

# Summary of Submissions

PP 2021-5353

Submission Name	Issues Raised	Proponent Response	Department Response
<b>Council Submission</b>			
North Sydney Council	<p><i>Strategic Merit:</i></p> <ul style="list-style-type: none"> <li>Council considers the proposal to broadly demonstrates strategic merit, however, is not considered to be consistent with Ministerial Direction 7.11 – St Leonards, Crows Nest 2036 Plan as it does not ensure a suitable interface and transition to the west and therefore does not meet the objectives and actions of the 2036 Plan.</li> </ul> <p><i>Height:</i></p> <ul style="list-style-type: none"> <li>The proposed height assigned to the site is more than that needed to accommodate a 24-storey development. The reference design, as amended, includes an 11.3m transition between the podium and tower components. The reference scheme has no formal status so the design feature may not proceed.</li> </ul> <p><i>Building Transition and setbacks:</i></p> <ul style="list-style-type: none"> <li>Council reiterates their concerns on building transition and setbacks as raised in their submission on the proposal’s rezoning review application. The relationship and concerns arising of the tower to neighbouring sites remains, with the site not incorporating</li> </ul>	<p>The proposed built form outcome is entirely consistent with the numerical provisions contained within the Plan (i.e. height, FSR, setbacks and overshadowing). The Plan’s “transition and interface” provisions specifically make reference to sites with a heritage interface and reference how the heights within the Plan itself have provided for height transitions to lower scale developments.</p> <p>The Plan has mapped the western site to increase to 4 storeys, confirming that the DPE had carefully considered the adjoining site relationship when establishing the height for the subject site. The Plan maps the site for 24 storeys.</p> <p>The proposed concept envelope and the mapped LEP heights are entirely</p>	<p>The Department’s Planning and Land Use Strategy (PLUS) team in their assessment of the proposal for the purpose of issuing a Gateway determination found that it was consistent with Ministerial Direction 1.13 <i>Implementation of St Leonards and Crows Nest 2036 Plan</i> (previously Direction 7.11).</p> <p>The proposed building heights are in accordance with the St Leonards Crows Nest 2036 Plan (SLCN 2036 Plan). The increased height limit for the site will enable the delivery of 72 new dwellings, supported by accessibility to jobs, services, transport, social infrastructure and recreational areas in the North Sydney LGA where there is a growing demand for new housing.</p> <p>The proposed amendments respond to nearby development for the Crows Nest Metro Station and will allow for a moderate increase to housing supply within the Crows Nest precinct of the North Sydney LGA.</p> <p>The Crows Nest Over Station Development (OSD) towers planned in accordance with the SLCN 2036 Plan on the eastern side of Pacific Hwy pose an overshadowing impact on the</p>

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	<p>adjacent properties, the proposal will facilitate a built form that does not comply with the ADG and result in a poor and unresolved interface with the adjacent lower density areas to the west and southwest.</p> <p><i>Overshadowing:</i></p> <ul style="list-style-type: none"> <li>Due to the heights identified in the 2036 Plan, significant solar access impacts are anticipated. The proposed maximum height adds unnecessarily to the overall building height which results in a shadow length 34m longer than necessary to accommodate a 24-storey tower.</li> </ul> <p><i>Exhibition process:</i></p> <ul style="list-style-type: none"> <li>Notification letter should have read 1.5:1 to 2:1 instead of 1:5 to 2:1</li> <li>Planning proposal described the proposal as 'Mixed Development at 378-390 Pacific Highway' which is inconsistent with LEP making guidelines.</li> <li>Documents on the portal contained the title 'Gateway determinainton report', were out of sequence, used acronyms and created confusion.</li> </ul>	<p>reflective of a building with a height of 24 storeys.</p> <p>Council states that the reference scheme has "no formal status." This ignores that a site-specific DCP has been exhibited I which has definitive design controls for the site.</p> <p>Overshadowing diagrams are included within the submitted Urban Design Report which show the extent of the overshadowing impact, which is commensurate with a 24-storey building height.</p> <p>The SLCN Plan includes a control which states that overshadowing cannot extend beyond the boundary of the Plan. The pink outline shows theoretically what the extent of an envelope could be if it was developed in accordance with that control. As evident in the diagram, the concept envelope has a reduced</p>	<p>properties to the west, including the subject site. Shadow diagrams for the indicative concept scheme building envelope indicates there are no additional overshadowing impacts to those that will already be experienced as a result of the Crows Nest OSD.</p> <p>The site is located within an area undergoing significant transition as a result of the Crows Nest Metro Station and the SLCN 2036 Plan. A detailed urban design report supports the proposal. The concept scheme supporting the planning proposal is an indicative built form only. Fine grain detail on bulk and scale matters, including ADG compliance and overshadowing (also controlled via a solar plane to not exceed the extent of overshadowing from the SLCN 2036 Plan) will be considered during any subsequent detailed design and DA stage.</p> <p>The proposal was exhibited in accordance with statutory requirements and the LEP making guidelines. The nuances of the wording in notification letter and the ePlanning portal are not considered to be confusing or misleading. All notification letters were accompanied by a detailed fact sheet on the proposal.</p>

