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18 April 2023

Mr Adam Iskander
Department of Planning and Environment
12 Darcy Street, Parramatta
Locked Bag 5022
Parramatta NSW 2124

Dear Adam,

PP-2021-5353 - RESPONSE TO PUBLIC SUBMISSIONS - 378-390 PACIFIC HIGHWAY, CROWS NEST

1. INTRODUCTION

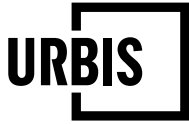
This letter has been prepared in response to the public submissions received during the exhibition of Planning Proposal PP- 2021-5353 relating to land at 378- 390, Pacific Highway, Crows Nest. Planning Proposal PP- 2021-2026 was on public exhibition from 10 February to 10 March 2023. During this period, seven submissions were received from the following government agencies:

- School Infrastructure;
- Sydney Airport;
- Sydney Water;
- NSW Health;
- Department of Infrastructure, Transport, Regional Development, Communications and the Arts;
- Transport for NSW; and
- Sydney Metro.

It is noted that no objections from public agencies were received, rather these submissions made suggestions for the future detailed DA on the site.

Further, during this period 24 objections were received from the general community. The key matters raised included:

- Proposed height of building
- Overdevelopment of the site
- Increase in local population
- Overshadowing
- Overlooking/ loss of privacy
- Loss of 'village' feel



- Traffic and parking impacts
- Increased demand on social infrastructure, parks and shops
- Poor community engagement.
- Amalgamation with northern neighbour

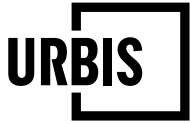
The sections below provide a response to the agency and public submissions.

2. RESPONSE TO AGENCY SUBMISSIONS

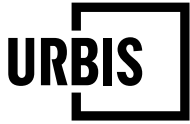
The following table provides a response to the key issues raised by government agencies during the public exhibition.

Table 1 – Response to Public Submissions

Agency	Submission	Applicant Response
School Infrastructure	SINSW advise that it is likely that the number of students projected to be generated by the proposal can be accommodated by the surrounding schools.	Noted and accepted.
Sydney Airport	Sydney Airport advises that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.	Noted and accepted.
Sydney Water	Sydney Water recommend the proponent contacts Sydney Water, via their Water Servicing Coordinator, as soon as possible to start discussions on servicing.	Noted and accepted.
NSW Health	No comment.	N/A.
Department of Infrastructure, Transport, Regional Development, Communications and the Arts	The Department recommends early engagement with Sydney Airport as the proposal will likely be a controlled development.	Noted and accepted.
Transport for NSW	All vehicular movements to/from the site will need to be restricted to LILO (left-in-left-out) movements only and the future DA may be required to	Noted and accepted. As outlined in Section 6.1 of the Transport Impact Assessment submitted with the Planning Proposal, left-in-left-out



Agency	Submission	Applicant Response
	provide a median island in Hume Street between Pacific Highway and the subject site driveway to prevent right turn movements.	movements are proposed. This will be incorporated in the detailed design phase.
	Any street trees proposed within the kerbside clear zone of classified roads (Pacific Highway) should be frangible for road safety reasons.	Noted and accepted. This will be further considered during detailed design.
	The TIA supporting any future DA for the site will need to provide further details and assessment of the retail and commercial component trip generation	Noted. The TIA supporting a future DA will include further details of servicing demands.
	The TIA supporting any future DA will need to include further details of servicing demands and demonstrate all future servicing requirements will be accommodated on site.	Noted. The TIA supporting a future DA will include further details of servicing demands.
	The future car parking rates and restrictions should be aligned with the North Sydney Transport Strategy.	Future car parking rates will be aligned with the North Sydney Transport Strategy.
Sydney Metro	<p>Sydney Metro requests the following for the lodgement of future development applications:</p> <p>Consideration of the State Environmental Planning Policy (Transport and Infrastructure) 2021.</p> <p>A report demonstrating compliance with the Sydney Metro Underground Corridor Protection Guidelines.</p> <p>Consultation with Sydney Metro.</p>	Noted and accepted. This will be further considered during detailed design.

