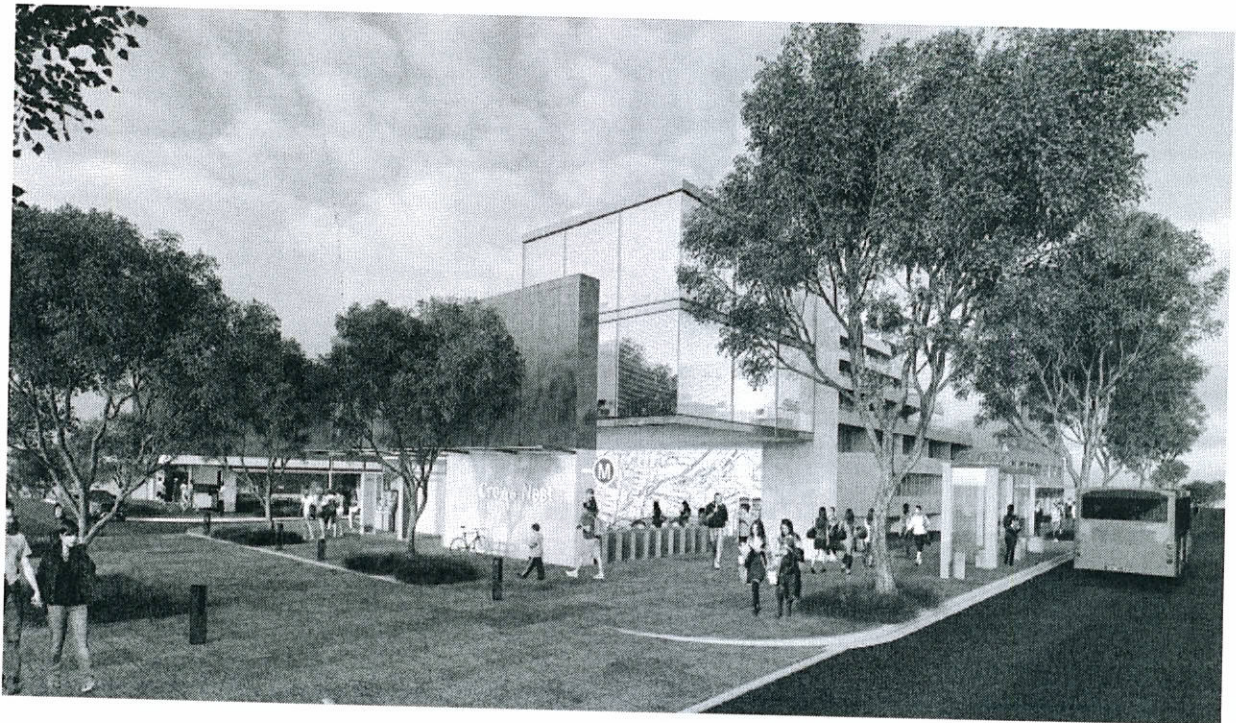




**WHAT WE WERE PROMISED
SYDNEY METRO EIS - 2016**

**Concept State Significant Development Application – SSD 18_9579
Sydney Metro City & Southwest – Crows Nest Over Station Development**



