

Submission Type

I am making a personal submission

Title**First Name****Family name**

Name withheld

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Email**Suburb/ Town**

I have made a reportable political donation

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I agree to the Privacy statement

submission

I object to this planning proposal for the following reasons:

- (1) a change from 3 storeys to 18 is an immense difference, and will adversely affect shadowing of residences on Hume Street.
- (2) the scale of the development is inconsistent with the village feel of Crows Nest and the residences on the Wollstonecraft side of the highway
- (3) the increase in traffic will add to congestion on Hume Street which is a residential (and not commercial street), and should not be used as a thoroughfare
- (4) there is already a fear that Pacific Highway is becoming a wind tunnel with these large developments proposed on the Highway

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This is yet another terrifying example of NSW Planning at work, bulldozing over the objections of local residents to shoehorn in another example of massive over-developemt in what is an already extremely busy and congested area. There is nothing good about this proposal which would lead to massive loss of solar access to local resident and visitors and greatly exacerbate local pedestrian and vehicle congestion. Please comply with the already very generous zoning which allows for 16 metres maximum height. No one apart from greedy developers want an 18 storey monstrosity with the misery that results from such high rise development.

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This is another opportunistic application jumping on the band wagon to build around the proposed Metro station for the benefit of the developer but not the local community. North Sydney Council decided not to support the application and I agree.

My objection, as a local resident of  years, is because the height of the building will cause a shadow which will directly affect where I live. In addition it will mean added traffic on the Pacific Highway, Hume St and the narrow Nicholson Place plus additional on street parking.

The design is not particularly attractive and will not have any symmetry nor be harmonious with the surrounding buildings, in other words it will stick out like a sore thumb!

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I object to the height of the building proposed at 360 Pacific Highway, Crows Nest (PP-2021-7169) due to the following:

- it will block a large portion of the valuable limited northerly winter sun on my residence(2 stories) and others properties along Nicholson Street
- limited parking along Nicholson Street will be further limited by additional people working/living/visiting the larger development
- with all the other towers being approved between North Sydney and St Leonards - Planning NSW have created a desolate soleless windy artificial canyon, with limited sunlight at ground level - and noisy for the many new residents living in these towers due to trapped noise from Pacific Highway - a complete failure in urban planning - there is little people traffic to ground level businesses

along the Highway due to unpleasant constant traffic noise

- Residents in Nicholson Street have no incentive to sell if all these soleless towers get approved along Pacific Highway and steal their valuable sunlight and parking- as LEP height limits are still the same as 1960 - ie 3 stories - despite being with 2 blocks of Crows Nest Metro

- If Planning NSW instead approved good Urban Planning principles - look to countries like Denmark and the Netherlands and create a better Urban Environment with pleasant higher density residential dwellings near Metro Stations - by limiting development along the Pacific Highway to 5 story commercial developments (keep the noisy areas for developments where people do not sleep in building)and allowing sensible well designed residential developments - say to 10 stories - within a few blocks of Crows Nest Metro - but away from the constant traffic noise of Pacific Highway - with balconies they can actually use as traffic is not below you - enjoy the urban view (it is a hill)- and you can sleep at night as the traffic noise is shielded by the commercial buildings along the highway - and it would then justify the cost of Sydney Metro with some sensible urban development near Crows Nest station.

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As a local resident, I have serious concerns regarding the planning proposal (PP-2021-7169) to amend the North Sydney LEP 2013 as it applies to 360 Pacific Highway, Crows Nest; in particular, increasing the maximum height control from 10 metres to RL163.8 (18 storeys). I have little confidence that this proposal will provide significant public benefit. This development simply seeks to over-ride North Sydney Council's planning controls to transfer the risk/reward to private interests.

Furthermore, I object to this proposal for the following reasons:

1. The proposed development will result in reduced amenity for local residents. It has not adequately considered the surrounding streetscape, the laneway, and the lower scale of residences to the west. The set-back on the western boundary and on the Pacific Highway is insufficient for a development of its scale. The transition between high and low built form will be stark, which will result in a significant over-shadowing effect. The proposed building height is more than is required for 18 storeys, and will significantly reduce sunlight access to existing dwellings to the west. The applicant is fooling no one when they suggest that the 'elevated tower' will provide daylight and ventilation, and will reduce the 'visual perception of the building bulk to the west.'
2. The proposed development will significantly increase traffic congestion in the surrounding area (which is already considerable). Despite the fact that it will be located within close proximity to the new Crows Nest Metro station, in addition to three train stations, and numerous bus routes, it is proposed to have eighty car parking spaces. This exceeds the number that would conform to the North Sydney 2013 LEP Development Control Plan for buildings close to public transport.
3. It does not adequately respond to the six local heritage items, the Higgins Building (366-376 Pacific Highway, Crows Nest), which adjoins the north boundary of the site.
4. The provision of any public housing has not been given any thought by this developer. Such high-rise, high-density towers filled with one- and two-bedroom 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 the surrounding area) overrides community amenity.
5. The applicant has the gall to request an increase to the maximum height control with bizarre reasoning, none of which is consistent with the objectives and actions of the 2036 Plan, let alone the existing North Sydney Local Environmental Plan (2013). Approving an increase in maximum building height would set a negative and detrimental precedent for similar tower forms across the precinct. Local government controls should not be over-ridden to reduce community amenity in favour of developer profit.

