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Submission St Leonards and Crows Nest Draft Plan 2036



Prepared for Mr Douglas Hor
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Contact



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Cover image: the site (Source: Google maps)

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1 Introduction

This submission has been prepared by *KEYLAN Consulting Pty Ltd* on behalf of Mr Douglas Hor in response to the Department of Planning and Environment's (Department) exhibition of the *Draft Planning Package 2036* (Draft Plan) for St Leonards and Crows Nest, which is currently on public exhibition until 8 February 2019.

Mr Hor is the owner of 342-346 Pacific Highway. We understand that Mr Hor has been in discussions with the owners of 340 and 348 Pacific Highway, who both support the inclusion of their land as part of this submission.

This submission has been prepared specifically in relation to **340 - 348 Pacific Highway (the site)**, as detailed in **Figure 1**. The site is located within the boundaries of the Draft Plan.

We have undertaken a detailed review of the Draft Plan and generally support the key themes, objectives and principles. We consider the draft planning package contains several sound principles in relation to higher density residential development in close proximity to transport, employment and services.

However, as our analysis raises a number of concerns in relation to the proposed development standards, which may jeopardise the uplift and future development envisaged by the Department and the achievement of its housing targets under the Draft Plan, in particular of Crows Nest.

In summary, the purpose of our submission is to seek the following key amendments to the Draft Plan as it relates to the site:

- increase overall FSR of 5.5:1
- an increase in building height up to 18 storeys
- consideration of future planning controls

These above proposed amendments will enable the site to be consolidated and redeveloped with the adjoining sites west of the site. We believe this will enable a superior planning and built form outcome for Crows Nest in the context of the Metro, which will be located opposite the site.

The site is regular in shape and has a total area of approximately 946m². The site has a 27m frontage to the Pacific Highway and a 27m frontage to Nicholson Place. The site comprises 4 x 2 storey older style shop top buildings (retail/commercial at street level) with at grade car parking accessed via Nicholson Place.

The site is currently zoned B4 – Mixed Use pursuant to *North Sydney Local Environmental Plan 2013* (NSLEP 2013) and is surrounded by 2 storey commercial, retail and mixed-use developments.