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		shadow impact comparative to what would be achieved under that control.	
<b>Agency Submissions</b>			
Sydney Water Corporation	<p><i>Water servicing:</i></p> <ul style="list-style-type: none"> <li>Amplifications, adjustments and/or minor extensions may be required.</li> </ul> <p><i>Wastewater servicing:</i></p> <ul style="list-style-type: none"> <li>Amplifications, adjustments and/or minor extensions may be required.</li> <li>Proponent to contact Sydney Water to discuss servicing. Detailed requirements will be provided via Section 73 application process.</li> </ul>	Noted and accepted.	Infrastructure capacity can be further addressed and assessed at any future development application (DA) stage.
Sydney Airport	Due to the Sydney Airport Obstacle Limitation Surface (OLS) being 156m AHD over the site, any proposed development designed over 156m AHD would be considered a controlled activity and is subject to the Federal Airports (Protection of Airspace) Regulations 1996. Approval is to be obtained to operate construction equipment prior to any commitment to construct as there may be limitations to the height of construction cranes.	Noted and accepted.	Any relevant and/or required approvals will be required to be obtained through any future DA process and prior to any construction.

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Sydney Metro (Transport for NSW)	<p>Sydney Metro requests the following for the lodgement of future DAs:</p> <ul style="list-style-type: none"> <li>• Consideration of <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></li> <li>• A report demonstrating compliance with the Sydney Metro Underground Corridor Protection Guidelines and or Sydney Metro At Grade and Elevated Sections Corridor Protection Guidelines.</li> <li>• Consultation with Sydney Metro.</li> </ul>	Noted and accepted. This will be further considered during detailed design.	Consideration of the relevant State Environmental Planning Policy provisions and Guidelines, including consultation with Sydney Metro can be undertaken at any future DA stage.
Transport for NSW (TfNSW)	<p><b>Development adjoining TfNSW infrastructure:</b></p> <p>Comments provided regarding the draft development control plan and are not relevant to the planning proposal.</p>	No specific comments.	Matters raised are for consideration at any subsequent DA stage and for consideration in the finalisation of any Development Control Plan (DCP) applicable to the site.
	<p><b>Landscaping Controls:</b></p> <p>TfNSW encourages increasing street tree canopy along key walking and cycling routes with careful consideration to avoid traffic issues.</p> <p>Any trees proposed within the kerbside clear zone of Pacific Hwy should be frangible and avoid species with invasive routes to minimise impacts to utilities and footpaths that may affect pedestrian safety.</p>	Noted and accepted. This will be further considered during detailed design.	<p>Matters raised are for consideration at any subsequent DA stage and for consideration in the finalisation of any Development Control Plan (DCP) applicable to the site.</p> <p>Agency submissions are publicly available for Councils for consideration regarding the matters.</p>

