

Attached Report

Report to Wollstonecraft Precinct

Crow's 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 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 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 not 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

Part C: Draft Submission

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.

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.

Introduction:

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.

Reaction from the community was swift and decisive with 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 proven 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 consultation was irrelevant and done only to 'tick the box' in the long list of the SEARs requirements.

The original concept proposal was exhibited in the period between October 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.

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 mainly to height, lack of community amenity and excessive car parking.

In December 2018 prior to closing of exhibition of the documents, 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? Before any feedback? Here is further proof 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 community feedback.

There was never any exhibition of building heights until the Concept Proposal (SSD-9579) were exhibited from October 2018 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 Urban Study engaged by the DPIE was used to help justify that rejection.

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.

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

The Amended Concept Proposal:

