Submission on the planning proposal for the Five ways triangle: 391-423 Pacific Highway, Crows Nest (SSDA 66826207)

I OBJECT to this application and oppose the significant increase in height proposed by the developer.

This is not a site where the uplift in height enabled by the Affordable Housing Bonus should be allowed.

This site is a significant site for planning. It sits at the highest point in Crows Nest and is one of the highest points in the whole of the North Sydney area. It also sits at the junction of a number of important road transport routes. This site demands the highest standards of planning consideration and consideration of the impact of the site on the surrounding community. Poor planning decisions around this site will cause significant detrimental impacts on the surrounding community and community infrastructure for decades.

The direct impacts on the residents living close to this site are severe in terms of overshadowing, loss of solar access, loss of privacy, light pollution from apartments towering above them and noise pollution from high rise apartments with outdoor balconies as well as an increase in congested traffic conditions on Alexander St and increased pressure on limited residential parking in the Holtermann estate area.

The Department of Planning has given a commitment to the community to "lock in the height" of this building at 16 storeys.

The Crows Nest community has already expressed deep concerns with previous attempts by the developer of this site to increase the height envelope. In response to these concerns the Department of Planning (the Department) gave a firm commitment to the community in the St Leonards and Crows Nest 2036 planning document (SLCN 2036) to lock in height controls on this specific development.

> *"the Triangle Site at the corner of Falcon St and Pacific Highway will be 16 storeys mixed use." SLCN 2036 plan.*

Further, the Department stated in the SLCN 2036 Plan that it is:

> "*giving certainty to the community about the types of development allowed*" on this site.

The developer has already benefitted from the height uplift of this site from 10 storeys allowed under the North Sydney LEP to 16 storeys under the SLCN 2036. A further height increase to 23 storeys is overly generous and further exacerbates the overshadowing, traffic congestion and severe loss of amenity for the surrounding community.

The increased height of 16 storeys this building approved under the SLCN 2036 was strongly opposed by the community. It is deeply disappointing that only three and a half years later, the Department is considering increasing the allowed height of this development further to 23 storeys after giving such firm assurances to the community that this would not happen in the SLCN 2036 plan. The Department should not go back on its own commitment that the height allowed on this site would be capped.

Guidelines around accessing the Affordable Housing Height Bonus are clear, they should not overrule the requirement of the Department to assess the impact on the surrounding community of the developer accessing this bonus.

The Department of Planning states in its FAQ on Social and Affordable Housing Reforms

"The bonuses are not a right. Some sites may not be able to accommodate additional height and/ or floor spaces due to local impacts." The bonuses, unless otherwise specified do not override or remove the requirement for a proposal to comply with any control that applied to the land and development in the Local Environment Plan."

The Developer does not have a right to access the height uplift and should not be able to access the height uplift indicated by the Affordable Housing Bonus. The height of this site should be considered by the Department to be controlled by the SLCN 2036 Plan.

The Department must take into consideration the severe impact on local residents of the proposed increase in height and density of this building.

- The St Leonards Crows Nest 2036 Plan (SLCN 2036) states "areas around the St Leonards Station and Crows Nest Metro Station will be height peaks, as they will consolidate development above and adjacent to the two stations."
- The St Leonards and Crows Nest planning package was finalised on 29 August 2020. It states that "the Triangle Site at the corner of Falcon St and Pacific Highway will be 16 storeys mixed use."
- An uplift in the height of this building will have a severe detrimental impact on the heritage values of the Holtermann Estate, one of the oldest residential areas in Sydney.
- The Holtermann Estate (including Hayberry St)Historic Precinct area is currently a quiet residential area with houses with private backyards and gardens.
- The privacy of all of the residents of this area will be severely impacted with residents of the proposed development able to look directly into private properties.
- In addition, the height of the building will overshadow these residential properties resulting in reduced access to sunlight and daylight in the afternoons in summer and winter.
- The building will also overshadow public open space at the park in Hayberry St
- The proposed increase in height will result in overshadowing of North Sydney Girls High School, during winter, including the playground area which is used for afternoon sports.
- Residents of the Holtermann Estate will be exposed to both light pollution from apartments being lit at night as well as noise pollution from open balconies on this development. This should not be exacerbated by adding additional apartments to the building and increasing the height.
- Parking in the Holtermann estate area is limited and heavily used. Increasing the height of this building to allow additional apartments will place further pressure on the limited parking in this area. This will not be wholly offset by access to the Crows Nest metro.
- The following photograph illustrates the view toward the Proposed development from Hayberry St. The developer argues that the building will not been visible due to the height of trees. This is patently false. Residents of Hayberry are easily able to see tall buildings at St Leonards. The propose height of the building is taller than the crane shown in this photograph. If the height of this building is increased it will dominate the view from Hayberry Street as well as all of the residents in the Holtermann Estate.

