

**Amended Concept Development Application (SSD-9579) for an Over Station Development (OSD) above the new Crows Nest Metro Station including maximum building envelopes, gross floor area, conceptual land uses, car spaces and signage zones.**

**Supplementary Submission by Wollstonecraft Precinct Committee (to Preliminary Submission lodged by closing date of 6 October 2020)**

E: [Joina.Mathew@planning.nsw.gov.au](mailto:Joina.Mathew@planning.nsw.gov.au)

**Background:**

Wollstonecraft Precinct met on 14 October to discuss this supplementary submission based on the Report to Wollstonecraft Precinct prepared by the writer in three parts:

- Part A: Summary and Comment on the 2036 Final Plan
- Part B: Summary and Comment on RtS and amendments to the OSD concept proposal
- Separate: A draft Submission on the RtS and amendments to the OSD concept proposal

These were all prepared in the short time available with the intent that residents would have the opportunity to prepare their own submissions or alternatively could simply support the submission that would be lodged within the few days remaining on the closing date of the exhibition of the amended OSD concept proposal. Or they could wait to discuss the matter at the scheduled precinct meeting to have input into this supplementary submission.

The Precinct now wishes to commence by including as part of this supplementary submission, copies of Part 'A' and Part 'B' of the above mentioned report. Together, these provide important information and facts about the manner in which Sydney Metro and the Department of Planning and Environment (DPIE) collaborated closely on the 2036 Plan Rezoning Proposal and the original OSD Concept Development Application almost continuously since the publication of submissions on the OSD. And before that, on the rezoning proposal prepared by the DPIE.

The introduction in our preliminary submission covered this close collaboration in more detail which requires no further comment except to note that collaboration (or more correctly, consultation) with the community was at arms-length.

**Supplementary Comments:**

The meeting on 14 October unanimously endorsed the Preliminary Submission.

Precinct also resolved to reinforce the community's fundamental opposition to the height, scale and bulk of the OSD buildings and to the exclusion in the amended concept proposal of any prescription for job creation initiatives for those buildings. It also notes that construction traffic will impact the community until at least 2024 and if as proposed, until the OSD is completed sometime after opening of the City and Southwest Metro project.

The following supplementary information and comments are submitted:

### **The Amended Concept Proposal:**

Our preliminary submission included this table: but excluded the attachment

	Original Proposal	Amended Proposal	Increase/Decrease
Envelope Area (Sqm)	9912	8003	-19.3%
Net Face Area (Sqm)	7930	7469	-5.8%

The attachment demonstrating our claim that the amended concept building on Site A was 6% less (not 20% less) than the original concept application is now included.

#### **6.4.1 Land Use**

##### **Issue – employment outcomes - Comment:**

The response from Sydney Metro results in overdevelopment of Site A.

Our Conclusion included this statement:

A better solution would be to both reduce height and also have the government fund job creation initiatives - a recommendation of its own consultants in the draft SLCN 2036 plan.

We further suggest that in the next phase of approval, prescriptive clauses in the documents be included such that the Ministry of Industry support the development of Site A for genuine job creation initiatives (rather than for commercial office rental) by reserving space and offering cash and non-cash incentives for qualifying start-ups such as:

- grants for qualifying industries;
- payroll tax exemptions;
- long term lease rental-free periods;
- interest-free loans for fit-out and high tech equipment

Consideration also be given to encouragement of community amenity facilities such as a theatre or arts centre by way of similar incentives.

##### **Construction Traffic:**

The amended proposal states that the OSD buildings on Sites A and B will subject to a design and construction contract that would see completion of those buildings after the date of opening of the City and Southwest Metro project. In that case construction traffic would be a continuing adverse impact on the community and the enjoyment of the facilities included in the podiums. Every effort should be made to avoid this adverse impact by having the two projects completed at the same time.

## **Report to Wollstonecraft Precinct St Leonards Crows Nest Final 2036 Plan and Crows Nest Over Station Development (SSD-9579)**

On 29 August 2020, the Department of Planning and Environment (DPIE) released the Final St Leonards Crows Nest 2036 Plan. The Final Plan includes the State-led Rezoning of the three sites owned by Sydney Metro for the Crows Nest Over Station Development.

On 8 September 2020, Sydney Metro released its Response to Submissions (RtS) Report on submissions to the Concept Proposal (SSD-9579) which had been previously exhibited between October 2018 to February 2019. The RtS includes details of the Amended Project which responds to the Submissions and to the DPIE Final Plan.

**Purpose:** The purpose of this report is to provide:

- **Part A: Summary and comment on the Final Plan and supporting documents;**
- **Part B: Summary and comment on the RtS and amendments to the Crows Nest OSD concept proposal;**
- **Separate: Draft Submission**

### **Part A: [St Leonards Crows Nest Final 2036 Plan](#)**

This site contains a package of documents including:

- [St Leonards Crows Nest 2036 Plan](#)
- [Finalisation Report St Leonards Crows Nest 2036 Plan](#)
- Cardno Base Modelling Report Traffic and Transport Study
- Cardno Future Year Report Traffic and Transport Study
- St Leonards Crows Nest Local Character Statement
- [St Leonards Crows Nest Green Plan](#)
- Special Infrastructure Determination SLCN Determination
- Urban Design Study October 2020 Version 17

### **Press Releases:**

The Minister for Planning issued one media release on 29 August titled:

**A vibrant and green future secured for St Leonards and Crows Nest in 2036 Plan.**

On the same day, the SMH had published by 12:00 am, an article headed: **Development plans for Sydney's north shore scaled back after outcry.**

It is clear that the SMH had received a briefing from the Minister and/or the DPIE prior to the date of Minister's Media Release and was directed to features that would give the impression to readers that the government had listened to the community and made significant concessions. Features where the government has ignored the community's submissions appear to have been downplayed or ignored. The Mayor of North Sydney must have also been briefed at about that time.

Copies of both the media release and the SMH article are contained in Appendix A to this report. Quotes from those documents are used below to address each issue that is of concern to us.

Whilst the Final Plan has been gazetted this does not prevent criticism of the report and the manner in which it has been concluded. The proposed amended project for the OSD must be vigorously opposed.