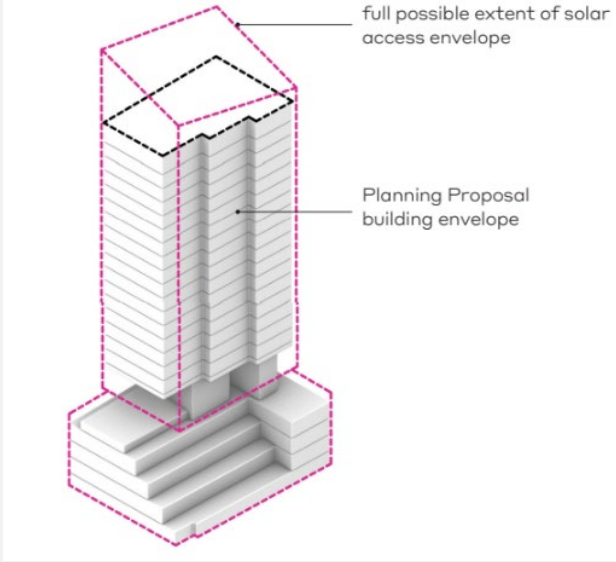


3. RESPONSE TO PUBLIC SUBMISSIONS

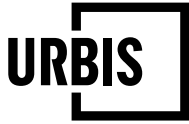
The following table provides a response to the key issues raised in the public submissions objecting to the proposal.

Table 2 – Response to Public Submissions

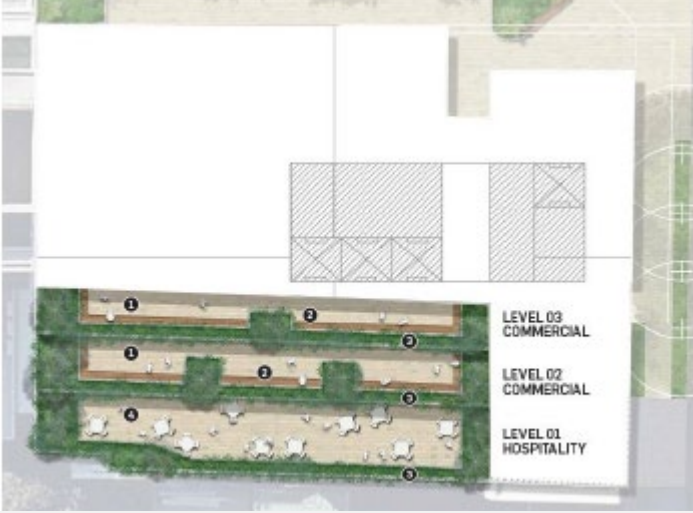
Issue	Applicant Response
<p>Height of building</p> <p>10/24 objectors raised this as an issue</p>	<p>A number of objectors raised concern in relation to the height of the building. The concerns were generally targeted at the making of the St Leonards Crows Nest Plan 2036 (the Plan), stating that they disagree with the outcomes of that.</p> <p>As the Planning Proposal has been prepared in accordance with the design outcomes of the Plan, general objections towards the heights nominated in the Plan are now being carried through.</p> <p>One objector stated that the Planning Proposal exceeded the controls in the Plan and that the floor to floor heights were excessive and that there was potential for the conversion into additional floor areas.</p> <p>The Planning Proposal nominates heights of 5m ground floor and 3.8m for upper commercial / retail floors. These heights have been specifically chosen so that the apex of the commercial podium aligns with the existing established height datum to the north, providing for continuity.</p> <p>The residential floor levels have a height of 3.2m which is very standard. The minimum heights are 3.1m however industry advice is that this results in very tight cavity spaces to fit ducted air con and all servicing requirements. If this was lowered to the minimum, an additional level still would not be possible.</p> <p>The proposal includes 1 storey of plant. As the commercial uses are unknown, adequate space is necessary. Such plant height is considered common practice for developments with this quantum of floor space.</p> <p>As the planning proposal includes a maximum FSR, it would not be possible to convert the plant level to residential without exceeding that FSR control.</p> <p>Further to the above, the height of the building is also controlled by overshadowing, in that the building envelope must be of a height that does not result in overshadowing outside of the boundary of the SLCN 2036 Plan. The proposed building envelope is well below that overall height control, as illustrated below.</p>

