

10.4. NSW Government’s Crows Nest Transport Oriented Development rezoning proposal

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ATTACHMENTS	1. Submission To DPHI Crows Nest TOD [10.4.1 - 98 pages] 2. AIC TOD Letter [10.4.2 - 2 pages]
CSP LINK	2. Our Built Infrastructure 2.1 Infrastructure and assets meet diverse community needs 2.2 Vibrant public domains and villages 2.3 Prioritise sustainable and active transport 3. Our Innovative City 3.1 Our commercial centres are prosperous and vibrant 3.3 Distinctive sense of place and design excellence 4. Our Social Vitality 4.1 North Sydney is connected, inclusive, healthy and safe 5. Our Civic Leadership 5.1 Lead North Sydney’s strategic direction

PURPOSE:

The purpose of this report is to make a submission to the Department of Planning, Housing, and Infrastructure on the Crows Nest Transport Oriented Development (TOD) rezoning proposal that is being exhibited for public comment between 16 July – 30 August 2024.

EXECUTIVE SUMMARY:

- On 7 December 2023, the NSW Government announced the TOD Program. The program aims to increase housing supply close to public transport, jobs ,and services in Metropolitan Sydney, and extending to Wollongong and Newcastle. Crows Nest and surrounds was identified as one of eight ‘TOD Tier 1 precincts’ for accelerated, state-led rezoning under the program. It forms part of a much larger tranche of state planning reforms which aim to increase residential densities in the region, fast track development assessment, and deliver more affordable housing.
- On 16 July 2024, the Department of Planning, Housing, and Infrastructure (‘the Department’) released the Crows Nest TOD rezoning proposal for public comment. It enables the delivery of 3,255 new dwellings and 2,600 new jobs in the precinct. Taking into account the Department’s previous *St Leonards Crows Nest Planning Study (2020)*

(the '2036 Plan'), the precinct is now set to grow by 8,445 new dwellings, representing 16,000 new residents.

- The Crows Nest TOD rezoning proposal, as outlined in the Explanation of Intended Effects:
 - further increases the maximum tower heights and residential densities above the 2036 Plan;
 - converts some planned employment capacity to additional residential capacity;
 - introduces a mandatory affordable housing contribution of 10-15% on all new residential development, to be held in perpetuity;
 - introduces additional affordable housing 'bonus provisions' to allow conversion of the planned commercial Crows Nest Metro 'Site A' to a residential tower, and greater height on four sites directly opposite the metro station;
 - introduces a provision that requires the consent authority to consider a new Design Guide that prevails over the *North Sydney Development Control Plan (2013)*;
 - indicates a potential future open space at 79-81 Sinclair Street could be achieved via an additional height and floor space uplift; and
 - rezones land along Sinclair Street, not previously included in the 2036 Plan.
- The draft Design Guide, also on exhibition, introduces a new vision and set of principles and objectives for the precinct. It also introduces design guidance covering Connecting with Country, built form design, design excellence, environment, and movement. Car parking rates are proposed to remain unchanged.
- The NSW Government announced \$520 million from the Housing and Productivity Contribution Fund will be shared across the eight TOD Tier 1 precincts for state infrastructure. Increased demand for local infrastructure is to continue to be levied for under the *North Sydney Local Infrastructure Contributions Plan (2020)*.
- Overall, the Crows Nest rezoning package has the potential to deliver some high-quality mixed-use towers and deliver greater housing supply, including affordable housing, and local services close to exceptional public transport and health infrastructure. Amendments to the proposal are needed, however, to protect sunlight to Willoughby Road, Ernest Place, Wollstonecraft and surrounds, and improve built form design.
- Concern is raised at the extensive, rapid rezoning of the precinct for predominantly residential purposes, and continued application of the NSW Government's built-to-rent provisions in commercial centres. Council estimates this translates to a potential loss of up to 11,000 planned jobs capacity over the long term, significantly compromising the strategic economic function of the centre.
- Similarly, concern is raised at the lack of open space, recreation, cultural, and social infrastructure plans to support the estimated 16,000 new residents in the precinct. A funding mechanism to deliver Hume Street Park upgrades needs to be identified immediately.

- Given the limited timeframe to review and report this matter, the rezoning proposal has not been reviewed to the level of detail that would normally be undertaken for a project of this scale and complexity. Accordingly, the submission focusses on key issues and raises detailed comments, where possible.
- This report outlines key elements of the proposal, discusses key matters for consideration, and recommends Council endorse a submission to the Department on the Crows Nest TOD rezoning proposal. At the time of completion of this report, the detailed submission, which is summarised in this report, was yet to be finalised. The detailed submission for Council's consideration will be published and form part of Council's business paper by Tuesday 20 August 2024.

RECOMMENDATION:

- 1. THAT** Council endorse the submission to the Department of Planning, Housing and Infrastructure on the Crows Nest Transport Oriented Development (TOD) rezoning proposal *(to be published separately by Tuesday 20 August)*.
- 2. THAT** the CEO be delegated authority to make further submissions on any issues that arise following the conclusion of the exhibition period.
- 3. THAT** Council endorse the submission of the North Sydney Access and Inclusion Committee to the Crows Nest TOD rezoning proposal (Attachment 1).

BACKGROUND

Metropolitan Sydney is experiencing likely the largest suite of planning reforms in the state's history. The reforms are being led by the Department of Planning, Housing, and Infrastructure (the 'Department') in response to the Federal Government's [National Housing Accord](#). The accord aims to address the significant challenges facing housing supply and demand for affordable housing across Australia.

Traditionally, North Sydney Council planned increases in housing supply in the local government area via the preparation of planning studies developed in close consultation with the community and informed by housing targets set by the NSW Government. New local open space upgrades and social infrastructure were supported via planning agreements negotiated by Council with local landowners.

In 2016, following the announcement of the Crows Nest metro station, the Department took greater control of strategic planning in St Leonards and Crows Nest. In 2020, the Department finalised the [St Leonards Crows Nest 2036 Plan](#) (the '2036 Plan'). \$116 million of supporting state infrastructure for the precinct was to be delivered via a new Special Infrastructure Contribution levy (the 'SIC'). In October 2023, the SIC was replaced with a metropolitan-wide Housing and Productivity Contribution.

Following the release of housing targets under the National Housing Accord last year, the Department is now leading the rapid rezoning of land for medium and high-density residential development along major public transport corridors. This includes the Crows Nest Transport Oriented Development (TOD) rezoning proposal.

Timeline

October 2022 The Commonwealth Government announces the National Housing Accord.

August 2023 The Commonwealth and states and territories set a target to build [1.2 million homes](#) over five years. The Commonwealth commits \$3.5 billion in payments to state, territory, and local governments to support the delivery of the housing target.

NSW Government commits to delivering an 'aspirational target' of [377,000 new dwellings by 2029](#).

Dec 2023 NSW Government announces the TOD Program. The program identifies eight 'TOD Tier 1 Precincts', including the Crows Nest TOD, for accelerated, high density, state-led rezoning. The TOD Accelerated Precincts will share in \$520 million reserved for infrastructure such as road upgrades, active transport links, and open spaces.

Further amendments to planning controls are being rolled out at around 37 other stations to enable up to six-storey residential and mixed-use development.

16 July 2024 one-month public exhibition of the Crows Nest TOD rezoning proposal commences.

8 August 2024 Department issues a two-week extension, ending 30 August 2024.

Exhibition

The Department sought feedback on the Crows Nest TOD rezoning proposal between 16 July – 30 August 2024. Three community information sessions were run:

- 1 x 1-hour online event at 5.30pm 30 July; and
- 2 x 3-hour in person events starting 4.00pm on 1 and 6 August 2024

Draft submission by North Sydney Council

The Department has prepared the rezoning proposal with some opportunity for feedback from Councils. Prior to its release, Council's involvement was limited to several Project Working Group briefings, primarily attended by senior Council planning staff. These briefings allowed a ventilation of key areas of concern by relevant Councils and were somewhat administrative in nature but did provide some indication of the nature and scale of what was to be proposed. On 17 July 2024, following release of the exhibition material, the Department briefed the Mayor and Councillors.

To meet the Department's six-week exhibition deadline and report the matter to Council, Council staff across Planning & Environment, Corporate Services, and Open Space & Infrastructure divisions had minimal time to review the suite of exhibited documents and to coordinate and prepare this submission.

During the exhibition period, Council received numerous enquiries from members of the community, including some precinct committees. Where possible, issues and queries raised have been included within the submission. A written submission was received from the North Sydney Access and Inclusion Committee (Attachment 1). The concerns raised have also been included within the submission.

REPORT

1. Purpose of the report

This report summarises the detailed submission in response to the exhibition of the Crows Nest TOD (Attachment 1). Its purpose is to:

- briefly outline the Crows Nest TOD rezoning proposal and technical documents
- discuss the key issues and proposed amendments to the rezoning proposal; and
- seek Council's endorsement of the draft submission.

2. NSW Government’s Crows Nest TOD rezoning proposal and technical documents

Increasing housing supply is a stated, key priority of the NSW Government. There is a recognised shortage of dwellings in the state and where possible, new housing is best located in areas already serviced by public transport and other services and amenities. In response, the Department is leading the rapid rezoning of land along major public transport corridors in the state, including Crows Nest and surrounds.

The [Crows Nest TOD rezoning proposal](#) comprises:

- an Explanation of Intended Effect (EIE) that outlines the proposed planning control amendments, implemented via a self-repealing State Environmental Planning Policy (SEPP);
- a Design Guide that prevails over the *North Sydney Development Control Plan (2013)*; and
- a suite of technical documents that have informed the EIE and Design Guide.

This section provides a high-level summary of what is proposed under these documents.

2.1 Crows Nest TOD objectives

The stated objectives of the Crows Nest TOD rezoning proposal are to:

- “increase housing supply in the Crows Nest Precinct, which includes St Leonards;
- enable a variety of land uses within walking distance of the St Leonards train and Crows Nest metro stations;
- deliver housing supported by public spaces, vibrancy and community amenity;
- increase the amount of affordable housing in the TOD Precincts; and
- review and implement the recommendations of the St Leonards and Crows Nest 2036 Plan (2036 Plan).”

Explanation of Intended Effect: Crows Nest TOD Precinct (NSW Government 2024)

2.2 Land to which this rezoning applies

The Crows Nest TOD precinct boundary reflects the 2036 Plan, which encompasses land in North Sydney, Lane Cove, and Willoughby Local Government Areas (LGAs) The focus area for accelerated rezoning lies within the North Sydney LGA and a portion of the Lane Cove LGA, covering the area between St Leonards train and Crows Nest metro stations and extending south, down the Pacific Highway (Figure 1, next page).

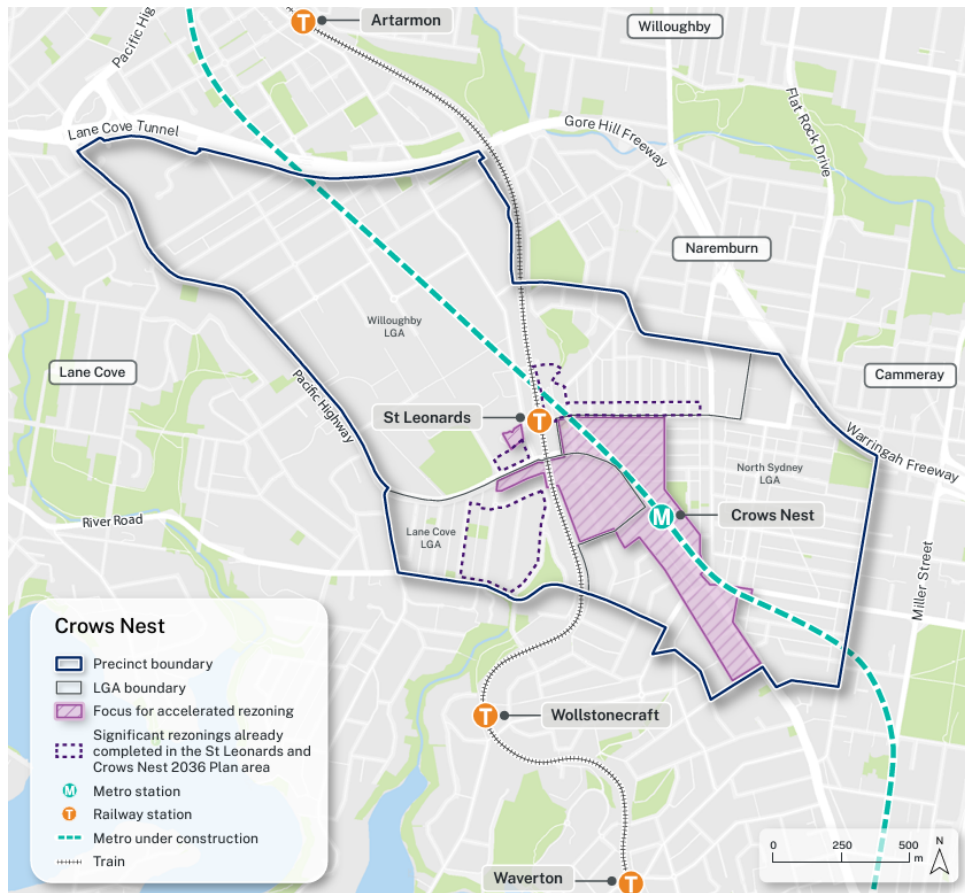


Figure 1. Land to which the Crows Nest TOD Proposal applies (area shaded pink)
(Source: EIE, Department of Planning, Housing and Infrastructure)

2.3 Forecast dwelling, population, and jobs estimates

Dwellings and population: The Department estimates the proposed rezoning will enable delivery of approximately **3,255 new dwellings**. This figure comprises:

- sites that were identified for uplift under the 2036 Plan but not yet zoned: 1,493 dwellings; and
- additional dwelling capacity identified under the Crows Nest TOD: 1,762 dwellings.

This means, that following the release of the 2036 Plan (2020), the Department has enabled a potential **8,445 new dwellings** and a forecast total population of **16,000 new residents** (Table 1, below).

