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# **360 PACIFIC HIGHWAY**

PP-2021-7169  
Response to Submissions

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# 1. INTRODUCTION

This Response to Submissions (RtS) Report relates to the public exhibition of Planning Proposal (PP-2021-7169) for the site at 360 Pacific Highway, which seeks to amend the North Sydney LEP 2013 as follows:

- Increase the maximum building height from 10m to RL 163.8 (18 storeys);
- Establish a maximum floor space ratio (FSR) control of 5.5:1 (inclusive of non-residential FSR); and
- Amend the minimum non-residential floor space ratio control from 0.5:1 to 2:1.

On behalf of Galifrey Property (the Applicant), this RtS Report has been prepared to address the matters raised by Council, public agencies and community stakeholders during (and post) the public exhibition period of the rezoning review.

## 1.1. BACKGROUND

The planning proposal was lodged with North Sydney Council on 8 December 2021, following two pre-planning proposal meetings with Council on the 4 August 2021 and 8 October 2021. An amended planning proposal was lodged in March 2022 following comments made by Council regarding height and podium setback to the Pacific Highway.

The North Sydney Local Planning Panel considered the planning proposal on 8 June 2022 and Council considered the proposal on 27 June 2022, with both recommending that it not be supported for gateway determination.

Following this, a rezoning review was initiated by the Applicant on the 31 August 2022. The Sydney North Planning Panel determined that the planning proposal should proceed to Gateway determination on the 9 November 2022. Gateway approval was then granted on 1 March 2023.

The rezoning review was placed on public exhibition, as per the conditions of the Gateway Determination, for 28 days, from 8 May 2023 until 6 June 2023.

## **2. ANALYSIS OF SUBMISSIONS**

### **2.1. BREAKDOWN OF SUBMISSIONS – AGENCY**

Eleven (11) submissions were received from Government agencies, including:

- North Sydney Council
- Sydney Metro
- Transport for NSW
- Austgrid
- Sydney Water
- Schools Infrastructure
- NSW Health
- Civil Aviation Safety Authority
- Sydney Airport

The key issues raised in these submissions were:

- Strategic Merit
- Height and Overshadowing
- Setback and ADG compliance
- Car Parking
- Water and wastewater servicing
- Infringement on the Obstacle Limitation Surface (OLS)

### **2.2. BREAKDOWN OF SUBMISSIONS – PUBLIC**

17 submissions were received from the public, including one community group. Overall, 1 submission was received in support (6%) and 16 submissions objected (94%). A summary of the key issues raised and the responses to them is provided below.

