

Summary of Submissions

PP 2021-7169

| Submission Name | Issues Raised | Proponent Response | Department Response |
|-----------------------------|--|--|--|
| Council Submission | | | |
| North Sydney Council | <p>Strategic Merit</p> <p>Not consistent with Greater Sydney Regional Plan, North District Plan, North Sydney Local Strategic Planning Statement, and the St Leonards and Crows Nest 2036 Plan.</p> <p>The planning proposal will likely isolate the neighbouring sites to the north (366-376 Pacific Highway) which have the same height and density capacity.</p> | <p>The St Leonards Crows Nest 2036 Plan (SLCN 2036) does not specify any requirements relating to minimum site area required for new buildings or require site amalgamations. The Proponent has modelled potential development of the land parcels to the north, demonstrating the potential to achieve standalone development on this site in accordance with the 2036 Plan and other relevant planning controls</p> <p>The modelling was supported with detailed assessment demonstrating the commercial viability of developing the lands to the north.</p> <p>The Sydney North Local Planning Panel considered this issue in the Rezoning Review process and determined the planning proposal was justified having regard to this issue.</p> | <p>On 9 November 2022, the Sydney North Planning Panel (the Panel) determined the proposal had strategic and site-specific merit and should be submitted to the Department of Planning and Environment for Gateway determination.</p> <p>The Panel acknowledged the proponent's consultation with the Department and Council to arrive at a scheme which is consistent with the St Leonards and Crows Nest 2036 Plan in terms of height, Floor Space Ratio (FSR) and non-residential FSR.</p> <p>The Concept Design Report prepared by Nettleton Tribe, dated March 2023 (Attachment L) provides a possible development strategy for the adjacent site to the north at 368-378 Pacific Highway. The report illustrates how this smaller site at 900m² can be developed in accordance with SLCN 2036 to take advantage of the same height and density uplift.</p> <p>The Department is satisfied that the issues raised in Council's submission</p> |

Summary of Submissions

PP 2021-7169

| Submission Name | Issues Raised | Proponent Response | Department Response |
|-----------------|--|--|--|
| | | | relating to strategic merit have been sufficiently addressed. |
| | <p>Site Specific Merit</p> <p><u>Height</u> A maximum height of RL160 (65m) is recommended, based on the Apartment Design Guide (ADG). The requested height of RL 163.8 (68.8m) is overly generous to accommodate an 18-storey mixed-use building on the site resulting in inappropriate interface and transition outcomes.</p> <p><u>Overshadowing</u> Overshadowing impacts are greater since the proposed height and setbacks are greater than the required for an 18-storey building.</p> <p><u>Setback and ADG Compliance</u> The proposed western and southern boundary setbacks do not comply with Apartment Design Guide (ADG) resulting in inappropriate interface and transition outcomes.</p> <p><u>Car parking</u> Planning proposal to include new provision relating to car parking rates</p> | <p><u>Height and overshadowing</u> The planning proposal was previously amended to reduce building height from RL 166 to RL 163.8. As stated in North Sydney Council's assessment report dated 8th June 2022 of the proposal: <i>"Based on the overshadowing assessment provided, there is no overshadowing impact to the residential areas outside the St Leonards and Crows Nest boundary. Within the boundary, the proposed built form can still enable residential areas to the west to retain at least two hours of solar access between 9am-3pm in mid-winter."</i></p> <p>The interface between high density development on the site and the medium density four storey residential development to the west was anticipated as part of the 2036 Plan. The interface along the western boundary is a deliberate approach considered by the Department as part of the extensive urban design work undertaken to support the 2036 Plan. The Sydney</p> | <p><u>Height and overshadowing</u> The concept design for the site includes a building height of RL163.8 (18 storeys) which was considered by the Panel at the Rezoning Review and accepted as consistent with the SLCN 2036 Plan.</p> <p>The SLCN 2036 Plan states "areas around the St Leonards Station and Crows Nest Metro Station will be height peaks, as they will consolidate development above and adjacent to the two stations. A reduction in height between the two peaks provides an opportunity for solar access for areas to the south of the Pacific Highway".</p> <p>The Department accepts the proposed height is a consistent response to the heights identified within the SLCN 2036.</p> <p>The Shadow Impact Analysis within the Concept Design Report (Nettleton Tribe, March 2023) demonstrates that the shadows from the concept design are within the SLCN 2036 area boundary. The proposal maintains at least 2 hours</p> |