## 1. The Community Submissions summarised:

In order to understand the Final Plan it is appropriate to summarise the community submissions and compare them with the outcomes:

What we objected to	What we got
Excessive height of buildings on Highway	Excessive extra height of buildings on Highway and on Oxley/Christie/Nicholson
Open sky with plenty of light	Reduced open sky and light
No overshadowing of Crows Nest village	Overshadowing of Crows Nest village
No high rise residential	~ 60% reduction in high rise residential on OSD but increase in other areas
High density residential (wanted medium rise)	High density residential
More commercial office space	A glut of commercial office space
Infrastructure: <ul style="list-style-type: none"> <li>• Education facilities urgency</li> <li>• More open space to match population</li> <li>• Road improvements to ameliorate traffic congestion</li> <li>• Health facility expansion</li> </ul>	Infrastructure: <ul style="list-style-type: none"> <li>• Thinking about education facilities</li> <li>• 18% reduction even after adding Holtermann St Park</li> <li>• Five minor initiatives of doubtful long term benefit</li> <li>• Nothing announced</li> </ul>
Reduction in height of buildings south along Pacific Highway from Oxley	An increase in height of buildings south along Pacific Highway
Protection of East Wollstonecraft	Overshadowing of East Wollstonecraft
Dedicated community amenity in OSD buildings	No dedicated space but agreed early payment of a s7.11 contributions on OSD
No above ground car parking in OSD	Reduced above ground car parking in OSD
Job creation initiatives in Crows Nest	No job creation initiatives in Crows Nest
Rezoning of Metro Sites: <ul style="list-style-type: none"> <li>• No high rise residential</li> <li>• No high rise buildings</li> </ul>	Rezoning of Metro sites: <ul style="list-style-type: none"> <li>• High rise residential</li> <li>• High rise commercial buildings</li> </ul>
Significant Site certainty on height	Significant Site designation deleted and heights nominated
Elimination of Planning Proposals	Planning Proposals remain
St Leonards South poor planning	Adoption of LC Council amended proposal

**The nett effect is a huge loss of amenity and significant overdevelopment.**

## **2. Claims of the DPIE vs the Facts - Building Heights:**

*“The maximum height of new towers and the number of apartments planned over the next two decades for a part of Sydney's north shore have been scaled back from earlier plans, after community concerns about overdevelopment.*

*The NSW government has cut the allowable building heights at five sites in St Leonards and Crows Nest by between 13 and 23 storeys. The tallest buildings permitted – on a site abutting the Pacific Highway – has been capped at 42 storeys, down from 61.*

*Two other areas on the Pacific Highway have had their building height limits cut from 58 to 35 storeys, and from 46 to 30 floors, respectively. Another site at Atchison Street in St Leonards has also had building heights reduced from 48 to 35 storeys.”*

### **Building Heights Facts:**

There were 5 sites in the Draft Plan that had no heights specified. All five were nominated as Significant Sites, future development of which would be the subject of a detailed design excellence study to justify all features of the development including height. One site in particular – the Five Ways site bounded by the Pacific Highway, Falcon and Alexander Streets has been allocated as a marker site, at 16 storeys despite North Sydney Council proposing an 8 storey height in a current planning study.

Whilst the government has provided some degree of certainty on these Sites which in itself was called for, it has at the same time justified its claims by ‘fabricating’ a theoretical height for each of those Significant Sites to give the impression they have significantly reduced the height to satisfy community concerns. The government has provided misleading information to make itself appear conciliatory.

But the opportunity to increase height (spot rezoning) on any site in the precinct remains possible by the retention of a design excellence clause to ensure best practice urban, architectural and landscape design for the sites. The applicant must satisfy the Secretary of the DPIE that the proposed development meets all the critical objectives of the Plan. This is an example of taking away with one hand and leaving the door open for giving back with the other.

In Section 03 Built Form of the Final Report, the claim on Height reads:

*“A height expectation of taller buildings (up to 50 storeys) between the St Leonards and Crows Nest stations has already been set by recent approvals along the Pacific Highway between Oxley Street and Herbert Street.*

*Detailed urban design analysis has informed the Plan’s recommendation that 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.*

*A reduction in height between the two peaks provides an opportunity for solar access for areas to the south of the Pacific Highway.*

*The two peak concept includes a transition in height, bulk, and scale stepping down from the highway. Consideration of fit, transition and off-site amenity impacts are incorporated in key objectives of the Plan which will be considered as part of future development”*

Regrettably, solar access in Crows Nest village and East Wollstonecraft is severely compromised by the plan. Transitions are no such thing; they are cliffs which demonstrates that the peak at Crows Nest remains far too high. The precedent set at St Leonards is not a justification to do the same at Crows Nest.

St Leonards is a soulless, cold, windy and uninviting place that it is not a role model to be replicated.

The DPIE has actually increased heights on at least 29 other sites in the Precinct:

- The whole block on the western side of the Pacific Highway between Oxley and Hume Streets has been increased by 33% from 18 storeys in the Draft Plan to 24 storeys in the Final Plan. The result will be a 75 metre deep chasm along the highway with overshadowing onto the low rise residential area of East Wollstonecraft along Nicholson Street. The community which asked for lower heights than in the draft plan has been ignored and the developer’s proposals accepted.
- The whole triangular block bounded by Nicholson Street, Oxley Street and Christie Street in St Leonards has been increased by as much as 12 storeys to 30 storeys, more than doubling the density compared with the Draft Plan. Other instances of developer preference over community and complete disregard for owners of newly completed apartments in the adjacent Mirvac St Leonards Square project, the Landmark and JQZ developments.
- The Pacific Highway between Shirley Road and Bruce Street site was all 8 storeys in the Draft Plan. 40% of the block has been increased by 5 storeys to 13 storeys resulting in a 25% increase in overall density of this site compared to the Draft Plan.
- Site on the north side of the Pacific Highway between Gore Oval and Herbert Street increased by 7 storeys from 18 to 25 storeys representing a 39% increase in density.
- The Crows Nest OSD Building on Site C has been increased by one storey to 9 storeys. This is a site where there was a good opportunity for a low rise structure dedicated to ground floor retail aside the station entrance and more open green space to join with Hume Park.
- St Leonards South Residential Proposal where the final number of dwellings will exceed 2000 has building heights increased by an average of 2 storeys on 23 sites leaving open the opportunity for developers to explore a loophole that could add hundreds of dwellings on this steeply sloping site. Loopholes create opportunities for corrupt activity.

### **3. Press Releases - Green Space Claims:**

*“We have listened, with significant changes made to the final plan to ensure St Leonards and Crows Nest will be a greener, thriving employment hub with better transport and pedestrian connections...”*

**Fact:**

This is not true. No one has 'listened' on the real issues that affect the community, least of all the Minister whose statement is misleading. The Minister was invited on at least two occasions through the DPIE and the local MP to do a walk around the precinct before making any determination. This was never acknowledged. Decisions have been made by bureaucrats who will not experience the loss of open space that will occur over time.

The final plan has no new extra open space over and above what was offered in the draft plan. The Metro Park over the Holtermann St car park is a substitute for the expansion offered for Hume St park, now abandoned. The community will be worse off because of the increased population and will be starved of extra space. Worse still, the draft plan and the final plan both include 8.3 hectares of space that lies outside the Precinct boundary. Of this, 7.98 hectares is 'under investigation' meaning that it is not realised and may never eventuate.

