I am making a personal submission

# Title



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# submission

The application to increase the maximum height is typical of a developer and outrageous. It completely ignores the residents in the immediate vicinity of the proposed building who will suffer from shadowing for many hours of every day and increased traffic, let alone the disturbance during construction.

Do we have to live like people in Hong Kong with skyscrapers all around us? This is another example of bending to the will of a developer who is only looking at his bottom line profit and could care less about local residents who live in the neighbourhood 24/7/365 days a year.

I object strongly to the application to increase the maximum height.

I am making a personal submission







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Suburb/ Town

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#### submission

I object to this planning proposal (PP) for the following reasons:

1. The height and size is excessive, is out of step with the character of Crows Nest, and offensive to the aesthetics of the area.

2. Creates increased overshadowing and an unpleasant wind tunnel effect along Pacific Hwy and Hume Street. If you want evidence of this - just walk towards St Leonards along Pacific Hwy(during a mildly windy day) where there are multiple high rise developments.

Creates additional unwanted traffic along Hume Street (on the Wollstonecraft side) which is predominantly residential; and promotes the "rat run" from River Road.
 Does not in anyway benefit the local community.

In noting the above, I would suggest a height limit of 8-10 floors would be acceptable, and still consistent with the need for redevelopment. Finally, we are concerned that the

and still consistent with the need for redevelopment. Finally, we are concerned that this PP will create a precedent along Pacific Hwy which will compound the problems noted above. It would be a sad sight to see the vibrancy of the community reduce to a small pocket of Crows Nest (where there is open space) and the section along Pacific Hwy being reduced to a wind tunnel akin to North Sydney further down.

Documents Action summary

I am making a personal submission



Family name

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# submission

I have read the detailed documents, and overall I like the proposal. I have two significant concerns, though:

1. I disagree with the increasing of the height limit. There is no benefit to the community to have such a significant height disparity between this proposal and the neighbouring lower density area. While shading is considered, bulk visual impact is not, yet needs to be.

2. I have read the detailed Traffic Impact Assessment, and I consider the number of trips per hour is significantly understated, and would cause noticeable delays and clogging in Hume Street. For a block of 72 units, to suggest there would be 10 car movements during peak hour is significantly understated.

No mention is made of how traffic travelling North on Pacific Highway would enter the property. Assuming they turn left into Hume, they would do a sudden right into the property. This would cause a backlog of cars turning left off Pacific Hwy, noticeably reducing traffic speed on Pacific Highway. I could find no detail on "Keep Clear" areas in Hume Street to make entrance to the property smoother. This must be considered.

Thank you for considering these issues.

I am making a personal submission





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#### submission

Hi,

This building is not in keeping with the lovely community feel of our local area. We are already suffering from extreme overdevelopment with all the high rises in st Leonard's. There are too many cars in that small area, all the people that will be living there as a result will need access to facilities eg schools, parks, shops etc. which we don't have. Nicholson street and Hume street are already extremely busy and have no parking available and with these new high rises they will have visitors, not all of whom will catch public transport.

The height of the buildings is also too high for the local area. Currently it's very lovely walking home and being able to see clear skies.

The height proposed will block light and view of the sky for all of those living on Nicholson, Hume and Christie street. It will also create a wind tunnel effect along that stretch of road given you'll also have the new towers above crows nest station opposite.

If we are to redevelop, please can they maintain the existing roof line? Thank you.

#### Documents Action summary

I am making a personal submission



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# submission

Disagree with this development, the local infrastructure isn't there to support this size of development, taking into consideration the additional developments already progressing.

I am making a personal submission





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#### submission

To Whom It May Concern,

I am writing to reject the proposal for extending the height of this development.

This area is already over zoned with too many high-rise buildings without having the resources to support the increase in population that will result in this development being extended.

This will also greatly affect the existing residential communities with taking away sunlight and natural light due to the obsence height of this development.

Can you pls consider this feedback and not allow this development to go any higher than it is already approved for.



Documents

Action summary

I am making a personal submission

# Title



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#### submission

I am totally against the plan for development of this project (378-390 Pacific Highway, Crows Nest, PP-2021-5353).

Despite Federal -- and especially State government -- and the media constantly harping on the "housing shortage," why don't these government levels pull their socks up and penalize all those offshore and "negative gearing" (only country in the world with the latter) owners who refuse to rent out their empty properties (around 1,900 just along the Lower North Shore's North Sydney to St. Leonards as of about five years ago! These owners should be penalized by higher tax if their properties are let empty for more than a year! There are two visible neighboring properties in my line of vision from my apartment that have been empty for years! It's time to change this

I am making a personal submission







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North Sydney Council 200 Miller Street North Sydney NSW 2060 PO Box 12 North Sydney NSW 2059 council@northsydney.nsw.gov.au

Planning Proposal No 7/21 - 378- 390 Pacific Highway, Crows Nest NSW 2065 -Objection

I am writing to North Sydney council as an objection to the following planning proposal Planning Proposal Number 7/21 – 378- 390 Pacific Highway, Crows Nest NSW 2065. After moving to the property in 2011 where we have lived as rate payers of North Sydney Council. The following reasons as to why I am objecting to the development. • Loss of light or overshadowing to our property as we lived directly behind the current building 378 Pacific Highway Crows Nest. This property connects to the fence line of

our property at 29 Nicholson Street Wollstonecraft NSW 2065.

 Overlooking/loss of privacy – with the proposed structure with the loss of privacy into our backyard.

• Visual amenity - how this will feature both now and into the future.

• Adequacy of parking/loading/turning – our garage is on Hume street which adjoins the house which is directly behind the proposed structure. With the proposed building with the increase in traffic / noise pollution and cars that will have a direct impact to the suburb that Crows Nest represents currently and into the future.

• Highway safety – with the increased traffic flow to the Hume Street entrance and the impact that this will have on safety.

• Traffic generation – with the amount of cars, trucks, buses – people moving in and out of the block on a continuous basis.

Noise and disturbance resulting from use

Hazardous materials – in demolition, construction and re construction

• Smells to the area in pre building, post building and development of the area.

· Loss of trees and green space within the area of Crows Nest.

Effect on listed building and conservation area

- Layout and density of building
- Design, appearance and materials

• Landscaping - lack of green space that would be based on the proposal

 Road access – this is highlighted by the photos and the location that Crows Nest is and what it represents. The congestion

· Nature conservation of the area as a suburb

I have taken the time to provide some pictures to provide the detail :

• Picture 1 & 2 – where would this leave Hume Street Crows nest – an over populated over crowded part of Sydney that would drive pollution and traffic to small streets never built and developed for this level of traffic flow.

•

• Picture 3 – the development proposal would shadow the backyard and make going into the backyard not only unpleasant but lack of privacy.

•

#### Picture 4 & Picture 5

With the development and approval from Lane Cove council for the buildings in the distance – is this the landscape and suburb – destroying all of what it makes to live in Crows nest.

•

#### Picture 6 and 7

With the current buildings and parking – this is a problem now. The disaster that would entail if this was approved would be unacceptable by air quality and traffic management standards.

•

I look forward to the confirmation of my letter as a resident and tax payer for your rates in North Sydney and strongly oppose the development application lodged. <u>Thank you for your consideration</u>



# Documents Action summary

I am making a personal submission



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#### submission

Address: 378 - 390 Pacific Highway CROWS NEST NSW 2065

To the Planning Department of North Sydney Council.