Figure 1 Key Issues Raised in Public Submissions

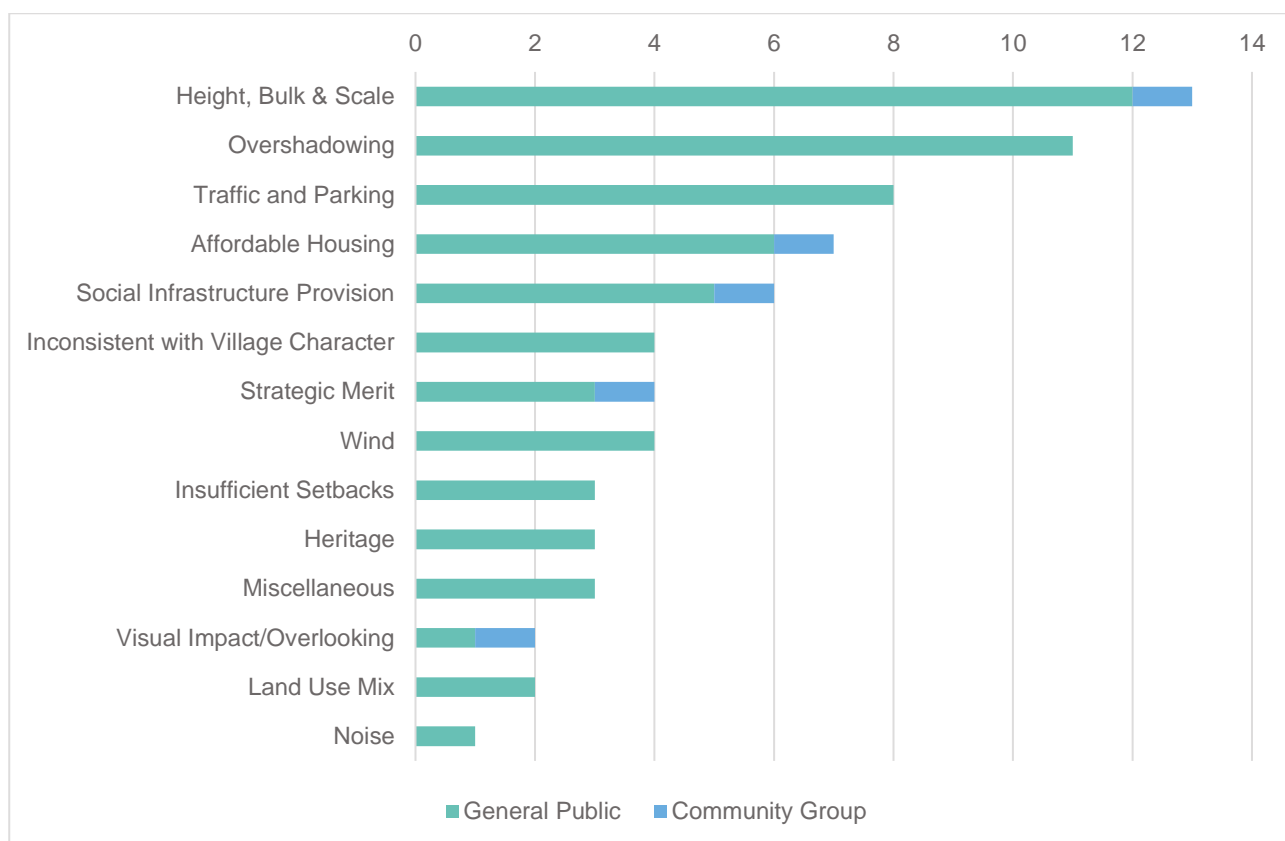


Table 1 Summary of Public Submissions

Stakeholder	Position	Number of Submissions
Community Groups Wollstonecraft Precinct	Support	0
	Object	1
General Public	Support	1
	Object	15
Total:		17

## 3. RESPONSE TO SUBMISSIONS

### 3.1. AGENCIES

Submissions were received from 11 agencies including North Sydney Council and Sydney Metro. The issues and recommendations raised within these submissions are summarised below, alongside responses.

**Table 2 Response to North Sydney Council**

Key Issues	Response
<p><u>Strategic Merit</u></p> <ul style="list-style-type: none"> <li>The planning proposal will likely isolate the neighbouring sites to the north at 366-376 Pacific Highway, limiting their potential to provide additional jobs and homes. This is contrary to the strategic intentions of plans such as the North District Plan and St Leonards and Crows Nest 2036 Plan.</li> </ul>	<p>The St Leonards Crows Nest 2036 Plan 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. The proponent supported this modelling 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><u>Height and Overshadowing</u></p> <ul style="list-style-type: none"> <li>The building height of RL163.8m is unnecessary for an 18-storey building and will cause excessive overshadowing.</li> <li>The building height will also result in inappropriate interface and transition outcomes to the lower density residential area neighbouring the site.</li> <li>A maximum building height of RL160 is recommended based on the Apartment Design Guide (ADG).</li> </ul>	<p>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 8<sup>th</sup> June 2022 of the proposal:</p> <p><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.</p> <p>The Sydney North Local Planning Panel considered this issue in the Rezoning Review</p>