Summary of Submissions

PP 2021-7169

| Submission Name | Issues Raised | Proponent Response | Department Response |
|-----------------|--|---|--|
| | <p>within high accessibility areas as per North Sydney Development Control Plan 2013 (NSDCP 2013).</p> | <p>North Local Planning Panel considered this issue in the Rezoning Review process and determined the planning proposal was justified having regard to this issue.</p> <p><u>Setback and ADG Compliance</u></p> <p>The building setbacks and envelope illustrated in the concept plans submitted with the proposal are consistent with relevant objectives of the ADG, particularly Objective 3F-1 requiring – Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</p> <p>Detailed design at the development application (DA) stage will address the relationship of proposed development on the site with neighbouring properties including design treatments to minimise impacts. Given the compliance with the 2036 Plan and ADG, we consider that the proposal does not significantly reduce privacy and visual amenity impacts to the neighbouring sites, nor does it create a negative planning precedent in Crows Nest. The Sydney</p> | <p>solar access during mid-winter to the properties to the west.</p> <p><u>Setback and ADG Compliance</u></p> <p>The setbacks identified within the concept reference scheme are consistent with the requirements of SLCN 2036 and reflect earlier feedback provided by Council.</p> <p>In response to concerns raised in relation to ADG compliance, the proponent has identified within the Concept Design Report (Nettleton Tribe, March 2023) that the proposal is capable of satisfying the objectives of the ADG.</p> <p>The Department is satisfied that a full assessment of the proposal against the requirements of the ADG will be undertaken as part of any future DA process once a resolved detailed design is submitted.</p> <p><u>Car parking</u></p> <p>The planning proposal includes a concept development with potentially 42 apartments (mix of 2 bedroom and 3 bedroom) and up to approximately 85 car parking spaces. The final parking provision will be determined at</p> |

Summary of Submissions

PP 2021-7169

| Submission Name | Issues Raised | Proponent Response | Department Response |
|----------------------------------|---|--|---|
| | | <p>North Local Planning Panel considered this issue in the Rezoning Review process and determined the planning proposal was justified having regard to this issue.</p> <p><u>Carparking</u></p> <p>Car parking provision will be resolved at DA stage having regard to the relevant DCP and other controls in place at that time. The planning proposal is purely seeking to lock in height and FSR.</p> | <p>development application stage consistent with the requirements of NSDCP 2013.</p> <p>The concept design includes provisions for basement parking. The Department is satisfied that the issues raised in Council's submission relating to car parking have been sufficiently addressed.</p> |
| Agency Submissions. | | | |
| Transport for NSW (TfNSW) | <p><u>Car Parking</u></p> <p>Lower car parking provision to be pursued in order to align with the existing DCP.</p> <p><u>Active Transport Plan</u></p> <p>Application to include details of TfNSW's North Sydney-to-St Leonards Strategic Cycleway Corridor and demonstrate that cycling access to the site is integrated with TfNSW and Council's planned cycling networks.</p> <p><u>Green Travel Plan</u></p> | <p><u>Car Parking</u></p> <p>Car parking is an item that can be resolved at DA stage, the planning proposal is purely seeking to lock in height and FSR.</p> <p><u>Active Transport Plan</u></p> <p>Future development applications for the site will address TfNSW's Walking Space Guide and Cycleway Design Toolbox and the NSW Government's Design of Roads and Streets Guide (2022) and include details of and integrate with the North Sydney to St Leonards Strategic Cycleway Corridor.</p> | <p><u>Car Parking</u></p> <p>The concept identifies that a future development could accommodate approximately 85 car parking spaces. The final parking provision will be determined at development application stage consistent with the requirements of NSDCP 2013.</p> <p>The concept design includes provisions for basement parking. The Department is satisfied that the provision of car parking spaces can be addressed once a more detailed design has been finalised as part of any future DA.</p> |