I, **Internet is the owner and resident of** and found out about the notification for a major development through a notice in front of a building at 378 Pacific Hwy, Crows Nest. I have never spoken or met with anyone at Futuro Capital No 1 Pty Ltd.

As far as I understand it, the proposal is for a 24 storey high mixed use building directly behind our place of residence and we are against this construction for not just us but for our close neighbours.

My husband	have been living
in this address since 2011 when my son was born. My elderly parents	and
, who I am the carer for, live next door in	
From time to time my physically and intellectually disabled young	ger brother
who I am the Responsible Guardian for will often come to visit	us and my
parents at our home in Crows Nest.	

As a close knit family we have been residents and ratepayers of Crows Nest for over 20 years and this large scale development will have a major material impact to the health and wellbeing permanently.

Our family as direct residents of the surrounding site will be at a higher risk of exposure to diesel / petrol pollution from construction equipment.

For my young son **and a**, this will mean that there will be a significant level of dust fumes, vapours, gases in the air that can lead to an increased potential for breathing problems and lung disease as he often plays outside in the backyard a couple of hours a day which is directly behind the proposed construction area.

The potential for blocked sidewalks and damaged roads will mean that it will be more difficult for my disabled brother **sector** to come and visit us as it will be difficult to navigate any damaged roads with his wheelchair.

For my elderly parents **provide**, this will also have a major impact on their health as their backyard is also directly behind the major construction site.

In addition to the human impacts as a result of this development the other detrimental impacts are:

The visual amenity that is not in line with the character of the houses will affect the whole view of Nicholson Street

The lack of adequate parking as seen before with other retail behind our house blocking our garage.

Highway safety when people are accessing the proposed driveway access points. If there are increased units at this location and each person has a car the additional contribution to pollution in the area with increased traffic flow.

Traffic generation with the proposed amount of additional people

Noise and disturbance resulting from use and access to the site.

Hazardous materials and relevant land surveys completed which sit under the proposed development site.

Waste Management from the amount of residences proposed

Increased pests from waste control management

Road access on Hume street to safely access property -

Local,strategic regional and national planning policies - I can't see how this fits in with the Transport for NSW 2056 strategy

Disabled persons access whilst development is taking place

Nature conservation in line with current development guidelines.

Uplift in crime and delinquent behaviour from tenants causing menace to our property from surrounding pubs and clubs - Crows Nest Hotel and The Stoned Crow as it has happened two times before.

#### My Objections

I object to this development as this is a MASSIVE OVERDEVELOPMENT that will be destructive to the health of the residents and ratepayers of Crows Nest/ North Sydney Council.

I object because the excessive height, bulk and scale are inconsistent with existing controls including the Council's St Leonards/Crows Nest Planning Studies (Precinct 1). 3. I object to this proposal because no public benefit has been negotiated with the community.

4. I object because of the overshadowing, overlooking and loss of our solar access. 5. I object because Crows Nest streets are too small to handle the traffic generated by the proposed Metro development and the other enormous buildings approved for the Pacific Highway in Crows Nest. There is INADEQUATE VEHICLE ACCESS.

#### Additional Comments

I object because I am unclear on the plans for getting people safely across the Pacific Highway. This needs to be an integral part of the Metro Plan. I haven't seen any mention of this.

I look forward to hearing from you.



Documents Action summary

I am making a personal submission



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#### submission

I object to this planning proposal on the basis that the height and density of this building will seriously and adversely impact the surrounding area. The height of the building will mean that the residences behind it and in the streets parallel to it, will be overshadowed most of the time - greatly reducing solar access.

Also the height will allow for much greater density. Crows Nest and St Leonards have very little open green space and greater density will mean greater pressure on the little we have. The traffic is already dreadful and will only get worse.

I wasn't going to make a submission because quite frankly there is no point is there! I was one of hundreds of people who objected to the heights and density in the 2036 St Leonards Crows Nest Plan and we were completely and utterly IGNORED.

'Have Your Say' is an absolute insult to our community! We were asked to wade through 9,000 pages of documents and despite thousands of objections to the Plan, the Liberal State Government not only ignored what this community wanted, they increased the height and density!!

My neighbour asked if it was worth submitting an objection to this planning proposal . I said not to bother as he - we - would just be ignored. That's right isn't it? You just want to tick the 'Community Consultation', ignore us and then give the developer what he

wants. Well Liberal State Government, we're going to kick you out in two weeks time. That is the price you are going to pay for ignoring the community.

Documents Action summary

I am making a personal submission

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#### submission

As a local resident, I have serious concerns regarding the planning proposal (PP-2021-5353) to amend the North Sydney LEP 2013 as it applies to 378-390 Pacific Highway, Crows Nest; in particular, increasing the maximum height of buildings to RL176 (24 storeys). I have little confidence that this proposal will provide 'significant public benefit' (as stated in the planning proposal prepared by Urbis Pty Ltd). This development simply seeks to over-ride North Sydney Council's planning controls to transfer the risk/reward to private interests.

Over-development, particularly high-density towers will irrevocably change the nature of our built environment, and will destroy much of the character that makes Crows Nest unique. One only needs to look down the road at the St. Leonards 'peninsula' to see the end result - a bleak, characterless cluster of high-rise monstrosities that overwhelm everything around them. They blot out all sunlight in the vicinity and create an unpleasant wind-tunnel effect. They generate an enormous amount of motor traffic. In sum, they make this area deeply unpleasant.

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. The precinct is intended to be a business, education, and health precinct. In contrast, the goal now seems to be the prioritisation of the provision of high-rise residential development. Such development puts a strain on our infrastructure and on the environment. Furthermore, the St Leonards and Crows Nest vicinity is already characterised by a severe lack of open space, as identified in the ARUP report

prepared for the NSW Department of Planning (2017).

The developers who build these high-rise, high-density towers filled with one- and twobedroom flats that are neither affordable nor suitable for families are NOT helping the current housing crisis. It is to be expected that developers' need to derive a financial return from the Crows Nest Metro development (and surrounding area) overrides community amenity.

The proponent (Futuro No. 1 Pty Ltd) in seeking to increase the maximum height of buildings to RL176 (24 storeys) is endeavouring to bleed the area of every dollar that it is possible of yielding. They care little that they are sacrificing the quality of our lives in order to satisfy their blatant greed. This is not planning, or providing 'significant public development.' This is simply profit above all else.

Planning for a 'priority precinct' should not have to lead to high-rise shadows looming over Crows Nest and Wollstonecraft. I feel that lower-density residential dwellings (eight to twelve storeys at most) would be a more suitable compromise for this area, and would not create the sort of problems that are experienced in St Leonards (principally, over-shadowing, wind-tunnel effect, and lack of sunlight).

I am making a personal submission







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#### submission

Hi Adam and Neal,

Thanks for taking the time to consider my submission.

I currently live in Jersey City, United States with my two young kids and we visit my parents - (their grandparents) and aunt that live directly behind this proposal so this development is very near and dear to my heart and the future of my parents in their prime retirement years.

Please take a look and reach out personally if you wish to connect.



Documents Action summary

I am making a personal submission

# Title



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#### submission

My submission relates to Planning Proposal PP-2022-5353 378-390 Pacific Highway.