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	<p><b>Vehicle access and traffic impact assessment:</b></p> <ul style="list-style-type: none"> <li>TfNSW requests that the draft DCP include details of the proposed vehicular access to the site.</li> <li>TfNSW notes their support for the vehicular access to the future development being retained via Hume Street. Amendments to the Hume Street vehicular access recommended to avoid potential traffic queues onto Pacific Hwy, (i.e. left-in-left-out (LILLO) only with potential median island). The driveway should also be located as far away as practical from the traffic control signals at the Pacific Hwy intersection.</li> <li>TfNSW notes a contradiction between the calculated / assessed potential trip generation of the commercial / retail component in the TIA and the proposed generous car parking provision in the draft DCP for retail uses. Any future DA will need to provide further details.</li> <li>TfNSW recommends the TIA supporting any future DA will need to include further details of servicing demands and demonstrate all</li> </ul>	<p>Noted and accepted.</p> <p>As outlined in Section 6.1 of the Transport Impact Assessment (TIA) submitted with the Planning Proposal, left-in-left-out movements are proposed. This will be incorporated in the detailed design phase.</p> <p>Noted. The TIA supporting a future DA will include further details of servicing demands.</p> <p>Noted. The TIA supporting a future DA will include further details of servicing demands.</p>	<p>As above.</p> <p>The Planning Proposal is supported by an indicative development concept scheme only. Any proposed vehicular access will be further refined during any future detail design stage and any potential traffic impacts can be further addressed and assessed at any future DA stage.</p> <p>Any future DA should be accompanied by a traffic impact assessment that will further demonstrate the anticipated generation rates and parking demands.</p>

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	<p>future servicing requirements will be accommodated on site.</p>		<p>Any future DA should be accompanied by a traffic impact assessment that further details servicing demands and requirements.</p>
	<p><b><i>Travel Demand Management</i></b></p> <p><i>Car parking:</i></p> <ul style="list-style-type: none"> <li>• Consideration may need to be given to reducing the requirement for car parking to support a shift to public and active transport modes.</li> <li>• TfNSW identifies the proposed supermarket parking and residential parking rate to be relatively generous. A lower parking provision (in consultation with Council) could be considered.</li> <li>• The future car parking rates and restrictions should be aligned with the North Sydney Transport Strategy.</li> <li>• TfNSW notes the St Leonards and Crows Nest 2036 Plan identifies an action to “Limit the amount of car parking provided for new developments” and “It is recommended that each Councils review their existing car parking rates and promote car share facilities and end of trip facilities to support active transport.”</li> </ul>	<p>Future car parking rates will be aligned with the North Sydney Transport Strategy.</p> <p>No response provided on GTP.</p>	<p>Matters raised are for consideration at any subsequent DA stage and for consideration in the finalisation of any Development Control Plan (DCP) applicable to the site.</p> <p>Agency submissions are publicly available for Councils for consideration regarding the matters.</p> <p>Amendments to the GTP should be further explored at the DA stage.</p>

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	<ul style="list-style-type: none"> <li>Further suggestions for parking rates in the draft DCP provided.</li> </ul> <p><i>Green Travel Plan (Revised Framework Travel Plan):</i></p> <ul style="list-style-type: none"> <li>TfNSW recommends amendments to the GTP to be addressed at DA stage.</li> </ul>		
	<p><b>Active Transport:</b></p> <p>TfNSW recommends the draft DCP to support the aims and objectives of NSW Government policies and guidelines for supporting walking and cycling. To support increasing active transport mode share for the future development and St Leonards Crows Nest Precinct, TfNSW also recommends several matters for consideration in the draft DCP and any future DA stage.</p>	No response provided.	<p>Recommendations are for consideration at any subsequent DA stage and for consideration in the finalisation of any DCP applicable to the site.</p> <p>Agency submissions are publicly available for Councils for consideration regarding the matters.</p>
Ausgrid	Ausgrid does not object to the proposal and provided advice on underground cables within the vicinity of the development.	N/A	N/A – advice provided to proponent.
Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the	The Department raises the same concerns as Sydney Airport regarding the Sydney Airport Obstacle Limitation Surface (OLS) being 156m AHD over the site, and any proposed development designed over 156m AHD is considered a controlled activity and is subject to	Noted and accepted.	<p>Any relevant and/or required approvals will be required to be obtained through any future DA process and prior to any construction.</p> <p>The requested ‘inclusion’ for the proposal is not considered to be relevant as a controlled activity approval is a statutory requirement that must be</p>