**WHAT SYDNEY METRO IS NOW PROPOSING
NOVEMBER 2018**

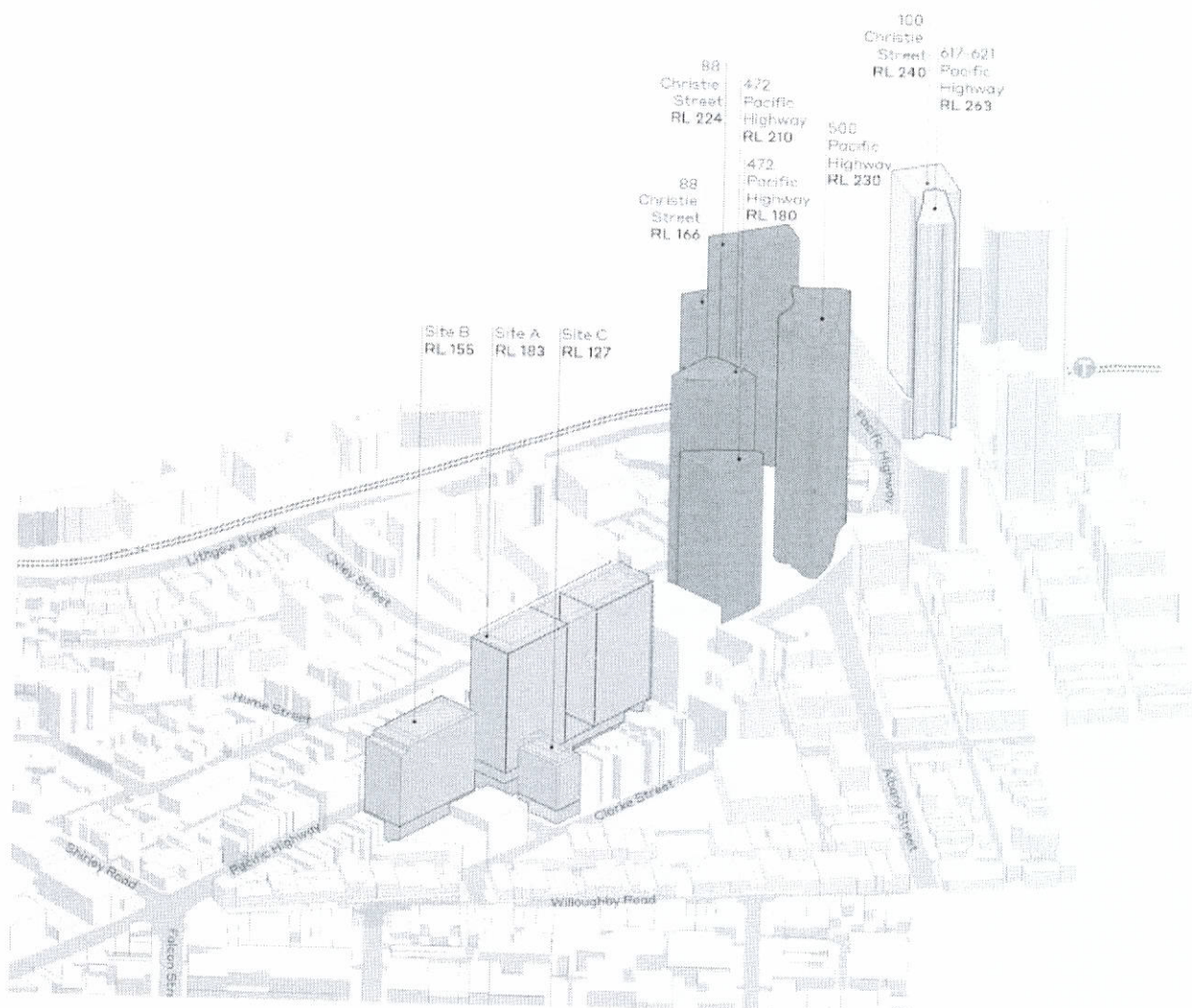


Figure 2 – Proposed Crows Nest OSD building envelope (axonometric diagram) and future high-rise development in the St Leonards Town Centre (Sydney Metro’s EIS)

MISLEADING IMAGE

This is Sydney Metro’s axonometric diagram (at 45 degrees angle) that ignores perspective and gives the reader the incorrect impression that the proposed buildings over the Crows Nest Station are relatively small when compared to future and existing high-rise developments in St Leonards.

The truth is that the image distorts reality. In a true perspective the tower at 472 Pacific Highway is at RL 180 roughly the same as the two 27 storey towers (RL 183) and as a result the two towers would look very much taller than depicted on this distorted image. Refer to “What Sydney Metro is Now Proposing” on the front page for a more realistic aspect.

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**Concept State Significant Development Application – SSD 18_9579
Sydney Metro City & Southwest – Crows Nest Over Station Development**

Wollstonecraft Precinct and the writer objects to the above referenced application. Our reasons are outlined below:

The EIS for the Chatswood to Sydenham project was first advertised in June 2016 and was strongly supported by the community. Sydney Metro subsequently made application for it to be Critical State Significant Infrastructure (CSSI) in September 2017. Approval for this project as CSSI was granted by the Minister of Planning on 9 January 2017. It has been modified 4 times since then, the last being on 13 December 2017.

It is beyond doubt that detailed planning for the integrated station development now in two parts Site Rezoning and the OSD Concept Proposal had commenced around January 2017. Despite what this EIS states in relation to community engagement, the only community involvement as feedback on the Crows Nest Station development prior to July 2018 has been through the Department of Planning which sought the community's views on its Interim Statement on the St Leonards Crows Nest Priority Precinct exhibited in August 2017 and then via a very limited number of brief meetings and public walk arounds. The community in fact kept enquiring when the draft plan would be released but received no assurances from the DPE about timing. It was released on 16 November 2018 with an exhibition period of 28 days along with the Rezoning and OSD Concept Proposals concurrent with all of the associated documents.

The earliest the community had a real opportunity to comment on the current planning for the OSD at Crows Nest was in July 2018 called Early Engagement Feedback. Not surprisingly, much feedback from the community was anger and from North Sydney Council* polite but firmly against much of what was proposed. Our objections were:

- the scale and height of the three towers on the highway
- shadowing of Willoughby Road and Ernest Place year-round and on the western side of the Pacific Highway
- the lack of planning for new employment and jobs creation initiatives
- above ground car parking
- lack of public amenity and open space
- traffic congestion and integration of transport modes
- failure to recognise that Crows Nest/St Leonards lacks sufficient open green space for even the existing community

* For a complete understanding of the concerns of Council please refer to Attachment A within the Wollstonecraft Precinct submission on the rezoning proposal and to the Mayor's quote in a Mosman Daily article on 9 August (both documents in Appendix B)

By then of course the planning as now presented for the OSD was so far advanced that to respond to all of those concerns would mean tearing up the concept proposal and starting again. That is exactly what the feedback from the community and from North Sydney Council recommended and also what this submission proposes.

The correct course of action from early 2017 was to do proper planning for required infrastructure and provide government led initiatives to support jobs creation as well as the necessary infrastructure for the increase in population. The Metro itself is a world class initiative and has the full support of the community.

The OSD however is not infrastructure. It is nothing more nothing less than a means to capture value of the air space by granting of rights to the private sector for the highest payment. The government unfortunately has been supportive of this expedient approach. The DPE, our senior planning body could have been leading the employment opportunities with government led investment and clever initiatives. In this regard it has failed and allowed Sydney Metro to have its way to date. It is time to rethink.

Wollstonecraft Precinct recently lodged a submission* on Sydney Metro's proposed rezoning application for the Site above the Crows Nest station.

* This submission on the OSD Concept Proposal should be read in conjunction with our submission on the rezoning application which is included in Appendix B.

The exhibition period for that application closed on 3 December and here we are now considering the proposal that actually drives the need for spot rezoning of the NSLEP 2013 plan. It is the cart before the horse. The Concept Proposal has to be properly considered not in relation to the rezoning application but in relation the NSLEP 2013. On that basis it is non-compliant and therefore must be rejected.