I am object to the increasing the maximum height of the buildings from 16m to RL 176 (24 storeys)

My main objections are based on:

-overshadowing of residences on the western side of the proposed building The proposal excuses the overshadowing by saying the building itself sits in the shadow of the Over Station Development complex at Crows Nest Station . That is a very convenient argument, but it is surely one that prompts the re-examination of the Over Station development plans, with regard to overshadowing of properties on and to the west of the Pacific Highway. Bearing in mind that the the Over Station Development is a bank of high rise buildings from Hume to Oxley Street, I imagine this argument will be used again for any new developments proposed on the western side of the Pacific Highway between Hume and Oxley Street.

As it is, the residences along Nicholson Street, have already had sunlight reduced by the encroaching high rise buildings from St Leonards.

inaccurately researched to me, given the increase in residents in the proposed building. The proposal is counting on many residents not having or using cars, and relies on current traffic patterns through Hume Street turning into the Pacific Highway. There has been a reduction of local traffic since the railway building work has closed off the Crows Nest section of Hume Street but when this section of Hume Street reopens, this crossing will probably become very active again.

In returning to the proposed Hume Street entrance, what will happen to cars that do not take the Falcon/River Road/Nicholson Street option, and come down the Pacific Highway and turn left into Hume Street. How will they gain access to the parking area of their building? Will they be allowed a right turn at the building or will they have to correct themselves by doing U-turns in nearby streets?

So much is going to depend on traffic movement around the station. I hope this has been better planned and researched than the current traffic flow in Hume Street.

-Then there is the parking required for the active night-time economy planned in and around this building. Not everyone using these venues will be pedestrians and public transport users. The Council car park in Nicholson Street will be challenged beyond capacity.

-I also take issue with statements that the proposed designs 'sits well' with residential developments behind it. From whose point of view? This is a planning concept that has nothing to do with the life of the people living behind this massive ridge of proposed and yet to be proposed buildings. It is not an easy thing to see your neighbourhood swallowed up by unstoppable development and not be cynical about the whole process of public participation.

From:	
To:	Adam Iskander
Subject:	PP 2021-5353 378-390 Pacific Highway Crows Nest
Date:	Monday, 20 March 2023 2:49:11 PM

Dear Mr Iskander

We wish to register our objection to this planning proposal on the basis of overshadowing, interference with available sunlight and increased traffic that the development would entail.

Yours sincerely



Dear Adam

I am writing to you about the proposed development at 378-390 Pacific Hwy, Crows Nest.

I have tried doing this via the links to your website that were supplied in a notification I received last month in the mail but none of them connect or enable me to provide feedback so that is why I am sending this email to you directly.

I am against the proposal on the grounds that Crows Nest was supposed to be a 'transition' zone between the high-rise of North Sydney and the over-development of St Leonards. I do not consider 24 storeys to be a transition and can only see it setting a precedent for similar developments in the future.

As a long time resident of Wollstonecraft I realise that development is inevitable but would suggest changing the height limit to 5-7 storeys in the precinct to allow for sustainable, rather than over-development.

Allowing these high-rise towers along the highway is basically creating a 'fence' and one that overshadows most of the existing buildings and creates a wind tunnel - just try to navigate St Leonards on a cold, windy day!

The new Metro Station was sold to us as 'low-rise' and then miraculously turned into highrise. This seems to be the pattern and one I don't support and that threatens the very nature of Crows Nest village.

# Regards

PS. If there is a link (that works) for me to lodge my objection digitally, just send it through. Thanks.

From:	
То:	Adam Iskander
Subject:	Submission: 378-390 Pacific Highway, Crows Nest (PP-2021-5353)
Date:	Thursday, 16 March 2023 12:26:33 PM

Hi Adam,

I spoke to you earlier today regarding lodgement of a submission for the proposed development at 378-390 Pacific Highway in Crows Nest.

We have an apartment we would be directly affected by this proposed development and want to lodge an objection to the proposal.

Between us and the proposed development there are only low level buildings and consequently, we will be directly overlooked by the majority of the floors in the proposed development. They will have direct line of sight to our balcony and living area.

Apart from privacy issues, this proposed development will also have other negative affect, including:

- the outlook from our (and other) apartment, looking into high risers instead of the sky;
- increase in cars from new residents and visitors (driving around to find a parking spot) resuting in more traffic hazards and more reduced chance for existing residents and visitors to park; and
- reduced sunlight and more shading.

We have not received any notices of other proposed high-rise developments in the area, but understand this may be the case. Apart from being directly affected by this proposed development (378-390 Pacific Highway) we want to object against the change in height of proposed buildings in the Crows Nest area as we think it negatively affect the existing architectural look of the area. We fear if these developments, if approved, will set precedents and further increase in high risers in the Crows Nest area.

Regards,



Dear Mr Iskander,

I am responding on behalf of the owners and residents of

. I refer to the letters of 7 February to them advising

that submissions must be lodged by 5pm today.

I have endeavoured to phone you to discuss and advise that the Planning Portal website is not giving access to the documents since the SNPP decision of October 2022 and is not providing access for submissions. Please advise how those documents can be accessed.

In the interim I am sending this joint submission which restates their opposition to this proposal at Council and before the Panel during its previous previously consideration. Neither of them has made reportable political donations.

Both units will be severely affected, if not the most affected, by the Planning Proposal. The units look east with balconies and living areas directly in line with any development on that site, the boundary of which is just 55 metres away from their properties.

When they purchased their units the zoning was very clear that while there was potential for redevelopment, it would be within the acceptable limits of the then current zoning which would have preserved our amenity and value.

The process for the formulation and promulgation of the new zoning under the 2036 Plan has left us massively overridden and ignored. The 18 storeys first proposed for the west side of the Pacific Highway between Hume and Oxley in the draft 2036 Plan was opposed by the whole community as was the 27 storeys over the Metro site, itself a huge increase over the 4-6 storeys proposed in the original depictions. None of the hundreds of community submissions were listened to over the Metro or over the west side and then incredibly, the west side limits were increased by 30% to 24 storeys, a huge gift to those property owners at the expense of our amenity. We will lose our light and sky! There was no notice of this huge increase and no opportunity to make further submissions. Attempts to engage with the Department were flatly rejected. There is nothing in the process to transfer any part of this windfall gain for the owners of those sites to us.

I refer to the attached notes which are again adopted.

I refer to the opinion of John Bohane in the Panel's October 2022 decision. He correctly acknowledged what these two owners and the Wollstonecraft Precinct submit.

For those reasons the Panel should not decide that the proposal can proceed to finality. The owners request an opportunity to be heard by the Panel.

Please confirm that this submission has been provided to the Panel and provide access to the documents requested above..

# Sincerely



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#### PP 7/2021 – 378-390 Pacific Highway, Crows Nest

While Council does not request submissions for Planning Proposals, once again a proposal has been submitted which exceeds the controls contained in the St Leonards Crows Nest 2036 Plan. It is, therefore, important to comment at this early stage.

The 2036 Plan sets the height for this site as 24 storeys. This height was increased by 33% over the exhibited height of 18 storeys in the Draft 2036 Plan. Without any further notification or consultation, the 2036 Plan was released showing 24 storeys for this site.

It is, therefore, relevant that North Sydney Council, at its meeting on 30<sup>th</sup> November 2020, passed the following resolution:

**1. THAT** Council write urgently to the Minister for Planning (copied to the relevant State and Federal local MPs) seeking immediate amendments to the final adopted 2036 Plan to return the maximum heights which were increased following community consultation and exhibition of the Draft 2036 Plan to the exhibited heights.

**2. THAT** the letter to the Minister include a submission prepared by Council's strategic planning staff, particularly with reference to the significant adverse amenity impacts of the proposed massive increase in heights along the western side of the Pacific Highway on eastern Wollstonecraft residents and properties.