Issue	Applicant Response
	 <p data-bbox="564 1088 1410 1267">interpretation is not accurate, as the design has been test fit (through the reference scheme) to maximise residential floor space within the permissible floor space of 5.2:1. An additional two storeys of residential floor space will not be able to comply with the 5.2:1 residential floor space maximum at the site.</p>
<p data-bbox="240 1305 504 1368">Overdevelopment of the site</p> <p data-bbox="240 1397 496 1464">7/24 objectors raised this as an issue</p>	<p data-bbox="564 1305 1334 1373">The proposal has been prepared in accordance with the mapped planning controls provided for the site under the Plan, including:</p> <ul data-bbox="612 1397 1410 1727" style="list-style-type: none"> <li data-bbox="612 1397 1015 1435">• height in storeys (24 storeys), <li data-bbox="612 1458 948 1496">• floor space ratio (7.2:1), <li data-bbox="612 1518 1078 1556">• non-residential FSR (minimum 2:1) <li data-bbox="612 1579 1007 1617">• street wall height (4 storeys), <li data-bbox="612 1639 1023 1677">• ground floor setback (3m) and <li data-bbox="612 1700 1410 1738">• solar protection to residential areas outside the Plan boundary. <p data-bbox="564 1749 1426 1861">In fact, the Plan indicates that the site is suitable for a higher FSR, being 7.5:1. The Planning Proposal has been reduced to less than what was originally envisaged for the site.</p> <p data-bbox="564 1883 1350 2022">The Plan sets a vision for this strategic corridor, with the intent to increase building heights and densities so that more residents can benefit from the introduction of the Metro station, which is a public transport, serving the broader public. It is vital that high density</p>

Issue	Applicant Response
	<p>development is co-located to maximise the benefits of this public infrastructure.</p> <p>The proposed height is entirely consistent with the vision and design criteria for the site, as stipulated by the Plan.</p>
<p>Increase in local population</p> <p>2/24 objectors raised this as an issue</p>	<p>A number of objections raised concern in relation to the increased population.</p> <p>The Plan aims to facilitate the urban renewal of St Leonards and Crows Nest with increased jobs and a growing residential community, which is supported by significant investment in infrastructure (notably the Crows Nest Metro Station).</p> <p>The proposal is consistent with the Plan as it provides increased heights and density to achieve the State Governments vision by delivery approximately 87 new dwellings and 2,618m² of commercial floor space (at ground level and above), contributing to jobs within the Precinct and therefore overall activation.</p> <p>As outlined in the North Sydney Local Strategic Planning Statement, by 2036, the population of the LGA is expected to increase by 19,500 representing a 21% growth and predicted to require a further 11,450 dwellings. This Planning Proposal simply provides suitable accommodate close to jobs and public transport and in a location identified by the State Government, so as to provide the necessary housing for this future residential population and alleviate the pressures associated with an increasing population and under supply of residential accommodation.</p>
<p>Overshadowing</p> <p>13/24 objectors raised this as an issue</p>	<p>A large number of objectors have raised concerns regarding overshadowing impacts and loss of solar access.</p> <p>The Planning Proposal is fully compliant with all overshadowing controls identified in the Plan, including retention of solar access to public open space and residential areas.</p> <p>Woods Bagot have analysed the cumulative impacts associated with the existing and approved and proposed overshadowing of building envelopes.</p> <p>The Planning Proposal seeks to deliver a tall, slender building, this will ultimately result in a thinner and faster moving shadow.</p> <p>Woods Bagot's studies show overshadowing to neighbouring properties would be limited to a 2 hour window, which complies with the ADG</p>