Notwithstanding the undeniable basic facts on which such rejection relies, Wollstonecraft Precinct's submission on the rezoning application has demonstrated that Sydney Metro's proposal is not supportive of jobs creation and in fact will frustrate that basic requirement. Sydney Metro's own consultant, SGS Economics concludes in its report that high rise residential developments because of their attractive returns to the private sector will exclude the infrastructure so necessary to create jobs. The Wollstonecraft Precinct submission also demonstrates support of that conclusion by analysis of the <5% ratio of commercial floor space to residential floor space and how it will depress jobs creation. Such facts support the conclusion that the Concept Proposal is a poor solution to the fundamental requirement of the North District Plan that includes "above all, the task is to achieve the High target of 16,500 jobs by 2036". This Concept Proposal will fail that objective and therefore must be rejected in its present form and an alternative plan submitted. It will require government led investment with a different approach to value capture that can be achieved without the need for high-rise buildings above the station. For comments on the EIS please refer to Appendix A.

In summary our objections to this application are:

- The scale and height of the buildings A & B along the Pacific Highway.

- The inclusion of building C on the site
- The inclusion of above ground parking anywhere on the site
- The high percentage of residential floor space compared to commercial floor space
- Overshadowing of Hume Street Park & Ernest Place at any time from the buildings on the Site
- Any further overshadowing of site C on Clarke and Hume Street
- Overshadowing of residential buildings in Nicholson Street Wollstonecraft at any time
- Lack of emphasis and planning for job creation initiatives
- Apparent lack of concern for protection of the fine grain village of Crows Nest
- Failure to recognise that Crows Nest Village is more than just Willoughby Road and Ernest Place
- That Sydney Metro will be exempt from special infrastructure contributions and section 94 contributions to Council.

Listed below are some suggestions to address these objections:

- Create at least part of the Site above the station entrance along the Pacific Highway as public open space with trees along the highway frontage to dampen traffic noise and some green cover towards Clarke Lane.
- **Buildings on the Metro Site to be part of a health and education hub.** These buildings could contain things like: a high-tech technology park; TAFE that specialises in technology, hospitality, cooking and the film industry; a comprehensive, non-selective high school; a selective technology high school; a language school; a music school; a drama school; a dance school, a barista school and a culinary institute.
- Buildings above the Metro Site to contain **services and activities that maintain and improve the health of the community:** medical services; alternative health care; recreational spaces; a performance space; movie theatres; a new community centre; more childcare; a start-up hub and serviced offices.
- Buildings above the Metro to become a **go-to destination** that bring people and jobs to the area – not more high-rise residential towers.
- Return of the Crows Nest Post Office to its original location (recommendation submitted to the EIS for the City & Southwest in 2016)
- A different approach to the value capture model used in this application

We thank you for the opportunity to comment and stand ready to engage with you in good faith to arrive at a proposal that can satisfy the objectives of the Placemaking and Principles Study for St Leonards and Crows Nest and a vibrant village for the future.

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APPENDIX A

Concept State Significant Development Application – SSD 18_9579 Sydney Metro City & Southwest – Crows Nest Over Station Development

COMMENTS ON THE EIS

Executive Summary

Crows Nest Integrated Station Development

Integrated Station Development – the residential development does not respond to GSC identified development requirement of the site and does not ‘protect the amenity of the wider site surrounds’, rather it substantially overwhelms and overshadows the fine grain of Crows Nest.

The 2017 Precinct Interim Statement document defined a draft vision statement which included the following:

*‘There is capacity for a diverse range of commercial and mixed uses to be focused around and between the two stations. **New development will be responsive to the existing environment and context, particularly with respect to the village atmosphere of Crows Nest and surrounding heritage conservation areas which are a key asset and are to be preserved and enhanced**’.*

And defined draft objectives including:

*‘Leverage world-class health and education uses to **provide opportunities for future employment growth**’.*

*‘**Create a network of new and existing useable and diverse open spaces which prioritise walking, cycling and access to transport, promote a healthier urban environment and encourage social interaction**’.*

*‘**Preserve, strengthen and enhance the existing diverse character areas.**’*

This proposed development does the opposite of those statements, and more importantly, misled the community about the station design and volume. It clearly suggested a low rise building compatible with above vision and objectives. This application and accompanying EIS would have been in preparation at that stage.

Employment requirements as outlined and targeted by GSC are not included. What is included is more residential that is more than sufficiently taken care of with a plethora of high-rise towers in St Leonards, themselves a change in zoning to facilitate more profitable residential rather than commercial.

Our investigations in respect of sunlight and overshadowing clearly demonstrate that the defined draft objectives have not been achieved and the Sydney Metro claims are both untrue and misleading. Also, this application clearly contravenes the following excerpts from the 'Placemaking and Principles Study' of 2016.

*'Hume Street Reserve is surrounded by low rise buildings to the east and medium rise commercial and mixed-use buildings to the west. **This low scale character prevents any overshadowing of Willoughby Road**'.*

'The St Leonards B3 Commercial Core zone is currently experiencing pressure to be rezoned to B4 Mixed Use to allow significantly more residential development. This has come at the expense of employment land'.

'Buildings then transition down towards Crows Nest Village and the Heritage Conservation Areas. The area around Willoughby Road has a height limit of 10m which reinforces its village scale and density'.

St Leonards and Crows Nest Station Precinct

This is an abuse of planning process. We are being asked to submit comments on the Metro OSD application of max 27 storeys, before the rezoning application which seeks to incorporate the required envelope has been determined. How then can this OSD application be properly considered or assessed if this determination has not been made. It seems to presuppose that the rezoning will be approved under special state privilege. The fact is that the current LEP 2013 is the current control plan under which this development should be assessed. The draft plan 2036 submission period has been extended to 8/2/2019. Both the Rezoning and OSD applications should be properly delayed until approval of the DDP 2036.