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Focus of the rejection of the development by North Sydney Council appears to be unduly placed on the heritage value of adjacent properties. While the heritage value of these properties remains an important consideration, as does their future development consistent with this heritage protection, the outright rejection of the development application of 360 Pacific Highway appears to be unwarranted. To propose a development that avoiding isolating the sites to the north of 360 Pacific Highway in a manner proposed in the objections would constitute a development site amongst the largest in the Crows Nest area, and thereby be rejected by North Sydney Council on the basis of being too large. This would be inconsistent with the St Leonards and Crows Nest 2036 plan.

Having a site with the level of transport accessibility of 360 Pacific Highway developed to contain 14 stories of residences would be an asset to the local community, and its future residents. NIMBY-ism of developments on the site are thus an erosion of the community amenity of the Crows Nest Metro development. Where the current development proposal of 360 Pacific Highway is otherwise consistent with the St Leonards and Crows Nest 2036 plan it should therefore be approved.

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Please see attached submission as a pdf.

Number

PP-2021-7169

Stage

Gateway Implementation

Address

360 Pacific Highway Crows Nest 2065

Dear Department of Planning

I would like to object to the proposal for **360 Pacific Hwy, Crows Nest**. My reasons are listed below in concert with the terms laid out in the supplied Planning Proposal. My responses are indented under their objectives.

The key objectives of the Planning Proposal are to:

- Realise the development potential of the site envisaged by the 2036 Plan;

I understood the area between St Leonards and Crows Nest was stated in the 2036 Plan as a 'transition zone' and not just an extension of the oversized high-rise towers dominating St Leonards

- Provide a building design that is sympathetic to the existing heritage shops adjacent to the site in terms of scale and rhythm;

To just add a facade to the front two levels of the building does not, in my opinion, make it blend with the heritage buildings further up the block – it is just a token effort. The tower building itself seems lacking in any design integrity or architectural merit and dramatically out of scale to the site.

- Provide a building that achieves an appropriate relationship and minimising impacts with adjoining properties;

How can a building that is 18 storeys achieve this when the surrounding buildings are a maximum of three storeys? Perhaps if the building was a maximum of five – eight storeys but not 18 it could be considered as a 'transition' and not overwhelm the current heritage buildings.

- Provide compatible mix of land uses that contribute to the creation of a vibrant and active community, including residential, commercial and retail;

Perhaps residential use will be utilised but proposing it could also have commercial and retail benefits is an assumption at best and not based on current trends in the area.

- Integrate the site with the broader area through streetscape activation at the ground floor to contribute to the highway frontage character and complement the Metro site activation and pedestrian movement

Adding a mock facade and planting a few trees along the edge of the highway will not achieve anything unless the building facade is sympathetically designed and both it and the trees are set back from the road

It is noted in the proposal that properties south to west of the site will experience overshadowing between 9am – 11am, noting that overshadowing will be limited to 1 – 2 hours for these affected properties. That statement sounds reasonable until you consider if the whole block between Hume Street and Shirley Road becomes proliferated by more high-rise then the result is cumulative.

A number of very valid points were raised by Andrew Taylor in the *Sydney Morning Herald* on May 21 in an article titled 'Not really a big ask': How to fix Sydney's big problem with generic apartments' that resonate with the current high-rise trend occurring in the St Leonards/Crows Nest corridor.

He noted that 'busy traffic corridors such as Canterbury Road, Princes Highway and the Pacific Highway are lined with squat, repetitive residential complexes built close to the road that unsurprisingly have empty ground floor shopfronts'. This is quite evident along the Pacific Highway between St Leonards and Crows Nest where many retail spaces remain empty long after the buildings are completed.

Architect and former City of Sydney councillor Philip Thalys says residential buildings up to eight storeys should be built instead of "these clusters of towers across the metro skyline – totems of developers' manipulation of planning and profits".

Phillip Oldfield (Head of the University of NSW's school of built environment) says mediocre apartments in Sydney are the product of a development model in which architects design for developers who seek to maximise their financial return. I couldn't agree more with his opinion.

Former planning minister Rob Stokes says Sydney should move away from high-rise apartments around transport hubs and embrace "soft density" of terraces, townhouses and low-rise medium units.

In conclusion I maintain my view that Crows Nest and Wollstonecraft are in danger of becoming another high-rise satellite suburb of St Leonards and North Sydney and not a transition zone between the two.

The village atmosphere that has been carefully established over the years and draws people to live, shop and eat in the area will slowly but surely be eroded if it becomes just another high-rise, soulless wind tunnel like St Leonards.

I am not against all development as change is an inevitable and vital part of growth but keep it within maintainable levels so as not to over-impact the area's current infrastructure, utilities and services or destroy the area's character.

A maximum height of between five-eight storeys would give ample, positive latitude for growth within the area without a lot of the negative repercussions that indiscriminate high-rise will bring. Considered, well designed architecture rather than generic, cookie-cutter over-development is the path to a positive, considered future.

[REDACTED]

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Hi

I do not wish for this development proposal to go a head. In my view, this development further erodes the local character of the area I live and grew up in. I have discussed this with people in my street and community, and we are all against the development of high rise buildings that permanently change the area.

I appreciate that talk of boosting the local economy and how it generates jobs helps create a need. However, the erection of these

large and often vulgar monstrosities will live on long past any benefits are obtained.

