

ATTACHMENT 1 – Council Submission

SSD-88511459 – 33-37 Herbert Street, St Leonards

The project is a State Significant Development (SSD) pursuant to section 4.36(3) of the *Environmental Planning and Assessment Act 1979*, following declaration under the Minister's *State Significant Development Declaration Order 2025 (No 5)*.

The SSDA proposes:

- Demolition of existing buildings and construction of a mixed-use development (up to 39 storeys), consisting of:
 - 413 dwellings including 46 affordable housing dwellings for a minimum period of 15 years.
 - Non-residential (commercial/retail) on the Ground Floor and Level 1.
 - Two residential towers (13 storeys and 39 storeys)
 - A maximum height of RL 209.3m above existing ground level.
- The existing 2-level basement structure is to be retained, adapted and reused for carparking consisting of:
 - 322 residential car parking spaces (including 24 accessible car spaces)
 - 55 retail/commercial car spaces,
 - 107 bicycle parking spaces
 - 20 motorcycle spaces
- Floor space ratio of 7.15:1
- A total Gross Floor Area of 42,319m² consisting of:
 - Residential: 36,400m²
 - Non-residential: 5,919m²
- The mixed-use development consists of:
 - 167 x 1 bedroom apartments.
 - 244 x 2 bedroom apartments.
 - 22 x 3 bedroom apartments.
- A loading dock on ground floor level to accommodate a 10.5m Heavy Rigid Vehicle (HRV).

Concurrent amendments to the *Willoughby Local Environmental Plan 2012 (WLEP 2012)* are sought to facilitate the development:

- Clause 4.3 – Height of Buildings
 - Increase the maximum height of building to RL 209.3m
- Clause 4.4 – Floor Space Ratio
 - Increase the maximum floor space ratio from 1:1 to 7.15:1
- Zoning
 - Proposed change of zoning from E4 General Industrial to MU1 Mixed Use

The site is located at the edge of the Artarmon Industrial Area, which comprises highly significant regional employment, health, education, and technology uses. The recently exhibited draft *Statewide Policy for Industrial Lands* and DPHI's *Summary of the Housing Delivery Authority 12 Month Review*, provides a sound articulation of the important considerations that should be addressed when such significant employment lands are proposed to be rezoned. Careful consideration of these policy matters is necessary to ensure strategic consistency in planning and decision-making, and to avoid undermining the long-term role and function of the Artarmon Industrial Area.

Council raises the following issues:

1. Balancing housing delivery with future employment needs

The subject site is located within the Artarmon Industrial Area, a strategically important industrial precinct that supports a broad range of industries such as logistics and warehouses, education, technical services and medical-related services associated with Royal North Shore Hospital and several nearby health and education facilities. The importance of this industrial precinct is reinforced by the recently exhibited *draft Statewide Policy for Industrial Lands*, published by DPHI, which identifies the subject site and the broader Artarmon Industrial Area as regionally significant industrial land.

Council acknowledges the urgent need for housing and supports the delivery of housing in well-located areas that are supported by appropriate infrastructure. Council also recognises that housing and appropriate employment-related uses can potentially be delivered on this site, being both at the edge of the industrial precinct, and on a block that already provides residential uses to the south. However, the application has not provided sufficient reasoning or evidence to justify the replacement of industrial-related uses with commercial and retail uses as part of the proposed shop top housing development and concurrent rezoning.

There is potential for this site to accommodate both residential and employment uses that support the industrial and health precinct. However, the specific employment uses proposed on the site need careful consideration to ensure they are aligned with the future needs of this precinct.

The proponent has provided an assessment (Economic Impact Assessment – Appendix S) on the current and future employment trends, potential economic impacts of the proposed development, and the anticipated demand for commercial office, retail and non-retail floor space of the surrounding Artarmon and St Leonards area.

A review of this assessment finds that the justification for focusing on the provision of commercial and retail uses is unclear. With regards to the demand and availability of commercial and retail space, the assessment states the following:

“A review of retail floorspace demand overall indicates the need for around 8,200m² of additional retail floorspace to serve the retail needs of the local area over the period to 2041. A review of known future supply indicates that around 11,840m² in the development pipeline, suggesting an oversupply of 3,640m² by 2041. This includes new projects providing ground floor retail uses.” – page 7

“As a result of the above, based on a review of market supply and demand, a limited need exists for any additional retail or shopfront floorspace in the LSA over the period to 2041, with implied oversupply estimated at around 3,650m² (see Table 12).” – page 34

“The required demand for non-retail floorspace at the Subject Site is likely to be limited reflecting the availability of existing space in the surrounding precinct currently, along with estimated levels of oversupply across commercial office and retail uses. This would suggest ample opportunities for non-retail operators to locate in either existing or future underutilised commercial office or shopfront floorspace across the precinct.” – page 35

“Existing vacancies, combined with future significant projects, plus an additional provision of shopfront floorspace within the proposed development, will all be able to absorb any existing or future demand in the area. In this context a limited need exists for any further retail floorspace within the proposed development.” – page 35

“The provision of floorspace planned as part of the proposed development reflects the potential for an active ground floor plane focused on retail and population serving facilities that will add to amenity and activation of Herbert Street and the Subject Site” – page 35

The above findings indicate there is limited demand and an oversupply for commercial and retail uses, with developments in the pipeline most likely to increase this oversupply. Given the above findings, and noting that the site is not located within a clearly defined retail sub-precinct, retail uses should form only one component of the employment offering required to ensure the site serves and contributes to the future needs of the broader precinct.