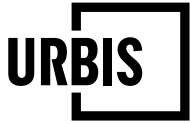


Issue	Applicant Response
	<p>requirements. The overshadowing does not extend past the boundary of the Plan boundary.</p> <p>Within the immediate context, the site is located directly west of the Crows Nest OSD. The approved building envelope for the OSD results in significant overshadowing to the residential land uses to the west of the site. A future building envelope on this site would not result in any additional overshadowing to those neighbours to the immediate west of the site.</p> <p>Further, detailed solar and overshadowing studies will be undertaken at the DA stage.</p>
<p>Overlooking/ loss of privacy</p> <p>4/24 objectors raised this as an issue</p>	<p><u>Western setback</u></p> <p>To manage any potential privacy issues to the western neighbour, the concept design provides a terraced podium form that is consistent with the established 45 degree terraced setback approach to the north. Landscaped edges and screening to the commercial terraces has been included and specific provisions provided within the site-specific DCP which helps to alleviate any direct overlooking and privacy concerns.</p> <p>As for the tower form, much consideration has gone into the western interface of the tower, as guided by the Regional Planning Panel. The western setback has since been modified to adopt an average 8m weighted setback allows for the western façade to include a modulated building form, with three vertical proportions, comprising a 6m setback, a 8m setback and a 10m setback. This is considered an appropriate design response given those dwellings to the west and any future development would be substantially separated and there is no direct horizontal relationship.</p> <p>It is also noted that the properties to the west are only identified for heights of up to 4 storeys and therefore, there would be no direct overlooking between the site and future tower forms. The proposed terraced podium form is demonstrated in the extract below.</p>

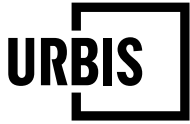
Issue	Applicant Response
	 <p data-bbox="564 1005 770 1034"><u>Northern setback</u></p> <p data-bbox="564 1066 1422 1240">The proposed concept envelope adopts a 6m setback to the northern boundary which has been designed as a non-habitable façade, with high level windows or angled windows which reduce any direct overlooking. This complies with the minimum building separation under the Apartment Design Guide.</p>
<p data-bbox="240 1279 501 1379">Loss of ‘village’ feel 6/24 objectors raised this as an issue</p>	<p data-bbox="564 1279 1406 1453">The proposal incorporates a through-site-link that will be activated by a food and beverage anchor tenant on the corner and laneway eateries. Mixing street frontages with retail and food and beverage tenancies integrated into the finer grain laneways will contribute to the local character.</p> <p data-bbox="564 1487 1394 1552">The creation of the internal laneway link positively delivers on the ‘fine grain retail character’ desired in the Plan.</p> <p data-bbox="564 1585 1422 1872">Ultimately, a degree of change is required in order to address Sydney’s housing crisis and provide an increase in housing supply in those areas identified by the State Government as being most suitable. This site has been identified for higher density development due to its proximity to the new Metro Station, where a larger quantum of residents can have access to that public infrastructure. The high-density sites are restricted to the Pacific Highway frontage so that the character of those more sensitive village areas are retained.</p> <p data-bbox="564 1906 1422 1964">What the concept scheme demonstrates is how those important characteristics can be incorporated into the site, which is reflected in the</p>

Issue	Applicant Response
	<p>interface with the public domain and the landscaping dispersed throughout the podium levels to reduce the appearance of the built form.</p> <p>Specific controls have been incorporated into the site-specific DCP which promote a high degree of landscaping throughout the podium levels, in addition to the street tree planting along Pacific Highway.</p>
<p>Traffic and parking impacts</p> <p>15/24 objectors raised this as an issue</p>	<p>A number of objectors have raised concerns regarding the increased traffic volumes and the capacity of the street network to accommodate additional vehicular movements.</p> <p>Firstly, the site's location directly adjacent to the Crows Nest Metro and the improved public domain works will be a catalysed for increased public transport patronage and therefore it is not envisaged that residents would be heavily reliant on private transport.</p> <p>Secondly, a traffic impact assessment was prepared on behalf of the State Government in preparing the Plan to confirm the capacity of the roads to accommodate the increased population. That study provided the necessary evidence base which supported the uplift in densities and therefore, the State Government has confirmed that the roads are capable of accommodating this growth. Any necessary road infrastructure upgrades will be funded through the SIC levies required to be paid by developers.</p> <p>Finally, a Transport Assessment was prepared by Ason Group and submitted with the Planning Proposal. Ason Group's assessment found that based on the planned future residential, retail and commercial uses, the proposal is expected to generate a total of 10 trips in the morning peak hour and 5 trips in the evening peak hour. These additional traffic movements have been assessed to have a negligible impact on the local road network.</p> <p>The North Sydney DCP parking requirements are maximum rates. The site is capable of accommodating a suitable degree of on-site parking reflective of its accessible location.</p> <p>The site is located within a high accessibility area in accordance with the draft amendment to the North Sydney DCP 2013, for sites in proximity to high frequent public transport, the following reduced rates apply:</p> <p>Studio: 0.3 space per dwelling</p> <p>1 bedroom: 0.4 space per dwelling</p> <p>2 bedroom: 0.6 space per dwelling</p>