Key Issues	Response
	process and determined the Planning Proposal was justified having regard to this issue.
<p>Setbacks and ADG Compliance</p> <ul style="list-style-type: none"> <li>The proposed western and southern setbacks are less than identified in the ADG resulting in a poor interface with the lower density residential developments.</li> <li>A tower setback of 9m is proposed from the southern boundary. The ADG requires a minimum 12m setback.</li> <li>ADG compliant setbacks would reduce privacy and visual amenity impacts and improve solar access.</li> <li>The development should comply with ADG standards to avoid establishing negative planning precedents for Crows Nest.</li> </ul>	<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 – <i>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</i> Detailed design at the 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.</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><u>Car Parking</u></p> <ul style="list-style-type: none"> <li>Since the original planning proposal was submitted to Council, an amendment to the North Sydney DCP 2013 was amended to reduce car parking provision rates for sites close to public transport.</li> <li>Any future development applications will have to consider the amended parking rates.</li> </ul>	<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>

Table 3 Response to Sydney Metro

Key Issues	Recommendations
<p>Sydney Metro has no comments on this planning proposal but requests the following for lodgement of future development applications:</p> <ul style="list-style-type: none"> <li>Consideration of the State Environmental Planning Policy (Transport and Infrastructure) 2021.</li> <li>A report demonstrating compliance with the <i>Sydney Metro Underground Corridor Protection Guidelines</i> and/or <i>Sydney Metro At Grade and</i></li> </ul>	<ul style="list-style-type: none"> <li>These items will be considered as part of future development applications.</li> <li>Sydney Metro will be consulted for any future development application.</li> </ul>



Key Issues	Recommendations
<p><i>Elevated Sections Corridor Protection Guidelines</i> as applicable.</p> <ul style="list-style-type: none"> <li>For future boreholes within the first and second reserve (as defined in the Sydney Metro Underground Corridor Protection Guidelines) Sydney Metro requests that the Applicant provide information about the boreholes to enable Sydney Metro to confirm that there is “no objection” to the works prior to the drilling being carried out.</li> <li>Consultation with Sydney Metro.</li> </ul>	

Table 4 Response to Agencies

Key Issues	Recommendations
<p><u>Transport for NSW</u></p> <ul style="list-style-type: none"> <li>Car Parking: <ul style="list-style-type: none"> <li>The draft DCP accompanying the proposal should have lower car parking rates due to the site’s proximity to public transport.</li> <li>Should use the amended parking rates in the North Sydney DCP 2013 for the B4 Mixed Use zone as reference.</li> </ul> </li> <li>Active Transport: <ul style="list-style-type: none"> <li>Draft DCP should include aims and objectives to promote walking and cycling, making reference to TfNSW’s <i>Walking Space Guide and Cycleway Design Toolbox</i> and the <i>NSW Government’s Design of Roads and Streets Guide</i> (2022).</li> <li>Any future development applications for the site should include details of, and integrate with, TfNSW’s <i>North Sydney-to-St Leonards Strategic Cycleway Corridor</i>.</li> </ul> </li> <li>The Green Travel Plan should be updated to include the following: <ul style="list-style-type: none"> <li>End of trip facilities</li> <li>Bicycle parking for deliveries</li> <li>Car-share parking spaces.</li> </ul> </li> </ul>	<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>Future development applications for the site will address TfNSW’s <i>Walking Space Guide and Cycleway Design Toolbox</i> and the <i>NSW Government’s Design of Roads and Streets Guide</i> (2022) and include details of and integrate with the North Sydney to <i>St Leonards Strategic Cycleway Corridor</i>.</p> <p>The Green Travel Plan will be updated as part of the DA stage.</p>