Planning context

The SSD or state significant development here is the station and not the OSD. Linking both is deceptive and incorporating a private development for profit that provides no benefit for the community. It might be more reasonably called 'associated development' by virtue of it sitting above a transfer slab level. Macquarie University station for example contains no such associated development, with just the station entrance above ground. The early 2016 proposal showed just the station development itself, and a proposed extension of Hume Park as an activated space.

Project Objectives

Both the Greater Sydney Region Plan (2018) and the North District Plan (2018) proposed prioritising infrastructure and utilising this to provide the required employment and growth identified with improving community outcomes. The community outcome was specified as a **'Health and Education precinct'** for St Leonards and Crows Nest generally. It also talked extensively about **'liveability, supporting creative enterprise and cultural expression'**. It talked about the **'missing middle'** of housing provision with medium density housing to provide greater **'housing variety'**. There was no housing target as such, other than that recommended by respective councils based on expected growth.

None of these admirable principles have been incorporated in the proposed OSD development. The **'mediating transition in built form'** between St Leonards and Crows Nest has been hijacked and subverted to refer only to the podium level, while ignoring the massively over-scaled 27 storey buildings that sit over it. **'Overshadowing impacts'** have been shown to be excessive to the character of Crows Nest, whilst also massively out of scale with the identified fine grain of the community. The **'sensitive response to surrounding heritage items'** ludicrously suggests that setting the massive towers back from the heritage height somehow retains the heritage character. **'Design excellence'** has also been subverted here to provide opaque process whereby decision on over-scaled height of buildings will be approved by a selection panel under the guidance of the minister.

Project needs and benefits

The statement that Metro over station development facilitates better integration with communities and public spaces would have more relevance if it provided the facilities and infrastructure that the community have requested and as has been identified by the Greater Sydney Committee.

'Urban design principles and place-making' would be more appropriately served by providing a proper arrival and urban space, with the provision of required employment to serve the community needs and become the **'centre of the community'**. We have suggested what the community would like to see in terms of a sensitive low scaled and well-designed employment hub of maximum 6-7 storeys.

The community discussions did not include the provision of this massively over-scaled development at any stage. The **'continued growth, added vibrancy and employment opportunities of Crows Nest'** are not addressed in this proposal. It just provides excessive residential content for a high premium cost. It also does not address any of the identified affordable housing targets. **'Additional commercial uses'** would strengthen the area as suggested but are not provided in this proposal.

The concept proposal

We do not support the concept proposal in any form other than for the provision of station / ancillary development and the provision of employment hub as previously identified. This development proposal should be withdrawn and replaced by a modified proposal that provides these outcomes and opportunities for community benefit, and not the profit motivated value capture model that ignores and grossly overshadows the Crows Nest community.

The concept SSD Application proposal exceeds the relevant built form controls of the NSLEP 2013 and aligns with a rezoning proposal that has not yet been approved. While the community is in full support of the metro station, they have been totally opposed to the rezoning content for a maximum envelope of 27 storeys. Both the rezoning application and the DDP 2036 are subject to determination which has not been completed and which should reflect massive community opposition to the OSD building envelope. The **'variation request'** which is subject to this proper determination and should reflect community concerns has not yet been granted. This proposal therefore is immature and should be withdrawn until

that determination has been issued. Neither the rezoning, or the OSD applications can be properly considered until the DDP 2036 has been approved. This is clearly a subversion of the planning process.

Assessment of impacts and mitigation measures

The key environmental issues that were **'examined throughout the design and development process.... with key stakeholders to identify potential impacts'** has grossly ignored the issues raised by community workshops and the subsequent Local Character Statement.

Overshadowing - the overshadowing impacts have been seriously minimised. The selected windows of time between 9am and 3pm ignore the significant community usage of spaces and green areas outside of that window. Willoughby Road is central to the heart of Crows Nest, and its restaurants, bars, coffee shops and community uses are highly prized and highly used up to late afternoon and evening. Our analysis based on Metro's own consultant submissions clearly shows substantial and overwhelming overshadowing, loss of sunlight and impacted skyline views from the village and its surrounding areas. Significantly the implication that Crows Nest just comprises Willoughby Road, Hume Park and Ernest Place is seriously misplaced. The adjacent areas of Wollstonecraft, Naremburn and Holtermann are part of the village and also conservation areas. Overshadowing to these areas, which is substantial, has not even been addressed.

Built form - impact that deals with the proposed building envelope height of maximum 27 storeys, does not **'provide an appropriate response to surrounding context'** as identified by previous council model of transition from St Leonards to the fine grain of Crows Nest. What it clearly does is provide a continuation from St Leonard's building heights, to provide a precedent for similar height buildings right down along the Pacific Highway corridor.

Visual and view impacts - deliberately ignore the crucial central impact to the village of Crows Nest. It concentrates instead on the distant visual impacts from the Pacific Highway corridor to the south and the north, where it is considered that it has a low impact. The fact that these points are distant and diminished perspective is hugely misleading, because closer up they are of enormous impact as clearly shown in the few diagrams that do show these viewpoints. In these cases, the entire skyline is blocked out, and any context is annihilated. They actually admit that areas to the east and west including Hume Park will suffer the highest visual impact, and then bizarrely conclude that **'the overall visual impact of the proposal is acceptable, and achieves an appropriate balance, and reduces visual impact on areas of amenity through design measures such as height transitions'**. They are in fact, as expressed by the community, monstrously over-scaled and completely unacceptable.

Heritage impacts have only been addressed in relation to adjacent St Leonard's centre, which is itself a fairly contemporary piece of architecture that is set against similar height adjacent existing apartment building. As it is separated from the bulk of the proposed OSD, it is not necessarily overwhelmed. However, more critical impacts on adjacent heritage buildings have been completely ignored. Refer to detailed comments in Chapter 12 of EIS.

Transport analysis – refer to later transport appendix. Detailed consultant traffic analysis overall however, does not support the contention that **‘the OSD proposal will have a negligible impact on the surrounding road network’**. The proposed on-site parking for example which is resident only with no community provision will generate substantial movements to and from the site. Proposed loading arrangements which are generally within the building cartilage, will generate movements to and from the site via Clarke and Oxley laneways.

Economic Impacts – These figures are totally fictitious and do not bear scrutiny. Only 2,700m² of non-residential or non-hotel space out of a total of 55,400m² proposed area is allocated to employment. The balance is allocated 350 apartments with 175 car parking spaces. The floor space of 2,700m² is enough for no more than 190 jobs. This is substantially well below suggested figures of 280 jobs per annum, plus 550-930 ongoing jobs directly and 180-300 people indirectly created during the operation of the development. The total proposed 930-1510 jobs is way in excess of actual 190 jobs assessed on floor area.

In light of the foregoing identified issues, it is simply not true to suggest that there are no major risk issues or consequences, or that any level of management or mitigation measures would minimise identified serious impacts.

Community consultation

The community actively engaged with the council in respect of local character definitions and preparation of statement to reflect their concerns. Again, and again, we tried to reinforce the issues that were important to us as a community. While they were included in the resulting Local Character Statement, they were given a hugely different emphasis to no doubt bring our aspirations closer to the intended outcome of massively over-scaled residential development over the station.

Conclusion and Justification

The statement that the OSD would relate well to the surrounding context ignores the substantial scale change from existing 3 storey to proposed adjacent 27 storey towers and a 17-storey additional tower. It also ignores the very substantial overwhelming of Hume Park to the west, and the overshadowing of Willoughby Road, Hume Park and Ernest Place as well as significant overshadowing on Nicholson Street in the early mornings. Finally, creating a podium relating to adjacent scale and sitting 27 storeys over, is not **‘relating well to surrounding context’**. It is completely out of scale with the fine grain of Crows Nest village. What was discussed in our community consultations was a **‘step down transition’** from the building heights of St Leonards down to the Five ways intersection. This intention has been completely abandoned and subverted by the introduction of a podium and set back to placate the transition agreement.

Nothing in the DPE Interim Statement document mentioned anything about a proposed development of this scale. It did talk very reassuringly about such things as being **‘Responsive – buildings and spaces that are sensitive and responsive to place, local**

character and context' while defining that amongst other things as **'contextually responsive design, protecting amenity and character, fine grain nature and scale, ensuring appropriate transitions to built form, sensitivity to environmental amenity and sustainable design that reflects the precincts unique characteristics'**. The attached cross section diagrams made it very clear that development around the new metro station would be low-scale. Significantly, this document was issued to the public, while work on the very different proposal was being prepared, providing a false sense of security to the public, who were later ambushed with the over-scaled proposal. It was intentional, designed to confuse, and provided no time to adequately respond. We were given three weeks to present a submission to a bewildering amount of detailed documentation, which had clearly been in preparation for some years before. This tactic has been used to steamroll through the developer lobby preference for the site and makes a mockery of all of the community consultation workshops.

Detailed environmental assessment if it had been properly undertaken would not have resulted in this proposal. The community were not made aware of the details until October 2018 and had made their views known well before this. We are unsure quite who the key stakeholders mentioned actually are, but potential impacts of massive 27 storey buildings over the proposed station and development of mitigation measures were never discussed with us. They seem to be suggesting that the community are not considered as key stakeholders in a development that will overshadow and overwhelm our community. It is ludicrous to suggest that **'identified environmental impacts are considered acceptable and manageable'**. Who are these key stakeholders?

We hope that the overwhelming opposition and outrage of the community as expressed in 1500 petitions and a rally attended by over 800 people will be taken into account, and the proposal rejected outright. Nearly all of the community are totally and implacably opposed to this monstrous 27 storey overdevelopment. The only reasonable response to submissions and issues raised would be to tear up the concept proposal and start again taking into account the key stakeholder community views, provision of proper infrastructure, provision of employment as required by the GSC, and all local character and environmental issues. This would result in a much lower proposal that is suitable to the fine grain character of Crows Nest.

1. Introduction

1.1 Purpose of this statement

The statement of purpose sets out the rationale for the SSD and OSD applications. We fully support the Metro proposal, as it will no doubt shape Sydney for generations to come. We do not however, support the proposed OSD 27 storeys of residential development and above ground car parking as being in any way a positive benefit in its proposed form to the community as suggested.

All of the subsequent discussion in respect of single integrated station development ignores the basic fact that this development is not what is required for the benefit of the

community as identified by community stakeholder workshops, the GSC employment requirements or the council requested infrastructure.

It does not respond to Crows Nest character, provide a sensitive design response to existing heritage buildings, the fine grain of residential development or minimise environmental impacts. It provides a massive 27 storey height wall which blocks any connection between Crows Nest and its surrounding areas. This could not be considered in any way as 'sensitive'. Where also are the community, co-working spaces, childcare facilities, library, open space and employment floor spaces?

The justification of the OSD as being '**State significant development**' by virtue of it being the remainder of the critical CSSI Station under '**clause 8(2) of the SRD SEPP**' and deeming it to be social infrastructure is using the State significance status beyond its intended purpose. There is no reason for instance why it needs to be 27 storeys. There is no good reason why it needs to be anything other than an employment hub, as sufficient residential accommodation has been provided in St Leonards. What seems to be more evident is the duplicitous linking of OSD to achieve maximum value capture for the Metro.