Figure 1: View from Hayberry St towards Proposed Triangle Development

- The Triangle development will dominate the views from Hayberry St in Crows Nest.
- The proposal to increase the height of this development makes a mockery of all the work done by the Department of Planning, North Sydney Council and Crows Nest residents in considering how additional housing can be added to the area.
- All the placemaking photos of Crows Nest today only show 2 story buildings. Accordingly a 23 story building does not fit with the Crows Nest "place".
- The 2036 St Leonards-Crows Nest Plan planned around having an extensive transition from high rise at the Crows Nest metro site to medium rise nearby (16 storeys) to heritage houses in the St Leonards / Crows nest area.
- A further precedent for considering Five Ways and the Triangle Site is the Rocks and the Sydney CBD, where a heritage area is kept quite separate from the high rise CBD area. It is noteworthy that the former Sirius housing commission building has not been used as a precedent for further high rise in the Rocks, following its construction in the 1970s. This confirms that medium high rise and heritage areas do not mix.

There will be a significant Impact on Traffic in an already congested traffic area
Allowing additional residential parking at this site will exacerbate congested traffic conditions around the Alexander St/ Falcon St Intersection and Pacific Highway / Falcon St intersection.

Currently there is minimal parking provided at the Triangle site, approximately 6 driveway parking sites and no below ground parking provided. The developer is planning to add 324 parking spaces comprising 190 residential spaces and 134 commercial and retail spaces. This will generate unacceptably additional traffic movements. The local impact on traffic at this site will be significant.

Recent traffic analysis by AECOM for Sydney Metro[1] has found that the North and South performance of the Falcon St / Alexander St Intersection was poor (LOS E or LOS F) during the weekday AM, weekday PM Peaks as well as during Weekend peaks.

Further, AECOM advised Sydney Metro that the "*95th percentile queues on Alexander Street (north and south approach) extend back to Burlington St and the Pacific Highway during all peak hours*". (See Table 1 below).

So, the North / South traffic flow at this intersection is already operating at capacity at all peak times, before incremental traffic movements are added from the Triangle site. The entry and exit points from the Triangle site are in the middle of congested traffic.

Table 1: AECOM report to Sydney Metro on Falcon St / Alexander St Intersection performance

[1] Block 2 Report Sydney Metro C&SW – Traffic and Interchange Modelling P56, 10 April 2024 prepared by AECOM

Table 5-19 presents a performance summary of this intersection.

Table 5-19 Block 2 - Intersection performance summary of CST14

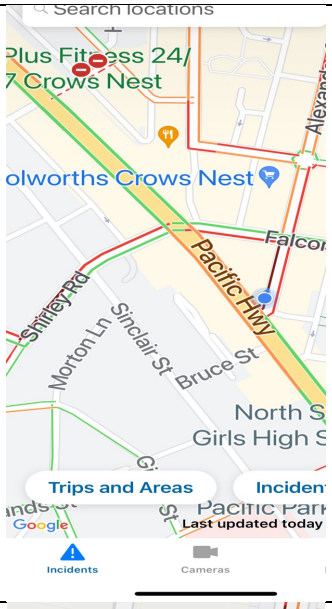
Intersection	Peak	Approach	Degree of saturation	Average delay (seconds)	95th percentile queue (metres)	LOS
Falcon Street / Alexander Street (Signal)	Weekday AM	South	0.664	68.8	98.6	LOS E
		East	0.445	19.6	98	LOS B
		North	0.539	53.8	84.4	LOS D
		West	0.364	2.8	32.8	LOS A
		Total	**0.664**	**24.9**	**98.6**	**LOS B**
	Weekday PM	South	0.561	70.6	102.6	LOS F
		East	0.475	22.3	115.4	LOS B
		North	0.518	54.5	97.1	LOS D
		West	0.408	3.5	44.8	LOS A
		Total	**0.561**	**25.4**	**115.4**	**LOS B**
	Weekend	South	0.659	67.8	96.2	LOS E
		East	0.796	36	220	LOS C
		North	0.78	89.8	123.7	LOS F
		West	0.494	3.6	45.3	LOS A
		Total	**0.796**	**33.8**	**220**	**LOS C**

