

25 February 2024

Caleb Ball
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4 Parramatta Square
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Parramatta NSW 2150

**RE: PLANNING SUBMISSION IN RELATION TO THE STATE SIGNIFICANT DEVELOPMENT APPLICATION
– SSD-35631707 – TELSTRA EXCHANGE SITE, ST LEONARDS**

PROPERTY AT: 524-542 PACIFIC HIGHWAY, ST LEONARDS

Dear Caleb,

Reference is made in relation to the State Significant Development (SSD) Application – SSD-35631707 (The Proposal). This submission is made on behalf of The Australian Medical Association NSW (AMA NSW) (The Objector) in relation to the proposed development of the Telstra Exchange site under SSD-35631707 located at 524-542 Pacific Highway St Leonards (The Site) located within the Lane Cove Local Government Area (LGA).

1. INTRODUCTION

This Submission seeks to inform objections and provide recommendations to the parties of interest including the NSW Department of Planning, Housing and Infrastructure (NSW DPHI) in relation to the SSD Application that has been lodged by Home Apartments (the Applicant) with the NSW DPHI.

2. PROPOSAL OVERVIEW

The subject SSD-35631707 seeks development consent for the construction and use of a mixed-use build-to-rent development comprising a total of 282 dwellings (including 10 key worker housing units, 84 rooms for short term accommodation and ground level retail and active uses). The Proposal also seeks retention and integration of the existing Telstra Exchange building and telecommunication infrastructure within it.

The EIS identified the following components of the Proposal:

- Site preparation and excavation.
- Retention and integration of the existing Telstra Exchange Building.
- Construction of a new 42-storey mixed-use development, comprising:
 - 21,472 m² of build-to-rent housing across 34 storeys, including 272 dwellings.
 - 3,840 m² of non-residential space within an 8-storey podium including ground level retail and short stay accommodation.
 - 721 m² of Key Worker Housing across 1 level, within the podium, delivering a total 10 dwellings to be managed as part of the build to rent development.
 - 2,014 m² of community amenity facilities throughout the building.
- Residential lobby accessed via Christie Street and separate short term accommodation lobby accessed via Pacific Highway.
- Podium car parking and loading area with vehicular access via Christie Street, comprising a 48-space car stacker.
- Associated landscaping and public domain works; and
- Augmentation of, and connection to, existing utilities services as required.
- Stratum subdivision of the proposed development and the Telstra building

3. APPLICATION ON EXHIBITION

It is understood that the SSD Application has been lodged by the Applicant, which is on public exhibition from Tuesday 30 January 2024 until Monday 26 February 2023.

4. REVIEW OF THE SSD-35631707 AND SUBMISSION IN OBJECTION

The documentation pertaining to the Proposal that has been reviewed, includes (but not limited to):

- Environmental Impact Statement (EIS)
- Traffic and Parking Assessment
- Green Travel Plan
- Visual Impact Assessment
- Statement of Heritage Impact
- Architectural Drawings
- Urban Design Report

In preparation of this Submission, other accompanying documents were reviewed; however, the above-mentioned documents form the basis of this Submission.

Based on the history of the Site and review of the SSD-35631707 Application and accompanying documents, AMA NSW has informed objections with supporting reasons in **Section 6** and has provided recommendations in **Section 7** of this Submission forming an overall objection in relation to the Proposal.

5. SITE CONTEXT AND LOCALITY

The Site is referred to as the Telstra Exchange site at 524-542 Pacific Highway, St Leonards and comprises eight (8) allotments as identified below:

- Lot 7 Section 17 DP 3175
- Lot 8 Section 17 DP 3175
- Lot 9 Section 17 DP 3175
- Lot 1 DP 433297
- Lot D DP 377423
- Lot C DP 377423
- Lot B DP 377423
- Lot A DP 377423

The Site is located on the corner of the Pacific Highway and Christie Street. The Site adjoins the existing commercial AMA House building to the south and the Landmark by New Hope residential building to the east.

On the eastern portion of the Site the St Leonards Telephone Exchange is located. This is critical piece of telecommunications infrastructure comprising a three-storey red brick building fronting the Pacific Highway and six-storeys to the south and cannot be demolished, relocated or used for support in the construction of any development on the Site.