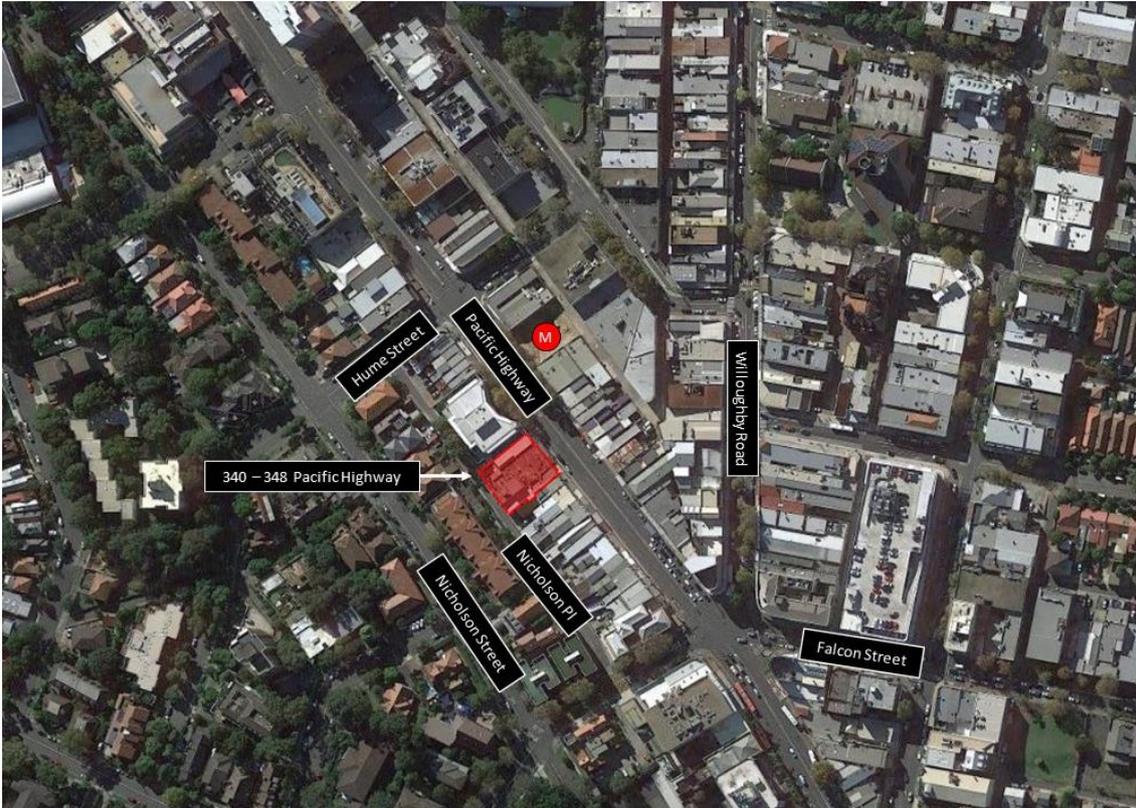


Figure 1: The site (Source: Googlemaps)

1.1 Background

The site adjoins B4 Mixed use zones sites to the east and west along the Pacific Highway. To the immediate south the sites opposite Nicholson Lane are zoned R2 Low Density Residential.

To the east of the site also with frontage to the Pacific Highway are 5 x 2 storey shops which are identified in the NSLEP 2013 as being of local heritage significance.

1.2 Existing and Emerging Strategic Context

The site is strategically located in the mixed use zone of Crows Nest, approximately 103m metres east of the Crows Nest Metro Station.

The Character Statement for St Leonards and Crows Nest identifies that the new Crows Nest Metro Station and new buildings will bring change to the area. The integration and management of the impacts of this change are critical to the community. Building designs and transitions between new development should respect the existing character of the area.

The Character Statement further identifies that increased density needs to be appropriately located to protect Crows Nest Village around Willoughby Road, public open spaces and residential areas.

The Draft Plan acknowledges the community views on concentrating development close to transport nodes. The Draft Plan requires increased density in Crows Nest for appropriate sites being those within close proximity to the Crows Nest Metro Station and along the Pacific Highway.

The Draft Plan identifies the site as adjoining B4 Mixed use sites to the north and west and include 350-364 Pacific Highway. These sites have a significantly higher building height and FSR. The site is also within close proximity to a significant site identified east of the site at the Junction of the Pacific Highway, Willoughby Road and Alexander Street.

2 Key issues discussed in this submission

We consider the Draft Plan contains several sound principles in relation to higher density residential development in close proximity to transport, employment and services. However, we are concerned that the proposed development standards, may jeopardise the uplift envisaged by the Department and the achievement of its housing targets under the North District Plan.

This submission raises the following issues with the following aspects of the Draft Plan:

- proposed controls will create an unfeasible development site
- proposed controls will create an isolated site
- the site should be provided with the similar built form controls proposed for the adjoining properties to the west

3 Guiding Design Principles - Built Form

3.1 Proposed height and FSR controls

We understand the Draft Plan aims to concentrate additional development near public transport hubs and minimise overshadowing to surrounding residential properties. Whilst we support this vision, we raise serious concern with the built form controls within the Draft Plan as they relate to the site.

The Draft Plan introduces an FSR and building height which will significantly impact on the redevelopment potential of the site and its ability to contribute to the future activation of Crows Nest and its ability to provide employment and housing in close proximity to a major public transport node.

The proposed controls for the site are summarised in **Table 1** below. We note the site immediately west of the subject site has a higher FSR and height control and may also be built to the boundary of the Pacific Highway.

