



6 February 2019

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

Dear Sir/Madam

**Submission | St Leonards and Crows Nest 2036 Plan**

Thank you for the opportunity to provide feedback in relation to the St Leonards and Crows Nest Plan. Mirvac has an interest in the subject areas, given its current mixed-use development project which is under construction at 472 and 486 Pacific Highway St Leonards, known as St Leonards Square. Two prior submissions have been provided in relation to earlier consultation material (attached for convenience), as follows:

- 27 July 2018
- 5 December 2018

We reiterate our support for the new metro infrastructure being delivered by the State Government at Crows Nest and look forward to its timely completion. With the delivery of the Crows Nest Metro, it is critical that a transparent, robust planning framework is implemented to guide any future development of the area.

Accordingly, we take this opportunity to provide further feedback in relation to the latest material made available for public consultation.

**1. Acknowledgement and consideration of approved development consents under construction and regard for views and amenity established by those approvals**

St Leonards Square was approved in 2016, well before the release of the draft planning package for St Leonards and Crows Nest. At the time, a robust design and approval process was completed to achieve a high level of design excellence and amenity – including views for future occupants, tenants and visitors of the development. Acknowledgement and consideration of any impacts to this project and its established amenity – particularly views – should be considered as part of any future plan for the precinct. As highlighted in earlier submissions, view sharing principles are established by the Land and Environment Court and we respectfully seek that this item be given due consideration in finalising the 2036 Plan and any future planning controls.

## **2. Uncertainty and lack of transparency of Significant Sites**

The lack of detail around Significant Sites provides very little certainty to surrounding landowners and residents around future density or how that density will be distributed. This approach impedes the ability of landowners and residents to meaningfully comment on the draft 2036 Plan.

The Plan notes that Significant Sites will be rezoned via a Council-led planning proposal and will be subject to a design excellence process.

There has clearly been an extensive amount of collaboration, consultation and work completed by the Department of Planning & Environment (DP&E) in relation to the Crows Nest and St Leonards plans. Accordingly, the unknown nature of identifying Significant Sites without outlining planning parameters as per the remainder of the precinct is concerning.

For the industry and community to have faith in the system it is important that plans are transparent and clear without fear of unknowns and future processes. Given the amount of work undertaken to date and impacts any redevelopment of the nominated Significant Sites could have on adjoining properties, we see no reason in this instance why DP&E could not establish and exhibit proposed planning parameters for these Significant Sites.

## **3. Significant Site Bound by St Leonards Square, Pacific Highway, South to Oxley Street, West to Nicholson Street (448-460 Pacific Highway, 40 Oxley Street and 53-67 Nicholson Street) – “460”**

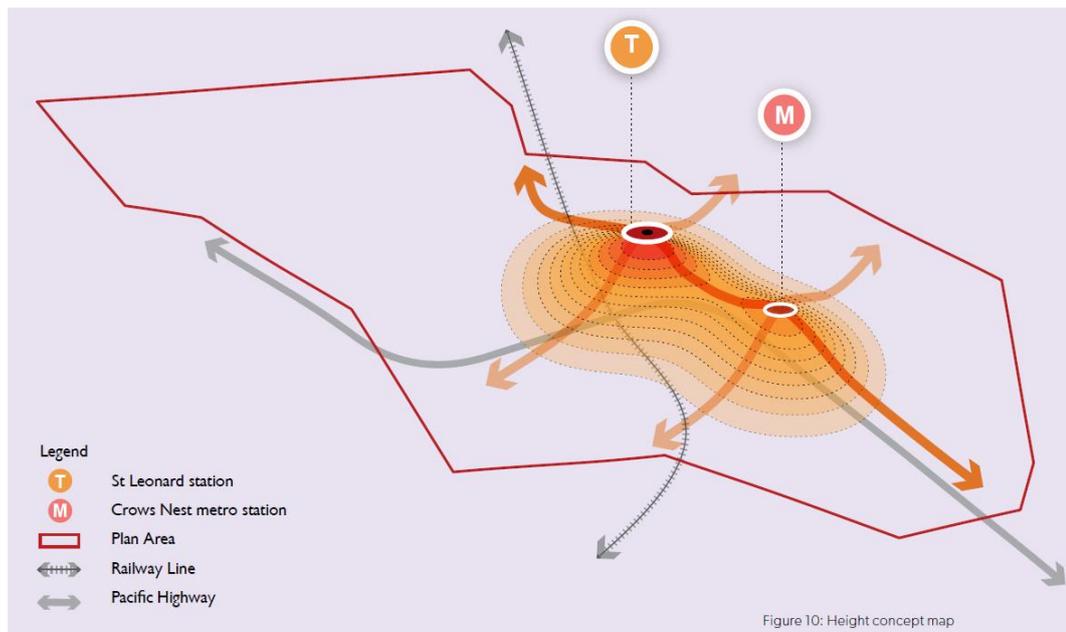
As per point 2, given the amount of collaboration, consultation and work completed to date, there are concerns around the uncertainty and transparency identifying Significant Sites without outlining proposed planning parameters as per the remainder of the precinct.