The Site is located in proximity to significant public transport infrastructure including being within 100 m of St Leonards Train Station and 350 m of the currently under construction Crows Nest Metro Station. Additionally, the Site is well supported by regular bus services along the Pacific Highway.

The Site, including the neighbouring AMA House are currently located within the E2 Commercial Centre zone. Pursuant to the *St Leonards and Crows Nest 2036 Plan*, both sites are to be re-zoned to MU1 Mixed Use along with other amendments to development controls.



Figure 1 Site Context and Surrounding Area (Source: Ethos Urban, 2023)

6. KEY ISSUES

The following key issues have been taken into consideration in making this Submission:

- Traffic and transport;
- Visual amenity, views and overshadowing;
- Heritage; and
- Development potential of adjoining sites.

6.1 TRAFFIC AND TRANSPORT

Observations:

The *Traffic and Parking Assessment (2023)* and the *Green Travel Plan (GTP) (2023)* prepared by Transport and Traffic Planning Associates for the Proposal has been reviewed and confirm the following:

- The car parking provided is less than the amount specified within the provision of Clause 74(2)(d)(i) the *State Environmental Planning Policy Housing 2021* (Housing SEPP).
- The *Lane Cove Development Control Plan 2009* (LCDCP2009) has a car parking requirement of 93 car parking spaces. The Proposal includes the provision of 48 car parking spaces to be provided via a podium car stacker. There is a shortfall of 55 car parking spaces.
- Four (4) motorcycle parking spaces are proposed. The applicable rate according the DCP is 1 space per 15 car spaces.
- No parking is provided for construction workers during the construction of the Proposal.
- Bicycle parking and End of Trip (EOT) facilities are provided on Level 1.
- Section 5.2 of the GTP identify the following action, “Provide 95 resident and 35 commercial/retail bicycle parking spaces in an easily accessible, undercover, well-lit, and secure.”.

Objection:

There is potential that there will be adverse impacts of traffic and parking on the adjoining land users, including along Christie Street, Pacific Highway and the surrounding road network due to the Proposal. The following objections are made.

- The Proposal includes a significant shortfall in the car parking provision against the requirements of the LDCP2009. DPHI should consider whether sufficient justification is provided for the car parking quantity.
- The location of the Telstra Exchange building on the Site is referred to as a reason for the proposed car parking design. Whilst this Site constraint is acknowledged, it is not considered as an adequate reason for the car parking shortfall. The car parking demand is a result of the excessive scale of the proposed development and the significant intensification past that which the Site is capable of.
- It is not acceptable to provide no on-site car parking for construction workers. It is unreasonable to expect all construction workers to travel to the Site without a vehicle and alternative modes of travel for construction workers to the Site should be considered.
- Based on the LDCP2009 car parking rate of 98 car parking spaces, approximately seven (7) motorcycle spaces should be provided. Further consideration should be given to suitability of the four (4) motorcycle parking spaces.
- Bicycle parking and end of trip facilities (EOT) are critical when considering the proposed dedicated cycle paths along the Pacific Highway in a northerly direction and an on-road marked cycleway on Herbet Street. Furthermore, the *St Leonards Crows Nest 2036 Plan* allocated \$13.8 million to pedestrian and cycling upgrades. The lack of car parking on the Site would result in an increase in demand for other transport modes. Accordingly, the suitability of the proposed bicycle parking should be carefully reviewed.
- The recommendation for 130 bicycle parking spaces in the GTP is not provided as part of the proposed development.

6.2 HERITAGE

The *Statement of Heritage Impact (2023)* prepared by Comber Consultants for the Proposal has been reviewed and the following observation and objection have been made.

Observations

- The Site is located in proximity to the boundary between Lane Cove LGA, Willoughby LGA and North Sydney LGA. Given the bulk and scale of the Proposal, it will have significant impact on views and amenity across these LGAs.

Objections

- The Statement of Heritage Impact considers heritage items located within the Lane Cove LGA, however full consideration should also be given to those Heritage Items and Heritage Conservation Areas located within the North Sydney LGA and Willoughby LGA that are located within the catchment of the development.