Going a head with this shortcut pathway is not a true reflection of what the community wants. The local government doesn't support this kind of rezoning and it appears that people don't either. In these circumstances, I question the validity and often wonder whether or not the legal framework that allows the state to ultimately impose and facilitate rezoning rests on a stable foundation...

Thanks for reading my submission, and please don't ruin the area for the locals (any further). Please build tall buildings elsewhere. Low rise is great! Low rise also generates jobs and can help furnish a small selection of boutique business designed to increase the local GDP.

Thanks and kind regards



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Here are our (owners of unit [REDACTED]) comments on the proposed development. These comments are against this development, but they also apply to the other proposed developments along Pacific Highway as they all result in the same negative impact on us and other existing residents in the area.

This proposal (and other recent proposals on Pacific Highway, Crows Nest) is too high for the area and is out of proportion to the existing structures in the area. This will result in us being overlooked by the higher floors of this development, and as a negative visual impact on our outlook from our apartment.

It is already very difficult for our visitors to find a parking spot close to our building. With this (and other proposed developments) there

will be a huge increase in the demand for temporary parking spots, negatively impacting on us and other residents in the area. The through traffic in our street (Lamont Street) can be expected to increase many times, as it will provide a shortcut for people living in the proposed developments, and significant increase in visitors driving around trying to find a parking spot (people visiting these proposed developments). The traffic hazards for existing residents and people in the area will increase. There is limited green areas in the vicinity of the proposed development. With the proposed increased of hundreds of new residents, there will be less green space per resident. This must be provided for existing resident and for residents in the proposed developments.

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I object to this development based on the below:

- overdevelopment for this area which is already crowded and the density will increase to levels not known anywhere else in the state
- no affordable housing.
- the terrible effect on limiting sunshine hours in the area and this will effect mental health
- no open space in this area
- developments should only be considered where there are schools, hospitals to cope with the extra population

- no benefit to the community but profit only to the developer.
I endorse the precincts submission too

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Ref: Gateway Determination Report IRF23/219 March 2023

The proposal as presented represents overdevelopment and poor urban planning, unworthy of Strategic Merit and failing Site-Specific Merit. The proposal does not pass the liveability or sustainability test as set out in the 2026 plan. The transition away from Crows Nest is inappropriate. The solar access requirements are inhumane. There is no affordable housing. The proposal should be refused.

TRAFFIC

With each additional high-rise building, I become more concerned about the lack of traffic planning associated with the enormous population growth in the Crows Nest St Leonards area. This area is highly dependent on suburban streets, and in many places, they are close to capacity already. The Panel needs to recommend that this issue be addressed immediately.

The transition away from the Crows Nest Station to the low-rise residential developments behind the proposal in Nicholson Street is sudden and massive. The approximate maths are:

Reference	Height	Diff	Distance	Slope
Crows Nest Station to the NE	RL 176			
360 Pacific Highway	RL 164	- 8m	200m	1:25
Nicholson Street	RL 98	-66m	21m	1:3.

A transition of 1:3 between the proposed building and the maximum height allowed in Nicholson Street is a very steep cliff which by any definition is not a transition.

There is no provision for affordable housing. I request that the Panel recommend to the Department of Planning that affordable housing be mandated in all new developments with a specified % allocated for affordable housing.

I request that the Panel recommend a quantification of open space ratios be addressed in the Planning documents and that higher emphasis be placed on increasing the urban tree canopy to help with the capture of greenhouse gasses and acceleration to net zero.

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I am writing to endorse the submission prepared by Wollstonecraft Precinct. It is attached for your reference.

Kind regards,

[REDACTED]

Wollstonecraft Precinct

Submission PP-2021-7169 (Council 9/21) – 360 Pacific Highway Crows Nest
Closing 5:00pm Tuesday 6 June 2023

NSW Department of Planning and Environment

<https://www.planningportal.nsw.gov.au/ppr/under-exhibition/pp921-360-pacific-highway-crows-nest>

Ref: Gateway Determination Report IRF23/219 March 2023

Introduction:

A quick read of the Gateway Determination Report suggests that it is a box-ticking exercise. A more detailed review confirms that suggestion: all the work has been done and there is nothing on which the community should take exception. In which case the exhibition of the proposal will be straight-forward, the SNPP will approve it and the LEP will be amended. QED.

The community which has had no say whatsoever in this long process is presented with fait' accompli and is asked to make submissions when all the conditions for approval have been satisfied in the opinion of the Panel. As a matter of record, the decision of the elected body of North Sydney Council which represents the community have been set aside.

The community's opinion, the Council's planning staff well considered assessment and the independent North Sydney Local Planning Panel recommendation are worth nothing. We have been provided a 'last ditch' opportunity to convince the SNPP that something of critical importance has been overlooked.