Key Issues	Recommendations
<p><u>Ausgrid</u></p> <ul style="list-style-type: none"> <li>Consideration should be given to the compatibility of the proposed development with existing Ausgrid infrastructure, particularly in relation to risks of electrocution, fire risks, Electric &amp; Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development.</li> <li>No specific comments on this planning proposal.</li> </ul>	<p>Future development applications will address the compatibility of the proposed development with existing Ausgrid infrastructure.</p>
<p><u>Sydney Water</u></p> <ul style="list-style-type: none"> <li>The site is already serviced by water and wastewater but amplifications/adjustments and/or minor extensions may be required.</li> <li>If the proposed development will generate trade wastewater, an application requesting permission to discharge trade wastewater to Sydney Water's wastewater system must be made and approved prior to any business activities commencing.</li> <li>A Section 73 Compliance Certificate will be required at the development application stage.</li> </ul>	<p>Details of water and wastewater servicing to the site will be confirmed and resolved at the detailed development application stage.</p> <p>A Section 73 Compliance Certificate will be submitted at the detailed development application stage.</p>
<p><u>Schools Infrastructure</u></p> <ul style="list-style-type: none"> <li>It is likely that the number of students projected to be generated by the proposal can be accommodated by the surrounding schools.</li> <li>Council is requested to monitor and consider the cumulative impact of population growth on schools planning in the locality.</li> </ul>	<p>Noted.</p>
<p><u>NSW Health</u></p> <ul style="list-style-type: none"> <li>No comments on this planning proposal.</li> </ul>	<p>Noted.</p>
<p><u>Civil Aviation Safety Authority</u></p> <ul style="list-style-type: none"> <li>The proposed development will infringe on the Obstacle Limitation Surface (OLS) for Sydney Airport, which is 156m above AHD at the site location.</li> <li>As such, a controlled activity approval will be required from the Federal Department of Infrastructure, Transport, Regional</li> </ul>	<p>The impact of the proposal exceeding the OLS will be resolved at DA stage.,.</p>

Key Issues	Recommendations
<p>Development, Communication and the Arts and Sydney Airports Corporation Ltd.</p> <ul style="list-style-type: none"> <li>It is unlikely that mitigation measures such as obstacle lighting will be required following assessment of the controlled activity approval.</li> </ul>	
<p><u>Sydney Airport</u></p> <ul style="list-style-type: none"> <li>A controlled activity approval will be required as the development exceeds the OLS.</li> <li>Approval to operate construction equipment (i.e. cranes) that may exceed the OLS should be obtained prior to any commitment to construct.</li> </ul>	<p>The impact of the development or construction equipment exceeding the OLS will be resolved at DA and construction stage.</p>
<p><u>Airservices Australia</u></p> <ul style="list-style-type: none"> <li>No comments on this planning proposal.</li> <li>All subsequent developments proposed to be built as part of this project, or cranes required during construction, may require separate assessment to be submitted to Sydney Airport.</li> </ul>	<p>Noted.</p>
<p><u>Department of Infrastructure, Transport, Regional Development, Communication and the Arts</u></p> <ul style="list-style-type: none"> <li>A controlled activity approval will be required as the development exceeds the OLS.</li> <li>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.</li> </ul>	<p>The impact of the development or construction equipment exceeding the OLS will be resolved at DA and construction stage. Early engagement with Sydney Airport will be carried out as part of the development application.</p>

## 3.2. COMMUNITY

Table 5 Response to Community

Key Issues	Recommendations
<p><u>Height, bulk and scale</u> (raised by 76% of submissions)</p> <ul style="list-style-type: none"> <li>Many submissions expressed that the planning proposal and proposed development would result in an excessive bulk and scale which would result in poor amenity outcomes. Some argued that it constituted 'overdevelopment'.</li> </ul>	<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.</p> <p>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. The proposed development has been designed with appropriate setbacks, to mitigate opportunities for</p>