Control	Combined Sites 340-348 Pacific Highway	Adjoining Site 350-364 Pacific Highway
Site area	734m ²	1500m ²
FSR (overall)	4:1	5.5:1
Non-residential FSR	2:1	2:1
Height	8 storeys	18 storeys
Setback directions	0m setback from Pacific Highway	0m setback from Pacific Highway

Table 1: Summary of proposed controls (Base Source: Draft Planning Package 2036)

The Draft Plan identifies the sites immediately north of the Pacific Highway to have a proposed height of 17 storeys and an FSR of 3.5:1 and 8:1. These sites are also within 100m of the Crows Nest Metro Station.

Given the site's proposed height and FSR controls differ from the adjoining site to the west (350-364 Pacific Highway), as detailed in **Table 1** above, the site is unlikely to be amalgamated with 350-364 Pacific Highway. A site of 946m² will be difficult to redevelop to the scale and nature intended in the Draft Plan. This may lead to the site becoming isolated and the older style 2 storey commercial buildings being retained.

We recommend that the proposed built form controls that apply to 350-364 Pacific Highway are extended to the site. This will result in a potential development site area of 2,050m² and will enable further scope for design excellence and transition of building heights to be provided on the site between the proposed development and the adjoining residential land to the south-west along Nicholson Place.

Key planning arguments to support the proposed increase in height and density are detailed below:

- appropriate concentration of density along Pacific Highway
- avoiding isolated sites
- limiting opportunity for urban renewal along Pacific Highway
- protection of Willoughby Road/Crows Next Village
- cumulative impacts on adjoining residential uses will be acceptable
- proposed planning controls will deliver better built form outcomes

3.1.1 Appropriate concentration density along Pacific Highway

The Character Statement in the Draft Plan found the community in favour of new development in this locality, as detailed below (**BOLD** our emphasis)

*...accept that increased density is necessary, as long as it is in the right location and is managed properly to provide the right services to support growth. The area typically provides density around the major transport routes of St Leonards Station, **as well as along the edges of the Pacific Highway corridor...***

The Character Statement identifies the community wants to retain the lower scale form of Willoughby Road and the heritage areas as they provide an escape from the higher density areas and tall buildings.

The Character Statement also acknowledges that the new Crows Nest Metro Station and new buildings will bring change to the area. The integration and management of the impacts of this change are critical to the community. Building designs and transitions between new development should respect the existing character of the area.

The Draft Plan acknowledges the community views on concentrating development close to transport nodes. The Draft plan requires increased density in Crows Nest for appropriate sites being those within close proximity to the Crows Nest Metro Station and along the Pacific Highway as illustrated in **Figure 2**.

The site is consistent with the Character Statement and Draft Plan as the site is within the area identified as being appropriate for increased density.

In this regard, the site is within 103m of the Crows Nest Metro Station and has frontage to the Pacific Highway and is unconstrained by heritage listings – which alone warrants inclusion for increased height and FSR controls.

