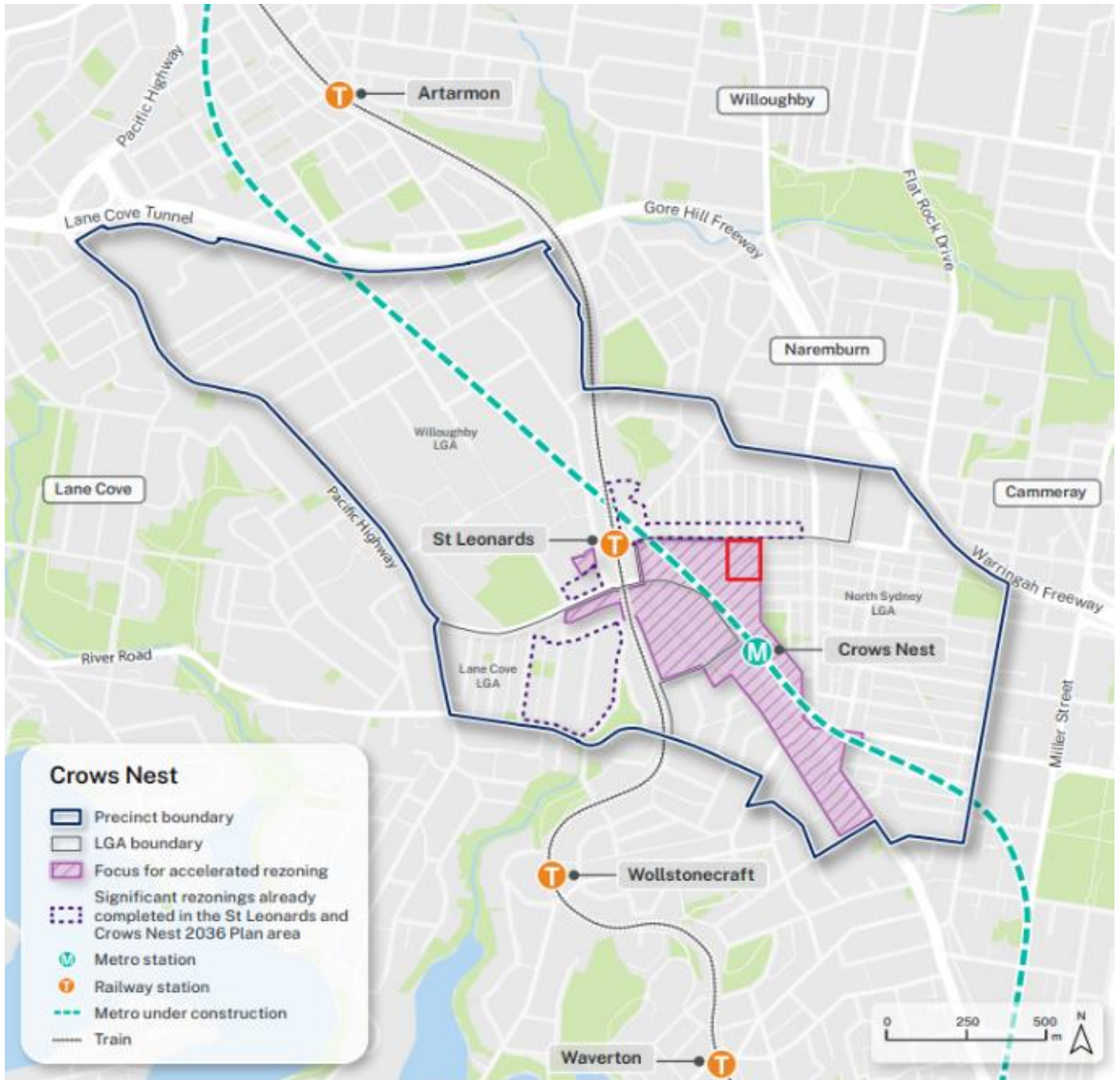


Figure 5 Site Aerial and Context Map

Source: Nearmap / Ethos Urban



Approximate TWT Village Location

Figure 6 *Approximate TWT Village location within the Crows Nest State Led Rezoning Precinct*

Source: Department of Planning, Housing and Infrastructure (DPHI), edits by Ethos Urban

2.4 Current Planning Controls

The *North Sydney Local Environmental Plan 2013* (NSLEP 2013) is the principal environmental planning instrument applying to the site. The provisions of the NSLEP 2013 and the key development standards for the TWT Village are outlined below.

2.4.1 Land Use Zoning

The sites within the TWT Village are zoned MU1 Mixed Use (formerly B4 Mixed Use prior to the Employment Zone Reforms), notably with shop-top housing permitted (see **Figure 7**). Furthermore, Chandos Street, at the northern edge of the TWT Village, forms part of the boundary between Willoughby LGA and North Sydney LGA.

3.0 Strategic Alignment

3.1 National Housing Accord

In October 2022, the federal government announced the National Housing Accord (Accord), which is an ambitious initiative to improve housing outcomes for Australians with consideration of the current housing climate.

Specifically, the Accord committed to delivering 1 million houses in well-located areas in 5 years from 2024. Based on ABS data, NSW accommodates approximately 32% of the total population and the forecasted growth of Australia and therefore, the housing delivery in NSW should facilitate at least 32% of the target, which is 320,000 new dwellings over the five years. As such, 64,000 new dwellings will need to be delivered and completed in NSW each year.

Delivering 43 new affordable dwellings in perpetuity at Site 4 in the preferred option is aligned with the federal government's initiatives.

3.2 Housing Supply and Demand

Based on NSW Government data from the Greater Sydney Urban Development Program, dwelling completions and approvals are significantly below the target and have decreased over the last five years. During the 12 months leading up to June 2023, Greater Sydney delivered:

- 21,011 new completions, which was 30.1% below the previous 5 years' average.
- 34,253 approvals, which was 6.5% below the previous 5 years.

Additionally, Australian Bureau of Statistics (ABS) data from January 2024 found that building approvals in Australia significantly dropped over the last year, with NSW having the greatest decrease of all states at a fall of 14.9%.

Based on these statistics, the approval and completion rate of new dwellings is falling significantly short of the housing targets set by both the Federal and NSW Government. Not only has the slowdown in housing delivery had detrimental impacts on supply, but it has also increased the pressure on affordability.

Furthermore, ABS Census Data from 2021 shows that there are almost twice as many people under rental stress than there are under mortgage stress, which is defined as spending more than 30% of household income on rental or mortgage payments. The Lower North Shore region (which the TWT Village is within) especially demonstrates this trend with its annual change in weekly rent rising by 11.4% between August 2023 and August 2024 (SQM Research)¹. With the Lower North Shore's rental vacancy rate sitting at a record low of 1.7%, the rental prices are not likely to resolve within the immediate future as demand far outweighs availability. This is confirmed in data provided from Everybody's Home, which highlights the 10 worst areas affected by the rental rises in Sydney (see **Figure 11**).

Region	Asking rent Feb 23	12 month change in weekly rent	Vacancy rate Jan 23
1. Eastern Suburbs	\$1,073	\$351 or 48.6%	1.2%
2. Lower North Shore	\$1,097	\$338 or 44.5%	1.7%
3. Sydney CBD	\$1,027	\$303 or 41.8%	2.9%
4. Canterbury Bankstown	\$603	\$167 or 38.3%	0.7%
5. Inner West	\$714	\$184 or 34.8%	1%
6. St George	\$641	\$163 or 34%	1.1%
7. Upper North Shore	\$848	\$209.55 or 32.8%	2%
8. Parramatta	\$579.54	\$136 or 30.7%	1.1%
9. Northern Beaches	\$1,082	\$251 or 30.2%	1.3%
Sutherland Shire	\$744	\$172.54 or 30.2%	1%
10. Western Sydney	\$565.58	\$123 or 27.8%	1.3%

*week ending 28 February 2023

Figure 11 Sydney areas worst affected by rent rises

Source: Everybody's Home

¹ SQM Research 2024, 'Weekly Rents – Region: Lower North Shore', <https://sqmresearch.com.au/weekly-rents.php?sfx=®ion=nsw%3A%3ALower+North+Shore&t=1>

As such, it is critical to deliver new diverse and affordable housing in well-located areas that leverages off existing infrastructure to help alleviate the significant housing crisis made evident through the above statistics

3.3 NSW Housing Strategy – Housing 2041

The *NSW Housing Strategy: Housing 2041 (Housing Strategy)* establishes the NSW government's long-term vision for delivering better housing outcomes by 2041, which includes delivering the right type of housing in the right locations, diverse housing and housing that meets changing demand.

The Housing Strategy specifically identifies that over the next 20 years there will be improved alignment of housing with infrastructure and community services and there will be an increase in the supply of affordable housing in NSW.

Facilitating the concept through the TOD program will contribute to the achievement of the Housing Strategy vision. It will enable the delivery of a high-quality residential development, providing both market and affordable housing within a highly accessible, amenity rich and strategic location that leverages off existing infrastructure.

Overall, the provision of mixed-use residential development aligned with coordinated, significant public benefits throughout the TWT Village will align with the Strategy and present significant opportunities to meet the four key pillars established under the strategy, which are: housing supply, diversity, affordability and resilience.

3.4 North District Plan

The North District Plan sets a strategic housing target of 92,000 new dwellings by 2036. Reinforcing the directions of the Greater Sydney Region Plan (GSRP), the North District Plan seeks to align new housing in the form of urban renewal or infill with infrastructure. Three major housing themes identified, include greater housing supply, more diverse and affordable housing, and better located and well-designed housing.

In response, including Site 4 of the TWT Village within the TOD program will be directly consistent with the objectives of the North District Plan as:

- Development within the TWT Village, including significant uplift potential on Site 4, will leverage the new Crows Nest Metro to cater for population growth in St Leonards located in a short walking distance to the future station. Residential density uplift would also support the establishment of the 30-minute city as it will deliver additional residential capacity, in close proximity to services and jobs;
- Uplift within the TWT Village would provide housing that will contribute to a walkable and connected neighbourhood, appealing to a wider demographic. This is especially encouraged through the provision of two through-site linkages between Site 2 and 3, connecting with another on the western side of Site 4;
- Residential development uplift within the TWT Village will increase housing density and capacity in the St Leonards Town Centre, which will assist in the retention of low and medium density housing outside of the Town Centre, while contributing to the provision of housing in line with Council's targets; and
- The mixed-use character of development within the TWT Village will continue to cater for employment floorspace within the St Leonards Town Centre, thereby maintaining jobs which are close to existing and future housing and to transport.

3.5 St Leonards and Crows Nest 2036 Plan

The 2036 Plan seeks to facilitate the urban renewal of the precinct for an expanding employment centre and growing residential community. It aims to deliver 6,680 new homes and 16,500 new jobs within the precinct. Ultimately, the additional density and mix of land uses are envisaged to instigate development renewal throughout the entirety of the 2036 Plan precinct boundary. It is intended that this will create a vibrant, high amenity atmosphere that is appropriately activated during the day, in evenings and on the weekends around and between both stations. The goal of the 2036 Plan is to encourage redevelopment around the transport nodes to leverage the existing and future infrastructure.

It is understood that the primary objective of the TOD Program for the Crows Nest precinct is to implement the objectives of the 2036 Plan of which the TWT Village has significant merit to fulfill. Furthermore, it is also noted that the 2036 also states that:

***“There may be opportunities for specific sites to accommodate additional density and height where the public benefits proposed to be delivered as part of a development proposal is of exceptional value, beyond what could be secured under a standard practice approach that should be considered within the precinct.*”**

In these instances, the proposal would still need to be consistent with the vision, objectives and actions, including solar access controls, in this Plan.”

The public benefits throughout the TWT Village including the network of interconnecting through-site linkages, linear public parks and provision of active frontages are of exceptional value. These public benefits also directly align with the 2036 Plans intention to facilitate a transit-oriented, activated precinct that houses both retail, commercial and residential uses. This submission demonstrates that the TWT Village can accommodate additional density and height in a manner that is still consistent with the vision of the 2036 Plan. The vision for the St Leonards Core within the 2036 Plan is:

“The St Leonards Core will be revitalised through a balance of commercial and residential development, providing lively and active streets, safe and interesting laneways for people and sunny tree-lined public spaces. The best bits of the surrounding leafy neighbourhoods that locals love will be brought into the heart of St Leonards for residents, workers and visitors to enjoy.”

The development of the TWT Village, and uplift of Site 4 is consistent with the overall vision and objectives of the 2036 Plan in that it will:

- Will maintain the existing quantum of employment generating floorspace within Sites 2-4 through the provision of a commercial podium, which will renew the currently ageing commercial buildings into a high-amenity mixed-use precinct with the ability to create additional jobs contributing to the delivery of 16,500 additional jobs over the next 20 years.
- Increase vibrancy and life around, and within St Leonards by replacing ageing, poor quality commercial buildings with contemporary mixed-use developments that will provide high-quality street frontages to Atchison Street, Atchison Lane, Oxley Street and Chandos Street.
- Improve pedestrian accessibility and movement by providing housing close to the St Leonards Railway Station and future Crows Nest Metro Station.
- Enhance the public domain through the provision of two publicly accessible through-site linkages with a clear long-sight line, connecting Chandos Street and Atchison Street. The TWT Village will also be supplemented with adequate street planting, which will facilitate the provision of an activated ground floor plane.
- Maintain the total quantum of solar access to Hume Street Park.
- Facilitate the provision of residential development through various types and sizes of apartments throughout the TWT Village that will be suitable for a range of the community, including singles, couples and families at all stages of the life cycle.

4.0 Crows Nest State-Led Rezoning Proposal

4.1 TOD Rezoning Program

Housing is currently a key priority for the State Government, with 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. The key objectives of the TOD Rezoning Program are to:

- Simplifying planning controls within the TOD Accelerated Precinct
- Encouraging lodgment of application for residential development in the TOD Accelerated Precincts
- Streamlining the development application process so that applicants can lodge development applications sooner and so that consent authorities can determine them rapidly
- Ensuring that developments within the TOD Accelerated Precincts achieve high-quality design outcomes

TWT Global support the intent of the TOD rezoning program and note that Site 4 provides an opportunity to deliver on these key objectives provided a feasible outcome is achievable under the new controls that will allow TWT Global to lodge an application shortly after the finalisation of the TOD SEPP.

4.2 Summary of Proposed Exhibited Controls

Under the Crows Nest State-Led Rezoning Proposal, it is proposed for the following sites within the TWT Village to be rezoned as per **Table 1**.

Table 1 Proposed TWT Village Planning Controls

Principal Planning Controls	Existing Control	Proposed Control under Draft Rezoning Proposal	Change
Site 1			
Land Zoning	MUI: Mixed Use	MUI: Mixed Use	No change
Floor Space Ratio	6.3:1	6.3:1	No change
Non-residential floor space ratio	1.5:1	1.5:1	No change
Maximum Building Height	56m	56m	No change
Site 2			
Land Zoning	MUI: Mixed Use	MUI: Mixed Use	No change
Floor Space Ratio	No FSR (discussed within Section 4.3.1)	4:1	Introduction of an FSR limit
Non-residential floor space ratio	1:1	1:1	No change
Maximum Building Height	33m	43m	Increase of 10m
Site 3			
Land Zoning	MUI: Mixed Use	MUI: Mixed Use	No change
Floor Space Ratio	4:1	4:1	No change
Non-residential floor space ratio	1:1	1:1	No change
Maximum Building Height	43m + 2m lift overrun	43m + 2m lift overrun	No change
Site 4			

Principal Planning Controls	Existing Control		Proposed Control under Draft Rezoning Proposal		Change
Portion of Site 4	50-56 Atchison Street	58-64 Atchison Street	50-56 Atchison Street	58-64 Atchison Street	
Land Zoning	MUI: Mixed Use	MUI: Mixed Use	MUI: Mixed Use	MUI: Mixed Use	No change
Floor Space Ratio	6.4:1	No FSR	6.4:1	6:1	Introduction of an FSR limit
Non-residential floor space ratio	1.7:1	0.6:1	1.7:1	1:1	Increase in non-residential FSR requirement
Maximum Building Height	56m	20m	56m	54m	Increase of 34m to 58-64 Atchison Street

Source: NSW Department of Planning, Housing and Infrastructure

The Draft Rezoning Proposal also outlined the intended built form massing outcome for the entirety of the accelerated precinct. The TWT Village is illustrated within this outcome in **Figure 12** below.

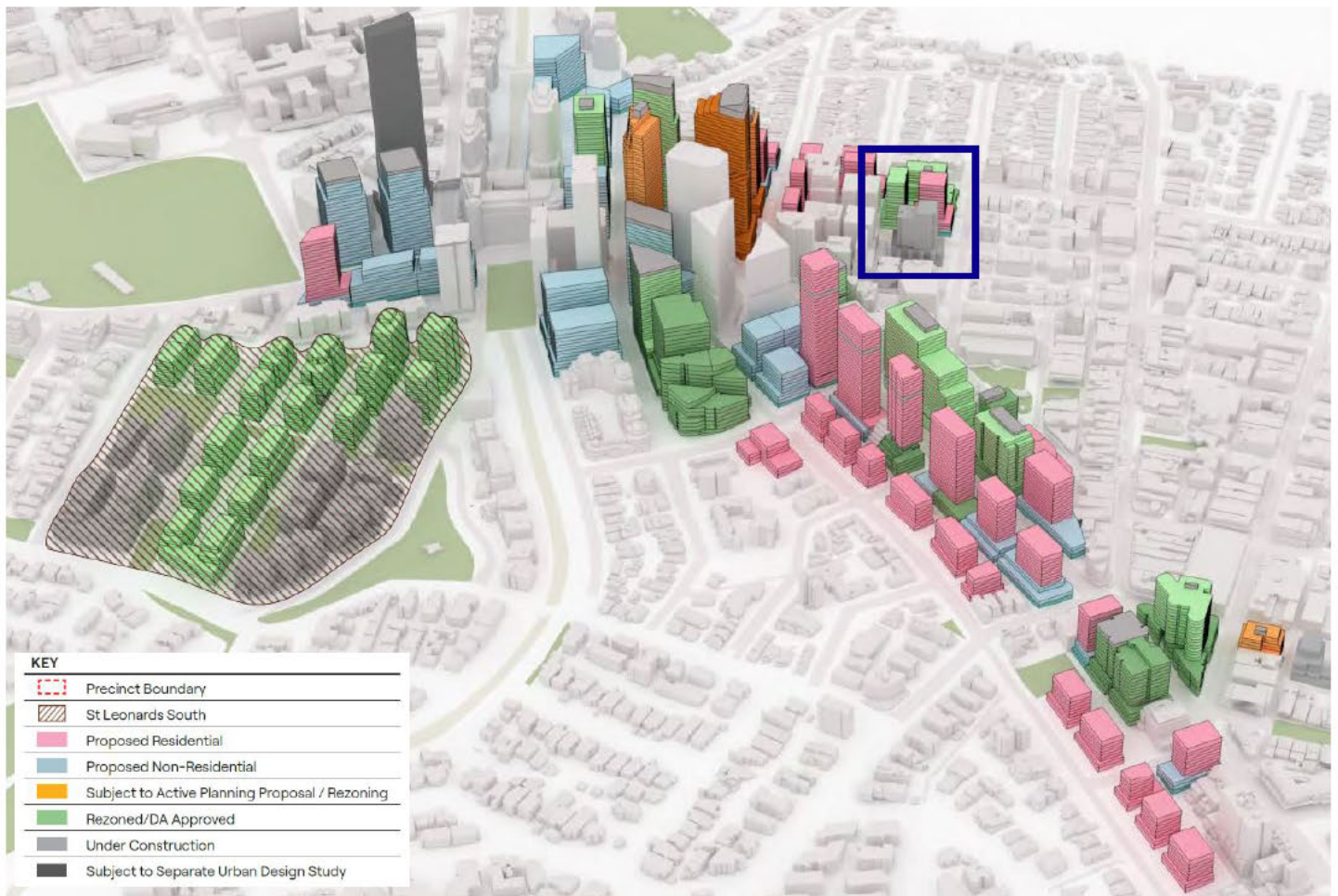


Figure 12 Indicative Crows Nest massing outcome including affordable housing provisions (TWT Village identified in blue)

Source: SJB for NSW Department of Planning, Housing and Infrastructure

4.3 Key Concerns with the Proposed Controls

4.3.1 Key Concern 1 – Proposed controls do not reflect existing development consents for 55-69 Chandos Street

As highlighted within **Table 1** above, the proposed TOD SEPP controls allocated an FSR of 4:1 on Site 2 (55-69 Chandos Street, St Leonards). Subsequently, this results in a direct downzoning of the site, which currently has three separate active development applications approved by the Land and Environment Court and North Sydney Council (see **Section 2.2.2** above), which deliver a consolidated FSR of 6.01:1 (refer to **Table 2**).