	2036 Plan	Crows Nest TOD	Total	Population increase
	Dwellings			Residents
Planned additional dwelling capacity	6,683	1,762	8,445	16,045
2036 Plan detail				
• Completed buildings*	2,008	-	-	-
• Completed rezonings**	3,182	-	-	-
• Delivered by the CN TOD	1,493	1,762	3,255	6,185

Table 1. Cumulative dwelling yield under the Department's 2036 Plan and Crows Nest TOD

* NSC calculation based off Department advice to account for completed buildings e.g. JQZ, Landmark and Mirvac developments in Lane Cove LGA (Department email dated 22 July 2024)

** Completed rezonings since the 2036 Plan was made (Urban Design Report, SJB)

Employment: Planned employment capacity is less clear. The Department estimates the Crows Nest TOD delivers **2,600 jobs**. However, the overall employment capacity has been reduced compared to the 2036 Plan, the scale of which is anywhere between:

- -28,900m² or ~**2,000 jobs lost** (Department estimate)
- -47,300 – 56,600m² or ~ **3,500 jobs lost** (Council estimate)

The 2036 Plan identified a ‘high’ employment target of 16,500 new jobs, largely to be delivered via long-term employment growth in the Royal North Shore Hospital Site and commercial towers including the Crows Nest metro over-station development (‘Site A’) and 601 Pacific Highway.

The Crows Nest TOD however, reduces the planned employment capacity of the precinct by converting non-residential floorspace on a number of sites to residential. This is as a result of the affordable housing bonus mechanisms. Conversion of the Crows Nest metro Site A from commercial to residential alone is likely to lose between 35,000 - 40,000m² of employment floorspace.

Further, with the continued application of the NSW Government’s ‘build to rent’ (BTR) provisions in the precinct, the loss of employment capacity is expected to be much higher. If BTR provisions are taken up by four sites in the precinct, an additional 177,800m² of employment floorspace is foregone, bringing the total to -165,300 – 174,600m² or over **11,000 jobs lost** (Council estimate).

This is discussed further in Section 3.3.

2.4 Explanation of Intended Effect

The [Explanation of Intended Effect](#) (EIE) includes the proposed rezoning of land, affordable housing contributions and ‘bonus provisions’, a potential new open space at Sinclair Street, and infrastructure delivery. These are summarised below.

The relationship between this EIE and other planning reforms is discussed at Section 2.7.

Rezoning of land: The rezoning will be implemented through a self-repealing SEPP made under the *Environmental Planning and Assessment Act 1979* (EP&A Act) that will amend *North Sydney Local Environmental Plan 2013* (North Sydney LEP) and neighbouring LEPs (Willoughby and Lane Cove).

Land affected by the rezoning proposals is shown in Figure 2.

The proposed planning control changes for North Sydney LEP include the following amendments:

- rezoning land to R4 High Density Residential, west of the Pacific Highway;

- increasing the maximum height of buildings, floor space ratios (FSRs) and introducing affordable housing bonuses to enable six – 35-storey towers;
- amending the minimum non-residential FSR ‘indicative’ range between 0.5:1 – 11:1; and
- adding Sinclair Street properties (as weren’t previously mooted for change under the St Leonards and Crows Nest 2036 Plan).

Further amendments include, but are not limited to:

- rezoning ‘Lot 4B’ owned by Property NSW at Herbert Street in the Willoughby LGA to enable a 62-storey tower, including an unspecified proportion of affordable housing for key workers; and
- rezoning the car wash and 448-456 Pacific Highway just north of Oxley Street in the Lane Cove LGA to enable up to a 40-storey tower.

Affordable housing: Further amendments to the North Sydney LEP are proposed to introduce:

- an indicative ~10-15% mandatory affordable housing contribution to be held in perpetuity on all new residential development in the precinct;
- bonus provisions to incentivise 15% affordable housing on six sites (five in North Sydney LGA) in perpetuity. It gives:
 - five – eight-storey bonus height and bonus FSR on five sites (marked in red on Figure 2).
 - a ‘bonus’ reduction in non-residential FSR from 10:1 down to 1:1 for the Crows Nest Site A over-station development, essentially allowing it to convert from a planned 21-storey commercial building to a residential tower.

Overall, the combination of additional heights and affordable housing bonuses will result in significant heights along the Pacific Highway and extending into Nicholson Street and Sinclair Street as shown in Figure 3.



Figure 2. Land subject to the Crow's Nest TOD rezoning in blue, affordable housing bonus applies to sites marked in red (Source: EIE, Department of Planning, Housing and Infrastructure)

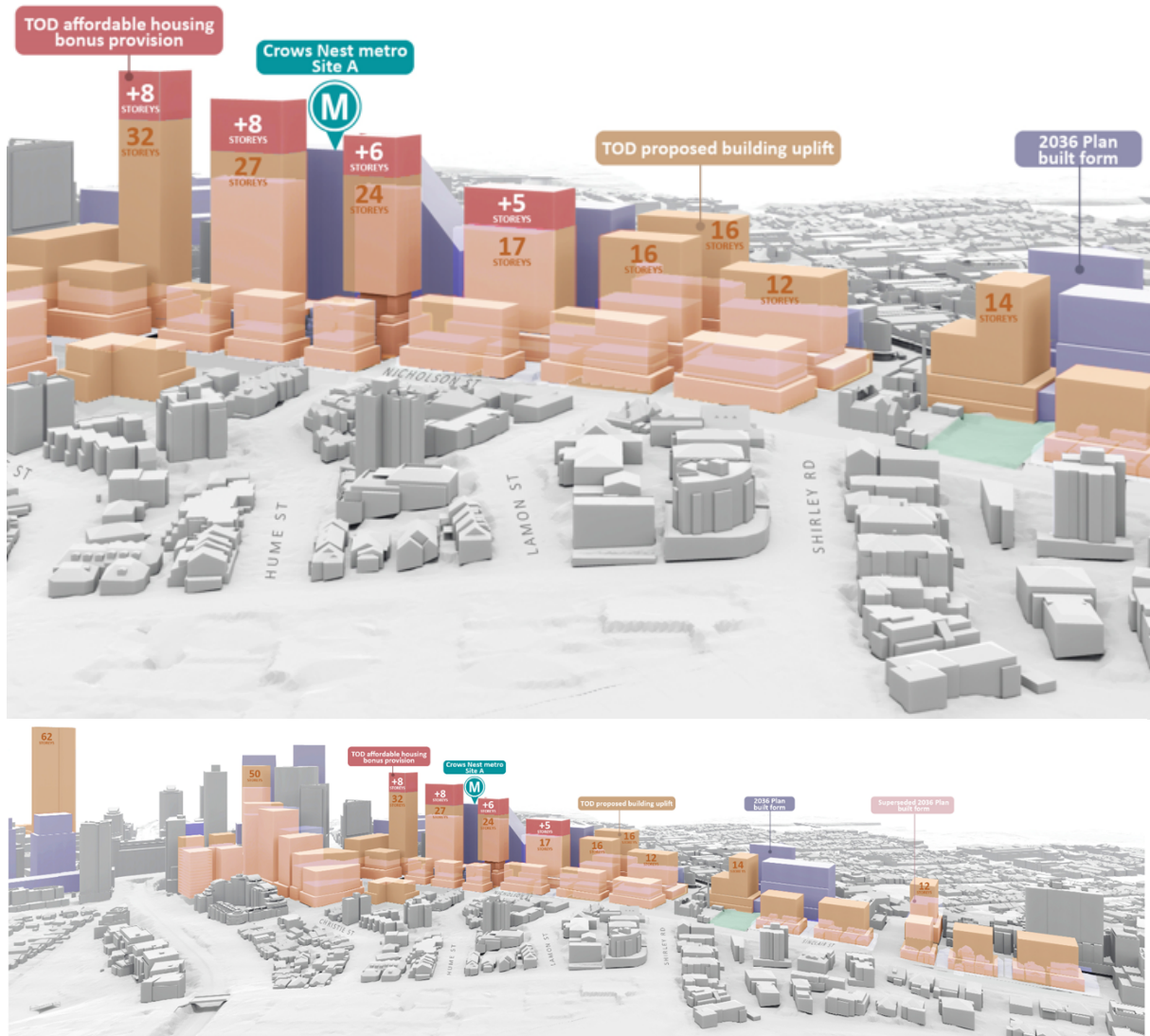


Figure 3. Cumulative proposed heights under the 2036 Plan and Crows Nest TOD – view looking north-east (Source: NSC)

Proposed Sinclair Street open space: A potential new open space is identified at 79-81 Sinclair Street, Wollstonecraft, currently a private car park. The EIE indicates securing the site for open space may potentially be achieved via an increased maximum height and FSR bonus on the adjoining lot fronting Pacific Highway.

Infrastructure delivery: To support the population growth in the precinct, \$520 million from the Housing and Productivity Fund is to be shared across the eight TOD precincts, to fund active transport, road infrastructure, and new open spaces. The Department is yet to release guidelines for the allocation of these funds between the TOD precincts. Council co-contributions or other grant and funding programs are flagged as other funding sources for state infrastructure and may encompass projects beyond transport and open space.

The *North Sydney Local Infrastructure Contributions Plan (2020)* currently allows Council to levy new development to help fund local infrastructure such as open space and recreation facilities, community facilities, public domain works, and active transport. These contributions will continue to be levied to help meet the increased demand created by new development

and will continue to apply. It should be noted, however, that in an established area like North Sydney, a Contributions Plan can generally only fund a proportion of local infrastructure, and the balance is generally funded with rates revenue. This is discussed further below under 'Local Infrastructure'.

2.5 Design Guide

The rezoning proposal introduces a provision into the *North Sydney LEP (2013)* to require the consent authority to consider a new Design Guide that prevails over the *North Sydney Development Control Plan (DCP) (2013)*.

The draft Design Guide (also on exhibition) covers the vision, principles, and objectives for the precinct, and wide-ranging design guidance covering Connecting with Country, built form design, design excellence, environment, and movement. Car parking rates are unchanged.

The Design Guide will play an important role in achieving high quality built form design and environmental performance, and minimising vehicle, overshadowing, and wind impacts.

2.6 Technical documents

A suite of technical documents have informed the EIE and Design Guide:

- Urban Design Report: This report underpins the proposed additional residential uplift from the 2036 Plan, models the affordable housing bonus provisions, and outlines frameworks for the environment, movement, land use, and built form that inform the Design Guide. It contains 3D images of the resultant built form but no shadow diagrams.
- TOD Boundary Map: See Figure 1
- Supplementary Transport Technical Note: Summarises all recommended transport-related projects under modelling work for the 2036 Plan with responsible agency and indicative priority; concludes no additional transport infrastructure is needed in the precinct above that identified in the 2036 Plan.
- Economic Impact Assessment: Estimates a net increase of \$200 million contribution to GRP and justifies the 28,900m² GFA reduction in employment capacity due to increased work from home practices following COVID-19.
- Connecting with Country Aboriginal Engagement Outcomes Report: St Leonards and Crows Nest are located on the Land of the Gammarigal/Gai-mariagal/Cammeraygal people. The report documents engagement with a representative from a Gammarigal Traditional Custodian organisation and five representatives from the Metropolitan Local Aboriginal Land Council, and identifies a suite of actions to support Connecting with Country that have informed the Design Guide.
- Contamination Preliminary Site Investigation: Concludes a low to moderate potential for soil and groundwater contamination at 69 Christie Street (previous car park) and

properties at the corner of Nicholson Street and Oxley Street (previous industrial, motor garage, and current car wash), both located just north of the North Sydney LGA.

- Utilities Report: Identifies servicing constraints to potable water, sewer, stormwater, and electrical infrastructure. Recommends consideration be given to a 'zero gas' precinct. No servicing constraints identified for telecommunication infrastructure.
- Flooding and Stormwater Study: Shows much of the density on the western side of the Pacific Highway is located on the catchment that drains to a low point near Russell Street and River Road. It concludes proposed intensification of the precinct is suitable from a flood risk perspective.
- LOT 4B Herbert Street Reports: These reports cover a significant 62-storey residential tower on government-owned site on the Royal North Shore Hospital campus at Herbert Street, St Leonards. An unspecified proportion will be made available for key workers.

It is noted that the rezoning package is **not supported** by a **social impact assessment**. The most up to date assessment, that includes community infrastructure benchmarking analysis, is the *Social Infrastructure and Open Space Study* that was commissioned by the Department in 2018. The social infrastructure study can be found under the 2036 Plan 'Attachments' at [this link](#).

2.7 Relationship to other planning reforms

The '*Pathway changes to support transport oriented development and residential housing delivery*' EIE has been publicly exhibited alongside this EIE. The EIE proposes:

- a new temporary State Significant Development (SSD) category for residential development that is valued above \$60 million to fast-track approvals within state government. This avenue would be available until November 2027;
- removing the need for some concurrence and referral requirements;
- replacement of design competition requirements;
- 'switching off' the infill affordable housing bonuses currently available under the Housing SEPP; and
- 'switching off' the (draft) low-and-mid-rise housing reforms*.

The Department is also progressing proposed low-and mid-rise reforms that, if implemented as exhibited, would apply to large areas of the North Sydney LGA. The State Government have recently indicated that these reforms will not be implemented until 'later in 2024'. The changes proposed under the TOD program, in the 'focus area for accelerated rezoning' as exhibited, would apply and prevail.

Note: *For clarity, it is interpreted from the exhibition documents, that the area outside the 'focus for accelerated rezoning' (identified in Figure 1) will still be eligible for access to the low and mid-rise housing reforms within relevant 400m-800m walking catchments of train stations (heavy rail and metro). Without the benefit of the details of these reforms, it is difficult to accurately forecast what further additional growth and dwelling numbers (and cumulative impacts arising) these reforms may facilitate.

The permissibility of Build-to-Rent housing on commercially zoned land, available under the Housing SEPP, will continue to apply within the precinct. This is discussed in Section 3.3.