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Department of Infrastructure)	<p>the Federal Airports (Protection of Airspace) Regulations 1996.</p> <p>The Department would encourage Council and Proponents to engage early with Sydney Airport.</p> <p>To assist Council in guiding developers of the planning requirements for this precinct the Department requests the inclusion of the following in the Planning Proposal:</p> <p><i>"any development proposal or associated construction activity with a height more than 51 metres above the Australian Height Datum will be subject to a controlled activity assessment and require approval under the Airports {Protection of Airspace} Regulations 1996 that are administered by the Australian Government".</i></p>		<p>considered/undertaken where relevant in any subsequent DA stage.</p> <p>Agency submissions are made available for Councils consideration regarding the matter also.</p>
School Infrastructure NSW (SINSW)	<p>SINSW notes the draft proposal will result in an additional 72 dwellings. SINSW advises that the surrounding schools can likely accommodate the projected number of students to be generated by the proposal.</p> <p>SINSW highlights the Local Environmental Plan (LEP) Making Guideline 2021 provides the referral criteria for when Planning Proposals are to be sent to SINSW. SINSW notes that while this proposal does not meet the new criteria, Council is requested to monitor and consider the</p>	Noted and accepted.	<p>The Department notes SINSW raises no objection to the proposal.</p> <p>Agency submissions are publicly available for Councils consideration regarding school populations.</p>



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	cumulative impact of population growth on schools planning in the locality.		
NSW Health	Advised comment not required	No response required.	No response required.

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<b>Community Submissions</b>				
<b>Object:</b> Height	14/24 (58%)	<ul style="list-style-type: none"> <li>The proposed height disregards the adjacent low-density area to the west and will result in a significant height disparity.</li> <li>Recommendation to limit heights to between 5-12 storeys.</li> <li>The proposal will set a precedent along Pacific Highway.</li> <li>The proposed height will negatively affect the existing architectural character of the area.</li> <li>The proposed floor-to-floor heights for the roof and plant</li> </ul>	<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. 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. The Planning Proposal nominates heights of</p>	<p>The proposed building heights are in accordance with the St Leonards Crows Nest 2036 Plan (SLCN 2036 Plan).</p> <p>The increased height limit for the site will enable the delivery of 72 new dwellings, supported by accessibility to jobs, services, transport, social infrastructure and recreational areas in the North Sydney LGA where there is a growing demand for new housing.</p> <p>The proposed amendments respond to nearby development for the Crows Nest Metro Station</p>

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		<p>and residential floors are excessive and non-compliant (e.g. 7.3m and 3.2m, respectively).</p>	<p>5m for the 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. 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. 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>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</p>	<p>and will allow for a moderate increase to housing supply within the Crows Nest precinct of the North Sydney LGA.</p> <p>Floor-to-floor heights are finer detail that can be further considered and assessed at any future DA stage.</p>