Key Issues	Recommendations
<ul style="list-style-type: none"> <li>Most of these submissions were concerned that the proposed development would not adequately transition to the lower-density residential area across Nicholson Street, as the height would drop from 18 storeys to 3 storeys.</li> </ul>	<p>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 be setback 0 metres from Pacific Highway in accordance with the 2036 Plan and to align with the building lines of the neighbouring properties. The podium will be setback 3 metres at the rear to Nicholson Place which satisfies the 15 metre building separation requirements as outlined in the ADG.</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><u>Overshadowing</u> (raised by 65% of submissions)</p> <ul style="list-style-type: none"> <li>The majority of submissions were concerned about the overshadowing caused by the proposed development on surrounding lower-density residential areas.</li> <li>Some raised concerns about the cumulative overshadowing impact of further development in Crows Nest.</li> </ul>	<p>As stated in North Sydney Council's assessment report dated 8<sup>th</sup> June 2022 of the proposal:</p> <p><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.</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><u>Traffic and parking</u> (raised by 47% of submissions)</p> <ul style="list-style-type: none"> <li>Concerns were raised about the proposed development increasing traffic congestion in the area, particularly on surrounding local roads.</li> <li>Some submissions were concerned that the proposal would generate too much demand for on-street parking in neighbouring local streets.</li> </ul>	<p>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 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</p>

Key Issues	Recommendations
<ul style="list-style-type: none"> <li>One submission was concerned that the proposed 80+ parking spaces was excessive considering the site's proximity to public transport.</li> </ul>	<p>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. In this context no additional traffic works would be required to accommodate the Planning Proposal.</p> <p>Car parking is an item that can be resolved at DA stage.</p>
<p><u>Lack of affordable/public housing</u> (raised by 41% of submissions)</p> <ul style="list-style-type: none"> <li>Several submissions were concerned about the lack of public or affordable housing in the development.</li> <li>These submissions requested that North Sydney Council/DPE mandate the provision of a specified percentage of affordable housing in new developments.</li> <li>One submission expressed support of the provision of new dwellings in proximity to the future Metro Station.</li> </ul>	<p>This Planning Proposal has the ability to deliver 4,921m<sup>2</sup> of residential floorspace that will contribute to dwelling supply needed to meet the dwelling targets for the district.</p> <p>Affordable housing provisions can be explored as part of the future detailed DA having regard to relevant planning controls in place at that time.</p>
<p><u>Lack of social infrastructure</u> (raised by 35% of submissions)</p> <ul style="list-style-type: none"> <li>Concern was raised that the existing social infrastructure in the area would not be sufficient to support an increased population.</li> <li>Of specific concern was the amount of open space, including tree canopy cover, in the area. Some submissions also mentioned that the proposed rezoning and development would place increased strain on local schools and hospitals.</li> </ul>	<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><u>Inconsistent with village character</u> (raised by 24% of submissions)</p> <ul style="list-style-type: none"> <li>Some submissions were concerned that the proposed rezoning and development was inconsistent with the village character of Crows Nest.</li> </ul>	<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 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>Strategic merit</u> (raised by 24% of submissions)</p>	<p>The Planning Proposal has strategic merit, as it would positively contribute to the achievement of State and Local Government strategic planning</p>