Due to the existing development consents (see **Appendix B**) being convoluted in nature and only including information on non-residential GFA, a GFA study has been prepared by Smart Design Studio for the 55-69 Chandos Street allotments within **Appendix C**. This study confirms that the consolidated FSR of the three allotments (current design approach proposed within DA120/24) excluding the winter gardens is 6.01:1.

Table 2 Proposed and permissible maximum FSR

Lot	TOD SEPP Maximum FSR	DA Ref and Date of Approval	Consolidated Approved FSR
55-61 Chandos Street	4:1	DA32/19 August 2020 (LEC)	6.01:1
63-65 Chandos Street		DA219/13 11 April 2014 (NS IPP)	
67-69 Chandos Street		DA30/19 August 2020 (LEC)	

Given that all three applications have been approved, the proposed TOD SEPP controls effectively ignore existing evidence that the consolidated building on the 55-69 Chandos Street site with additional FSR is consistent with development envisaged for the site under the relevant planning controls and that the impacts of such a development have been deemed as acceptable.

Figure 13 displays a comparison between the approved building envelopes and the consolidated building envelope proposed DA 120/24. As can be seen in the image, the proposed building envelope on Site 2 is consistent with the massing already approved on the site, and actually results in a more articulated built form, resulting in less bulky structure which caters for an improved fine grain experience throughout the ground floor plane. Thus, the proposed built form of Site 2 within DA 120/24 aligns with the NSW Government’s vision of “balancing commercial and residential development, providing lively and active streets, safe and interesting laneways for people and sunny tree-lined public spaces” for St Leonards within the 2036 Plan.”

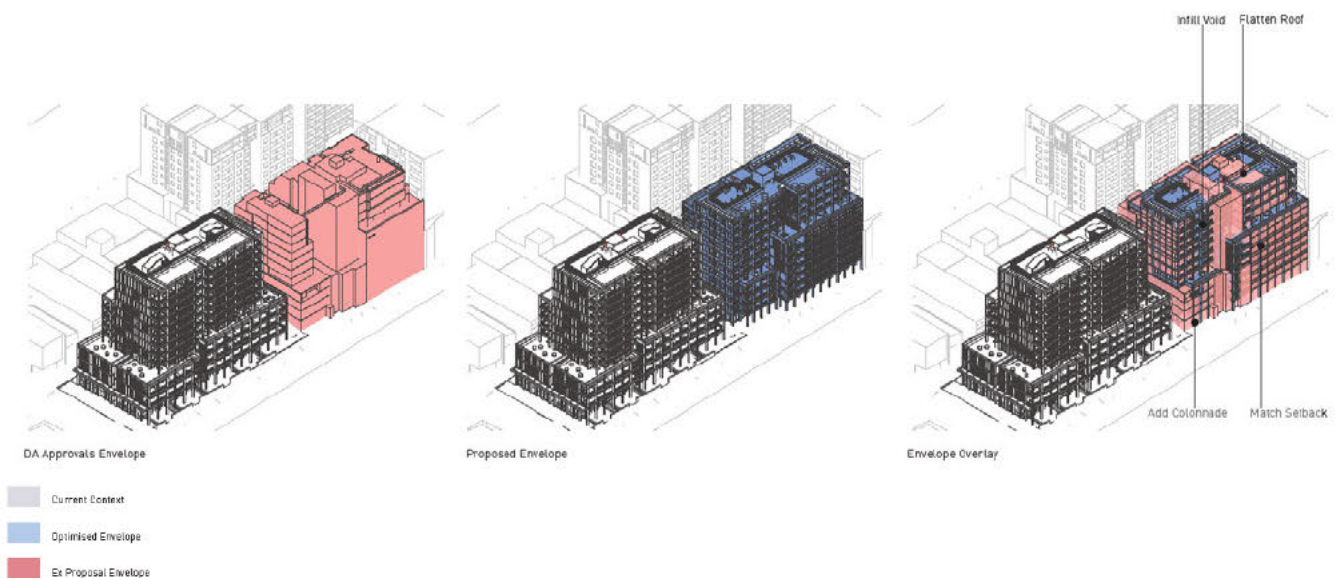


Figure 13 Comparison of approved building envelope versus proposed envelope on Site 2

Source: Smart Design Studio

Given the FSRs that have been approved under the existing development consents and now proposed under the current active development approval, it is respectfully requested that the FSR proposed under the TOD SEPP rezoning be updated to reflect the 6.3:1 currently proposed. This would ensure an outcome consistent with what has been previously accepted and demonstrated to be appropriate for the site.

4.3.2 Key Concern 2 – Existing uplift delivered being imposed with mandatory affordable housing

TWT Global has already made significant financial contributions to deliver uplift at Site 3 (71-89 Chandos Street) and Site 4 (50-56 Atchison Street) prior to the exhibition of the Crows Nest State Led Rezoning Precinct by the DPHI. Specifically, the substantial financial contribution invested by TWT Global has ensured that the now approved uplift on both site's complements the emerging high-density character of the St Leonard's precinct. Moreover, this investment has also ensured that the public benefit offerings associated with each of the rezonings are sufficient to serve the surrounding growing community. The proposed uplift and significant public benefit associated with TWT financial contribution on both sites is summarised in **Section 2.2.3** and **Section 2.2.4** above.

Consequently, if there is no additional uplift proposed on Site 3 and Site 4 above these rezoned controls associated with the mandatory 10 – 15% affordable housing contribution within the exhibited Crows Nest State Led Rezoning Precinct, TWT Global will not have the capacity to complete a feasible redevelopment of the sites. Considering the significant financial investment already completed by TWT Global, they should not be subjected to any requirement to provide affordable housing.

4.3.3 Key Concern 3 – Proposed controls do not provide any additional uplift on other TWT sites

As highlighted in **Table 1** above, the exhibited TOD SEPP for the Crow's Nest accelerated precinct does not enable Sites 1-3 to receive any additional uplift. Notably, both Site 1 and 3 have no changes in key development controls. Ultimately, whilst Site 2 does receive a 10m height uplift to 43m, the resultant down-zoning in FSR to 4:1 would make it difficult for TWT Global to deliver a viable development outcome. Subsequently, TWT Global wish to highlight that the provision of no additional uplift on these site's is not sufficient to facilitate an outcome that can deliver affordable housing in line with the State Government mandate.

In light of the lack of any meaningful uplift on these sites, it can be considered unreasonable for the State Government to impose an affordable housing contribution requirement. Indeed, without any proper development incentive or bonus to help offset the cost of affordable housing provision, the affordable housing requirement simply becomes just yet another tax on development. The impact of an affordable housing tax of the size suggested would be significant to the point that it would no longer be viable to redevelop the land. The resulting outcome would be the Site remaining undeveloped for the long foreseeable future due the mandated requirement for affordable housing provision, without corresponding uplifts. Such an outcome would be particularly unreasonable for Sites 1-3 given the significant time, money and resources invested by TWT Global to date to obtain the following planning permissions and approvals on each site.

The FSR uplift proposed for Site 4 (6:1 – 6.4:1) does not provide a sufficient enough increase in density to enable the site to feasibly accommodate the 10-15% affordable housing contribution. Furthermore, not mentioned previously, the significant increase in construction costs (i.e. materials, labour, finance costs) after the COVID-19 pandemic is also a key contributing factor to placing the project in an even more challenging position to become viable. Any density uplifts therefore need to be sufficient to achieve an adequate critical mass that is able to support affordable provision.

TWT Global are willing and able to play a key role in realising the Government's affordable housing delivery aspirations and in principle support the DPHI's initiative to deliver affordable housing. Subsequently, to do so, they require additional uplift on the existing 6:1 – 6.4:1 maximum FSR in order to feasibly deliver a development outcome with suitable public benefit that is also consistent with the proposed 10-15% affordable housing contribution. A massing study highlighting the concept scheme options based on different FSR uplift scenarios on Site 4 is analysed in detail within **Section 5.0**.

4.3.4 Key Concern 4 – Need for the introduction of a savings provisions for existing proposals

The exhibited TOD SEPP for the Crows Nest Precinct does not provide any clarification on the allocation of savings provisions for current development applications lodged before the exhibition period. This is a key concern for TWT Global who have an existing development application in with Council for Sites 2 and 3, that already involve significant public benefit offerings that were based on the existing controls contained within the NSLEP 2013 and/or planning agreements with North Sydney Council.

Specifically, TWT Global submitted a development application with North Sydney Council on 29th June 2024 for Sites 2 and 3 (DA120/24) - as described in **Section 2.2.4** above. This development proposal has been prepared in accordance with the newly gazetted controls from the approved PP 5/21, as well as the existing approved consents at 55-69 Chandos Street (as described in **Section 2.2.2** above) to deliver a consolidated mixed-use development 3. The application has recently come off public exhibition and is under assessment with North Sydney Council's planning team.

Consequently, TWT Global wish to emphasise that the feasibility of this currently ongoing development application has been based on the available development uplift embedded within the current NSLEP 2013 planning controls. Furthermore, TWT Global have provided significant investment to ensure a suitable public benefit is achieved in line with the development uplift envisioned on the Sites 2 and 3, including:

- Payment of substantial monetary development contributions to North Sydney Council to facilitate upgrade of public infrastructure throughout the St Leonards area.
- Dedication and provision of the 5m wide Oxley Street linear park on the eastern boundary of Site 3, which comprises of blue stone and sandstone paving, retention and planting of new trees, bench seating and water sensitive urban design rain gardens.
- Dedication and provision of a 6m wide open-to-sky through-site linkage through the centre of the site connecting Chandos Street to Atchison Lane.
- Various street embellishment contributions, including the retention of all existing street trees, upgrades to the public domain and installation of blue stone and sandstone paving to integrate with the broader ground plane.

Therefore, the feasibility to deliver the significant public benefit offered through DA120/24 on Sites 2 and 3 is predicated on the existing NSLEP 2013 planning controls, with no provision of affordable housing. Based on this, TWT Global stress that the requirement to provide additional affordable housing on Sites 2 and 3 subject to the TOD SEPP would result in the development becoming unfeasible and unable to be delivered. Ultimately, this outcome would result in a detrimental outcome for the consolidated site, with the public domain benefits associated with the renewal of existing ageing commercial buildings unable to be realised. This would be coupled with the fact that the proposed 137 apartments within proximity to two significant public transport nodes would also not be delivered.

4.4 Implications of the current proposed controls

TWT Global have serious concerns that the proposed TOD SEPP controls within the Crows Nest precinct will result in several significant implications for the future development of the TWT Village, including but not limited to:

- The high likelihood that the proposed controls will result in reduced housing delivery throughout the TWT Village, particularly on Site's 2, 3 and 4, due to future development not being unfeasible as a result of the minimal density uplift coupled with the imposition of a mandatory on-site affordable housing contribution of 10 – 15%. In turn, this will hinder the delivery of affordable housing due to the projects not being sufficiently viable to warrant commencement.
- The high likelihood that the proposed controls will undermine the ability of the TWT Village to deliver significant public benefit offerings that have previously proposed and agreed to for the TWT Village, including:
 - Significant monetary contributions to North Sydney Council which would facilitate the upgrade and provision of existing and additional public infrastructure in the locality.
 - Dedication and construction of the 5m wide Oxley Street linear park.
 - Provision of the through-site link network required within the North Sydney DCP 2013, this will result in a depletion of pedestrian walkability and accessibility throughout the north-eastern edge of the St Leonards Town Centre Precinct.
 - Street embellishment contributions, which would have facilitated a positive activated ground plane outcome throughout the TWT Village, indirectly contributing to the improved safety and fine grain urban design of the area.
- for the high likelihood that the Crows Nest Precinct will not achieve the objectives of the overarching TOD SEPP program. Particularly, the objective to *"encourage lodgment of applications for residential development in the TOD Accelerated Precincts"*. The imposition of a mandatory 10 – 15% affordable housing contribution, interlinked with the minimal uplift envisioned throughout the TWT Village will not provide a feasible development outcome for TWT Global and not encourage them to lodge a development application in the near future.

5.0 The Opportunity

The overarching objective of the State Government is to prioritise and accelerate the delivery housing in good locations close to public transport, as this will help greatly with responding to the State Governments obligations under the Housing Accord. Indeed, the State Government has invested approximately \$20.5 billion dollars into the City & South West Metro, and planning controls proposed for landholdings within proximity to these new stations should seek to maximise the opportunity provided by this major infrastructure investment.

TWT Global are generally supportive of and welcome the Government's initiative to deliver additional affordable housing within the Crows Nest Precinct. Ultimately, TWT are ready and able to play a key role in realising the DPHI's aspirations to deliver more affordable housing within the Crows Nest Precinct. Whilst this is the case, to be able to assist the State Government with achieving its housing objectives, TWT Global need the proposed TOD SEPP planning controls to facilitate future development within the TWT Village that can be delivered feasibly, inclusive of affordable housing.

As identified earlier, the TWT Village sites are currently at various stages of the development process, with Site 1 being under construction and Sites 2 and 3 currently the subject of a development application (DA 120/24) with North Sydney Council that is currently under assessment. Site 4 (50-64 Atchison Street, St Leonards), being centrally located within the village precinct, and the only site that does not have an active development consent, has therefore been identified by TWT Global as having the opportunity to accommodate additional uplift and support the provision of affordable housing within the broader Crows Nest Precinct.

TWT Global has engaged PTW Architects to undertake some massing options analysis to understand what could be achieved on Site 4, and importantly identify the level of affordable housing that could feasibly be delivered on the site through these various options. These are set out further below and should be read in conjunction with the design pack prepared by PTW and included at **Appendix A**.

5.1 Options Analysis

An indicative concept has been prepared by PTW Architects to illustrate the opportunities that are afforded by each of the FSR scenarios on Site 4 within the TWT Village.

The following principles and key themes have informed the concept scheme options for Site 4 to ensure the overall vision and objectives for the site are achieved:

- Facilitate the renewal of the site by replacing existing ageing commercial buildings with a high-quality mixed-use building that will exhibit design excellence.
- Improve pedestrian amenity, connectivity and permeability throughout the TWT Village through contributing to the through-site link network, providing a connection on the western boundary. This will facilitate a clear pedestrian connection between Chandos and Atchison Street, improving the walkability of the TWT Village, complemented with a linkage that has clear, long-sightlines.
- Increase residential market and affordable housing supply and an improved commercial offer that retains the quantum of employment floor space currently permissible under the planning controls, which can support local jobs and house key workers within the North Sydney locality.
- Enhance the amenity of the Hume Street Park by ensuring no cumulative reduction in solar access.
- Support the goal of the 30-minute city through the provision of 43 affordable residential apartments (equating to 15% of the total GFA) and employment uses within walking distance of two major public transport nodes.

The options are discussed in further detail below.

5.1.1 Base Option

The base option concept prepared by PTW Architects illustrates the opportunity that is afforded by Site 4 to deliver a mixed-use building the base FSR of 6:1 prescribed from the TOD SEPP. The indicative base option concept proposes a mixed-use building with:

- a maximum height of 56m, equivalent to 18 storeys.
- a total GFA of 15,134.m² which includes:
 - 3,412m² of non-residential GFA
 - 11,722m² of residential GFA

- A total of 865m² of affordable housing relating to 12 apartments, located on the podium levels (equating to 6% of the residential GFA).

Figure 14 and **Figure 15** below providing a summary of the through-site linkage and massing diagram of the base FSR concept option.

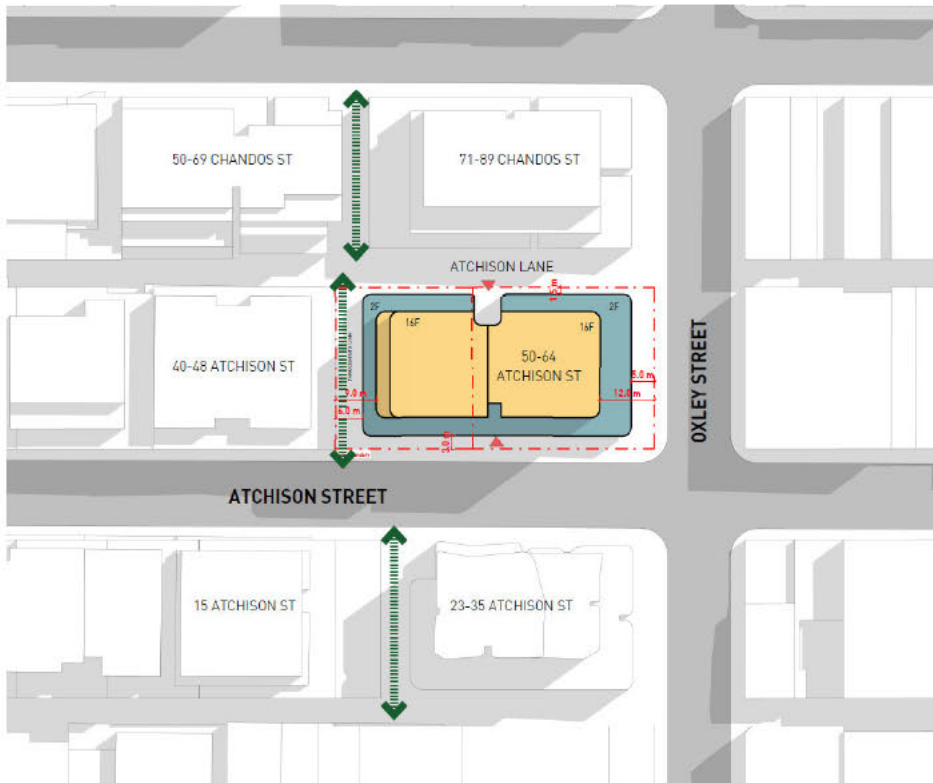


Figure 14 Base Option – Concept through-site linkage

Source: PTW Architects

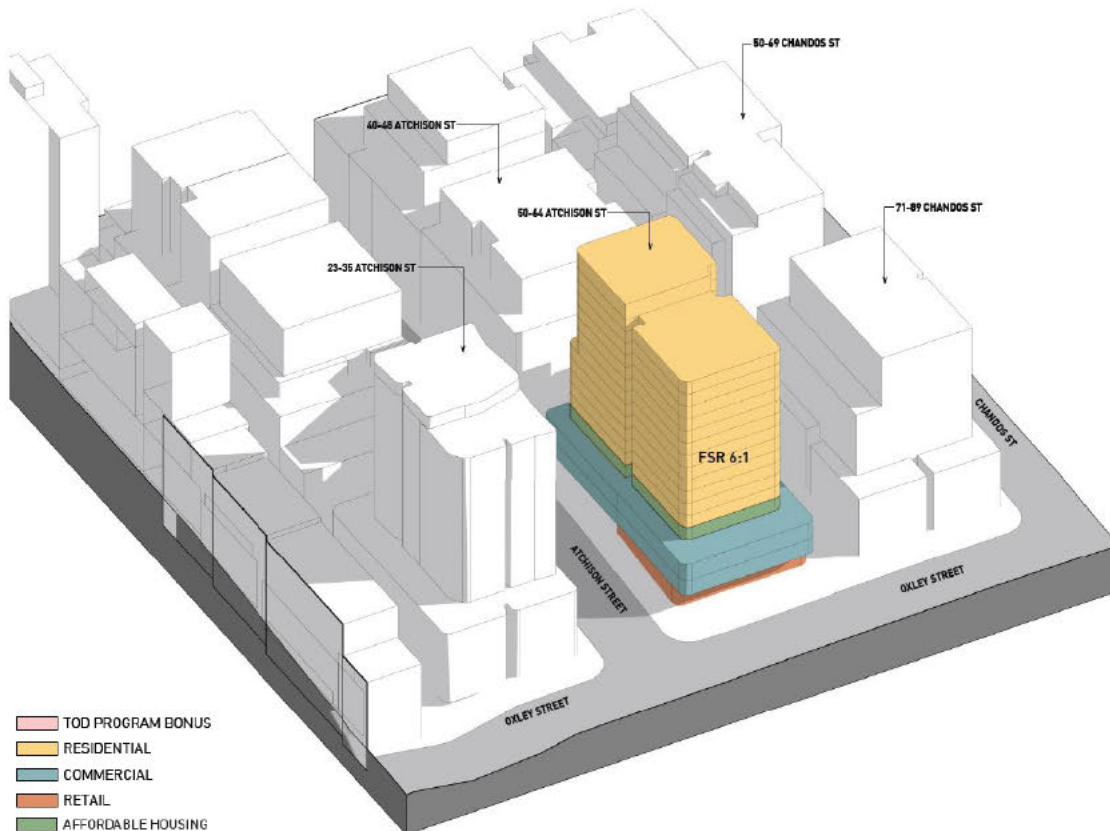


Figure 15 Base Option– Massing concept scheme

Source: PTW Architect

5.1.2 Option 1

The indicative option 1 concept prepared by PTW Architects illustrates the opportunity that is afforded by Site 4 to deliver a mixed-use building with an FSR of 8.1:1, representing a 2:1 FSR uplift from the prescribed TOD SEPP FSR control of 6:1. The indicative option 1 concept proposes a mixed-use building with:

- a maximum height of 95.9m, equivalent to 28 storeys.
- a total GFA of 20,462m² which includes:
 - 3,105m² of non-residential GFA
 - 17,357m² of residential GFA
- A total of 2,046m² of affordable housing relating to 23 apartments, located on the podium levels (equating to 10% of the residential GFA).

Figure 16 to **Figure 18** show the proposed massing contemplated in Option 1.

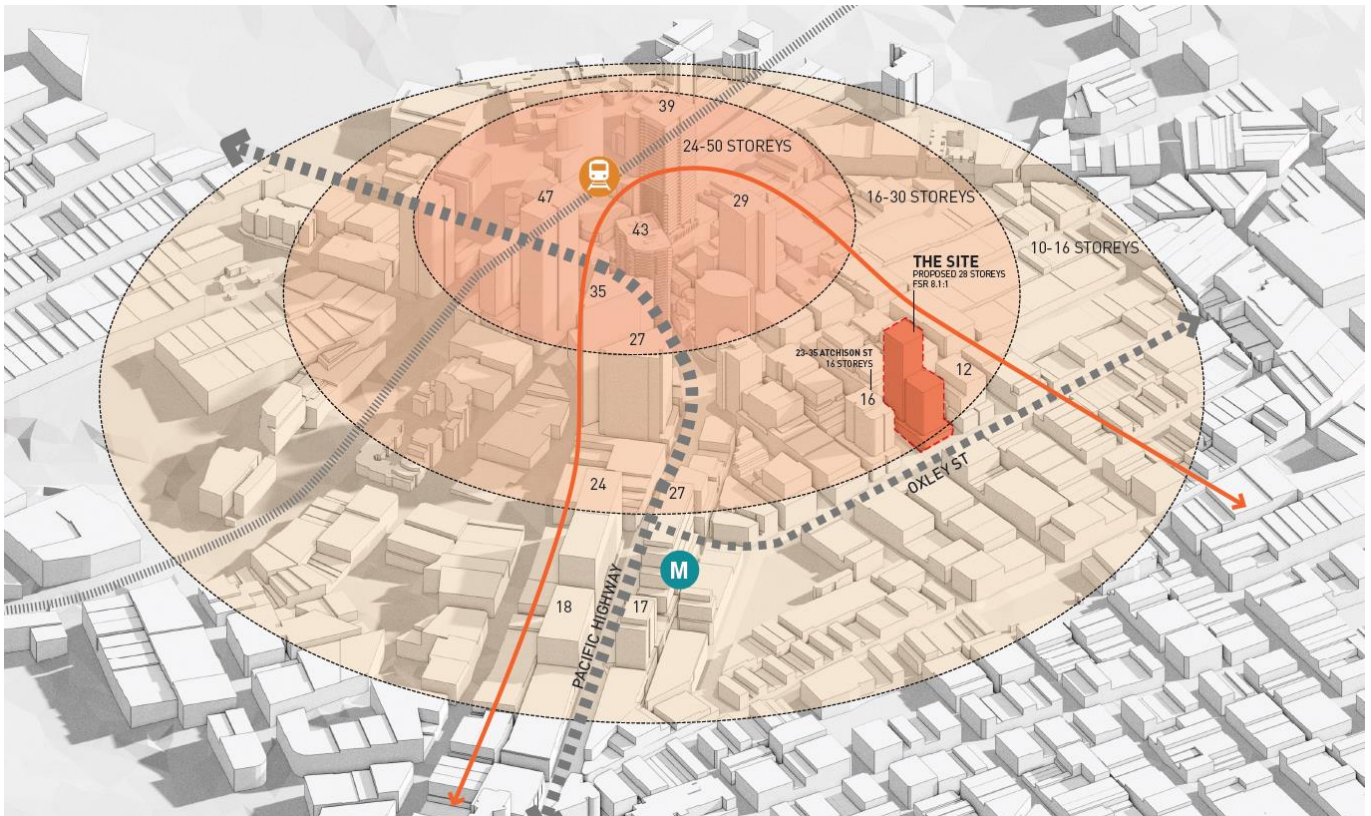


Figure 16 Option 1 – Surrounding / Adjacent Building Height

Source: PTW Architects

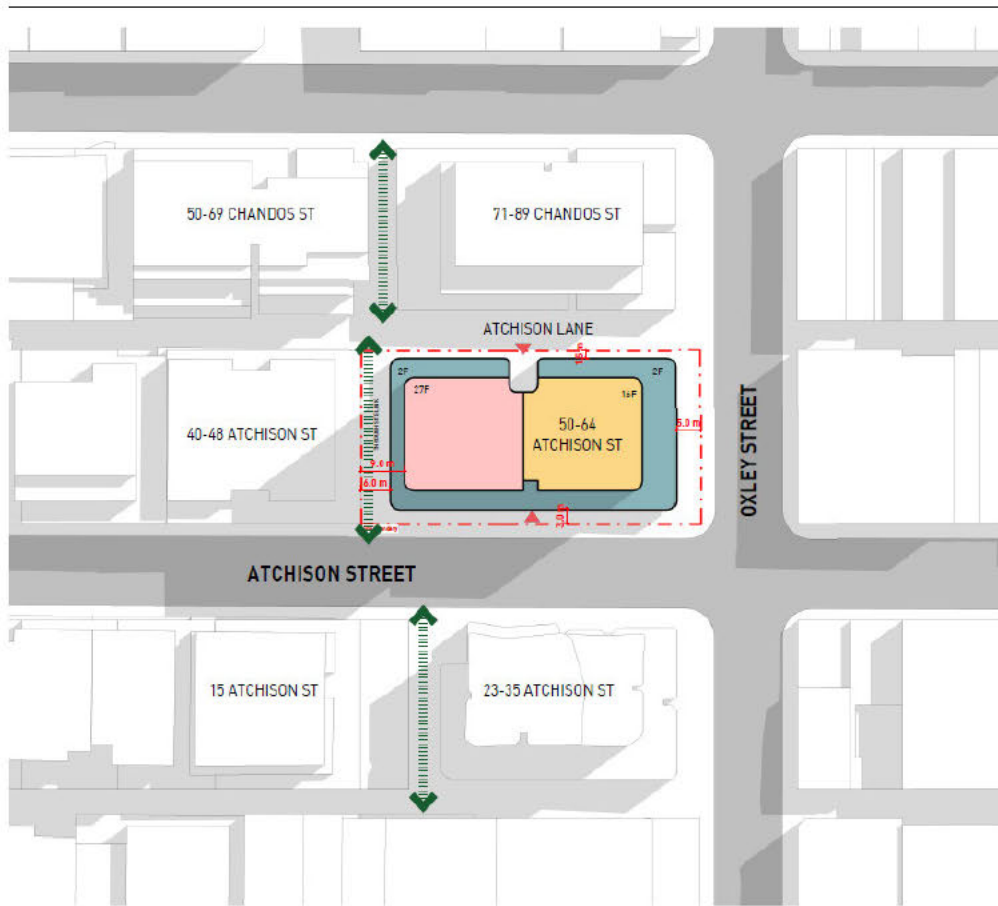


Figure 17 Option 1 – Concept through-site linkage

Source: PTW Architects

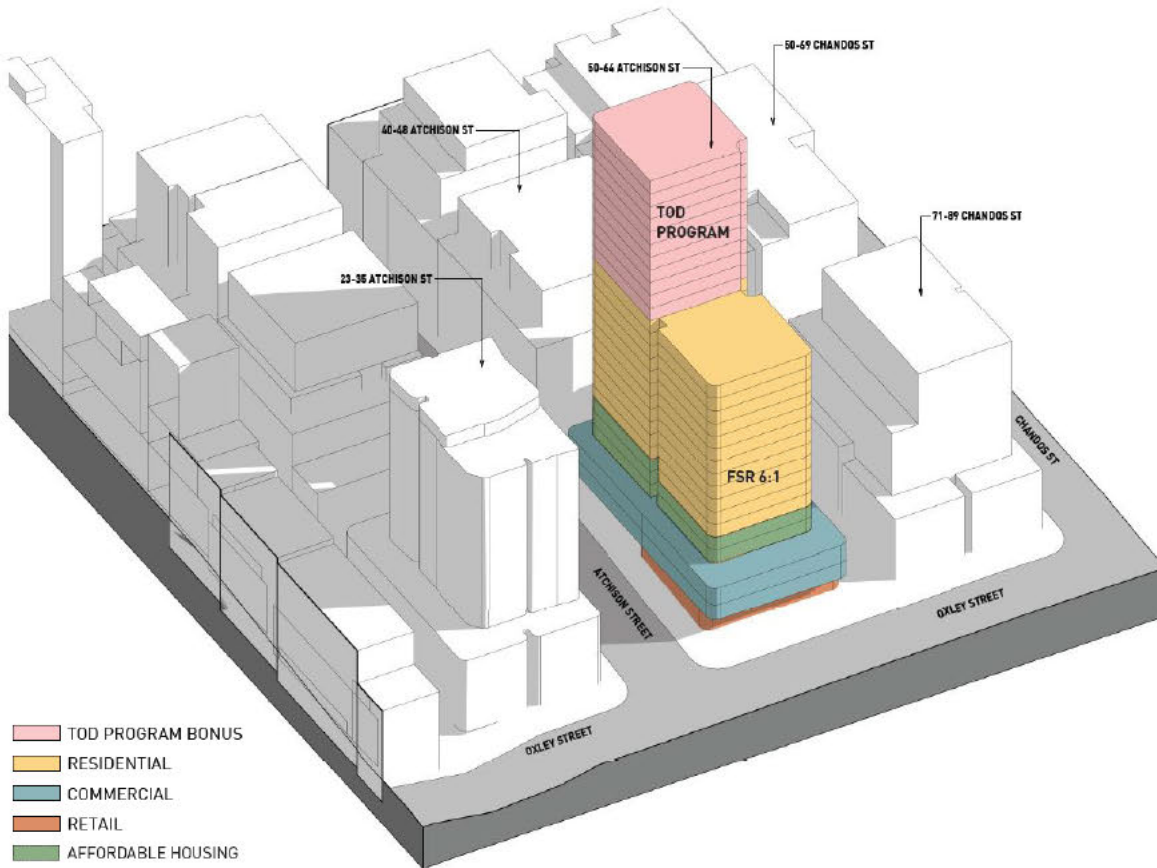


Figure 18 Option 1 – Massing concept scheme

Source: PTW Architects

5.1.3 Option 1A

The indicative option 1A concept prepared by PTW Architects illustrates a revised opportunity that is afforded by Site 4 to deliver a mixed-use building with the same controls and affordable housing contribution as detailed within Option 1 (Section 5.1.2 above). This continues to provide a comparison representing a 2:1 FSR uplift from the prescribed TOD SEPP FSR control of 6:1.

Figure 19 and Figure 20 show the proposed massing contemplated in Option 1A.

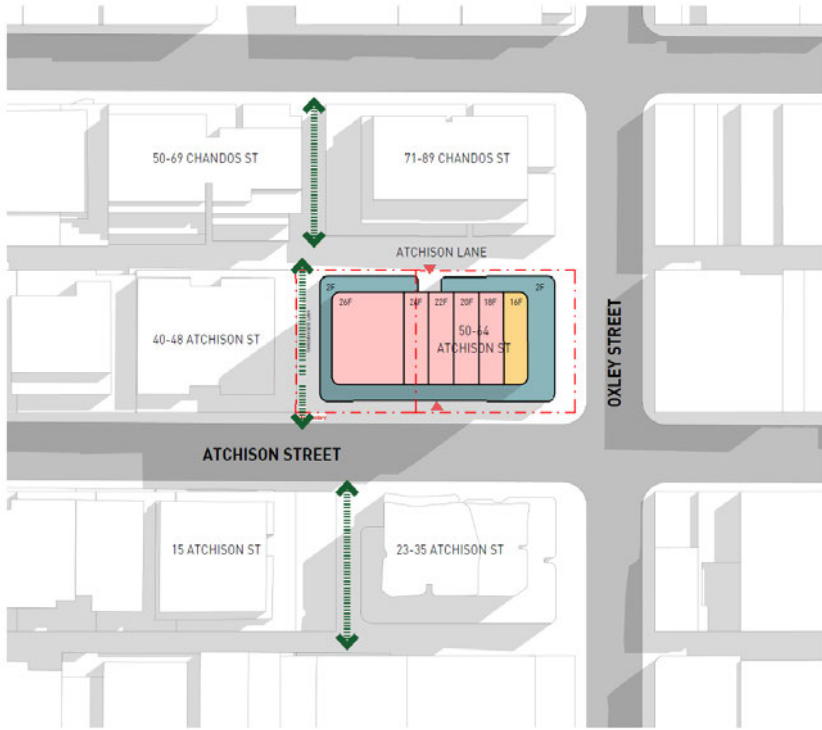


Figure 19 Option 1A – Concept through-site linkage

Source: PTW Architects

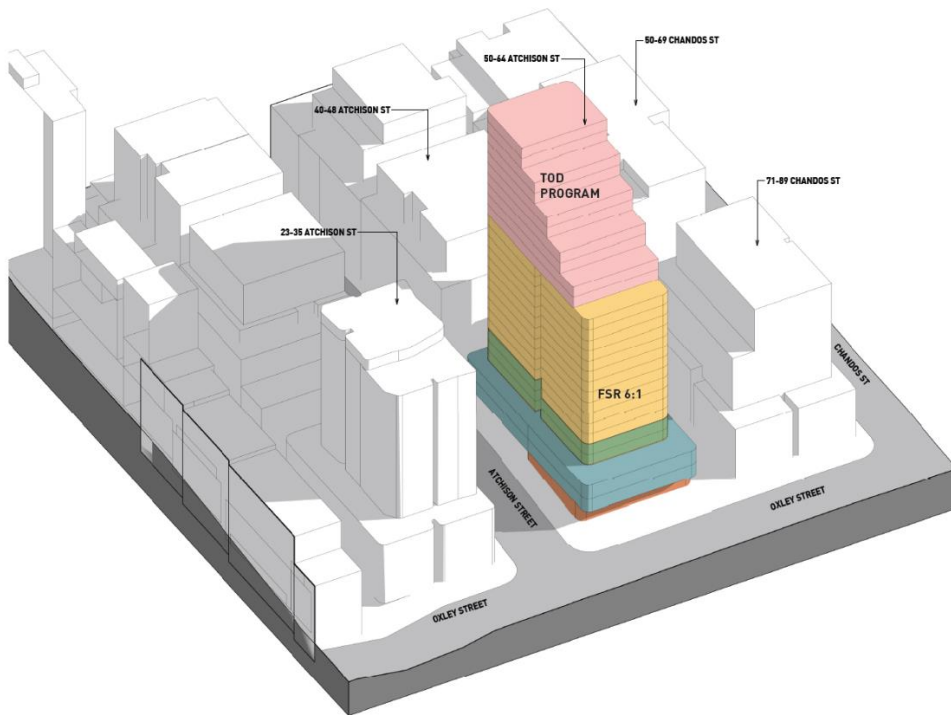


Figure 20 Option 1A – Massing Concept Scheme

Source: PTW Architects

5.1.4 Option 2

The indicative option 2 concept prepared by PTW Architects illustrates the opportunity that is afforded by Site 4 to deliver a mixed-use building with an FSR of 10:1, representing a 4:1 FSR uplift from the prescribed TOD SEPP FSR control of 6:1. The indicative option 2 concept proposes a mixed-use building with:

- a maximum height of 95.9m, equivalent to 29 storeys.
- a total GFA of 25,223m² which includes:
 - 3,105m² of non-residential GFA
 - 22,118m² of residential GFA
- A total of 3,784m² of affordable housing relating to 43 apartments, located on the podium levels (equating to 15% of the residential GFA).

Figure 21 to **Figure 23** show the proposed massing contemplated in Option 2.