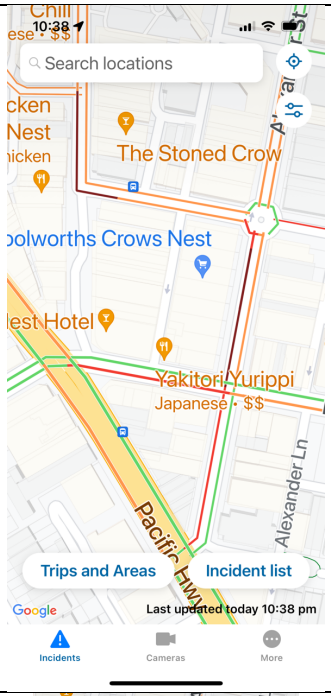
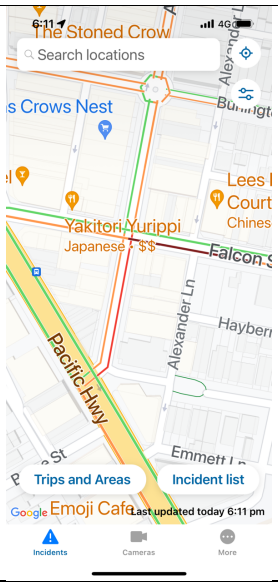
Overall, the intersection of Falcon Street and Alexander Street performs satisfactorily at LOS C or better during the peak hours. The 95th percentile queues on Alexander Street (north and south approach) extend back to Burlington Street and the Pacific Highway during all peak hours.

5.2.15 Comparison with previous study blocks

Figure 5-20 provides a comparison of the total peak hourly traffic volumes recorded across all intersections for the Block 1 and Block 2 study. As shown, Block 2 traffic volumes were slightly higher than Block 1 during all peak hours.

As a resident I can attest to the congested traffic on Alexander St and provide screenshots of LiveTraffic data below. Traffic is congested throughout the day on Saturday as well as in the evening and morning peak hours.

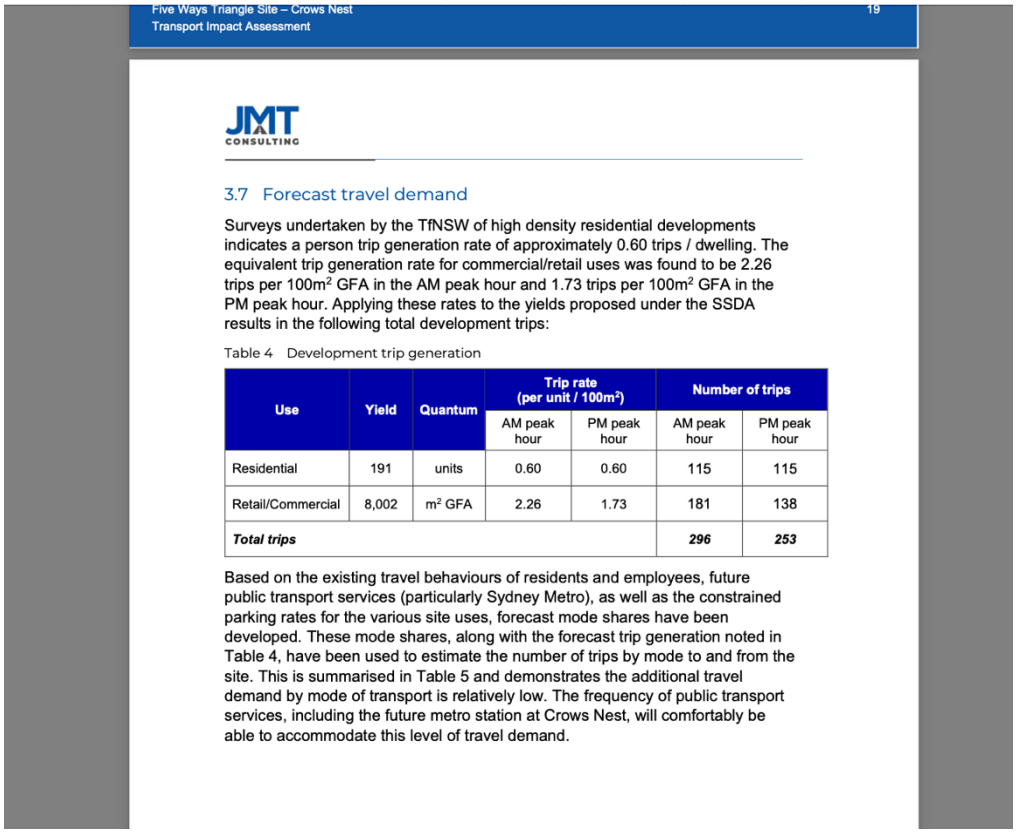
Live Traffic Saturday 1 June 2024 12.20pm	
Live Traffic Thursday 30 May 2024 5.51PM	