3. Evaluation and key issues

North Sydney Council is committed to supporting strong economic, social, and environmental outcomes for Crows Nest, St Leonards, and surrounding suburbs. Council's review of the Crows Nest TOD rezoning package has been approached with the following objectives:

- support well-designed, higher density commercial, mixed-use, and residential development around St Leonards Station and Crows Nest Metro station that have good separation distances and that carefully transition to Willoughby Road and surrounds to the east, and Wollstonecraft to the west, to protect sunlight and residential amenity;
- support contributions to affordable housing held in perpetuity where impacts to additional height and density can be justified;
- recommend amendments to the EIE rezoning proposals and Design Guide provisions that will ensure the Crows Nest precinct can be an example of 'density done well', particularly in relation to built form design, long term economic function of the centre, environmental performance, health and wellbeing of the community, and active transport measures;
- identify gaps in the rezoning package, particularly in relation to funding mechanisms and strategies to support the population growth with critical open space, social infrastructure, and recreation facilities.
- ensure the planned density is supported by adequate utility capacity and a road network that supports the safety and amenity of pedestrians and cyclists.
- consider how the State Government could work more closely with local government and the community on any future plans for the North Sydney local government area.

Overall, the Crows Nest rezoning package has the potential to deliver some high-quality mixed-use towers and greater housing supply, including affordable housing and local services close to exceptional public transport and health infrastructure. Given the extent of uplift proposed under the Crows Nest rezoning package, switching off the additional infill affordable housing bonuses available under the Housing SEPP is supported. Amendments to the proposal are needed, however, to protect sunlight to Willoughby Road, Ernest Place, Wollstonecraft and surrounds, and improve built form design.

Concern is raised at the extensive, rapid rezoning of the precinct for predominantly residential purposes and continued application of the NSW Government's build-to-rent provisions in commercial centres. Council estimates this translates to a potential loss of 11,000 planned jobs capacity over the long term. This will significantly compromise the long-term economic function of the St Leonards Strategic Centre – one of only a few major centres in Metropolitan Sydney supported by metro and heavy rail - overturning a decades long policy position of the NSW Government.

Similarly, concern is raised at the lack of open space, recreation, cultural, and social infrastructure plans to support the estimated 16,000 new residents in the precinct. A funding mechanism to deliver the full Hume Street Park upgrade – as envisaged by Sydney Metro, the

2036 Plan, and this Crows Nest TOD – is acutely needed. A social impact assessment should be undertaken as a priority.

This Section summarises matters raised in Council’s draft submission to the Department which is included in Attachment 1 to this report.

3.1 The timely delivery of state and local infrastructure (Section 3.1 of submission)

A population increase of approximately 16,000 people is forecast across the St Leonards and Crows Nest precinct. Without an adequate infrastructure contributions framework to deliver essential supporting infrastructure and facilities, the stated objective of *delivering housing supported by public places, vibrancy and community amenity*, will simply not be met. The State Government is called upon to ensure that funding is provided for essential open space, community facilities, access, and public domain improvements.

State Infrastructure

Developments in the precinct will be required to pay a Housing and Productivity Contribution (HPC) of \$10,000 per additional dwelling, to help fund state infrastructure across Greater Sydney. This payment is made directly to the State Government prior to construction commencing. In announcing the eight TOD Tier 1 precincts, the State Government committed to directing \$520 million from that fund to be shared across the eight precincts. Details on the timing and actual infrastructure that will be funded in the Crows Nest precinct are unknown at this time nor the project selection process.

When the St Leonards Crows Nest 2036 Plan was finalised (August 2020), it was accompanied by a Special Infrastructure Contribution (SIC) requiring the payment of \$15,000 per additional dwelling. The (legal) determination of the SIC included an Infrastructure Schedule totalling some \$116.5 million dollars to be accumulated and spent within the precinct. This included education facilities, open space (including reference to Hume Street Park), pedestrian and cycle improvements, and road crossing improvements.

The SIC applicable to St Leonards and Crows Nest was repealed when the HPC order was made in October 2023. As a result, there is little certainty that funds levied and accumulated through the HPC will be spent within the precinct. Given the intensity of development proposed, the need for the timely delivery of supporting infrastructure is paramount. It is also noted that Council at its meeting of 24 June 2024, in consideration of Mayoral Minute MM03, resolved;

2. THAT Council call on the State Government to provide a special infrastructure contribution for the Crows Nest Accelerated TOD Precinct to fund and deliver essential community infrastructure for the existing, planned, and additional planned population including open space, road upgrades, community facilities etc, and upgrades to essential services.

The draft submission attached to this report is consistent with and re-iterates this resolution.

Local Infrastructure

The *North Sydney Local Infrastructure Contributions Plan (2020)* allows Council to levy new development to help fund local infrastructure such as open space, recreation facilities, community facilities, public domain works, and active transport. These funds are able to be levied to help meet the increased demand created by new development. Importantly, under the relevant legislation, in an 'in-fill' environment like North Sydney the cost of new and upgraded facilities cannot usually be attributed entirely to the incoming population. As a result, Council needs to find alternate sources of funding such as grants or general revenue, to deliver new and upgraded facilities.

This challenge has been further exacerbated due to the contributions 'cap' of \$20,000 on new residential development that was imposed in 2011 – a figure that has not been the subject of review or indexation in over 13 years.

To help address the need to deliver appropriate and necessary supporting infrastructure, North Sydney Council has previously been able to negotiate Voluntary Planning Agreements at the time of consideration of amendments to LEP planning controls. This has led to Council being able to secure direct and locally necessary public benefits (such as a new arts facility, open space, monetary contributions towards facilities, and the like) that it would otherwise have been unable to provide. However, since the imposition of a SIC (now replaced with the HPC), landowners have been unwilling to contribute towards these local public benefits, citing feasibility reasons because of the additional State-imposed levies.

3.2 Built form design and site-specific issues (Sections 3.2-3.3 of submission)

The significant transformation of Crows Nest and surrounds to support higher density living that leverages the imminent opening of the new metro station is an opportunity to encourage best practice design and environmental performance, often described as 'density done well'.

The Crows Nest TOD continues to limit the higher densities to St Leonards and the Pacific Highway, and away from Willoughby Road, the heritage conservation areas and surrounds, as per the 2036 Plan. This is generally supported.

Council's submission does, however, recommend the following key amendments to the Crows Nest TOD built form proposals.

Building height, density, shadow impact, and tower separation: The additional heights afforded under the rezoning proposal suggest that the medium and high-density areas of Wollstonecraft between the Pacific Highway and River Road will be further overshadowed in the morning, particularly during winter months (Figure 4, next page). Overshadowing impacts can be reduced by ensuring good separation distances between each tower. A combination of minimum lot sizes and tower separation controls is recommended.



Figure 4. Comparison of shadow impact of the 2036 Plan, Crows Nest TOD and affordable housing 'bonus provisions' at 10am midwinter (Source: NSC)

Transition to Willoughby Road: Willoughby Road and the fine-grained heritage shopfronts along the 5-Ways are iconic to Crows Nest's character. It is important that the building heights and above podium setbacks around this intersection are carefully designed.

No's 437-475 Pacific Highway, which adjoin lots on Willoughby Road, and the heritage shopfronts along the western side of Pacific Highway, are proposed to have building height limits increased from eight storeys (as per the 2036 Plan) to 12-16 storeys (Figure 5, next page). These increases are out of scale with Willoughby Road and incompatible with the heritage value of the Five-Ways Intersection. It is recommended the Department work with Council to amend the proposed controls, to better respond and protect the local character and ensure more appropriately scaled development over the group of heritage façades.



Figure 5: Building heights comparison between 2036 Plan and Crows Nest TOD at Block 3
 (Source: Urban Design Report, SJB, marked up by NSC)

Crows Nest Metro Site A and surrounding towers: During the March and September equinoxes, representing a greater proportion of the year, the most significant overshadowing impacts will continue to be felt by Hume Street Park, Willoughby Road, and Ernest Place, which will be cast into shade from 4pm onwards (Figure 6 on the next page). This has largely been due to the approved building envelope of the Crows Nest Metro Site A, which has not changed under this proposal.

However, a ‘bonus non-residential FSR reduction’ has been introduced for Metro Site A. Whilst it is maintained that the lower commercial tower is the most appropriate use on the site, if the residential bonus provision remains, there is an opportunity to create two residential towers that can be sculpted to support greater sunlight to Ernest Place.

The affordable housing bonus provisions on the opposite side of the Metro (see Figure 6) will also now overshadow Hume Street Park, Willoughby Road, and Ernest Place later in the afternoon. It is recommended that the Department work with Council to identify ways to protect afternoon sunlight to these important and well used community spaces.

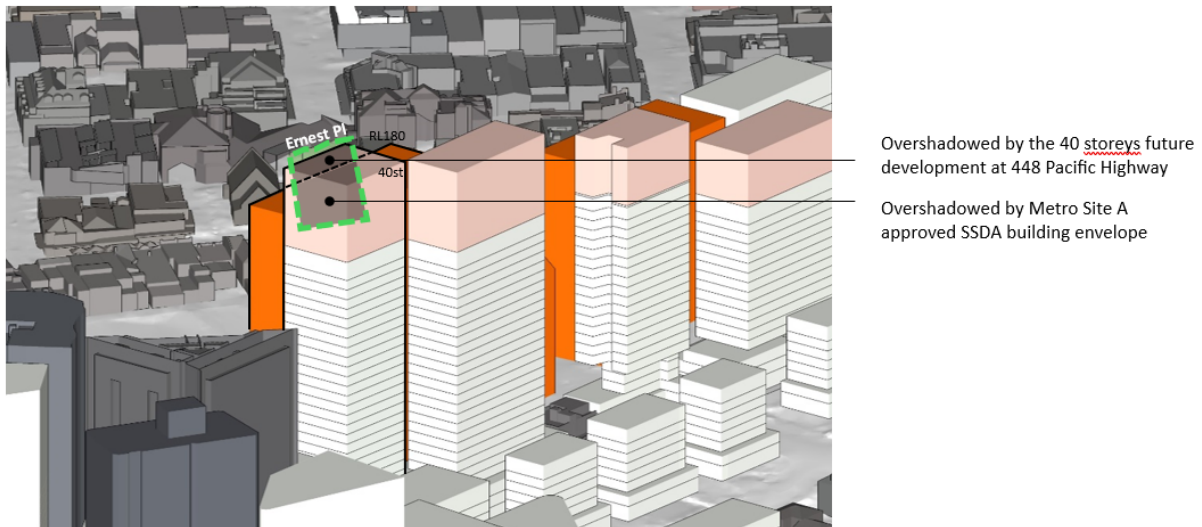


Figure 6. Sun-eye diagram showing shadow impact of the Crows Nest TOD and Metro Site A at 4.10pm Spring equinox (21 September) (Source: NSC)

290 Pacific Highway: It is recommended that this site is deferred from the rezoning package to allow sufficient time to resolve a wide range of issues, including the Department’s proposal to potentially deliver a new open space over the current car park on Sinclair Street, subject to additional unspecified height and FSR bonuses. See Section 3.6 of this report.

Built form design, character, and heritage: Additional built form provisions have been proposed in the Design Guide to achieve a consistent street wall height, above podium setbacks, better transitions to lower scale housing, and to protect the heritage value of sites that contribute to Crows Nest’s character.

Errors and omissions: The review picked up a wide range of errors, incorrect assumptions, omissions, and inconsistencies between proposals contained in the Urban Design Report and the Design Guide, and in some cases, the EIE. These may be due to a Departmental decision or lack of knowledge of the area, graphic errors, or oversights based on the speed with which the rezoning package was prepared.

3.3 Planning for the long-term economic function of St Leonards and Crows Nest (Section 3.4 of submission)

The exhibition documentation contains several statements that seek to “protect and strengthen” the area’s commercial role, particularly within the commercial core of St Leonards. This is consistent with the identification of the precinct as a “Specialised Centre” within the Eastern Economic Corridor under the Sydney Regional and District Plans. The Crows Nest Precinct is identified as Sydney’s 5th most important employment centre, currently providing employment for approximately 43,500 workers (2021 ABS Census) and with approximately 350,000sqm of commercial floorspace. The 2036 Plan sought to increase the employment capacity by approximately 120,000sqm to accommodate an additional 16,500 workers, consistent with the targets under the Sydney Regional and North District Plans.

According to the Department of Planning documentation, the Crows Nest TOD will result in a reduction in future employment capacity, compared to the 2036 Plan, of approximately

28,900sqm (c2,000 jobs). Council's analysis, however, estimates that between **47,300 – 56,600sqm** (3,100-3,700 jobs) of future employment capacity could be lost as a result of the proposed changes. Of this, approximately 75% would occur within the North Sydney Local Government Area. The discrepancy in these figures is elaborated on in the detailed submission. Further, if a number of identified sites take up the Build-To-Rent provisions available under the Housing SEPP, this could result in a reduction in future employment capacity of **165,250-174,600sqm (11,000-11,600 jobs)**.

The success of commercial centres is particularly influenced by its degree of accessibility for workers. The St Leonards / Crows Nest centre is soon to be served by two heavy rail-based services and is also well connected by district bus services. The only other commercial centres to have such a high level of accessibility in NSW include Sydney City, Parramatta, North Sydney, and Chatswood. This demonstrates the importance of St Leonards / Crows Nest as an employment centre.

The proposed reduction in potential employment floorspace capacity is largely premised on changes in employment market trends, particularly in relation to the rise of “work from home”. The long-term trends in relation to “work from home” are not fully settled as this sphere of employment is still evolving. Accordingly, pursuing reduction strategies now will not necessarily assist in delivering more employment floorspace in the longer term, as it fails to recognise that there will still be a need to deliver such floorspace as the overall population increases.

The draft submission recommends that the proposed amendments be modified so as to not result in a net reduction in employment floorspace capacity within the precinct. It is also recommended that the Housing SEPP be amended to exclude Build-to-Rent provisions from applying to the land zoned E2 Commercial Core within the precinct, as well as several other site-specific recommendations.

3.4 Delivering affordable housing and liveable housing design (Sections 3.5-3.6 of submission)

Mandatory affordable housing contributions: It is acknowledged that to maintain a liveable, well-functioning, and prosperous city, access to affordable housing is essential. As discussed in Section 2, the Crows Nest TOD proposal includes mandatory affordable housing provisions (of 10%-15%), to be held in perpetuity. This is supported. A further six sites, including Crows Nest metro Site A, attract ‘bonus provisions’ if a minimum of 15% affordable housing is provided. Greater clarity is needed on the calculation and delivery of affordable housing. Key sites with bonus uplift are not supported, due to the unacceptable negative economic, social, and amenity impacts. All residential developments in the Crows Nest TOD Precinct should feasibly be able to deliver a minimum mandated 10% affordable housing within the parameters of the proposed base uplift with the EIE.