6.3 VISUAL AMENITY, VIEWS AND OVERSHADOWING

A review of the *Visual Impact Statement (2023)*, *EIS (2023)*, *Architectural Drawings (2023)* and *Urban Design Report (2023)* have been reviewed and the following observations made:

Observations

- The Site is located on the ridgeline followed by the Pacific Highway and there exists a steep elevation change to the south of the Site. The proposed tower will be visible for a significant distance as confirmed in Section 6.1 of the Visual Impact Assessment.
- The *St Leonards and Crows Nest 2036 Plan* identifies the maximum building height for the Site to be 35 storeys. The proposed development is for 42 storeys.
- The *St Leonards and Crows Nest 2036 Plan* identifies the maximum street wall height to be 6 storeys, the proposed development has a street wall height of 8 storeys.
- The shadow diagrams located within the Architectural Drawings indicate the proposed development would result in significant overshadowing increases.
- Section 7.2.1 of the EIS considered overshadowing of Newlands Parks.
- The proposed development will result in substantial view loss for nearby development.
- The Apartment Design Guide (ADG) identifies 7% deep soil landscaping is required on the Site. Only 2% deep soil landscaping is proposed as part of this development.

Objections

It is considered that there will be extensive visual, overshadowing and amenity impacts on neighbouring Sites, and given the scale of the Proposal, across the North Sydney LGA, Lane Cove LGA and Willoughby LGA.

Under the *St Leonards and Crows Nest 2036 Plan*, the Site has been identified for substantial uplift that will inevitably result in amenity, view loss and overshadowing impacts surrounding the Site. Notwithstanding, the proposed development is excessive, proposing 7 (seven) more storeys than that which is identified within the strategic plan. This would result in unacceptable; view loss, overshadowing and amenity impacts past that which is reasonable to expect. The scale of the proposed development is to be reviewed. Accordingly, the following objections are made:

- The DPHI should consider the height, bulk and scale of the proposed development, and if further architectural treatment and articulation is required. The southern elevation is to be particularly considered, as there will be prominent views to the Site of this elevation. A review of the Architectural Drawings indicate that the proposed building is not satisfactorily integrated with the bulk and scale of the adjoining buildings.
- The *St Leonards and Crows Nest 2036 Plan* has been developed through ongoing review and community consultation resulting in a strategic plan for the area. The Proposal exhibits a built form of bulk and scale exceeding that of which was envisioned for the Site, resulting in a proposed building that represents the overdevelopment of the Site and is not commensurate with the existing buildings or strategic vision for the area.
- The 0 m setback to the Pacific Highway and Christie Street combined with the proposed 8-storey podium result in a dominating and imposing view when viewed from the Street. As mentioned within the EIS, there is an existing high volume of pedestrian activity on surrounding streets. The maintenance and contribution to the streetscape amenity is critical and requires further consideration.
- Council should consider the extent of overshadowing that would occur to particularly, AMA House located adjacent to the South of the Site. This Site would be heavily impacted at all times of the day.
- The residential dwellings located to the southwest of the Site currently experience extensive overshadowing. The proposed development would result in a significant increase to the overshadowing of these dwellings and their private open space. Overlooking issues to this area should also be considered.

6.4 DEVELOPMENT POTENTIAL OF ADJOINING SITE

The proposed development does not adequately consider its impact on the development potential of the adjoining Site located to the south at 69 Christie Street, St Leonards and referred to as AMA House. The *EIS* (2023) and *Urban Design Report* (2023), and *St Leonards and Crows Nest 2036 Plan* have been reviewed to inform the following observations.

Observation

- In its existing state, AMA House comprises a seven (7) storey commercial building.
- SSD-35631707 is reliant on the state led rezoning under the *St Leonards and Crows Nest 2036 Plan* for the proposed FSR, height and permissibility.
- Accordingly, the development potential of neighbouring properties should be considered in the context of the *St Leonards and Crows Nest 2036 Plan* as well.
- The development potential of AMA House has been briefly noted within Section 7.2 of the *EIS*. However, the *EIS* only considers the existing controls under the LCLEP2009.
- Under the state led rezoning, AMA House would be subject to the following controls:
 - Zoning: MU1 Mixed Use zone
 - Building Height: 24 storeys
 - Floor Space Ratio: 13
 - Minimum Non-residential floor space ratio: 13
 - Street wall height: 6 Storeys along Christie Street
 - Setbacks: 0m

Objection

The following objections provide examples of how the *EIS* and *Urban Design Report* do not adequately consider the development potential of AMA House, providing examples of potential future development issues relating to building height and street wall height.