**3. THAT** Council provide a copy of this resolution and the letter to the Minister to Wollstonecraft, Holtermann, Hayberry and Waverton Precincts. 9.5.

There are many reasons PP 7/2021 should not be supported, including:

#### The Building Height requested is excessive and may be non-compliant

The resolution passed by Council on 30<sup>th</sup> November 2020 must be taken account of when examining the proposed heights of this building.

The proposal claims to be for 24 storeys, but the applicant does appear to be including floor heights that have the potential to allow them to fit in extra storeys once any rezoning is done, since the rezoning is requesting a height in metres (as opposed to storeys).

The floor to floor heights for the residential component of the building appear excessive. The floor to floor height is 3.2 metres, when it is my understanding that 3.1 metres is the maximum height usually included for each apartment floor.

More importantly, the height allowed for "Roof and Plant" is 7.3 metres. This is excessive, since the usual allowance for roof and plant is 3.5 metres maximum.

Council staff need to calculate the height in metres of this building with more reasonable floor heights for each storey. Otherwise, once the rezoning is complete, the applicant will be able to fit more storeys than 24 into the rezoned height.

A floor to floor height of 3.1 metres in the residential section of the building will reduce the overall height by 1.9 metres. Allowing for a more accurate height for Roof and Plant with further reduce the height by 3.8 metres.

Therefore, the requested height should be reduced by about 6 metres. This reduction in height is very important because it will reduce the overshadowing effect on buildings to the west of this site.

But there is still the issue of Council's resolution of 30<sup>th</sup> November 2020 which requested that heights in the 2036 Plan revert to the heights exhibited in the Draft 2036 Plan, which for this site was 18 storeys.

#### **Requested Floor Space Ratio is excessive and non-compliant**

The Executive Summary of the Planning Proposal document on Page 1 states that "The Planning Proposal departs from the nominated FSR of 7.5:1, seeking an FSR of 8.63:1 which is retained within a building envelope that is otherwise compliant with the intended outcomes of the 2036 Plan". In Section 3.1 of the Planning Proposal document, the applicant describes this additional FSR as "marginally exceeding the 7.5:1 nominated in the Plan".

This claim is incorrect. The non-compliant FSR is a <u>very significant</u> increase over the planning controls. The applicant has chosen to describe the additional 18 apartments which will be possible with this significant increase in FSR as an insignificant percentage (0.2%) of total dwellings in the entire 2036 Plan area.

The claim that the additional apartments gained by non-compliant FSR is "insignificant" is misleading and should be refuted. The accurate way, and only way, of describing the additional apartments gained by non-compliant FSR is:

# "The additional FSR yields approximately 18 dwellings. This is 21% more dwellings than could be built on the site with a compliant FSR."

While exceeding FSR to enable additional apartments to be built undoubtedly contributes to the developer's profit margin, if every developer in the 2036 Plan area exceeded the FSR control by 21%, the pressure on the surrounding infrastructure network would be unworkable.

The only "better outcomes" achieved by allowing FSR to be exceeded is for the developer's profit.

The non-compliant FSR should be refused.

#### Inadequate separation from a future development on the adjoining site to the north

The Planning Proposal document in Section 3 – Background and Pre-Lodgement discussion, indicates on 28 May 2021 North Sydney Council and the applicant attended a Pre-Planning Proposal meeting. At this meeting it appears that Council officers expressed concerns that the proposed setback above the podium on the northern elevation was inadequate and would limit the development options for the owners of the site to the north.

In the Concept Urban Design Report, the applicant has now spent several pages speculating about a future design of the site to the north. This appears to be for the purpose of justifying why it is acceptable for this applicant to disregard building separation controls.

As stated by Council officers at the 28 May 2021 meeting, this applicant should comply with ADG building separation guidelines. It is inappropriate for this owner to assume what other owners may wish to do with their own land holdings in the future.

The ADG building separation guidelines should be enforced such that other landowners are not unfairly constrained because a non-complying development has been built on this site.

#### Car Parking and Traffic

Given this site is directly opposite the Metro, the amount of parking proposed is excessive.

Apart from the Metro there are plentiful other public transport options, such as frequent bus services and St Leonards train station.

A more appropriate level of parking for this site is that which adopts the existing B4 St Leonards Precincts 2 and 3 mixed use parking rates. The Parking Provision contained in Section 10.2 of the North Sydney DCP appears to need amending to provide the same parking rates in the immediate area of Crows Nest Metro as is provided around the other railway stations in the North Sydney LGA.

As stated on page 60 of the 2036 Plan:

Availability and accessibility for parking is correlated with traffic generation. Limiting parking and/or identifying a cost for parking can influence private vehicle demand, reduce congestion and reinforce sustainable travel goals by facilitating mode shift towards active and public transport modes.

New development should consider car share schemes and reduced parking provision within the precinct. It is recommended that each Council reviews their existing car parking rates and promote car share facilities and end of trip facilities to support active transport.

While the applicant will undoubtedly wish to provide as much individual parking as possible because of the perceived marketing benefit obtained from this, I believe it is time that decisions were made that will not add to traffic generation for years to come.

St Leonards Crows Nest is going to see unprecedented development over the next several years. It is time that the traffic issues that will flow from these developments are addressed. A site directly opposite a Metro, with trains every four minutes, must not be allocated generous numbers of car parking spaces. Otherwise St Leonards Crows Nest will quickly become grid locked.

The developer's traffic consultant suggests in 7.3.7 that the additional traffic movements in the morning and evening peak from this development will "have negligible impact on the local road network".

This statement is entirely predictable – every consultant being "employed" by a developer to report on traffic impacts from proposed developments includes a similar statement.

North Sydney Council should undertake an independent traffic study of the whole area, perhaps in collaboration with Lane Cove and Willoughby Councils to fully understand the traffic impacts from all of the planned developments in the 2036 Plan area.



Hi Adam,

Per the attached correspondence, it states a public submission must be lodged by 5pm on Monday 20<sup>th</sup> March 2023 in relation to Planning Proposal No. PP-2022-5353 at Nos. 378 – 390 Pacific Highway, Crows Nest.

Please see attached Planning Proposal Submission in relation to Planning Proposal No. PP-2022-5353 for your attention.

Do not hesit	tate to contact		
			_

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# SUBMISSION

Address: Nos. 378 - 390 Pacific Highway, Crows Nest Proposal: Planning Proposal No. 2022-5353

**MARCH 2023** 



19 March 2023



Department of Planning and Environment Locked Bag 5022 PARRAMATTA NSW 2124

Attention: Adam Iskander

#### PLANNING PROPOSAL SUBMISSION (NO. PP-2022-5353) NOS. 378 – 390 PACIFIC HIGHWAY, CROWS NEST

Dear Adam,

The Department of Planning, Industry and Environment have prepared a comprehensive land use and infrastructure package for St Leonards and Crows Nest to guide future development and infrastructure decisions in the area. Changes to a site's existing statutory planning controls are however required to allow development to occur in accordance with the St Leonards and Crows Nest 2036 Plan, which is to be implemented under Section 9.1 of the Environmental Planning and Assessment Act 1979. All future rezoning proposals are required to be consistent with the Plan.

Giving effect to the built form recommendations in the Plan is the responsibility of each relevant Council, by progressing Planning Proposals to amend their respective local environmental plans, and making amendments to accompanying development control plans as necessary. Planning Proposals may be inconsistent with the Plan only if it can be demonstrated the inconsistency is of minor significance, and that such changes still achieve the vision, objectives and actions identified in the Plan.

This submission relates to Planning Proposal No. 2022-5353 prepared by Urbis for Nos. 378 – 390 Pacific Highway (the site), and is made on behalf of the owners of No. 398 Pacific Highway, Crows Nest.

Our most significant concern is for the proponent 'borrowing amenity' across our shared site boundary, by assuming a reduced building separation to the site's common boundary, and thereby limiting the development potential No. 398 Pacific Highway, Crows Nest.



Figure 1: Site and context map (extract from Google Earth).



Figures 2 and 3: The subject site and neighbouring property (extract from Urbis Planning Proposal).

#### Planning Proposal No. 2022-5353

The Planning Proposal seeks to amend the North Sydney Local Environmental Plan 2013 (the LEP) maximum building height control, the minimum non-residential floor space ratio (FSR) standard, and by adopting new development standards that are suggested to be consistent the St Leonards and Crows Nest 2036 Plan. It is recognised the site is not currently subject to a maximum FSR standard.



The 2036 Plan suggests an FSR of up to 7.5:1, inclusive of a non-residential FSR of 2:1, a 4 storey street wall height, and a 3 metre Pacific Highway setback might be achieved upon the site.

The Planning Proposal seeks to impose new development standards, including a maximum building height is 24 storeys (RL 176), with a 4 storey street wall and 3 metre Pacific Highway setback. The proposed commercial floorspace 2,618m<sup>2</sup> (FSR 2:1) and residential floorspace 6,800m<sup>2</sup> (FSR 5.2:1) would yield approximately 72 apartments.

The 2036 Plan is accompanied by a Section 9.1 Direction which requires all future Planning Proposals to be consistent with this Plan:

The Plan has been developed as a strategic land use and infrastructure plan to guide future development in the precinct and contribute to the required more detailed site specific planning investigations. Rezoning proposals will be required to be consistent with the Plan, unless any inconsistency meets the requirements of the supporting Direction issued by the Minister for Planning and Public Spaces under s9.1 of the Environmental Planning and Assessment Act 1979.

At pages 36 – 37 of the Revised Urban Design Report (Northern Block Development), it is suggested that No. 398 Pacific Highway cannot be developed for a tower form in isolation, including analysis that prescribes strict application of the 12 metre building separation required for a tower envelope to the site's common boundary, and concludes because of its size and its 'isolation', the site must be consolidated to achieve the ultimate built form objectives of the St Leonards and Crows Nest 2036 Plan.

The Apartment Design Guide (ADG) is a resource to improve the planning and design of residential apartment development in NSW. The ADG is intended to help achieve better design and planning for residential apartment development, by providing benchmarks for designing and assessing these developments. Part 2 of the ADG explains the application of building envelopes and primary controls including building height, floor space ratio, building depth, separation and setbacks, providing tools to support the strategic planning process when preparing planning controls.

Part 2B suggests that building envelopes set the appropriate scale of future development in terms of bulk and height relative to the streetscape, public and private open spaces, and block and lot sizes in a particular location.

Envelopes are appropriate when determining and controlling the desired urban form in town centres, and Part 2F defines separation distances required to ensure that new development is scaled to support the desired future character with appropriate massing and spaces between buildings, to assist in providing residential amenity, including visual and acoustic privacy, natural ventilation, sunlight, daylight access and outlook, and to provide suitable areas for communal open spaces, deep soil zones and landscaping. It states that minimum building separation should increase proportionally to building height.

For buildings 9 storeys and above, 24 metres is required to be provided between habitable rooms, requiring a 12 metre separation of the proponent's tower to the NW boundary of the site if habitable windows are to be provided on this elevation.

When applying separation to buildings on adjoining sites, apply half the minimum separation distance measured to the boundary. This distributes the building separation equally between sites.



# **Typical Floorplate 01**

- Apartment mix consisting of 2 and 3 bedroom Bedroom Units
- Approximately 425m2 GFA per floor
  \*with nominal core shown
- Change in mix on 7.5m grid for structural efficiency and reducing structural transfers



# Typical Floorplate 02

- Meeting the need for 1 Bedroom sized living in the area ie. young professionals looking to take advantage of the 30 minute city
- Approximately 425m2 GFA per floor \*with nominal core shown









Figure 6: Solar analysis indicating reliance on north west and south west aspects of the building to achieve adequate sunlight at midwinter (extract from Woods Bagot Revised Urban Design Report).

The solar analysis diagrams reproduced above suggest that units located on the north-western façade will receive at least 6 hours of sunlight at midwinter (discounting any potential future development to the north and northeast. However, if there are no openings to habitable rooms, no sunlight will be received to the the north western elevation of the 3 bedroom units (typical floor plate 1) or 2 bedroom units (typical floor plate 2), to living rooms or their private open space.

Similarly, the 3 bedroom units (typical floor plate 1) or 2 bedroom units (typical floor plate 2) hugging the south western corner of the building, only receive sunlight to the south west oriented windows.

Each of these units are relied upon to demonstrate that by 'closing down' the northern façade of the building, a satisfactory number of units will still receive satisfactory solar access at midwinter (> 2 hours).

Figure 3 above would suggest in excess of 3 hours of sunlight is received to this south west oriented façade, however, this is not possible given the orientation of the site and of this facade. Direct sunlight is not received to this façade at 12pm at midwinter, and therefore 3 hours of sunlight could not be achieved.

The concept only achieves a 6 metre separation to the boundary of No. 398 Pacific Highway. The justification suggests the building's northern elevation will be treated with high level windows, openings, with privacy screens and with articulated material forms to avoid an appearance of a 'blank facade'. It is however emphasised that any openings to this 'architecturally interesting' blank wall would only be permitted to non-habitable rooms.

It is suggested that sun's eye diagrams should be provided by the proponent to demonstrate how living room windows and private open space of south west oriented apartments are able to achieve
2 hours of sunlight at midwinter as claimed. This model should also take into account a height, setback and separation compliant building envelope located upon the consolidated site to the north, envisioning an ADG compliant tower proximate to this boundary.

The proposition by the proponent is that No. 398 Pacific Highway should be amalgamated with Nos. 402 - 420 Pacific Highway, and that a single acceptable scenario is able to be achieved, indicating a 31 metre separation to the tower form on this consolidated site, and thereby allowing the proponent to 'borrow amenity' across this site boundary if habitable rooms where desired upon the building's northern elevation.

It is however suggested the proposed development would be subject to potential adverse impacts of a reasonable development that could otherwise be constructed upon the consolidated sites to the north, within 12 metres of the common boundary.

Amendments to the Planning Proposal building envelope controls are required, as the proposal fails to demonstrate how satisfactory solar access can be achieved to the proposed development without suggesting a diminution of the built form achievable upon the neighbouring site at No. 398 Pacific Highway, and without otherwise 'shutting down' the prominent northern façade of the intended development.

No. 398 Pacific Highway has an area of 660m<sup>2</sup> and is in single ownership. The site contains a 6 storey shop top housing development with ground floor commercial and upper level residential apartments.

It is suggested that No. 398 Pacific Highway should be included as part of the Planning Proposal, requiring site consolidation, and perhaps consideration for the transfer of air rights.

Alternatively, all commercially zoned properties along the Pacific Highway, or, the entire block bound by Hume, Nicholson and Oxley Street, should be included in the Planning Proposal to more thoroughly consider the site's context.