This recommended policy position extends to two sites that have already progressed State Significant Development Applications (378-390 Pacific Highway SSD – 70617459, and the Crows Nest ‘Triangle site’ bounded by Pacific Highway, Alexander, and Falcon Streets - SSD-66826207). If these sites obtain development consent with increased building heights

available under the Housing SEPP, then any affordable housing must be provided in perpetuity.

Liveable housing: Liveable housing enables elderly people, people with disability, families with young children, and those with temporary mobility injuries to more easily access accommodation. Adhering to liveable housing design standards capitalises on the precinct's proximity to high quality healthcare, transport, and education facilities, and aligns with the national push to become a more inclusive society through housing. Accordingly, it is recommended that all housing should adhere to at least 'silver' standards in the *Liveable Housing Design Guide* (Liveable Housing Design 2017) by incorporating these requirements into the Design Guide.

Submission from the North Sydney Council Access and Inclusion Committee: The Access and Inclusion Committee has advised that it is disappointed by the lack of commitment of accessibility and inclusion in the exhibited plan for the Crows Nest/St Leonards Precinct. The Committee is seeking further information and commitment from the NSW Government on a range of matters outlined in Attachment 1. These include accessible housing, wayfinding, accessible active transport, infrastructure, and need for quiet spaces.

3.5 Addressing the need for community and cultural spaces (Sections 3.7-3.8 of submission)

Known gaps in social and cultural infrastructure: Findings from the 2018 social infrastructure benchmarking study commissioned by the Department to inform the 2036 Plan (Arup 2018) suggested there is a critical need for additional social infrastructure to support the growing population. Since that time, Council has secured planning agreements that will deliver an Arts Centre at 617 Pacific Highway, and a co-working space at 100 Christie Street.

The submission, however, identifies the extensive gap in social infrastructure required to adequately service the population growth associated with the TOD and the inability of Council to deliver further local infrastructure under planning agreements due to the imposition of a new state levy. These resources are vital for fostering a healthy, vibrant, connected, and inclusive community. It is recommended that an updated social impact assessment is undertaken as a matter of priority, and that the Department work with Council to address existing and future gaps that cannot be funded via the local contributions plan.

3.6 Addressing open space and recreation needs and environmental sustainability (Sections 3.9 – 3.10 of submission)

A key objective of the rezoning proposal is to support housing supply with “*public spaces, vibrancy and community amenity.*” The Crows Nest TOD proposal assumes Council will deliver a number of open space upgrades over time. These projects, however, remain unfunded since the NSW Government's imposition of a state levy on the precinct in 2020.

Significant deficit in open space: There is insufficient open space to meet current and future needs of the residential population. The EIE and supporting technical studies have heavily relied on Council delivering the Hume Street Park upgrade (including relocating Kellys Place

daycare and basketball courts) and undergrounding the Holtermann Street Car Park. These projects currently have insufficient funding as the state levy has removed Council's ability to negotiate planning agreements, and future infrastructure funding arrangements arising from the HPC are unclear.

Hume Street Park: Hume Street Park is the best and most feasible site for a substantive park east of the Pacific Highway with easy, centrally-located access, and directly opposite the new Metro Station. Without a larger open space area where the intensity of use is dissipated, grass will not grow, and solar access is more difficult to achieve. It is recommended that the Hume Street Park upgrade is prioritised in its funding, to be delivered as close as possible to the new population arriving in Crows Nest.

Holtermann Street Car Park: To support the density increases under the 2036 Plan, the Department funded the design concepts to underground the car park and deliver a new park. No money has been identified to deliver the public open space. It is recommended that a review of Council's landholdings and assets in Crows Nest is undertaken to determine how this new park is best delivered.

Sinclair Street open space proposal: The Crows Nest TOD identifies a site on Sinclair Street as a potential new public open space. Council acknowledges and supports the need for additional open space in this area but notes that the site's capacity to deliver a substantial, high-quality public open space may be somewhat compromised due to the site attributes and context. The mechanism to deliver this space is unclear and there are a wide range of additional issues for this site. It is recommended the site is deferred until these matters are resolved.

Significant deficit of active recreation spaces: There is no provision for the addition of public open space infrastructure that facilitates active recreation. This will have an impact on the health and well-being of the community. A social impact assessment is recommended to be undertaken, which should include a review of recreation spaces.

Electricity for all energy requirements: It is recommended the Design Guide include provisions for an All-Electric Precinct, including residential and commercial developments, to assist in achieving State Government and Council net-zero targets. This is in keeping with the Department's Utilities Study that suggested replacing gas for a sustainable electrical supply for heating and cooling.

Environment/sustainability: A suite of recommendations to improve the environmental performance of the precinct have been included in the submission. These relate to sustainable building design, green roofs, water sensitive urban design, EV charging, biodiversity, renewable energy, refrigerants, and waste management. Many of these recommendations could be incorporated into the Urban Design Guide to ensure the precinct is an exemplar of density done well.

3.7 Active transport, road network, and utilities

(Sections 3.11-12 of submission)

Walking and cycling: High-density residential development is proposed on the western side of the Pacific Highway. This area needs to be carefully integrated with the Crows Nest metro site on the eastern side of the Pacific Highway. The submission seeks to prioritise pedestrian safety and connectivity by prioritising 30km/hr speed limits in the Crows Nest precinct, traffic calming treatments, and pedestrian signal prioritisation at traffic signals; and delivering safe and connected cycleways on Pacific Highway, West Street, and other priority routes to promote cycling and encourage young people to cycle to school, including Anzac Park Public School.

Vehicle parking and traffic calming: Higher densities are envisaged in this area based on the expectation that car usage rates are reduced near excellent public transport services. This is a fundamental principle of 'Transport Oriented Design' (TOD). North Sydney Council previously prepared a detailed research-based policy position with regard to the reduction of private vehicle reliance in highly accessible public transport precincts which resulted in reduced onsite parking requirements. To this end, the submission recommends that consideration be given to expand this approach throughout the precinct more broadly. Implementing traffic calming measures and reduced speed limits is also recommended, as well as prevention of short-cut vehicle movements on local streets.

Utilities: The provided utilities report identifies and acknowledges service constraints in the categories of, but not limited to, existing potable water, sewer, and electrical infrastructure. However, the impacts to existing Council infrastructure must also be assessed and understood. Costs associated with make good works, services diversions or similar, pose a financial burden on Council and its rate payers, and have not been adequately considered or identified in the report. It is recommended that an analysis is undertaken to capture the full scope of the upgrade to infrastructure and services to support the increase in housing supply and examine how this financial burden is not borne solely by Council and its residents.

Additional comments are made in relation to Council's stormwater drainage infrastructure, capital works program, and building materials impacting radio frequency.

3.8 The future sharing of the responsibility for environmental planning and greater community participation in the north Sydney local governmental area

(Section 3.13 of submission)

Working with local government and the community: The wide range of issues and suggested improvements in Council's submission highlights the importance of the Department working closely with Council prior to finalising the rezoning and Design Guide. Going forward, greater collaboration with local government and the community is sought in the development of any plans for the local government area.

4. Conclusion

Crows Nest and surrounds has been identified as one of eight 'TOD Tier 1 precincts' for the NSW Government's accelerated, state-led rezoning program on the basis that it is well serviced by heavy rail and the imminent opening of the Crows Nest metro station. The Crows Nest TOD rezoning proposal builds on the recommendations of the 2036 Plan that, once finalised, will lead to additional amendments to the North Sydney LEP 2013 and adjoining planning instruments that enable 8,445 new dwellings, representing 16,000 new residents since 2020 when the 2036 Plan was released.

Overall, the Crows Nest rezoning package has the potential to deliver some high-quality mixed-use towers and deliver greater housing supply (including affordable housing), and local services close to exceptional public transport and health infrastructure. Amendments to the proposal have been identified, however, to improve built form design and reduce some of the overshadowing and environmental impacts from tall towers.

Concern is raised at the extensive, rapid rezoning of the precinct for predominantly residential purposes that will significantly compromise the long-term economic function of the centre. An exemption from 'Built-to-Rent' provisions, retaining the E2 Commercial Core zone and revised non-residential FSR development standards, are sought.

Similarly, concern is raised at the lack of open space, recreation, cultural, and social infrastructure plans to support the new residents in the precinct. A funding mechanism to deliver Hume Street Park upgrades needs to be identified immediately. Additional recommendations are made with respect to transport and utilities.

It is recommended that Council endorse the attached submission to the Department on the Crows Nest TOD rezoning proposal.

Consultation requirements

The Crows Nest TOD rezoning proposal has been exhibited for public comment by the Department for six weeks. The Department aims to respond to submissions in 'mid-late 2024' and finalise the rezoning by 'late-2024' at which point the rezoning will come into effect.

Financial/Resource Implications

The longer-term financial implications of the Crows Nest TOD rezoning proposal to North Sydney Council could be significant, as only a fraction of the funding to meet the increased demand for social, open space and recreation infrastructure can be met under the *North Sydney Local Infrastructure Contributions Plan (2020)*. Similarly, there is currently no certainty that transport and utility upgrades have been adequately planned for and funded.

Council will strongly advocate for the adequate, fair, and transparent allocation of funds for state and local infrastructure in the Crows Nest precinct. As per the submission, Council will call upon the State Government to:

- ensure a funding mechanism is in place to support population growth with essential open space, community facilities, access; and public domain improvements.
- establish an infrastructure taskforce with the Department, to prioritise and ensure the timely delivery of necessary funding/infrastructure to support the existing and incoming population to the TOD precinct.

Legislation

The rezoning will be implemented through a self-repealing State Environmental Planning Policy (SEPP) made under the *Environmental Planning and Assessment Act 1979* (EP&A Act) that will amend *North Sydney Local Environmental Plan 2013* (North Sydney LEP) and neighbouring LEPs.

North Sydney Council

Submission to the Department of Planning, Housing and Infrastructure

Crows Nest Transport Oriented Development (TOD) rezoning proposal

Submission date: 30 August 2024



Source: North Sydney Council

Contents

1. Introduction	3
2. Key moves	4
3. Issues and recommendations.....	7
3.1 Infrastructure funding and delivery.....	7
3.2 Built form design, character and heritage	10
3.3 Site-specific matters	36
3.4 Planning for future employment	49
3.5 Affordable housing	57
3.6 Liveable housing design.....	65
3.7 Community resilience	68
3.8 Arts and culture	73
3.9 Parks, open spaces and recreation	75
3.10 Environmental sustainability.....	83
3.11 Transport	87
3.12 Utilities	93
3.13 Implementation	95
Attachment 1: Submission by the North Sydney Council Access and Inclusion Committee.....	97

1. Introduction

North Sydney Council is committed to supporting strong economic, social and environment outcomes for Crows Nest, St Leonards and surrounding suburbs. Council's review of the Crows Nest TOD rezoning package has been approached with the following objectives:

- support well-designed, higher density commercial, mixed-use and residential development around St Leonards Station and Crows Nest Metro station that have good separation distances and carefully transition to Willoughby Road and surrounds to the east, and Wollstonecraft to the west to protect sunlight and residential amenity
- support contributions to affordable housing held in perpetuity where impacts to additional height and density can be justified and managed
- recommend amendments to the EIE rezoning proposals and Design Guide provisions that will ensure the Crows Nest precinct will be an exemplar of 'density done well', particularly in relation to built form design, long term economic function of the centre, environmental performance, health and wellbeing of the community and active transport measures
- identify gaps in the rezoning package, particularly in relation to funding mechanisms and strategies to support the population growth with critical open space, social infrastructure and recreation facilities
- ensure the planned density is supported by adequate utility capacity and a road network that supports the safety and amenity of pedestrians and cyclists
- consider how the state government could work more closely with local government and the community on any future plans for our local government area.

Overall, the Crows Nest rezoning package has the potential to deliver some high-quality mixed-use towers that will result in greater housing supply, including affordable housing, and local services close to exceptional public transport and health infrastructure. Given the extent of uplift, switching off the additional infill affordable housing pathway is supported. This submission outlines proposed amendments to the rezoning proposal and Design Guide aimed at achieving the above objectives.

Concern is raised however, at the extensive, rapid rezoning of the precinct for predominantly residential purposes and continued application of the NSW Government's build-to-rent provisions in commercial centres. This will significantly compromise the long-term economic function of the St Leonards Strategic Centre – one of only a few major centres in Metropolitan Sydney supported by metro and heavy rail - overturning a decades long policy position of the NSW Government.

Similarly, concern is raised at the lack of open space, recreation, cultural and social infrastructure plans to support the estimated 16,000 new residents in the precinct. A funding mechanism to deliver Hume Street Park upgrades – as envisaged by Sydney Metro, the 2036 Plan and this Crows Nest TOD – is acutely needed. A social impact assessment should be undertaken as a priority. We would welcome the opportunity to work with the Department to address these issues.

This submission outlines the following:

Section 2 summarises the 'Key Moves' that aim to enable the Crows Nest TOD precinct support density done well

Section 3 provides detailed comments on the Explanation of Intended Effect for the Crows Nest TOD Precinct, Design Guide and associated technical documents

2. Key moves

These 'key moves' aim to enable the Crows Nest TOD precinct support density done well.