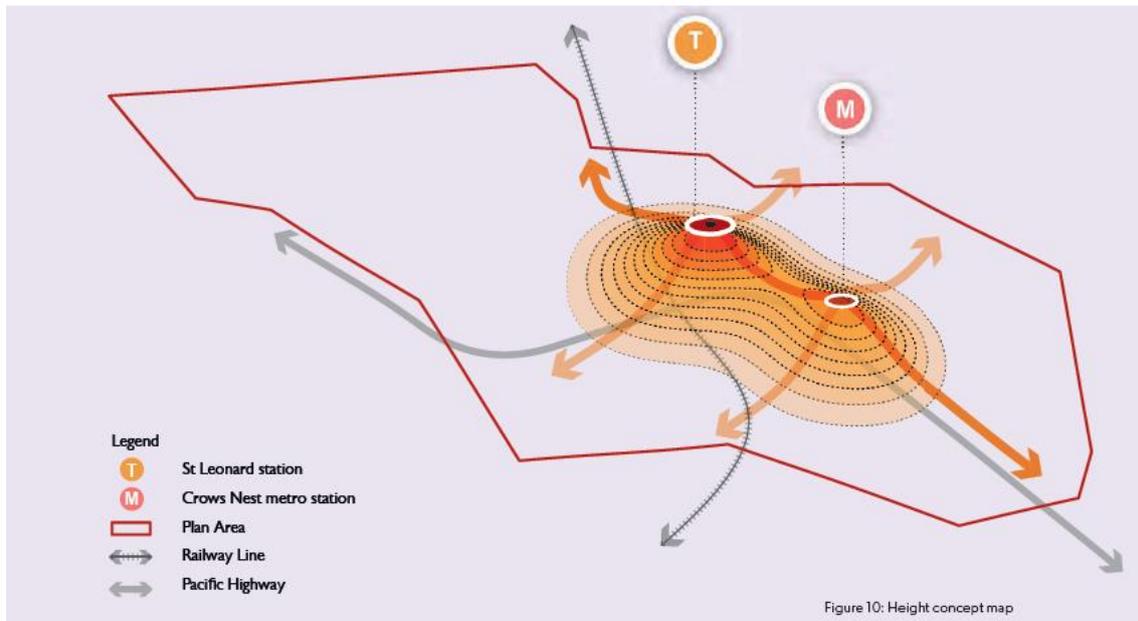


Figure 2: Height Concept Map indicating height concentrated near Metro Station (Source: DP&E)

Recommendation

1. *The site is well located being along the Pacific Highway and it is appropriate that the Draft Plan propose concentrated increased density and height in this location*

3.1.2 Avoiding isolated sites

The Draft Plan identifies that the site adjoins heritage items as demonstrated in **Figure 3**.

To the immediate east of the site are local heritage items, being shops listed as being locally significant in the *North Sydney LEP 2013* (NSLEP 2013). The site and the adjoining site at 350-364 Pacific Highway are unencumbered, they do not have a heritage listing.

The site and 350-364 Pacific Highway is characterised in the Draft Plan as having a zero setback to the Pacific Highway as illustrated in **Figure 4**. This control demonstrates the Draft Plan envisages sites fronting the Pacific Highway to be developed with a consistent design approach.



Figure 3: The site is recognised as part of the broader area not part of the heritage items (Source: DP&E)



Figure 4: The site is characterised by zero setback to Pacific Highway adjoining heritage items (Source: DP&E)

As the built form controls stand, our analysis concludes that the site is unlikely to be amalgamated and may become isolated because the proposed key built form controls for the site differ (with the exception of the zero setback) from 350-364 Pacific Highway. The site will be difficult to redevelop in isolation as it is only 946m². Because of this small size it may be unviable to be redeveloped as the Draft Plan envisages.

It would be a poor planning and urban design outcome to retain the existing street appearance of the site which is recognised in the Draft Plan as in need of renewal.

The alternate controls as recommended in this submission will facilitate an improved planning outcome than the current Draft plan permits. The controls recommended for the site are the same FSR and building height as 350-364 Pacific Highway to enable these properties to be redeveloped as a large site and will result in a high quality, uniform development fronting the Pacific Highway.

This increase in FSR and height controls should also be complimented by a broader planning regime such as minimum lot sizes to ensure towers are placed at appropriate areas and will allow for more generous setbacks and better opportunities for improved interface with the adjoining residential areas.

Recommendation

2. *The FSR and height controls for the Site should be amended to 5.5:1 and a maximum of 18 storeys to match the proposed built form controls as 350-364 Pacific Highway, Crows Nest*

3.1.3 Limiting opportunity for urban renewal along Pacific Highway

The Character Statement in the Draft Plan identifies that (BOLD our emphasis):

*...height (should be) focused around the St Leonards centre and **along the Pacific Highway.***

The relevant Character Statement further states in relation to Crows Nest that (BOLD our emphasis):

*...some people identified the need for improved appearance and street appeal along Herbert Street and the **Pacific Highway, around the five-ways intersections, which seemed tired and in need of renewal.***

We support the community's view that height should be focused along the Pacific Highway. We also support the identified need for improved appearance and street appeal along the Pacific Highway. The existing buildings along the Pacific Highway are older style developments and are in need of renewal.