*Member for North Shore Felicity Wilson said the plan includes the forward funding from the NSW Government for the delivery of a new park in partnership with North Sydney Council. The existing carpark on Holtermann Street will be moved underground to make way for a vibrant green core in the centre of Crows Nest. "We have secured a massive \$78 million for new and improved public spaces across St Leonards and Crows Nest, including the new 'Metro Park' on Holtermann Street for our community that will be delivered ahead of Metro development," Ms Wilson said.*

**Facts disclosed since the announcement:**

North Sydney Council will begin preparing plans for the project for community consultation under a forward grant of \$2.5 million from the NSW government and has promised an initial \$15 million for construction. Any shortfall will be topped up in addition to a \$7.11 voluntary Planning Agreement payments promised on approval of the OSD development application expected in 2021. The target date for completion is 2024. The NSW government is grandstanding. Funding for new open space was promised in the draft plan and now all they are doing is quantifying the previous commitment.

**Open Space Facts from the Final Green Plan:**

Draft/Final Green Plan	Green Space Location	Area (Ha)	For Investigation (Ha)	Visionary (Ha)
	Within the Precinct Boundary	12.7	0.66	
	Outside Precinct Boundary	8.31	7.98	0.33
<b>Existing Space</b>		<b>21.0</b>	<b>8.64</b>	<b>0.33</b>
	Previous New open space	3.53		
	New open space	0.96		
	New linear parks	2.68	0.44	

	New rooftop Herbert St	1.4		
<b>New Space</b>	<b>Total additions</b>	<b>8.57</b>		
<b>Green Plan</b>		<b>29.57</b>	<b>9.08</b>	<b>0.33</b>

### Summary of the (Final) Green Plan:

#### In 2018:

- Total Green Space in the SLCN Precinct 21.0 Ha (8.3 Ha outside the boundary)
- Total Population in the Precinct (2018) 15,581
- Ratio green space Ha/1000 population 1.37

#### In 2036:

- Total Green Space in the SLCN Precinct 29.6 Ha (8.3 Ha outside the boundary)
- Total Population in the SLCN Precinct 26,400
- Ratio green space Ha/1000 population 1.12 (-0.25 Ha) or (- 18%)

#### Conclusions:

- The Press Release is not supported by the facts. 8.3 Ha of the space is outside the Precinct boundary and requires further investigation. At best, 29.6 Ha is an aspirational target.
- The community will be far worse off for Green Space in 2036 than it is now.
- Open space/1000 population is reduced in the final plan compared to the draft plan.
- **The 2036 Plan is significant overdevelopment**
- Planned increase in dwellings should be reduced and/or more open space dedicated.

### 4. Press Release - Key Changes to the Plan:

- *A 10 per cent reduction in new dwellings;*

**Green Plan Dwellings Facts:** 10 per cent reduction in new dwellings is not supported by the facts. The DPIE's own document shows that new dwellings actually increase by 618 (+9%) to 7418 when compared to the draft plan.

<b>Green Plan</b>	<b>Existing Dwellings</b>	<b>Proposed Dwellings 2036</b>	<b>Increase</b>	<b>Increase</b>
2018 Draft	8,000	14,800	6,800	
2020 Final (corrected)	10,200	17,418	7,418	
Difference	2,200	3,418	618	+9.1%

- *Doubling the employment space, with an extra 119,979sqm of commercial floor space to support more than 16,500 jobs;*

### Green Plan Employment Space Facts:



An extra 119,979 sqm of commercial space does not agree with the Green Plan. The DPIE's draft green plan produced in 2018, shows the increased commercial floor space was 110,000 sqm. At that time, the extra jobs aspirational high target for new jobs was 16,500 so nothing has changed in that regard. The final green plan produced in 2020 shows that existing non-residential floor space had reduced marginally but the extra commercial floor space had reduced by almost 25,000 to 85,188 sqm.

Green Plan	Existing Non-Residential Square Metres	Proposed Non-Residential Square Metres	Increase Square Metres
2018	740,000	850,000	110,000
2020	736,000	821,188	85,188

## 5. State Led Rezoning Proposal for the Metro OSD

In response to submissions received, DPIE in close collaboration with Sydney Metro undertook key changes to the original proposal as exhibited in 2018/19:

- Amendments to the building envelopes and heights, including a claimed 20 per cent reduction in the overall size of the building envelope.
- Changes in proposed land use to significantly increase the amount of employment floor space.
- Changes to the configuration and reduction in car parking.

The claimed 20 percent reduction in the building envelope is challenged as being misleading because it ignores comparison of the nett area of the east west faces of the commercial building on Site A with the same faces of the residential building on Site A as originally exhibited. Our conservative analysis is shown on Attachment 'A'. The summary is as shown below:

	Original Proposal	Amended Proposal	Increase/Decrease
Envelope Area (Sqm)	9912	8003	-19.3%
Net Face Area (Sqm)	7930	7469	-5.8%

Further discussion is included in Part B of this report

## 6. The Final Plan - What they heard (and what they did): Our Comments

- a. **Road Upgrades:** The five initiatives are a small step in the right direction but only partly address the current population and traffic density. It is not enough to calm and cope with the additional traffic generated by an influx of 11,000 more people.
- b. **Heritage and Local Character.** The community made strong comments about protection of the village of Crows Nest (not just Willoughby Road) and also East Wollstonecraft which need solar access protection. The DPIE ignored these comments. The tall buildings over the station and opposite on the Highway will cast long shadows over the village west of Willoughby Road and over the low

rise residential area of East Wollstonecraft, blocking out sky views and creating wind tunnels that help destroy the fine grain nature of that part of the village.

- c. Education Facilities (critical infrastructure).** The community was very vocal about the paucity of planning in regard to education facilities and the increasing pressure on schools. The draft plan mentioned at least one high school and one primary school were both desperately needed. The Dept of Education's response that they are actively investigating early childhood schools and tertiary education facilities in the precinct shows nothing substantial has been done in the 22 months since a similar statement in the draft plan.

We note a recent concept proposal for a vertical school in what would be a high traffic area in the Herbert Street Precinct but if this is part of their solution it requires urgent community consultation. The Department of Education's forward window means that they are falling even further behind than they were in 2018. This is totally unacceptable from such a critical infrastructure provider. The infrastructure must come before, not after the increases in population. The teachers who offered strong criticism of the current situation have been ignored by a bureaucracy that is well below the standard expected of it. We would like to see this aspect of the plan given higher priority so that construction of more education facilities can be fast tracked.

## **7. The Finalisation Report:**

This report consists of 48 pages that seeks to justify the Final Plan plus another 17 pages of an Appendix A - Site Specific Submissions with each submission disclosed in detail.