Section	Key move
3.1 Infrastructure	<p>NSC1 Call upon the State Government to ensure a funding mechanism is in place to support population growth with essential open space, community facilities, access and public domain improvements.</p> <p>NSC2 Establish an infrastructure taskforce to fund, prioritise and ensure the timely delivery of necessary infrastructure to support the existing and incoming population.</p>
3.2 Built form design, character and heritage	<p>NSC3 Protect afternoon sunlight to Ernest Place and Willoughby Road by undertaking shadow analysis at spring and autumn equinox to refine building heights and/or other controls to sculpt the tower forms in the precinct.</p> <p>NSC4 Reduce proposed building heights in 'Block 3' to provide an appropriate transition to Willoughby Road and the Five-Ways intersection.</p> <p>NSC5 Apply a maximum FSR to all properties within the 'Focus for accelerated rezoning' area to provide greater consistency.</p> <p>NSC6 Incorporate important recommendations from the Urban Design Report into the Design Guide and add critical design provisions (such as minimum lot size, maximum tower length, tower setback and public domain upgrade) to achieve the proposed outcomes.</p> <p>NSC7 Work with Council to carefully amend the EIE rezoning proposal and Design Guide to address a suite of errors, omissions and inconsistencies to height, FSR and built form controls.</p> <p>NSC8 Provide clear setback controls for developments above heritage items and near the Five Ways intersection.</p>
3.3 Site-specific matters	<p>NSC9 Defer the Crows Nest Metro 'Site A' from the rezoning proposal and collaborate with Council to refine the land use mix.</p> <p>NSC10 Should the 'affordable housing non-residential FSR reduction bonus' be pursued on Crows Nest Metro 'Site A', amend the built form controls to provide separate towers and reduce the overshadowing impact to Ernest Place and Willoughby Road.</p> <p>NSC11 Defer 290 Pacific Highway from the rezoning proposal to resolve built form controls and delivery mechanisms of proposed open space along Sinclair Street.</p>

3.4 Planning for future employment	<p>NSC12 As a principle, protect and enhance the long-term employment capacity of the St Leonards Strategic centre and Crows Nest Precinct to support the growing population of the North District.</p> <p>NSC13 Retain the non-residential FSR from the 2036 Plan to protect the precinct’s commercial role.</p> <p>NSC14 Note the cumulative impact of the Affordable Housing and Build-to-Rent provisions is estimated to lose 11,000 planned local jobs.</p> <p>NSC15 Either turn off the Build-to-Rent provisions on land zoned E2 Commercial Core or apply minimum non-Residential FSR controls that are slightly under the maximum FSR controls that apply to each site.</p>
3.5 Affordable housing	<p>NSC16 Retain mandatory affordable housing to be held in perpetuity as a TOD principle.</p> <p>NSC17 Key sites with bonus uplift are not supported, due to the unacceptable negative economic, social and amenity impacts.</p>
3.6 Liveable housing design	<p>NSC18 Incorporate liveable housing design standards into the Design Guide to be a requirement for all new developments.</p>
3.7 Community resilience	<p>NSC19 Undertake a social impact assessment a matter of priority.</p> <p>NSC20 Work with North Sydney Council to address existing and future funding gaps in social infrastructure that cannot be funded through Council’s existing local infrastructure contributions plan.</p> <p>NSC21 NSW Government to release plans to meet the increased demand for schools.</p>
3.8 Arts and culture	<p>NSC22 Work with North Sydney Council to address existing and future funding gaps in cultural infrastructure that cannot be funded through Council’s existing local infrastructure contributions plan.</p>
3.9 Parks, open spaces and recreation	<p>NSC23 Identify a funding mechanism to enable the timely expansion of Hume Street Park as a priority.</p>
3.10 Environmental sustainability	<p>NSC24 Incorporate design standards into the Design Guide to ensure all new developments are to use only electricity for all energy requirements associated with normal operations.</p>

3.11 Transport	<p>NSC25 Prioritise pedestrian safety and connectivity with reduced speed limits, traffic calming treatments and pedestrian signal prioritisation at traffic signals.</p> <p>NSC26 Deliver safe and connected cycleways to promote cycling and encourage young people to cycle to school.</p> <p>NSC27 Implement parking maximums to reduce car ownership and deliver the aims of Transit Oriented Development.</p>
3.12 Utilities	<p>NSC28 A detailed analysis is undertaken to capture the full scope of the upgrade to infrastructure and services to support the increase in housing supply and recognise how this financial burden will not be borne solely by Council and its residents.</p>
3.13 Implementation	<p>NSC29 Ensure Council’s future participation in planning our centres and greater community involvement.</p>

3. Issues and recommendations

3.1 Infrastructure funding and delivery

KEY MOVES

NSC1 Call upon the State Government to ensure a funding mechanism is in place to support population growth with essential open space, community facilities, access and public domain improvements.

NSC2 Establish an infrastructure taskforce to prioritise and ensure the timely delivery of necessary infrastructure to support the existing and incoming population.

ISSUES AND RECOMMENDATIONS

A1 Infrastructure funding

A population increase of approximately 16,000 people is forecast across the St Leonards and Crows Nest precinct. Without an adequate infrastructure contributions framework to deliver essential supporting infrastructure and facilities the stated objective within the EIE of *delivering housing supported by public places, vibrancy and community amenity* will simply not be met.

A2 State Infrastructure

Development in the precinct will be required to pay a Housing and Productivity Contribution (HPC) of \$10,000 per additional dwelling, to help fund State infrastructure across Greater Sydney. This payment is made directly to the State Government prior to construction commencing. In announcing the 8 TOD Tier 1 precincts, the State Government committed to directing \$520 million from that fund to be shared across the 8 precincts. Details on the timing and actual infrastructure that will be funded in the Crows Nest precinct are unknown at this time nor the governance arrangements and project selection process.

When the draft Special Infrastructure Contribution (SIC) was first exhibited (mid 2019) it was accompanied by an itemised project list for the precinct. Whilst North Sydney Council did not necessarily agree with all the projects identified, their inclusion at least ensured that the contributions accumulated could only be expended on these projects within the precinct. When the St Leonards Crows Nest 2036 Plan was finalised in August 2020, a SIC requiring the payment of \$15,000 per additional dwelling was formalised. The (legal) determination of the SIC included a truncated Infrastructure Schedule totalling some \$116.5 million dollars to be accumulated and spent within the precinct. An extract is provided below. This identified road crossing improvements, education, open space (including reference to Hume Street Park) and pedestrian and cycle improvements.

Infrastructure	Attributable cost
1. Road crossing improvements – to improve connectivity and pedestrian safety	\$4,888,722
2. Education – additional school places required by projected population growth in the special contributions area	\$22,708,961
3. Open space – provision of open space through creating new or expanded parks such as Hume Street Park and a new park in St Leonards South	\$78,369,237
4. Pedestrian and cycle improvements – to enhance and expand cycleways and pedestrian paths along critical links such as Willoughby Road and Chandos Street	\$8,891,776
5. Planning and delivery	\$1,722,880
TOTAL	\$116,581,576

Figure A.1 - Extract Environmental Planning and Assessment (Special Infrastructure Contribution – St Leonards and Crows Nest) Determination 2020

The SIC for St Leonards and Crows Nest was subsequently repealed when the HPC order was made in October 2023. As a result, there is little certainty that funds levied and accumulated through the HPC will be spent within the precinct. Given the intensity of development proposed the need for the timely delivery of supporting infrastructure is paramount.

It is also noted that Council at its meeting of 24 June 2024, it resolved;

2. THAT Council call on the State Government to provide a special infrastructure contribution for the Crows Nest Accelerated TOD Precinct to fund and deliver essential community infrastructure for the existing, planned, and additional planned population including open space, road upgrades, community facilities etc, and upgrades to essential services.

The re-zoning of lands, as proposed by the EIE, will result in significant land value uplift to individual landowners due to the increased development capacity. The imposition of a SIC on new development (to fund necessary supporting infrastructure within the precinct) can be better factored into development feasibility models if done at the time of re-zoning. This will help ensure necessary infrastructure is delivered within the precinct to support the current and growing community.

It is also noted that the NSW Government has a range of funding mechanisms available to provide or enhance regional infrastructure such as schools and State roads. It is inappropriate to fund such infrastructure from development levies, if it comes at the expense of local infrastructure, which suffers from a lack of funding options.

A3

LOCAL INFRASTRUCTURE

The *North Sydney Local Infrastructure Contributions Plan (2020)* allows Council to levy new development to help fund local infrastructure such as Open Space and Recreation facilities, Community facilities, public domain works and active transport. These funds are able to be levied to help meet the increased demand created by new development. Importantly, under the relevant legislation, in an 'in-fill' environment like North Sydney the cost of new and upgraded facilities cannot usually be attributed entirely to the incoming population. As a result, Council is unable to fully fund projects from funds levied under s7.11 and needs to find alternate sources of funding such as grants or general revenue, to deliver new and upgraded facilities.

This challenge has been further exacerbated due to the 'cap' of \$20,000 on new residential development that was imposed in 2011 – a figure has not been the subject of review or indexation in over 13 years.

To help address the need to deliver appropriate and necessary supporting infrastructure, North Sydney Council has previously been able to negotiate Voluntary Planning Agreements at the time of consideration of site-specific amendments to LEP planning controls. This has led to Council being able to secure public benefits (such as a new arts facility, open space, monetary contributions towards facilities and the like) that it would otherwise have been unable to provide. However, since the imposition of a SIC (now replaced with the HPC) landowners have been unwilling to contribute towards these wider public benefits citing feasibility reasons because of the additional State imposed levies. Given that the EIE will result in a precinct wide uplift to development potential the imposition of a SIC would provide an income source for the delivery of supporting infrastructure within the precinct.

Recommendations:

- Reinststate a SIC to apply to the St Leonards Crows Nest precinct with all levies accumulated to be spent within the precinct.
- Establish a multi-agency taskforce or program to fund and prioritise the timely delivery of necessary supporting infrastructure.

3.2 Built form design, character and heritage

KEY MOVES

- NSC3** Protect afternoon sunlight to Ernest Place and Willoughby Road by undertaking shadow analysis at spring and autumn equinox to refine building heights and/or other controls to sculpt the tower forms in the precinct.
- NSC4** Reduce proposed building heights in 'Block 3' to provide an appropriate transition to Willoughby Road and the 5-Ways intersection.
- NSC5** Apply a maximum FSR to all properties within the 'Focus for accelerated rezoning' area to provide greater consistency.
- NSC6** Incorporate important recommendations from the Urban Design Report into the Design Guide and add critical design provisions (such as minimum lot size, maximum tower length, tower setback and public domain upgrade) to achieve the proposed outcomes.
- NSC7** Work with Council to carefully amend the EIE rezoning proposal and Design Guide to address a suite of errors, omissions and inconsistencies to height, FSR and built form controls.
- NSC8** Provide clear setback controls for developments above heritage items and near the Five Ways intersection.

ISSUES AND RECOMMENDATIONS

3.2.1 BUILDING HEIGHT

- B1** Protect afternoon sunlight to Ernest Place and Willoughby Road by undertaking shadow analysis at spring and autumn equinox and refining building heights and/or other controls to sculpt the tower forms in the precinct

The importance of vibrant local restaurants and cafes along Willoughby Road and Ernest Place to the character, amenity and local economy of Crows Nest is recognised by the EIE, Design Guide and supporting Urban Design Study. Willoughby Road and Ernest Place is the heart of Crows Nest.

Protecting afternoon sunlight to Willoughby Road and Ernest Place is important. It is one of the few public areas in Crows Nest that receive sunlight during after school hours.

Over the years, successive state government decisions on the height and scale of the Crows Nest Metro Site A over station development, and surrounding towers on the Pacific Highway under the 2036 Plan, the Crows Nest TOD and Crows Nest TOD affordable housing bonus provisions have incrementally – and cumulatively, blocked afternoon sunlight to the Willoughby Road dining areas and Ernest Place.

Council's own solar analysis indicates that Willoughby Road and Ernest Place currently has direct sunlight until at least 5.30 – 5.45pm during spring and autumn equinoxes (See Section 3.3). Once the Crows Nest Metro Site A and Crows Nest TOD towers are constructed, as currently proposed, Ernest Place will begin to be overshadowed some time between 4.10-4.25pm onwards.

No shadow studies have been released to support the Crows Nest TOD rezoning proposal.

It is recommended that Council work with the Department and their consultants to undertake shadow analysis at spring and autumn equinox and identify opportunities to improve sunlight to Ernest Place and Willoughby Road.

B2

Reduce proposed building heights to 'Block 3' of the Pacific Highway

Willoughby Road has been identified (2036 Plan & NSDCP 2013) as a key high-quality character area that is to maintain its current scale and density. This is reinforced within the urban design principles in the Design Guide emphasise that *"Willoughby Road is important and is to be protected. New development is to ensure minimal overshadowing and avoid unreasonable visual impact to the public domain"*. As the character and function of Willoughby Road are vital to the community, any impacts arising from the proposed changes must be minimised and carefully mitigated. In particular, the transition between new high-density developments and the existing low-density, fine-grain development along Willoughby Road requires meticulous consideration.

437-475 Pacific Highway (Building 1)

Building 1, which is located adjacent to properties fronting Willoughby Road is proposed to have its building height increased from 8 storeys (as per the 2036 Plan) to 16 storeys (refer to Figure B2.1 and B2.2).

Further to this, the EIE seeks to increase the maximum building height to 59m to allow a 16-storey building. However, the proposed metre height limit (59m) is inconsistent with other sites which are also anticipated to accommodate a 16-storey building (56m).

This increase would significantly alter the scale of this sensitive transition area, impacting on the character and amenity of the Willoughby Road streetscape. Figure B2.3 illustrates the view southwards along Willoughby Road, where the proposed 16-storey building would be seen directly behind the fine-grain 2-storey retail shops, creating a bulky visual impact that detracts from the existing character of Willoughby Road. In comparison, the previously proposed 8-storey building height in the 2036 Plan offers a more appropriate height transition, providing a more respectful interface and preserving the high-quality amenity of Willoughby Road.

328-348 Pacific Highway (Building 2) and 312-326 Pacific Highway (Building 3)

Buildings 2 and 3, located on the south-western side of Pacific Highway, are proposed to increase in height from 8 storeys (as per the 2036 Plan) to 16 and 12 storeys (refer to Figures B2.1 and B2.2).

These height increases are out of scale with the character of Willoughby Road and the heritage value of the Five-Ways Intersection. They will negatively impact the visual amenity of Willoughby Road, reducing the opportunity for a visual break between the proposed towers along Pacific Highway (see Figures B2.2 and B2.3).

Additionally, these sites feature a row of well-established heritage façades, which, along with the iconic Five Ways Intersection, serve as a gateway to Crows Nest Village (see Figures

B2.2 and B2.4). These low-scale, fine-grain retail shops are key to the local character that sets Crows Nest apart from other high-density suburbs.

To protect this local character and provide appropriate scaled development over this group of heritage façades, it is recommended to retain the consistent 8-storey building height from the 2036 Plan, with a 4m setback above the podium, as advised in the Crows Nest TOD Urban Design Report. This approach would largely conceal the buildings behind the development on the north-eastern side of Pacific Highway, create a visual break, respond to the heritage façades, and preserve the fine-grain local character (refer to Figure B2.3).