We are concerned however, that the built form controls identified within the Draft Plan will not deliver these outcomes. As discussed, the site is unlikely to be redeveloped in isolation due to the site having a total area of 946m². The best outcome for the site is that it is developed as part of the larger site such as with 350-364 Pacific Highway. However, to achieve a larger site area, uniform built form controls are needed being an FSR of 5.5:1 and a building height of 18 storeys.

Recommendation

3. *To achieve an improved street appeal along the Pacific Highway, uniform, logical built controls are needed so sites can amalgamate to ensure better urban outcomes*

3.1.4 Protection of Willoughby Road / Crows Nest Village

The relevant Character Statement in the Draft Plan identifies that:

...the community likes the low-scale areas such as those along Willoughby Road and the wider Crows Nest area, along with public spaces throughout the area. These should be kept, and height focused around the St Leonards centre and along the Pacific Highway...

The Draft Plan acknowledges the community views on concentrating development close to transport nodes. The Draft plan requires increased density in Crows Nest for appropriate sites being those within close proximity to the Crows Nest Metro Station and along the Pacific Highway.

The Draft Plan focuses density along the Pacific Highway and by doing this will retain the existing village character of Willoughby Road and protect the proposed Hume Street Park.

The Draft Plan acknowledges additional density is needed to facilitate urban renewal and to support the Crows Nest Metro Station. The additional density sought for the site is consistent with the Character Statement and Draft Plan as the site is located along the Pacific Highway, an area considered by the Department as being appropriate for increased density and is within 103m of the Crows Nest Metro Station.

The increased density sought is consistent with the community view that Crows Nest Village should remain as a low-scale area to protect its existing village character.

3.1.5 The cumulative impacts will be acceptable

The relevant Character Statement in the Draft Plan identifies that:

...a well-coordinated approach to development that manages the changes between high-rise, medium-density, four-storey buildings and individual family dwellings...

The Draft plan notes that because the community values sunlight in public places like parks, a requirement not to overshadow these places (known as the solar height access plane) was recommended by the Urban Design Study. The solar access plane works by requiring that new development in the area does not produce any additional overshadowing in nominated places during specified hours in mid-winter. We note That the Draft Plan identifies Hume Street Park within the solar height access plane.

The proposed adjustment to the built form controls are unlikely to result in unacceptable cumulative impacts as a large-scale mixed use building would not be built to the site's boundaries and will be designed to have regard to the surrounding properties. Any future development will exhibit design excellence and provide a high level of amenity for residents and surrounding properties – achievable through the increased built form planning controls and minimum lot sizes to control location of tower elements.

This will be achieved through compliance with *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65)* and the *Apartment Design Guide (ADG)* which requires transition in building heights and consideration of lower scale developments particularly with regard to overshadowing.

The adoption of the proposed controls will minimise overshadowing of key open spaces, public places and adjoining residential areas as envisaged by the Draft Plan in its solar access plane. In particular, due to the location of the site, an increase in density will not impact Hume Street Park by way of overshadowing. We believe increasing the building height along Pacific Highway will not create a solid wall effect. Further, development will incorporate residential uses and will be designed to be consistent with the requirements of the ADG for building separation.

Assuming the site can be redeveloped with 350-364 Pacific Highway on a 2,050m² site, the future design could provide for a podium and tower development in which the tower is situated towards Hume Street. This will enable a lower scale podium to provide a transition in building height down towards the land R2 Low Density Residential. A larger site will also be consistent with the ADG with regards to building separation.

A podium with a tower above is likely with the tower component being concentrated on the corner of Pacific Highway and Hume Street. This will also ensure the resultant overshadowing moves quickly and does not unreasonably impact the key open spaces, public places and adjoining residential areas.

We consider it is appropriate that building density is concentrated along the Pacific Highway where it is close to public transport nodes and will minimise impacts on lower scale residential areas and public open spaces.