It is acknowledged that demand for commercial office floorspace is unlikely to be sufficient to warrant significant office provision in the short term, and that this is clearly articulated and evidenced in the Economic Impact Assessment. However, consideration should be given to the provision of smaller office suites that can accommodate industrial service providers supporting both employers within the industrial precinct and residents in the North Shore.

While the assessment considers future demand for employment uses to some extent, it does not provide a sufficiently comprehensive analysis of future demand for industrial uses on the subject site or within the broader Artarmon Industrial Area to justify the proposed removal of industrial land uses from the site. Further consideration should be given to the future growth potential of industrial and employment-generating sectors such as health-related industries, manufacturing, logistics and education. The role of the Artarmon Industrial Area within the wider network of centres, particularly North Sydney and Chatswood, should also be considered. The proposal should therefore have greater regard to future employment and service needs, rather than relying predominantly on current market conditions.

- DPHI should require the proponent to provide a more robust strategic and economic justification for the proposed non-residential uses for the site, including a comprehensive assessment of future demand for industrial, health-related, logistics, education and specialised employment uses within the Artarmon Industrial Area and surrounding health and education precinct.
- The proposed non-residential floor space should be more flexible and employment-focused, rather than relying primarily on retail and commercial uses where the proponent’s assessment identifies limited demand and potential oversupply for these uses. This should include design specifications

that allow the spaces to accommodate a broader range of future employment-generating uses.

2. Need for flexible non-residential floorspace design

The proposed built form, comprising a non-residential podium of 5,919m² with two residential towers above, provides a reasonable opportunity to deliver a balanced mix of employment and residential uses on the land, while achieving an appropriate built form outcome.

However, if the non-residential floor space cannot accommodate current and evolving employment needs, it is unlikely to achieve the desired level of activation or appropriately integrate with the surrounding industrial, health, education and other non-residential uses in the vicinity of the site.

Given the identified limited demand for retail and commercial uses at this location, and the site's proximity to industrial, health and education uses which are anticipated to continue to grow, a more flexible approach should be adopted. This approach should be tailored to the unique opportunities of the location and ensure that the non-residential floor space can accommodate a broader range of future employment-generating uses.

Page 37 of the Economic Impact Assessment (Appendix S) identifies limited demand for retail and commercial floor space. However, the proposal continues to rely on these uses without clearly articulating why they would be successful in this location. Council acknowledges that demand for non-residential uses can be longer term in nature and difficult to predict with accuracy. For this reason, Council recommends that the proposed retail and commercial spaces be designed with sufficient flexibility to accommodate the widest possible range of non-residential uses over time.

This should include appropriate design and operational specifications, such as noise attenuation, adequate floor-to-ceiling heights, high levels of commercial amenity, suitable access and servicing arrangements, and other relevant provisions. These measures would assist in ensuring that future uses, such as gyms, private indoor recreation, small-scale services or specialised industries, can be accommodated without causing unreasonable disruption to residents above.

- The proponent should demonstrate how the proposed non-residential floor space will accommodate current and future employment needs, having regard to the site's location within the Artarmon Industrial Area and its proximity to surrounding industrial, health, education and other non-residential uses.
- Require the proposed retail and commercial spaces to be designed with sufficient flexibility to accommodate a broader range of future employment-generating uses, and ensure these can be accommodated without unreasonable impacts on residents above.

3. Protection of industrial land through appropriate planning mechanism

Given the regional importance of the Artarmon Industrial Precinct and the site's location at the transition between the precinct and the residential zone to the south, a full rezoning of the site is not supported. There is an ongoing, critical need to maintain appropriate employment uses on this site and this is best served by retaining the industrial zoning and its associated employment and urban services function. E4 General Industrial zoned land represents a scarce and finite land resource, forming only a very small proportion of land within the local government area and broader strategic

centre context. Once industrial land is rezoned for residential or mixed-use purposes, it is unable to be replaced elsewhere or re-established in the future. A full rezoning to permit shop top housing would permanently change the planning framework applying to the site and reduce the flexibility for industrial and employment-generating uses to continue or be re-established in the future.

An Additional Permitted Use clause would provide a more appropriate planning mechanism to deliver the appropriate mix of employment and residential uses on this site. This approach would allow shop top housing to be permissible on the site (with residential and commercial uses), while retaining the underlying industrial zoning and the ongoing permissibility of appropriate industrial uses. This would provide greater flexibility, while recognising the site's long-term strategic role and retaining its potential to contribute to the industrial function of the Artarmon Industrial Area.

- Council does not support a full rezoning of the site that would remove the underlying industrial zoning and its associated employment industrial function. Instead, an Additional Permitted Use clause would provide a more appropriate planning mechanism. This approach would allow shop top housing to be permissible on the site (with residential and commercial uses), while retaining the underlying industrial zoning and the ongoing permissibility of appropriate industrial uses.

4. The provision of permanent affordable housing

The *Summary of Housing Delivery Authority 12 Month Review* published by DPHI in May 2026 states in its recommendations for the function of the HDA:

- *seek that affordable housing offering demonstrates a commitment to align to NSW Affordable Housing Ministerial Guidelines and any applicable State or council policy.*
- *where a concurrent rezoning is sought, the affordable housing offering from the proponent should exceed the requirements already in place in a council or State policy, so that the affordable housing rate is proportional to the level of uplift sought.*
- *where the uplift sought through a concurrent rezoning is significant, the affordable housing offering should be provided in perpetuity, recognising the substantial benefit in uplift to the proponent.*

The subject site is not currently identified on the Affordable Housing Map under the WLEP 2012. This reflects the existing planning framework for the site, which has not historically contemplated residential uses on this regionally significant industrial land.

The site currently contains a three-storey commercial building and a single-storey retail showroom/warehousing building. The proposal seeks approval for 413 residential dwellings within a built form of up to 39 storeys. This represents a substantial uplift and a significant change in the planned function of the site.

One of the key objectives of the Housing Delivery Authority SSD criteria is to support housing development proposals that are well-located, supported by enabling infrastructure, and contribute to affordable housing supply. Given the site's proximity to Royal North Shore Hospital, other health facilities, and existing train and bus infrastructure, as well as the significant anticipated growth in health and education workers in the area, the need for affordable housing for key workers in health is

particularly high. This need is further supported by Section 6.1.3 of the Economic Impact Assessment (Appendix S).

Accordingly, the proposal should provide a minimum of 10% affordable housing dedicated to Council. Temporary affordable housing is not sufficient to address the identified need, particularly having regard to the substantial uplift sought and the long-term housing needs of key workers in the locality.

The proposal is a significant uplift sought by the proponent, particularly where the proposal relies on the introduction of residential uses on regionally significant industrial land that has not previously been planned for this purpose. This represents a substantial departure from the existing strategic planning framework for the site and should be accompanied by a commensurate public benefit. Permanent affordable housing is necessary to meet the NSW Government's stated objective of increasing affordable housing supply through the HDA pathway.

- In the context of DPHI's review of the HDA as published in the *Summary of Housing Delivery Authority 12 Month Review*, permanent affordable housing should be provided considering the substantial residential uplift provided to the proponent on land that is historically used for industrial purposes.
- The proposal should include 10% affordable housing dedicated to Council.

5. Shortage of public infrastructure delivery

St Leonards and neighbouring Crows Nest are undergoing significant change and uplift as a result of the *St Leonards and Crows Nest 2036 Plan* under the Transport Oriented Development Program, and SSDAs determined through the Housing Development Authority pathway. It is imperative that this planned uplift is supported by commensurate investment in public infrastructure to ensure the needs of the existing and future community are met. This includes the provision of open space, educational facilities, transport infrastructure, and indoor and outdoor recreational facilities, so that St Leonards and surrounding suburbs continue to function as attractive, well-served places to live, work and visit.

The application is accompanied by a Community Infrastructure Assessment (Appendix L) and a Social Impact Assessment (Appendix R) which provides an assessment on the availability of existing and future public infrastructure St Leonards and the surrounding area, as well as the proposed development's impact on infrastructure. A review of both assessments has found considerable flaws. The assessment does not accurately articulate the proposal's impact because it fails to account for the context. Specifically, significant uplift in the vicinity of the site has created increased demand and will likely see demand grow faster than previously anticipated. Current local infrastructure plans did not anticipate the scale and speed of this growth, and a deficit of supporting infrastructure is likely to result.

6. Review of Social Impact Assessment (Appendix R) and Open Space and Community Infrastructure Needs Assessment (Appendix L)

Area of assessment

The Infrastructure Needs Assessment uses the term 'social locality' to define the area assessed for the impacts of the proposed development. The defined social locality is drawn from the Social Impact Assessment (Appendix R).

The SIA describes the social locality and explains that this area is most likely to be affected by the proposal. It identifies the likely impacts of the completed development as relating to:

- *Increased population on the site;*
- *Increased traffic on local roads;*
- *Increased demand for public transport;*
- *Increased demand for local infrastructure (e.g. childcare, schools)*
- *Change in visual presentation of the site;*
- *Overshadowing/overlooking; and*
- *Waste generation and removal.*

The assessment defines this social locality in the blue outline in the diagram below:



Based on the SIA's description on social locality and likely impacts, it is unclear why neighbouring Naremburn and Crows Nest has not been considered as part of the social or community infrastructure impacts. Both assessments do not take a holistic approach to the future impact of the proposal on the surrounding locality and their associated infrastructure.

Future residents of the subject site, together with residents of surrounding future developments in St Leonards, will inevitably contribute to increased movement to and from the Pacific Highway and local streets within Crows Nest. The proposal will also contribute to increased demand for physical and social infrastructure in surrounding suburbs. These impacts are consistent with the criteria used by the SIA to define the 'social locality'. Accordingly, the area subject to assessment should be revised to include Naremburn and Crows Nest and the broader surrounding locality.

