

*Our ref 18230*

1 February 2019

Director, Sydney Central Urban Renewal  
Department of Planning and Environment  
GPO Box 39 Sydney, NSW 2001  
**by email**

Dear Sir/Madam

**RE: draft 2036 Plan for St Leonards/Crows Nest**

We refer to the above and provide the following comments on the draft Plan on behalf of our client, the owners of 360 Pacific Hwy Crows Nest. The subject land is immediately to the south of the proposed Crows Nest Metro Station as indicated in the following figure from the draft plan.



As detailed in the following photograph, the site contains a substantial commercial building and as such, a significant uplift in development potential is required in order to make redevelopment viable.



Whilst the overall intent of the draft plan is supported, in our view the proposed uplift in height and FSR does not make adequate use of the very significant infrastructure that is being provided, ie a new Metro Station.

### Overview

In relation to built form, there seems to be an inconsistency between the broader principles and the proposed height and FSR controls. The draft Plan indicates an 'expectation' of buildings up to 50 storeys between St Leonards and the Metro Station at Crows Nest. The relevant diagrams show a 'twin peaks' approach to built form ie higher buildings at the stations with a dip in the area in between. The basis for this approach seems to be to allow better solar access between the peaks as consideration of overshadowing of public places has been a major consideration.

However, in terms of the actual heights that have been specified, the outcome is less 'twin peaks' and more 'mountain and molehill'. In this regard the Metro station development is only 27 storeys, just over half the 50 storeys allowed in St Leonards. Whilst Crows Nest has more of a village feel compared to St Leonards, this is more in relation to the Willoughby Road shopping precinct. There are limited constraints to higher buildings in the area around the Pacific Hwy.

As indicated in media articles about the Metro, the new metro line is designed to carry 43,000 passengers per hour per direction (p/h/d). No Sydney Trains line can currently reach 20,000 p/h/d. With a capacity more than double that of St Leonards, it does not

make sense to encourage densities near the Metro Station which are around 50% of those proposed near the conventional St Leonards railway station. This will jeopardise the ability of the Metro capacity to be reached and be a waste of the huge amount of public funds required for its construction.

Further the current proposals are not consistent with the overall 'twin peaks' logic set down for the new built form. The outcome provided for by the actual controls is quite different as indicated in the following image from the Metro Site Concept Plan documentation.



In the Urban Design Study for the draft Plan, no specific constraints have been identified on the western side of the Pacific Hwy, where the majority of the impacts from more intense development would be. It may be the case that the height on the Metro site has been limited due to the visual impacts on the village centre. Whilst we do not agree that higher buildings would be inappropriate, this should not preclude higher buildings on the western side of the road which is still in very close proximity to the station. By contrast, in Chatswood, which will also get a new Metro Station, the draft CBD Strategy provides for 90m buildings and an FSR of 6:1 across the bulk of the new areas that were not previously part of the CBD.

If higher density was provided near the Metro Station it would contribute to the funding of better infrastructure such as pedestrian access under the Pacific Hwy. Given the busy nature of this road and the scope of the Metro project as a whole it is an astounding omission to not provide for the safe and unimpeded access to the western side of the road.

The SGS Economics report prepared for the Metro project also indicated that development near the proposed stations would reduce the demand for dwellings in other nearby suburbs. It is more logical to accommodate additional dwellings close to the new stations rather than in less accessible areas. Increasing densities further will reduce the likelihood of development pressure in more sensitive and less accessible areas.

Higher buildings close to the station could also ensure the viability of the transition areas further from the station. For example, the block to the west of the subject site (between Nicholson Place and Nicholson Street) already contains some substantial

development including numerous apartment buildings. With a proposed height control of 4 storeys and an FSR of 1.6:1, it is doubtful whether this offers enough potential for redevelopment to occur. If higher buildings are permitted on the subject site and other sites in close proximity to the Metro, transition areas could accommodate more intense development (even if it is only on part of the block so that there is still a transition to areas not proposed to be upzoned).