The Proponent requested a rezoning review. The SNPP Panel in its Record of Decision on 9 Nov 2022 noted that the height of the building had been reduced by 2.2m from RL166 to RL163.8. The Panel unanimously decided it had Strategic Merit (*with the 2036 Plan and its hierarchical documents – (my words)*). **Whilst Precinct agrees the proposal has satisfied the test of 'compliance' with the 2036 Plan, we are of the opinion that the 2036 Plan itself has not addressed or hasn't satisfied the liveability test amongst others.**

The majority of the Panel agreed that the proposal had Site-Specific Merit but there was one panel member who dissented, the reason being based on poor transition from the height of proposed surrounding development and future development to the south, and visual impact from the "Triangle" site to the south. **Precinct agrees with this dissenting opinion.**

According to the above referenced report of 41 pages the proposal:

- Objectives are clear and adequate
- Satisfies all objectives or is consistent with objectives of the Greater Sydney Regional Plan, these being-
 - A City of Great Place
 - A well connected City
 - Jobs and Skills for the City
 - Housing the City by a requirement that North Sydney Council has to deliver 3,000 – 3,500 dwellings between 2022 to 2026
 - An efficient City
- North District Plan: The proposal is consistent with the priorities for infrastructure and collaboration, **liveability**, productivity, and **sustainability** in the North District Plan these being-
 - Infrastructure
 - Liveability (**Precinct disagrees that it satisfies the Liveability test**)
 - Productivity
 - Sustainability. The proposal is justified for increasing urban tree canopy cover and delivering Green Grid connections. Justification is satisfied by a Landscaping Plan and by plantings along the Pacific Highway. **Precinct disagrees with this justification.**
- St Leonards Crows Nest 2036 Plan. Justifications include:
 - Vision. 2 hours of solar access to neighbouring residents and responds adequately to the existing neighbouring heritage items. It also claims to provide a variety of dwellings to suit a mix of household sizes. **Precinct disagrees with these justifications as supporting the Vision of the 2036 Plan**
 - Design Principles. Complies with the built form of reducing height away from the station. **Precinct disagrees with this justification.**
 - Design Principles. Solar access. **Precinct disagrees with 2 hours solar access as the test.**
 - Future Transport Strategy 2056. This is a motherhood statement that has no detail plan on which to assess compliance. **Precinct states that the 2036 Plan has no plan to improve road transport for private or public use.**
 - Local Planning Panel recommendation. The NSLPPP recommendation for a more holistic approach to the 2036 Plan has been dismissed.

Section 9.1 Ministerial Directions.

- **Housing.** It is noted that no direction of substance has been made in relation to the provision of “affordable” housing. Indeed, page 46 of the 2036 Plan is vague in this respect. It supports further investigation into the provision of affordable housing in accordance with the initiatives outlined in the Greater Sydney Region Plan in consultation with Councils. The provision of affordable housing is encouraged by exemption from application of the SIC. **Precinct recommends that the provision of affordable housing be mandated by government by establishing proportions of housing across the 2036 Plan area.** It is not too late for the majority of the Plan area, noting that housing in the St Leonards South development where construction has commenced has provided almost no affordable housing.

Summary:

Strategic Merit: The proposal satisfies conditions of the 2036 Plan and the hierarchical Plans which in theory means it has complied with the strategies and objectives of those plans, but it is a stretch to classify the proposal as having Merit when the 2036 Plan itself has overlooked critical requirements of the Greater Sydney Commission regarding liveability.

Importantly, the strategy of those plans fails to define “liveability” and to quantify the number of dwellings as “affordable”. In that regard those plans are deficient.

‘Liveability’ is best defined by the sum of eight principles or factors that add up to a community's quality of life—including the built and natural environments, economic prosperity, social stability and equity, educational opportunity, and cultural, entertainment and recreation possibilities. Perhaps the most important of those principles is the amount of open space available for recreation, the amount of urban tree canopy to absorb greenhouse gas, solar access to provide warmth in winter, all part of the natural and built environment.

Open Space: St Leonards Crows Nest was long ago identified by North Sydney Council as critically short of open space. Investigations confirmed this problem and was recognised when undertaking the planning studies for these two areas. Those studies were used by the Department of planning when formulating the 2036 draft plan.

The 2036 Plan area is forecast to have a population of 26,400 by 2036. Based on an area of 1.8sqkm this represents a density of 14,400 population/sqkm. No such density exists or is forecast to exist anywhere else in NSW. It is overdevelopment.

The amount of open space in the plan area as reported in the 2036 Plan area is quoted in the 2036 Green Plan as 21 hectares, 13 Ha being within the plan boundary and 8 Ha outside the plan boundary but close enough to be accessible and useable

by the 26,400 residents. The Green Plan quotes the population in 2018 as 15,591. The ratio of open green space is therefore 1.35 Ha/1000 population. The plan reports that after investigation another 8.6 Ha of open space is planned for the period to 2036, making a total open area of 29.6 Ha. The ratio of green space in 2036 with 26,400 residents will fall to 1.12 Ha/1000, a reduction of 17%.

Compare these figures with the plan for Cumberland produced by our wise predecessors who planned for 3.8 Ha/1000 population and we are drastically worse off in terms of liveability.

Faced with these alarming statistics, the correct action would have been to match density with open space so that there was an increase, not a decrease in open space available/1000 residents. The 2036 Plan failed this test and is the reason that liveability will be seriously compromised. Neither the Plan nor the proposal are worthy of Merit.

Sustainability - Increase in the Urban Tree Canopy: The landscaping plan proposes plantings on the top of the domain and trees along the Pacific Highway. The podium roof top will be in planter boxes not in deep soil and will be lower in height to count as trees. Trees along the Pacific Highway on the footpaths where there is no kerbside parking allowed, will conflict with buses and heavy trucks. In any case trees along the Pacific Highway cannot be credited to this proposal which does nothing to increase the urban tree canopy. The proposal is not worthy of Merit.