Population projections utilised for assessment

The Infrastructure Needs Assessment provides the following population projection for St Leonards (page 15) sourced from Profile ID:

Area	2026	2046	% change
St Leonards	2,306	2,636	14.3%
Willoughby LGA	79,673	86,317	8.34%

The projected population number for St Leonards in 2046 is not supported by detailed evidence. This subject SSDA will deliver 413 dwellings. If assuming a conservative estimate of 1 resident was to occupy each dwelling, the total population estimate of 2,636 by the year 2046 will be exceeded by this single development. This population projection does not take into consideration the uplift in residential development provided by the St Leonards and Crows Nest TOD or the current SSDAs in this area, with much of this housing to be delivered within the next 5 years. This will undoubtedly exceed the projected population number in the table above, potentially by a large margin.

The total projected population figure is used in the Infrastructure Needs Assessment to inform conclusions regarding the projected additional demand for various types of infrastructure (page 35). As the total projected population by 2046 appears to be inaccurate, potentially by a significant margin, the findings regarding the proposal's impact on demand for public infrastructure are unreliable and not supported.

Inadequate assessment of existing services and infrastructure

The Infrastructure Needs Assessment (page 21) provides a broad list of childcare facilities, educational facilities, health facilities and hospitals, public transport, and park and recreation facilities, community facilities, within the suburbs of St Leonards, Naremburn, Greenwich, Crows Nest, North Sydney, Chatswood, Middle Cove, Riverview, Artarmon, Willoughby, and Lane Cove. These facilities are identified as being available to future residents of the subject site and the broader St Leonards area.

As noted above, the findings with respect to how these facilities serve the area are potentially compromised by the limited social locality considered. If future residents of St Leonards are expected to utilise the infrastructure and facilities in these surrounding suburbs, the assessment needs to consider the existing and future demand and capacity for the infrastructure identified within a larger catchment than considered by the submitted Social Needs Assessment.

The Infrastructure Needs Assessment provides a limited assessment of capacity for childcare facilities and preschools, but does not provide a detailed assessment on the demand or capacity for the broader range of public infrastructure required to service future residents. This analysis is essential to understand both the projected demand for, and available capacity of, various infrastructure facilities. While various infrastructure facilities are located within walking distance of the site, accessibility does not, in itself, demonstrate that these facilities have sufficient existing or future capacity to accommodate additional demand.

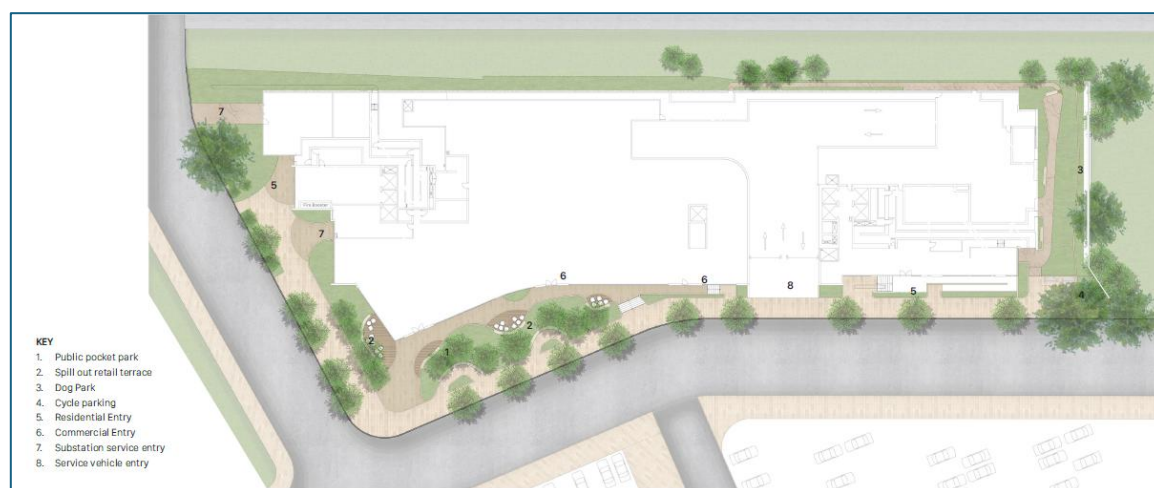
Based on this lack of evidence and analysis, it cannot be concluded that existing infrastructure in St Leonards and surrounding suburbs has sufficient capacity to service the future projected population. This includes not only future residents of the subject site, but also the broader projected residential uplift within the St Leonards and Crows Nest

area. Both the SIA and Infrastructure Needs Assessment assess the impact on public infrastructure from the subject site in isolation. They do not take a sufficiently holistic approach to assessing the cumulative impact of increased residential development on public infrastructure demand in St Leonards and the surrounding locality.

The Department should therefore request a more detailed and holistic public infrastructure assessment to determine whether existing and planned public infrastructure has sufficient capacity to accommodate the proposed residential uplift. Council expects the proposal will exacerbate existing challenges with respect to provision of recreation spaces and facilities and the proposal should include provision to mitigate these impacts beyond the local contributions payable.

Open space and dog park provided on the subject site

The application proposes open space in the north-western corner of the site, identified as a pocket park. A dog park is also proposed on the southern side of the site. These areas are shown on the plan below.



Architectural Plans – Appendix G

These features would provide positive contributions for future residents of the subject site and are generally supported. In relation to the pocket park, the EIS states:

it converts an otherwise residual space into a purposeful element of the public domain” – page 78

This open space is located on private land, adjacent to a private building, and is therefore unlikely to be utilised in the same manner as a genuinely public pocket park. The dog park is also located on private property and is unlikely to be used by the broader public. While these spaces make a positive contribution to the overall development scheme, they cannot be considered a contribution to public open space and are not considered to sufficiently assist in addressing and mitigating the impact of the proposal.

Request for the provision of infrastructure or funding

The application has been unable to substantiate with clear evidence that the proposed development, and future development in the surrounding locality, will be capable of being serviced by existing local infrastructure.

The *St Leonards and Crows Nest Station Precinct Social Infrastructure and Open Space Study April 2018* identified regarding recreation facilities:

recreation facilities were well utilised and may not be able to accommodate additional demand for facilities such as trails and paths, sportsgrounds, swimming pools, gym facilities and indoor courts.

The deficit in recreation facilities required to support the growing population in this area was documented as far back as 2018, and is likely to be further exacerbated by the increase in residents from the subject site and nearby residential developments already in the pipeline.

Given the identified shortfall in open space and active recreation infrastructure, including the need to retain and improve facilities such as Gore Hill Oval, the proposal should make a meaningful and significant contribution towards local public infrastructure. The additional residential population generated by the proposal represents a substantial unplanned uplift beyond the demand that would have arisen from employment uses under the current zoning.

This additional demand will place further pressure on already constrained open space, recreation and community infrastructure in St Leonards, Crows Nest and the surrounding area. It is therefore requested that the Department require the delivery of local infrastructure such as the planned shared cycleway on Herbert Street, and also a financial contribution towards public infrastructure such as Gore Hill Oval or the Stage 2 Gore Hill Indoor Sports Centre Project, which currently faces funding shortfalls. The opportunity to discuss how the proponent could assist in funding open space and recreation upgrades in the vicinity would be welcomed.

- The Department should request a revised infrastructure assessment, based on accurate and comprehensive details regarding existing and future demand, capacity and shortfalls in public infrastructure serving St Leonards, Crows Nest and the surrounding area.
- The Department should require the delivery of the shared cycleway off Herbert Street, together with a meaningful financial contribution towards Gore Hill Oval or Stage 2 of the Gore Hill Indoor Sports Centre Project, to address the additional demand generated by the proposal.

7. Absence of State Design Review process

The proposal is not subject to a review by the State Design Review Panel. Council considers that the absence of independent design review is a significant concern given the scale, intensity and urban design implications of the proposal. The use of the HDA pathway should not operate to bypass established design review processes, particularly where a proposal involves substantial uplift and has the potential to result in significant built form, amenity and public domain impacts.

The absence of a SDRP review undermines the value of independent design review as a mechanism for testing design quality, site suitability and built form outcomes at an early stage of the planning process, particularly when introducing residential uses to a site that has been used for industrial purposes. This is particularly important for State Significant Development proposals, where the scale of development and potential impacts warrant a robust and transparent design review process.

- As consistent with other SSDAs, DPHI should require the application to be subject to a State Design Review Panel give the scale, intensity, urban design implications and the introduction of residential uses to regionally significant industrial land.

8. Strategic consideration of the site and industrial precinct

The Department of Planning, Housing, and Infrastructure (DPHI) recently exhibited the proposed draft *Statewide Policy for Industrial Lands* which identified the subject site at 33-37 Herbert Street, St Leonards as being part of the Artarmon Industrial Area, with this industrial area being categorised as regionally significant industrial lands.

This categorisation is important, as regionally significant industrial land is intended to be retained for employment and industrial purposes due to its strategic role in supporting urban services, business activity, freight, logistics, health-related services and the broader economic functioning of the North Shore and Greater Sydney.

Given this strategic context, any proposal seeking to introduce alternative uses to regionally significant industrial land should be assessed against the relevant criteria and considerations in the draft *Statewide Policy for Industrial Lands*, including:

- Section 2 – Categories of industrial lands
- Section 3.4 – Process for considering alternative uses in industrial lands
- Technical Note 2 – Considering alternative land uses

A detailed industrial lands analysis is required to determine whether the proposal satisfies the criteria for considering alternative uses on industrial land. This analysis should address the strategic importance of the Artarmon Industrial Area, the existing and future demand for industrial land, the potential loss of employment for industries, land use conflicts, and the cumulative impact of residential encroachment into a regionally significant industrial precinct. While the submitted Economic Impact Assessment does provide many of the key data points and anticipated employment trends, it does not provide sufficient analysis of this information against the relevant strategic considerations.

It is also noted that the *Summary of the Housing Delivery Authority 12 Month Review* by DPHI identifies that proposals on regionally significant industrial land are to be excluded from the Housing Delivery Authority pathway. This reinforces the strategic importance of retaining these lands for employment and industrial purposes, and confirms that residential conversion of regionally significant industrial land requires careful assessment against the NSW Government's industrial lands policy framework. While it is appreciated that this proposals pre-dates this recommendation, the current assessment provides an opportunity to ensure that any changes are carefully considered and fully justified.

It is imperative that DPHI requires the applicant to undertake a comprehensive assessment against the draft *Statewide Policy for Industrial Lands*. Council considers that DPHI must be satisfied that the objectives and intended outcomes of the industrial lands policy have been achieved, and that the proposal will not undermine the long-term protection, operation or economic role of the Artarmon Industrial Area. The applicant's assessment against the relevant industrial lands criteria should be publicly exhibited and evaluated in DPHI's assessment before this application can proceed. It should address the issues raised above.

- The proponent should provide an assessment against the criteria outlined in the draft *Statewide Policy for Industrial Lands* when non-industrial uses are introduced to regionally significant industrial land. This includes assessing the existing and future demand for industrial land, the potential loss of employment land, land use conflicts, and the cumulative impact of residential encroachment into a regionally significant industrial precinct. The findings should inform DPHI's assessment and determination of the application.
- The analysis by the proponent should address the issues raised by Council above and should be made publicly available.

9. Consultation with Sydney Water

The Engagement Summary Table (Appendix 3) does not indicate consultation with Sydney Water. Written confirmation should be provided by Sydney Water demonstrating that the existing sewer and water supply infrastructure has sufficient capacity to service the development. Where upgrades are required, Sydney Water should also confirm the nature of those works and how they will be delivered.

Council is aware of future submain amplification works in the vicinity of the site. The details are yet to be confirmed and consultation with Sydney Water is therefore critical to ensure adequate supply and integration with any future Sydney Water works. Further details can be found in the links below:

- <https://www.sydneywater.com.au/water-the-environment/what-we-are-doing/projects-in-your-area/willoughby-submain.html>
- <https://www.sydneywater.com.au/about-us/our-suppliers/major-projects-pipeline.html>

- Obtain written confirmation from Sydney Water that the existing sewer and water supply infrastructure can service the development and identify any required upgrades and their delivery.

10. Excessive amount of car parking

A total of 377 car parking spaces is proposed. This includes 55 parking spaces for the retail/commercial component.

A total of 322 residential car parking spaces is proposed for the 413 dwellings, equating to one space for approximately 78% of dwellings. This represents a minor shortfall relative to the Housing SEPP minimum requirement of 337 spaces, but substantially exceeds the maximum car parking rates recommended under WDCP 2023, which would result in a maximum provision of approximately 203 car parking spaces.

While current market conditions, including elevated construction, land and financing costs, are acknowledged as affecting development feasibility across Greater Sydney, these factors do not, of themselves, justify the systematic overprovision of residential car parking in a location expressly planned to support reduced car ownership. Market feasibility considerations must be balanced against transport planning objectives, observed travel behaviour and broader housing policy objectives, rather than being relied upon as a standalone rationale for maximising parking supply.

In this regard, ABS Census data from 2021 indicates that approximately 37.5% of households in St Leonards do not own a motor vehicle, despite most dwellings likely

having access to on-site parking. This demonstrates that a substantial segment of the local housing market already chooses to live car-free in this highly accessible location, and that existing parking provision may already exceed demonstrated demand.

The continued delivery of high parking rates appears instead to reflect an embedded development and pricing model, whereby car parking is bundled into the cost of housing by default. This approach limits housing choice and effectively excludes households who would prefer lower-cost housing without mandatory parking provision. Reduced or unbundled parking should be recognised as a legitimate means of delivering housing diversity and affordability in a highly accessible, transport-oriented location such as St Leonards.

- Car parking for residential and non-residential spaces should be reduced to be in line with the maximum rate outlined in Council's WDCP.

11. Future shared cycleway

Given the significant intensification of use proposed at the site, substantial upgrades and reconfiguration of the public domain is required.

To ensure that the site can operate in a manner integrated with the surrounding local infrastructure, construction plans for public domain upgrades including road and pedestrian upgrades to Herbert Street and Ella Street are to be provided to Council for approval prior to the issue of any Construction Certificate. The upgrades are to be consistent with Council's concept plan, and a condition of consent is proposed to this effect. Council can provide the proponent a copy of the concept plan and is in the process of finalising detailed designs.

The extent of works is to include the intersection of Ella and Herbert Street and works on Ella and Herbert Streets. The works are to include:

- 3.0m wide cycleway.
- Roundabout at intersection of Ella and Herbert Streets.
- New raised pedestrian crossings on Ella and Herbert Street and associated street lighting.
- Line marking and pavement marking.
- Realignment of traffic lanes and revised on-street parking arrangements.
- Relocation of parking meters.
- Traffic calming measures and buffers between cycleway and pedestrians/vehicles.
- High pedestrian activity signage.
- Tree planting.

