

6 February 2018

Ms. Carolyn McNally
Secretary
NSW Department of Planning
GPO Box 39
Sydney NSW 2001

Dear Ms. McNally,

Re: Draft St. Leonards and Crows Nest Plan 2036 and Crows Nest Sydney Metro Site Rezoning Proposal

This submission is made on behalf of the Landowners Corporation of the property located at 402–420 Pacific Highway, Crows Nest, commonly known as the Atrium (Atrium site) in response to the NSW Department of Planning and Environment's (DPE) release of the abovementioned documents. The site is located across the Pacific Highway directly opposite the new Crows Nest Metro Station. Refer to figure 1 below that shows the location of the site.

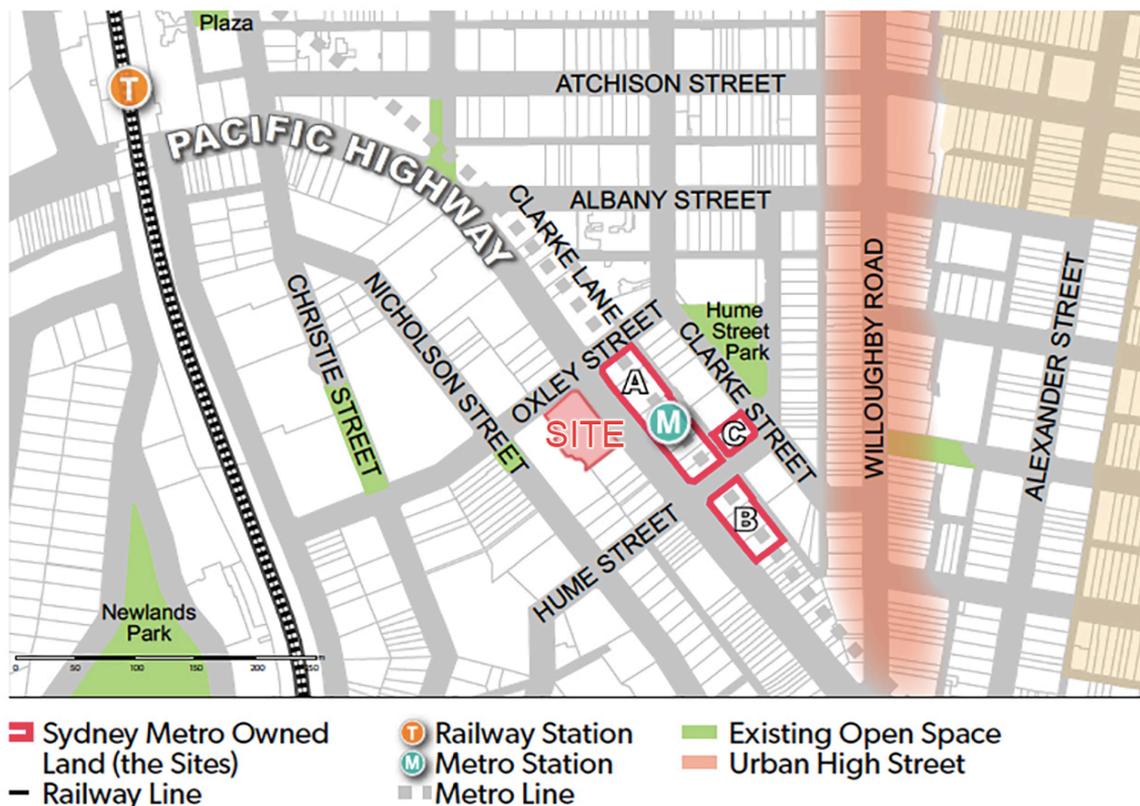


Figure 1. Site location
(Source: base plan from Draft Crows Nest Sydney Metro Site Rezoning Proposal NSW DPE, Oct 2018)

Crows Nest Sydney Metro Site Rezoning Proposal

The Landowners Corporation welcome the new Metro railway and Metro Station at Crows Nest as the new Metro infrastructure will have significant long term positive benefits to Crows Nest, Sydney and to NSW.