Solar Access: The proposal is just another tall tower that will cast long shadows affecting houses within and outside the Plan area. It will also reduce if not eliminate in many cases, the blue-sky light which is important to liveability. Taken in isolation, these affects are bad enough but with the compounding affect of the Metro station buildings towering as high as RL176, the eastern sky will be obliterated for residents on the west of the building proposed. Apart from that, the definition of a minimum 2 hours solar access at the winter solstice is ridiculously low. With urban renewal as the 2036 Plan promotes, this criteria of only 2 hours solar access is one that belongs in the dark ages. The 2036 Plan should have done better. Neither the Plan nor the proposal can claim Merit on this basis.

Educational opportunities: Public education facilities are under severe pressure which is acknowledged in the 2036 Plan but offers no solution other than additional facilities are under investigation. The Plan adds to the problem by increasing population. The Plan lacks Strategic Merit in this regard. It is overdevelopment.

Health: St Leonards Crows Nest is fortunate to have two hospitals and many support facilities close to the town centres. The only public hospital (RNSH) is, according to the medical staff, overstretched, needing additional beds and staff. The 2036 Plan

adds to this situation by increasing population and by definition is overdevelopment.

Design Principles Built Form: Our concerns with this relate to transition away from the Crows Nest Station to the low-rise residential developments behind the proposal in Nicholson Street. The approximate maths are:

Reference	Height	Diff	Distance	Slope
Crows Nest Station to the NE	RL 176			
360 Pacific Highway	RL 164	-8m	200m	1:25
Nicholson Street	RL 98	-66m	21m	1:3.

The transition is massive and sudden which is amply demonstrated by figure 15 in the Gateway Determination Report. A transition of 1:3 between the proposed building and the maximum height allowed in Nicholson Street is a very steep cliff which by any definition is not a transition. The Plan and the Proposal both fail this test.

Conclusion: The proposal as presented represents overdevelopment and poor urban planning, unworthy of Strategic Merit and failing Site-Specific Merit. It should be refused.

The Panel should recommend to the Department of Planning that affordable housing in all new developments should have a specified % allocated for affordable housing. The Panel should also recommend that quantification of open space ratios be addressed in the Planning documents and that higher emphasis be placed on increasing the urban tree canopy to help with capture of greenhouse gasses and acceleration to net zero.



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I am submitting on behalf of my organisation

Title



First Name



Family name



Name withheld

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See uploaded file. Second time because I received no acknowledgement first time

Ingrid Zhu

From: [REDACTED]
Sent: Monday, 5 June 2023 11:44 AM
To: Ingrid Zhu
Subject: Re: Submission - PP-2021-7169 - 360 Pacific Hwy, Crows Nest
Attachments: Submission to Dept of Planning PP921.pdf

Good morning Ingrid,

There certainly must be a technical issue because I wrote to the Planning Panels Mailbox to let you know that I didn't receive an acknowledgement. When I sent it again I did notice a small "thank you for your submission" and expected to receive something more formal. I also noticed that the box that "I am not a robot" timed out and asked me try again which seemed to work. In both cases I waited until the file uploaded. So here it is attached as requested.

Another proposal:

I also wrote this morning addressed to Mary Francis enquiring about another project status at 378-390 Pacific Highway. On 24 May after the meeting with Submitters the Chair advised the Panel would meet on another line and would almost certainly make a decision that day with the intention to publish their decision by last Friday.. I sent a question to Mary Francis this morning and would appreciate you following up with her.

There was no doubt in our mind about the decision because the Panel listened and asked no questions except of the Proponent about their proposal to "comply with the ADG by having a blank north facing wall so that they could have 6m separation to the boundary. Our (meaning all five members of the community) impression was no interest in what we had to say, one question only to the Proponent to confirm the proposal for 6m separation. We thought the decision would go in favour of the proponent perhaps with an (unlikely) condition that separation has to be 12m. However, we would like to know if it has progressed not.

[REDACTED]

On 5 Jun 2023, at 10:16 am, Ingrid Zhu <ingrid.zhu@dpie.nsw.gov.au> wrote:

Dear [REDACTED],

I hope this email finds you well.

My name is Ingrid Zhu and I am the planning officer supporting the Sydney North Planning Panel with the public exhibition of **PP-2021-7169** at 360 Pacific Hwy, Crows Nest.

We have received two submission cases from you through the planning portal, SUB-4505 and SUB-4506. However, there seems to be a technical issue as neither was attached with a separate file as intended.

Given the exhibition is closing tomorrow on **6 June 2023**, would you like to send your submission directly to me by replying to this email?

Please feel free to get in touch if you have any questions.

Kind regards,

Ingrid Zhu

Planning Officer | Agile Planning
Delivery, Coordination, Digital and Insights | Planning Group
Department of Planning and Environment

T 02 8275 1493 **E** ingrid.zhu@dpie.nsw.gov.au

www.dpie.nsw.gov.au

4 Parramatta Square
12 Darcy Street
Parramatta NSW 2150

I work flexibly. Unless it suits you, I don't expect you to read or respond to my emails outside your regular work hours.

<image001.png>

The Department of Planning and Environment acknowledges that it stands on Aboriginal land.

We acknowledge the traditional custodians of the land, and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Wollstonecraft Precinct

Submission PP-2021-7169 (Council 9/21) – 360 Pacific Highway Crows Nest
Closing 5:00pm Tuesday 6 June 2023

NSW Department of Planning and Environment

<https://www.planningportal.nsw.gov.au/ppr/under-exhibition/pp921-360-pacific-highway-crows-nest>

Ref: Gateway Determination Report IRF23/219 March 2023

Introduction:

A quick read of the Gateway Determination Report suggests that it is a box-ticking exercise. A more detailed review confirms that suggestion: all the work has been done and there is nothing on which the community should take exception. In which case the exhibition of the proposal will be straight-forward, the SNPP will approve it and the LEP will be amended. QED.