Summary of Submissions

PP 2021-7169

| Submission Name | Issues Raised | Proponent Response | Department Response |
|-----------------|---|--|---|
| | Application to integrate end-of-trip facility, bicycle parking for delivery, and car-share parking. | The Green Travel Plan will be updated as part of the DA stage. | <p><u>Active Transport and Green Travel Plan</u></p> <p>The SLCN 2036 Plan identifies opportunities for active transport improvements in close proximity to the site which are being investigated. Some of these include improved walking connectivity and cycle links to the Crows Nest Metro station, St Leonards Station, Royal North Shore Hospital and linking to green spaces outside the precinct.</p> <p>The Transport Assessment (Attachment M), (JMT Consulting, November 2021) which accompanied the planning proposal, identifies potential measures that a future development might incorporate. The travel demand management measures referenced include the encouragement and promotion of alternative travel measures and provision of adequate cycle parking facilities. These measures can be further enhanced and negotiated at development application stage.</p> <p>The Department is satisfied that the issues raised by TfNSW do not prevent the progression of the proposal to finalisation.</p> |

Summary of Submissions

PP 2021-7169

| Submission Name | Issues Raised | Proponent Response | Department Response |
|---------------------------------|--|--|--|
| Ausgrid | No issues raised Ausgrid looks forward to reviewing future Development Application related to the subject site and will provide feedback accordingly. | Future development applications will address the compatibility of the proposed development with existing Ausgrid infrastructure. | Further referral to Ausgrid will be required at development application stage. |
| Sydney Metro | No issues raised Sydney Metro has requested consultation with their team for future DAs related to the subject site. A report should be submitted demonstrating compliance with Sydney Metro Underground Corridor Protection Guidelines and/or Sydney Metro at Grade and Elevated Sections Corridor Protection Guidelines as applicable. | These items will be considered as part of future development applications. Sydney Metro will be consulted for any future development application. | Further referral to Sydney Metro will be required at DA stage. The Agency's requirements relating to demonstrating compliance with Sydney Metro Underground Corridor Protection Guidelines and/or Sydney Metro at Grade and Elevated Sections Corridor Protection Guidelines should be noted by the proponent for future stages of the project. |
| Sydney Water Corporation | <u>Water servicing</u> Potable water servicing should be available. <u>Wastewater servicing</u> Wastewater servicing should be available. <u>Trade wastewater requirement</u> The developer must submit an application requesting permission to | Details of water and wastewater servicing to the site will be confirmed and resolved at the detailed development application stage. A Section 73 Compliance Certificate will be submitted at the detailed development application stage. | Noted. Infrastructure capacity can be further addressed and assessed at the DA stage. |

Summary of Submissions

PP 2021-7169

| Submission Name | Issues Raised | Proponent Response | Department Response |
|--|---|--|--|
| | discharge trade wastewater to Sydney Water's wastewater system. | | |
| NSW Education School Infrastructure | No issues raised SINSW has requested Council to monitor and consider the cumulative impact of population growth on schools planning in the locality. No further comments or particular requirements in relation to this proposal. | No comment. | This general advice for Council is noted. |
| NSW Health | No comments or issues raised | No comment. | No comment. |
| Civil Aviation Safety Authority Australian Government | <u>Controlled activity approval</u> The proposal will require a controlled activity approval from Federal Department of Infrastructure, Transport, Regional Development and Communications (DITRDC). | The impact of the proposal exceeding the Obstacle Limitation Surface (OLS) will be resolved at DA stage | This advice will require referral at DA stage. |
| Sydney Airport Corporation | <u>Approval to operate construction equipment</u> Sydney Airport advice that approval to operate construction equipment (i.e., cranes) should be obtained prior to any commitment to construct. | The impact of the development or construction equipment exceeding the OLS will be resolved at DA and construction stage. | This advice will require referral at DA stage. |
| Airservices Australia | No issues raised | No comment. | No issues. |

Summary of Submissions

PP 2021-7169

| Submission Name | Issues Raised | Proponent Response | Department Response |
|--|--|---|--|
| | In case of future proposals Sydney Airport, based on their assessment will refer the proposal to Airservices Australia if required. | | |
| Department of Infrastructure, Transport, Regional Development, Communication and the Arts | <p>A controlled activity approval will be required as the development exceeds the OLS.</p> <p>The Department recommends that the Proponent engage early with Sydney Airport to ensure any potential intrusions into prescribed airspace are identified, appropriately assessed and mitigated where possible.</p> | <p>The impact of the development or construction equipment exceeding the OLS will be resolved at DA and construction stage.</p> <p>Early engagement with Sydney Airport will be carried out as part of the development application.</p> | This advice will require referral at DA stage. |