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			boundary of the SLCN 2036 Plan. The proposed building envelope is well below that overall height control	
<b>Object:</b> Overshadowing and loss of sunlight	17/24 (71%)	<ul style="list-style-type: none"> <li>The immediate surrounding low-density areas will experience overshadowing and loss of sunlight from the proposed development.</li> <li>Adjacent neighbour to No. 378 Pacific Hwy is concerned about the overshadowing impacts to their backyard.</li> <li>The western side height limits were increased by 30% to 24 storeys which will cause a loss of sunlight and sky views.</li> </ul>	<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>Cumulative impacts associated with the existing and approved and proposed overshadowing of building envelopes have been analysed.</p> <p>The Planning Proposal seeks to deliver a tall, slender building, this will ultimately result in a thinner and faster moving shadow. Woods Bagot's studies show overshadowing to neighbouring properties would be limited to a 2 hour window, which complies with the ADG requirements. The overshadowing does not extend past the boundary of the Plan boundary.</p> <p>The site is located directly west of the Crows Nest OSD. The approved building envelope for the OSD results in significant</p>	<p>The Crows Nest Over Station Development (OSD) towers planned in accordance with the SLCN 2036 Plan on the eastern side of Pacific Hwy pose an overshadowing impact on the properties to the west, including the subject site. Shadow diagrams for the indicative concept scheme building envelope indicates there are no additional overshadowing impacts to those that will already be experienced as a result of the Crows Nest OSD.</p> <p>The concept scheme supporting the Planning Proposal is an indicative built form only, controlled via a solar plane to not exceed the extent of overshadowing from the SLCN 2036 Plan. Further specific AGD compliance and shadow analysis and solar study can prepared and</p>

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			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 the immediate west of the site. Detailed solar and overshadowing studies will be undertaken at the DA stage.	assessed at the DA stage for any proposed development.
<b>Object:</b> Traffic generation and demand for parking	15/24 (63%)	<ul style="list-style-type: none"> <li>The proposal will create additional unwanted traffic and congestion along Hume Street and the Pacific Hwy.</li> <li>The projected number of trips per hour as indicated in the TIA is significantly understated.</li> <li>The proposed vehicular access point on Hume Street may result in a build-up of traffic for cars turning left off Pacific Hwy.</li> <li>No consideration of “keep clear” signs to ensure access is unobstructed.</li> <li>Parking availability is currently limited, with the proposal to worsen the problem.</li> </ul>	<p>The site’s location directly adjacent to the Crows Nest Metro and the improved public domain works will be a catalyst 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>The Planning Proposal enables increased commercial and residential density near the Crows Nest Metro Station (currently under construction), St Leonards Railway Station and North Sydney CBD. The proposal is consistent with the SLCN 2036 Plan and North District Plan as it is accessible to public transport and encourages a walkable neighbourhood to reduce the need for car dependency.</p> <p>The TIA provided provides that vehicle/trip generation is deemed a negligible impact as the proposed commercial and retail uses will service not only the residential units above, but also surrounding development within</p>

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		<ul style="list-style-type: none"> <li>Local streets are too small to handle the traffic generated by the proposed Sydney Metro development and other high-rise developments along Pacific Hwy.</li> <li>The area has seen a recent reduction in traffic due to the closing of the Hume Street/Pacific Hwy intersection for the construction of the Crows Nest Metro Station, however will become very active again once open.</li> <li>The existing Nicholson St Council car park will be challenged beyond capacity due to the planned active night-time economy in the area.</li> <li>Prolonged disruption to Hume St which has been affected for several years already, closing off access to Willoughby St.</li> <li>Proposed parking rate is excessive considering the nearby Metro and other plentiful</li> </ul>	<p>Finally, a Transport Assessment was prepared and submitted with the Planning Proposal. The 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 can accommodate 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, reduced rates which 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>the walking catchment. North Sydney is a central business district with high rates of employment, the reliance on private vehicles may be further reduced.</p> <p>The design and location of the vehicular access to the site can be addressed and assessed at any future DA stage.</p> <p>Any future proposed development would be required to address Council car parking requirements and can be further resolved and assessed at the DA stage.</p> <p>TfNSW have not raised an objection to the proposal.</p>