Additionally, this particular proposed Significant Site is likely to have material impacts on the adjoining approved St Leonards Square project currently under construction, that should be taken into account in relation to any proposed new controls (refer point 1).

In order to understand the effects of this Significant Site and consider how it could be redeveloped, we have undertaken analysis which we believe provides adequate justification for establishing proposed controls.

460 has a number of critical constraints that should inform future height and massing:

- i. Overarching height framework:** The 2036 Plan identifies an overarching height framework based around the dual ‘peaks’ of the Anson site at 619-621 Pacific Highway (identified for 50 storeys) and the Crows Nest Over-Station Development (identified for 27 storeys). The height concept map is shown below.



**Figure 1 Height concept map**

Source: Department of Planning & Environment

460 is located between these peaks; the height concept maps indicates that heights should dip slightly and then increase approaching St Leonards. As the Crows Nest OSD is set at 27 storeys, it follows that 460 should have a maximum height of approximately 18 storeys on Pacific Highway in order to maintain the structure set by the draft 2036 Plan.

A height of 18 storeys on Pacific Highway would also create an appropriate transition to St Leonards Square, which is currently approved at heights of 27 and 35 storeys. It is noted that the draft 2036 plan identifies St Leonards Square for heights of 30 storeys and 40 storeys. This information is incorrect. The draft 2036 plan should read 27 and 35 storeys respectively. Given the actual and approved St Leonards Square heights, it follows that the height of 460 should also be proportionately lower to achieve an appropriate transition.

This 18 storey height on Pacific Highway would also be consistent with those set in the immediate vicinity and along Pacific Highway, which are generally at 8, 18 and 16 storeys.

- ii. **Overshadowing:** St Leonards Square is approved and under construction, and is therefore an existing condition. If developed for residential development, 460 is unlikely to be able to meet solar guidelines under the Apartment Design Code (“ADG”).

In order to seek to achieve ADG solar access guideline compliance, any future development of 460 would need to concentrate its density along and parallel to the Pacific Highway, as any development on the Nicholson Street side of the site would largely not receive sunlight throughout the day.

Concentrating a building along and parallel to the Pacific Highway would also have the dual benefit of appropriately transitioning to the lower-scale development to the rear, which are identified in the 2036 Plan as having heights of 9 and 4 storeys.

- iii. **Transition to surrounding areas;** The draft 2036 plan is clear that appropriate transitions in scale are to be taken into account. This appears to be a very important consideration in the planning framework.

Our assessment of an appropriate transition and taking into account the matters raised in the points above, we believe the following recommended controls be established over 460 - **Figure 2.**



**Figure 2 Recommended heights – Significant Site 460**  
 Source: Mirvac Design overlay on Department of Planning & Environment

It is noted that this recommendation is consistent with the approach suggested by SJB in the urban design study that underpins the draft 2036 Plan, which shows building mass along Pacific Highway on the corner of Oxley Street, with a lower-scale transition to Nicholson Street. An extract from the SJB Stage 02 Urban Design Study is shown at **Figure 3**.



**Figure 3 Potential built form massing shown in SJB Urban Design Report (460 outlined in red)**  
 Source: SJB

- iv. **Building separation:** Any future redevelopment of 460 should achieve adequate building separation from St Leonards Square. In line with the visual privacy separation requirements in the ADG, the building should be incrementally set back as it gets higher, and should ultimately achieve 24 metres of separation for any building portion above 9 storeys.
- v. **View sharing:** In accordance with point 1 raised in this submission, preservation of views is an important aspect to be considered in the 2036 plan. The approved St Leonards Square project, which is currently under construction, will enjoy iconic views to the Harbour Bridge, Sydney Harbour and CBD to the south. These views are a fundamental element of the project and must be a consideration in any future plans for 460. Accordingly, we submit that any future development of 460 should consider view sharing principles and should allow St Leonards Square to maintain its iconic viewlines.

In summary, we acknowledge that 460 is appropriate for redevelopment. However, in order to provide greater certainty to landowners and the community, Mirvac believes that the Significant Site notation should be removed and the following principles should be nominated in the final 2036 Plan:

1. Maximum height of 18 storeys along Pacific Highway to be consistent with the height concept map.
  2. Building mass concentrated along Pacific Highway to be consistent with planning parameters and maximise solar access to future dwellings.
  3. Locating the mass of any new building on the 460 site along Pacific Highway on the corner of Oxley Street as per the suggestion contained in the SJB Urban Design Report **Figure 3**.
  4. 4-10 storey transition to Nicholson Street, transitioning and consistent with adjoining heights on the western side of Nicholson Street.
  5. 24-metre building separation from St Leonards Square, in line with the Apartment Design Guide.
- 4. Significant Site –AMA House (69 Christie Street) and Telstra Telephone Exchange (524-542 Pacific Highway)**

AMA House and the Telstra Telephone Exchange are identified as a Significant Site in the draft 2036 Plan. As per previous commentary throughout this submission, we are concerned that the Significant Site approach creates uncertainty and lacks transparency. We would recommend, consistent with our commentary of Significant Sites in this submission, that planning parameters should be identified immediately so that certainty and transparency of the process is maintained

In relation to this subject Significant Site, redevelopment of the AMA House portion of the site has the potential to significantly impact surrounding development, including St Leonards Square. Mirvac considers that future redevelopment of this site should adopt at least a 24-metre separation from St Leonards Square, and should also consider overshadowing impacts to St Leonards Square.

## **5. Cumulative Impacts of Overshadowing**

It is noted that there is potential for tall buildings to be developed directly north of St Leonards Square. The draft 2036 Plan already includes principles around overshadowing of public open space and streetscapes. We submit that future development should also consider cumulative overshadowing impacts on existing residential development within the precinct, and should avoid reducing solar access to existing residential buildings to less than the level that is suggested by the Apartment Design Guide.

## **6. Sites opposite on Nicholson Street – 29-57 Christie Street through to 67 Christie Street**

The sites opposite at 46-50 Nicholson Street, 65-67 Christie Street, and 29-57 Christie Street have been identified for heights of 15-18 storeys in the draft 2036 Plan. It is noted that boundary-to-boundary, these sites are less than 24 metres from the façade line of St Leonards Square. Future development of these sites should adopt appropriate setbacks above street wall height, in line with the visual privacy and building separation requirements of the Apartment Design Guide (up to 24m for 9 storeys and above).

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## **7. Levies and Contributions**

The draft 2036 Plan does not specify whether an affordable housing contribution will be levied in addition to the proposed SIC. The applicability of any affordable housing contribution is critical to determining development viability and should be clarified as soon as possible. There is a concern that the cumulative impact of the SIC and any affordable housing contribution, in addition to local developer contributions, could render development unviable. Furthermore, the draft 2036 Plan should clarify that affordable housing is included in the SIC, and if not, further work needs to be undertaken to determine the extent of affordable housing and the cumulative effects on a projects' viability.

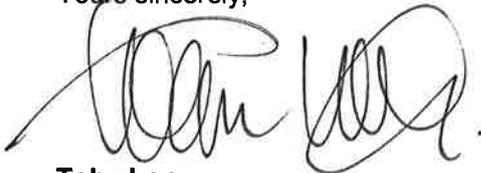
It is also noted that Significant Sites create an issue in terms of establishing a SIC that can adequately pay for infrastructure in St Leonards. Given the density of these sites is unknown, a situation could arise in which the density of these sites exceeds the estimates that formed the basis of the SIC rate. This adds to the argument that densities for Significant Sites should be established as part of the 2036 Plan.

## **8. Consistency across Local Government Areas**

The St Leonards precinct lies in three separate LGAs – North Sydney, Lane Cove and Willoughby. There is a danger that the approach taken by each council towards Significant Sites will be drastically different, leading to inconsistent and disorderly outcomes on major sites in the precinct. In order to achieve consistency across Significant Sites, planning controls should be developed and exhibited as part of the 2036 Plan and not as part of separate planning proposals.