Issue	Applicant Response
	<p>3+ bedroom: 0.7 space per dwelling.</p> <p>These parking rates have been incorporated into the site-specific DCP.</p> <p>Matters pertaining to the car parking rates will be subject to assessment at the DA stage.</p>
<p>Increased demand on social infrastructure, parks and shops</p> <p>3/24 objectors raised this as an issue</p>	<p>A number of objectors raised concern that the LGA does not have the necessary social infrastructure needed to support a growing population.</p> <p>In redeveloping the site in accordance with the Plan, the Proponent will be required to pay Special Infrastructure Contribution (SIC) levies. As outlined in the Plan, the SIC levies will provide up to \$78.4 million in funding toward open space improvements and infrastructure upgrades.</p>
<p>Poor community engagement during the finalisation of the St Leonards Crows Nest Plan 2036</p> <p>7/24 objectors raised this as an issue</p>	<p>A number of objectors have raised concerns in relation to the consultation and engagement of the Plan.</p> <p>These objections are in relation to the Plan and not this Planning Proposal.</p> <p>The NSW Government undertook engagement with the community from October 2018 to February 2019 for the finalisation of the SLCN 2036 Plan.</p>
<p>Engagement with western neighbours</p> <p>2/24 objectors raised this as an issue</p>	<p>On 14 December 2022, the Proponent, through Colliers (Agent) met with the owners of the land to the west.</p> <p>The meeting minutes and summary emails are appended to this submission.</p> <p>As you can see from the correspondence, the western neighbours have no intent of redeveloping their property and do not wish to be included in the rezoning process.</p> <p>An action coming out of the meeting, was that the land owners where to confirm a price at which they were willing to sell their land. The land owners did not provide an offer and did not accept the Proponents offer to purchase the land.</p>
<p>Amalgamation with 398 Pacific Highway</p> <p>1/24 objectors raised this as an issue</p>	<p>The submission prepared by the northern neighbour argues that the Planning Proposal is borrowing amenity from the northern property at 398 Pacific Highway and that it is reducing the development potential of that site. The submission recommends that the sites be consolidated or that the applicant purchases the air rights of the northern neighbour.</p>



Issue	Applicant Response
	<p>This submission is not too dissimilar to the original submission made by the owner prior to the issue of the Gateway Determination.</p> <p>Firstly, the concept floor plates submitted with the Planning Proposal have been redesigned so that there is only a single cross-through apartment along the northern boundary, with dual orientation to the east and west. The Planning Proposal indicates that the northern façade would incorporate a variety of different features, such as high level windows, angled pop-outs and different materiality to provide opportunities for visual interest, daylight and ventilation whilst ensuring privacy is maintained. These are widely adopted solutions and maintain the fundamental nature of a non-habitable façade.</p> <p>The layout of apartments clearly demonstrates that the Planning Proposal is not “borrowing amenity” as the apartments dual orientation means their primary outlook is to the east and west.</p> <p>Secondly, Council’s assessment report of the Planning Proposal clearly states that the northern neighbour is not an isolated site.</p> <p>There is no intention nor binding obligations within the SLCN 2036 Plan that requires the site to amalgamate with the adjoining properties.</p> <p>It should be noted that the draft exhibited 2036 plan explored the notion of establishing a group of properties to facilitate amalgamation. This site was not part of the plan. Following community feedback that <i>“new height and floor space controls should apply for all sites marked for renewal,”</i> the concept of forced amalgamation was abandoned and instead the 2036 Plan assigned built form metrics for each lot.</p> <p>At the onset of the Planning Proposal, the Proponent attempt to negotiation with the northern neighbour on the purchase of that property or the transfer of the air rights. Those negotiations were documented in the rezoning review request and are summarised below.</p> <ul style="list-style-type: none"> - The Proponent made an offer of \$4,500 per m² of developable GFA for the purchase and transfer of the air rights in October 2021. The owner rejected this offer and request \$6,500 per m² of GFA. This is well above market value. - In January 2022, the Proponent made an offer of \$21M for the purchase of the entire site. The owner rejected this offer and requested \$25M for the entire site. This is commercially unfeasible. - In June 2022, the Proponent met with the northern neighbour again. The Proponent asked if the northern neighbour wanted to acquire the



Issue	Applicant Response
	<p>site, however they declined. The meeting was concluded that no way forward unless the northern neighbour reduced their price for the property.</p> <p>That owner has continued to make objections to the Planning Proposal requesting amalgamation however the owner has not yet attempted to engage in a market negotiation with the Proponent.</p> <p>Council has confirmed in their assessment of the Planning Proposal that the northern site is not isolated; there are no requirements for site amalgamation, statutory or otherwise and the Planning Proposal does not rely on the northern façade for amenity and therefore is not “borrowing amenity” from that property. The setbacks are compliant with the relevant provisions under the ADG and therefore the Planning Proposal does not reduce the development rights of that property.</p>
<p>Construction related impacts</p>	<p>The Planning Proposal seeks to amend the LEP maps and provide site - specific building envelope controls via a site-specific DCP.</p> <p>Construction related impacts are not relevant to the Planning Proposal stage.</p> <p>A construction management plan would be prepared at the DA stage, in response to conditions of consent that would address these concerns.</p>

4. SUMMARY

This letter provides a response to the agency and public submissions received during the public exhibition of PP- 2021-5353 for 378- 390, Pacific Highway, Crows Nest.

In summary, a majority of submissions were objecting against the implementation of the Plan. The main concerns related to height, traffic related impacts and overshadowing. Only three submissions provided an objection against the specifics of this planning proposal, being the northern and western neighbours of the site.

As outlined in the Planning Proposal and the table above, the submissions relating to building interface with the neighbours has been addressed through the Planning Proposal process and summarised below:

- As outlined in the Appendix A, the Proponent attempted to negotiate with the western neighbour, through Colliers to purchase the western sites. The western neighbours expressed that they did not want to redevelop, nor did they want to part of the rezoning process.
- The Planning Proposal and concept envelope has attempted to ameliorate the interface issues with the western neighbour:
 - Including a high degree of landscaping within the podium form and along the western edge of the podium;
 - A terraced podium level which provides for greater setbacks at the upper level of the podium and is considered to result in reduced visual bulk impacts comparative to a sheer 4 storey wall;
 - Adopting an average 8m weighted setback with three vertical proportions, comprising a 6m setback, a 8m setback and a 10m setback; and
 - A break between the podium and tower forms to allow for increased opportunities for natural daylight and ventilation.
- Northern setback:
 - The original planning proposal had a 6m setback for 13m of the façade length, with a total façade length of 20.4m. This Planning Proposal has a northern façade length of 16.4m. The amendment combines the two original apartments into a single dual aspect apartment which provides for greater amenity.
 - The proposed concept envelope adopts a 6m setback to the northern boundary which has been designed as a non-habitable façade or with high level windows or angled windows which reduce any direct overlooking.
 - This complies with the minimum building separation under the Apartment Design Guide.

In summary, the Planning Proposal and the concept envelope has been designed in accordance with the mapped planning controls for the site. The development will deliver significant public benefit by providing necessary residential accommodate adjacent to the metro station, facilitating the redevelopment of a key urban renewal site. The development will generate SIC levies which fund upgrades and improvements to the local infrastructure network.



Kind regards,

A handwritten signature in dark ink, appearing to read "Sophy Purton". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Sophy Purton
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