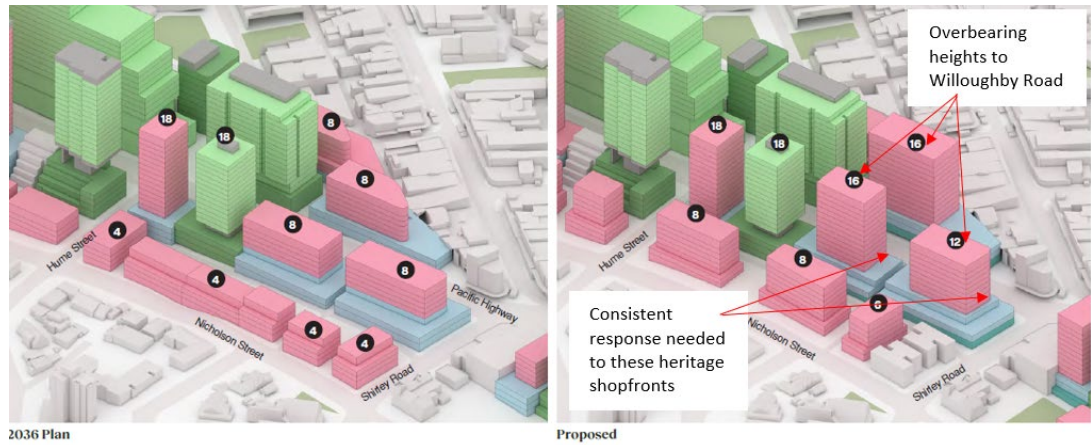


Figure B2.1: Building heights comparison between 2036 Plan and Crows Nest TOD at Block 3 (Source: Urban Design Report marked up by NSC)

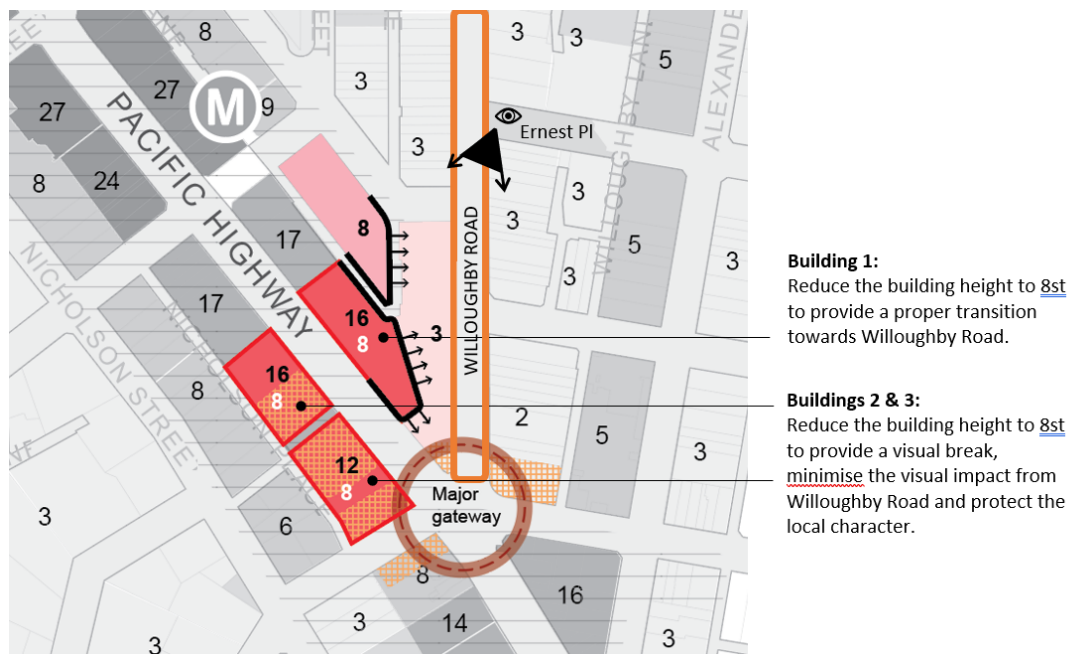


Figure B2.2: Building heights recommendation at Block 3

- Building 1:**
Reduce the building height to 8st to provide a proper transition towards Willoughby Road.
- Buildings 2 & 3:**
Reduce the building height to 8st to provide a visual break, minimise the visual impact from Willoughby Road and protect the local character.



Figure B2.3: Buildings 1, 2 & 3 - View southwards along Willoughby Road



Figure B2.4: Heritage façade along Pacific Highway at Crows Nest

Recommendations:

- Work with Council to carefully shape and locate towers to improve afternoon sunlight to Willoughby Road and Ernest Place before finalising building heights and FSR
- Reduce the maximum height limit on 437-475 Pacific Highway - Building 1 to 8-storeys
- Work with Council to carefully design the 5-Ways 'Block 3' (including Buildings 2 and 3) which are likely to better support a maximum 8-storey buildings as per the 2036 Plan
- Include a 4m above podium setback along Pacific Highway for 312-348 Pacific Highway for 312-348 Pacific Highway in the Design Guide as advised in the Crows Nest TOD Urban Design Report

B3 Realign proposed building heights in metres to correlate with building heights in storeys

The EIE includes proposed building height controls specified in metres, which is a supported approach as it provides clear height limits and helps avoid unnecessary clarification or adjustments during the preparation of development proposals. These heights are generally based on the recommended built form in terms of storeys within the Urban Design Report.

However, it has been observed that some sites have been allocated additional building height that is not necessary and is misaligned with the proposed building heights in storeys under this Package (Figure B3.1). These discrepancies are described in detail in the following subsections.



Figure B3.1 – LEP height of building map - misaligned height in metres

1 Chandos Street

The EIE seeks to increase the maximum building height at 1 Chandos Street to 64m (the equivalent of 18 storeys), consistent with the remaining sites along the southern side of Chandos Street between Christie Street and Mitchell Street. However, the height limit is inconsistent with the anticipated number of storeys for the site, which is identified under the EIE Package and former 2036 Plan as 12 storeys.

Other sites that are envisaged to accommodate 12 storeys have been afforded a maximum height of 43m. Accordingly, a maximum 43m height limit should be applied to this site.

Furthermore, increasing the height limit to that proposed on this site would have detrimental impacts on solar access to Christie Street Reserve, which is inconsistent with the desired solar access outcomes of the EIE Package.

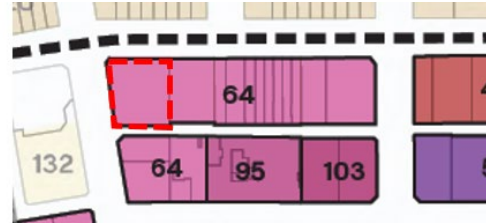


Figure B3.3 – Proposed building heights diagram (height in storeys) Figure B2.4 – Proposed LEP HOB map (height in metres)

2 Atchison Street & 77-83 Christie Street

The EIE seeks to increase the maximum building height at 2 Atchison Street and 77-83 Christie Street to 64m (the equivalent of 18 storeys). However, the proposed height limit is inconsistent with the anticipated number of storeys for these sites, which are identified under the EIE Package and former 2036 Plan as 16 storeys for 77-83 Christie Street and 29 storeys for 2 Atchison Street.

It is further noted that North Sydney Council’s Planning Study for Precincts 2 & 3 envisaged that all of these sites accommodating a consistent 16 storey built form. This issue was raised when Council made representations in response to the draft versions of the 2036 Plan, which was in part heavily based on the outcomes of Council’s Planning Study for Precincts 2 & 3.

To ensure a more consistent approach to development potential as originally envisaged, it is recommended that the Urban Design Report be amended to reflect a 16 storey built form outcome across all three sites.

Sites that are envisaged to accommodate 16 storeys, have been afforded a maximum height of 56m. Accordingly, a maximum 56m height limit should be applied to these sites.

360-376 Pacific Highway

This site is subject to a bonus height provision enabling a building to a maximum height of 86m (22 storeys) if 15% affordable housing is provided.

Based on the floor-to-floor height assumptions within the Package, and the anticipated number of storeys, a maximum building height of 78m would apply. This indicates that the bonus height allocated to the site is excessive and would lead to increased amenity impacts on surrounding development.

378-390 Pacific Highway

This site is subject to a bonus height provision enabling a building to a maximum height of 106m (30 storeys) if 15% affordable housing is provided.

Based on the floor-to-floor height assumptions within the Package, and the anticipated number of storeys, a maximum building height of 103m would apply. This indicates that the bonus height allocated to the site is excessive and would lead to increased amenity impacts on surrounding development.

34-38 Oxley Street

The Urban Design Report identifies that these sites are to accommodate an 8 storey built form. The sites are currently subject to a 26m height limit and a minimum non-residential FSR of 1:1.

Based on the Package's floor-to-floor assumptions, an 8 storey built form cannot be erected on this site. It is recommended that the height limit be increased on these sites to 30m to reflect the desired outcome.

20-34 Clarke Street

The Urban Design Report identifies that these sites are to accommodate an 8 storey built form. The sites are currently subject to a 20m height limit and a minimum non-residential FSR of 0.5:1.

Based on the Package's floor-to-floor assumptions, an 8 storey built form cannot be erected on these sites. It is recommended that the height limit be increased on these sites to 30m to reflect the desired outcome.

58-64 Atchison Street

The EIE seeks to increase the maximum building height at 58-64 Atchison Street to 54m (the equivalent of 16 storeys). This proposed height limit is inconsistent with other properties adjacent to the site which have the same number of anticipated storeys, maximum FSR and minimum non-residential FSR controls, which have a 56m height limit. Accordingly, a maximum 56m height limit should be applied to this site.

50 Rocklands Road & 198 Pacific Highway

The EIE seeks to increase the maximum building height at 50 Rocklands Road & 198 Pacific Highway to 59m (the equivalent of 17 storeys). This proposed height limit is unlikely to be achieved, as both of these sites are only 12m in width and have a combined depth of approximately 45m, it would be impossible to erect a new building to the height proposed once the need to apply appropriate separation distances above the podium level are taken into account. Further, there is no capacity to incorporate these sites with the property at 220 Pacific Highway which was redeveloped within the last 10-15 years and is strata subdivided. It is therefore recommended that there be no change in height to this site, which should remain at 16m. In addition, to avoid any confusion, the Urban Design Report should be amended to reflect a 4 storey built form outcome.

246-258 Pacific Highway

The EIE seeks to increase the maximum at 246-258 Pacific Highway to 29m (the equivalent of 8 storeys). However, this height limit is contrary to that suggested within the Urban Design Report which suggests a 14 storey building is to be accommodated on the site. A further review of the Urban Design Report suggests that no additional uplift is anticipated on this site. To avoid any confusion, the Urban Design Report should be amended to reflect an 8 storey built form outcome.

398 Pacific Highway

Whilst the EIE does not seek to increase the existing maximum building height of 16m at 398 Pacific Highway, the Urban Design Report suggests a 27-storey tall building (approximately 92m) is to be accommodated on the site, consistent with the adjacent site at 402-420 Pacific Highway. A further review of the Urban Design Report suggests that no additional uplift is anticipated on this site. To avoid any confusion, the Urban Design Report should be amended to reflect the retention of a 4-5 storey built form outcome.

Recommendations:

- Reduce LEP building heights in metres at 1 Chandos Street, 2 Atchison Street and 77-83 Christie Street to match the proposed building heights in storeys. 437-475 Pacific Highway also does not match but is recommended to be reduced to 8 storeys (see above)
- The Urban Design Report be revised to apply a maximum of 16 storeys to 2 Atchison Street
- Reduce LEP building heights with affordable housing bonus at 360-376 Pacific Highway and 378-390 Pacific Highway to align with the proposed building heights in storeys; note comments at Section 3.5
- Increase the LEP building heights at 34-38 Oxley Street, 20-34 Clarke Street and 58-64 Atchison Street to align with the proposed maximum height in storeys
- Remove any proposed LEP building height changes to 50 Rocklands Road & 198 Pacific Highway and amend the Urban Design Report to reflect a 4 storey built form outcome.
- The Urban Design Report be revised to apply a maximum of 8 storeys to 246-258 Pacific Highway
- The Urban Design Report be revised to apply a maximum of 4-5 storeys at 398 Pacific Highway
- The Design Guide be revised to include the height of buildings in storeys map.

B4 Amend floor-to-floor height assumptions to ensure realistic measurements

The EIE, Design Guide and Urban Design report include maximum “floor-to-floor height assumptions”. Inclusion of such a provision is supported as it provides greater clarity as to what is expected to be delivered. However, some of the assumptions are either too generous or unrealistic, which may cause unnecessary clarification or adjustments during the preparation of development proposals. Table B4.1, below outlines Council’s recommendations in relation to the proposed floor to floor height assumptions.

TABLE B4.1: Analysis of floor-to-floor assumptions		
Maximum floor height	Crows Nest TOD	Council Suggestion
Ground floor (all uses)	5m	Ground floor commercial: 5m Ground floor residential: 4m
Above ground floor (residential)	3.2m	3.2m
Above ground floor (commercial)	3.8m	3.8m
Rooftop service zone (2-20 storeys)	2m	3m
Rooftop service zone (21-40 storeys)	4.5m	4.5m

The proposed maximum floor to floor height set for the ground floor level of 5m is regardless of use. The Package applies to land intended to be used solely for non-residential purposes, mixed use purposes and solely residential purposes.

A 5m floor to floor height for is too excessive when the entire development is to be used for residential premises. The Apartment Design Guide suggests a 3.7m floor-to-floor height for residential ground floor within local centres to provide flexibility and conversion to non-residential uses.

The proposed floor-to-floor height of 2m for the rooftop service zone for buildings between 2-20 storeys is insufficient to accommodate lift overruns and other rooftop structures required to service the building. It is recommended that the roof top service zone for 2-20 storey buildings be increased to 3m.

Recommendations:

- Provide different maximum floor height controls for ground floor commercial and residential uses: 5m for commercial use and 4m for residential use.
- Increase the maximum floor to floor height control for the rooftop service zone for 2-20 storey buildings to 3m.