Key Issues	Recommendations
<ul style="list-style-type: none"> <li>Some submissions are concerned that the proposal is inconsistent with strategic planning for the region, particularly the <i>St Leonards and Crows Nest 2036 Plan</i>.</li> <li>The reasoning presented for this includes excessive density, inadequate transition to lower-density areas, and poor liveability outcomes particularly in relation to open space provision.</li> </ul>	<p>goals including the 2036 Plan. The proposed concept scheme is fully compliant with the built form controls as set out in the 2036 Plan 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><u>Wind impact</u> (raised by 24% of submissions)</p> <ul style="list-style-type: none"> <li>Some submissions commented that the Pacific Highway currently creates a wind tunnel and were concerned that further development of the height and scale proposed would exacerbate the issue.</li> </ul>	<p>Windtech prepared a Pedestrian Wind Environment Statement to accompany the Planning Proposal which concludes that the wind impacts identified on the site can be reduced through the implementation of mitigation measures. These will be explored as part of future detailed DAs.</p>
<p><u>Insufficient setbacks</u> (raised by 18% of submissions)</p> <ul style="list-style-type: none"> <li>Some submissions were concerned that the proposed setbacks were insufficient and would result in poor amenity and streetscape outcomes.</li> <li>In particular, the nil setback to Pacific Highway and the setback to the western boundary were identified as being insufficient.</li> </ul>	<p>The Tower envelope complies with Apartment Design Guideline (ADG) setback requirements and separation distances to the northern, south and western boundaries are fully compliant.</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><u>Heritage</u> (raised by 18% of submissions)</p> <ul style="list-style-type: none"> <li>Some submissions raised concerns that the proposed development would have negative impacts on the heritage significance of adjacent items and particularly that the proposed design is not sympathetic to the heritage items.</li> </ul>	<p>The site is adjacent to six (6) heritage listed terrace buildings being Higgins Buildings. The proposal provides a sympathetic response to the Higgins Buildings and other heritage items in the streetscape through the prominence of the two-storey portion of the podium. 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.</p> <p>The Sydney North Local Planning Panel considered this issue in the Rezoning Review</p>

Key Issues	Recommendations
	process and determined the Planning Proposal was justified having regard to this issue.
<p><u>Visual impact/overlooking</u> (raised by 12% of submissions)</p> <ul style="list-style-type: none"> <li>Some submissions raised concerns about the visual impact and potential for overlooking from the proposed tower.</li> </ul>	<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. The upper part of the tower form will be visible from distant locations.</p> <p>Visual impact can be appropriately managed through design with consideration during the future detailed development application stage.</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><u>Land use mix</u> (raised by 12% of submissions)</p> <ul style="list-style-type: none"> <li>Some submissions raised concerns that the proposed commercial and retail uses would not be utilised as there is not enough pedestrian traffic.</li> </ul>	<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><u>Noise impact</u> (raised by 6% of submissions)</p> <ul style="list-style-type: none"> <li>One submission stated that the proposed development would increase traffic congestion in the area and thus increase noise, reducing amenity for existing and future residents.</li> </ul>	<p>Stantec Australia prepared an Acoustic Report which accompanied the planning proposal and provided acoustic mitigation measures that will be explored as part of the future detailed development application for the proposal.</p>
<p><u>Other miscellaneous matters</u></p> <ul style="list-style-type: none"> <li>One submission was concerned that the Pacific Highway is not suitable for residential development, and it should instead be redeveloped with shorter commercial buildings.</li> <li>One submission in support of the project outlined that the proposal avoided site isolation</li> </ul>	<p>The planning proposal seeks to unlock the potential of the site to deliver a high-quality mixed-use development within proximity to the future Crows Nest Metro Station which is envisioned for increased density under the St Leonards/ Crows Nest Plan 2036.</p>

Key Issues	Recommendations
and that the site was well-located for increased density due to its proximity to public transport.	



## 4. CONCLUSION

Overall, the planning proposal is considered to appropriately respond to the issues raised in submissions by both agencies and the community in its current form. The proposed concept scheme is fully compliant with the built form controls as set out in the 2036 Plan including building height in storeys, street wall heights, non-residential FSR, ground floor setbacks and solar protection. Furthermore, the planning proposal will result in key planning outcomes and community benefits including co-locating high-density housing with public transport infrastructure and enabling ground floor streetscape activation.

Other issues raised during public exhibition, including car parking provision and exceedance of the OLS, can be resolved at the detailed development application stage, as the planning proposal is only seeking to lock in height and FSR for the site.

As such, no changes are required to be made to the proposal to respond to the issues raised during public exhibition. The planning proposal has both strategic and site-specific merit and should progress to finalisation.

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