Summary of Submissions

PP 2021-7169

| Community Submissions | | | | |
|--------------------------------|-----------------------|---|--|---|
| Key Issue | Number of Submissions | Issues Raised | Proponent Response | Department Response |
| SUPPORT | | | | |
| Support proposal | 1 | Supports proposal proceeding. | No comment | Noted |
| OBJECTIONS | | | | |
| Solar access and overshadowing | 13 | <ul style="list-style-type: none"> 72% concerned with the decrease in the number of hours of direct solar access into their property. The proposed 18 storey will result in significant overshadowing. The height of the proposed building will block a large portion of the northerly winter sun. The effect of limiting sunshine hours will affect mental health. | As stated in North Sydney Council's assessment report dated 8th June 2022 of the proposal: <i>"Based on the overshadowing assessment provided, there is no overshadowing impact to the residential areas outside the St Leonards and Crows Nest boundary. Within the boundary, the proposed built form can still enable residential areas to the west to retain at least two hours of solar access between 9am-3pm in mid-winter."</i> The interface between high density development on the site and the medium density four storey residential development to the west was anticipated as part of the 2036 | <p>The Shadow Impact Analysis within the Concept Design Report (Nettleton Tribe, March 2023) demonstrates that the shadows from the concept design are within the SLCN 2036 area boundary. The proposal maintains at least 2 hours solar access during mid-winter to residential properties to the west as required by the SLCN 2036 Plan.</p> <p>The planning proposal is accompanied by a concept reference scheme for the purposes of establishing a suitable building envelope only. Fine grain design consideration at the DA stage can be undertaken to refine the building form to maximise solar access and minimise overshadowing impacts.</p> |

Summary of Submissions

PP 2021-7169

| Community Submissions | | | | |
|-------------------------------------|----|--|--|--|
| | | | Plan. The interface along the western boundary is a deliberate approach considered by the Department as part of the extensive urban design work undertaken to support the 2036 Plan. The Sydney North Local Planning Panel considered this issue in the Rezoning Review process and determined the planning proposal was justified having regard to this issue. | The Agile Planning team is satisfied that the issues raised regarding solar access and overshadowing have been adequately addressed. |
| Local character and heritage | 10 | <p><u>Character</u></p> <ul style="list-style-type: none"> 44% concerned that the project is not consistent with the local character of the area. Height and density will impact village atmosphere and the bulk and scale of the proposed building does not respond to the heritage context of Crows Nest <p><u>Heritage</u></p> <ul style="list-style-type: none"> The proposed development would have negative impacts on the heritage | <p><u>Character</u></p> <p>The character of the subject site and immediate visual context is transitioning from predominantly lower commercial buildings to taller mixed-use towers. The Sydney North Local Planning Panel considered this issue in the Rezoning Review process and determined the planning proposal was justified having regard to this issue.</p> <p><u>Heritage</u></p> <p>The site is adjacent to six (6) heritage listed terrace buildings being Higgins Buildings. The proposal provides a sympathetic response to the Higgins</p> | <p><u>Character</u></p> <p>The Concept Design Report (Nettleton Tribe, March 2023) has provided additional detail around the proposed podium levels fronting Pacific Highway. The building form identifies a 3 storey retail/commercial podium with a primary 2 storey façade element and the third level recessive with planter boxes.</p> <p>This building form responds to ‘the vertical rhythm of the adjoining heritage buildings to the north and adjoining buildings to the south’.</p> <p><u>Heritage</u></p> <p>The more detailed finishes and scale of the podium levels provides a suitable</p> |