In light of the above, it is considered that the proposed building heights and FSR's be reviewed to ensure the best possible outcome and utilisation of this world class infrastructure. At the very least, buildings of 50 storeys should be permitted in locations near the Metro station that will not unduly affect sensitive areas such as the Crows Nest main shopping street, conservation areas or public open space.

#### Specific comments regarding 360 Pacific Hwy

Even if broader changes to the proposed densities as outlined above are not investigated further, the following discussion indicates that it would be reasonable and appropriate to reconsider the proposed controls on the subject land. The draft Plan and associated documents provide for the following controls for the subject site.

Height – 18 storeys

FSR – 5.5:1 (2:1 of which must be non-residential)

Pacific Hwy built form - 0m street setback to a height which matches adjoining development (ie 2 commercial levels)

Nicholson Place built form – no setback indicated and height to match adjoining development.

#### *Discussion of height and FSR*

The above controls have been reviewed and the attached detailed analysis has been prepared by Architecture Urbaneia. Scheme 1 demonstrates that the site is capable of achieving the proposed 18 storey height and comply with all the primary controls of the Apartment Design Guide (ADG) and preserve appropriate solar access of surrounding development. It is noted whilst no setback to the rear lane is required, the large existing trees along this frontage (see following photograph) can be retained if a setback of around 2.5m is provided. This is considered to be a desirable outcome.



The above positive outcomes can be achieved with an FSR of 6.44:1, 0.94:1 higher than currently proposed in the draft Plan. Given these outcomes and the earlier comments about maximising the potential of land in such close proximity to the Metro Station, an increase in the proposed FSR is considered to be reasonable and appropriate.

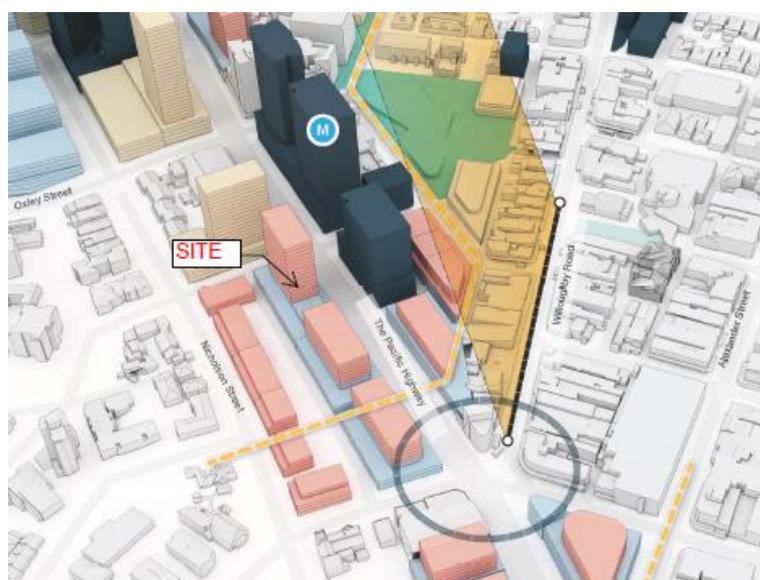
In light of the above, the impacts of a higher building have also been tested. Scheme 2 shows a 21 storey building and demonstrates that provided the upper levels are stepped back from Nicholson Plan, the overshadowing impacts are not materially worse than an 18 storey building. The other outcomes are also the same or similar to those of Scheme 1. The resultant FSR is 6.82:1, which is still a modest increase of the currently proposed FSR. The height of 21 storeys is still subservient to the 27 storey Metro development directly to the north and therefore the overall transition to building heights remains consistent with the draft Plan.

Changes to proposed FSR are further justified having regard to the controls proposed directly opposite the site across the Pacific Hwy. This site (part of the Metro site development) has a proposed height of 17 storeys (1 less than the subject site) and yet is permitted to have an FSR of 8:1 (2.5:1 higher than the subject site). This is despite having the same 2:1 non-residential FSR requirement as the subject site and being even more constrained by having a 3m setback requirement to the Pacific Hwy. Given the inconsistency with the site opposite and that it has been demonstrated that a higher FSR can be provided without additional impacts, it would be appropriate to allow for an FSR of 8:1 on the subject site.