The new Metro infrastructure will greatly assist the NSW State Government in achieving its policy of delivering a 30-minute city connecting employment and housing. The Metro will further reinforce the role of the Global Economic Corridor that spans from the Sydney Airport, through to the Sydney CBD and North Sydney, captures Crows Nest and St Leonards, and ends in Macquarie Park.

Moreover, we welcome the proposed maximum building height and floor space ratio (FSR) development standards over the Crows Nest Metro Station. Particularly with respect to the Atrium site, we support the maximum building height of 183m AHD (equivalent of 27 storeys) and an FSR of up to 12:1, particularly that on the portion of the Crows Nest Metro Station immediately opposite the Atrium site.

We support and request that DPE proceed with rezoning the Crows Nest Metro Station with the proposed development standards.

St. Leonards and Crows Nest Plan 2036

In relation to the Draft St. Leonards and Crows Nest 2036 Plan (Draft Plan) we support the vision for the future development and character of St Leonards and Crows Nest, as well as the area wide design principles. However, we do not support the proposed development standards for the Atrium site found in the 'Implementing the Plan' section of the Draft Plan. The Draft Plan proposes a building height of 18 storeys and an FSR of 6:1 on the Atrium site. However, we do accept the minimum non-residential FSR of 2:1 for the site as identified in the Draft Plan.

We request that DPE amend the proposed controls on the site to a building height of 25 storeys and an overall FSR of 10:1, with a minimum non-residential FSR of 2:1. We believe that amending the proposed controls is warranted based on, 1) meeting the strategic planning objectives of the centre and contributing to the proposed public infrastructure improvements, 2) solar access and site orientation, 3) relationship to other proposed development controls on surrounding lands, 4) relationship of height and streetscape, and 5) redevelopment feasibility. Each one of the above reasons is discussed below.

1) Meeting the strategic planning objectives of the centre and contributing to the proposed public infrastructure improvements

We welcome the proposed increase in the building height and FSR development standards on the site, as we believe that the site is strategically located and offers significant planning merit in achieving the State Government's strategic objectives. The North District Plan prepared by the Greater Sydney Commission (GSC) identifies the following directions of the entire St. Leonards and Crows Nest Area:

- *Base jobs target of 54,000 and high target of 63,500 by 2036*
- *Protect and enhance Willoughby Road's village character*
- *Deliver new high quality open space*
- *Improve pedestrian and cyclist connectivity.*

The site has the potential to positively contribute to achieving the above, which in turn has significant merit in achieving the intent of the Draft Plan, by:

- Being located immediately opposite the Metro Station site and providing employment on the site. The site currently includes ground level commercial/retail uses and has an important role in providing employment to assist the State Government in meeting its employment targets. We note that Figure 17 (page 34) of the Draft Plan identifies that the employment 'high' target for Crows Nest is 11,150 by 2036. It is evident that the site can contribute to the employment target and we support a minimum non-residential FSR of 2:1 on the site, that delivers employment in the centre, directly adjacent to a Metro Station.

- The increased built form envelope on the site contributes to protecting and enhancing Willoughby Road's village character. The Willoughby Road village is considered unsuitable for significant redevelopment with major increases in building heights and density due to the fine grain nature, existing character of Willoughby Road and narrow profile of Willoughby Road. Alternatively, the Atrium site is able to support a substantial building that is considered to have minimal environmental impacts, while providing increased housing and employment to meet the State Government's targets and objectives, which therefore ensure that the village character on Willoughby Road is not lost. A building of significant scale on the Atrium site will also serve to reinforce the identification of the Crows Nest Metro Station in the same way that the Forum towers act as identifiers of the St Leonards Station.
- In response to the delivery of high quality open space, the site being located on an important corner opposite the future Metro Station, from an urban design perspective is best resolved with a prominent building. A building that meets the street and is built to its boundary ensures that the corner is defined, contributes to defining the streets and is in synergy with the grouping of the proposed built form around the station. Notwithstanding this, we support a potential setback on the Pacific Highway side of the site and proposed inclusion of tree-lined streets that would enhance the quality of the public domain. Redevelopment of the Atrium site at a sufficient scale will better realise the delivery of improved public domain outcomes and interface to the street.
- Further to the above, the redevelopment of the site with the correct balance of development standards is able to deliver improved public domain outcomes, and promotes improved pedestrian and cyclist connectivity in the centre.