Summary of Submissions

PP 2021-7169

| Community Submissions | | | | |
|-----------------------|--|--|--|---|
| | | <p>significance of adjacent items and particularly that the proposed design is not sympathetic to the heritage items.</p> <ul style="list-style-type: none">The design is not attractive and will not have any symmetry nor be harmonious with the surrounding buildings | <p>Buildings and other heritage items in the streetscape through the prominence of the two-storey portion of the podium.</p> <p>The public and users will still be able to view and appreciate the significance of the Higgins Buildings and recognise the contemporary infill that responds to that character. Additionally, the proposal does not affect views to, and from, the Heritage Item in the vicinity and no new development is proposed on the Higgins Buildings. The Sydney North Local Planning Panel considered this issue in the Rezoning Review process and determined the planning proposal was justified having regard to this issue.</p> | <p>human scale to the proposed building from the street.</p> <p>The Concept Design Report details the design rationale used for the concept reference scheme in addressing the sites relationship with the adjacent heritage buildings. The concept design details a primary 2 storey podium element which incorporates façade treatment which relates both in scale and materials to the adjacent heritage buildings.</p> <p>The SLCN 2036 Plan identifies under the Place theme that:</p> <p><i>New development should adopt the street wall height consistent with existing heritage shopfronts for new buildings in the same street.</i></p> <p>The concept reference scheme is consistent with this action, however it is an indicative built form only. The impact of any future development on the surrounding heritage items and conservation areas will be further addressed and assessed at the DA stage.</p> <p>The Agile Planning team is satisfied that the issues relating to local character and</p> |

Summary of Submissions

PP 2021-7169

| Community Submissions | | | | |
|------------------------|---|--|--|---|
| | | | | heritage in relation to the proposed rezoning have been addressed and that further detailed matters will be addressed at the development stage by the proponent. These matters do not prevent the planning proposal progressing to finalisation. |
| Building height | 7 | <ul style="list-style-type: none"> 38% raised concern with the increased building height. The 68m height limit will create amenity issues, including overshadowing and the loss of solar access. The height changes are not consistent with the character of the Crows Nest and would not adequately transition to the lower-density residential area across Nicholson Street, as the height would drop from 18 storeys to 3 storeys. No additional benefit for the community with an increase in building height (i.e. no | <p>The proposal provides a three-storey podium and is 18 storeys, in height equivalent to 65m consistent with the envisaged height in the 2036 Plan. The height and scale of the proposal transitions from 18 storeys at the site to the future allowable height of 8 storeys at 348 Pacific Highway.</p> <p>The proposed development has been designed with appropriate setbacks, to mitigate opportunities for overlooking between the site and the neighbouring dwellings and façade elements to achieve a human scale at street level.</p> <p>The podium element will have a nil setback from Pacific Highway in accordance with the 2036 Plan and to align with the building lines of the neighbouring properties. The podium</p> | <p>The proposed 18 storey building envelope is consistent with the heights identified within the SLCN 2036 Plan. The concept reference scheme applies an increased setback to transition into the rear (Nicholson Street) lower density development.</p> <p>The height of the proposal seeks to support the intent of SLCN 2026 providing 42 new dwellings in an area identified for potential additional housing density close to existing and proposed public transport with links to other strategic centres and beyond.</p> <p>The site is opposite the new Crows Nest Metro Station which will provide increased connectivity, accessibility and opportunities for jobs, open space, infrastructure and dwellings.</p> |

Summary of Submissions

PP 2021-7169

| Community Submissions | | | | |
|----------------------------|---|--|--|---|
| | | increase in affordable housing). | will be setback 3 metres at the rear to Nicholson Place which satisfies the 15 metre building separation requirements as outlined in the ADG. The Sydney North Local Planning Panel considered this issue in the Rezoning Review process and determined the planning proposal was justified having regard to this issue. | <p>The SLCN 2036 Plan identifies 16,500 new jobs are required within the St Leonards and Crows Nest precinct by 2036 to meet the jobs targets within the North District Plan.</p> <p>The planning proposal will also support 2,812m² of commercial floorspace which will contribute to the jobs growth target for Crows Nest which is estimated within the SLCN 2036 Plan to be up to 3020 new jobs.</p> <p>The planning proposal does not specify any affordable housing provision. The proponent has indicated that this issue may be explored through the preparation of a DA.</p> <p>The Agile Planning team is satisfied that the issues raised relating to the proposed changes in building height have been addressed by the proponent. These matters do not prevent the planning proposal progressing to finalisation.</p> |
| Traffic and Parking | 7 | <ul style="list-style-type: none"> 38% of submissions were concerned with the increase in traffic due the proposed development. | As stated in the Traffic and Parking Assessment prepared by JMT Consulting, the site is forecast to generate an additional 24 vehicle trips in the AM peak hour and 23 | The proposal enables increased commercial and residential density near St Leonards Railway Station and the new Crows Nest Metro station. The proposal is consistent with the SLCN 2036 Plan |

Summary of Submissions

PP 2021-7169

| Community Submissions | | | | | | | | | | | | | | | | | | | | | | | | |
|-----------------------|------------|---|--|---|-----|------------|---------|---------|-------------|----|---|---|------------|----|----|----|--------|----|---|----|-------|----|----|----|
| | | <ul style="list-style-type: none">Increased traffic and congestion impacts pedestrian safety.The development will exacerbate local pedestrian and vehicle congestion.The proposed development will require additional street parking. | <p>vehicle trips in the PM peak hour. This level of traffic generation would not significantly impact the operation of the adjacent road network.</p> <p>The St Leonards and Crows Nest Station Precinct Traffic and Transport Study – Future Year Modelling Report 2020 did not identify any future upgrades at the Pacific Highway / Hume Street intersection to support the development of the broader St Leonards and Crows Nest precinct.</p> <p>In this context no additional traffic works would be required to accommodate the planning proposal. Car parking is an item that can be resolved at DA stage.</p> | <p>and North District Plan as it is accessible to public transport and encourages a walkable neighbourhood reducing car dependency.</p> <p>The Transport Assessment has provided an indicative traffic generation on the assumption of the following parking provision:</p> <table><tr><th>USE</th><th>Car spaces</th><th>AM Peak</th><th>PM Peak</th></tr><tr><td>Residential</td><td>35</td><td>6</td><td>3</td></tr><tr><td>Commercial</td><td>38</td><td>15</td><td>10</td></tr><tr><td>Retail</td><td>12</td><td>3</td><td>10</td></tr><tr><td>TOTAL</td><td>85</td><td>24</td><td>23</td></tr></table> <p>Based on these numbers, the impact on traffic congestion is considered acceptable and does not adversely affect the service level and function of the Pacific Highway and Hume Street intersection.</p> <p>In terms of pedestrian safety, the SLCN 2036 Plan identifies works to improve pedestrian connectivity and access to encourage the use of the Crows Nest Metro station and St Leonards Station.</p> | USE | Car spaces | AM Peak | PM Peak | Residential | 35 | 6 | 3 | Commercial | 38 | 15 | 10 | Retail | 12 | 3 | 10 | TOTAL | 85 | 24 | 23 |
| USE | Car spaces | AM Peak | PM Peak | | | | | | | | | | | | | | | | | | | | | |
| Residential | 35 | 6 | 3 | | | | | | | | | | | | | | | | | | | | | |
| Commercial | 38 | 15 | 10 | | | | | | | | | | | | | | | | | | | | | |
| Retail | 12 | 3 | 10 | | | | | | | | | | | | | | | | | | | | | |
| TOTAL | 85 | 24 | 23 | | | | | | | | | | | | | | | | | | | | | |

Summary of Submissions

PP 2021-7169

| Community Submissions | | | | |
|------------------------|---|---|---|--|
| | | | | <p>The SLCN 2036 Plan actively seeks to encourage a reduction in the amount of car parking provided for new developments with an emphasis on car share schemes and end of trip facilities to support active transport use.</p> <p>The concept reference scheme indicates that a future development could accommodate approximately 85 car parking spaces. The final parking provision will be determined at development application stage consistent with the requirements of NSDCP 2013.</p> <p>The concept design includes provisions for basement parking. The Agile Planning team is satisfied that the issue raised relating to car parking do not prevent the progression of the proposal to finalisation stage. .</p> |
| Strategic merit | 7 | <ul style="list-style-type: none">38% of submissions identified that the proposal is inconsistent with the objectives of the St Leonards and Crows Nest 2036 Plan (SLCN 2036 Plan). | <p>The planning proposal has strategic merit, as it would positively contribute to the achievement of State and Local Government strategic planning goals including the 2036 Plan.</p> <p>The proposed concept scheme is fully compliant with the built form controls as set out in the 2036 Plan</p> | <p>On 9 November 2022, the Panel determined the proposal had strategic and site-specific merit and should be submitted to the Department of Planning and Environment for Gateway determination.</p> |

Summary of Submissions

PP 2021-7169

| Community Submissions | | | | |
|-----------------------|--|--|--|--|
| | | <ul style="list-style-type: none">• The area between St Leonards and Crows Nest was stated in the 2036 Plan as a 'transition zone' - not as an area to accommodate towers.• Increase in height and rezoning is not consistent with the objectives and actions of the 2036 Plan and North Sydney LEP 2013.• The 2036 Plan has overlooked requirements of the Greater Sydney Commission regarding liveability and affordability. | <p>including building height in storeys, street wall heights, non-residential FSR, ground floor setbacks and solar protection.</p> <p>The proposal also contributes towards housing and employment targets as set out in multiple strategic documents.</p> <p>The Sydney North Local Planning Panel considered this issue in the Rezoning Review process and determined the planning proposal was justified having regard to this issue.</p> | <p>The proposal is consistent with the SLCN 2036 Plan in terms of height, FSR and non-residential FSR.</p> <p>Concerns about the proposal extending towers from St Leonards to Crows Nest inconsistent with the SLCN 2036 Plan are not supported. The SLCN 2036 Plan identifies additional density in taller buildings will be located between St Leonards Railway and Crows Nest Metro stations and will provide a transition away from Pacific Highway to surrounding neighbourhoods. The proposed concept reference scheme is consistent with this requirement.</p> <p>The proposal is consistent with the SLCN 2036 Plan in terms of height, FSR, non-residential FSR, ground floor setbacks and solar access/overshadowing.</p> <p>The Agile Planning team is satisfied that the issues raised regarding the strategic merit of the rezoning have previously been addressed and do not prevent the progression of the proposal.</p> |

Summary of Submissions

PP 2021-7169

| Community Submissions | | | | |
|--|---|---|---|---|
| Open Space / Green Space and Sustainability | 7 | <ul style="list-style-type: none"> 38% of concerned with the loss of opportunity for future open spaces to cater to increased population. i. quantification of open space ratios/requirements should be addressed in the planning proposal. Greater emphasises needed on increasing the urban tree canopy to capture greenhouse gasses and accelerate to net zero. The proposed landscaping and tree planting is not a sufficient response to urban greening in the area. | <p>The planning proposal is consistent with the 2036 plan, by responding to the area wide vision and adopting the built form parameters for the site.</p> <p>The provision of social infrastructure will be assessed as part of the future detailed DA.</p> | <p>The SLCN 2036 Plan has identified a total of 2038 new trees to be planted within the precinct to improve connectivity and links to linear green spaces outside the precinct.</p> <p>The Agile Planning team is satisfied that the planting and landscaping requirements will be further addressed at the DA stage.</p> |
| Lack of Affordable Housing | 5 | <ul style="list-style-type: none"> 27% raised concerns relating to affordable housing. Affordable housing be mandated in all new developments with a specified percentage | <p>The planning proposal is consistent with the SLCN 2036 Plan, by responding to the area wide vision and adopting the built form parameters for the site. The provision of social infrastructure will be assessed as part of the future detailed DA.</p> | <p>The planning proposal does not specify any affordable housing provision. The proponent has indicated that this issue may be explored through the preparation of a DA.</p> |

Summary of Submissions

PP 2021-7169

| Community Submissions | | | | |
|--------------------------------------|---|--|--|--|
| | | allocated for affordable housing. | | |
| Visual impact and overlooking | 3 | <ul style="list-style-type: none"> 16% of the submissions were concerned the proposed development was not consistent with the design principles – built form. visual impact and potential for overlooking from the proposed tower. | <p>The character of the subject site and immediate visual context is transitioning from predominantly lower commercial buildings to taller mixed-use towers.</p> <p>The visual effects of the concept design as part of the planning proposal will be predominantly restricted to the closest locations and adjacent roads including Pacific Highway and Nicholson Place.</p> <p>The upper part of the tower form will be visible from distant locations. Visual impact can be appropriately managed through design with consideration during the future detailed development application stage.</p> | <p>The proposed building envelope has been designed to provide adequate separation to the existing surrounding properties and any future buildings likely under the SLCN 2036 Plan.</p> <p>The separation distances identified by the concept reference scheme will be further interrogated against the ADG at DA stage.</p> <p>The Agile Planning team is satisfied that the issues raised regarding the visual impact and overlooking will be further addressed at the DA stage.</p> |
| Wind Tunnel impacts | 2 | <ul style="list-style-type: none"> 11% of submissions were concerned with the over development along Pacific Highway resulting in wind tunnel effect. | Windtech prepared a Pedestrian Wind Environment Statement to accompany the planning proposal which concludes that the wind impacts identified on the site can be | The Pedestrian Wind Environment Statement (prepared by Windtech Consultants, October 2021) has analysed the existing and proposed wind conditions as it relates to pedestrian |