3.2.2 FSR AND NON-RESIDENTIAL FSR CONTROLS

B5 Reduce ground floor GBA-GFA efficiency assumption to 50%

The EIE, Urban Design Report and Design Guide apply some assumptions with respect to the translation of Gross Building Area (GBA) to Gross Floor Area (GFA) to establish appropriate FSR and Non-residential FSR controls. The inclusion of this translation is supported in principle as it increases clarity in the application of the FSR and Non-residential FSR controls. However, the efficiency assumption of 65% for the ground floor level in relation to non-residential floor space is overly optimistic. This is due to the practical requirements for vehicle entry, fire egress, driveways, and other essential service functions at ground level. A more appropriate rate is 50% for such uses and has historically been considered best practice in applying non-residential FSR controls where only the ground floor level of a mixed use building is to comprise non-residential development to ensure active street frontages.

Recommendations:

- Reduce the GBA-GFA efficiency assumption for ground floor (non-residential) to 50%, which is the standard industry rate.

B6 Apply a maximum FSR to all properties within the “Focus for accelerated rezoning” area

Most sites within the Precinct have a maximum FSR control applied to them, are generally consistent with the outcomes envisaged under the 2036 Plan and as revised under the proposed EIE in relation to additional analysis undertaken. However, there are a number of sites where a maximum FSR has not been applied.

It appears that a maximum FSR has not been applied to those properties which have been redeveloped in the recent past. However, it is unclear as to why all the other sites which are not proposed to have a maximum FSR applied, but gain uplift through increased maximum heights have been specifically excluded.

Applying maximum FSR controls across all sites in the Precinct provides a higher level of clarity and transparency as to the expected outcomes on each site in a consistent fashion.

Specific sites are addressed below:

7-17 Sinclair Street

The EIE seeks to increase the maximum building height to 29m at 7-17 Sinclair Street, consistent with the remainder of properties zoned *R4 High Density Residential* on the north-eastern side of Sinclair Street. However, this property has not received a maximum FSR requirement, consistent with the other *R4 High Density Residential* zoned properties on the north-eastern side of Sinclair Street (which is proposed to be 2:1). It is therefore recommended that a 2:1 FSR control is applied to 7-17 Sinclair Street to ensure that any redevelopment on this site is consistent with the remainder of the street.

1 Chandos Street

The EIE does not seek to impose a maximum FSR control over 1 Chandos Street. This represents an inconsistent approach to the application of this control in the Precinct.

The 2036 Plan proposed a maximum FSR of 9:1 for this site. However, upon applying the proposed setback controls within the Package, an FSR of 8.3:1 is achievable based on the GBA to GFA assumptions (except for ground level non-residential floorspace, which has been reduced to 50%). It is therefore recommended that an 8.3:1 FSR is applied to this site.

11 Chandos Street

The EIE seeks to increase the maximum building height to 64m at 11 Chandos Street, consistent with the remainder of properties zoned MU1 Mixed Use on the southern side of Chandos Street. However, this property has not received a maximum FSR requirement, consistent with the other properties zoned MU1 Mixed Use on the southern side of Chandos Street, which is proposed to be 6.5:1. It is therefore recommended that a 6.5:1 FSR control be applied to 11 Chandos Street to ensure that any redevelopment on this site is consistent with the remainder of the street.

Recommendations:

- Apply a maximum FSR of:
 - 2:1 to 7-17 Sinclair Street, consistent with adjoining properties.
 - 8.3:1 to 1 Chandos Street consistent with built for outcomes for this site.
 - 6.5:1 to 11 Chandos Street consistent with the 2036 Plan and adjoining properties.

3.2.3 OTHER BUILT FORM CONTROLS

B7 Misaligned setbacks between 3D views, sections and setbacks map and unsupported proposed setback changes to NSDCP2013

Both the Urban Design Report and Design Guide, illustrate the desired setbacks for land throughout the Precinct. However, a number of discrepancies have been identified between the proposed setbacks depicted in the 3D views, cross-site sections, and the setbacks map. It is important to ensure that the setback controls outlined in the Design Guide are accurately and consistently reflected in all visual representations.

Additionally, the proposed setback controls seek to introduce several modifications in comparison to the 2036 Plan and North Sydney Development Control Plan (NSDCP 2013). Upon review, it is evident that some of the proposed setbacks are not supported as they undermine the desired character of the area and negatively impact on local amenity.

Further details on these issues are provided in the accompanying list and diagram (see Figure B7.1).

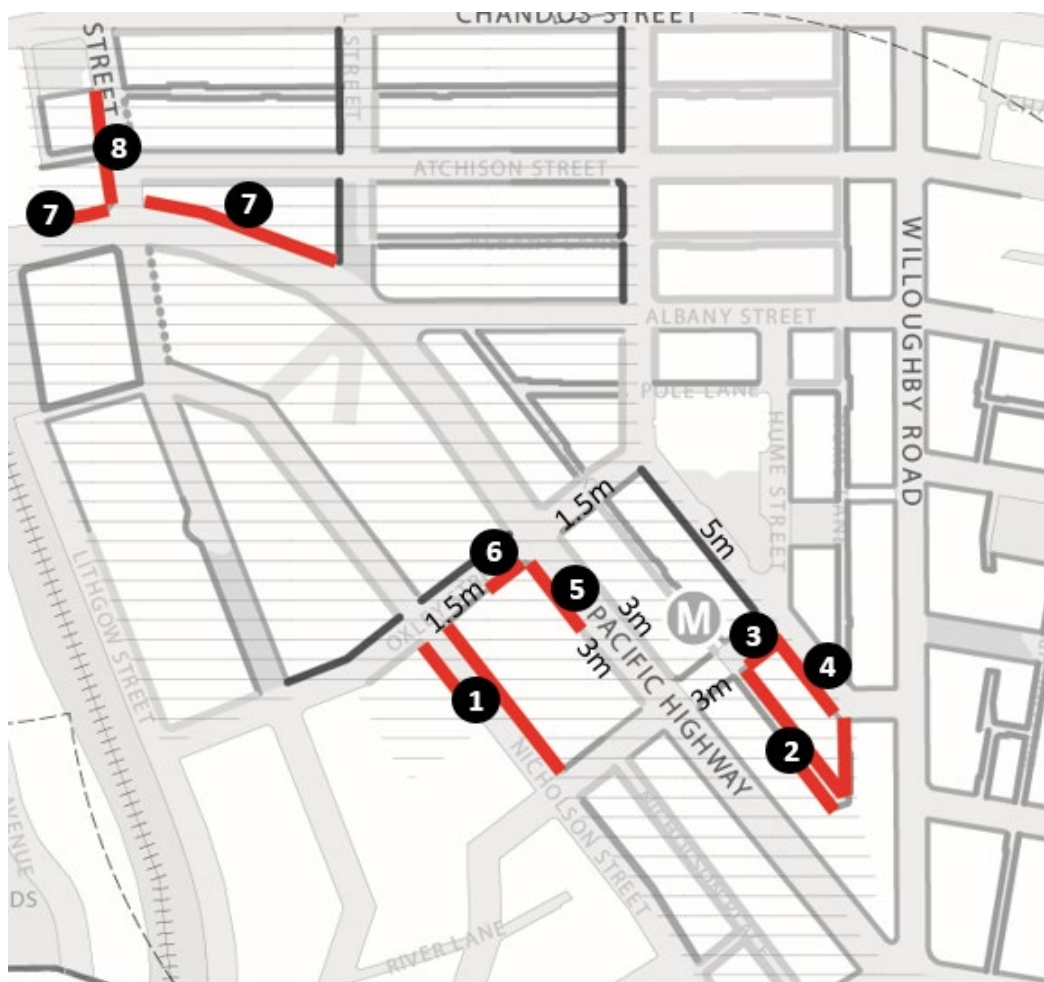


Figure B7.1 – Propose setback controls map – misalignments and unsupported changes

Misaligned setbacks:

1. Nicholson Street: The proposed setback diagram shows a 3m setback along each side of Nicholson Street, while the sections indicate a 6m setback. It is requested

that the setback diagram within the Design Guide be amended to reflect a 6m setback.

Unsupported setbacks:

2. Clarke Lane and Hume Lane: A nil setback is proposed to both sides of the laneways. The 2036 Plan sought a 1.5m reverse podium setback along its north-eastern side, while remained silent with regards to its south-western side. NSDCP 2013 specifies a 1.5m whole of building setback to the north-eastern side of the laneways and a varied setback to the south-western side adjacent to the Crows Nest Metro site to align with the SSD Concept Approval. Implementing a 1.5m setback, especially along their north-eastern side would align with the setback further north along Hume Lane, creating a consistent street frontage. Considering the significant foot traffic generated from the Metro Station and the potential through-site link at Hume Lane, a 1.5m setback is essential for pedestrian amenity.
3. Hume Street: A nil setback is proposed between Clarke Lane and Clarke Street, while a 1.5m setback is proposed between Pacific Highway and Clarke Lane (Metro Site C frontage). NSDCP 2013 requires a consistent 2.5m setback along Hume Street for an aligned frontage and a direct pedestrian connection to Hume Street Park. Therefore, a 2.5m setback is recommended for this location.
4. Clarke Street: A nil setback is proposed between Hume Street and Hume Lane, and 5m between Hume Street and Oxley Street. Whilst the 2036 Plan was silent, NSDCP 2013 requires a 3m setback (except for Crows Nest Metro Site C which has a 1.2m setback) to allow space for outdoor dining and landscaping. While the 5m setback is welcomed between Hume and Oxley Streets, a 3m setback should apply as it will still enable the ability to provide landscaping and pedestrian activity. In addition, implementation of a 5m setback could adversely impact on the redevelopment potential of these sites, as the depth of the lots would be reduced to approximately 22m.
5. Pacific Highway: A 3m setback is proposed on both sides of Pacific Highway between Oxley Street and Hume Street, except for the northern end of the western side, where a 0m setback is proposed. Both the 2036 Plan and NSDCP 2013 recommend a 3m setback along the entire Pacific Highway frontage for this block to provide a consistent street frontage and sufficient footpath space for pedestrians near the Metro Station. Therefore, to maximise pedestrian amenity, it is recommended that continuous 3m setback be applied.
6. Oxley Street: A nil setback is proposed at this location. The adjoining block along Oxley Street across Pacific Highway has a 1.5m setback. Given the large site area, providing a continuous 1.5m setback would not negatively impact development feasibility and would achieve a consistent streetscape along the length of the Oxley Street green link, a regional cycling link. The 1.5m setback can also support additional landscaping, providing a comfortable environment for active transport users.

7. Pacific Highway: A 3m setback is proposed along Pacific Highway, west of Mitchell Street. The 2036 Plan and NSDCP 2013 suggests a 3m reverse setback for the lower two ground levels in this section to allow for footpath widening and to accommodate reasonable development floorplates given the limited width of the sites. It is recommended that a reverse 3m setback be reinstated for these sites.

8. Christie Street: A nil setback is proposed along the western side of Christie Street. Whilst the 2036 Plan was silent with regard to any setbacks along this side of the street. NSDCP 2013 requires a 3m reverse setback along the western side of Christie Street to provide additional space for footpath widening near the railway station and to maintain a consistent street frontage.

Recommendations:

- Amend the proposed setback control diagram to correct any misalignment with the section diagram and incorporate Council’s recommendations.

B8 Misaligned podium heights between 3D views, sections and street wall heights map and unsupported proposed podium height changes to NSDCP 2013

Several discrepancies are noted between the proposed podium height controls in the 3D views, sections, and control map. It is crucial that the Design Guide accurately reflects these controls.

Additionally, some proposed podium heights differ from those under the 2036 Plan and the NSDCP 2013, and are not supported. Details are provided in the accompanying list and diagram (see Figure B8.1) below.

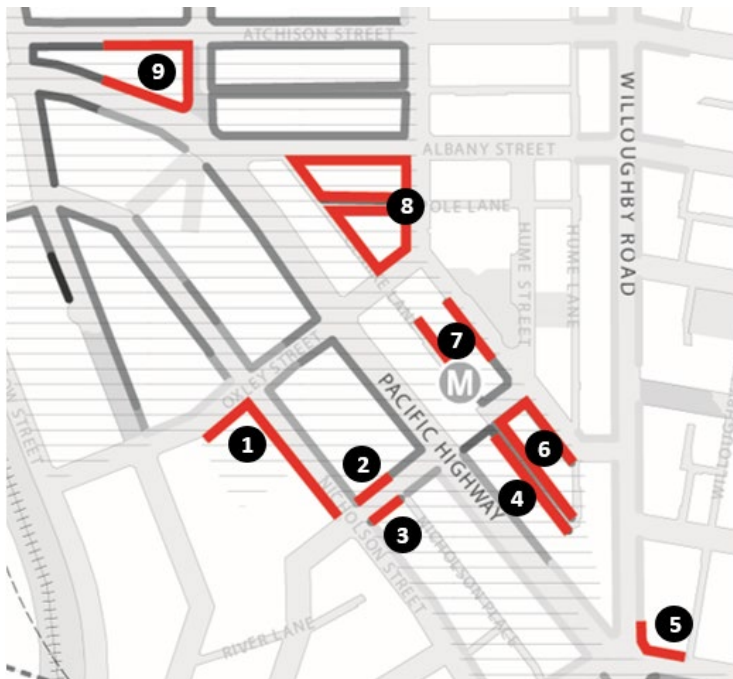


Figure B8.1 – Proposed street wall heights map – misalignments and unsupported changes

Misaligned street wall heights:

1. Nicholson Street and Oxley Street (Block 4): The street wall height diagram shows a 2-storey street wall, whereas the 3D view and section indicate a 3-storey street wall.
2. Hume Street (Block 4): The street wall height diagram shows a 4-storey street wall, while the 3D view indicates a 3-storey street wall.
3. Hume Street (Block 3): The street wall height diagram shows a 4-storey street wall, however, the 3D view indicates a 2-storey street wall.
4. Clarke Lane (Block 3): The street wall height diagram shows a 6-storey street wall, while the 3D view indicates a 2-storey street wall and the section shows a 4-storey street wall.

