

Ref: 2019/023

8 February 2019

Ms Carolyn McNally
Secretary
Department of Planning and Environment
320 Pitt Street
Sydney NSW 2000

Via online submission

Dear Ms McNally,

RE: SUBMISSION TO THE ST LEONARDS AND CROWS NEST LAND USE 2036 DRAFT PLAN – 460 PACIFIC HIGHWAY, ST LEONARDS

This submission has been prepared by TBA Urban Pty Ltd on behalf of the Strata Renewal Committee for the property at 460 Pacific Highway, St Leonards (the Property). It is provided for consideration by the Department of Planning and Environment in finalising the Draft Plan.

Overall, the Strata Renewal Committee is generally supportive of the Draft Plan's Vision and Guiding Design Principles for the St Leonards and Crows Nest area. However, there are some elements of the Draft Plan that will benefit from further clarification and some controls that cannot be supported until further investigations are done at later planning stages. These matters are outlined in the relevant sections below.

The Property

The Property is located at 460 Pacific Highway, St Leonards, 6km north of Sydney CBD and 3.5km south of Chatswood. The new Crows Nest Metro Station is located directly adjacent to the site on the opposite side of the Pacific Highway (**Figure 1**).

The Property has frontages to Pacific Highway (east) and Nicholson Street (west). It shares a boundary with the Mirvac's mixed-use St Leonards Square development to the north and office uses to the west and south. A car wash and commercial offices are also to the south and make up the remainder of the block. As Agents for the Strata Renewal Committee, we have contacted some of the other landowners in this Significant Site to assess commonality of views as to how the site should be developed.

The Property is approximately 2,064m² in land area with strata titled ground floor retail and 4 storeys of commercial office above.

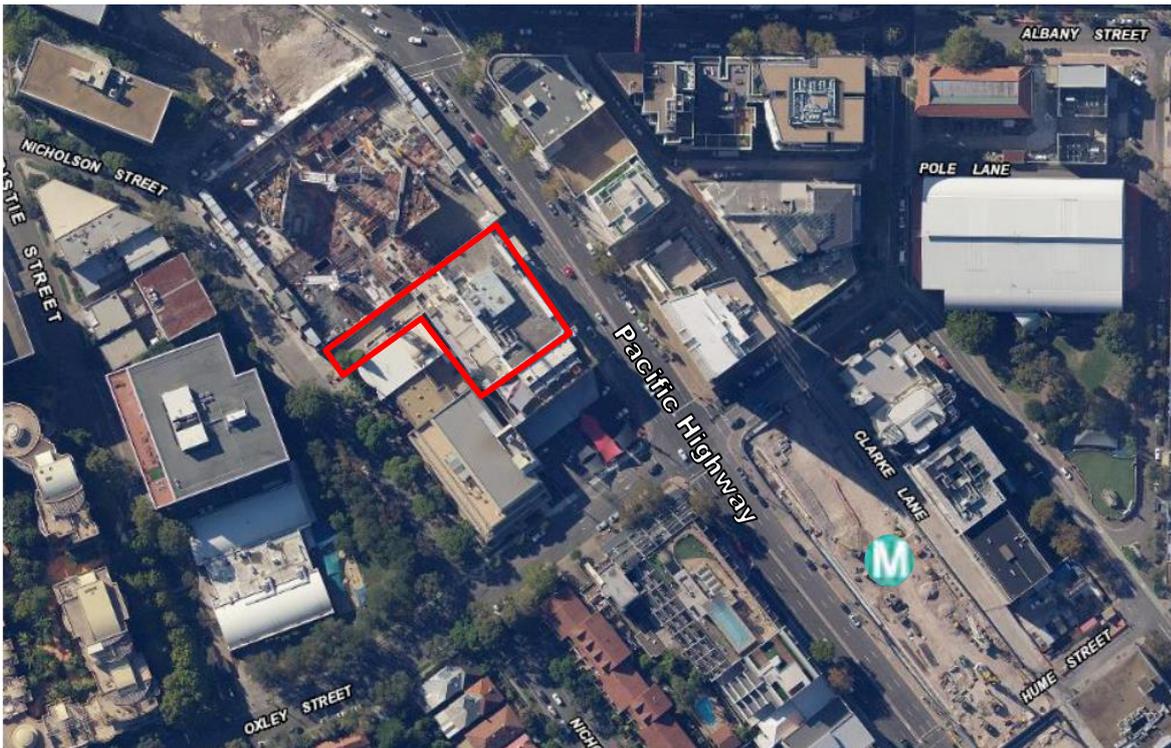


Figure 1 The Property

The Draft Plan

The Vision of the Plan

The Vision for the St Leonards and Crows Nest area is to:

be a major centre for workers, residents, students and visitors, offering a variety of homes, jobs and activities for the diverse local population. The area will continue to be a place that people are proud to work in, visit and call home.

This Vision has been developed by the Department in consultation with the community, landowners and key stakeholders including Willoughby, North Sydney and Lane Cove Councils. The Draft Plan strives for a vibrant community with improved amenity and diversity of jobs, housing and recreation choices whilst also seeking to retain the character of important localities such as Willoughby Road.

Significant improvements in terms of landscape, accessibility and built form are required to achieve this. The Property, being a prominent site fronting the Pacific Highway and adjacent to the new Metro station, will play a large part in the achievement of the Vision. Some of the opportunities and challenges that the Draft Plan presents for the Property to help deliver the vision are discussed below.

Land Use and Built Form Controls

The Draft Plan identifies the Property as being zoned and part of a 'Significant Site' (448-460 Pacific Highway, 40 Oxley Street and 53-67 Nicholson Street, St Leonards).

Key use and built form controls identified for the Property are as follows:

| Item | Controls | Comments |
|--|---|---|
| Zoning | B4 Mixed Use | Supported. This provides the ability for the Property to provide jobs, after hours activation, and a diversity of housing close to the Metro Station. |
| Minimum Non-Residential Floor Space Ratio | 5:1 for the Property and 2:1 for the south west portion of the block. | Not supported. The SGS Economic Feasibility Study accompanying the Draft Plan reports that this is not currently feasible under various scenarios and may not be feasible until many years later when commercial rents are on par with North Sydney. It is not certain that this will occur. While we acknowledge the importance of employment uses in this location given its proximity to the Metro and Pacific Highway, the adoption of minimum FSR controls is not appropriate until further analysis can demonstrate that this is feasible. It is suggested that this be completed at the Planning Proposal stage. |
| Floor Space Ratio (FSR) | No control specified given its identification as a Significant Site. | Supported. No FSR controls should be specified at this stage. The density of the site should be determined by setbacks, achievement of good urban design principles, infrastructure capacity, and alignment with the principles of the Plan. If necessary, this should be investigated further at the Planning Proposal or Development Application stage. |
| Building Height | No control specified given its identification as a Significant Site. The Draft Plan states that: <ul style="list-style-type: none"> A height 'expectation' of taller buildings (up to 50 storeys) between St Leonards and Crows Nest stations has already been set by recent Council approvals along Pacific Highway between Oxley Street and Herbert Street. A dip in height between the two peaks at St Leonards Station and | Supported. No height controls should be specified at this stage. The Property is situated on the Pacific Highway between other tall buildings, some up to 50 storeys in height. Subject to alignment with the solar access planes, the Property may have the ability to achieve similar heights. Height should ultimately be determined based on achievement of good urban design principles and alignment with the principles of the Plan. Height controls should be investigated further at the Planning Proposal or Development Application stage. |