If these options are not considered reasonable or necessary in the circumstances, the Woods Bagot concept should be reconsidered to address compliance with the building separation requirements of the ADG (not only privacy separation requirements), as the current suggested arrangement of the built form has the prospect of compromising the redevelopment potential and consequent value of No. 398 Pacific Highway.

#### The Planning Proposal in its current form should not be supported

- The concept breaches building separation requirements of the ADG which promote appropriate massing and spacing between buildings;
- The proposal will impact the ability of the neighbouring site at No. 398 Pacific Highway to redevelop;
- 'Shutting down' the northern façade of the intended building will hinder achievement of design excellence upon the subject site, and styme opportunities to improve amenity for future residents by removing the opportunity for habitable north facing windows (failing the most basic passive solar design principles);
- The Planning Proposal is capable of being modified to accommodate a complaint building envelope that achieves requisite site and podium setbacks, adequate separation distances

and does not result in overshadowing to neighbouring residences or public places or beyond the plan boundary.

Please do not hesitate to contact me to discuss.





### Dear

I can't believe what's happening! It is obvious that bureaucrats are in developers' pockets. I have felt for some time that this inexplicable, confrontational, unprofessional behaviour is because some in DPIE are on the take.

Until now never for a minute would I have ever wished for a change of government. But now, with luck, a few DPIE people are weeded out and this time next month they will be looking at the Jobs Ads in the newspapers (like hopefully 'Duplicity Felicity' will)! Kind regards,



Dear Precinct Members,

Please find below, copy of Precinct's submission on the Public Exhibition of the Planning Proposal together with a copy of our submission sent to Council at the assessment stage in January 2022. Note that it has taken the NSW Planning Department 14 months to arrive at this stage. in the process. And they allow us 28 days to make a submission. Pathetic.!!!



This Proposal is preposterous. It was not supported by North Sydney Council, nor by the NSLPP, nor by Wollstonecraft Precinct nor by any of the property owners in the immediate vicinity. It has been in your care for months since October 2022 when you last met and decided on a majority vote to proceed to Gateway. At that meeting John Bohane correctly identified that the proposal should not proceed because it seriously impacted public amenity.

Furthermore you have advertised it in the middle of a caretaker period and when the public is preoccupied with election issues. It should have waited until the election was over. It went under my radar until the last minute as it did for others.

Nevertheless **the example of the proposal in the second proposition to this proposal.** Your decision in October to continue with the proposal in the face of a resounding vote against it by John Bohane is deplorable. You have not properly addressed the concerns raised by Council in its assessment report and by the NSLPP, in particular <u>separation from a future development to the north of the property</u> and in regard to traffic and congestion impacts generally and to local residents.

#### The proposal should not proceed.

Copy of our submission to council on this proposal in its form at that time is attached.



Dear Mr Iskander,

Please find attached a submission in respect of the Planning Proposal detailed above.

I understand that submissions should be lodged via the Department of Planning's Planning Portal. I spent time yesterday trying to acquaint myself with the system, followed the advice and spent 1.5 hours this morning to access the system at the offices of Services NSW in Chatswood and came across an unpopulated page (copy attached) where the Proposal could not be accessed to lodge a submission, made various telephone calls (to 1300 420 596 the e-planning support team without success and to 1300 305 695 ServiceNSW without successful resolution of the issue) and sent an email (copy attached) to majorprojectssupport@planning.nsw.gov.au ,which at the time of typing remains unanswered.

Hence I am submitting the submission to you and would appreciate it if you would confirm its acceptance.

It would be appreciated if my name, and contact details are NOT made available to the public.

Kind regards,

This is a submission in respect of the Planning Proposal mentioned above.

# It would be appreciated if my name, and contact details are NOT made available to the public.

As with many new major infrastructure facilities, development opportunities that were not previously envisaged become apparent when the facilities near completion or are opened. This is the case with the Crows Nest Metro Station which is scheduled to open next year.

Whilst locating a mixed-use development in close proximity to the proposed station may *in principle* appear to have merit, the Planning Proposal seeks planning dispensations to enable it to proceed. The notification of the Planning Proposal and the planning dispensations that are being sought are the concern of this submission.

As a nearby resident who would be impacted by the proposed development I received notification of the Planning Proposal a day before the exhibition period expired. It is considered unusual for a significant development to be advertised during a caretaker period. Whilst the closing date for submissions is today, given the short notification period it has been difficult to obtain feedback from affected residents and to prepare a submission. Accordingly, it is requested the Planning Proposal is re-advertised and sufficient notice is given to residents having regard to somewhat protracted delays in currently receiving notifications via mail.

It is acknowledged the North Sydney Local Environmental Plan 2013 (**NSLEP 2013**) did not allow for a metro station and that a subsequent plan, the St Leonards/Crows Nest Plan 2036 (the **2036 Plan**) envisages increased density in the area.

'Section 2.3 Surrounding Development' of the Planning Proposal document makes reference to surrounding development as follows:

- (i) **North**: a 6 storey mixed use development.
- (ii) East: consent by the Department of Planning Industry and Development (DPIE) for concept building envelopes for three (3) buildings for the Crows Nest Over Station Development (OSD).
- (iii) **South:** a group of buildings which under the 2036 Plan is mapped for heights of 18 storeys.
- (iv) **West:** the interface with single dwelling houses in the south and a multi-dwelling complex in the north. Under the 2036 Plan this block is mapped as having an overall height of 4 storeys.

With regards to (i) the 2036 Plan provides the potential to also redevelop to 24 storeys'. The site of the two dwellings to the west of the Planning Proposal mentioned under (ii) could potentially, subject to approval, be developed for a multi-storey development. There is no mention of the interface and impact of the proposed development on the existing dwellings on the western side of Nicholson Street.

In the last five years the development that has occurred in the St Leonards/Crows Nest area has been significant. Approved and planned development will continue to have a significant impact beneficially or otherwise and it is considered premature to allow planning dispensations in the absence of a review of the impacts of existing, planned and approved developments and potential dispensations (which inevitably will be sought and possibly approved) on existing dwellings and their residents.

It is noted the Proposal indicates varying heights of floors being 3.2m, 3.8m, 4.5m, 5m and 7.3m for roof and plant. Potentially the latter four categories could be re-configured to provide two additional storeys each with a height of at least 3.2m and additional residential units apart from the 18 additional apartments referred to in the Planning Proposal.

If dispensations are allowed for this proposal in the absence of such a review, encouragement would only be given to others to 'push the limits' and whilst resultant buildings might be deemed satisfactory by some, the *cumulative* impacts of dispensations that may be approved and which may not have been taken account of in the 2036 Plan might be result in serious loss of residential amenity for existing residents.

The Planning Proposal readily concedes under **'3.1 Pre-Planning Proposal Advice From Council' : '**Inherently there exists a challenge arising from the 2036 plan due to the interface of a 24 storey height control with a 4 storey height control.'

A review of the 2036 Plan as suggested could address this issue and provide certainty to both nearby residents and developers.

In the absence of a review of the 2036 Plan it is likely that requests for 'spot re-zonings' similar to the aforementioned Proposal will be made, dispensations will be sought to 'push the envelope' and there is a possibility planning could proceed on the basis of disjointed incrementalism, a scenario which would not offer certainty to developers and residents. It is considered the Planning Proposal should not proceed as it is not in conformity with current planning controls and it would be premature for it to proceed in the absence of a review of the 2036 Plan.

If it is deemed the Planning Proposal should proceed, it should be re-advertised for public comment with adequate notification and time period for submissions to be made. Additionally, members of the public should be notified that submissions by email will be accepted if they are having difficulty negotiating their way with the Planning Portal.



Dear Mr Iskander,

I write on behalf of

This Proposal is preposterous. It was not supported by North Sydney Council, nor by the NSLPP, nor by Wollstonecraft Precinct nor by any of the property owners in the immediate vicinity. It has been in your care for months since October 2022 when you last met and decided on a majority vote to proceed to Gateway. At that meeting John Bohane correctly identified that the proposal should not proceed because it seriously impacted public amenity.

Furthermore you have advertised it in the middle of a caretaker period and when the public is preoccupied with election issues. It should have waited until the election was over. It went under my radar until the last minute as it did for others.

Nevertheless Wollstonecraft Precinct reconfirms its total opposition to this proposal, Your decision in October to continue with the proposal in the face of a resounding vote against it by John Bohane is deplorable. You have not properly addressed the concerns raised by Council in its assessment report and by the NSLPP, in particular <u>separation from a future</u> development to the north of the property and in regard to traffic and congestion impacts generally and to local residents.

The proposal should not proceed.

Copy of our submission to council on this proposal in its form at that time is attached.



#### Re: PP 7/2021 - 378-390 Pacific Highway, Crows Nest

I write on behalf of **Constitution and Section** object to Planning Proposal 7/2021 submitted by Futuro No 1 Pty Ltd, for 378-390 Pacific Highway, Crows Nest. While Council does not request submissions for Planning Proposals, once again a proposal has been submitted which exceeds the controls contained in the St Leonards Crows Nest 2036 Plan. It is, therefore, important to comment at this early stage.

This report was discussed at Precinct's meeting on Wednesday 8<sup>th</sup> December 2021 where it was resolved that it be forwarded to Council management.

The 2036 Draft Plan exhibited the height for this site as 18 storeys. Precinct objected to this exhibited height (and at other sites) when lodging submissions on the Draft 2036 Plan. Without any further notification or consultation, the 2036 Plan was determined by the Minister for Planning at 24 storeys for this site.

Consequently, it is relevant that North Sydney Council, at its meeting on 30<sup>th</sup> November 2020, passed the following resolution:

**1. THAT** Council write urgently to the Minister for Planning (copied to the relevant State and Federal local MPs) seeking immediate amendments to the final adopted 2036 Plan to return the maximum heights which were increased following community consultation and exhibition of the Draft 2036 Plan to the exhibited heights.

2. THAT the letter to the Minister include a submission prepared by Council's strategic planning staff, particularly with reference to the significant adverse amenity impacts of the proposed massive increase in heights along the western side of the Pacific Highway on eastern Wollstonecraft residents and properties.

3. THAT Council provide a copy of this resolution and the letter to the Minister to

There are many other reasons why PP 7/2021 should not be supported, including:

#### The Building Height requested is excessive and non-compliant

The resolution passed by Council on 30<sup>th</sup> November 2020 must be taken account of when examining the proposed heights of this building.

The proposal claims to be for 24 storeys, but the applicant is including floor heights that have the potential to allow extra storeys once any rezoning is done, since the rezoning is requesting a height in metres (as opposed to storeys).

The floor-to-floor height of the residential part of the building is 3.2 metres but it is common that 3.1 metres is the maximum height usually included for each apartment floor.

More importantly, the height allowed for "Roof and Plant" is 7.3 metres. This is excessive, since the usual allowance for roof and plant is 3.5 metres maximum.

We request that Council staff calculate the height in metres of this building with more reasonable floor heights for each storey. Otherwise, once the rezoning is complete, the applicant will be able to fit more than 24 storeys into the rezoned height.

A floor to floor height of 3.1 metres in the residential section of the building will reduce the overall height by 1.9 metres. Allowing for a more accurate height for Roof and Plant with further reduce the height by 3.8 metres.

Therefore, the requested height should be reduced by 5.7 metres. This reduction in height is very important because it will reduce the overshadowing effect on residential buildings to the west of this site.

But there is still the issue of Council's resolution of 30<sup>th</sup> November 2020 which requested that heights in the 2036 Plan revert to the heights exhibited in the Draft 2036 Plan, which for this site was 18 storeys. Precinct believes that Council must address this conflict even though the 2036 Plan may take precedence.

#### **Requested Floor Space Ratio is excessive and non-compliant**

The Executive Summary of the Planning Proposal document on Page 1 states that "The Planning Proposal departs from the nominated FSR of 7.5:1, seeking an FSR of 8.63:1 which is retained within a building envelope that is otherwise compliant with the intended outcomes of the 2036 Plan". This claim that the building envelope is otherwise compliant with the intended outcomes of the 2036 Plan is false.

In Section 3.1 of the Planning Proposal document, the applicant describes this additional FSR as "marginally exceeding the 7.5:1 nominated in the Plan". This claim is also false. The noncompliant FSR is a <u>very significant</u> increase over the planning controls. The applicant has chosen to describe the additional 18 apartments which will be possible with this significant increase in FSR as an insignificant percentage (0.2%) of total dwellings in the entire 2036 Plan area.

The claim that the additional apartments gained by non-compliant FSR is "insignificant" is outlandish, misleading and does not satisfy the intended vision for the 2036 Plan.

The accurate way, and only way, of describing the additional apartments gained by noncompliant FSR is:

"The additional FSR yields approximately 18 dwellings. This is 21% more dwellings than could be built on the site with a compliant FSR."

While exceeding FSR to enable additional apartments to be built undoubtedly contributes to the developer's profit, if every developer in the 2036 Plan area exceeded the FSR control by 21%, the pressure on the surrounding infrastructure network would be catastrophic.

The only "better outcomes" achieved by allowing FSR to be exceeded is for the developer's profit.

The non-compliant FSR should be refused.

#### Inadequate separation from a future development on the adjoining site to the north

The Planning Proposal document in Section 3 – Background and Pre-Lodgement discussion, indicates on 28 May 2021 North Sydney Council and the applicant attended a Pre-Planning Proposal meeting. At this meeting it appears that Council officers expressed concerns that the proposed setback above the podium on the northern elevation was inadequate and would limit the development options for the owners of the site to the north.

The Concept Urban Design Report commissioned by the applicant devotes several pages speculating about a future design of the site to the north. This report serves only one purpose and that is justifying why it is acceptable for this applicant to disregard building separation controls.

As stated by Council officers at the 28 May 2021 meeting, this applicant should comply with ADG building separation guidelines. It is inappropriate for this owner to assume what other owners may wish to do with their own land holdings in the future.

The ADG building separation guidelines should be enforced such that other landowners are not unfairly constrained because a non-complying development has been built on this site.

#### **Car Parking and Traffic**

Given this site is directly opposite the Metro, the amount of parking proposed is excessive. Apart from the Metro there are plentiful other public transport options, such as frequent bus services and the St Leonards train station all within 400m of the proposed development.

A more appropriate level of parking for this site is that which adopts the existing B4 St Leonards Precincts 2 and 3 mixed use parking rates. The Parking Provision contained in Section 10.2 of the North Sydney DCP would need amending to provide the same parking rates in the immediate area of Crows Nest Metro as is provided around the other railway stations in the North Sydney LGA.