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		<p>public transport options. The existing B4 mixed use St Leonards Precincts 2 and 3 parking rates are recommended for the site.</p> <ul style="list-style-type: none"> <li>• Safety and access impacts as a result of increased traffic.</li> </ul>		
<p><b>Object:</b> Visual amenity impacts and loss of views</p>	13/24 (54%)	<ul style="list-style-type: none"> <li>• The proposal will result in visual amenity impacts and loss of views.</li> </ul>	No response provided.	<p>The proposal is within an area undergoing transition due to the construction of the Crows Nest Metro Station and the SLCN 2036 Plan. The proposal is generally consistent with SLCN 2036 Plan.</p> <p>The concept scheme supporting the Planning Proposal is an indicative built form only. View sharing and minimising visual impact on neighbouring properties will be considered and assessed at the DA stage.</p>
<p><b>Object:</b> Overdevelopment/ density and bulk and scale</p>	12/24 (50%)	<ul style="list-style-type: none"> <li>• High-density towers will irrevocably change the nature of the built environment and will destroy much of the character that makes Crows Nest unique.</li> </ul>	The proposal has been prepared in accordance with the mapped planning controls provided for the site under the Plan. The Plan actually indicates that the site is suitable for a higher FSR, being 7.5:1.	As above.

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		<ul style="list-style-type: none"> <li>• Too many high-rise developments within the local area.</li> <li>• The local community is already enduring extreme overdevelopment with the number of high-rise developments in St Leonards.</li> <li>• There are too many cars in the area and all the new residents will need access to facilities e.g. schools, parks, shops etc.</li> <li>• This part of Sydney is already overpopulated and overcrowded, and this development would drive pollution and traffic to small streets never developed for the level of traffic anticipated to be generated from the development.</li> <li>• Lower-density residential dwellings (e.g. 8-12 storeys) is suggested as a more suitable compromise for this area, and would not lead to the same</li> </ul>	<p>The Planning Proposal has been reduced to less than what was originally envisaged. 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 development is co-located to maximise the benefits of this public infrastructure. The proposed height is entirely consistent with the vision and design criteria for the site, as stipulated by the Plan.</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 2,618m<sup>2</sup> of commercial floor space (at ground level and above), contributing to jobs</p>	

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		problems experienced in St Leonards.	<p>within the Precinct and therefore overall activation.</p> <p>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 accommodation 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><b>Object:</b> Incompatibility with local character</p>	10/24 (42%)	<ul style="list-style-type: none"> <li>• Out of step with the character of Crows Nest, and offensive to the aesthetics of the area.</li> <li>• Affects local heritage listed buildings and conservation area.</li> <li>• No amount of retail/cafes can make a high-rise area 'a lively and social hub'.</li> </ul>	<p>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>The creation of the internal laneway link positively delivers on the 'fine grain retail character' desired in the Plan.</p> <p>This site has been identified for higher density development due to its proximity to</p>	<p>The proposal is within an area undergoing transition due to the construction of the Crows Nest Metro Station and the SLCN 2036 Plan. The proposal is generally consistent with SLCN 2036 Plan.</p> <p>The concept scheme supporting the Planning Proposal is an indicative built form only.</p> <p>Compatibility with the existing and future character and local heritage can be considered and</p>



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			<p>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>What the concept scheme demonstrates is how those important characteristics can be incorporated into the site, which is reflected in the interface with the public domain and the landscaping dispersed throughout the podium levels to reduce the appearance of the built form.</p>	<p>assessed during any detailed design and DA stage. The proposal generally aligns with the emerging character of the area as envisaged by the SLCN 2036 Plan.</p>
<p><b>Object:</b> Government and community consultation process</p>	7/24 (29%)	<ul style="list-style-type: none"> <li>Community concerns regarding the agenda of the Coalition Government.</li> <li>Community concerns regarding limited community consultation undertaken for the 2036 Plan.</li> <li>The Planning Portal is difficult to navigate - submissions by email should be acknowledged.</li> <li>If it is deemed the Planning Proposal should proceed, it should be re-advertised for public comment with adequate</li> </ul>	<p>These objections are in relation to the Plan and not this Planning Proposal. The NSW Government undertook engagement with the community from October 2018 to February 2019 for the finalisation of the SLCN 2036 Plan.</p>	<p>The community consultation process for the Planning Proposal is compliant with section 3.34(2)(c) and clause 4 of Schedule 1 of the <i>Environmental Planning and Assessment Act 1979</i> and the relevant notice requirements under the Local Environmental Plan Making Guidelines.</p> <p>The Department notes that some of these concerns relate to the community consultation process</p>

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		notification and time period for submissions to be made.		for the SLCN 2036 Plan and are not relevant to the Planning Proposal.
<b>Object:</b> Built form and design	5/24 (21%)	<ul style="list-style-type: none"> <li>The community raised concerns with potential ADG non-compliances, with particular focus on building separation requirements.</li> <li>The proposal will inhibit redevelopment on the neighbouring site to the north at No. 398 Pacific Hwy.</li> <li>The proposal fails the most basic passive solar design principles by removing the opportunity for habitable north facing windows and 'shutting down' the northern façade.</li> <li>A submission acknowledges that the Planning Proposal is capable of being modified to accommodate compliant building envelopes, setbacks and separation requirements that won't result in overshadowing to neighbouring</li> </ul>	<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>Council's assessment report of the Planning Proposal clearly states that the northern neighbour is not an isolated site.</p>	The concept scheme supporting the Planning Proposal is an indicative built form only. The detailed design of any future development will be addressed at the future DA stage, including ADG compliance and consistency with the site-specific DCP and SLCN 2036 Plan.

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Key Issue	Number of Submissions	Issues Raised	Proponent Response	Department Response
		<p>residences, public places or beyond the Plan boundary.</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 “new height and floor space controls should apply for all sites marked for renewal,” 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.</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</p>	

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Key Issue	Number of Submissions	Issues Raised	Proponent Response	Department Response
			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.	
<b>Object:</b> Lack of landscaping and open space	5/24 (21%)	<ul style="list-style-type: none"> <li>St Leonards and Crows Nest vicinity is characterised by a severe lack of open space and will be further impacted by the proposed development.</li> <li>The proposal will result in the loss of trees.</li> </ul>	No response provided.	The Planning Proposal is supported by a Landscape Urban Design Report that provides indicative landscape design details. A detailed landscape design will be provided and assessed at any future DA stage.
<b>Object:</b> Wind tunnel impacts	4/24 (17%)	<ul style="list-style-type: none"> <li>The Planning Proposal, along with several other high-rise developments along Pacific Hwy contribute to a wind tunnel effect.</li> </ul>	No response provided.	<p>A Pedestrian Wind Environment Statement accompanies the Planning Proposal and concludes that relevant mitigation measures have been incorporated into the indicative concept design.</p> <p>Further wind testing can be explored and assessed at any future DA stage.</p>

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Key Issue	Number of Submissions	Issues Raised	Proponent Response	Department Response
<p><b>Object:</b> Construction impacts (air quality, hazardous materials and accessibility)</p>	4/24 (17%)	<ul style="list-style-type: none"> <li>Disturbance and impacts to surrounding residential areas during construction.</li> <li>Health implications associated with additional dust fumes, vapours, gases in the air as a result of the construction works.</li> <li>Construction will result in sidewalks and damaged roads that will impact accessibility.</li> </ul>	<p>The Planning Proposal seeks to amend the LEP maps and provide site - specific building envelope controls via a site-specific DCP. Construction related impacts are not relevant to the Planning Proposal stage. A construction management plan would be prepared at the DA stage, in response to conditions of consent that would address these concerns.</p>	<p>Any potential construction impacts to any nearby properties can be considered and assessed at the DA stage.</p> <p>A Construction Management Plan will be prepared for any future development that will ensure compliance with the relevant Environmental Protection Authority (EPA) construction guidelines.</p>
<p><b>Object:</b> Overlooking and privacy impacts</p>	4/24 (17%)	<ul style="list-style-type: none"> <li>No privacy for adjacent low-density residential properties to the west of the proposed development.</li> <li>Direct sightlines into balconies and living areas into apartments at 3-9 Lamont St, Wollstonecraft.</li> </ul>	<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</p>	<p>The proposal is within an area undergoing transition due to the construction of the Crows Nest Metro Station and the SLCN 2036 Plan. The proposal is generally consistent with SLCN 2036 Plan.</p> <p>The concept scheme supporting the Planning Proposal is an indicative built form only. Further refinements at any future DA stage can give consideration to ADG principles, to mitigate any potential privacy and overlooking impacts.</p>