It should also be noted that the FSR control is not always achievable and that it is intended (along with the height control) to provide a framework for detailed building design. It has been clearly shown that the proposed 5.5:1 FSR is too low and totally inconsistent with the site opposite. An FSR of 8:1 would allow more design flexibility - the schemes presented are still at a very schematic level and it is possible that more GFA than is shown can be accommodated and positive outcomes still achieved.

#### *Consolidated tower v separate towers*

The indicative built form for the site is shown in the following extract from the Urban Design Study.



The above shows a consolidated tower which spans 366-374 Pacific Hwy to the north as well as No 360. It is assumed that this approach was indicated in order to provide a larger gap between the tower elements along the Pacific Hwy to improve solar access. Whilst there are no specific controls currently proposed that would require this outcome, the attached detailed analysis undertaken by Architecture Urbaneia (refer to Scheme 3) demonstrates that this may not be the best design solution for the following reasons:

- Building bulk – the provision of two smaller, more slender towers in lieu of one large one has obvious benefits in terms of visual impact;
- Heritage – 366-374 Pacific Hwy is a heritage item and this may preclude creation of a workable tower solution and would certainly make it much more difficult to develop. Including it as part of a broader site would reduce the ability of No 360 (which is relatively unconstrained) to be redeveloped in the short term to take full advantage of the Metro.
- Apartment Design Guide – as indicated in the attached drawings, individual towers can still provide for an outcome which is compliant with the requirements of the ADG. Further, a consolidated tower performs worse in terms of solar access and amenity generally due to the oversized floorplate.
- The overshadowing of the areas to the south of the site would be greater from a larger tower. The gap provided by consolidating the form does not provide for reduced impact generally due to the relationship of the towers to the relevant sun angles.

Notwithstanding the above, the controls should be as flexible as possible to allow different scenarios to be explored. Therefore there should be no requirement to consolidate but it may be in the interest of different owner to provide an amalgamated solution. In this regard it is noted that a consolidated option would allow a higher FSR to be achieved (7.4:1). This is further reason why the proposed FSR should be amended to 8:1 – to allow flexibility in the design solutions for the redevelopment on the precinct.

*Comments on the report prepared by North Sydney Council dated 29.01.19*

In this report Council raised some concerns with building separation and the potential for overshadowing to the south from the proposed '18 storey buildings'. As noted in the concept plans provided, future development (even with a higher building and FSR than proposed) can comply with the ADG building separation requirements and ensure that overshadowing is not unreasonable. Therefore we request that these concerns not be given any weight.

Council also raised concerns with height generally and specifically in relation to the Metro site. Whilst we understand that Willoughby Road has sensitivities, as noted above, we are of the view that this does not preclude buildings which are even higher than this currently proposed.

## Conclusion

Given the far superior capacity of the proposed Metro compared to a conventional station, the proposed significant disparity in densities between St Leonards and Crows Nest is not justified. Whilst it is acknowledged that St Leonards is an established centre and that there are sensitivities in regard to the proximity to the main shopping street of Willoughby Road, there is no strong reason why the areas close to the Metro (particularly west of Pacific Hwy), cannot accommodate more intense development. Now is the time to ensure that we make the most of this major infrastructure - there will be no 'second chance' in this circumstance. We need to provide for higher densities where they can be accommodated. This will also take the pressure off less accessible and more sensitive areas.

Even if densities are not broadly revisited, this submission demonstrates that modest increases are possible without any additional impacts compared to the currently proposed controls. **On this basis the draft Plan should be amended to provide for 21 storeys and an FSR of 8:1 for the subject site.**

Please do not hesitate to contact the undersigned should you wish to discuss.

Yours faithfully



Brett Brown, Director  
INGHAM PLANNING PTY LTD