

22 January 2024

Name of Assessment Officer/Team: Manwella Hawell
Development Assessment
Department of Planning, Housing and Infrastructure
Locked Bag 5022
Parramatta NSW 2124

Submission to Nicholson Street Build-to-Rent SSD-56527976

Dear Manwella,

1. Introduction

Arrow Capital Partners appreciates the opportunity to make a submission to the Department of Planning, Housing and Infrastructure (DPHI) in relation to 'SSD-56527976 Nicholson Street Build-to-Rent', which has been placed on exhibition from 5 December 2023 - 23 January 2024.

Arrow Capital Partners is the owner (in joint venture with other investors) and manager of the adjacent site, 29-57 Christie Street. Consent to the development application DA 171/2020 with respect to 29-57 Christie Street was granted by the Sydney North Planning Panel on 7 July 2021.

We understand that the development application on exhibition is a concept proposal for a mixed-use build-to-rent (BTR) housing development consisting of a building envelope for a podium and tower up to RL 174.95 (31 storeys) with a maximum GFA of 34,000sqm for residential, commercial and retail uses. No physical works have been proposed as part of this application.

This is a submission to SSD-56527876 and it has been prepared to raise key issues in relation to the proposed development and its potential impacts on adjacent properties and the surrounding public domain. The key matters Arrow Capital Partners wishes to raise include:

- Development on the subject site should be considered in the context of Crows Nest being identified as an accelerated precinct under the DPHI's Transport Oriented Development program.
- Inadequate tower setbacks are proposed to provide a suitable residential floor plate and building separation distances.

- DPHI should require exhibition of a draft Voluntary Planning Agreement (VPA) prior to determination of the concept development application.
- Confirmation of the future southern building facade conditions and interface with adjacent property at 29-57 Christie Street is required.
- A further chamfer of the building envelope should be required to deliver a predominantly open to sky northern public plaza.
- Completion of a wind tunnel study should be required prior to determination of the concept development application.
- It should be conditioned that future development on the site will comply with the Lane Cove Development Control Plan 2010 commercial car parking rates.

The above listed issues are outlined in further detail in this submission.

2. Crows Nest Future Planning

DPHI are currently progressing the Transport Oriented Development (**TOD**) – Accelerated Precincts policy where eight precincts have been identified to create capacity for up to 47,800 new homes over 15 years.

Crows Nest has been identified as a precinct that will be rezoned before November 2024 to increase the supply of housing within 1200m of the Sydney Metro Crows Nest Station. The subject site is located within this precinct.

As such, the impacts of the proposed building envelope on potential new housing to be delivered within the immediate precinct should be considered as part of the assessment of this development application. Specifically, planning for the subject site should consider the potential use of surrounding sites for high density residential development. These surrounding properties have relatively large lot areas capable of accommodating high-density mixed-use development in the short term to achieve the Government's aspirations for new housing in the precinct.

Further, planning for the subject site as a consolidated site with adjoining properties could achieve a more integrated and better-quality outcome than pursuing the redevelopment of the subject site in isolation.

3. Building Setbacks

The proposed concept building envelope includes a splayed setback of part 12m and 16.5m distances rather than the required uniform 16.5m setback from the tower to the southern boundary which is outlined within Part D of the Lane Cove Development Control Plan 2010. This 16.5m setback control was adopted by Lane Cove Council on 21 September 2021 and provides appropriate separation to future development

on 29-57 Christie Street and enables a view sharing corridor to be achieved for residential properties to the north east between these two sites.

According to the applicant, the proposed variation is the result of a redistribution of form from the lower components of the podium to the tower as a result of State Design Review Panel recommendations to remove built form from the northern corner of the site and ground floor along Christie Street to maximise solar access, deep soil and landscaping. However, the building envelope has not been specifically chamfered or removed at the northern part of the site to deliver a genuine public plaza and appropriate through-site link.

Further, the proposed zero setback to Christie Street and limited setback to Nicholson Street results in less building separation than would otherwise be required by the Apartment Design Guide for residential dwellings. While these setbacks comply with the site-specific development control plan requirements, these setbacks were defined for a commercial office development where the Apartment Design Guide was not a factor.

Finally, the tower floor plate comprises between 1,011.9sqm and 1,105.5sqm of gross floor area per level, which is a large floor plate for a residential apartment building. A reduction in the floor plate site would not only improve building separation distances with existing and future developments in the precinct, but could improve daylight access into the floor plate, noting that it doesn't achieve the Apartment Design Guide criteria for direct solar access.

A reduced floor plate would also improve views and outlooks from existing and future development surrounding the site and improve daylight into the public domain and to surrounding properties.

To address the above issues, we recommend that:

- DPHI require the applicant to amend the proposed building envelope to achieve greater tower setbacks to Christie Street (at least 3m) and Nicholson Street (above the podium) to achieve compliance with the ADG building separation distance for future buildings on the western side of Christie Street (if proposed above 9 storeys) and the eastern side of Nicholson Street.
- If DPHI are inclined to support the variation to the ADG design criteria for building separation (to the east and west) and for solar access, then the applicant should not be permitted to also exceed the site-specific development control plan 16.5m southern setback.

In short, we understand that the applicant is permitted to propose a BTR housing application under the provisions of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) notwithstanding that the key development standards that apply to the proposal are for a 'non-residential' development only. However, the

applicant must not be permitted to rely upon the floor plate and site-specific development control plan provisions determined appropriate only for a commercial scheme for the site. Given the change in use proposed, a new building envelope with a reduced floor plate should be adopted, even if this results in a reduced yield on the site.

4. Southern Boundary Condition

As the concept building envelope includes a zero metre setback to the site's property boundary with 29-57 Christie Street we request that DPHI ensure that a condition be imposed on the future detailed development application that ensures:

- That no openings be permitted within 3m of the site's southern property boundary without securing an easement for light and air and maintenance for the facade.
- That all maintenance for the southern facade must be able to be completed within the site's property boundary and not require access from the adjacent property.

5. Voluntary Planning Agreement

Within the Environmental Impact Statement the applicant outlines that they have communicated to Lane Cove Council that they are open to progress open dialogue on a potential public benefit, including potentially for both community facilities and affordable housing on the site. Detail of these negotiations have not been provided within the exhibited documents.

Prior to the determination of this concept development application, it is recommended that a draft Voluntary Planning Agreement between the applicant and the Council be exhibited to enable commentary to be provided on the public benefits proposed to accompany this development prior to the determination of this application.

6. Public Domain

The site-specific development control plan provisions require an east-west through-site link through the centre of the floor plate however the reference design proposes a more open link at the northern portion of the floor plate. Based on the reference design we question whether this 'link' will function as intended and instead will form part of the retail circulation area (possibly between outdoor dining and indoor dining zones).

We further note that the proposed concept building envelope does not include a setback to the northern corner of Christie Street and Nicholson Street, relying instead on the reference scheme to set back built form from in this corner to deliver a (partially covered) public plaza.

We recommend that a predominantly open to sky public plaza is delivered on the site to ensure the public nature of this space is delivered as intended and secured through a chamfer of the proposed building envelope. We further recommend that the future detailed development application demonstrate how the through-site link will be delivered as a legible, public link.

7. Wind Impacts

Within the Pedestrian Wind Environment Assessment submitted with the concept development application, CPP has recommended that a wind tunnel test be undertaken for the site to further support the quantified numbers in the assessment. However, a wind tunnel test has not been completed prior to the lodgement of this concept development application.

We note that the sharp north corner and south-east corner of the tower propose balconies which are not inset and that CPP recommended that these balconies be enclosed as with them being exposed on both sides they would likely experience strong cross flows for some incoming wind directions.

The Pedestrian Wind Environment Assessment submitted also notes that some downdraft from the southern façade down to the ground level would be expected to be channelled along Nicholson Street and Christie Street during winds from the south, which would be slightly increased by the combined massing of the proposed development and the adjacent approved development to the immediate south of the site. However, as stated above, the impact of this downdraft wind is not quantified by a wind tunnel test and therefore the impacts on the public domain surrounding the subject site, including our site, are not known.

We recommend that DPHI require the applicant to submit a wind tunnel test with their Response to Submissions report to quantify the recommendations of the Pedestrian Wind Environment Assessment to ensure that the resulting wind environment in the precinct will meet all relevant standards.

8. Carparking and vehicular access

We note that the proposal accommodates car parking spaces for the BTR housing component of the development that would comply with the relevant controls under the Housing SEPP. However, far fewer commercial and retail car parking spaces are proposed than the Lane Cove Development Control Plan 2010 would otherwise require. Specifically, based on the indicative reference scheme a total of 64 car parking spaces would ordinarily be required as part of the development under the DCP. However, the indicative reference scheme will provide only five car parking spaces for commercial uses on the site.

This non-compliance with the local controls may result in more demand for on-street car parking spaces in the locality. As such, we recommend that DPHI require the

applicant to deliver car parking for the non-residential component of the development in accordance with the relevant local controls.

Further, we note that within the reference scheme vehicular access for car parking spaces is proposed immediately adjacent to the southern boundary of the site, adjoining the 29-57 Christie Street property. This may result in amenity impacts to future development on our site and as such we request that any future vehicular access for the property be positioned away from the southern site boundary wherever possible.

9. Conclusion

As noted above, this submission has been prepared to highlight the key issues we have with the submitted concept development application and to request amendment to the proposal in response to the matters raised. Arrow Capital Partners welcome the opportunity for further discussion with DPHI regarding the matters raised within this submission.

Should you have any queries or require further details, please do not hesitate to contact the undersigned.

Yours sincerely



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