The community which has had no say whatsoever in this long process is presented with fait' accompli and is asked to make submissions when all the conditions for approval have been satisfied in the opinion of the Panel. As a matter of record, the decision of the elected body of North Sydney Council which represents the community have been set aside.

The community's opinion, the Council's planning staff well considered assessment and the independent North Sydney Local Planning Panel recommendation are worth nothing. We have been provided a 'last ditch' opportunity to convince the SNPP that something of critical importance has been overlooked.

The Proponent requested a rezoning review. The SNPP Panel in its Record of Decision on 9 Nov 2022 noted that the height of the building had been reduced by 2.2m from RL166 to RL163.8. The Panel unanimously decided it had Strategic Merit (*with the 2036 Plan and its hierarchical documents – (my words)*). **Whilst Precinct agrees the proposal has satisfied the test of 'compliance' with the 2036 Plan, we are of the opinion that the 2036 Plan itself has not addressed or hasn't satisfied the liveability test amongst others.**

The majority of the Panel agreed that the proposal had Site-Specific Merit but there was one panel member who dissented, the reason being based on poor transition from the height of proposed surrounding development and future development to the south, and visual impact from the "Triangle" site to the south. **Precinct agrees with this dissenting opinion.**

According to the above referenced report of 41 pages the proposal:

- Objectives are clear and adequate
- Satisfies all objectives or is consistent with objectives of the Greater Sydney Regional Plan, these being-
 - A City of Great Place
 - A well connected City
 - Jobs and Skills for the City
 - Housing the City by a requirement that North Sydney Council has to deliver 3,000 – 3,500 dwellings between 2022 to 2026
 - An efficient City
- North District Plan: The proposal is consistent with the priorities for infrastructure and collaboration, **liveability**, productivity, and **sustainability** in the North District Plan these being-
 - Infrastructure
 - Liveability (**Precinct disagrees that it satisfies the Liveability test**)
 - Productivity
 - Sustainability. The proposal is justified for increasing urban tree canopy cover and delivering Green Grid connections. Justification is satisfied by a Landscaping Plan and by plantings along the Pacific Highway. **Precinct disagrees with this justification.**
- St Leonards Crows Nest 2036 Plan. Justifications include:
 - Vision. 2 hours of solar access to neighbouring residents and responds adequately to the existing neighbouring heritage items. It also claims to provide a variety of dwellings to suit a mix of household sizes. **Precinct disagrees with these justifications as supporting the Vision of the 2036 Plan**
 - Design Principles. Complies with the built form of reducing height away from the station. **Precinct disagrees with this justification.**
 - Design Principles. Solar access. **Precinct disagrees with 2 hours solar access as the test.**
 - Future Transport Strategy 2056. This is a motherhood statement that has no detail plan on which to assess compliance. **Precinct states that the 2036 Plan has no plan to improve road transport for private or public use.**
 - Local Planning Panel recommendation. The NSLPPP recommendation for a more holistic approach to the 2036 Plan has been dismissed.

Section 9.1 Ministerial Directions.

- **Housing.** It is noted that no direction of substance has been made in relation to the provision of “affordable” housing. Indeed, page 46 of the 2036 Plan is vague in this respect. It supports further investigation into the provision of affordable housing in accordance with the initiatives outlined in the Greater Sydney Region Plan in consultation with Councils. The provision of affordable housing is encouraged by exemption from application of the SIC. **Precinct recommends that the provision of affordable housing be mandated by government by establishing proportions of housing across the 2036 Plan area.** It is not too late for the majority of the Plan area, noting that housing in the St Leonards South development where construction has commenced has provided almost no affordable housing.

Summary:

Strategic Merit: The proposal satisfies conditions of the 2036 Plan and the hierarchical Plans which in theory means it has complied with the strategies and objectives of those plans, but it is a stretch to classify the proposal as having Merit when the 2036 Plan itself has overlooked critical requirements of the Greater Sydney Commission regarding liveability.

Importantly, the strategy of those plans fails to define “liveability” and to quantify the number of dwellings as “affordable”. In that regard those plans are deficient.

‘Liveability’ is best defined by the sum of eight principles or factors that add up to a community's quality of life—including the built and natural environments, economic prosperity, social stability and equity, educational opportunity, and cultural, entertainment and recreation possibilities. Perhaps the most important of those principles is the amount of open space available for recreation, the amount of urban tree canopy to absorb greenhouse gas, solar access to provide warmth in winter, all part of the natural and built environment.

Open Space: St Leonards Crows Nest was long ago identified by North Sydney Council as critically short of open space. Investigations confirmed this problem and was recognised when undertaking the planning studies for these two areas. Those studies were used by the Department of planning when formulating the 2036 draft plan.

The 2036 Plan area is forecast to have a population of 26,400 by 2036. Based on an area of 1.8sqkm this represents a density of 14,400 population/sqkm. No such density exists or is forecast to exist anywhere else in NSW. It is overdevelopment.