Recommendation

4. *Subject to analysis demonstrating that any redevelopment will not result in unacceptable cumulative impacts, increased FSR and building height should be considered for the site*

3.1.6 Proposed planning controls to will deliver better built form outcomes

The relevant Character Statement of the Draft Plan identifies:

...people identified the need for improved appearance and street appeal along Herbert Street and the Pacific Highway, around the five-ways intersections, which seemed tired and in need of renewal...

The Draft Plan states:

...The amenities that come with new apartment buildings such as public domain improvements, ground floor retail and other activities support high density living are also attractive to knowledge sector groups...

We support the findings of the Character Statement and the Draft Plan that this section of Crows Nest needs renewal. To achieve the outcomes envisaged by the Draft Plan, we consider the built form controls as they relate to the site need to be reconsidered.

In order to provide public domain improvements, ground floor retail and commercial uses and other activities which support high density living, further density and a minimum development site area controls are needed.

Minimum lot sizes for tall developments

Larger sites provide for the ability to design for large scale mixed use developments and genuine community benefits. If the site is consolidated with 350-364 Pacific Highway it will result in a 2,050m² site which will have the ability to provide for improved built form outcomes and will:

- concentrate the building height away from lower density residential properties
- provide high quality design features
- provide for increased setbacks

We recommend that the Department introduce minimum lot sizes for sites identified as being appropriate for higher density developments (including this site) to ensure the built form outcomes envisaged are delivered and redevelopment occurs in an orderly fashion.

Design excellence

Design excellence can be achieved on the site subject to the recommendations in this submission (namely the increased FSR and building height).

The proposed built form controls and the amalgamation of the site with 350-364 Pacific Highway will contribute to the revitalisation of the Crows Nest Precinct. These will permit the future development proposal to provide a high quality development which will:

- improve the appearance of the streets
- provide for ground level activation through the introduction of a variety of commercial and retail spaces
- provide community benefits such as an activated pedestrian environment and street tree plantings
- support the density envisaged by the Draft plan in an appropriate location
- the form and external appearance of the building will improve the quality and amenity of the public domain

Recommendations

5. *The Department should introduce minimum lot sizes for sites identified as being appropriate for higher density developments to ensure the built form outcomes envisaged are delivered*

4 Recommendations

The submission raises serious concern that the proposed development standards for the site may jeopardise the built form outcomes envisaged by the Draft Plan and the achievement of its employment and housing targets in this critical location.

We consider it is appropriate that building density is concentrated along the Pacific Highway where it is close to public transport nodes and will minimise impacts on lower scale residential areas.

We believe it is appropriate that the built form controls, building height and FSR, proposed for 350-364 Pacific Highway are extended to the site. The resultant development will exhibit design excellence and provide for a transition of building height to the adjoining R2 zoned land to the south-west along Nicholson Place.

Based on the analysis in this submission, we recommend that the Draft Plan be amended as follows:

Recommendation 1

1. *The site is well located being along the Pacific Highway and it is appropriate that the Draft Plan propose concentrated increased density and height in this location*

Recommendation 2

2. *The FSR and height controls for the Site should be amended to 5.5:1 and a maximum of 18 storeys to match the proposed built form controls as 350-364 Pacific Highway, Crows Nest*

Recommendation 3

3. *To achieve an improved street appeal along the Pacific Highway, uniform built controls are needed so sites can amalgamate to ensure better urban outcomes*

Recommendation 4

4. *Subject to analysis demonstrating that any redevelopment will not result in unacceptable cumulative impacts, increased FSR and building height should be considered for the site*

Recommendation 5

5. *The Department should introduce minimum lot sizes for sites identified as being appropriate for higher density developments to ensure the built form outcomes envisaged are delivered*

We look forward to working with the Department to provide high quality urban outcomes which contribute to the activity and vibrancy of Crows Nest which are consistent with the vision outlined in the Draft Plan and this submission.