As stated on page 60 of the 2036 Plan:

Availability and accessibility for parking is correlated with traffic generation. Limiting parking and/or identifying a cost for parking can influence private vehicle demand, reduce congestion and reinforce sustainable travel goals by facilitating mode shift towards active and public transport modes.

New development should consider car share schemes and reduced parking provision within the precinct. It is recommended that each Council reviews their existing car parking rates and promote car share facilities and end of trip facilities to support active transport.

While the applicant will undoubtedly wish to provide as much individual parking as possible because of the perceived marketing benefit obtained from this, it is time that decisions were made that will not add to traffic generation for years to come.

St Leonards Crows Nest is going to see unprecedented development over the next several years. It is time that the traffic issues that will flow from these developments are addressed. A site directly opposite a Metro, with trains every four minutes, must not be allocated generous numbers of car parking spaces. Otherwise St Leonards Crows Nest will quickly become grid locked.

The developer's traffic consultant suggests in 7.3.7 that the additional traffic movements in the morning and evening peak from this development will "have negligible impact on the local road network".

This statement is entirely predictable – every consultant "employed" by a developer to report on traffic impacts from proposed developments includes a similar statement.

North Sydney Council should undertake an independent traffic study of the whole area, perhaps in collaboration with Lane Cove and Willoughby Councils to fully understand the traffic impacts from all of the planned developments in the 2036 Plan area.

Precinct recommends that you do not support this Planning Proposal in its current form and that all matters referred to above be enforced including consideration of Council's resolution of 30<sup>th</sup> November 2020 in relation to number of storeys.

Precinct would also appreciate being advised when the Local Planning Panel meets to assess this proposal.

Kind regards,





#### Dear Neal and Adam

It is unclear to me from the website where I can lodge my objection to Submission on Planning Proposal 378-390 Pacific Highway Crows Nest (PP 2021-5353). So I am sending this directly to your email addresses.

Specifically as a rate payer and near neighbour to the proposed site I oppose the two amendments to the North Sydney LEP 2013. Namely to

- To increase the maximum height to 24 storeys ;and
- To create a maximum Floor Space Ratio of 2:1

The reasons I oppose have been well articulated by others in previous submissions, recent media commentary and community action but essentially comprise of the impact a development of this size will have on the neighbouring Crows Nest/ Wollstonecraft area. I am not opposed to a building of 6-8 stories consistent with other developments on our street. But the current proposal will detrimentally lead to

- Loss of light and overshadowing;
- Greater Traffic generation and demands on nearby parking;
- Changes in local amenity ; and
- Prolonged disruption to Hume St which has been affected for several years already, closing us off to access to Willoughby St.

I understand why people want to live in our local area but the very essence of what attracts people to out local area is being systematically eroded. The evidence of this approach is evident in St Leonards and North Sydney. It would appear that Crows Nest is the next sacrificial lamb in this process.

Thank you for consideration of my views.

Yours sincerely



Dear Mr Iskander,

I am writing to you regarding the recent letter regarding the proposal to increase the height of the buildings for PP-2021–5353, 378-390 Pacific Highway, Crows Nest.

I strongly object to the proposal to the increased maximum height and introducing Floor Space Radio provisions.

The increase in height is excessive and will impact the surrounding areas limiting the hours of sunshine and open sky. In these days of working from home, daylight hours are important to mental health.

Crows Nest is the one last sunny open air area between St Leonards and North Sydney. This is where people go for coffee, for shopping, for a walk. No amount of retail/cafes can make a high-rise area 'a lively and social hub'. St Leonards and Nth Sydney are dark, soul less wind tunnels. Please Don't let Crows Nest become like that.

The car parking proposed is also excessive given this is directly opposite the metro. The traffic increase in the area will lead to significant traffic jams. Unless you are travelling from the north the only one to the building is via River Rd/Shirly Rd. These roads are already extremely busy and at a standstill during peak hours. And this is before all the units are built along River Rd and the new building in Sinclair St. There are times I simply can't get out of my driveway now, off Shirley Rd, until some nice driver gives me space.

There are so many buildings already in the works that are going to be detrimental to the area, so to increase this height will only add to the issues will face now and in the future.

Please stop this proposal now.

Kind regards.





Attention: <u>Adam.iskander@dpie.nsw.gov.au</u>

North Sydney Council <u>neal.mcarry@northsydney.nsw.gov.au</u>

North Sydney Council

200 Miller Street

North Sydney NSW 2060

PO Box 12 North Sydney NSW 2059

council@northsydney.nsw.gov.au

Planning Proposal No 7/21 – 378- 390 Pacific Highway, Crows Nest NSW 2065 – Strong Objection

Adjoining Property 31 Nicholson Street Wollstonecraft NSW 2065

We are writing to North Sydney council as an objection to the following planning proposal Planning Proposal Number 7/21 – 378- 390 Pacific Highway, Crows Nest NSW 2065.

Since purchasing the property in 2004 where we have lived as rate payers of North Sydney Council. The following reasons as to why we are strongly objecting to the development.

- Loss of light or overshadowing to our property as we lived directly behind the current building 378 Pacific Highway Crows Nest. This property connects to the fence line of our property at 31 Nicholson Street Wollstonecraft NSW 2065.
- Overlooking/loss of privacy with the proposed structure with the loss of privacy into our backyard.
- Visual amenity how this will feature both now and into the future.
- Adequacy of parking/loading/turning our garage is on Hume street which adjoins the house which is
  directly behind the proposed structure. With the proposed building with the increase in traffic / noise
  pollution and cars that will have a direct impact to the suburb that Crows Nest represents currently
  and into the future.
- Highway safety with the increased traffic flow to the Hume Street entrance and the impact that this will have on safety.
- Traffic generation with the amount of cars, trucks, buses people moving in and out of the block on a continuous basis.
- Noise and disturbance resulting from use
- Hazardous materials in demolition, construction and re construction
- Smells to the area in pre building, post building and development of the area.
- Loss of trees and green space within the area of Crows Nest.
- Effect on listed building and conservation area
- Layout and density of building
- Design, appearance and materials
- Landscaping lack of green space that would be based on the proposal
- Road access this is highlighted by the photos and the location that Crows Nest is and what it represents. The congestion
- Nature conservation of the area as a suburb
- We have a wheelchair family member with mobility issues which we ask to visit the house and will be greatly impacted by the overdevelopment with the adjoining site.

I have taken the time to provide some pictures to provide the detail :

• Picture 1 & 2 – where would this leave Hume Street Crows nest – an over populated over crowded part of Sydney that would drive pollution and traffic to small streets never built and developed for this level of traffic flow.



• Picture 3 – the development proposal would shadow the backyard and make going into the backyard not only unpleasant but lack of privacy.

#### Picture 4 & Picture 5

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With the development and approval from Lane Cove council for the buildings in the distance – is this the landscape and suburb – destroying all of what it makes to live in Crows nest.



• Picture 6 and 7

With the current buildings and parking – this is a problem now. The disaster that would entail if this was approved would be unacceptable by air quality and traffic management standards.



Loss of Sunlight overshadowing and Lost of Amenity with the proposed development.

We look forward to the confirmation of my letter as a resident and tax payer for your rates in North Sydney and strongly oppose the development application lodged.

Thank you for your consideration



<u>.mcarry@northsydney.nsw.gov.au; DPE PSVC Compliance Mailbox</u> Mixed Use Development at 378-390 Pacific Highway, Crows Nest Monday, 20 March 2023 9:54:51 AM NSCO - SC.docx

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