Figure 21 Option 2 – Surrounding / Adjacent Building Height

Source: PTW Architects

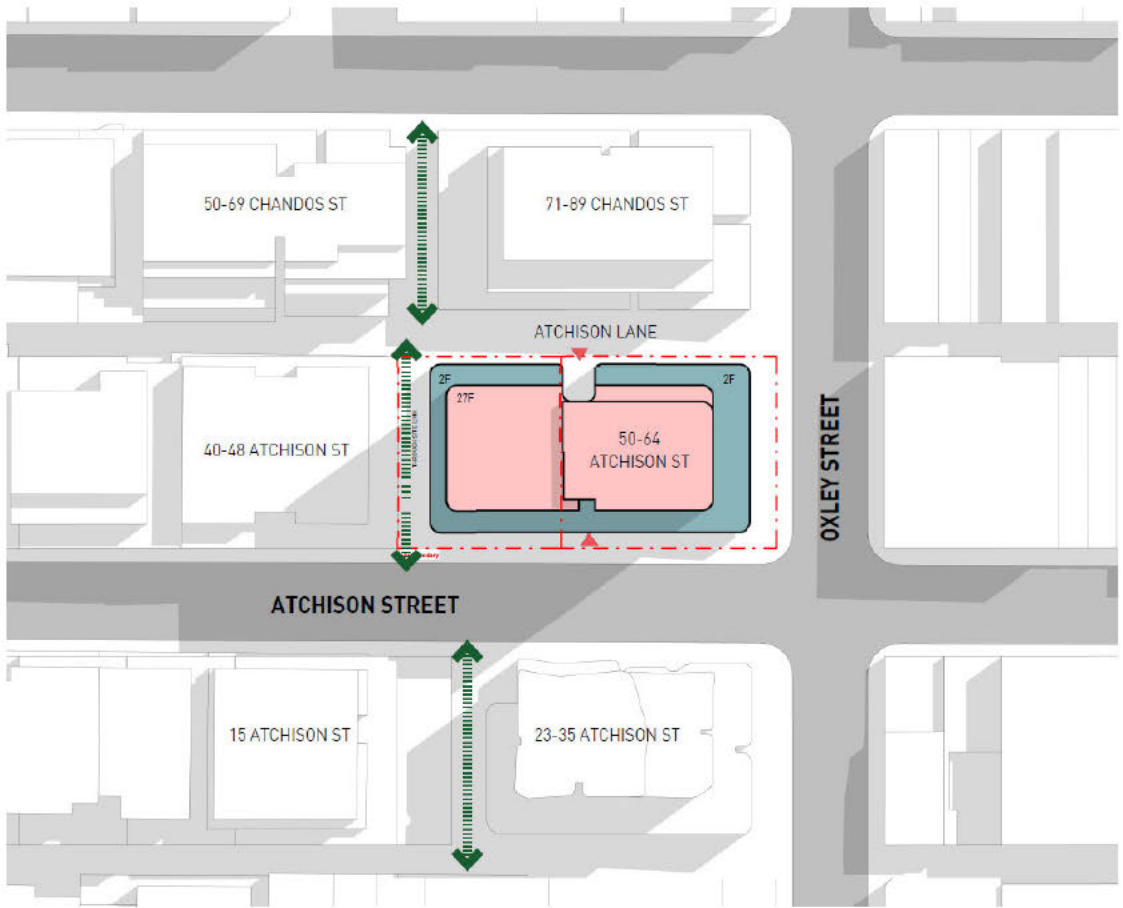


Figure 22 Option 2 – Concept through-site linkage

Source: PTW Architects

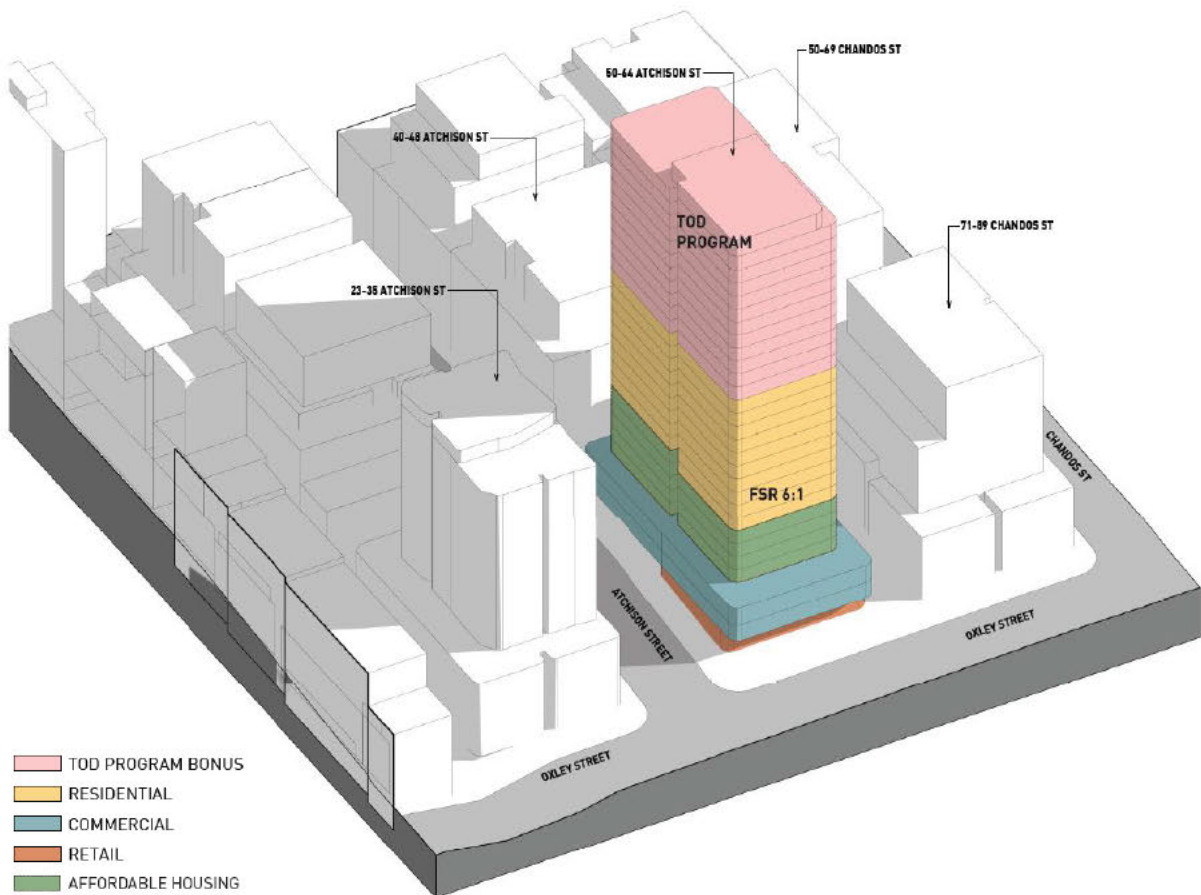


Figure 23 Option 2 – Massing concept scheme

Source: PTW Architects

5.2 Options Summary

Option 1, 1A and Option 2 represent a departure from the proposed planning controls that have been exhibited as part of the TOD SEPP for the Crows Nest Precinct. A summary of the key numerical features underpinning each option is provided in **Table 3** below.

As shown, the FSR and building height controls exhibited for the TOD SEPP will only be capable of realistically a maximum of 12 apartments, this is due to significant feasibility challenges that would be unavoidable with the site being able to achieve a maximum of 6:1. As density increases so to does the ability to deliver affordable housing. This is evident in Option 2, which can deliver 15% of the total floor space as affordable housing, equating to approximately 43 affordable dwellings being provided on site. Such a shift represents a 450% increase on affordable housing provision between the two options, and clearly delivers an outcome that makes a much more significant and material contribution to the State Government's stated objectives.

Table 3 *Numeric Summary of Options*

Component	Controls under TOD Rezoning	Option 1	Option 1A	Option 2
Land Use	MU1 – Mixed Use	MU1 – Mixed Use	MU1 – Mixed Use	MU1 – Mixed Use
Building Height	56m	95.9m	95.9m	95.9m
Floor Space Ratio	6:1	8.1:1	8.1:1	10:1
Residential GFA	11,722m ²	17,357m ²	17,357m ²	22,118m ²
Commercial/Retail GFA	3,412m ²	3,105m ²	3,105m ²	3,105m ²
Affordable Housing	10 (6%)	23 (10%)	23 (10%)	43 (15%)

5.3 Preferred Option

The proposed indicative option was driven by the balance a number of key factors, the first being to ensure an appropriate design response that doesn't result in any unacceptable adverse impacts on the surrounding area, the second is to ensure that the future development outcome is feasible that is able to realistically be delivered in the short term, the third is the ability of the scheme to maximise the provision of affordable housing in response to the State Government's objectives.

Taking this into account Option 2 is considered to best respond to these three key factors and is therefore the preferred option and proposed approach for the site. It is noted that the preferred approach is still conceptual at this stage and is provided to illustrate the significant opportunity and positive outcome for the site without posing any significant or unreasonable environmental impacts.

An overview of the alternatives available to TWT Global in response to the provision of affordable housing on Site 4 is provided in **Table 4**.

Table 4 *Overview of Alternatives*

Alternative	Consideration
Base Option	Under the base option scenario, the development of Site 4 would not be feasible for TWT Global to complete. This Option would not adequately respond to the significant housing need within the Crows Nest Precinct as it would render redevelopment of the site unfeasible and ultimately become a missed opportunity to deliver both market and affordable housing.
Option 1	The Option 1 scenario (8.1:1 FSR) will enable the site to be redeveloped in the future and will enable the delivery of 10% GFA as affordable housing, equating to approximately 23 apartments. This option also does not result in any overshadowing of Hume Street Park, while the massing scenario still achieving the required 70% of apartments to receive a minimum of 2 hours of sunlight during midwinter solar access control within the Apartment Design Guide (ADG). The shadow footprint of this option is also shown in the pack prepared by PTW, and while this option inevitable generates additional shadow, the extent of shadow and its fast-moving nature is considered to be acceptable in the context of the additional affordable housing provision that is unlocked.

Alternative	Consideration
Option 1A	The Option 1A scenario (8.1:1 FSR) will also enable the site to be redeveloped in the future and will enable the delivery of 10% GFA as affordable housing, equating to approximately 23 apartments. This option incorporates a stepped building form within its upper levels associated with the TOD program uplift. Ultimately, this facilitates an improved solar access outcome compared to the other options, with improved solar access provided to Oxley Street and the lower density residential dwellings further east. This option continues to ensure there is no additional overshadowing to Hume Street Park, with the scenario also ensuring that 70% of apartments receive a minimum of 2 hours of sunlight, as required in the midwinter solar access control within the ADG.
Option 2 (Preferred Option)	The Option 2 (10:1) scenario will enable the Site's redevelopment for a mixed-use building that includes 15% of its GFA as affordable housing, equating to approximately 43 affordable apartments. Option 2 achieves a higher provision of affordable housing units whilst continuing to ensure there is no additional overshadowing to Hume Street Park, with the massing scenario still achieving the required 70% of apartments to receive a minimum of 2 hours of sunlight during midwinter solar access control within the ADG.

5.3.1 Affordable Housing

As highlighted above, the preferred option 2 scenario for Site 4 would be capable of supporting 15% of the site's total GFA for affordable housing, which equates to up to **43** affordable housing units in perpetuity located on the podium levels. The units will benefit from excellent amenity given their location within proximity within the St Leonards Town Centre, as well as their proximity to the Crows Nest Metro Station and St Leonards Railway Station, which will connect the occupants to the wider metropolitan area. These highly accessible affordable units will provide significant support for key workers within the Lower North-Shore to continue to reside within proximity to their workplace.

5.3.2 Public Benefits

The preferred option 2 scenario will continue to provide significant public benefit in exchange for the uplift provided to the site. In addition to the significant 15% provision of affordable housing on the site, it will also cater for a through-site linkage along its western boundary, contributing to a new pedestrian connection between Chandos Street and Atchison Street. This will help break down the block structure, with a clear, long-sightline connection significantly improving pedestrian connectivity and walkability throughout the TWT Village.

Through this and the provision of non-residential and active retail on the lower ground and ground levels of up to 3,105.1m², the preferred option will significantly enhance the public domain and pedestrian amenity within the north-eastern edge of the Crows Nest Precinct.

Furthermore, TWT Global are open to other opportunities to increase the public benefit offering of the site, including the potential provision of community facilities within the podium, or potential dedication of public open spaces throughout the immediately surrounding public domain.

5.3.3 Traffic and Parking

Site 4 is located within a highly accessible area, and as a result future demand for private car parking will likely be far lower than standard high-density mixed-use developments. In response to this, TWT Global is open to the idea of having a bespoke parking rate for Site 4 to ensure that the additional density does not result in an unacceptable traffic impact on the local road network. The exact details of this would need to be worked through with DPPI, but traffic concerns are a matter that TWT Global recognises may be of concern, and as such is willing to engage in a discussion with DPPI about what a workable solution might be for the site should it accommodate additional density as set out in the Preferred Option.

5.3.4 Solar Access and Overshadowing

A solar analysis has been undertaken by PTW to test the Option 2 scenario and ensure that it does not result in any unacceptable overshadowing impacts on the surrounding area at mid-winter (21 June). Of particular relevance is the mixed-use buildings to the south, the St Leonards commercial core to the west and the residential buildings to the west.

Based on the outcomes of this analysis, it is evident that Option 2 scenario does not result in any additional overshadowing to the Hume Street Park to the south-west. Furthermore, the additional overshadowing created

to the west by the preferred option is concentrated over the intersection of the Pacific Highway and Albany Street.

The preferred option does result in additional overshadowing to the south and west, however this additional avoids residential properties for the most part, rather, causing the overshadowing of the street. We note that these are fast moving shadows across the day and generally align with additional overshadowing from surrounding buildings within the Crows Nest Precinct.

Ultimately, due to the proposed additional height, additional overshadowing is inevitable but importantly is considered reasonable in the context of what the TOD SEPP is seeking to achieve, which encourage taller buildings in and around transport hubs. Please refer to PTW Architects massing analysis which is provided at **Appendix A**.

5.3.5 Residential Amenity

The preferred option will maintain a high level of residential amenity. Importantly, PTW Architects state that the massing scenario will continue to achieve the required 70% of apartments to receive a minimum of 2 hours of sunlight during midwinter solar access control within the ADG.

Furthermore, the site's location within the Crows Nest precinct, within walking distance to and between both St Leonards Railway Station and Crows Nest Metro will contribute to the significant accessibility afforded to future residents. This will be supplemented by significant improvements to the surrounding public domain, catering for a fine-grain urban design outcome throughout the local street network, interacting favourably with residential development on the opposite side of Oxley Street.

6.0 Recommendations

The following recommendations have been made based on our review of the proposed draft TOD SEPP controls and the Urban Design Analysis undertaken by PTW:

1. It is recommended to include Site 4 (50-64 Atchison Street) as one of the 'key sites' within the Crows Nest Precinct to be able to receive a subsequent bonus height, FSR or non-residential FSR to incentivise the delivery of 15% of dwellings as affordable housing. Specifically, it is recommended that an incentive provision is allocated to the site which enables the proposed exhibited height to be raised from **54m** and **56m** to **96m** and the maximum FSR raised from **6:1** and **6.4:1** to **10:1** if a minimum of 15% of the total site GFA is provided as affordable housing. This is critical to enable the achievement of a feasible development outcome on the site, and importantly, will result in a 350% uplift in affordable housing supply to be achieved on the site compared to the scenario currently contemplated under the draft proposed controls.
2. It is recommended to include a savings provision for the active DA 120/24 currently under assessment on Site 2 (55-69 Chandos Street) and Site 3 (71-89 Chandos Street). This will ensure that there is no mandatory affordable housing provision applied to the consent, enabling it to continue to remain financially viable to develop for TWT Global.
3. It is recommended to amend the maximum FSR of 4:1 on Site 2 (55-69 Chandos Street) to 6.3:1. This will provide an outcome that supports with the existing development application that is currently with North Sydney Council, whilst also being generally consistent with the existing development consents; DA 30/19, DA 219/13 and DA 32/19 that apply to the land.

7.0 Conclusion

Thank you for the opportunity to provide a submission of the Draft State Led Rezoning Proposal. We believe that a truly integrated and coordinated planning, design and land use approach is required to ensure that the Department's vision for the Crows Nest Precinct can be realised.

TWT Village is well positioned to accommodate increased residential densities and a mixture of supporting uses due to its proximity to both the St Leonards Railway Station and Crows Nest Metro Station. The TWT Village more broadly will be an important catalyst site in stimulating future development within the Crows Nest precinct, as it is currently under the control of one landowner and has significant development potential to maximise both market and affordable housing supply (as highlighted within **Section 5.3** and **Section 6.0** above).

We would welcome any further opportunities to work collaboratively with the DPHI in contributing to the finalisation of the State Led Rezoning Package for Crows Nest and the surrounding community. We would also welcome a further discussion with DPHI and the Urban Design Team.

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Tuesday, 27 August 2024 9:05:20 PM
Attachments: [stubbs-objection---124-shirley-rd.docx](#)

Submitted on Tue, 27/08/2024 - 21:02

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Jeremy

Last name

Stubbs

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

Crows Nest

Please provide your view on the project

I object to it

Submission file

[stubbs-objection---124-shirley-rd.docx](#) (17.11 KB)

Submission

Submission attached

I agree to the above statement

Yes

As a North Sydney resident owner and rate payer for 25 years I make the following submission in relation to the Crows Nest Transport Orientated Development (TOD) rezoning proposal. I draw your attention to the inequity of the Crows Nest TOD rezoning proposal that is predicted to significantly reduce the value of my own and neighbouring properties.

The current proposal is flawed in its approach on two levels. The first is the proposed uplift in zoning particularly on 124 Shirley Rd Crows Nest provides no incentive for redevelopment of the site or those adjacent. The second is the masterplan as presented does not address lot consolidation and ground plane access which is vital for good development.

In relation to the above I provide the following information in relation to 124 Shirley Rd Crows Nest and the financial feasibility of redeveloping the site:

- Current site area 530 sqm
- Current Floor to Space Ratio (FSR) of 1.6:1
- Proposing Floor to Space Ratio of 2:1
- Currently 12 units in block with a value of approximately \$1M each
- The rezoning provides for 1,060 sqm of new development. Site developers within the TOD indicate that the potential floorspace has a value of between \$5,000-\$7,000 psm of development. Leaving a current land value of between \$5.3M and \$7.5M. Significantly less than the current market value of the individual units of approximately \$12M.
- If 16 apartments were built following rezoning at a cost of \$10.4M (\$650,000 per unit construction costs) added together with just the current value of each unit at say a total of \$12M, plus a developers margin of 20% (\$4M), holding costs of 20% (\$2M) and the provision of affordable housing at say 10% (\$1.3M), the 14 available units for sale would need to sell for over \$2.2M which is not sustainable, would not be commercially viable and does nothing for affordable housing in Sydney.
- Note there is no heritage value in the current built form which was confirmed by North Sydney Council when they last undertook a review of their heritage register. As such there should be no limitations on height compared to other sites in the TOD.

In relation to basic planning principles, I make the following comments:

The plan

- Provides for no minimum lot size to ensure quality redevelopment i.e good setbacks, solar access and through site links etc
- Does not allow for future growth of Crows Nest. Similar issues occurred in areas such as Chatswood where height limits were put in place which are now irrelevant and have restricted the growth of Chatswood as these sites previously redeveloped are not able to be recycled due to their current values.
- Proposes 6 storeys with 1,060 sqm of FSR or 177sqm per floor which is a site coverage of 33%. This is underdevelopment of the site.
- The Affordable Housing provision means this site is further impeded as a redevelopment site. A substantial uplift is required to deliver the proposed 10-15% affordable housing provision.

The plan is flawed as it proposes growth opportunities which financially cannot be achieved. This is an ongoing issue with Local Councils and Government rezoning initiatives that do not factor in the current land value or value of the residences currently in place.

I propose the following options should be considered in relation to 124 Shirley Rd Crows Nest:

- Site consolidation to ensure minimum lot sizes of at least 1,000sqm or in the case of 124 Shirley Rd 2,000 sqm which would see the amalgamation of 3,5 and 5a Nicholson St with 124 and 126 Shirley Rd.
- Site consolidation would allow additional floorspace to be approved on the site and a higher building envelope.
- An FSR of 6:1 should be considered. Based on 124 Shirley Rd this would see the following scenario
 - 3,180 of FSR
 - 8-9 storeys recommended
 - Site coverage 67% which could be reduced at upper levels depending on the podium
 - Total costs \$60-68M
 - Price per unit \$1,528M
 - Provision of 5 affordable housing units (10%)
- Closure of Nicholson Lane for more expansive and quality development with community space.