- The development potential of AMA House has not adequately been considered in the context of the *St Leonards and Crows Nest 2036 Plan*.
- Building interference issues:
 - For example, should the site known as AMA House be developed to its maximum height of 24 storeys under the *St Leonards and Crows Nest 2036 Plan*, assuming each storey is 3m floor to floor, the resultant building has the potential to be 72m.
 - The *EIS* notes that it has only contemplated the AMA House site to be a maximum of 36m.
 - The proposed building includes dwellings to be located within this area and provides a 0m setback to the southern boundary with AMA House.
 - Numerous building interference issues could be caused by this that have not been mentioned or considered in the design or accompanying reporting of SSD-35631707.
- Incongruent street wall height:
 - The proposed building seeks consent for a street wall height of 8 storeys, exceeding the 6 storeys wall height identified in the *St Leonards and Crows Nest 2036 Plan*.
 - As the Site slopes southerly along Christie Street, the street wall height increases.
 - AMA House is subject to a street wall of 6 storeys.
 - Should SSD-35631707 be approved with an 8 storey street wall height, there will be an incongruence in street wall height along Christie Street, resulting in disjointed built form, negatively effecting the amenity along Christie Street.

7. RECOMMENDATIONS

AMA NSW provides the following recommendations for the Proposal:

- It is recommended that the Response to Submissions consider the Proposal's consistency in respect of the Section 1.3 (Objects of the Act) under the *Environmental Planning and Assessment Act 1979*.
- It is recommended that a peer review of the Traffic and Parking Report and Green Travel Plan submitted with the Proposal should be undertaken. The suitability of the car parking provided, during operations and construction require further consideration and justification. Greater provision of bike parking should be contemplated.
- The overall scale of the proposed development should be reviewed in relation to the following:
 - Exceeding height limit identified in the *St Leonards and Crows Nest 2036 Plan*;
 - Exceeding street wall height identified in the *St Leonards and Crows Nest 2036 Plan*; and
 - Overshadowing of residential dwellings and private open spaces.
- Given the proposed development reliance on the *St Leonards and Crows Nest 2036 Plan*, the development potential of adjoining sites should be fully contemplated and assessed within this context.
- Further consideration should be given to the views of the proposed development from surrounding areas. This includes the impact the proposed development may have on heritage items located in adjoining LGAs.
- It is recommended that further consideration should be given with respect to increased provision of landscaping to help ameliorate potential visual impacts through deep soil landscaping.
- If the Proposal is approved, ongoing community and stakeholder engagement should form part of the Conditions of Consent to ensure stakeholders and landowners are continually informed of the Proposal and any changes that may occur.

8. CONCLUSION

On behalf of AMA NSW, this Submission has sought to inform objections and provide recommendations to the DPHI about the subject SSD Application.

AMA NSW objects to the Proposal on the following grounds:

- Further investigation into potential impacts on traffic and parking in the vicinity of the Site, including construction and intensified operation of the Site.
- Further consideration should be given to the development potential and potential building interface issues should 69 Christie Street, St Leonards (AMA House) be redeveloped in accordance with the *St Leonards and Crows Nest 2036 Plan*.
- Reconsider the bulk and scale of the podium and tower components of the building.
 - The podium component dominates the streetscape at ground level along the Pacific Highway and Christie Street.
 - The tower component does not effectively integrate into the St Leonards skyline, will obstruct views, and cause significant overshadowing.
- The Proposal will not enhance the amenity of the area but be a burden on the locality. The Proposal represents the over development and over intensification of the Site beyond which it can suitably provide.

Yours faithfully,



Fiona Davies
Chief Executive Officer
AMA NSW