An overview and summary of Community Submissions commences on page 8 and continues through to page 10. There were 2,157 formal submissions recorded of which 2,063 came from the community:

- a. 831 on three documents - Local Character Statement, Green Plan and the 2036 Plan (of which approximately 500 were form documents);
- b. 708 on the Rezoning Proposal for the OSD and
- c. 524 on the SIC (of which 500 were form documents)

The DPIE appears to have discounted the community submissions on the basis that approximately 500 submissions were form documents - ignoring the fact that this was a massive and complex undertaking over a long public holiday period. This apparent discounting is unfair – the community was unanimous in its submissions.

Fifty nine (59) landowners were the next highest number of submissions recorded, all requesting up-zoning of their sites in one form or another (Significant Site; heights and/or FSRs). As evidenced by the increased height allocated for the more than 29 sites referred to above, the DPIE has favoured developers above the community.

The finalisation report Response to Submissions deals with Excessive height and scale of Proposed Development and commences on page 15. The response relies upon the

Urban Design Study by consultants SJB and the 'two peak' approach recommending that heights be concentrated around the two stations with transitions in between and down to the lower rise areas. Anyone who has read this would understand its theory, but its implementation is flawed because the peak at Crows Nest is excessive by any standard.

The community argued that this approach by Sydney Metro was flawed when they proposed heights up to 27 storeys over the metro station and 18 storeys on the opposite side of the highway. In the end what we got was a meagre reduction in height of 7.4 metres (2+storeys) for the building on Site A, offset by an increase of 6 storeys for the buildings on the block on the opposite side of the highway. The community was unanimous about this argument and asked for significant height and scale reductions to both sites but the DPIE sided with the consultant and Sydney Metro. They did not listen and have breached our trust on these two sites. It is a serious error and totally unnecessary.

The Finalisation Report includes discussion on several other elements such as: reduction in dwelling numbers; increase in commercial office space and extra open space. These have been addressed above in relation to the media release and SMH article statements.

**Final Plan Conclusion:**

The finalisation report concludes with this statement: "The Department has undertaken a detailed assessment of the issues raised in submissions and is satisfied that the final 2036 Plan has satisfactorily addressed the issues raised."

**Community Conclusion:**

The community is not at all satisfied that all of the issues raised in the submissions have been properly addressed. The DPIE has made significant negative changes that are neither justified nor supported by facts.

## **Part B: Crows Nest Over Station Development (SSD-9579)**

On 8 September, the DPIE gave Notice of a Re-Exhibition of an amended concept proposal for the Crows Nest Over Station Development (SSD-9579). The Response to Submissions (RtS), amended Concept Proposal and Environmental Impact Statement were exhibited from Wednesday 9 September and will remain open to Tuesday 6 October 2020 (this being the statutory minimum requirement of 28 days.) Anyone wishing to make a submission on these documents must lodge it with the DPIE by midnight on Tuesday 6 October.

Documents are accessible electronically on the Department's website:

(<https://www.planningportal.nsw.gov.au/major-projects/project/11506>)

Wollstonecraft Precinct made a formal request for an EOT to lodge its submission by Sunday 18 October this being two business days plus a weekend after the scheduled Precinct Committee meeting on Wednesday 14 October.

The request was rejected outright with an explanation that the DPIE must commence assessment of the Amended Project application in order to achieve its timeline for finalisation.

Subsequently, in a phone call on 18 September, the Project Contact Planner advised the Wollstonecraft Precinct Chairperson that it would be acceptable to lodge a principal issue submission by the due date of 6 October and then follow up with a supplementary submission on 18 October.

Exhibition of the original proposal closed on 8 February 2019. Sydney Metro had more than enough time in the 18 months since, to prepare and lodge a Submissions Report and DPIE also enough time to prepare its notice of re-exhibition of the Amended Project. By contrast the community is required to prepare and lodge its submission within 28 days which includes weekends, a public holiday and by coincidence in the middle of school holidays.

The Dept of Planning wrote to Sydney Metro in December 2019 requesting that a submissions Report be prepared but recommending that it should be on hold until such time the rezoning proposal of the Metro sites is finalised. The rezoning proposal was finalised when the St Leonards Crows Nest 2036 Plan was finalised on 29 August 2020. It is now very clear that the RtS was not kept 'on hold' as recommended. It is clear that the DPIE and Sydney Metro had been in close cooperation throughout much of 2020 and that the RtS is the outcome of that close cooperation.

In other words, the applicant and the determining authority conspired to arrive at a mutually agreeable solution that would attempt to satisfy the community and agency submissions and objections, particularly in regard to height, bulk, overdevelopment and overshadowing. That this relationship was a conflict of interest appears not to be of concern. The parties have devoted considerable energy, time and cost using outside consultants to ensure that the next phase of consultation would be a foregone conclusion on the basis that the community has to accept the rezoning of the Metro sites as determined by DPIE and that 655 objections are now largely irrelevant.

It is noted that the Crows Nest Station which is Critical State Significant Infrastructure (CSSI) is already approved. It includes the station entrance in Building C and the two podiums above ground for Buildings B and C. This will be a separate construct only contract that must be completed in time for the Sydney Metro City and Southwest project to commence operations in 2024. This part of the project is not open for further community consultation.

Sydney Metro's contribution to community benefit simply put, is the station itself and the associated works it will do in relation to access (the traditional role of a transport provider). It will also build and provide space for retail activities within the podiums which will be recovered in rentals. And it will pay North Sydney Council s7.11 contributions under Voluntary Planning Agreements in lieu of making dedicated space available in the three buildings. All income from the development of the OSD will be solely for the benefit of Sydney Metro.



Photomontage of the Amended OSD Project showing Buildings A & B atop the Station Podiums  
Note: a) the sign on Building A hides the top section to give an impression of reduced bulk and  
b) the impression of a vertical gap in the middle of the building that is not supported by the indicative plans .

Buildings A and B will be a separate design and construct contract that will be completed later. However, the podiums on these two sites will include space for OSD building lobbies and stairs. Comparison with the original exhibited conceptual application is shown overleaf.





Photomontage of the OSD buildings as exhibited in 2018:  
 Note the false impression due to larger scale of this image that this original project is very much larger than the amended concept proposal

The two images are shown at different scales which gives a misleading impression that the amended project is very much smaller than originally exhibited. Yet, the only change to the envelope is a height reduction of 7.6 metres to Building A and a truncation of the south face, offset by elimination of the large vertical gap between the two towers as originally exhibited. According to Sydney Metro this envelope is 20% less than the original proposal. However, it is one building, not two and will be a very imposing frontage over the full block. In reality its bulk is reduced by 6% not 20%.