The amount of open space in the plan area as reported in the 2036 Plan area is quoted in the 2036 Green Plan as 21 hectares, 13 Ha being within the plan boundary and 8 Ha outside the plan boundary but close enough to be accessible and useable

by the 26,400 residents. The Green Plan quotes the population in 2018 as 15,591. The ratio of open green space is therefore 1.35 Ha/1000 population. The plan reports that after investigation another 8.6 Ha of open space is planned for the period to 2036, making a total open area of 29.6 Ha. The ratio of green space in 2036 with 26,400 residents will fall to 1.12 Ha/1000, a reduction of 17%.

Compare these figures with the plan for Cumberland produced by our wise predecessors who planned for 3.8 Ha/1000 population and we are drastically worse off in terms of liveability.

Faced with these alarming statistics, the correct action would have been to match density with open space so that there was an increase, not a decrease in open space available/1000 residents. The 2036 Plan failed this test and is the reason that liveability will be seriously compromised. Neither the Plan nor the proposal are worthy of Merit.

Sustainability - Increase in the Urban Tree Canopy: The landscaping plan proposes plantings on the top of the domain and trees along the Pacific Highway. The podium roof top will be in planter boxes not in deep soil and will be lower in height to count as trees. Trees along the Pacific Highway on the footpaths where there is no kerbside parking allowed, will conflict with buses and heavy trucks. In any case trees along the Pacific Highway cannot be credited to this proposal which does nothing to increase the urban tree canopy. The proposal is not worthy of Merit.

Solar Access: The proposal is just another tall tower that will cast long shadows affecting houses within and outside the Plan area. It will also reduce if not eliminate in many cases, the blue-sky light which is important to liveability. Taken in isolation, these affects are bad enough but with the compounding affect of the Metro station buildings towering as high as RL176, the eastern sky will be obliterated for residents on the west of the building proposed. Apart from that, the definition of a minimum 2 hours solar access at the winter solstice is ridiculously low. With urban renewal as the 2036 Plan promotes, this criteria of only 2 hours solar access is one that belongs in the dark ages. The 2036 Plan should have done better. Neither the Plan nor the proposal can claim Merit on this basis.

Educational opportunities: Public education facilities are under severe pressure which is acknowledged in the 2036 Plan but offers no solution other than additional facilities are under investigation. The Plan adds to the problem by increasing population. The Plan lacks Strategic Merit in this regard. It is overdevelopment.

Health: St Leonards Crows Nest is fortunate to have two hospitals and many support facilities close to the town centres. The only public hospital (RNSH) is, according to the medical staff, overstretched, needing additional beds and staff. The 2036 Plan

adds to this situation by increasing population and by definition is overdevelopment.

Design Principles Built Form: Our concerns with this relate to transition away from the Crows Nest Station to the low-rise residential developments behind the proposal in Nicholson Street. The approximate maths are:

Reference	Height	Diff	Distance	Slope
Crows Nest Station to the NE	RL 176			
360 Pacific Highway	RL 164	-8m	200m	1:25
Nicholson Street	RL 98	-66m	21m	1:3.

The transition is massive and sudden which is amply demonstrated by figure 15 in the Gateway Determination Report. A transition of 1:3 between the proposed building and the maximum height allowed in Nicholson Street is a very steep cliff which by any definition is not a transition. The Plan and the Proposal both fail this test.

Conclusion: The proposal as presented represents overdevelopment and poor urban planning, unworthy of Strategic Merit and failing Site-Specific Merit. It should be refused.

The Panel should recommend to the Department of Planning that affordable housing in all new developments should have a specified % allocated for affordable housing. The Panel should also recommend that quantification of open space ratios be addressed in the Planning documents and that higher emphasis be placed on increasing the urban tree canopy to help with capture of greenhouse gasses and acceleration to net zero.



Submission Type

I am making a personal submission

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submission

To the members of SNPP,

I refer to my submission in relation to 378-390 Pacific Highway. This submission is also on behalf of particular residents of East Wollstonecraft but also generally as a resident of the LGA involved for many years in what has become a hopeless endeavour to see sane planning and density management for the area.

This proposal is the next block in the great Crows Nest/St Leonards west wall and canyon, or perhaps better, 'gulch'. I assume all

members of this Panel are required to walk down Pacific Highway from the Falcon Street corner right down to St Leonards to remind themselves of the soon to be sunless canyon now emerging as the enormous structures, built right up to the street line, continue to rise; the death of light and sky, light and sky, that characterise what living in Australia is all about!

Neither the then Minister Stokes, nor any member of the Dept Planning staff who inflicted the 2036 Plan on this area had the honesty to walk the street with us at the time. This Panel, taking that walk now, will understand why former Minister Stokes has recanted, retreating from massive high rise as a solution to density with amenity.

As I said in addressing the Panel on 378-390, the task now for a planning consent authority is to cease rejecting the experienced and professional views of the Council planners and to require all new projects to make a real contribution to amenity, reducing size and bulk.

At a time when the complete failure of public policy for affordable housing over a generation is front page daily, this proposal, like the rest of Crows Nest/St Leonards makes no contribution.

The Panel must not continue to rubber stamp but must apply planning principles. Again, the submission by Wollstonecraft Precinct is supported. "The proposal as presented represents overdevelopment and poor urban planning, unworthy of Strategic Merit and failing Site-Specific Merit. It should be refused. "

Sincerely



Submission Type

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submission

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I completely agree with this submission prepared .

What is wrong with the current building? Totally unnecessary to demolish this structure. This area is well and truly overdeveloped and no provision has been made for additional hospital and medical facilities, schools and open space where people can get out of their boxes and enjoy the trees, gardens etc.