With respect to housing, page 31 of the Draft Plan identifies that the housing target for the area is 7,525 new dwellings. It is evident that the Pacific Highway corridor from Hume Street to St Leonards is best able to accommodate the bulk of new housing in the area. The increase in building height on the site and along the corridor, ensures that the fine grain nature and lower scale development around Willoughby Road, and the lower scale development south of the site to Lithgow Street is protected. As such, the site is able to significantly contribute to the State Government's housing targets for the area.

Clearly the site is able to meet the State Government's strategic planning objectives and directions, and provides opportunities for improved public domain outcomes. Therefore, an increase to the proposed building height from 18 to 25 storeys and an increase in the proposed FSR from 6:1 to 10:1 are warranted.

2) Solar access and site orientation

We have reviewed the shadow analysis provided in the '*Crows Nest Sydney Metro Sites, Detailed Urban Design Study*', prepared by SJB dated October 2018. The review found that a tower element on the Atrium site would exhibit a similar shadow profile in mid-winter as that cast by the proposed towers on the new Crows Nest Metro Station site. Refer to Attachment A of this letter for the shadow analysis.

Therefore, we are of the view that a taller tower and potentially a more slender tower of up to 25 storeys on the Atrium site would not generate a shadow profile in mid-winter any dissimilar to that cast by the towers on the new Metro Station site. Particularly between 9am and 10am in the morning, the shadows would overlap. While in the afternoon from 1pm to 3pm, the potential shadow cast by a tower on the Atrium site, would move rapidly across land on the Pacific Highway towards Hume Street, that is also identified for potential rezoning and uplift in development standards.

3) Relationship to other proposed development controls on surrounding lands

We have reviewed the proposed building height development standard on the Atrium site against the surrounding proposed building heights in the '*Crows Nest Sydney Metro Sites, Detailed Urban Design Study*'.

It was found that the Urban Design Study shows building heights transitioning along the western side of Pacific Highway from St Leonards, at heights of up to 45 storeys down to 18 storeys on the Atrium site. The Urban Design study also indicates, along the western edge of the Pacific Highway, two properties identified as being 'Significant Sites'. These sites are likely to achieve developments greater than 25 storeys. Refer to Attachment B of this letter for the analysis.

Moreover, the location of the Atrium site in combination with the corner tower development at the new Metro Station create strong gateway elements, and should be the terminating point for very tall towers. In saying this, it is considered that the proposed building height on the new Metro Station site directly opposite the Atrium site of 27 storeys, should be slightly higher than any future building on the Atrium site.

The reason is that any future building on the new Metro Station site should have a landmark quality that makes an architecturally clearly identifying the Crows Nest Metro Station in the skyline, and should hover slightly above any future grouping of buildings around the Metro.

Therefore, amending the proposed building height on the Atrium site to 25 storeys would not result in the future building on the site being out of character with the area, and reinforces the Metro Station hub through the grouping of buildings and uses.

4) Relationship of height and streetscape

The Draft Plan and '*Crows Nest Sydney Metro Sites, Detailed Urban Design Study*' propose a 3 metre setback on the Pacific Highway frontage of the site. It also indicates a street wall height of 6 storeys. We welcome and support these controls and believe that these controls would significantly contribute to the creation of better public domain outcomes to the street, including wider footpaths and the ability to introduce more street trees. Further, the 6 storey street wall height promotes key urban design principles specifically reinforcing the street edge.

However, while we support these controls in order to achieve a high quality architectural form on the site, it is considered necessary to provide additional height up to 25 storeys on the Atrium site. The reason is to ensure that any future development could achieve a better scale relationship between the 6 storey wall height and the tower element that would likely be setback from the street wall edge. The combination of the 6 storey street wall height, the overall 25 storey tower and the 3 metre street setback on the Atrium site reinforces the 'gateway' quality of the site given its relationship to the proposed building height on the new Metro Station site.