The claimed 20 percent reduction in the building envelope is challenged as being misleading because it ignores comparison of the net area of the east west faces of the commercial building on Site A with the same faces of the residential building as originally exhibited. Our conservative analysis is shown on Attachment 'B'. The summary is as shown below:

	Original Proposal	Amended Proposal	Increase/Decrease
Envelope Area (Sqm)	9912	8003	-19.3%
Net Face Area (Sqm)	7930	7469	-5.8%

## **The Submissions Report (RtS):**

[The Submissions Report \(RtS\) can be viewed here.](#)

Concept drawings of the amended project are contained in several Appendices of the RtS:

- A. [Architectural drawings of proposed OSD amended building envelope:](#)
- B. [Architectural drawings of indicative OSD design](#)
- C. [Built Form and Urban Design Report](#)
- D. [Updated Design Guidelines](#)

There is also a copy of the [Request for Response to Submissions](#) sent to Sydney Metro from the Department of Planning recommending that their RtS be on hold until such time the rezoning proposal is finalised.

Sydney Metro and the DPIE have collaborated closely on this RtS with the result that an updated rezoning proposal for the OSD was included in the Final Plan that matches the Amended Project envelope. So, it is fair to say that the two organisations are as one in regard to the rezoning proposal and to the buildings that fit into the envelope.

### **1. The Submissions Response (RtS) for the OSD**

The concept proposal if approved will result in the OSD being fully integrated within the station development, the associated ground plane, and public domain works which will be delivered under the terms of the CSSI Approval for the station. No physical works are proposed under this concept SSD Application. Approval for the physical works and associated final building design will be the subject of future detailed SSD Applications. Site C will be the subject of a construct only contract as part of the Station (CSSI-already approved). Sites A and B will be the subject of a separate (design and construct) contract with completion date some-time after the opening date of the City & Southwest project.

The exhibition of the original proposal received 677 submissions:

655	Community
10	Community Interest Groups
12	Govt Agencies and Councils

North Sydney Council was one of the two Councils that made submissions. A separate RtS in relation to Govt Agencies and Councils has not been considered in this report.

Sydney Metro listed the following Key issues for the community:

- Land use
- Overshadowing
- SSI related issues
- Overdevelopment
- Planning process
- Built form

- Public domain and open space
- Vehicular traffic and parking
- St Leonards and Crows Nest 2036 related issues
- Communication and engagement
- Environment and protection
- Social issues.
- Fire hazard
- Pedestrian circulation

Our comments on some of these issues are listed below:

#### 6.4.1 Land Use

##### **Issue – employment outcomes - Comment:**

The response from Sydney Metro results in overdevelopment.

The 2036 Plan states this about employment:

*“Employment uses in Crows Nest are mainly local retail shops, population serving businesses, and smaller professional services businesses.*

*Willoughby Road and the surrounding streets that form part of the Crows Nest village will retain their current planning controls to maintain the vibrancy and character of this important high street.*

*A similar balance of mixed-use developments and standalone commercial sites are proposed closer to the Crows Nest Station and St Leonards”.*

The non-residential floor space in the three Metro buildings on Sites A, B and C totals 47,636 sqm. The amount of non-residential extra floor space in the whole precinct according to the Final 2036 Plan has been boosted to 119,979 sqm to support an extra 16,500 extra jobs. On a pro-rata basis, 47,636 sqm should be enough to support 6,520 jobs. Sydney Metro quotes 2,225 jobs. Which is correct?

The office building at Victoria Cross station has ~56,000 sqm of floor space supporting up to 7,000 jobs (8 square metres/occupant) according to the project update that announced final approval in July (see Attachment ‘C’). This would appear to be more appropriate.

The high target for extra jobs for Crows Nest is 3,020. At 8 sqm/occupant the amount of floor space needed for Crows Nest is 24,160 sqm, just over half of the amount in the three Metro Sites.

St Leonards high target for extra jobs is 4,570 but these jobs can be accommodated in St Leonards. There is plenty of mixed development non-residential office space completed, under construction, approved or under consideration north and west of Oxley Street to take up that number of extra jobs.

**Conclusion:** The amount of office space being provided by Sydney Metro is twice as much as needed for Crows Nest and therefore Building A should be drastically



reduced in height leading to less floor space. This would help reduce the over shadowing of the Crows Nest Village which has been largely ignored in the extensive analysis that has narrowed consideration to only over shadowing on Willoughby road, Ernest Place and Hume St Park.

#### **6.4.2 Overshadowing**

##### **Issue – overshadowing of residential areas west of the Pacific Highway – Comment**

The response relies on the narrow and barely acceptable principle of maintaining a minimum of two hours solar access to key living areas mid-winter. The writers of the response should ask themselves if they would purchase a property that is so affected by this principle, as their permanent or primary place of residence. Clearly no, so why should existing property owners have to accept it.

It is acknowledged that the new commercial office building on Site 'A' has a changed envelope, but the 20% reduction is misleading. The envelope ignores the fact there were originally two towers proposed on this block with a large gap between.

Taking into account the net area of the western faces, the commercial office building even with the steps towards the south, is only 6% less than that of the twin towers. Hence its bulk and scale will be a blot on the landscape and will forever block out sky views as well as reducing solar access. It will be entirely out of context with the low rise suburb of East Wollstonecraft and the Crows Nest village.

The shadow diagrams for this building, ignore what will now be a future 24 storey mixed use/residential development on the opposite side of the highway. Shadows from that building in the afternoon will eliminate the effect of the stepped face of the OSD building A and as a result worsen the effect of shadowing to Willoughby Road.

Sydney Metro must be forced to take this into account.

The response makes no effort to address the overshadowing of properties in East Wollstonecraft affected by the 17 storey residential tower. A caring society that prides itself in a fair go for all, can do better than to spoil the amenity of established residents in East Wollstonecraft.

##### **Issue – overshadowing of Willoughby Road – Comment**

The response relies on the strict reading of all relevant provisions of the SEARs. It chooses not to take note of the Crows Nest Placemaking and Principles Study as being a relevant matter for consideration.

This is unreasonable. Willoughby Road is the heart of Crows Nest. The DPIE through the SEARs document considers it irrelevant and casts it aside without further thought to the residents who traverse it every day, all day. Clearly the residents are secondary to the DPIE but Sydney Metro which holds itself high as a creator of

improved place and public amenity, does not have to strictly follow the rules. The southern end of Willoughby Road south of Burlington Street is earmarked for closure as a pedestrian plaza and regardless, it needs to be protected at all times from additional overshadowing as does the whole street. Metro should be asked to review this aspect and make adjustments to the residential tower as well as to the height of the commercial office tower.

### **Issue – overshadowing of Hume Street Park – Comment**

The response relies on the strict reading of all relevant provisions of the SEARs. It chooses not to take note of the *Crows Nest Placemaking and Principles Study* as being a relevant matter for consideration.

This is completely unreasonable. Hume Park is small and desperately needs sunlight all year round as envisaged in the *Crows Nest Placemaking and Principles Study*. Crows Nest is the shopping, restaurant and meeting place centre for Crows Nest, St Leonards and Wollstonecraft. It is highly utilised and anything that impacts on amenity of public spaces is abhorrent. Hume St Park is to be upgraded and embellished but it will forever be a small but important asset for residents. It must be protected at all costs. The attitude of Sydney Metro is unacceptable and must be changed to one that recognises the hundreds of objections to the proposed development. We ask that you reconsider this matter and change the design to comply with North Sydney Council's competent and widely accepted requirements as defined in the *Crows Nest Placemaking and Principles Study*.

