

**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.**

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

**Submission by Wollstonecraft Precinct Committee (Preliminary)**

The time allocated for exhibition of this new OSD application is extremely short given the large number of documents comprising over 900 pages. As a consequence, a written application was lodged for an extension of time to Sunday 18 October to allow proper consideration of a draft submission by the Wollstonecraft Precinct which is scheduled to meet on 14 October.

This application was refused in writing on the basis that the DPIE has to commence its assessment of the application in order to meet its timeline. Verbal advice from the DPIE contact planner was to submit what we could by the 6 October and follow up with a supplementary submission on 18 October. A request to confirm this advice in writing was refused.

**Introduction – Communication and Engagement:**

The first official consultation by Sydney Metro with the community on this part of the Metro project was the Early Community Engagement in July 2018 seeking community feedback to guide the project planning for the Crows Nest OSD. That was the first indication that Sydney Metro was planning such high towers with residential accommodation. Prior to that, community feedback in relation to over station development was by way of informal meetings and walk arounds conducted by the Department of Planning covering the 2036 Plan with little, if any mention of what Sydney Metro was planning (in secret as we now know).

Reaction from the community to the exhibition of the Early Community Engagement Feedback was swift including hundreds of firm objections to such height and scale. Wollstonecraft Precinct met with Sydney Metro soon after, to understand how a proposal for such high density could be proposed when the expressed requirement for the 'planned precinct' by the Department of Planning was to protect the village atmosphere of Crows Nest. The answer was surprising: "the department was thinking about similar heights". This was the first evidence of close collaboration between the Department (the consent authority) and Sydney Metro (the applicant).

The SEARs document was exhibited in August 2018. There were no changes made to the Early Engagement document which heightened concern that community engagement was irrelevant and done only to 'tick the box' amongst the long list of the SEARs requirements.

The original concept proposal was exhibited in the period between November 2018 and February 2019 together with the 2036 planning package. Public forums with 3D models of

the precinct were exhibited that demonstrated the scale of the proposal. These attracted universal criticism.

The community had embarked on a wider campaign to raise awareness of this planning and to encourage protests. A public rally in November attracted 800 attendees and this eventually led to the 655 submissions objecting overwhelmingly to building heights, precedence to attract other high rise developments, protection of the village of Crows Nest rather than the narrow protection of Willoughby Road, lack of community amenity and even excessive above ground car parking.

In December 2018 prior to closing of exhibition of the Sydney Metro application and the planning package for the 2036 plan, the Premier advised the community in writing 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. What feedback? The date of that decision was not announced but it was certainly well before exhibition of the Concept Development Application (SSD-9579) and undoubtedly prior to July 2018 when the Early Engagement Feedback was exhibited.

This was further evidence that the government, the Department of Planning and Sydney Metro were acting in concert to decide the outcome for the OSD and the 2036 Plan without first having the benefit of proper community feedback. The Department's own preparation of the Rezoning Proposal that mirrored the Concept DA was verification of collaboration towards an outcome, ultimately determined by the release of the St Leonards Crows Nest 2036 Plan, that has now led to the re-exhibition of an amended proposal from Sydney Metro.

The NSW government's decision as advised by the Premier, to step in and 'determine' without first exhibiting any formal proposal for consultation has falsely legitimised the 27 storey height in complete disregard for its stated policy of community consultation. The 655 community objections to building heights were never going to be considered relevant to height, except as we now know with a token height reduction to shave of some overshadowing of Ernest Place.

The NSW government has conspired with the Department of Planning and Sydney Metro to agree on a way forward and left no doubt of its intentions to stick with its decision made prior to any feedback to the contrary, to keep heights of buildings along the Pacific Highway south of St Leonards at or near 27 storeys. The 2036 Plan has been determined as a consequence of government led rezoning that has ignored the community. Now Sydney Metro is just fiddling with the envelope in the full knowledge that the DPIE will likely discard any objections that breach the gazetted changes to the development controls.

It is against this background that we lodge our submission to the documents on exhibition.

## The Amended Concept Proposal:

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:

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.



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;  
b) the impression of a vertical gap in the middle of the building that is not supported by the indicative plans;  
c) The top of Building A at RL180 is the same height as the lower of the two Mirvac buildings diagonally opposite but at 120 metres long takes up a whole block (between Oxley and Hume Streets). It will have the reputation of the only building in North Sydney to do so. This is an example of “government led rezoning”

Comparison with the original exhibited conceptual application is shown overleaf.





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 material 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 Response (RtS) for the OSD

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 communication and engagement are provided in our Introduction. Comments on the balance of the highlighted issues are listed below:

### 6.4.1 Land Use

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

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

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.

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. On this basis, the OSD buildings would support up to 6,000 jobs,

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. The number of jobs that commercial office space in the Metro OSD will support is much higher than claimed and the corollary is that the buildings, particularly on Site A could easily be reduced in size and height to meet the high jobs target for Crows Nest.

A high rise office building also contrasts with the stated objective: *A similar balance of mixed-use developments and standalone commercial sites are proposed closer to the Crows Nest Station and St Leonards*

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 about 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 ignored in the extensive analysis that has narrowed consideration to only over shadowing on Willoughby road, Ernest Place and Hume St Park. The solution of Sydney Metro to build a massive amount of office space is dated and pre-Covid. Commercial office space demand is and will remain depressed for decades. 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.

#### **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 steppes 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 development 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. 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 – simply because it wasn't mentioned in the concept proposal as exhibited.

This is unreasonable. Willoughby Road is the heart of Crows Nest. The DPIE through the SEARs document considers irrelevant and casts the Crows Nest Placemaking and Principles Study aside without further thought to the residents who habit the village 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 also 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 nonsense. The OSD will detract from the otherwise vibrant gateway, all of which 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 with one exception of a 9 storey office building on space that could be better utilised for public amenity.

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 and RL155 can never be described as being in context with the village. They are just too high and bulky, looking like a box plonked atop the otherwise attractive new entrance to the village. Site C office building above the station eastern entrance makes no sense at all.

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 and with the collaboration of DPIE.

**Our 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 draft 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 being attracted because of the two peak approach and government support for 27 storeys**

### **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 and with increased population, 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) storey 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 as being so important. Sydney Metro is providing none rather than contributing to 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 now complete, 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 profess design excellence, exceed the planned heights. The planning process is flawed, 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 or at least make ineffective, the community 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 the Metro proposal was kept secret until exhibition of those documents from November 2018 through January 2019. It is a travesty of good governance and comes not from planners but politicians who have interfered in proper process.

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 in relation to Hume Park 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 from developments including those that will come from Sydney Metro.

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