Live Traffic Thursday 30 May 2024 10.38PM	
Live Traffic Wednesday 29 May 2024 6.11PM	

The traffic studies for on behalf of the developer of this site continue to be flawed. In the last EIS, the developer conducted traffic studies during the Covid lockdown period. The new traffic consultant (JMT Consulting) has conducted another flawed study with a limited approach to data collection and somewhat biased approach to calculating traffic generation. The traffic counts undertaken by the consultant were undertaken in August 2023 after the closure of the Falcon St exit from the Warringah Freeway and do not provide meaningful information for the Falcon St / Alexander Street intersection. They are also not consistent with AECOM findings which are more current and independent.

JMT consulting calculates that the site will generate 296 trips per AM peak hour and 253 trips in PM peak hour using TfNSW standard trip generation. This would generate unacceptably high levels of traffic congestion and traffic queuing to Alexander St, Falcon St and the Pacific Highway.

Table 2: Forecast Traffic Generation from Triangle Site.



JMT CONSULTING

3.7 Forecast travel demand

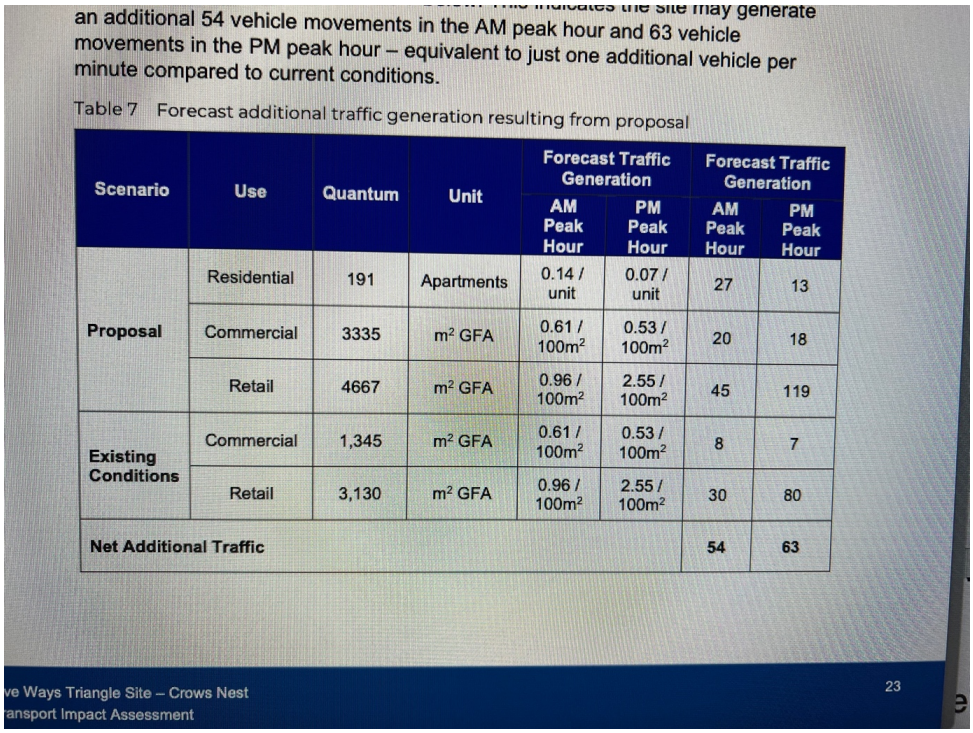
Surveys undertaken by the TfNSW of high density residential developments indicates a person trip generation rate of approximately 0.60 trips / dwelling. The equivalent trip generation rate for commercial/retail uses was found to be 2.26 trips per 100m² GFA in the AM peak hour and 1.73 trips per 100m² GFA in the PM peak hour. Applying these rates to the yields proposed under the SSDA results in the following total development trips:

Table 4 Development trip generation

Use	Yield	Quantum	Trip rate (per unit / 100m²)		Number of trips	
			AM peak hour	PM peak hour	AM peak hour	PM peak hour
Residential	191	units	0.60	0.60	115	115
Retail/Commercial	8,002	m² GFA	2.26	1.73	181	138
Total trips					***296***	***253***

Based on the existing travel behaviours of residents and employees, future public transport services (particularly Sydney Metro), as well as the constrained parking rates for the various site uses, forecast mode shares have been developed. These mode shares, along with the forecast trip generation noted in Table 4, have been used to estimate the number of trips by mode to and from the site. This is summarised in Table 5 and demonstrates the additional travel demand by mode of transport is relatively low. The frequency of public transport services, including the future metro station at Crows Nest, will comfortably be able to accommodate this level of travel demand.

Further, the consultant has provided misleading information to TfNSW in the following table which calculates forecast Net Additional Traffic generation resulting from the proposal as follows in Table 7 from the JMT report.



an additional 54 vehicle movements in the AM peak hour and 63 vehicle movements in the PM peak hour – equivalent to just one additional vehicle per minute compared to current conditions.

Table 7 Forecast additional traffic generation resulting from proposal

Scenario	Use	Quantum	Unit	Forecast Traffic Generation		Forecast Traffic Generation	
				AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour
Proposal	Residential	191	Apartments	0.14 / unit	0.07 / unit	27	13
	Commercial	3335	m² GFA	0.61 / 100m²	0.53 / 100m²	20	18
	Retail	4667	m² GFA	0.96 / 100m²	2.55 / 100m²	45	119
Existing Conditions	Commercial	1,345	m² GFA	0.61 / 100m²	0.53 / 100m²	8	7
	Retail	3,130	m² GFA	0.96 / 100m²	2.55 / 100m²	30	80
Net Additional Traffic						**54**	**63**

ve Ways Triangle Site – Crows Nest
ansport Impact Assessment
23

One could debate whether the traffic generation per parking space should be hypothetically reduced from standard TfNSW guidance as the consultant has advised in the table above. This gives the impression of "massaging" the data to arrive at the desired outcome.

However, the Department of Planning cannot accept that the Existing Traffic conditions of 38 traffic movements in the AM peak and 87 traffic movements in the PM peak can be deducted from this analysis to give the Net Additional Traffic calculated above. This is patently false and verging on the ridiculous as the site currently only has 6 driveway car parking spots which are not generally used. It is physically impossible for the site to generate the traffic described in the Table above as "Existing Conditions". There is virtually no traffic generated by the existing site as not only is practically no parking available, but most of the site is closed and derelict with only a few shops operating around the ground level.

<u>The Department must take into consideration the impact that the significant volume of traffic that will be generated by parking provided to the road network in this area and ensure that a more complete analysis of the road network is undertaken.</u>

I would also emphasise that all of the traffic data provided above has been generated since the offramp from the Warringah Freeway to Falcon St has been temporarily closed for the Western Harbour Tunnel (WHT) construction. So, traffic counts taken after this temporary road closure generate traffic data for Falcon St which are artificially low as they have been taken at an unrepresentative point in time. The Department would be aware that traffic on Falcon Street will increase significantly when the Falcon St offramp is re-opened in 2028. Infrastructure Australia forecast that the WHT will carry 83,000 vehicles a day. Given that the Beaches Link extension to the WHT has now been cancelled, much of the WHT traffic will now offramp onto Falcon Street in North Sydney, to exit through Falcon St to final destinations.

Similarly, the Department should consider the cumulative impact on traffic generated by developments associated with the broader St Leonards-Crows Nest 2036 plan.