Council has provided a draft condition of consent to achieve this outcome (**Attachment 2**). Given the impact of the development and the intensification of use proposed, this should include delivery of the shared user path infrastructure at the intersection of Ella Street and Herbert Street.

- Public domain upgrades as listed above are required to ensure future residents, employees and customers of the site can safely navigate Herbert and Ella Street.

12. Engineering issues

Council's Engineer has reviewed the application and raises the following issues to be resolved:

Pedestrian and cyclist access

Pedestrian access is provided via Herbert Street.

Bicycle parking is proposed within Basement Level 1&2; however:

- The access arrangement relies on use of a passenger lift.
- It is unclear whether a dedicated or preferred cyclist access route is provided.
- Potential conflict between pedestrians and cyclists at the ground level entry has not been fully resolved
- Consider provision for a storage space/cage per dwelling capable of storing a bicycle.
- Provide high quality end-of-trip facilities.

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| <ul style="list-style-type: none">• Further clarification and refinement of cyclist access arrangements is required to ensure safe and legible access, and consider providing cycling infrastructure such as storage. |
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Traffic generation and network impacts

The Traffic Impact Assessment (TIA) estimates both existing and future traffic generation using a vehicle trip rate applied to parking supply. In the case of the existing development, traffic generation assumptions are derived by multiplying the number of existing parking spaces by an assumed trips-per-space rate, without supporting survey data, empirical evidence or benchmarking.

This approach does not follow established guidance from Transport for NSW's Guide to Transport Impact Assessments (GTIA) (2024). It does not establish an observed/evidence-based baseline for existing traffic generation and relies on the same proxy assumption used for forecasting future traffic. As a result, the assessment of net traffic impacts is derived only from differences in parking provision, rather than demonstrated changes in travel demand.

In the absence of observed data, this method lacks validation and does not align with the demand-based framework of the GTIA (2024), which emphasises trip generation derived from land use characteristics. Given the amount of car parking proposed (~377 spaces), this lack of robustness of assessment is a concern.

The conclusion in part 3.9 of the TIA – a net decrease in traffic generation, despite a substantial increase in parking supply from 165 existing to 377 proposed spaces, raises concerns regarding the robustness of the methodology adopted. This is inconsistent with expected travel behaviour and warrants further justification and validation.

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| <ul style="list-style-type: none">• The Traffic Impact Assessment should be revised to:<ul style="list-style-type: none">○ Provides an evidence-based estimate of existing traffic generation (i.e. using survey data and/or benchmarking against comparable sites). |
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- Adopts a land use-based trip generation methodology for the proposed development, with parking-based estimates used only as a secondary check.
- Uses the resultant data and methodology to present an assessment of existing, future and thus net traffic generation to enable a proper assessment of impact.

Compliance with onsite detention requirements

The following information is required to demonstrate compliance with Council's Technical Standard No. 1:

- Design calculations confirming SSR and PSD
- Verification that OSD and outlet are above the 1% AEP hydraulic grade line
- Details of overflow spillway and major flow path
- Freeboard compliance
- Demonstration of minor/major flow path operation up to 1% AEP.
- Submission of the Council OSD Design Checklist.

- Attachment 2 of this submission provides an engineering condition that requires the above to be completed prior to the issue of a Construction Certificate.

13. Waste management issues

Council's Waste Management Officer has reviewed the application and raises the following issues to be resolved:

For best waste management outcomes, the requirements of the Willoughby DCP 2023 (Section 4.3.8) and Northern Sydney Regional Organisation of Council's (NSROC) 2018 *Waste Management Technical Guide and Development Controls*.

Construction and demolition WMP

The Applicant should provide a C&D WMP. The WMP should meet the requirements of the Willoughby DCP 2023 (NSROC 2018, Section 2.1, Table 1) including:

- a) An estimate of the types and expected volume (m³) and weight (t) of waste to be generated during demolition, and the estimated percentage of waste that will be reused or recycled;
- b) An estimate of the types and expected volume (m³) and weight (t) of waste to be generated during construction, and the estimated percentage of waste that will be reused or recycled;
- c) Clear evidence of the method(s) used to calculate expected waste generation (such as an excavation plan);
- d) Nominated landfill and recycling facilities by waste type (to allow assessment of compliance with licensing requirements and activities);
- e) Plans showing the location of onsite waste facilities during the demolition and construction phases, including vehicle access; and
- f) Hazardous materials and asbestos disposal quantities, management and disposal details if applicable including an asbestos clearance certificate if required.

Organics generation rate

The OWMP (Rev C, 20/04/26, Section 6.0, p10) provides for an estimated organics waste generation rate of 25L/unit/week (totalling 10,325L/week. This does not meet the minimum requirement, which is at least 10,875L/week based on NSW EPA, 2019, Table F2 which requires 50L/unit/week on the 3-bed units. The OWMP (Rev C, Section 6.2) proposes 44 FOGO waste bins whereas Council requires 46 organics bins.