Please stop this madness.



Submission Type

I am making a personal submission

Title

[REDACTED]

First Name

[REDACTED]

Family name

[REDACTED]



Name withheld

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submission

Submission: Planning Proposal (PP-2021-7169) 360 Pacific Highway, Crows Nest

I object to this proposal on the following grounds:

While it satisfies the test of compliance with the 2036 Plan, the 2036 Plan fails on many accounts, one of which is the liveability test.

It does not satisfy the test of meaningful transition from the Crows Nest station site to the area in and below Nicholson Street.

Sustainability and green space

Just because the proposal includes a landscaping plan and tree planting in boxes along the highway, this does not contribute to meaningful shared green space, for use by the large numbers of residents these developments are bringing to this area, nor does isolated tree planting along the highway, in wind canyons, add in a useful way to the overall tree canopy and green corridors in this area.

Walk around this area, and note the difference between properties developed here in the past, which have significant green space around them, and the more recently developed high rise properties which may have limited landscaping on their design structure and isolated trees in planter boxes on or alongside footpaths. These trees and plantings in no way attract or contribute to the absorption of greenhouse gas required to mitigate climate change and the biodiversity which keeps an area environmentally healthy.

I also object to the building on the grounds of overshadowing and reduced solar access. This building is one of many planned. Taken individually, these buildings block solar access for some hours to surrounding buildings, which in itself is not ideal for residents living in their shadow. However taken as a cluster, they will collectively and substantially block solar access completely. The high rise buildings recently constructed in St Leonards, for example, have collectively taken away afternoon sun from the northern face of our building. Buildings on the station site and planned along what is now called the 'western wall' (including 360 Pacific Highway) will take morning solar access from the east and as we have none from the south or west, that will effectively exclude us from the minimal 2 hours a day stipulated by the plan, which is itself a mean provision.

I am also concerned about the figures given in the proposal to increased traffic, in and out of Hume Street, where access in can only be one way up Hume Street from the west. 10 more trips in the morning and 5 in the evening. How can this be? Do cars leave in the morning that don't come home in the evening. And only 10? What will the residency rate be for residents and business workers compared with the current rate across the block?

Most importantly, as in many major developments in this state, which is desperately short of affordable housing, there is no direction of substance made in relation to this in the development proposal. Why are proportions of affordable housing not mandated across the 2036 Plan area, as it should be too in all areas of density development in our city. If we are to live with reduced standards of liveability in this area, which seems to be the intent of the plans, at least we can set socially progressive standards when it comes to access to housing.

Submission Type

I am making a personal submission

Title

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First Name

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Family name

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submission

I object to this proposal.

I object because of the proposal's precedential effect.

The proposal sets a precedent for disregarding the 2036 St Leonard's Crows Nest Plan ("the 2036 Plan").

The 2036 Plan, a collection of rules, resulted from a long consultation process with the community, the North Sydney Council and

stakeholders at the whole-of-state government level. Its prescriptions flowed from that process until now.

A planning instrument produced by such a process must be disregarded because a later decision-maker thinks its prescriptions for a specific site should have been different.

Now, the 2036 Plan, its participants, and its decision-makers are to be ignored because someone not a participant in the 2036 Plan thinks they know better.

So the 2036 Plan and its participants and its decision-makers count for nothing.

The 2036 Plan has ceased to be a collection of "rules"; it become a collection of guidelines a present-day decision maker might or might not follow as they see fit.

What, then, was the point of calling the 2036 Plan a rule? Participants and decision-makers in the 2036 Plan were mistaken: they thought they were making a rule, but they were wrong and only making a guideline.

Converting a rule into a guideline up-ends the hierarchy of prescriptions in our planning system, which is profoundly erroneous public policy. When later decision-makers ignore authorities in legislation by downgrading their legal status from rule to guideline, the rule of law by a legislature becomes the rule of discretion by government officials.

I am sure you will find that conclusion will not meet with approval in present-day Australia.

Submission Type

I am making a personal submission

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submission

i object to the planning proposal. The proposed height and scale of the proposed building form does not fit in this locality and there is no demonstration of how this contributes to the transitioning of building heights as detailed in the 2036 plan.

This building is unsympathetic to the heritage values of Crows Nest - it is neighboring heritage items and is in close proximity to the 5 ways intersection of Pacific Highway, Shirley Road and Willoughby Road. The form and scale of the building will have negative impacts on the heritage buildings at this major intersection, which creates the heart of Crows Nest.

The site adjoins the Higgins buildings -a row of heritage listed shops.

There is inadequate information provided on overshadowing effects of the building and the overshadowing impacts are inadequately assessed. It will overshadow properties to the west, including a public housing property. The well being of the residents needs to be considered, including sun access and their views to the sky.

In winter, it will cast a shadow over people waiting at the intersection of Pacific Highway and Shirley Road. This is a heavily used public space and the street conditions should aim to encourage a pedestrian friendly area. Walking or waiting in shadow is poor pedestrian experience. It is likely that the public space at the intersection will be in shade from 2.30pm onwards in winter.

The proposal will negatively impact the Crows Nest centre. It will create a poorer public domain through the winter overshadowing. The bulk and scale does not respect the context of Crows Nest with the numerous heritage buildings. It will reduce the prominence of these heritage buildings - the next door Higgins building, those to the south on Pacific Highway and the important buildings at the 5 way intersection.