5) Economically feasible redevelopment

We have reviewed the development potential of the site in context of the other technical supporting documents including the "*St Leonards and Crows Nest Economic Feasibility Review*", prepared by SGS Economic and Planning, October 2018, '*Proposed Special Infrastructure Contribution, St Leonards and Crows Nest*', prepared by DPE, October 2018, and '*St Leonards and Crows Nest Planned Precinct SIC Feasibility Testing*', prepared by DPE and AEC Group Ltd, dated April 2018.

It is clear that any future development of the site is going to be subject to Special Infrastructure Contribution (SIC) levies, affordable housing, local Council contributions and potentially a voluntary planning agreement (VPA) which would likely encompass the three metre land dedication for land on the Pacific Highway frontage. Throughout the Draft Plan there are references to the provision of improved pedestrian and cycle links. Various sections in the Draft Plan, including Figure 6 (page 17), Figure 22 (page 45) and Figure 23 (page 47), all identify the provision of street trees on Oxley Street, on the corner of the site. Specifically on Oxley Street and the Pacific Highway, appendix 'Infrastructure List' in the Draft Plan identifies items P7 as items subject to a SIC levy. These items are the desired public domain outcomes, including, '*proposing improved pedestrian crossing, and improved footpath and cycle link*'.

We do not object to the proposed public domain outcomes and believe that these are important urban design elements in the urban fabric and significantly improve the human experience of the city. However, the combination of the SIC levies and other value capture costs present challenges to making any future development on the site economically feasible.

Our assessment of the feasibility of demolition of the Atrium building, construction of a new mixed use building that meets current design standards, delivers the public domain outcomes and satisfies the State and local contributions, which necessitates alteration of the height and FSR development standards for the Atrium site.

Therefore, we believe that an increase to the proposed building height from 18 to 25 storeys and an increase in the proposed FSR from 6:1 to 10:1 are warranted and ensure the best urban design and public domain outcomes.

We understand that the NSW Government is making a significant investment in the future of the city and seeks to capture the value of any benefits from local land rezonings. The Atrium site is in a prime position to assist in the value capture, given its location directly opposite the new Metro Station site. The mixed use intensification of the Atrium site contributes to the State Government achieving many of its objectives and priorities under '*A Metropolis of Three Cities – Greater Sydney Region Plan*' and '*North District Plan*', prepared by the GSC. As such, a development on the site up to 25 storeys, with a 10:1 FSR, that provides the impetus for redevelopment of the site, as well as clearly satisfying many of the NSW State Government's strategic planning initiatives, is considered to be the correct outcome for the site.

Summary

This submission requests DPE to amend the building height and FSR on the Atrium site in the Draft Plan to a building height of 25 storeys and an FSR of 10:1, with a non-residential FSR of 2:1. We understand that the Draft Plan does not rezone the site but will inform any future development standards on the site. Given the justification presented in this submission we believe that the amendment to the proposed planning controls will achieve an appropriate outcome for the site and would promote the economic and orderly redevelopment of the site.

In urban design terms, the site's orientation, relationship to potential future development controls on surrounding land, ability to achieve high quality public domain outcomes and ability to satisfy numerous NSW State Government strategic planning initiatives warrants amendment to the proposed building height and FSR controls as proposed in this submission.

Should you wish to discuss this submission made on behalf of the Landowners Corporation of the Atrium site, please do not hesitate to contact me on 0419265659.