| Item | Controls | Comments |
|--|--|---|
| | <p>Crows Nest Metro Station provides an opportunity for solar access for areas to the south of the Pacific Highway, and</p> <ul style="list-style-type: none"> Significant sites are noted as being potentially appropriate for additional height subject to further assessment and community consultation. | |
| Street Wall Height | 6 storeys to Pacific Highway & 4 storeys to Nicholson Street. | <p>Supported – with comments.</p> <p>The ultimate building envelope should be defined by a urban design analysis and conceptual design, accounting for environmental performance and feasibility factors. Variations of controls which meet these principles and the principles of the Plan should be allowable where deemed appropriate.</p> |
| Street Setback | 3m to Pacific Highway & Nicholson Street. | <p>Supported – with comments.</p> <p>The setbacks from the street should be defined by urban design analysis and conceptual design, accounting for environmental performance and feasibility factors. Variations of controls which meet these principles and the principles of the Plan should be allowable where deemed appropriate.</p> <p>This approach was applied to the adjoining Mirvac St Leonards Square development which includes a 2m street setback to the Pacific Highway via a relaxation on the current controls which ensures suitable activation of the retail ground floor uses.</p> |
| Building Separation and Indicative Building Envelopes | <p>While not specifically included in the Draft Plan, the accompanying Urban Design Study prepared by SJB Urban provides that a 40m separation should be provided between tall buildings greater than 18 storeys.</p> <p>It also provides indicative building envelopes.</p> | <p>Not supported.</p> <p>Given the Draft Plan is silent on the separation control, it is unclear, if, or how this requirement will be applied at the next stages of the planning (ie rezoning/DA).</p> <p>This separation control has the potential to significantly constrain the block’s redevelopment opportunities and may even preclude redevelopment, particularly if site amalgamation is unable to occur.</p> <p>The indicative building envelopes are based on many assumptions including site amalgamation. It is also</p> |

| Item | Controls | Comments |
|------|----------|--|
| | | <p>unclear if any other scenarios have been tested. Given the preliminary nature of the design, these should not be relied upon in guiding built form controls or as an assessment tool of the proposed development. Further work is required at either the Planning Proposal or DA stage.</p> <p>Further clarification about how documents that accompany the plan will be applied is required.</p> |

Site Design Criteria is also provided for Significant Sites however there is also a note that confirms that subject to further detailed urban design analysis, the site-specific design criteria may be varied in circumstances where a proposal clearly demonstrates a better design outcome and the proposal. This supports our position in the table above that the Draft Plan should be silent on key built form controls at this stage and instead for these controls to be developed during further investigation at the Planning Proposal or Development Application stage.

Future Planning Process

The Draft Plan indicates that the future process for revised planning controls for Significant Sites would be established through a Council-led planning proposal. It is unclear if this means that anyone else (ie. a landowner), are either not encouraged, or are unable, to submit a Planning Proposal to Council for consideration.

It is requested that this be clarified in the Draft Plan and that typical process is followed thus allowing anyone to submit a Planning Proposal for consideration.

Design Excellence Process

It is noted in the Draft Plan that Significant Sites will be subject to a rigorous design excellence process to determine the appropriate height, floor space ratio and other design details. No further details are provided about how this would occur. With the Government Architect’s input into the Draft Plan to date, and their commitment to place making and improving design quality of the built environment across the State, it is suggested that they continue their involvement by running the design excellence process for the Significant Sites.

Conclusion

The Strata Renewal Committee for 460 Pacific Highway, St Leonards is generally supportive of the DPE’s overall vision and guiding principles outlined within the Draft Plan, including the ‘high level’ strategic approach identified for the St Leonards Crows Nest area and the implications this may have for the Site. Please note however, there are two areas of concern that are not supported as outlined in the table.

There is a strong need for a coordinated approach for the future zoning, controls and use of the Property and the broader Significant Site whereby a clear pathway to achieving a good urban design and viable outcomes are defined on a site-wide scale.

We appreciate the opportunity to make this submission and DPE’s consideration of the position outlined

within. We also would welcome a discussion with DPE regarding the Site, future investigations and inputs required to support the planning process following the consideration of this submission.

Please contact me on peter.mangels@tbaurban.com.au or 0401 264 234 should you wish to discuss any details of this submission further.

Yours sincerely
TBA Urban Pty Ltd



Peter Mangels
Director