We thank you for the opportunity to provide feedback in relation to the draft Crows Nest and St Leonards 2036 Plan. We would welcome the opportunity to meet with you to discuss the contents of our submission at your convenience. Alternatively, should you have any queries, please feel free to contact the undersigned on 9080 8131.

Yours sincerely,



**Toby Long**  
General Manager, Residential Development NSW

# APPENDIX 1

Our reference  
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27 July 2018

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**Contact**  
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BY EMAIL ONLY:  
[sydneymetro@transport.nsw.gov.au](mailto:sydneymetro@transport.nsw.gov.au)

Dear Sir/Madam

## **Early community feedback on a concept design for an integrated station development at Sydney Metro's new Crows Nest Station**

Thank you for the opportunity to provide feedback in relation to the above proposal. We act for the landowner of Lot 1 DP628513 & Lot 1 DP107044.

We are instructed that our client respectfully requests that Sydney Metro consider Development Consent from Lane Cove Council - DA222/14 ("Consent") approved in May 2016, and future environmental and amenity impacts of any proposed redevelopment of the ISD site, having regard to that Consent.

Specifically, the future built form and massing of any proposed ISD buildings and the negative and irreversible impacts to view loss and amenity.

Accordingly, our client requests protection of views, particularly in accordance with the Land and Environment Court 'Tenacity' Planning Principle.

It is our client's view that if not appropriately considered and managed, the future built form and massing of the ISD buildings could result in negative and irreversible amenity impacts to approved open space, future residents, workers and visitors associated with the development being undertaken under the Consent.

We thank you for the opportunity for allowing our client to participate in this consultation process and would welcome any opportunity to be involved in future community engagement.

In the first instance, please do not hesitate to contact me via email [natalie.bryant@corrs.com.au](mailto:natalie.bryant@corrs.com.au) or on (02) 9210 6227.

Yours faithfully  
**Corrs Chambers Westgarth**

*Corrs Chambers Westgarth*

**Natalie Bryant**  
Partner

# APPENDIX 2

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lawyers

5 December 2018

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NSW Department of Planning and  
Environment  
Key Sites Assessments  
Department of Planning and  
Environment  
GPO Box 39  
SYDNEY NSW 2001

**Contact**  
Natalie Bryant (02) 9210 6227  
Email: [natalie.bryant@corrs.com.au](mailto:natalie.bryant@corrs.com.au)

**Attention:** Director, Key Sites  
Assessments

Dear Sir/Madam

## **Sydney Metro Crows Nest, Over Station Development (SSD 18\_9579) – Notice of Exhibition**

Thank you for the opportunity to provide feedback in relation to the above proposal. We act for the landowner of Lot 1 DP628513 & Lot 1 DP107044 and previously provided feedback on the concept design for the Sydney Metro Crows Nest Station in July earlier this year. A copy of our previous submission is **attached**.

We are instructed that our client is supportive of the new metro infrastructure being delivered by the State Government at Crows Nest, but has requested that we reiterate the position set out in our previous submission for consideration.

We note that view sharing principles have been considered when designing building envelopes. As outlined in our previous submission, we are instructed that our client respectfully requests that Sydney Metro consider Development Consent from Lane Cove Council - DA222/14 ("Consent") approved in May 2016, and future environmental and amenity impacts of any proposed redevelopment of the ISD site, having regard to that Consent.

Specifically, the future built form and massing of any proposed ISD buildings and the negative and irreversible impacts to view loss and amenity.

Accordingly, our client reiterates its request for the protection of views, particularly in accordance with the Land and Environment Court 'Tenacity' Planning Principle.

As noted previously, it is our client's view that if not appropriately considered and managed, the future built form and massing of the ISD buildings could result in negative and irreversible amenity impacts to approved open space, future residents, workers and visitors associated with the development being undertaken under the Consent.

Our reference  
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We thank you again for the opportunity for allowing our client to participate in this consultation process and would welcome any opportunity to be involved in future community engagement.

We are happy for this submission to be made available to Sydney Metro. However, we kindly ask that this submission is not made available on the Department's website.

In the first instance, please do not hesitate to contact me via email [natalie.bryant@corrs.com.au](mailto:natalie.bryant@corrs.com.au) or on (02) 9210 6227.

Yours faithfully  
**Corrs Chambers Westgarth**



**Natalie Bryant**  
Partner