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			<p>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, an 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.</p> <p><u>Northern setback</u></p> <p>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>	

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<b>Object:</b> No public benefit	4/24 (17%)	<ul style="list-style-type: none"> <li>The proposal is not considered to provide any public benefit.</li> </ul>	No response provided.	The Gateway Determination was issued as the proposal has been found to have strategic and site-specific merit, providing public benefit by increasing the number of dwellings and jobs within the area in a highly active and accessible area.
<b>Object:</b> Noise	3/24 (13%)	<ul style="list-style-type: none"> <li>The proposed use of the development and anticipated traffic generation will result in additional noise impacts.</li> </ul>	No response provided.	Any potential noise impacts associated with the increased traffic travelling to and from the site and the use of the development can be considered and assessed at any future DA stage.
<b>Object:</b> Insufficient infrastructure	3/24 (13%)	<ul style="list-style-type: none"> <li>The proposed development is not supported by sufficient infrastructure and will be placing a further strain on current infrastructure.</li> </ul>	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.	The Planning Proposal is supported by a Services Infrastructure Report detailing the current capacity and condition of existing public utilities and opportunities for future provision of utility infrastructure to support increased densities.  SINSW confirms the existing school network is unlikely to be strained by the projected number

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				<p>of students to be generated by the proposal.</p> <p>The SIC endorsed as part of the SLCN 2036 Plan supports the increased densities planned for this precinct.</p> <p>Infrastructure capacity can also be considered and assessed at any future DA stage.</p>
<p><b>Object:</b></p> <p>Housing supply and demand for rental properties</p>	2/24 (8%)	<ul style="list-style-type: none"> <li>One submission relates to high-rise developments filled with one and two-bedroom dwellings will not be affordable or suitable for families and in turn will not be helping the current housing crisis.</li> <li>One submission relates to addressing the issue of an excessive number of rental properties in the area with long-term vacancies.</li> </ul>	No response provided.	<p>The Planning Proposal will facilitate the delivery of an additional 72 dwellings in the North Sydney LGA to assist with housing supply. The provision of housing within this precinct also contributes to achieving the housing targets in the North District Plan.</p> <p>Rental vacancy rates are not a planning consideration for the proposal.</p>



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<b>Object:</b> FSR exceedance	2/24 (8%)	<ul style="list-style-type: none"> <li>The proposed FSR is excessive and non-compliant as it departs from the SLCN 2036 Plan nominated FSR of 7.5:1.</li> </ul>	This 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.	The matter of non-compliance is not considered relevant as it relates to a superseded concept design and proposed height and FSR figures.  The proposed FSR has been amended in accordance with the SLCN 3026 Plan maximum FSR recommendations, including 7.2:1 for residential FSR and 2:1 for non-residential FSR. The planned overall FSR is less than the maximum proposed in the Plan.
<b>Object:</b> Inconsistency with Precinct objectives	2/24 (8%)	<ul style="list-style-type: none"> <li>The proposed Crows Nest Metro station development and the proposals for the surrounding area seem to be completely at odds with the objectives of the St Leonards and Crows Nest precinct as articulated by the Greater Sydney Commission.</li> <li>The precinct is intended to be a business, education, and health precinct, however the goal now seems to be the prioritisation of</li> </ul>	No response provided.	The proposal is consistent with SLCN 2036 Plan and will deliver additional commercial and retail premises, as planned for the precinct.

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Key Issue	Number of Submissions	Issues Raised	Proponent Response	Department Response
		the provision of high-rise residential development.		