Summary of Submissions

PP 2021-7169

| Community Submissions | | | | |
|-----------------------|---|---|---|---|
| | | | reduced through the implementation of mitigation measures. These will be explored as part of future detailed DAs. | comfort and concluded that at street level on Pacific Highway, the existing conditions are not expected to be exacerbated. Final details around the design elements on the building including awnings and any tree planting may assist in improving the comfort levels at street level. The Agile Planning team are satisfied that further analysis of wind conditions and comfort levels will be considered as part of a detailed DA. |
| Land Use | 2 | <ul style="list-style-type: none"> 11% of submissions are concerned with increased density of residential development along the Pacific Highway.t. | <p>The proposed ground floor retail and commercial offerings as part of the planning proposal reference scheme will leverage off the new Crows Nest Metro which is expected to increase street level activation and pedestrian movement within the locality.</p> <p>The planning proposal aligns with the envisioned outcome of the 2036 Plan, by responding to the area wide vision and adopting the built form parameters for the site.</p> | <p>While there is an emphasis on jobs growth in this precinct, the combination of high density commercial and mixed use development between St Leonards Station and Crows Nest Metro station has been identified to take advantage of their proximity and accessibility.</p> <p>The Agile Planning team is satisfied that the proposed land uses are consistent with the SLCN 2036 Plan and have adequately addressed the issues raised in the submissions.</p> |
| Social Infrastructure | 2 | <ul style="list-style-type: none"> 11% of submissions concerned with availability of health and education | The planning proposal is consistent with the 2036 plan, by responding to | The SLCN 2036 Plan includes a Special Infrastructure Contribution (SIC) scheme which any development on this site will |

Summary of Submissions

PP 2021-7169

| Community Submissions | | | | |
|------------------------------|---|---|--|---|
| | | services as a result of increased population. of | the area wide vision and adopting the built form parameters for the site. The provision of social infrastructure will be assessed as part of the future detailed DA. | be required to contribute to. The Department is satisfied that the SIC will provide for the delivery of future infrastructure including upgraded public parks, active transport, education facilities and pedestrian improvements to support the additional density and expanded employment populations within St Leonards and Crows Nest. The Agile Planning team is satisfied that both NSW Heath and SINSW were consulted as part of the exhibition of this planning proposal. Neither agency have raised any issues requiring specific action from this development. The issues raised in the submissions relating to the availability of health and education services do not prevent the progression of the proposal to finalisation stage. |
| Insufficient Setbacks | 1 | <ul style="list-style-type: none"> The proposed setbacks are insufficient and would result in poor amenity and streetscape outcomes. | The Tower envelope complies with Apartment Design Guideline (ADG) setback requirements and separation distances to the northern, south and western boundaries are fully compliant. | The first 2 storeys of the podium element are proposed with a nil setback to Pacific Highway to align with the building line of the adjoining properties consistent with the requirements of SLCN 2036 Plan. Above the podium, the tower will provide a 3m setback to Pacific Highway |

Summary of Submissions

PP 2021-7169

| Community Submissions | | | | |
|-----------------------|--|--|--|--|
| | | | <p>The Sydney North Local Planning Panel considered this issue in the Rezoning Review process and determined the planning proposal was justified having regard to this issue</p> | <p>To the rear, the podium element will provide a 3m setback to Nicholson Place and the tower will provide a 6m setback to the boundary on Nicholson Place. Overall, the tower will provide a 12m setback to the boundary line of the properties to the west within Nicholson Place.</p> <p>The Agile Planning team is satisfied that further detailed assessment of the proposal's compliance with the ADG will be undertaken as part of any future DA process.</p> |