Of particular concern is that this '**indicative OSD design is just one potential design solution to the site**'. 6-8 storeys would have been sufficient and appropriate for the purpose of creating an employment hub. The value capture potential however is higher with residential development.

Where are the new places for people to work, shop and play, and the public spaces designed to encourage walking, cycling, social interaction and access to employment? They are unlikely to be found in the proposed residential towers. How does this proposal support the social, civic and cultural needs of the community?

1.2.1 Overview of proposed Crows Nest OSD

We do not support the overall envelope and building height proposed for the OSD development, and therefore do not intend to discuss the grossly unrealistic specifics of FSR, GFA, access, utilities, envelope or detailed design.

1.5 Objectives of the development

The concept SSD application does not achieve the following identified objectives, in particular a '**mediating transition in built form between St Leonards and Crows Nest**', '**minimisation of overshadowing impacts on public open spaces**', or '**a design that responds sensitively to surrounding heritage items**' as claimed. These claims are clearly and deliberately misleading. They provide a false sense of security in the total absence of any rigorous analysis.

1.6 Analysis of alternatives

The alternative options examined are deliberately misleading and used for the purpose of directing approval to the preferred outcome of residential, while ignoring the very

substantial fact that there is already an over provision of residential accommodation and completely inadequate employment creating potential. There is also a completely inadequate provision of infrastructure to justify this massive scale of overdevelopment.

Option A – The so called ‘do-nothing’ approach is what was actually proposed back in 2016. Illustrations at that point just show the station entrance and minimum built form over. More significantly, it proposed an extension of Hume Park towards the station entrance and concourse area. While we appreciate that there is an opportunity to provide an integrated development with the construction of the station, we do not in any way support a massively over-scaled development. We would support reasonable height buildings that acts as a mediating transition between St Leonards and Crows Nest, respects the fine grain, context and low scale and more importantly does not overshadow the heart of Crows Nest. Also, it should provide a suitably appropriate edge to the small scale and only park within the centre of Crows Nest. We believe these would be maximum height buildings of six to eight storeys. The proposal achieves none of those things.

Option B – It is not compliant with NSLEP 2013, which raises the question as to why it should be considered outside of proper compliance. It would be more reasonable to defer the application until DDP 2036 has been approved. Both the SSD and OSD should be deferred until after that Plan has been passed by the Minister. Why should this particularly significant proposal not be subject to proper planning process? The benefits of OSD do not have to be foregone, but they do have to be assessed properly and in line with provision of proper infrastructure. There are too many examples in this city of rushed development without proper analysis that provide poor outcomes, massive taxpayer rescue, damage and degradation of once beautiful and popular communities and environments. This damage cannot be undone.

Option C – NSC St Leonards / Crows Nest Planning Study 2010 compliant proposal. This study had taken all community concerns and issues into account to try to reach a reasonable compromise. It proposed the step-down transition from St Leonards to Crows Nest. This principle was extremely important as it provided a break from the taller heights of St Leonards. To do otherwise would set a dangerous precedent for development marching down the Pacific Highway to meet up with the North Sydney CBD taller buildings moving north. This is why we also totally reject the Significant Site status being located at Five-ways. However, we still recognise that integrated OSD would bring some benefits to the community, and therefore that a building of 6-8 storeys exceeding this study would be a reasonable compromise.

Option D – Alternative Land Uses. The examination of land uses leading straight back to two 27 storey towers of residential development and a 17-storey hotel for tourist purposes conveniently ignores the already over abundant supply of residential in all of the newly revised B4 mixed use towers in St Leonards. It provides no justification whatsoever for buildings of this height, other than maximum value capture.

Option E – Alternate building envelope designs. This option just starts with the presumption of massive overdevelopment for the site and looks at different configurations to accommodate that. It completely ignores the SEARs considerations of benefits for the site

which include response to local character, overshadowing and amenity impacts. It seems to suggest that as any OSD over the site exceeds the LEP and DCP controls, then why not just ignore the height limits. The various envelope options are still massive overdevelopment, whichever way they are configured. Had the exercise properly taken this into account, it would have arrived at more reasonable height buildings which could then have been configured to provide community benefit.

2. Planning Context

2.1 State significant development

This section suggests that while the Metro station is considered as SSD or State significant that the remainder of the development or OSD application is justified as being ***'partly State significant development'*** by virtue of its incorporation of tourist related facilities of the hotel tower. Clause 13(2) of the SRD SEPP however specifically excludes ***'any commercial premises, residential accommodation and serviced apartments whether separate or ancillary to the tourist related component'***. Only the hotel itself is considered ***'partly state significant'*** not the residential component.

'Clause 8(2) of the SRD SEPP' is then invoked to in an attempt to subvert the above exclusion. This is where the phrase ***'integrated station development'*** so frequently used throughout the documentation comes into its own, and provides the process whereby specifically excluded residential development under clause 13(2) now becomes part of a single proposed development. The fact that determination of this opaque process is left to the Director-General feeds into the public perception that the Metro is conveniently utilising state significance to provide a massive commercial profit gain under the guise of state significant development. The Director-General would be instructed by the planning minister to make this determination to the advantage of the Metro.

2.2 Secretary's Environmental Assessment Requirements

The central significant elements of height and reasons for density as required by the SEAR's recommendations and included in the table of requirements are dealt with in subsequent appendices of this EIS. All other requirements are subservient to these. They are almost lost in the highly technical 10-page schedule of recommendations.

The reasons are set out in a later cursory and self-serving statement that this type of high density OSD development is typical of a transit-oriented development neighbourhood (TOD). It is just a repeat of the all-encompassing Metro value capture model at all costs regardless of context, environment, scale or necessity.

3. The Site

This deals mostly with factual information, but it does include in Section 3.3 an opinion that "the Proposed OSD has been devised to integrate with future development context in the immediate vicinity, while also having a close relationship to the evolving St Leonards

Precinct.” Only the latter part of that statement is true. The proposed OSD definitely does not integrate with the fine grain nature of the immediate vicinity (Crows Nest).

4. The proposed development

Most of the main issues of the proposed development are adequately addressed in attached North Sydney Council’s own reports (**Appendix B**) on the proposed Rezoning and OSD and SSD developments. In summary, they do not support the OSD proposed development, which they believe has not been carried out with full community consultation, will destroy the scale and character of Crows Nest, and further that the application is premature. Significantly, they state that the exhibition of the rezoning proposal and SSD applications ahead of the release of the strategic plans for the area do not constitute genuine public participation. They advise that both OSD and SSD applications are extended to next year to allow due public process and consideration of the DDP 2036. They state that public submissions could well vary the proposed changes to building height and zoning.

We support NS Councils internal report conclusions and recommendations, as they incorporate most of the issues we have identified with them since these proposals were made public only a short time ago in October of this year.

5. Stakeholder and Community Engagement

It is not clear as to the difference between stakeholders and community, but it could be that the community is not a stakeholder and therefore the community opinion and its feedback receives lesser consideration than a Stakeholder.

Stakeholder description in the EIS is described as Industry which presumably includes architects, developers and builders. It is not possible to know since there is no evidence on who attended and little detail on feedback that was provided by those stakeholders. It is also apparent that whatever feedback they provided was encouragement to proceed with what we now see before us. These sessions with Industry took place between 2015 and April 2018. The community on the other hand was not given such insight into Sydney Metro’s thinking.

Real community engagement with Sydney Metro first occurred between July 18 and August 2018 with the release of the early engagement and feedback process. Nowhere in these documents is there evidence of what the community feedback really was. To get an idea it is necessary to turn to the proposed rezoning application where it says 259 submissions were received. An enquiry to Sydney Metro for details of those submissions was turned down because of privacy concerns, a blatant tactic to hide the facts. It would have been and still is possible to have an independent probity auditor assess those 259 submissions and provide a summary of comments.

All that we see about community feedback is at table 12. For example, there is a comment that the strategic planning should align with the NSW DPE draft precinct plan which at that date had not seen the light of day. It was first released for initial public comment in 2017 as

an Interim Statement after which the DPE took no further action to inform the community until November 2018 when it was renamed St Leonards 2036 draft plan. In regard to the Integrated Development proposal first exhibited in July 2018, NS Council and Wollstonecraft Precinct requested amongst other things, that there be a pause on the process and that solar access to Willoughby Road and Ernest Place not be interrupted year-round have both been ignored.

In table 13 the concerns from North Sydney Council and the community about building height form and scale have been swept aside by a statement that those issues have been considered and that the height of the proposed buildings align with the DPE Planning package for St Leonards and Crows Nest – a package that was not released to the public nor to NS Council until November 2108. This close collaboration between Sydney Metro and the DPE was done to the exclusion and to the disadvantage of NS Council and the community. Here we have an applicant obtaining prior “approval” from the Consent Authority of proposed changes to the NSLEP 2013 before the changes were available for public comment.

6. Assessment of compliance with strategic plans

Section 6.2 lists two of the NSW Premier’s priorities that Sydney Metro claims it has met or exceeded:

- Creating Jobs. This is true for the construction of the primary infrastructure, the metro rail system itself but not true for the OSD. The OSD is not infrastructure, it is predominantly housing with some small part of the buildings devoted to public amenity. As shown in the submission on the rezoning proposal, the OSD will be jobs secretive because the OSD replaces space that should be devoted to employment opportunities with government-led investment and initiatives.
- Delivering Infrastructure. True for the Metro but not true for the OSD. The OSD is a residential development with some small part devoted for community amenity and mixed use.

Section 6.3 outlines NSW Policies and Strategies (Towards our Greater Sydney 2056) and (Greater Sydney Region Plan 2016). Table 19 attempts to show how the OSD is consistent with the Greater Sydney Plan. It is just ludicrous to suggest that any of the examples of consistency are in any way credible given that we have demonstrated that the OSD is mainly a housing development with some community amenity that otherwise is a bad fit in the fine grain village of Crows Nest, is jobs secretive over the long term and is irrelevant to a well-connected city.

The fallacy continues in tables 20 and 21 where it attempts to show consistency with the North District Plan and with Section 34 of that plan. The OSD is mainly housing development trying to masquerade as infrastructure.

It is even more imaginative in tables 22 and 23 claiming consistency with the 2017 Interim Statement for St Leonards Crows Nest and its guiding principles. It is nothing of the sort.

7. Assessment of compliance with statutory provisions

This section lists all of the statutory provisions that require compliance by the OSD. Section 7.1 deals with the Environmental and Assessment Act 1979 and in table 29 lists the Objects and the Consistency with those Objects that the OSD achieves. Here is just one example:

Object	Consistency
To promote the social and economic welfare of the community and a better environment and proper management, development and conservation of the State's natural and other resources	The concept proposal comprises a building form which would promote the social and economic welfare of the community and a better environment through the provision of a vibrant mixed-use development which has been designed to be compatible with surrounding environment, As discussed in Chapter 9.2 which is all about economic impacts.
Wollstonecraft Precinct Response	Nonsense - we have already demonstrated in our submission on the rezoning proposal that the economic impacts of the concept proposal are negative as a result of it being jobs secretive because it favours residential development over commercial development that would otherwise create jobs.

Similar counter-arguments can be developed for many of the reasons given by SM for consistency with the objects of the EP&A Act.

7.8 North Sydney Development Control Plan 2013

This section again discusses State significant development, and here makes the following assertion:

'Development control plans (whether made before or after the commencement of this Policy do not apply to... State significant development'

As already discussed in previous Planning Context section 2.1, there is a very weak argument made for including the residential towers as 'partly State significant' and therefore as properly constituting or encompassing State significant development status. The determination needs to be made by the Director-General, who would be subject to the Planning Minister. This process is opaque and does not constitute genuine public participation.

At the very least it suggests that the OSD content should be separately addressed and assessed under the strategic area plans and subsequent DCP 2036 which have been deferred until next year. Currently they are subject to the existing NSLEP 2013.

8. Assessment of environmental impacts

North Sydney Council report on environmental impacts of the proposed development, are adequately addressed in their attached report (**Appendix B**) on the proposed OSD and SSD developments. It deals with issues of built form, urban design, site density, scale, podium, views and visual impacts, overshadowing and building envelopes. In summary, they do not

support the OSD proposal, as these issues have not been adequately addressed. The application is also premature, as it ahead of full public submission and council deliberation and implementation of final Development Plan 2036.

These issues can only be properly assessed when the OSD proposal aligns with the future Development Control Plan 2036. State significant rezoning to facilitate the SSD application will be subject to DPE review and may require to be fast tracked to align with tunnelling and Metro infrastructure programme. Integrating this scale of OSD however, needs to be subject to reasonable public participation and the DCP controls.

8.4 Overshadowing

The towers over the station site will overshadow Ernest Place and Hume Street Park year-round. The need to protect afternoon sunlight to open spaces in Crows Nest must be carefully weighed against the development capacity of the Metro over station development. Sunlight protections to Ernest Place and Willoughby Road determines but doesn't justify the maximum height of the Metro buildings on other grounds.

As it stands, the proposal includes maximum height limits that generally accord with the solar protections of the *Draft 2036 Plan* but fall short of the stronger protections under Council policy. At equinox, shadows from the metro buildings reach Willoughby Road from 3.30pm onwards. Later in the afternoon the shadow gets wider, covering more cafes. Shadows reach Ernest Place before 4pm, adding at least 1.5 hours of overshadowing. In summer, shadows reach Hume Street Park before 4:00pm, Willoughby Road after 5.00pm and begin to affect Ernest Place after 5.15pm adding about 1 hour of overshadowing. Figure 6 shows Ernest Place enjoys good sunlight at 6pm mid-December. This sunlight will be lost under the current Metro proposal.

The *Draft 2036 Plan* shows that opportunities for new open space in St Leonards and Crows Nest to support the population increase are exceptionally limited. The best opportunities are to expand and embellish existing spaces, where possible, and to protect the amenity of others.

Therefore, even the current strict controls for overshadowing enforced by NS Council should be increased in order to add further protection to the existing open spaces which will be at an extreme premium.

8.9 Transport Traffic and Parking

We note that there are two reports on view for the St Leonards Crows Nest Precinct: One prepared for the DPE by Cardno and the other prepared by Metro for Sydney Metro. Prior to receipt of the Sydney Metro documents for the OSD we had commissioned a review on the Cardno report and enclose a copy in Appendix B.

That review by David Hensher Professor of Management; Founding Director, Institute of Transport and Logistics Studies highlights some interesting critiques, perhaps the the most important being that he is not convinced that the Metro will assist significantly in reducing car use. Some will switch from existing rail and some from car but with car dominating. He

doubts it will do any more than but a few years of growth. The absence of a road pricing reform agenda is disturbing.

Clearly this demonstrates that any additional vehicles introduced into the Crows Nest area as would result from the proposed residential apartments and the hotel would seriously worsen traffic density and congestion.

From a lay perspective the narrow access along Clarke Lane would pose serious traffic hazards requiring intricate management initiatives as suggested in the Metro report but ultimately would pose a risk to pedestrian safety and amenity.

8.17 Public benefits, contributions and voluntary planning agreement

Sydney Metro is not intending to make Special Infrastructure Contributions and Section 94 contributions claiming the nature of the Metro as a significant piece of infrastructure and the uplift to economic benefit should offset any such contributions. This will impose on our Council a significant loss of revenue of some \$12 million.

14. Conclusion

There are many assertions in this section that lack any credible evidence of mitigation measures or incorporation of environmental and public identified issues. These issues are central to the very heart and soul of Crows Nest and what it is about the area that makes it so special to the community. **The concluding paragraph of the Sydney Metro EIS thati:**

'Overall, it can be considered that there are substantial benefits from the proposed concept development on the surrounding area, which will help to contribute to the strong legacy of the Sydney Metro project. Where potential impacts have been identified, these have been considered and evaluated as being appropriate in the context of the site and mitigation measures proposed. On this basis, it is considered that the concept SSD Application is able to be approved'.

Is patently untrue.

APPENDIX B

Concept State Significant Development Application – SSD 18_9579 Sydney Metro City & Southwest – Crows Nest Over Station Development

Attachments:

1. Wollstonecraft Precinct – Submission Rezoning Crows Nest Station Site v4 (Separate)
2. North Sydney Council Report on Rezoning (CiS02)
3. North Sydney Council Report on the OSD (CiS03)
4. David Hensher – Critique of the Cardno Transport Report for DPE (Separate)

NS Council Mayor Cr. Gibson Comments - Mosman Daily 9 August 2018

North Sydney Mayor Jilly Gibson said there were “no community facilities identified in the planning proposal”.

“This is a big concern, along with the height of the development,” Cr Gibson said. “I’m adamant that we don’t get any overshadowing of the restaurant area in Willoughby St.”

A council planning report said the “highly valued village feel” of Crows Nest and “solar access to key spaces like Willoughby Rd and Ernest Pl” would be compromised by the development.

“Afternoon sunlight to this community space is critical to the vibrancy of Crows Nest,” it says.