### **Overdevelopment**

#### **Issue- proposed development is contrary to the 'village atmosphere' – Comment**

The response that the OSD will provide a vibrant gateway to the Crows Nest Village is agreed but all of this is achieved within the approved Critical State Significant Infrastructure of the station with its above ground podiums and entrance embodied in Building C. This all looks reasonable including the ground plane.

It is the OSD specifically on Site A and Site B that are contrary to the village atmosphere. Increased bulk and scale with heights to RL180 can never be described as being in context with the village. They are just too high and bulky, looking like an office box plonked atop the otherwise attractive new entrance to the village.

The 'two peak' approach to development by SJB which advocates high rise above each of the two stations is theory that does not apply to Crows Nest village on the one hand and a soulless shadowy residential park that is St Leonards. Crows Nest must be valued and protected so that the poor souls that have to live in the vertical cruise ships of St Leonards have somewhere to go where open space and sky can be enjoyed. The obvious solution is moderate development that is sympathetic to the surrounding low rise nature of Crows Nest, not a sudden change to high rise on the OSD.

## **Issue – the proposed development may provide a high density precedent – Comment**

The response from Sydney Metro is completely on the wrong tack.

The community's views are properly reported but the DPIE's response went way too far by its promotion of high rise development. Which is why there were 655 objections to the height of buildings in the draft plan and even more to the original OSD proposal as exhibited.

The urban study went off on a tangent that has produced a highly theoretical and unwanted outcome. Even so, it did not recommend at that time, an increase in building heights across the highway from Site A . Now, as a result of the OSD and the finalisation of the 2036 plan, those buildings between Oxley and Hume Street have been increased in height by the DPIE from 18 to 24 storeys without any justification other than a precedence set by Sydney Metro with the collaboration of DPIE.

**The conclusion is that the proposed development by Sydney Metro has set a precedent as evidenced by increasing the heights directly opposite Site A from 18 storeys as shown on the plan to 24 storeys in the Final Plan, in line with requests from property owners and developers.**

The community objected to the planned height of 18 storeys, yet the department ignored those >600 objections and sided with developers.

The precedent is continued further south along the west side of the highway between Shirley Road and Bruce Street where part of that site has been significantly increased in height.

**Sydney Metro's claim is demonstrably wrong. There is clear precedence for high density development.**

## **Issue – misalignment of infrastructure and growth - Comment**

The response misses the point. The community was not targeting Sydney Metro but was critical of the lack of planning in relation to other infrastructure such as education facilities and open space. These are not relevant to Sydney Metro except as noted below.

It is lamentable that in regard to open space, the precinct will be 18% worse off by the time all of the green plan initiatives are completed than it is now:

Open space in 2018 1.37 ha/1000 population

Open space in 2036 1.12 Ha/1000 population

This led to a request in relation to Site C that as much space as possible be developed in the form of a public plaza rather than an 8 (now 9) story building. Rather than heeding the community, Sydney Metro with the support of DPIE has ignored the community's objections and pressed on with increased height.

Sydney Metro clearly, does not care about open space that the Minister for Public Spaces so proudly states is so important. Sydney Metro is providing none rather than providing more.

## **Planning Process**

### **Issue – non-compliance with the Placemaking and Principles Study – Comment**

The matter has been mostly dealt with in previous comments to other issues.

However, we fail to understand the explanation provided in relation to the design investigation and also the relevance of the need to step down and then up again to satisfy a flawed urban design outcome.

The building on Site A is far too large in terms of floor space anyway and must be reduced to avoid an over-supply situation.

## **Built Form**

### **Issue – visual impact – Comment**

The response is noted. The main change from the exhibited proposal and the Amended proposal is to Site A where the claimed 20% reduction in the overall envelope is highlighted but in actual and visual terms is only 6% less than the exhibited proposal.

By any analysis the visual impact remains significant. Site A in particular occupying the whole block will be dominant with only partial relief due to the sloping south face. The two photomontages supplied in the RtS showing the original exhibited proposal and the amended proposal are at different scales and give a false impression that the amended proposal is much smaller in overall impact than the original. In fact, this impression is misleading. However, it can be readily seen that the building on Site A is much larger (occupying a full block) than the lower of the two Mirvac towers at St Leonards Square, a development that has demonstrably very high adverse visual impact from all angles and distance.

The claim that any future developments in the precinct, particularly those on the opposite side of the highway will reduce the overall impact is not true. Refer to our comments above in relation to precedent being set as a result of the proposed development.

What will be achieved if the precinct development proceeds as planned, is a Highway tunnel stretching from St Leonards all the way south to the Five Ways site with anybody's guess as to what the DPIE will allow on planning proposals that exceed the planned heights by demonstrating design excellence. The planning process is farcical, and the built form will be the resulting tragedy. There is enough visual evidence in North Sydney to prove this point.

The buildings are just too high, too bulky and out of scale to sit with the fine grain nature of Crows Nest village and East Wollstonecraft.

### **Issue – building height – Comment**

The response is noted. Sydney Metro and the DPIE have collaborated (for years as we now know) to deny the community and Council their democratic right to argue against the newly gazetted controls. There were two parties at that table whereas there should have been three at least. At every turn, information on the development of the 2036 plan and the Metro proposal were kept secret until exhibition of those documents from October through December 2018. It is a travesty of good governance and comes not from planners but politicians who have interfered in proper process.

For example, the Premier's advice to the community in December 2018 that, based on feedback from residents, the government had significantly scaled back the maximum height of buildings along the Pacific Highway (other than the high rise in St Leonards) to a maximum height of 27 storeys.

There was never any exhibition of building heights until the Concept Proposal (SSD-9579) were exhibited when the obscene height of 27 storeys was first revealed. The NSW government's decision to step in and determine without first exhibiting any proposal for consultation has falsely legitimised the 27 storey height in complete disregard for its stated policy of community consultation. The 655 community objections were never going to be considered relevant to height and the SJB Urban Study was used to help justify that rejection.

However, just because the controls have been amended, doesn't mean that Sydney Metro and the government have to go to the extent of every limit in the envelope. There are other matters that need to be taken and must be taken into consideration. Those matters have been the subject of our comments. It is time that the community's objections are properly acknowledged and accepted because they have been ignored almost in entirety.

### **Public Domain and Open Space**

#### **Issue – public space on the subject site - Comment**

The response is noted but the plan for an underground car park (requiring removal of the indoor sports (basketball) facility and massive upgrade of the surface was abandoned long ago in favour of a much less expensive and less open space alternative, stage 1 of which is being implemented. Stage 2 (embellishment of the park itself including recovery of some of Clarke street) is waiting finalisation and payment of voluntary planning contributions that are mentioned in the introduction.

The reason for asking for public space where building C is located was driven by the lack of open space generally in the precinct and it was thought that area could be so utilised. We note that there is no longer any avenue available to the public to change arrangement of the building to help improve the lack of open space in the precinct,

which is a tragedy. It is possible and we suggest not too late to rethink Building C to achieve more plaza and less office space.

**Attachment 'A'                      Minister's Media Release & SMH Article 29 August 2020**

**Attachment 'B'                      Comparison of Envelope Area and Face Area - Site A  
As Exhibited Concept with Amended Concept**

**Attachment 'C'                      Victoria Cross OSD Final Approval Update**

## Attachment 'A' – St Leonards Crows Nest 2036 Plan

### Ministerial Media Release: Not Accurate/Misleading

#### *A vibrant and green future secured for St Leonards and Crows Nest in 2036 Plan*

*Date*

*29.08.2020*

*Type*

*Ministerial Media Release*

*Author*

*Rob Stokes, Minister for Planning and Public Spaces*

*New parks and public spaces, better pedestrian access and more employment space are set to enhance the heart of Crows Nest and St Leonards, with the NSW Government today releasing the final 2036 Plan.*

*Minister for Planning and Public Spaces Rob Stokes said the plan will guide the delivery of a greener, better connected and vibrant Crows Nest and St Leonards.*

*"The community told us they wanted more green space that enhanced local neighbourhoods, and a plan that provided certainty on what future development will look like and where it will be," Mr Stokes said.*

*"We have listened, with significant changes made to the final plan to ensure St Leonards and Crows Nest will be a greener, thriving employment hub with better transport and pedestrian connections for local residents, workers and visitors to enjoy for generations to come."*

*Member for North Shore Felicity Wilson said the plan includes the forward funding from the NSW Government for the delivery of a new park in partnership with North Sydney Council. The existing carpark on Holtermann Street will be moved underground to make way for a vibrant green core in the centre of Crows Nest.*

*"We have secured a massive \$78 million for new and improved public spaces across St Leonards and Crows Nest, including the new 'Metro Park' on Holtermann Street for our community that will be delivered ahead of Metro development," Ms Wilson said.*

*"From the village feel of Willoughby Rd and Crows Nest, to the bustling commercial centre around St Leonards, we wanted to reflect the community's call for a final plan that protected and enhanced the unique character of our local area and delivered the community infrastructure that makes for great places to live – this plan delivers that and more."*

*Key changes to the final plan following community consultation, include:*

- A 10 per cent reduction in new dwellings;*
- More than \$78 million secured from developer contributions for new parks and public spaces (an increase of \$20 million);*
- Planting of more than 2,000 new trees;*
- Doubling the employment space, with an extra 119,979sqm of commercial floor space to support more than 16,500 jobs; and*
- \$20 million secured from developer contributions for new education facilities.*

*North Sydney Mayor Jilly Gibson welcomed the plan and said more green space would help to maintain the village feel that we all love.*

*"I would like to thank the Minister Rob Stokes, local member for North Shore Felicity Wilson and the Department for including a new park at Holtermann Street in the plans. With the support of the State, design of the park will commence at the beginning of 2021, at the same time Council commences construction of the new Hume Street Plaza," Ms Gibson said.*

*The final plan will see more than \$116 million captured in Special Infrastructure Contributions from developers to support the delivery of critical infrastructure such as road upgrades, education facilities and active transport links across St Leonards and Crows Nest.*

*The plan will also be supported with new transport links, with the NSW Government also approving the Crows Nest Metro rezoning. The community will get to have its say on the Crows Nest Metro State significant concept development application when it is re-exhibited in mid-September.*

*For more information, and to view the final plan visit  
[www.planning.nsw.gov.au/stleonardscrowsnest](http://www.planning.nsw.gov.au/stleonardscrowsnest)*

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## **SMH 29 August 2020 – Misleading**

### ***Development plans for Sydney's north shore scaled back after outcry***

*"The maximum height of new towers and the number of apartments planned over the next two decades for a part of Sydney's north shore have been scaled back from earlier plans, after community concerns about overdevelopment.*

*The NSW government has cut the allowable building heights at five sites in St Leonards and Crows Nest by between 13 and 23 storeys. The tallest buildings permitted – on a site abutting the Pacific Highway – has been capped at 42 storeys, down from 61.*

*Two other areas on the Pacific Highway have had their building height limits cut from 58 to 35 storeys, and from 46 to 30 floors, respectively. Another site at Atchison Street in St Leonards has also had building heights reduced from 48 to 35 storeys.*

*The final blueprint for St Leonards and Crows Nest has also reduced the number of dwellings earmarked to be built by 2036 to 6683, from 7500 earlier.*

*The government has also committed to 8.5 hectares of extra parkland, which will be partly funded by an increase in developer contributions.*

*Part of the extra open space will be created by converting the Holtermann Street car park in the centre of Crows Nest into a 1700-square-metre parkland. A car park will be built under the park.*

*The draft St Leonards Crows Nest 2036 plan, released almost two years ago, sparked widespread concerns about the extent of development. But NSW Planning and Public Spaces Minister Rob Stokes said major changes had been made to the final plan to ensure the suburbs would be a greener employment hub with better transport and pedestrian links.*