Bin holding room at collection

- a. Insufficient number of bins shown: The architectural drawing (Rev 7, Ground Floor GA) does not show enough bins required for collection. This would mean the truck swept path may not be feasible when all bins are there including the 46x240L organics bins. The swept path should be drawn onto the plan that shows the bins for collection.
- b. No residential bin holding room is provided for collection: Only an area is provided. However, there is insufficient detail in the WMP and architectural plans to show compliance with the waste storage area condition requirements from Table 12 Temporary Bin Storage Area (NSROC, 2018, Section 3.15). This includes, but is not limited to:
 - i. A designated room.
 - ii. Within 2-10m from the nominated collection point to facilitate access to Council's waste services (will depend on bins size and Council requirements);
 - iii. Door clearance of 2.5m;
 - iv. An aisle space between rows of bins of 1.5m minimum is required to access and manoeuvre the bins; and
 - v. Access is to be in accordance with AS1428 and locks.

Loading bay

- a. Neither the traffic plan nor OWMP clearly demonstrate a loading bay with a 12.5m parking space for a truck of 10.5m plus a required 2m rear clearance for loading. The loading bay does not have a residential bin holding room accessed within 2m of the truck parking space. The bulky waste room distance and commercial waste room distance also exceeds this requirement. The design should be revised to accommodate the above requirements.
- b. Traffic Impact Assessment: The traffic plan (Rev Post TOA, 22/04/26, Section 3.3) states that "Outside of waste collection periods the loading dock has capacity to accommodate both a Medium Rigid Vehicle (MRV) and a Small Rigid Vehicle (SRV) at the same time. The OWMP does not discuss a plan or management for this to ensure the loading bay is available for waste collection. The OWMP should be amended to confirm how conflicts between loading and waste vehicles will be avoided, or the design should be amended to prevent such conflicts.

Bulky waste room door

While the OWMP (Rev C, 20/04/26, Section 6.5.3, p14) states that the bulky waste room door must be 2.5m wide, on the plans the bulky waste room door does not appear to be 2.5m wide (GA Floor Plans 1:250 Ground Floor Plan GA Rev 7). A 2.5m wide door is required in the DCP (NSROC 2018, Section 3.12).

Charity waste and other recycling room

The OWMP (Rev C, 20/04/26) and the architectural plans do not show the charity waste and other recycling storage room. This is required in the DCP (NSROC 2018, Section 3.12.1).

Chute rooms and bin cupboards on each residential level

The architectural plans show dual chutes for waste and recycling. However, the waste chute hoppers should be located in a waste cupboard, which also has space for additional bin(s) including a recycling bin. This is required in the WDCP 2023 NSROC (2018, p 46). A recycling bin (in addition to any recycling chute proposed) serves to assist in the case of a bin for cardboard recycling that cannot be placed down the chute (which is a large portion of Council's recycling), back-up for the recycling chute and to future proof the development in the case of food organics collection. The OWMP (Rev C, Section 6.3.1) noted that *"dual chute systems comprising of a single general waste chute and single recycling chute will be installed in each building core. Cardboard boxes or large containers should not be disposed of in the recycling chute. These should be placed directly into the collection bins in coordination with the building manager."*

Chute room doors

The architectural drawing (Rev 7, Ground Floor GA) does not show the access door of residential waste chute room (Northern Tower). The Southern Tower does not appear to have a satisfactory door to restrict access from residents.

Bin carting routes

The OWMP (Rev C, Section 6.3.1 and 6.4) discusses the bin carting routes for caretakers and building managers to transport bins between the chute rooms and bin storage areas (NSROC 2018, Section 3.16 – Bin-carting Routes), but the OWMP or architectural drawings do not show the location of the bin tug required. The OWMP also provides an incorrect walkway width which must be 2m (NSROC, Section 3.15) not "a minimum of 300mm wider than the largest bin used onsite (OWMP, Section 13.0).

Waste storage area conditions (residential and commercial)

There is insufficient detail in the WMP and architectural plans to show compliance with the waste storage area condition requirements from Table 8 Bin Storage Area – Communal (NSROC, 2018, Section 3.10.4). This includes, but is not limited to:

- a. Size of the bin room(s);
- b. Door clearance of 2.5m;
- c. Aisle spaces of 1.5m; and
- d. Hot and cold taps indicated on the architectural plans

- Updated waste management documentation and amended architectural plans are required to address deficiencies relating to organics capacity, non-residential waste generation rates, chute room capacity, bin cupboards and disposal points on each residential level, consistency between the OWMP and architectural plans, resident waste disposal routes, bin carting arrangements, and the design and functionality of waste storage areas.

14. Public art

Public art is expected to be delivered in accordance with the Willoughby Public Art Policy and Guidelines. If the proposed public art contribution is to be delivered within the balance of the site, the proponent should provide a clear proposal outlining the nature of the contribution and how its delivery will be secured.

- The proponent must submit to the satisfaction of the Certifier a detailed Public Art Plan prepared in consultation Council. The detailed public art plan must be developed and implemented in accordance with Council's Public Art Policy and Procedures and Guidelines. A condition of consent for a Public Art Plan has been provided in **Attachment 2**.