Additionally, more work is required on the fine grain/street level activation. Height should be embraced as it allows for much better planning outcomes on the ground plane. Recent master planning of St Leonards South has highlighted the need for better articulation of plans at the ground plan and the use of height across the whole area, not just consolidated around or close to the railway/metro station.

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Sunday, 18 August 2024 6:01:20 PM
Attachments: [crows-nest-transport-orientated-development-proposal.pdf](#)

Submitted on Sun, 18/08/2024 - 10:04

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

██████

Last name

██████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

████████████████████

Suburb/Town & Postcode

WOLLSTONECRAFT

Please provide your view on the project

I object to it

Submission file

[crows-nest-transport-orientated-development-proposal.pdf](#) (76.34 KB)

Submission

Attached please find my submission.

I agree to the above statement

Yes

Dear Department of Planning, Housing and Infrastructure

As a long-time Wollstonecraft resident, I wish to express my growing concerns about the TOD Rezoning Proposal for Crows Nest and the surrounding area. While I recognise the need to address Sydney's housing shortage, including the need for social and affordable housing, the proposed scale of development seems excessive.

Crows Nest was intended to serve as a transition zone between the high-rise developments of St Leonards and North Sydney. However, the proposal for towers reaching up to 30 storeys suggests a continuation of the over-development seen in neighbouring suburbs rather than a transition. Limiting the height along the highway to 10 storeys would allow for growth without compromising light, existing infrastructure, or the village atmosphere that attracted residents in the first place.

The Pacific Highway has become a cold canyon of towering buildings—from 62 storeys near St Leonards Station to proposed heights of over 35 storeys up to Shirley Road. Such height increases will result in significant overshadowing and loss of winter sunlight for streets on the Wollstonecraft side of the highway, leading to a harsh, shadowed environment and added pressure on the electricity grid as residents struggle to light and heat their apartments.

The disparity between proposed heights along the Pacific Highway (32+ storeys) and those in surrounding streets (3-7 storeys) raises concerns. Reducing the maximum height along the highway to 10 storeys would align better with the surrounding areas and offer a more appropriate transition.

Moreover, the height limit on the north-eastern side of Nicholson Street has been increased to 29 metres (about 7 storeys), while the south-western side between Hume and Lamont remains at 12 metres (about 3 storeys). This inconsistency is puzzling, especially when nearby properties on the same side of the street have been rezoned to 23 metres (5 storeys). This uneven zoning raises questions about the decision-making process.

High-rise buildings along the highway consume more energy due to the need for lifts, and extensive heating/cooling. In contrast, medium-density apartments located a block away from the highway benefit from natural ventilation and reduced energy consumption. The TOD's goal to increase residential density near transport hubs could be better achieved by raising height limits to 5 storeys between Nicholson Street and River Road, promoting eco-designed apartments that offer fresh air and quieter living conditions.

The construction and occupation of these towers will exacerbate traffic congestion in Nicholson Street, already plagued by delays near Coles in the afternoon. The proposed access via Hume Street will further strain Nicholson Street, worsening traffic, noise, and parking issues. Additionally, there is no plan for schools or green spaces to accommodate the increased population.

In conclusion, I fear that Crows Nest and Wollstonecraft are at risk of becoming high-rise extensions of St Leonards and North Sydney rather than serving as a transitional area. The unique village atmosphere of Crows Nest, which has been carefully cultivated over the years, could be eroded if it becomes just another high-rise development.

Twice a day, as I walk down Nicholson Street towards St Leonards, I contend with the cold, windy, bleak conditions and the litter that is blown around by the high-rise buildings creating a wind tunnel effect.

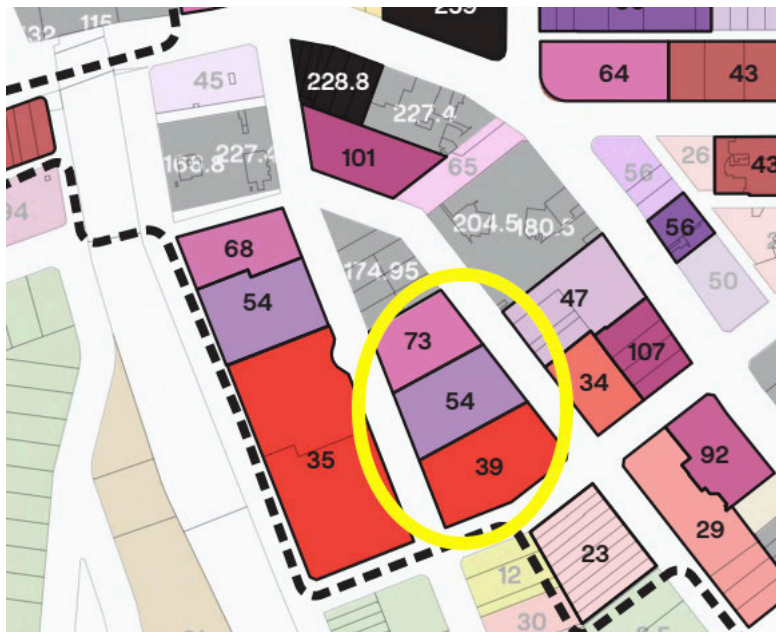
While change and development are inevitable, they must be managed thoughtfully to avoid overwhelming the area's infrastructure, utilities, and character. Developers seem to benefit the most from these plans, while the broader community suffers. Thoughtful, well-designed urban planning is essential to create a positive future for all residents.

Thank you for considering my perspective.

[REDACTED]

[REDACTED]

[REDACTED]



From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Thursday, 29 August 2024 1:57:44 PM
Attachments: [crows-nest-submission- compressed.pdf](#)

Submitted on Thu, 29/08/2024 - 13:57

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

[REDACTED]

Last name

[REDACTED]

I would like my name and personal contact details to remain confidential

Yes

Info

Email

[REDACTED]

Suburb/Town & Postcode

Crows Nest NSW 2065

Please provide your view on the project

I object to it

Submission file

[crows-nest-submission- compressed.pdf](#) (89.84 KB)

Submission

Crows Nest TOD Submission

We, owners and residents in [REDACTED] strongly object to the Crows Nest Transport Orientated Development Rezoning proposal as we believe it goes well beyond the North Sydney Council local planning requirements, and if approved would have a detrimental effect on all existing residents in the area.

Reasons:

Excessive density as evident in the proposed built form. ...

Lack of information on total floor space, and populations employment and residents

Lack of open space commensurate with population.
Negative impact on the amenity of the neighbourhood.
The change from human scale streets to windswept streets as evident in the existing development
Impact on residents of 220 Pacific Highway
Reduction in well-being of owner/residents currently continuing to significantly invest in unanticipated remedial and rectification works on defects, water ingress, cladding (NSW ban)
Significant reduction in light and introduction of afternoon shading for Panorama west facing units
Loss of privacy for west facing units in Panorama directly facing into proposed new dwellings
Loss of privacy for all eastern facing units in new developments dwellings.
Loss of views for 47-51 west facing units in 220 Pacific Highway
Lack of light and shading in units of new dwellings built on the 8 storey sites in Bruce Street
Issues for Precinct
Pedestrian hazard and safety for primary and high school aged student minors from North Sydney Girls HS and Cammeraygal High School
Impediments to parking and access affecting Mater Hospital and the MIA, existing Sinclair Street residents and guests
Traffic congestion along Sinclair, from Bruce St to Pacific Highway Northbound and from Rocklands Road to the Pacific Highway Northbound and Southbound
Increased noise and emissions from rooftop services such as ventilation and heating equipment in addition to the current noise levels generated by Mater Hospital and the Melanoma Institute of Australia (MIA) facilities
Loss of the tree canopy on Sinclair Street
Failure to provide 2.83 hectares of open space per 1000 population which is an established benchmark that should apply to St. Leonards and Crows Nest
Loss of maintaining the integrity of the historic skyline Panorama historically visible from many areas
Negative impact on adjacent local character and heritage because of the scale of the proposal
Impact on existing town services such as sewage, waste, water, electrical sub stations etc
16. There should be no additional density (FSR) for site 238-242 Pacific Highway, 1 Bruce Street Crows Nest and 1 Bruce Street, given the excessive density in the precinct. The pocket park can be delivered through a Voluntary Planning Agreement (VPA) from the development sites.

Background

220 Pacific Highway Crow's Nest. (Panorama Residences)

Class 2; 17 story high rise; refurbished hotel; developer Barana Group & builder Probuild Corp (liquidated 2022)

160 units; occupied 2013 as Strata; situated behind residences at 19-41 Sinclair Street; 82 units west facing; 51 units on floors 1-7

Panorama Residences have suffered from two unexpected and uncontrollable events:

- Collapse of the builder, Probuild, leaving a massive liability for unresolved defects
- NSW retroactive ban on cladding and requirement for replacement

Probuild liquidation left unaddressed construction defects; 2019 investigations identified non-compliant external. Current OC remediation costs for defects, water damage and cladding are being borne by all unit owners via special levies to-date of \$5.5million

The owners are, in effect, continuing the purchase of their units while facing property value losses due to the Crows Nest Transport Orientated Development Rezoning proposal

in terms of the loss of amenity of the precinct and in terms of the direct impact on harbour views and outlook resulting from the proposals for Sinclair Street. The rezoning proposal goes well beyond the North Sydney Councils, local planning requirements, and if approved would have a detrimental impact on the quality of life for all existing residents in the area and will have a negative impact on the value of apartments in the area

Issues

The proposal overrides and exceeds the LEP controls of North Sydney, Lane Cove, and Willoughby Councils.

The current proposed development of the NSW State Government does not adequately consider liveability. The actual mass and form of development in such a small area is a false interpretation of a TOD and does not enable reasonable amenity for either existing residents or proposed residents. There is inadequate separation of buildings, lack of green space, tree canopy, deep soil and walkable streets. There is insufficient recreation facilities and services.

The existing Townhouses on Sinclair Street are located at a lower level than Pacific Highway, therefore the majority of the apartments in 220 Pacific Highway currently have district views.

The rezoning and proposal to allow 8 storey development of the Townhouse site will result in the loss of harbour and district views for 50% of western facing units in Panorama. It will result in a substantial number of apartments losing their outlook, with a detrimental effect on property values.

Additionally, if the eastern side of Sinclair semi-detached dwellings (25-35) are redeveloped into a high-rise sites, they will obstruct additional views, and therefore more apartments in Panorama Residences and adjoining highway residences will be adversely impacted.

Sinclair Street is at the very boundary of the proposed rezoning and therefore at the furthest point from stations, would have significant view affection if rezoning of that street is approved, and would significantly alter the character of Sinclair Street and the existing tree canopy. There is an imbalance in Crow's Nest. At the proposed density the built form is unsustainable and the actual and perceived density excessive.

Sinclair Street already has higher density housing forms in the form of townhouses and should not be rezoned but be retained to contribute to the housing mix and to preserve the existing character of Sinclair Street.

Crows Nest is known as high density 'Bedroom Suburbs'. Best practice residential development should be located away from major traffic arteries, on a complex fine grain street network with a diverse mix of uses, walkable and adequate open space. The lack of accessible open space will reduce the potential range of demographics that can live in the towers.

Much of Sydney's open space is in the gullies, the transport is on the ridges. Locating excessive densities around transport nodes does not reflect the intent of TODs and will not produce a liveable city.

Cumulative & Community Development Impact

The simultaneous approval of multiple developments in North Sydney, Crows Nest, and St Leonards is causing severe congestion, frequent road closures, and prolonged construction

disturbances. There appears to be a lack of coordination between Councils and State Government in managing these impacts.

The NSW State Government has not conducted adequate research to assess the adverse impacts on our community. Despite widespread opposition from residents, the government is prepared to unilaterally impose this proposal, disregarding local sentiment and the potential negative consequences

Given the significant increase in residents in the last 4 years and the majority of proposals planned for the west side of the Pacific Highway pedestrians have not been taken into account. Higher density and walkability are the keystone of TOD development but the proposed building form, overshadowed windswept streets, lack of open space do not comply with the stated priority for pedestrians in 2036 plan.

Traffic Congestion & Insufficient Traffic Analysis

The most recent comprehensive vehicular traffic study for the area dates back to 2013, failing to account for current congestion levels

No new developments for the area should be approved by the NSW State Government or Councils until such time as a detailed study is undertaken by the State Government concerning the current vehicular traffic congestion, traffic flows, construction congestion and parking. The Pacific Highway and side streets in this area are currently extremely congested at peak times with insufficient access to and from existing developments.

Insufficient green space

Crows Nest is lacking in green space, overall nature, public amenities and recreational precincts, particularly when compared to most of its neighbouring suburbs. Our residents have to live in the area and put up with all the developments approved by the State Government and Councils, with some that go totally against local planning and residents' values and wishes and do not represent best practice higher density development.

I agree to the above statement

Yes

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Tuesday, 6 August 2024 12:02:45 PM
Attachments: [objection-to-crows-nest-tod-rezoning-proposal.pdf](#)

Submitted on Tue, 06/08/2024 - 12:01

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Bill

Last name

McGowan

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

St Leonards 2065

Please provide your view on the project

I object to it

Submission file

[objection-to-crows-nest-tod-rezoning-proposal.pdf](#) (92.58 KB)

Submission

We object to this rezoning proposal. Please refer to the attached correspondence.

I agree to the above statement

Yes

W & R McGowan

[REDACTED]
[REDACTED]
St Leonards
NSW 2065
[REDACTED]
[REDACTED]

6th August 2024

The Executive Director – State-led Rezoning,
Department of Planning, Housing and Infrastructure,
NSW State Government,
Locked Bag 5022,
Parramatta,
NSW 2124.

Re: Crows Nest Transport Orientated Development Rezoning proposal.

We object to the Crows Nest Transport Orientated Development Rezoning proposal as we believe it goes well beyond the North Sydney, Lane Cove and Willoughby Councils, local planning requirements, and if approved would have a detriment effect on all existing residents in the area. St Leonards is one of the most densely populated areas in New South Wales. St Leonards is lacking in greenspace, overall nature, public amenities and recreational precincts, particularly when compared to most of its neighbouring suburbs.

The area also suffers from extremely heavy traffic flows, overburdened services, and major construction noise/congestion, due to all the ongoing development. Our residents have to live in the area and put up with all the developments approved by the State Government and Councils, with some development approvals that go totally against local planning, residents' values and liveability issues. The NSW State Government or local councils have not undertaken a major vehicular traffic study in the North Sydney, Crows Nest & St Leonards areas in many years. The studies referred to in numerous developers reports go back to 2013 and do not consider the current vehicular congestion we are experiencing in the St Leonards area. The only detailed studies undertaken relate to cyclists and pedestrians. No new developments for the area should be approved by the NSW State Government or Councils until such time as a detailed study is undertaken by the State Government concerning the current vehicular traffic congestion, traffic flows, construction congestion and parking. The Pacific Highway and side streets in this area are currently extremely congested at peak times with insufficient access to and from existing developments.

All new developments in St Leonards must carefully consider liveability, social cohesion, neighbourhood resilience, protection from shadowing, wind tunnelling and provision of public amenities. All new developments should have considerable separation between buildings and have to include green space and recreational precincts. The loss of sunlight and shadowing that will occur due to the proposed height of some of these new developments (like the 62-storey State

Government development proposed on the RNSH site in Herbert St) overall size and height of all these proposed developments is of major concern. The St Leonards area currently has major wind tunnelling issues, and these proposed developments will only add to this. We note that the wind tunnelling and shadowing reports provided by developers to date were all completed prior to the completion of the St Leonards Square development, Landmark & 88 Christie St developments. These three new developments recently added 1,623 units with some 3,870 residents to the St Leonards area. The reports on wind and shadowing, included in the numerous development applications cannot be considered as relevant as they do not take into account the effect these three developments have on the area.

We are extremely concerned by the amount of development approved at any one time in the North Sydney, Crows Nest, St Leonards area, as this is causing major construction congestion, road closures, construction noise along with dust issues. There currently does not appear to be any co-ordination between the Councils & State Government, resulting in ongoing construction congestion in the area, with the following 11 developments proposed for St Leonards at the current time.

St Leonards current proposed developments:

- 601 Pacific Highway (Nth Syd)
- 617-621 Pacific Highway (Nth Syd)
- 100 Christie St (North Syd)
- 55-69 Chandos St (North Syd)
- 71-89 Chandos St (North Syd)
- 448 Pacific Highway (Lane Cove)
- 524 -542 Pacific Highway (Lane Cove)
- 46-52 Nickolson St (Lane Cove)
- 29 to 57 Christie St (Lane Cove)
- St Leonards Southside Development Quarter (Lane Cove) [Canberra Ave, Holdsworth Ave & Berry St's.]
- RNSH land in Herbert Street (Willoughby) [Opposite the pedestrian bridge from the train station]

With no co-ordination between the Councils & State Government, what happens to St Leonards if developers all start construction within similar time frames?

The Crows Nest Transport Orientated Development Rezoning proposal is not in the best interests of the residents of St Leonards, and that the NSW State Government has not carried out sufficient research to consider the detrimental effect on our St Leonards area, however, is prepared to unilaterally impose this Crows Nest Transport Orientated Development Rezoning proposal on us when the majority of residents oppose it.

Regards




From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Monday, 26 August 2024 1:32:13 PM
Attachments: [tod-crows-nest-wollstonecraft-precinct-complete-submission-final.pdf](#)

Submitted on Mon, 26/08/2024 - 13:28

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

John

Last name

Hancox

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

Wollstonecraft 2065

Please provide your view on the project

I object to it

Submission file

[tod-crows-nest-wollstonecraft-precinct-complete-submission-final.pdf](#) (218.4 KB)

Submission

The submission is made on behalf of Wollstonecraft Precinct - See uploaded file 14 pages

I agree to the above statement

Yes

Crows Nest Transport Oriented Development (TOD) Precinct

Submission by Wollstonecraft Precinct

Submission:<https://www.planningportal.nsw.gov.au/draftplans/exhibition/crows-nest-tod-rezoning-proposal>

Summary:

When the Dept of Planning gazetted the St Leonards 2036 Plan on 29 August 2020, we thought that would be the final plan for a government led rezoning to satisfy the justification for the new Metro station at Crows Nest. The government certainly believed so because it trumpeted its achievement in press releases for 6,680 new dwellings and enough office space to support 16,500 new jobs. We were wrong.

The TOD proposal for Crows Nest that arose out of a promise to support the Housing Accord was exhibited on 16 July with a 28-day period for lodgement of submissions. The closing date was subsequently extended to 30 August. There was a one-hour on-line presentation and a series of 45 minute in-person meetings. The brief in-person meeting that Precinct attended provided no clarity of the written proposal.

Precinct notes this TOD precinct and the 2036 Plan upgrade will replace the previous intention to rezone mid to high density housing within a 1200m radius of the Crows Nest station. This is a good decision as far as housing in Wollstonecraft and the Holtermann conservation area is concerned. We are therefore proceeding on the understanding that there will be no further opportunity for increased height within the 1200 m radius, other than within the TOD precinct which you have coloured purple.

The impact of the low to mid rise housing reforms within 800 metres of all rail stations that has been deferred to later in 2024 remains unclear. Given the huge uplift of this TOD rezoning on top of the 2036 Plan and the government's own admission that Wollstonecraft represents density done well, we recommend that the reforms proposed for low to mid rise housing in Wollstonecraft and St Leonards, be largely abandoned to be replaced by a target increase in housing to be left to North Sydney Council to plan.