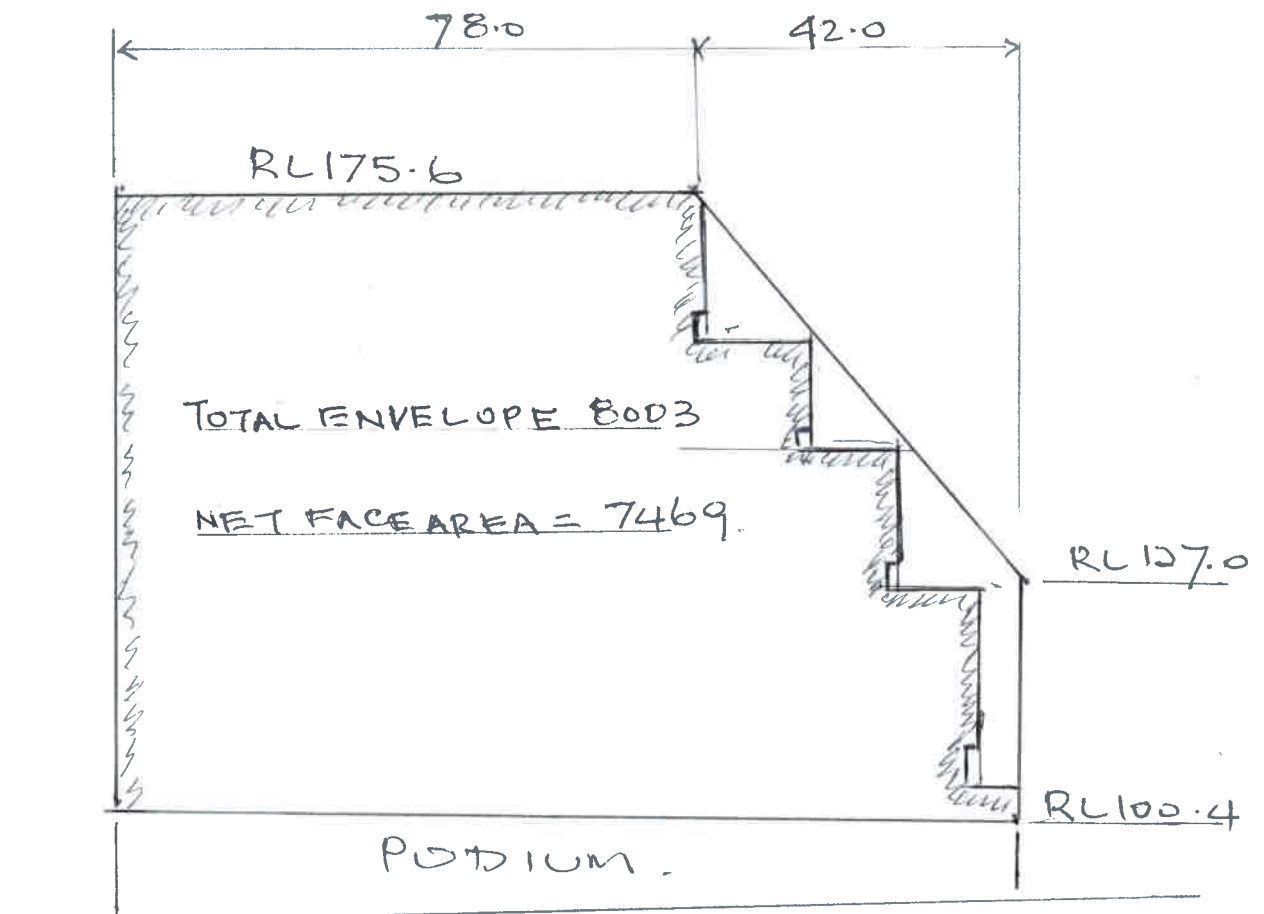
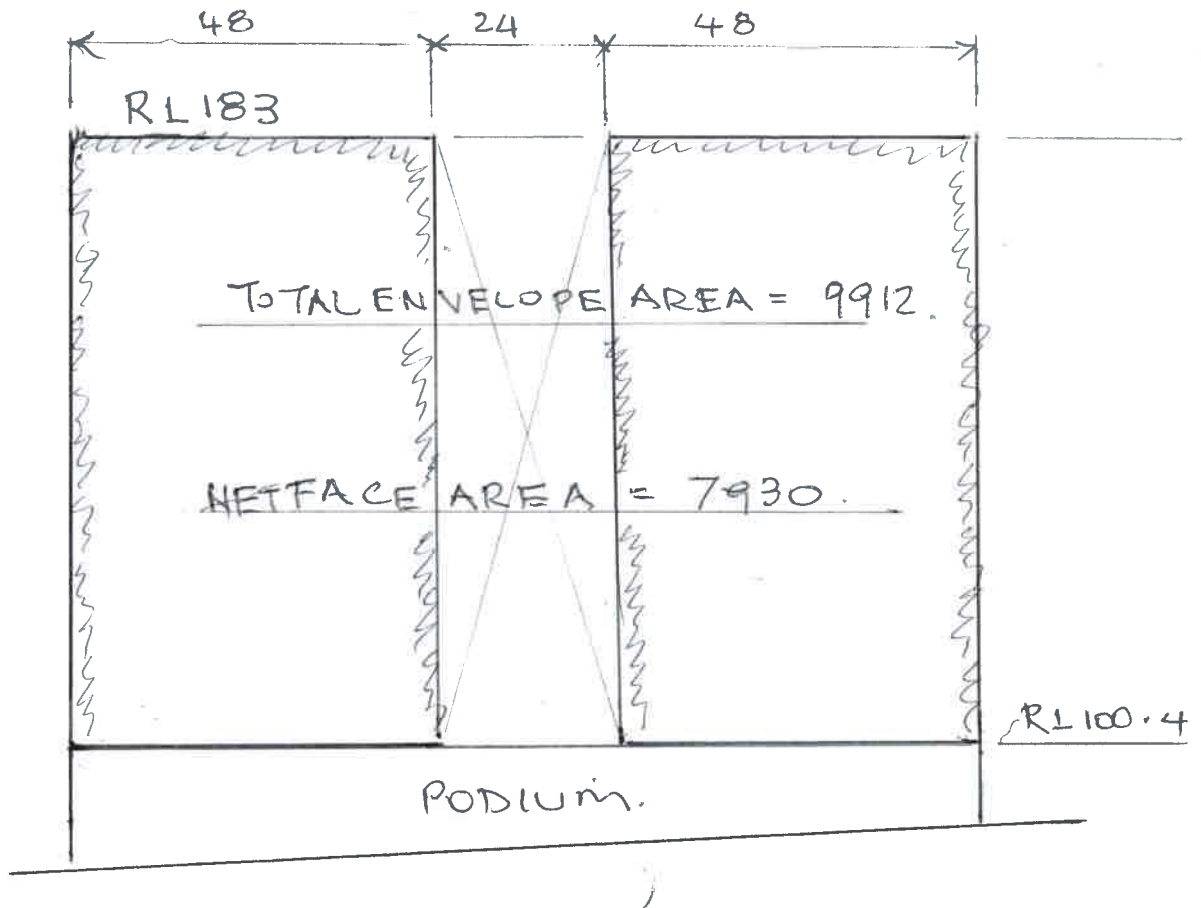
*The community told us they wanted more green space that enhanced local neighbourhoods and a plan that provided certainty on what future development will look like and where it will be," he said.*

*Lane Cove Council mayor Pam Palmer welcomed a reduction in the overall scale of development planned but cautioned the "devil is in the detail" of the final plan. "It is heartening that they are listening to the community. If they could increase open space in the area that would be a positive," she said.*

*North Sydney mayor Jilly Gibson said the government had listened to community concerns and the final blueprint was a "good result", especially the extra parkland planned for Crows Nest. "It is bereft of open space, and we are very pleased negotiations went as we hoped," she said.*

*The release of the final long-term plan comes after the government approved rezoning of land at Crows Nest to enable development above a new metro train station, which is under construction as part of the City and Southwest rail line between Chatswood and Bankstown via Sydney's CBD. The new rail line is due to open in 2024.*

# ATTACHMENT 'B'



SITE A ENVELOPE/FACE AREAS.