Yours sincerely,



Michael Gheorghiu

B.Eng (Civil & Bldg.), MURP, MUDD

ATTACHMENT A - SHADOW ANALYSIS

5.1 Shadow Analysis - 21 June

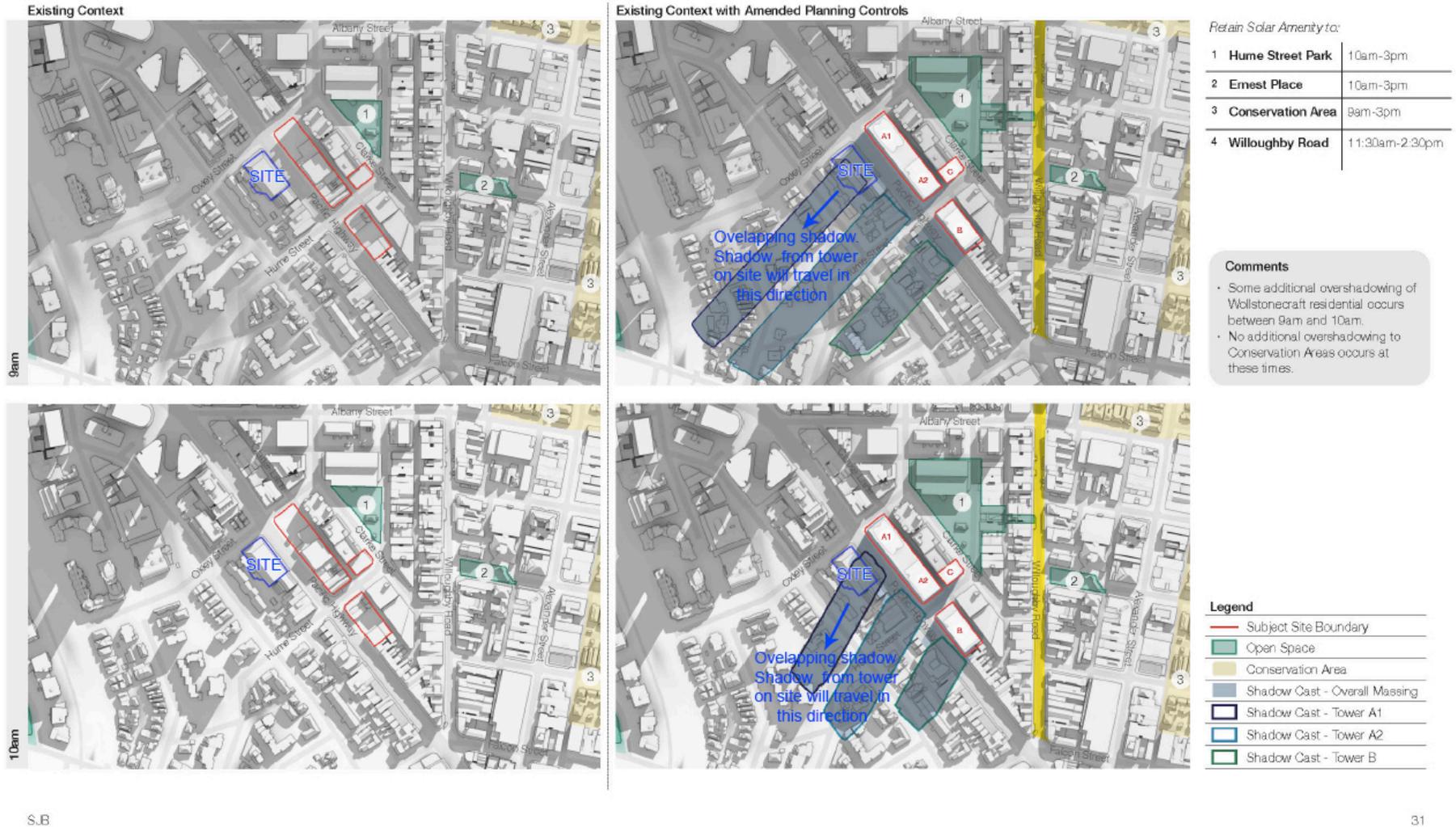
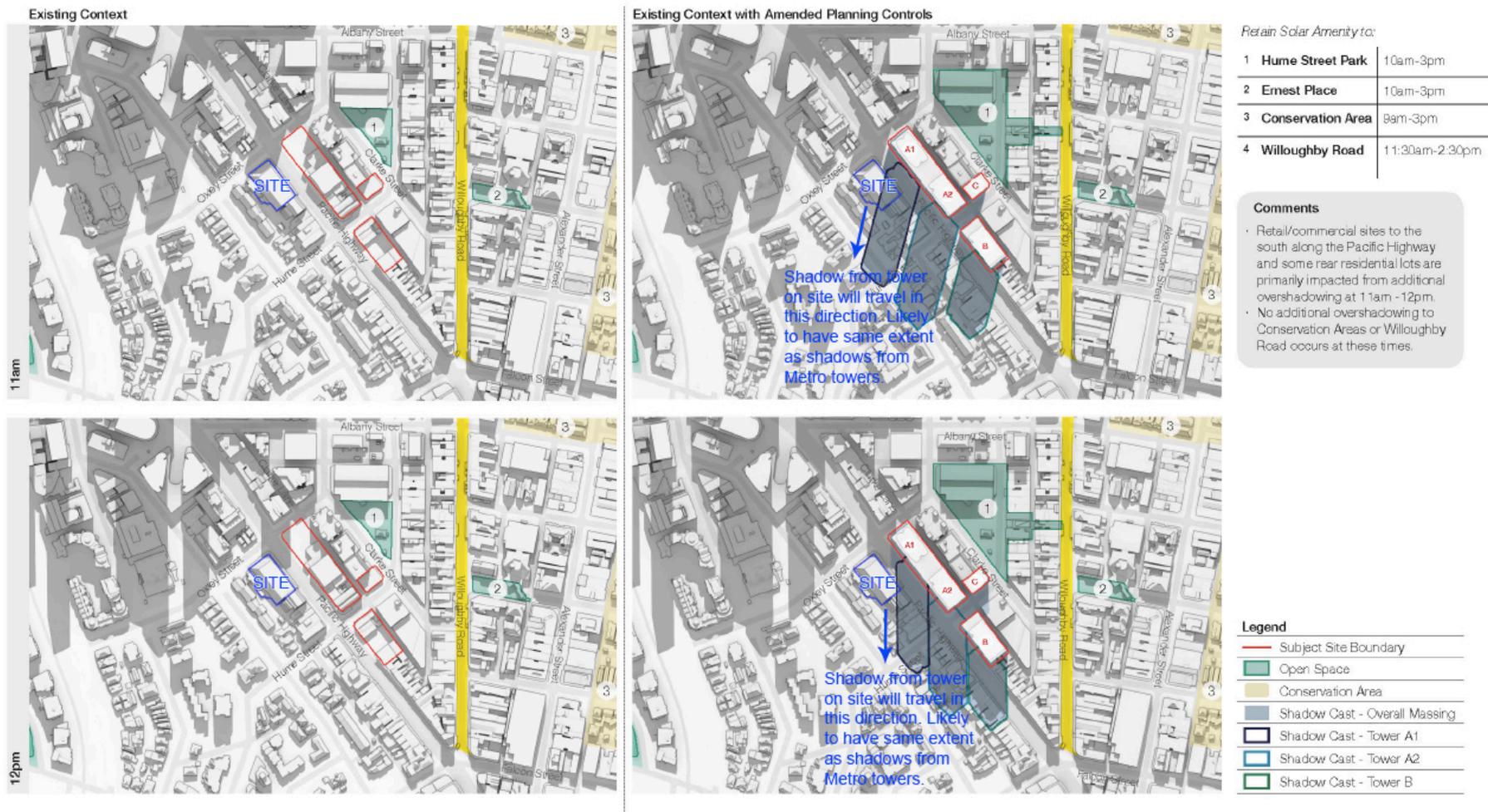


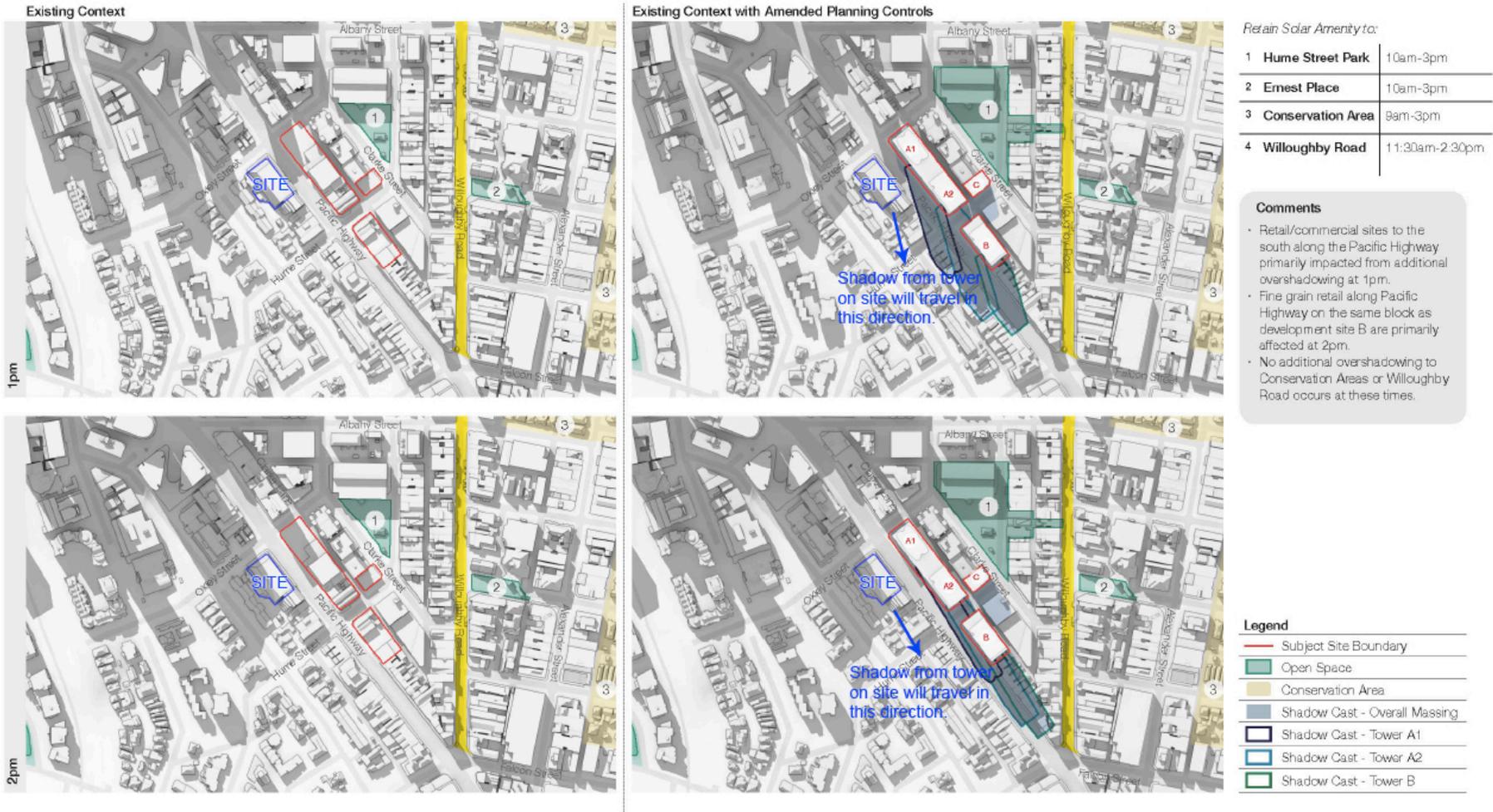
Figure A. Shadow Analysis 9am & 10am (Source: Base plan from 'Crows Nest Sydney Metro Sites, Detailed Urban Design Study', prepared by SJB dated October 2018)



S.B

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Figure B. Shadow Analysis 11am & 12pm (Source: Base plan from 'Crows Nest Sydney Metro Sites, Detailed Urban Design Study', prepared by SJB dated October 2018)



S.B

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Figure C. Shadow Analysis 1pm & 2pm (Source: Base plan from 'Crows Nest Sydney Metro Sites, Detailed Urban Design Study', prepared by SJB dated October 2018)



S.B

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Figure D. Shadow Analysis 2:30pm & 3pm (Source: Base plan from 'Crows Nest Sydney Metro Sites, Detailed Urban Design Study', prepared by SJB dated October 2018)

ATTACHMENT B – BUILDING HEIGHTS ANALYSIS CONTEXT MAP

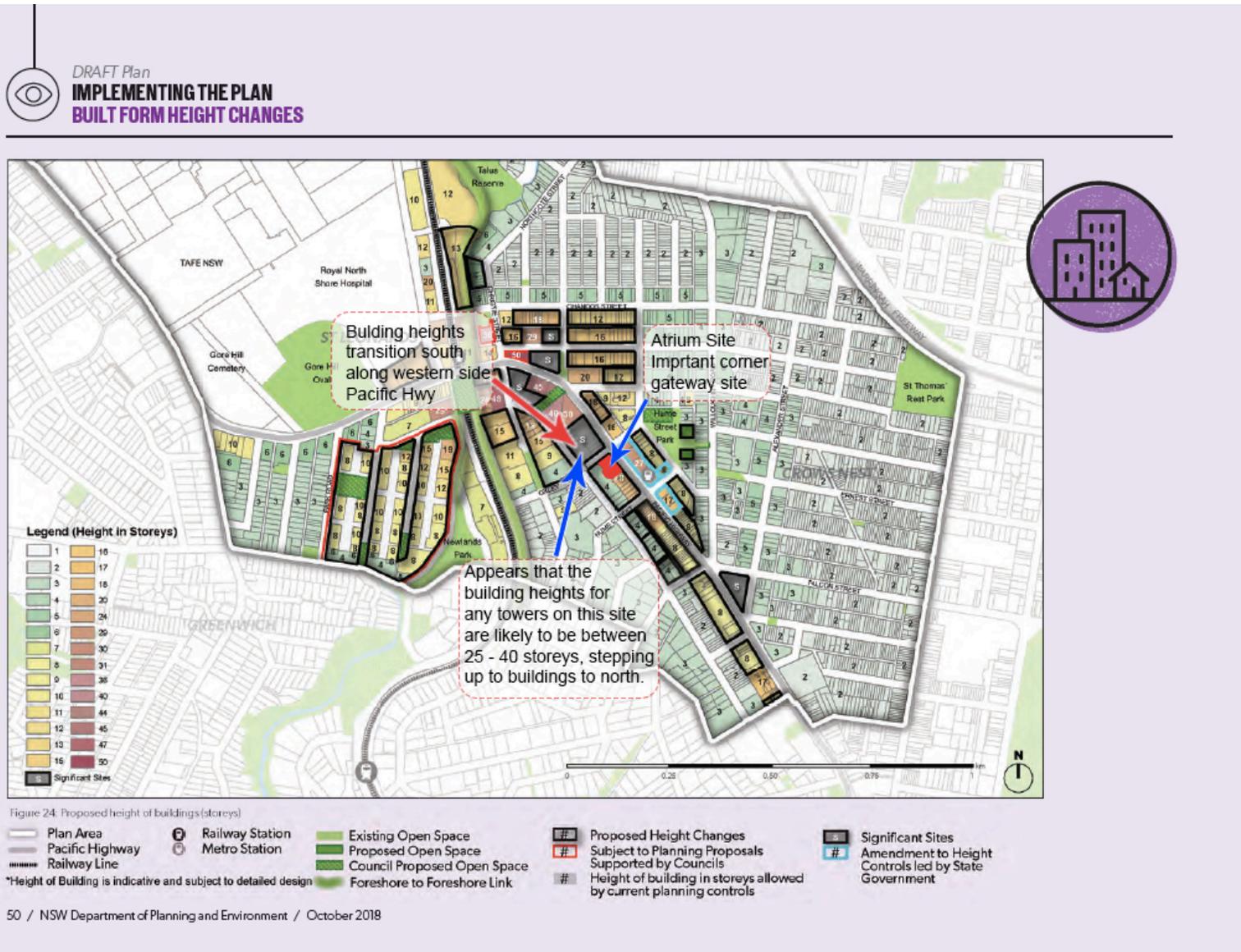


Figure A. Building heights analysis (Source: Base plan from 'Crows Nest Sydney Metro Sites, Detailed Urban Design Study', prepared by SJB dated October 2018)