It is surprising to note on page 31 of the EIE that the department is inviting landowners, (and by association, developers) within the TOD accelerated precinct or 2036 Precinct to make a submission because the department hasn't had an opportunity to speak with them. How then can we be expected to make comment on whatever they may submit in response to the invitation. This is unfair.

We also note that SJB Urban has been engaged to advise the department on the Crows Nest TOD. SJB Urban is known to have advised the landowner of 378-390 Pacific Highway in their submission on the draft 2036 Plan. All sites with between Oxley and Hume streets were uplifted six extra storeys above the heights as exhibited in the 2036 Plan to 24 storeys. The department did this without asking for a contribution from the landowners for that gifted public air space. 378-390 Pacific Highway is now one of the six sites selected for increased

height to accommodate 30% extra floor space provided that 15% extra floor space is made available in perpetuity for affordable housing.

Precinct acknowledges the demand for more and affordable housing but objects to the extreme amount of rezoning of the TOD Precinct part of the 2036 Plan area which is expected to increase housing by up to 3,255 more dwellings on top of the 6,680 dwellings forecast by the 2036 Plan. We also object to the absence of planning for funding and development of new open and recreational space to cater for the population within the 2036 plan area which is forecast to increase from 16,000 in 2018 to 32,000 by 2036.

The Plan presented for public consultation if approved and implemented is a plan that will destroy the existing public amenity of the very popular and thriving village of Crows Nest and some of well-located and well-built residential areas of Wollstonecraft. The EIE claims to be based on sound urban planning led by a recognised urban planner. Why then does the TOD ignore good planning that will ensure the new and existing residents receive excellent social infrastructure?

Its main thrust is a government-mandated instruction for variation of the 2036 Plan by imposing increased heights and more housing in Nicholson and Sinclair Streets. Six sites have been incentivised to include the affordable housing component at 15%. All other sites are required to contribute between 10% and 15% for affordable housing. That is between 325 and 488 new affordable homes. It is mandated they be provided in perpetuity to an approved Community Housing Provider whose target is to rent these homes at a minimum discount of 20 % to the average rentals as reported for the Sydney area.

The government is imposing this mandate on the basis that all increases in housing and affordable housing is provided by the private sector at the principle of **“no cost to government”**. **This principle is deplorable** because:

The government will collect \$10,000 on each non-affordable dwelling constructed and stamp duty on each dwelling constructed. The plan is to construct and sell 9,447 non-affordable dwellings. Government combined revenue from the Housing Fund contribution and stamp duty will be ~\$850 million over the life of the development. Some of this must be reinvested in social infrastructure.

The government could and should increase the numbers of affordable housing on the site known as Lot 4B Herbert Street in Willoughby LGA. This is a site of about 3,400 sqm. The government is asking for only 10%, maybe 15% of those to be affordable in perpetuity.

It is assumed the government will sell the land to the chosen developer. It should invest those sale proceeds in affordable housing on that site. A site of 3,300 sqm in Crows Nest is reported to have been purchased for \$100 million. That amount of money if invested in this site will buy 100 affordable apartments on top of the affordable homes the developer will be mandated to build. This site of 62 floors could easily deliver >150 affordable homes and still be a very profitable development.

The planning also includes a new Design Guide that will prevail over the North Sydney LEP Development Control Plan. This Design Guide and its accompanying Urban Design Report has been identified as needing amendment to properly define the intent of the TOD program to deliver density done well. We leave the detail of this to North Sydney Council

Open and Recreational Space: Amendments to the Design Guide and the Urban Design Report as recommended by North Sydney Council would include a plan for identifying and funding of social infrastructure including open and recreational space which is critically short already.

In this regard, the top priority is the visionary plan to develop Hume Street Park to its full potential of 8,500 sqm by relocating the child-minding centre and undergrounding the car park and basket-ball courts. It will be expensive but there is no alternative, and it is urgently needed. It is in a location that is protected from excess overshadowing of the tall buildings and will support a grassed area. It is the most suitable location and of a size that is needed.

The second priority is funding for the redevelopment of the Holtermann Street carpark which was included in the 2036 Plan but apart from the design cost was not funded. We are aware that the estimated cost is about double the mooted promised cost proposed by the government.

The TOD has identified a private car park in Sinclair Street as a potential park. The plan is to incentivise the owner with extra height for affordable housing so that this land becomes public open space. Once again: **no cost to government**. However, the owner is already fighting for extra height in the Land and Environment Court to build only 3 BR large floor area apartments. This site is seen as very problematic given the need for vehicle access for underground parking and waste removal. The incentivised height would also result in overshadowing making it unsuitable as a proper park.

There is no justification for the proposed TOD uplift to 50m. If the TOD planners had read the Design Excellence Panel Report on the DA as submitted, they would see the proposal has no merit at all. It was refused by Council and by the Sydney North Planning Panel for sound planning reasons. The government could also easily solve this problem by enforceable acquisition of the land. Either way, the site deserves no uplift above the 2036 Plan height.

The TOD proposal for this site does nothing except provide ammunition for the greedy developer to argue his case in the L&E court.

Road Closures: Precinct has proposed to Council that part of Willoughby Road be closed to vehicular traffic between Clarke Street and Albany Street to pedestrianise and provide more public open space free of buses. The government has been recently suggesting this idea to local government to improve amenity and add open space. Surprisingly, this idea didn't get a mention in the TOD. It should be supported and funded.

Other Amenity: Precinct has also been advocating for the return of the Crows Nest Post Office to Crows Nest, preferably to where it was (on Site B of the Metro) before the Metro construction began.

Sydney Metro forcibly acquired the site, but the government ignored or overlooked a plan to return it to Crows Nest. Australia Post of course didn't care and relocated to St Leonards. Australia Post has no interest in relocating to Crows Nest unless encouraged by funding.

The Post Office was a significant valued amenity for residents of Crows Nest and nearby suburbs. The location in St Leonards is inconvenient offering no parking. Its relocation to its original location would require moderate government funding to:

- construct the post office facility within the Metro station;
- a subsidy to cover any difference in rental being paid at St Leonards compared to the rental quoted by Sydney Metro;
- access to a loading dock and
- a contribution to moving cost.

Funding for these three parks, partial closure of Willoughby Road and support for the Post Office would exceed North Sydney Council's share of the \$520 million being offered by the NSW government for 8 tier 1 TOD precincts but:

It is a matter of record that the previous Coalition government provided from the \$11 billion proceeds from sale of the last 51% of West Connex it owned, an amount of \$5 billion to establish West Invest, an 'election fund' for the benefit of 15 Councils in western Sydney for improved local amenity projects. That is an average \$333 million for each Council. This generous gift was money that should have been used to retire borrowings to fund the construction of West Connex. The Labor opposition at the time was silent on this Fund but was happy to take the benefits in government. All or most of it has been committed to projects that were approved without any reference to the hierarchy of consultation we are subject to by the TOD projects.

Significantly, it did not include a requirement that those Councils should address affordable housing.

Office Space: The focus on increasing housing has an unintended consequence: the loss of commercial office space that will support new employment, The 2036 Plan had an aspirational target of 16,500 new jobs. Precinct argued that the OSD at Crows Nest should not be residential development and instead government should provide an opportunity for new jobs. The 2036 Plan was finalised with the OSD to be commercial space. The TOD will result in a significant loss of commercial office space resulting from two major strategies that need to be revisited:

1. Conversion of office space to all residential space on Site A of the Metro and
2. Potential for Build to Rent apartments on mixed use sites

The importance of office space and hence new jobs is vital to ensure that Crows Nest reaches its full potential as contemplated by the 2036 Plan.

Educational Facilities: It has been 6 years since the provision of new schools was mentioned when the draft 2036 Plan was publicly exhibited in October 2018. The 2036 final plan released in August 2020 was silent on any advance in planning. Now the TOD is equally silent

on the requirement to advance planning for schools to cater for the increased population in the Plan area from 16,000 in 2018 to 32,000 by 2036. This is a failure of planning that must be addressed before the TOD rezoning is gazetted.

EIS: There is no mention of a requirement for an Environmental Impact Statement for this new **proposal** for additional housing squeezed into the 2036 Plan area. State Significant Developments require an EIS so why not this aggressive plan? The extra impact on services will surely require very careful planning which has received scant attention.

Traffic: There is no mention of conducting a holistic traffic plan study for the 2036 Plan area and surrounding roads. The 2036 Plan is dealing with traffic site by site as planning proposals arise. But Lane Cove Council has written in its TOD submission that the traffic problems created by their existing developments along the Pacific Highway (excluding St Leonards South) can be solved by reopening the closed intersection of Oxley and Nicholson Street. Those cars should be left in their garages and the residents told to use public transport. We strongly object to this suggestion. Crows Nest will have its own traffic problems from the TOD program.

Approval: There is no mention of a public hearing before the determination of the TOD program nor is there an opportunity for the community to have the plan referred to the Independent Planning Commission.

Climate: There is nothing in the EIE or the Design Guide to require that the proposed buildings should be encouraged to reduce the use of gas. There is an adopted Climate Emergency at North Sydney Council that requires discipline to reduce greenhouse gases. The NSW government has a target to reach Net Zero Co2 equivalent by 2050. Nor is there thought given to double glazing in these tall buildings.

The TOD program is a plan prepared under an order from government to increase housing. It is being sold to the community as better urban planning, but it falls short of that description.

RESPONSE TO THE EIE:

1.1 Purpose:

- The SEPP contains requirements that over-rule Council car parking rates designed to follow the thrust of the Department of Transport for new high-rise dwellings close to stations like Crows Nest.
- The formula for calculating the 30% extra floor space has a consequence that delivers up to 50% more residential floor space when compared with the otherwise approved floor space. No wonder that developers are tripping over themselves to apply for bonus provisions for affordable housing
- The parking rates in the SEPP should be repealed and the formula for calculating extra floor space should be modified to prevent extra bonus space being delivered to developers and causing extra height and overshadowing.
- Objectives: The EIE does not explain how new housing in this new precinct and in the 2036 Plan will be supported by:

- Public spaces. There is a critical shortage of public space already.
- Vibrancy – the fact that the precinct will be overcrowded would detract from, rather than add to vibrancy.

- Community amenity. In this regard, we ask why in the 2036 Plan, all sites on the western side of the Pacific Highway between Oxley and Hume Streets were gifted an extra 6 floors above the draft 2036 Plan, and why the government, neither requested nor were offered any compensation from the recipients of that increase in benefit. In simple terms the landowners received public amenity (air space) and the community got nothing in return.
- The same question applies to one of the sites along the Pacific Highway from Bruce Street towards Shirley Road that was increased from 8 to 13 storeys including 270-272 Pacific Highway.
- Action by the Dept of Planning at that time to allow the transfer of public amenity (air space) to be gifted to the private sector without proper compensation is deplorable. It leaves open the suggestion that there may have been conflict of interests, or lack of commercial commonsense. The community deserves an explanation, and it deserves this action to be corrected by way of some space being given back so that those developments can contribute to affordable housing.

There is no suggestion in this EIE that any of the uplift value of rezoning (again), a large part of the 2036 Precinct will be taxed in any way for the benefit of this community. The State Infrastructure Contribution that was intended to fund Infrastructure in the 2036 Precinct has since been transferred to Consolidated Revenue to be used anywhere in the state. We are told that there is greater need elsewhere. Apparently, \$5 billion for West Invest is not enough.

The proposal elsewhere in the EIE that the government will allocate \$520 million from what is now called a Housing Fund to be shared by eight Tier 1 Precincts will not be enough to fund what is desperately needed in the Crows Nest TOD precinct including the 2036 Plan. Fifteen (15) Councils in Western Sydney have been allocated \$5 billion with none of that money directed towards the provision of affordable housing. The logic of this incompetent, lopsided distribution of government funding is outstanding.

1.3 Precinct Boundary

- It is noted that the Tier 1 Precinct which originally identified a 1200 meters radius (of the Metro Station) for potential rezoning has now been refined to match the 2036 Plan.

1.4 Strategic context:

- Green Plan and Land Character Statement. This document informed the 2036 Plan by way of a catalogue of open space under Section 2.6 and details on pages 14 and 15:
 - The actual current open space within the boundary was 12.7 Ha
 - It then counted and added an extra parcel of open space (8.31Ha) outside the boundary as if it is within the boundary.
 - Of that 8.31 Ha 2.98 Ha (items 26, 27 & 28) is on the other side of the Warringah Freeway and inaccessible and 1.04 Ha (items 31, 32, 33 & 35) is on the western side of the PH mainly in the LCC LGA far away from new dwellings in the precinct or otherwise inaccessible.
 - The net usable area outside the boundary was therefore 4.29 Ha making the usable space for the precinct no more than 17 Ha.
 - The ratio of open space when the Green Plan was developed (population 16,000) was 1.06 Ha/1000 population.
 - The green plan included Hume Street carpark and is shown as existing open space but it hasn't been developed and remains undeveloped. The 2036 Plan provided no funding for its development.
 - The green plan didn't mention the Holtermann Street carpark but the 2036 Plan proposed its redevelopment and promised funding which is short of the estimated cost by \$25 million.
 - The Green Plan was not a plan for more open space. Instead, it looked for ways to squeeze more people into what was available. The TOD is doing more of the same.

- The 2036 Plan Strategic Framework was intended to guide future development in the area. That development in the 2036 Plan was for 6,680 new dwellings supported principally by the new Metro station and leveraging existing public transport (buses). Mention is made of new infrastructure which includes open spaces, upgraded cycle lanes and planning for health and education facilities none of which have been identified or funded by government.

- The TOD precinct adds another 3,255 dwellings including an unknown number of affordable apartments in Willoughby Council LGA on Lot 4B Herbert Street. There is no mention of how much affordable housing will be provided on this state-owned site, but it would appear to be an ideal site given its location for the building to be entirely affordable housing for essential workers, especially given the Minns' government's attempts to identify state-owned land for affordable housing.

- No forecasts of affordable housing are provided from the six sites in Table 7 on page 24 of the EIE. Nor is there mention of the expected numbers of affordable housing in the Crows Nest Station Sites A, and now Site C, subject to SSD pathways. More clarity is needed.

- In this submission we question the suitability and the justification of uplifts on the six sites based on transition and on double dipping on sites previously uplifted in the 2036 Plan. We also question how the other sites where rezoning and other amendments have been made to the LEPs will contribute to affordable housing throughout the precinct.

Royal North Shore Hospital. Noted that the proposal for Lot 4B is incorporated into the Crows Nest TOD Program and is a 62-storey development principally to house essential workers but with only a requested contribution of 10%-15%. We have included comments in our Summary on page 2.

Review of 2036 Plan: *“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 Station, where good place-based outcomes are achieved.”*

The 2036 Plan itself had this same aim but the TOD demonstrates no improved amenity. Transitions in height down from the maximum at the stations as planned have been ignored in what appears to be a desperate plan for more affordable housing without any consideration for community amenity.

Transition:

At St Leonards, the station buildings are dwarfed by the massive heights across the Highway in Lane Cove LGA and surrounding heights in North Sydney LGA. These developments have made St Leonards a windy place, lacking good sunlight and unwelcoming. The state led rezoning of the Telstra exchange building is another example of overdevelopment and poor transition. The development on the Car Wash site at 30 storeys is not a transition away from Crows Nest station. It is noted that this site is one of the identified sites for incentive height which would see a building of 133 metres, considerably higher than the Crows Nest Metro site and the tower to the north at St Leonards Square.

The proposed uplift for affordable housing on 378-390 Pacific Highway to 106m will result in an extra 6 floors to 30 storeys (3 higher than the OSD on Site A). The SSD applicable to this site explains that the proponent has acquired or has an option to acquire # 398 Pacific Highway and proposes amalgamation with 378-390 making the tower significantly larger in footprint than the approved proposal. Without the benefit of knowing the new site area we can't make an accurate critique of this proposal. A revised planning proposal will be necessary to properly evaluate the SSD application. The proponent (Freecity) has been actively seeking response to a survey that is meaningless.

At 360-376 Pacific Highway the uplift to 86m will result in an uplift of 10 more floors to 28 floors also higher than the OSD on Site A. Detail comment of these sites is shown in Attachment “A” to this submission

The already approved development at the Crows Nest Fiveways (Triangle) site at 16 storeys is a blunt transition to the adjoining low rise sensitive residential areas. Nevertheless, the dept of planning permitted the site owner to embark on preparation of a SSD development application for infill affordable housing which was exhibited as an obscene uplift of another 6 storeys of apartments plus (by the way in which the SEPP is applied to building heights) another 8 metres of podium height to bring the overall height to RL176 (same as the station OSD).

The EIE states on page 38, that it remains subject to a SSD pathway, but it doesn't mention that the application for affordable housing is not subject to the affordable housing being provided in perpetuity. The proposal received overwhelming opposition from the community. It should be treated the same as other developments in the TOD and be excluded from any uplift beyond its already approved height of 58m (16 storeys).

Amenity:

The 2036 Plan was based upon or triggered by the new Metro station. It largely ignored the excellent place-making studies including building heights, adopted by North Sydney Council for St Leonards and for Crows Nest.

The Plan promised new amenity funding by way of the State Infrastructure Contribution intended to fund new infrastructure and open space to serve the Crows Nest St Leonards community. That fund has disappeared into consolidated revenue. The green plan that informed it was a greenwash document that tried unsuccessfully to prove that we have already enough open space. This new TOD proposal is singing from the same song book but offers nothing more than a claim to offer better walking paths to existing open space.

The 2036 Plan offered a 1600 sqm redevelopment of Holtermann Street carpark with insufficient funding but ignored Councils adopted plan to develop Hume Street Park Stage 2 and 3. We need both because the TOD accelerates growth of another 3,255 apartments.

Precinct is advocating and has submitted a proposal to Council to pedestrianise part of Willoughby Road. That will require agreement of the Dept of Transport to change bus routes. This initiative was overlooked when preparing the 2036 Plan but the same department is now advocating that Councils try street closures to add amenity to cater for increased density. The authors of the TOD precinct don't even mention it.

The TOD program identifies no extra open space save the possibility of a carpark in Sinclair Street being converted into a park. It ignores the fact that the sites immediately to the south east of that carpark are approved at 13 storeys and that those buildings cast long shadows over Sinclair Street, and further west from early morning to midday. Instead, the DPHI intends to incentivise the landowner to compensate them for giving up the land.

Taken together, the 2036 Plan and the TOD program are extreme overdevelopment lacking any plan of funding to improve amenity. It should not be approved until real concerns are satisfied by:

- real change to proposed building heights that transition away from the stations towards lower rise residential housing
- real plans for open space sufficient in amount to meet genuine requirements
- dedicated funding for open space development

Statements on paper are not plans and certainly not commitments. We see the proof in firm planning for the acceleration of more dwellings in the TOD precinct, but we do not see any plans or sufficient monetary contribution that will create more amenity or deliver much needed open space. Contrast the \$520 million to be shared across 8 Tier 1 TOD precincts with

the \$5 billion allocated to western Sydney by way of the West Invest Fund to allow 15 councils to fund their pet projects to increase amenity.

The comparison of \$333 million for each of 15 Councils in Western Sydney with \$520 million to be shared over 8 TOD Precincts needs no further comment.

Attachment "A" - See pages 11 to 14

Attachment “A” - TOD Program – Analysis of Selected Sites for Uplift Table 7 Page 24 EIE and Other Sites

378-390 Pacific Highway Crows Nest: Uplift for Affordable Housing

The reference design submitted for this site for the 2036 Plan was produced by SJB Urban on behalf of the owner. An uplift of six extra storeys as compared to the draft 2036 plan was successfully negotiated for incorporation into the final Plan. The same uplift was also applied to all sites on that side of the highway between Oxley Street and Hume Street. SJB Urban is also advising the DPHI on the TOD program including uplift for affordable housing.

There is no evidence that a monetary or other amenity contribution was requested or offered from the landowner(s) for the public amenity that was gifted by way of the 6 floors uplifted. The subject site has now been selected under the TOD program as one of six sites for another uplift in floor space on the proviso that 15% floor space is made available in perpetuity for affordable housing. As per Table 1 below, the uplift to 106m height and amendments to FSRs results in a 29% uplift in gross floor space, but a 50% uplift in residential floor space, an outcome that would be no surprise to SJB Urban.

Table 1 shows in the last two rows, that a 5 extra floors to a maximum 21 floors of residential floor space will deliver 31.25% uplift and therefore satisfy the 30%/15% intent of bonus provisions:

- a) the developer to build 30% more floor space half of which will be sold to a CHP but be rewarded with 15% of floor space at higher levels in the tower and therefore able to be sold at higher prices,
- b) The Community Home Provider to acquire 15% of floor space at lower height and lower prices essential to lower rentals and
- c) The community to be burdened with the minimum possible impact on amenity.

Table 1. 378-390 Pacific Highway TOD Program floor space uplift calculation – 24 floors

Parameter	2036 plan	TOD Program	Uplift	Uplift %
Site Area	1,309 sqm	1,309 sqm		
GFSR	7.2:1	9.3:1		
Non-res FSR	2.0:1	1.5:1		
GFA	9,425 sqm	12,174 sqm	2,749 sqm	29%
Non-res Area	2,618 sqm	1,964 sqm	(654 sqm)	
Residential Area	6,807 sqm	10,210 sqm	3,403 sqm	50%
Res Floors @ 425 sqm/floor	16 6,800 sqm	21 8,925 sqm	5 3,125 sqm	31.25%
Maximum Height	86.9m 24 floors	102.9m 29 floors		

However, this site **should not be uplifted at all** because it has already enjoyed an uplift of 6 floors on top of 18 floors as proposed in the draft plan. The DPHI should insist that 15% of the residential floor space within the already approved design be made available for affordable housing. No further uplift is commercially justified.

North Sydney Council's report on the final design for the planning proposal stated that it represented a poor planning outcome with several of the design elements inconsistent with good planning. It also lacked **Site Specific Merit** which is one of **two primary hurdles for approval**.

We note that the landowner has submitted a separate State Significant Development application under the name of Freecity. This SSD is for a site description of 378-398 Pacific Highway, a planning proposal for which, has not been submitted that we are aware of. The proposed building is significantly different to the reference design for the already approved site on 378-390 PH. It appears that the owner wishes to sidestep the planning proposal process and the SSD application exhibited for community consultation. It is for a 31 storey tower. The EIE acknowledges the SSD on page 38 but makes no further comment. In its present form it exhibits a scale and bulk which has no features or comment that address the 2036 Plan. We object to the process here that will on the one hand, deliver an uplift to 29 storeys (our measure), 30 storeys (EIE measure) or the (SSD pathway), 31 storeys and larger footprint that hasn't seen the light of day as far as the 2036 Plan is concerned). This is not Planning - it is a free-for-all with one winner (the developer) and the community (the loser).

It highlights the government's attitude of no-cost-to-government, leaving the taxpayer to pick up the bill by way of State Infrastructure Contributions and Stamp Duties on property purchases. Together, these taxes are estimated to be \$850 million at Crows Nest St Leonards alone. The EIE has an inadequate \$520 million allocated for the provision of more Open Space, Education, Health facilities and improved Roads.

402-420 Pacific Highway Crows Nest, is not in St Leonards. It is the site commonly known as **CoCo Republic**. There is no active Planning Proposal that Precinct is aware of. It is also one of the sites gifted an extra 6 floors as compared to the exhibited draft 2036 Plan.

Further uplift as proposed: GFSR is increased to 12.1. Its uplifted height is 111m. Without knowledge of site area and ground RL further comment is based on the already approved brief details contained in the 2036 Plan:

The 2036 Plan has it at 24 floors and being mixed use it would have 3 podium levels at 5.0m, 3.8m and 3.8m respectively equal to 4 floors (12.8m) plus typically 4m for roof plant leaving 20 floors of residential apartments. The building height to comply with the 2036 plan would be 80.8m. The uplift to achieve 30% additional floor space, would be 6 floors (19.2m) half of which would be for affordable housing. The uplifted incentive height would be 100m (not 111m as per the Table 7 on page 24 of the EIE.

However, **it should not be uplifted at all**. The DPHI should insist that 15% of the apartments when proposed be made affordable to compensate for the free gift of 6 extra floors above

the draft plan as exhibited. The site owner has already received more than sufficient uplift to compensate for affordable housing.

448-456 Pacific Highway St Leonards: This is the **Car Wash Site** for which the 2036 Plan proposed 30 storeys and a GFSR of 7:1 and a minimum non-residential FSR of 2:1. The EIE proposes an uplift to 133m from about 100.2m. (Podium 12.6 + Roof top 4.4) + (26 x 3.2) This is a massive uplift on a site already 22 m higher than the proposed OSD on the station buildings .

On the basis of transition alone, it should not receive any uplift. Apparently, Lane Cove Council convinced the DPHI that the parameters for this site should change and a modification to the FSR to 14:1 was granted.

In return for increased height on two sites at the rear of the property, the developer agreed that at a later stage when this part of the site was developed, they would only build to 18 storeys. Now, the developer appears to getting more height on this part of the site as a free bonus. This modification was a pure gift to the site owner and if affordable housing is required, the DPHI should insist that 15% of apartments already proposed in the DA for this site be made available without any further height incentive or compensation.

360 Pacific Highway Crows Nest: This is part 360-376 Pacific Highway proposed to be uplifted. There are no other planning proposals that support the balance of the site expansion to 376 Pacific Highway.

LEP approved: Height increased from 10m to RL 163.8 (18 storeys and 62m high). Introduce a FSR of 5.5:1. A non-residential FSR of 2:1.

The SNPP panel noted in its final determination that the provision of affordable housing had not been considered in the planning proposal and encouraged the parties to consider the provision of affordable housing before finalising the planning proposal. Given this encouragement from the panel, it is obvious to both parties that the 2036 Plan height uplift had room for affordable housing without needing a 30% bonus. Now though, the DPHI is prepared to give more air space which is a public asset, to the land owner for no monetary contribution.

Incentive height 86m = 24m uplift = 7.5 floors

Incentive FSR 8:1=11,248 sqm = 3,515 sqm = 10 floors = 32m high

Table 2 - 360 Pacific Highway Crows Nest: The table on page 14 shows how using the incentive heights and FSR of 8:1 delivers over-generous uplifts in GFA and in residential floor area. The table concludes with two rows of data that delivers a more equitable outcome for affordable housing and for the community.

Parameter	2036 plan	TOD Program	Uplift	Uplift %
Site Area	1,406 sqm	1,406 sqm		
GFSR	5.5:1	8:1		
Non-res FSR	2.0:1	2.0:1		
GFA	7,733 sqm	11,248 sqm	3,695 sqm	48%
Non-res Area	2,812 sqm	2,812 sqm	(654 sqm)	
Residential Area	4,921 sqm	8,436 sqm	3,515 sqm	71%
Res Floors @ 351.5 sqm/floor	14 4,921 sqm	19 6,678 sqm	5 1,757 sqm	36%
Maximum Height	62 m 18 floors	78 m 23 floors	16 m 5 floors	

58-64 Pacific Highway St Leonards: This on the corner of Berry Road.

It is partly justified for uplift as being a marker for St Leonards South. This is nonsense. Where in the planning system do site markers get a mention?

The 2036 Plan has it as Commercial Core with a FSR of 5.1:1 and a height of 9 storeys equivalent to 35.4m. The uplift to 82m high and Incentive FSR of 8.5:1 and mixed use is a very significant uplift for a site that is subject to an existing proposal. The landowner stands to gain substantial benefit. 15% affordable housing would not be near enough reward for the taxpayer. This proposal needs a probity overview to ensure that the uplift is substantially rewarded, with generous affordable housing and appropriate amenity, preferably in the form of a substantial monetary contribution.

Other Sites:

124 and 126 Shirley Road Wollstonecraft: These two existing buildings are period construction in brick with high ceilings and are an excellent representation of the character of Wollstonecraft. The uplifted height to 28 metres is unlikely to incentivise a developer to demolish them. These should be retained without uplift as an example of local character.

Sites facing the Fiveways at Crows Nest on Corner of Pacific Highway: North Sydney Council has properly identified the poor transition caused by the TOD uplifts to 16 storeys on three buildings identified as 1, 2 and 3 on Block 3 at the corner of Pacific Highway . We agree with their proposal that they all be reduced to 8 storeys (unchanged from the 2036 Plan). Fig B2.1 and Fig B2.2 on page 12 and Fig B2.3 on page 13 of council’s draft submission. The TOP proposal ignores the intent of the 2036 Plan to protect the fine grain nature of Crows Nest Village along Willoughy Road.



From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Friday, 2 August 2024 7:22:22 AM
Attachments: [REDACTED] [.-co-living-development-august-2024.pdf](#)

Submitted on Fri, 02/08/2024 - 07:10

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

[REDACTED]

Last name

[REDACTED]

I would like my name and personal contact details to remain confidential

Yes

Info

Email

[REDACTED]

Suburb/Town & Postcode

St Leonards 2065

Submission file

[REDACTED] [.-co-living-development-august-2024.pdf](#) (509.06 KB)

Submission

CONFIDENTIAL.

For [REDACTED] from State Planning.

Brendan, thank you so much for your time and counsel last night at the TODD community meeting in Crows Nest. We will continue to work directly with the Council as agreed last night. Should you require more information on our progress, or the development itself I can be contacted at this email address.

I have attached more information on the building we are proposing. It's 107 Co-Living units dedicated to short-term rental accommodation. Thanks again. [REDACTED]

I agree to the above statement

Yes



Contact

[Redacted]

Nominated Architect

[Redacted]

Legend

- Existing Wall
- To be demolished
- New Construction / Timber

Date Rev. Description

16/05/2024	A	SD(2) Response to DRP
22/05/2024	A	SD(2) Response to DRP
31/05/2024	B	SD(2) Response to DRP

Project

New multi-dwelling development

[Redacted]

Scale

1:100 @A1
1:200 @A3

North



COSO
ARCHITECTURE

Contact

[Redacted]

Technical Details

Nominated Architect

[Redacted]

Compliance

Legend

Existing Wall



To be demolished



New Construction / Timber



Date

16/05/2024 A SD(2) Response to DRP

22/05/2024 A SD(2) Response to DRP

31/05/2024 B SD(2) Response to DRP

Rev. Description

Project

New multi dwelling development

[Redacted]

Client

Scale

1:100 @A1

1:200 @A3

North



COSO
ARCHITECTURE

Contact

[Redacted]

Intellectual Property

Copyright ©2024 Architecture unless otherwise agreed in writing. All rights to use this document are subject to payment in full of COSO Architecture charges. This document may only be used for the express purpose and project for which it has been created and delivered. This document may not be disseminated, copied, or otherwise used in any form without the written consent of COSO Architecture. COSO Architecture reserves the right to use the information contained herein for any other project without COSO Architecture's prior written consent.

Nominated Architect

[Redacted]

Compliance

Comply with all relevant local, state, and federal codes and regulations. All construction shall conform to the latest edition of the International Building Code (IBC) and all applicable local codes and regulations.

Legend

- Existing Wall
- To be demolished
- New Construction / Timber
- New Construction / Masonry
- New Construction / Concrete
- Metal
- Glass
- Finish floor / relative level
- Downslope

- FF / RL
- SP

Date Rev. Description

Date	Rev.	Description
18/05/2024	A	SDQ2 Response to DRP
23/05/2024	A	SDQ2 Response to DRP
30/05/2024	B	SDQ2 Response to DRP
01/06/2024	C	SDQ2 Response to DRP

Project

[Redacted]

Client

County Construction

Status

Sketch Design (SD)
Not For Construction

Scale

1:100@A1
1:200@A3

North



Drawing

Proposed 2F-3F Floor Plan

Sheet

SD/03

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Wednesday, 28 August 2024 4:29:38 PM
Attachments: [st-leonards-sth-submisison-to-crows-nest-tod_modern-construction.pdf](#)

Submitted on Wed, 28/08/2024 - 16:28

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Stephen

Last name

White

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

2000

Please provide your view on the project

I object to it

Submission file

[st-leonards-sth-submisison-to-crows-nest-tod_modern-construction.pdf](#) (543.31 KB)

Submission

Please refer to attached letter submission on behalf of Modern Construction and Development.

I agree to the above statement

Yes



**ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000**

URBIS.COM.AU
Urbis Ltd
ABN 50 105 256 228

28 August 2024

Mr [REDACTED]
Director, State Rezoning
NSW Department of Planning, Housing and Infrastructure
Via email

Dear Brendan,

LANDOWNER SUBMISSION | 14-16 MARSHALL AVENUE, 2-10 BERRY ROAD AND 5-9 HOLDSWORTH AVENUE | DRAFT CROWS NEST TOD CONTROLS

This submission letter has been prepared on behalf of Modern Construction and Development (the **Proponent**) to the Department of Planning, Housing and Infrastructure (DPHI) as part of the draft TOD rezoning controls for Crows Nest Metro Precinct.

The Proponent owns the property at [REDACTED]
[REDACTED]

1.1. THE SITE

The site is located at 2-10 Berry Street, 5-9 Holdsworth Avenue and 14-16 Marshall Avenue, St Leonards within the Lane Cove local government area (**LGA**) and is known as Areas 13, 14 & 15 within the St Leonards South Precinct.

The site comprises of 10 allotments which are legally described in **Error! Reference source not found.** The site is currently owned by Modern Construction & Development Pty Ltd.

The site is located in the northern portion of the precinct and is bound by Marshall Avenue to the north, Holdsworth Avenue to the east and Berry Street to the west. It has varied topography, ranging between RL 78.06 and RL 75.78 from north to south, RL 77.04 to RL 68.97 from west to east across the centre of the site.

Figure 1 Aerial Photograph



2. PROJECT OVERVIEW

The site is located within the St Leonards's South precinct, which was a precinct identified by Lane Cove Council and subject to a precinct rezoning back in 2020.

Development Approval on the subject site for the construction of 3 residential flat buildings (10-storeys) comprising a total of 185 dwellings and basement parking for 249 vehicles was granted by the Sydney North Planning Panel on 4 March 2024. The approval incorporates the provision of 3 affordable housing apartments to be dedicated to Council in perpetuity.

Since then, the proponent has taken steps to commence a process to take advantage of the available bonus floor space and building height provisions under Chapter 2 of SEPP Housing 2021.

The Proponent and the project team met with DPHI on 11 March 2024 for a pre-scoping meeting. The Proponent introduced the site and discussed the proposed development with DPHI.

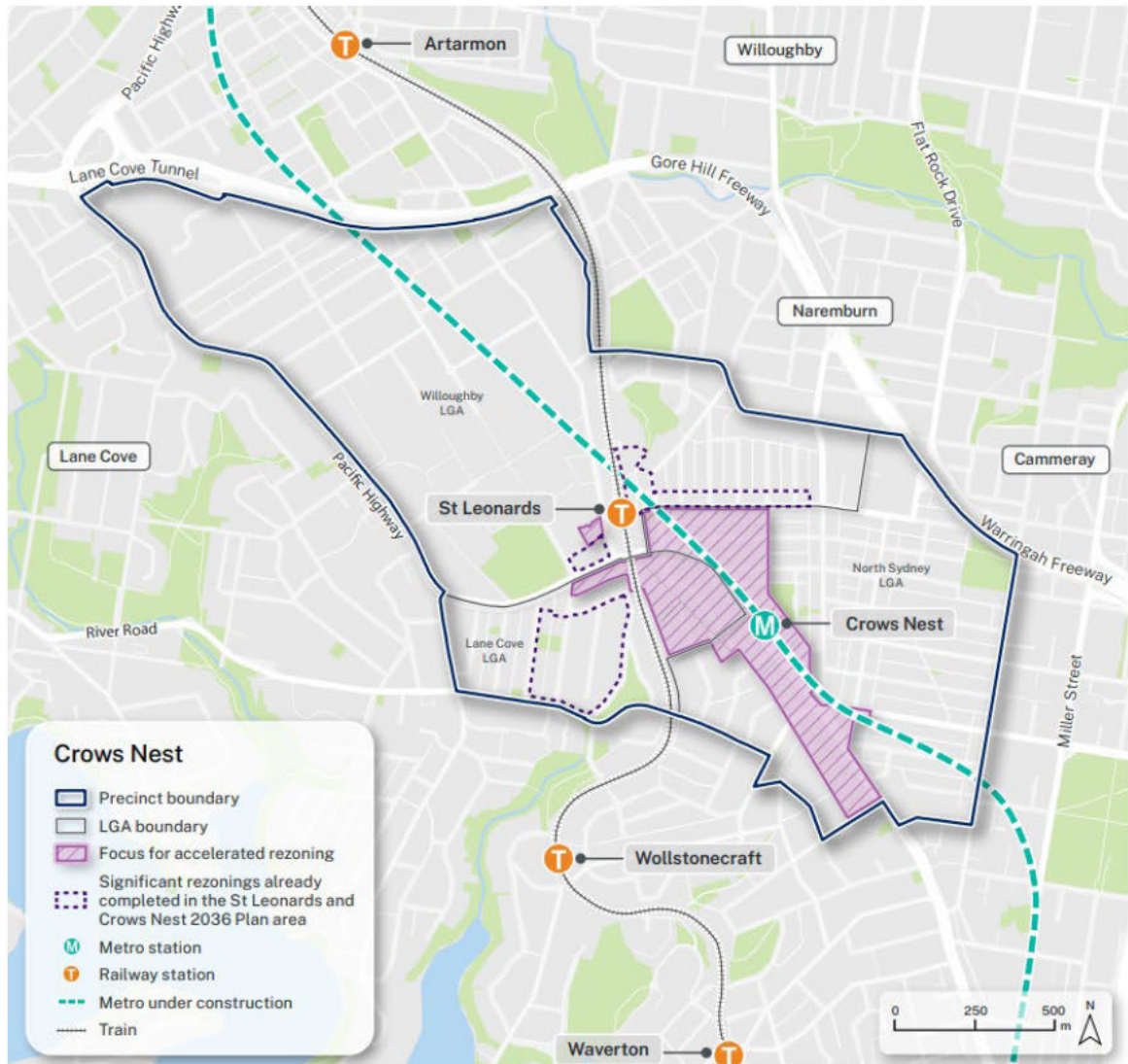
DPHI did not raise any concern regarding the permissibility of the site in accordance with the Housing SEPP. DPHI instructed the Proponent to prepare a scoping report to request for in-fill affordable

housing industry specific SEARs. Following issue of the Scoping Report, DPHI issued SEARS on 11 April 2024. The proponent is not taking steps to prepare the requisite documentation to lodge a SSDA.

3. CONCERNS WITH DRAFT TOD REZONING

The current wording in the EIE package implies that all sites within the Precinct will be exempt from accessing the infill affordable housing provisions under Chapter 2, Part 2, Division 1 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP).

As shown in the map extract from the EIE below, the St Leonards South precinct lies within the TOD “Precinct boundary”.



Source: EIE, Crows Nest Precinct, DPHI.



We understand the logic as to why such a step would apply to sites benefiting from substantial built form uplift as their impacts have been tested.

The concerns however lie in the EIE commentary in respect of the following two aspects:

- **Issue 1:** it is proposed to amend Lane Cove Council LEP to include a clause that will require all new residential development, including state and local development applications within the Precinct, to contribute to affordable housing of between 10-15%.
- **Issue 2:** the EIE states that no additional affordable housing incentives are available with the Precinct, including the infill affordable housing FSR and building height bonuses under Chapter 2, Part 2, Division 1 of SEPP Housing.

The application of the proposed new affordable housing LEP clause will apply to the 'Precinct' as opposed to just the area designated for rezoning change. So, critically there is a clarification required to understand whether this is the intent or not, as we expect that the clause would only apply to the lands subject to rezoning change as part of this TOD policy approach, and thus clarifying it would not apply to any existing or future developments on the subject land.

4. SUMMARY & RECOMMENDED CHANGES

The site has been identified by Council for urban renewal for many years, that culminated in the rezoning by Council back in 2020.

As outlined, the proponent has secured DA approval earlier this year and subsequently obtained SEARS as part of the process to secure bonus floorspace under SEPP Housing that will facilitate the delivery of additional affordable housing on the site.

The draft TOD controls however cast concern about the current planning process underway and any future obligations. Accordingly, we request the finalisation package, including the Design Guide and statutory drafting rectify this situation so as not to stifle potential additional housing supply.

In summary we make the following specific requests:

- **Request 1:** amend the Precinct boundary in the final package, including Design Guide, to reflect on the areas planned for change under the TOD rezoning. This will address issue 1 above.
- **Request 2:** reword the LEP amendment provisions such that it identifies only the sites that have benefitted from built form change to be excluded from the utilising the bonus infill affordable Housing SEPP provisions. This will address issue 2.

We trust that this submission will be duly considered and the final policy package will make the requested changes to clarify areas of uncertainty to ensure that there is no unintended consequences that would adversely impact on this project and other projects in the system, or prevent future development applications accessing the infill affordable SEPP housing provisions.

Should you have any questions in relation to this letter, please do not hesitate to contact the undersigned.



Yours sincerely,

[Redacted signature]

[Redacted name]

Director

[Redacted contact information]

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Thursday, 29 August 2024 2:45:42 PM
Attachments: [goget-submission-to-crows-nest-tod-rezoning-proposal.pdf](#)

Submitted on Thu, 29/08/2024 - 14:45

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Katya

Last name

Eagles

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

2065

Please provide your view on the project

I support it

Submission file

[goget-submission-to-crows-nest-tod-rezoning-proposal.pdf](#) (128.44 KB)

Submission

Please, see GoGet's submission attached

I agree to the above statement

Yes

GoGet Submission to Crows Nest State-led Rezoning Proposal

Introduction

GoGet, Australia's first and largest professional carshare service provider, supports the Rezoning Proposal to amend planning controls in Crows Nest under the TOD Program. We believe this initiative is a crucial step towards creating a more sustainable, affordable and liveable urban environment.

In addition to the amendments proposed by the Department of Planning, Housing and Infrastructure, GoGet strongly encourages the inclusion of the following 5 key transport initiatives to ensure the best possible outcomes for all future residents and tenants of the Crows Nest TOD Rezoning Precinct:

1. Abolish Parking Minimums
2. Allow Carshare to Reduce Required Parking (if there are parking minimums)
3. Encourage On-Street Parking Restrictions
4. Carshare Requirements for Developments With Low Car Parking
5. Standardise Strong Development Consent Condition Wording

By incorporating these five transport initiatives into the TOD framework, we can create a thriving community that prioritises people over cars, fostering increased density, reduced car dependency, and an improved quality of life for residents while minimising environmental impact.

Recommendations

1. Abolish Parking Minimums

We wholeheartedly endorse the abolition of parking minimums within Transport Oriented Development Precincts. By removing this outdated requirement, the Crows Nest TOD rezoning proposal can unlock the full potential of the precinct by:

- **Increasing housing affordability:** Reducing the cost of development by eliminating the need for costly parking infrastructure.
- **Promoting sustainable transport:** Encouraging residents to choose public transport, walking, cycling, and carsharing over private car ownership.
- **Optimising land use:** Allowing for more efficient use of space for community amenities, green spaces, and other essential infrastructure.

2. Allow Carshare to Reduce Required Parking

Allow one carshare space to replace 10 private parking spaces within a development. Any greater parking reduction must be supported by a traffic and parking study. Carshare service providers can assist with the traffic and parking studies with their local membership and utilisation data. This will also ensure that carshare providers are being engaged at an early enough stage that changes to the onsite parking mix can still be considered. For reference, the NSW Land and Environment Court has approved parking replacement ratios of 1:10 on multiple occasions.

3. Encourage On-Street Parking Restrictions

To further accelerate the shift towards sustainable transport, we recommend the following:

- **Implement on-street parking restrictions:** Discourage unnecessary car ownership by removing residents' access to free on-street parking (storage).
- **Prevent permit exemptions:** Ensure all new apartment buildings do not receive exemptions from parking restrictions.

By adopting these measures, the Crows Nest TOD can become a leading example of a car-lite, people-centred urban development. GoGet stands ready to partner with the Council and developers to deliver a successful TOD that prioritises sustainability and community well-being.

4. Carshare Requirements for Developments With Low Car Parking

Where dwellings are provided without a car parking space, carshare parking is to be integrated into the development at the following rates:

- 1 carshare space / first 5 units without car parking
- 1 carshare space / 20 units without car parking thereafter

Linking carshare provision directly to the number of units without allocated parking spaces offers a precise and effective approach to ensuring adequate carsharing infrastructure within developments. This methodology recognises that residents without access to on-site parking are more likely to rely on carshare services.

By establishing a clear threshold of five car-less dwellings before carshare spaces become mandatory, the policy avoids imposing unnecessary burdens on smaller developments while guaranteeing sufficient carsharing options for larger projects. The proposed tiered system of one carshare space for every 5-15 car-less dwellings, two for 16-35, and so on, provides a scalable framework that can be adjusted based on future data and evaluation. This approach ensures a proportional relationship between the number of car-less residents and the available carshare resources.

Rounding up or down the number of required carshare spaces prevents fractional requirements, simplifying compliance and avoiding potential disputes. This practical solution maintains the integrity of the policy while accommodating variations in development sizes.

Requiring carshare spaces in developments with reduced on-site parking promotes sustainable and equitable transportation options. By providing accessible carsharing services, these developments can cater to residents who cannot afford or choose not to own a car while also reducing reliance on private vehicles. This approach contributes to improved air quality, reduced traffic congestion, and healthier communities by encouraging the use of public transport, cycling, and walking. Ultimately, carsharing serves as a flexible and environmentally friendly solution for occasional car use within a predominantly low-car environment.

5. Standardise Strong DA Condition Wording

When developments are approved with onsite carshare requirements, it is important for carshare to be included in the conditions of the Development Approval. These conditions are to be enforceable to ensure that the Responsible Authority can verify that developers and subsequent owners' corporations have entered into an agreement with a carshare operator to fulfil the requirement.

Ideal conditions should state:

Ph: [REDACTED] Email: [REDACTED] Web: goget.com.au

1. XX spaces are to be reserved for carshare operation with no charge to the carshare operator to use them
2. These spaces must be publicly accessible 24 hours a day seven days a week and should be well-lit with safe pedestrian access
3. These spaces must be contracted to an operator (a carshare provider that has been approved by the Responsible Authority) with evidence of agreement submitted to Council prior to issuing of the Building Permit
 - a. The agreement must ensure appropriate insurance and vehicle maintenance is in place including public liability.
4. The carshare operation, or contract confirming operation from an operator, must be in place before of issue of the Occupancy Permit
5. The carshare operator must report utilisation of the spaces to council quarterly (or in accordance with Council's on-street reporting requirements)

Optional Inclusions:

- Owners Corporations are to promote carshare to owners/tenants to ensure all future residents have awareness of the service
- In the interest of future-proofing the parking infrastructure it is recommended that sufficient cellular connectivity is available at the location of the carshare spaces (also an important aspect for safety reasons) as well as providing the requisite infrastructure (i.e. conduits, wiring, adequately sized power supply and metering cabinet) so that EV chargers can be readily provided when demand necessitates

This means that future residents can move into these new developments without having to bring their private vehicles with them as the carshare service will be up and running from the day that they move in.

We welcome cooperation and are always available for discussions.

Kind Regards,

[Redacted]
[Redacted]
[Redacted]
GoGet Carshare
[Redacted]

[Redacted]
[Redacted]
GoGet Carshare
[Redacted]

[Redacted]
[Redacted]
GoGet Carshare
[Redacted]

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Thursday, 29 August 2024 3:06:50 PM
Attachments: [crows-nest-zoning-submission-29-aug-24.pdf](#)

Submitted on Thu, 29/08/2024 - 14:53

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Jackie

Last name

Katz

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

Crows Nest, 2065

Please provide your view on the project

I object to it

Submission file

[crows-nest-zoning-submission-29-aug-24.pdf](#) (97.66 KB)

Submission

Crows Nest TOD Submission

We strongly object to the Crows Nest Transport Orientated Development Rezoning proposal as we believe it goes well beyond the North Sydney Council local planning requirements, and if approved would have a detrimental effect on all existing residents in the area.

Reasons:

Excessive density as evident in the proposed built form ...

Lack of information on total floor space, and populations employment and residents

Lack of open space commensurate with population.

Negative impact on the amenity of the neighbourhood.

The change from human scale streets to windswept streets as evident in the existing development

The rezoning proposal goes well beyond the North Sydney Councils, local planning requirements, and if approved would have a detrimental impact on the quality of life for all existing residents in the area and will have a negative impact on the value of apartments in the area.

Impact on Residents

Significant reduction in light and introduction of afternoon shading for Highway

Residence's west facing units

Loss of privacy for west facing units in Panorama that will be directly facing into proposed new dwelling.

Loss of privacy for the eastern side of new development dwellings.

Lack of light and shading in all eastern facing units in new dwellings built on the 8 storey sites in Bruce Street

Issues for Precinct

Pedestrian hazard and safety for primary and high school aged student minors from North Sydney Girls HS and Cammeraygal High School

Impediments to parking and access affecting Mater Hospital and the MIA, existing Sinclair Street residents and guests

Traffic congestion along Sinclair and from Bruce to Pacific Highway Northbound and from Rocklands Road to the Pacific Highway Northbound and Southbound

Increased noise and emissions from rooftop services such as ventilation and heating equipment in addition to the current noise levels generated by Mater Hospital and the Melanoma Institute of Australia (MIA) facilities

Loss of the tree canopy on Sinclair Street

Failure to provide 2.83 hectares of open space per 1000 population which is an established benchmark that should apply to St. Leonards and Crows Nest

Loss of maintaining the integrity of the historic skyline Panorama has offered visible from many areas

Negative impact on adjacent local character and heritage because of the scale of the proposal

Impact on existing town services such as sewage, waste, water, electrical sub stations etc.

There should be no additional density (FSR) for site 238-242 Pacific Highway ,1 Bruce Street Crows Nest and 1 Bruce Street, given the excessive density in the precinct. The pocket park can be delivered through a Voluntary Planning Agreement (VPA) from the development sites.

Issues

The proposal overrides and exceeds the LEP controls in North Sydney, Lane Cove, and Willoughby Councils.

The current proposed development of the NSW State Government does not adequately consider liveability. The actual mass and form of development in such a small area is a false interpretation of a TOD and does not enable reasonable amenity for either existing residents or proposed residents. There is inadequate separation of buildings, lack of green space, tree canopy, deep soil and walkable streets. There is insufficient recreation facilities and services.

The existing Townhouses on Sinclair Street are located at a lower level than Pacific Highway, therefore the majority of the apartments in 220 Pacific Highway currently have district views.

The rezoning and proposal to allow 8 storey development of the Townhouse site will result in the loss of harbour and district views for 50% of western facing units in Panorama. It will result in a substantial number of apartments losing their outlook, with a detrimental effect on property values.

Additionally, if the eastern side of Sinclair semi-detached dwellings (25-35) are redeveloped into high-rise sites, they will obstruct additional views, and therefore more apartments in highway residences will be adversely impacted.

Sinclair Street is at the very boundary of the proposed rezoning and therefore at the furthest point from stations, and would have significant view affection if rezoning of that street is approved, and would significantly alter the character of Sinclair Street and the existing tree canopy. There is an imbalance in Crow's Nest. At the proposed density the built form is unsustainable and the actual and perceived density excessive.

Sinclair Street already has higher density housing forms in the form of townhouses and should not be rezoned but be retained to contribute to the housing mix and to preserve the existing character of Sinclair Street.

Crows Nest is known as high density 'Bedroom Suburbs'. Best practice residential development should be located away from major traffic arteries, on a complex fine grain street network with a diverse mix of uses, walkable and adequate open space. The lack of accessible open space will reduce the potential range of demographics that can live in the towers.

Much of Sydney's open space is in the gullies, the transport is on the ridges. Locating excessive densities around transport nodes does not reflect the intent of TODs and will not produce a liveable city.

Cumulative & Community Development Impact

The simultaneous approval of multiple developments in North Sydney, Crows Nest, and St Leonards is causing severe congestion, frequent road closures, and prolonged construction disturbances. There appears to be a lack of coordination between Councils and State Government in managing these impacts.

The NSW State Government has not conducted adequate research to assess the adverse impacts on our community. Despite widespread opposition from residents, the government is prepared to unilaterally impose this proposal, disregarding local sentiment and the potential negative consequences

Given the significant increase in residents in the last 4 years and the majority of proposals planned for the west side of the Pacific Highway pedestrians have not been taken into account. Higher density and walkability are the keystone of TOD development but the proposed building form, overshadowed windswept streets, lack of open space do not comply with the stated priority for pedestrians in 2036 plan.

Traffic Congestion & Insufficient Traffic Analysis

The most recent comprehensive vehicular traffic study for the area dates back to 2013, failing to account for current congestion levels

No new developments for the area should be approved by the NSW State Government or Councils until such time as a detailed study is undertaken by the State Government concerning the current vehicular traffic congestion, traffic flows, construction congestion

and parking. The Pacific Highway and side streets in this area are currently extremely congested at peak times with insufficient access to and from existing developments.

Insufficient green space

Crows Nest is lacking in green space, overall nature, public amenities and recreational precincts, particularly when compared to most of its neighbouring suburbs. Our residents have to live in the area and put up with all the developments approved by the State Government and Councils, with some that go totally against local planning and residents' values and wishes and do not represent best practice higher density development.

I agree to the above statement

Yes

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Friday, 23 August 2024 12:22:23 PM
Attachments: [crowsnest_objectionsubmission_0.txt](#)

Submitted on Fri, 23/08/2024 - 12:20

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

██████████

Last name

██████████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

Crows Nest 2065

Please provide your view on the project

I object to it

Submission file

[crowsnest_objectionsubmission_0.txt](#) (1.71 KB)

Submission

I am submitting my objection due to the following reasons:

Submission Objection Reasons:

1. Reduction in well-being of owner/residents currently continuing to significantly invest in unanticipated remedial and rectification works on defects, water ingress, cladding (NSW ban).
2. Significant reduction in light and introduction of afternoon shading for Panorama west facing units.
3. Loss of privacy for west facing units in Panorama that will be directly facing into

- proposed new dwellings and for all eastern side of new developments dwellings.
4. Loss of views in 51 west facing units in 220 Pacific Highway.
 5. Pedestrian hazard and safety for primary and high school aged student minors from North Sydney Girls HS and Cammeraygal High School.
 6. Impediments to parking and access affecting Mater Hospital and the MIA, existing Sinclair street residents and guests.
 7. Traffic congestion along Sinclair and from Bruce to Pacific Highway Northbound and from Rocklands Road to the Pacific Highway Northbound and Southbound.
 8. Increased noise and emissions from rooftop services such as ventilation and heating equipment in addition to the current noise levels generated by Mater Hospital And the Melanoma Institute of Australia (MIA) facilities.
 9. Impact to the tree canopy cover on Sinclair street.
 10. Loss of maintaining the integrity of the historic skyline Panorama has offered visible from many areas.
 11. Loss of retention of area specific appearance and heritage.
 12. Lack of light and shading in all eastern facing units in new dwellings built on the 8 store sites in Bruce Street.
 13. Impact on existing town services such as sewage, waste, water, electrical sub stations etc.

Thank you for your consideration.

I agree to the above statement

Yes

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPIE PDPS St Leonards Crows Nest Mailbox](#)
Subject: CM Record: Webform submission from: Crows Nest TOD rezoning proposal
Date: Thursday, 29 August 2024 3:28:19 PM
Attachments: [objection.pdf](#)

Submitted on Thu, 29/08/2024 - 15:27

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

██████

Last name

██████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

St Leonards 2065

Please provide your view on the project

I object to it

Submission file

[objection.pdf](#) (72.28 KB)

Submission

Please refer to our objection to the proposal as attached.

I agree to the above statement

Yes

29 August 2024

Re: Proposed Rezoning Changes

To whom it may concern,

This letter is to express our objection to the proposed rezoning changes for Crows Nest and St Leonards for several reasons including:

Character

Crows Nest and St Leonards have a unique character, similar to a village feel. The proposed rezonings allow for massive development which will completely change the look and feel of our suburbs for the worse, particularly for existing residents.

Green Space

The changes rely on developing existing green spaces to provide housing. The importance of green space to community is well established and is already a scarce resource in Crows Nest and St Leonards. Removing what little green space that is left is unconscionable.

Light

The proposed rezoning will seriously impact the light for existing residents and office workers, with obvious and well documented negative impacts.

Traffic

The proposed development will bring with it a massive increase in vehicles and restrict an already poor traffic flow, especially on weekends.

Purpose

The intended effect of these rezonings as proposed include to “provide affordable housing, enable a variety of land uses and deliver housing support by public spaces”.

There is little to no evidence that the proposed rezoning will deliver affordable housing. In fact, the proposed changes are designed to deliver the complete

opposite, with high rise developments slated. The entire ethos of property developers is to maximise the price the price they can extract from purchasers while minimising concessions provided to government. None of that ensures affordable housing.

There are already very few public spaces in Crows Nest and St Leonards and amenity for local residents and workers is already at the limit. The proposed massive increase in supply will only negatively impact an already stretched infrastructure landscape, negating the intent enable a variety of land uses and deliver housing support by public spaces.

Confidence in Government

NSW residents ought to be able to make living, investment and life decisions confident that governments will not change their circumstances negatively. Rezoning space, removing green space and delivering massive property supply are inconsistent with representative and reasonable government decisions made in consideration of local residents and workers.

We note with interest that the Premier, the Minister for Planning and Public Spaces, or indeed any members of the NSW Government overseeing this proposal do not live in Crows Nest or St Leonards.

4 Herbert Street

The green space at 4 Herbert Street is the only one of its kind (non-sports ground, park or cemetery) for literally kilometres. It is often used by local residents for a variety of reasons. It has a natural waterway, beautiful mature trees that have been there for years and has an existing ecosystem that will be removed or affected by any development on the site.

The proposal for the site includes the potential for up to a 62-story development on that space.

That is more than double the height of any existing building on Herbert Street and as proposed is completely inconsistent with any building (residential or commercial) that currently exists. Its impact on local residents and workers would be disastrous (light, lack of green space, traffic, amenity, etc).

It is also clearly not likely to provide affordable housing for anyone.

Conclusion

Whilst we applaud the consultation process provided, please register our objection to the proposal.

Yours sincerely,