Unsupported street wall heights:

5. Falcon Street and Willoughby Road: The street wall height diagram shows a 2-storey street wall, but NSDCP2013 specifies 3 storeys. The site includes a heritage-listed building with a 3-storey street wall.
6. Clarke Street, Hume Street and Clarke Lane: The proposed 4-storey street wall with an 8-storey building height contrasts with the 2036 Plan's recommendation of 2 storeys. Due to the site's topography, NSDCP2013 suggests 3 storeys along Clarke Street and Hume Street, and 2 storeys along Clarke Lane. Aligning with NSDCP2013 is recommended for a smoother transition to Willoughby Road.
7. Clarke Street and Clarke Lane: The proposed 4-storey street wall is higher than the 2-storey street wall suggested by NSDCP2013, which supports a more human-scaled streetscape and larger footpath setback for outdoor dining.
8. Oxley Street, Albany Street, Clarke Lane and Pole Lane: The proposed 6-storey street wall exceeds the 3-4 storeys of existing buildings as per NSDCP2013. Most sites here are recently built and already comply with the 2036 Plan. The podium heights should be adjusted to match NSDCP2013.
9. Pacific Highway, Mitchell Street and Atchison Street: The site and the adjacent site at 617-621 Pacific Highway has a proposed 6-storey podium height. Given the block's westward slope, it is suggested to reduce the proposed podium height to 4 storeys for better alignment along Pacific Highway.

Recommendations:

- Amend the proposed street wall height control diagram to correct misalignments with the 3D views and section diagrams and incorporate Council's recommendations.

B9**Clarify the above podium setback controls for development over heritage items near the Five Ways intersection**

The Package acknowledges the significant heritage elements enhancing the Five Ways intersection. The Urban Design Report suggests that new developments that are proposed to be erected and incorporate the retention of the heritage item, should be designed sensitively and to highlight the heritage façades. Specifically, it recommends:

- Incorporating large reverse setbacks for the first 1-2 storeys above the podium level over heritage items along Pacific Highway

- Providing consistent upper podium setbacks for any adjoining proposed development around the Five Ways Intersection to accentuate the intersection with strong heritage elements

While these design considerations are supported, the specific details and dimensions for these setbacks have not been included in the Design Guide. This lack of guidance makes it unclear how to implement these recommendations effectively.

Recommendations:

- Provide detailed controls, including dimensions for above podium setbacks, for developments incorporating heritage items and developments near the Five Ways intersection.

3.2.4 LOCAL CHARACTER

B10 Identify the public domain opportunities and the funding mechanisms for Hume Street Park

Hume Street Park, located outside the Metro Station, is an ideal open space for residents, workers, and visitors to enjoy sunlight and activities. The recently opened through-site link connects the park with Willoughby Road and Ernest Place, enhancing access to local retail and activities. The longer term vision to close vehicular traffic to Hume Street and relocation of the above ground carpark and indoor sports facility at its northern end and childcare from its southern end, will enable the space to be better utilised for recreational purposes. Furthermore, as a junction between the high-density developments along the Pacific Highway and St Leonards local centre, and the high-quality lower scale Crows Nest Village, Hume Street Park has great potential to be the key open space for the Crows Nest Precinct (see Figure B10.1).

The proposed uplift under the Package is concentrated along the Pacific Highway and is generally considered to avoid additional shadow impacts over Hume Street Park. More than 50% of the park area receives solar access from 10am to 3pm in mid-winter, ensuring a high-quality future open space for the community. This is generally consistent with the requirements of the 2036 Plan and NSDCP 2013.

It is evident that the proposed uplift to the Lot 4B development site in the Willoughby LGA, will have a significant impact on Wadangari Park, located on the southern side of Pacific Highway atop the railway line. The resulting increase in density on this site will cause additional shadowing, especially between 2pm and 3pm in mid-winter (see Figure B10.2), resulting in this Park only achieving 50% solar access between 12pm and 1pm. Before 11am and after 2.30pm, the park will be fully shaded.

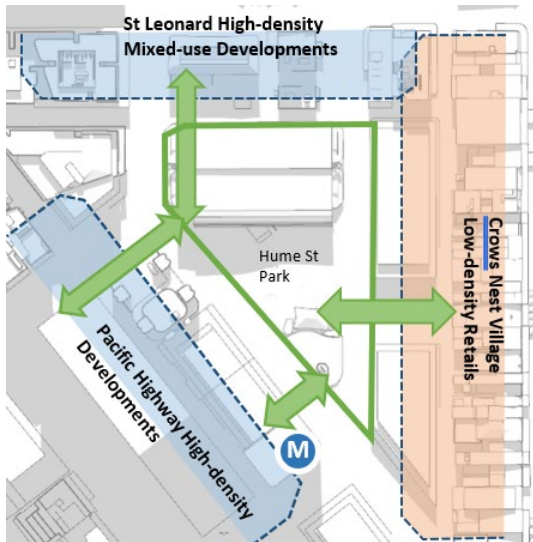


Figure B10.1 – Hume Street Park

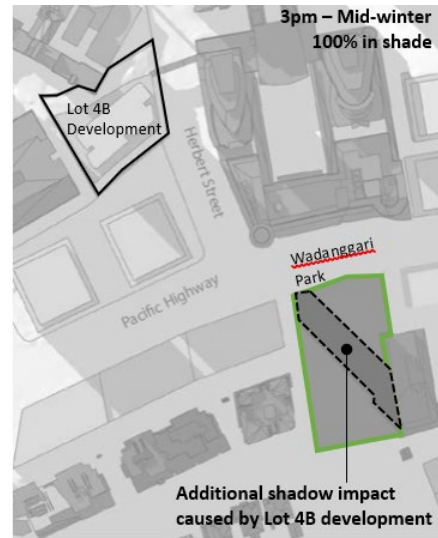


Figure B10.2 – Wadanggari Park

This situation reinforces the need to deliver a high-quality, recreational space with high levels of solar access. Hume Street Park is well located within the heart of Crows Nest to serve both the local community and visitors. It is also capable of receiving high levels of solar access, due to the need to protect the low-rise character of Willoughby Road to the east. Accordingly, public domain opportunities and related funding mechanisms for upgrade, expansion and embellishment of Hume Street Park need to be considered and included in the Design Guide.

Recommendations:

- Add clear objectives and provisions in the Design Guide to identify the public domain opportunities and related funding mechanisms to rejuvenate Hume Street Park.

B11 Identify public domain upgrade opportunities at transition boundaries

The Urban Design Report highlights the challenges in managing the interface between new developments and existing areas where no changes are proposed, particularly towards Crows Nest Village (east) and the Wollstonecraft residential area (southwest).

The dense urban character of the Precinct limits opportunities for delivering new open spaces, making it challenging to provide adequate amenities for a denser population. Therefore, imposing larger whole of building setbacks along certain streets at the sensitive transition boundaries is crucial. These setbacks can contribute to the provision of connected linear parks with tree canopies, landscaping, and areas for social interaction, softening the interface at transition zones.

The proposed setback controls, which include increased setbacks at these important interfaces, are supported. However, the rezoning package lacks clear recommendations for public domain improvement along these large setback zones. The proposed setbacks of 6m along Nicholson Street and 5m along Oxley Street and Clarke Street create excellent

opportunities for additional landscaping and tree canopies to soften the boundaries where land use and character change.



Figure B11.1 – Sensitive transition boundaries

Recommendations:

- Include clear provisions in Design Guide for public domain improvements at transition boundaries along Nicholson Street, Sinclair Street, Oxley Street and Clarke Street, utilising the proposed setbacks to create landscaped areas with tree canopies and spaces for social interaction.

B12 Protect existing heritage items

290 Pacific Highway

The proposal downplays the heritage value of the 290 Pacific Highway site (former NSG and AGL showroom), recognising only the Pacific Highway facade. However, the assessment of the current development proposal, now under appeal, indicates that additional original fabric exists, though masked by recent alterations.

The proposed building envelope for 290 Pacific Highway does not consider its relationship to the existing heritage item, the Crows Nest Fire Station, and 306 Pacific Highway, all of which are heritage-listed. The proposed envelope is taller than the current development proposal before the court, impacting both the existing heritage item and the proposed urban park fronting Sinclair Street.

See Section 3.2 for further details.

Five Ways Intersection

Whilst the Package acknowledges the heritage listing of four of the five corners of the Five Ways Intersection, it does not introduce any specific controls which would mitigate potential impacts.

B13 Consideration for potential heritage listing or retention

South of the Five Ways Intersection: The building on the south-eastern corner of the Five Ways Intersection (formerly known as 423 Pacific Highway), while superficially altered, appears materially intact. As has been recommended by Council previously (during the re-zoning process for this site), to be conserved and restored as part of any new development on the triangular site bounded by Pacific Highway, Alexander Street, and Falcon Street. Given the visual prominence of this site and the Five Ways intersection, and surrounding Heritage context its retention would represent a more appropriate response.

B14 Lack of shadow analysis to understand the additional shadow impact caused by the proposed changes to the Wollstonecraft residential area

The Package proposes a significant increase in density across the Precinct, making it crucial to understand the additional shadow impact on the surrounding neighbourhoods and public open spaces.

The Urban Design Report includes solar studies with heat maps that compare the impacts of the 2036 Plan, the proposed base controls under the Package, and the proposed affordable housing incentives under the Package. However, these heat maps are limited to impacts on the Wollstonecraft residential area and are limited to ground, making the full extent of the shadow impact on the residential area unclear. Additionally, the Urban Design Report clearly states that the included solar study is cumulative, suggesting that further analysis should be conducted on a site-by-site basis to confirm impacts.

The absence of clear shadow analysis for the Wollstonecraft residential area and the existing and proposed open spaces makes it challenging to clearly understand and assess the additional shadow impacts caused by the proposed uplift.

Recommendations:

- Provide clear and further shadow analysis on the Wollstonecraft residential area and the key open spaces and streetscapes identified in the solar access map from the Design Guide.

3.2.5 DESIGN GUIDE

The Crows Nest Precinct Design Guide contains a vision, principles, objectives and provisions to direct future development in the area. This Design Guide will be crucial for assessing future projects, noting that it will prevail over any controls contained within Council's DCP, in the event of any inconsistencies.

Whilst the Design Guide includes a broad range of Precinct-wide guidance, there are a number of essential matters of consideration identified under the Urban Design Report which are missing. Additionally, there are a number of critical design provisions which need to be incorporated to ensure the desired future outcomes are achieved, and some of the proposed provisions seem unrealistic and need further consideration and refinement.

The following comprises a detailed list of requested amendments to the Design Guide.

B15 Clarify whether the Apartment Design Guide (ADG) applies to the Crows Nest Precinct

Ref: Relationship to Other Plans and Planning Instruments (Design Guide - Section 1.5)

B16 Clarify what land the Design Guide is to apply to

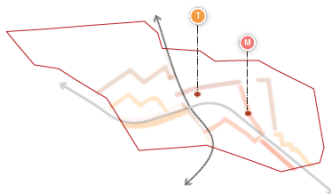
Ref: Relationship to Other Plans and Planning Instruments (Design Guide - Section 1.5)

Whilst Section 1.1 of the Design Guide states that the Design Guide is to apply to the "Focus for accelerated rezoning" area identified within Figure 1, the proposed guidelines appear to be able to be applied on a much wider scale to throughout the Precinct. This is evident in that Section 3 talks about "Precinct wide Design Guidelines" and includes controls that extend beyond the "Focus for accelerated rezoning" (e.g. solar access requirements).

B17 Reintroduce 'Transition Between Character Areas' to the Design Guide

Ref: Urban Design Principles (Design Guide - Section 2.3)

The Urban Design Report includes 8 key moves, which are incorporated into the Design Guide as the 'Urban Design Principles'. However, the key move relating to the 'transition between character areas' (see Figure B18.1) has been omitted from the Design Guide.



Transition Between Character Areas

It is acknowledged that at the edges of a character area, development should respond to the adjacent character to create an appropriate transition between the two.

Figure B18.1 – Key Moves from Urban Design Report

B18 Align the Objectives within the Design Guide to those within the Urban Design Report

Ref: Key themes and objectives (Design Guide - Section 2.4)

The Urban Design Report (page 44) outlines objectives for land use, movement, environment, and built form. While these are addressed in the Design Guide, some key objectives from the Urban Design Report have been omitted, including:

Land Use

- Align expected land uses with appropriate development controls and desired future street character
- Continue to engage Aboriginal stakeholders in planning and design processes

Environment

- Support setbacks for active uses and provide opportunities for tree planting

Built Form

- Transition heights from new development to surrounding heritage conservation areas
- Recognise and celebrate historical and contemporary Aboriginal culture in the built environment, whilst also acknowledging the diverse cultures and histories and current urban landscape of the Precinct

B19 Add Reference to Supporting Regional and Local Economy in Land Use Objectives

Ref: Key themes and objectives (Design Guide - Section 2.4)

The Urban Design Report (page 43) states *“The utilisation of land for different purposes, creating a balanced mix of residential and non-residential to create long-term activation for the area and support the regional and local economy.”*

This reference to supporting the regional and local economy is missing in the Design Guide. It is important to include this aspect in the Land Use Objectives (page 10) to align with the Urban Design Report’s goals. Also refer to Section 3.4 to this report regarding the importance of retention and promotion of employment floor space in this locality.

B20 Reinforce Provisions 2 and 3 to protect employment floorspace within the commercial core

Ref: Land use (Design Guide - Section 3.3)

The diagram on page 15 of the Design Guide shows the Commercial Core as consisting of both MU1 Mixed Use and E2 Commercial Centre zones. Whilst Land Use Provision No. 2 seeks to protect employment floorspace through the inclusion of appropriate non-residential FSR controls, reliance on the E2 Commercial Centre zones under relevant council LEPs to prohibit all forms of residential accommodation will not necessarily result in the protection of employment floor space. As discussed in Section 3.4 to this report, the Build to Rent provisions under the Housing SEPP, would enable this employment floorspace capacity to be converted to residential accommodation, unless a non-residential FSR

control was also imposed. Depending on what solution is arrived at, the provisions may need to be revised to reflect the final outcome.

B21 Correct the land use on the land use map

Ref: Land use (Design Guide - Section 3.3)

The land use map contains a number of errors in relation to the extent of the Crow Nest Village (local centre) and the key.

The Map incorrectly labels the mixed-use zones along the east side of Alexander Street between Falcon Street and Devonshire Street as residential areas. In addition, a residential area generally located between zigzag Lane, Chandos Street, Aleander Street and Albany Street is shown as part of the local centre (refer to Figure B22.1)

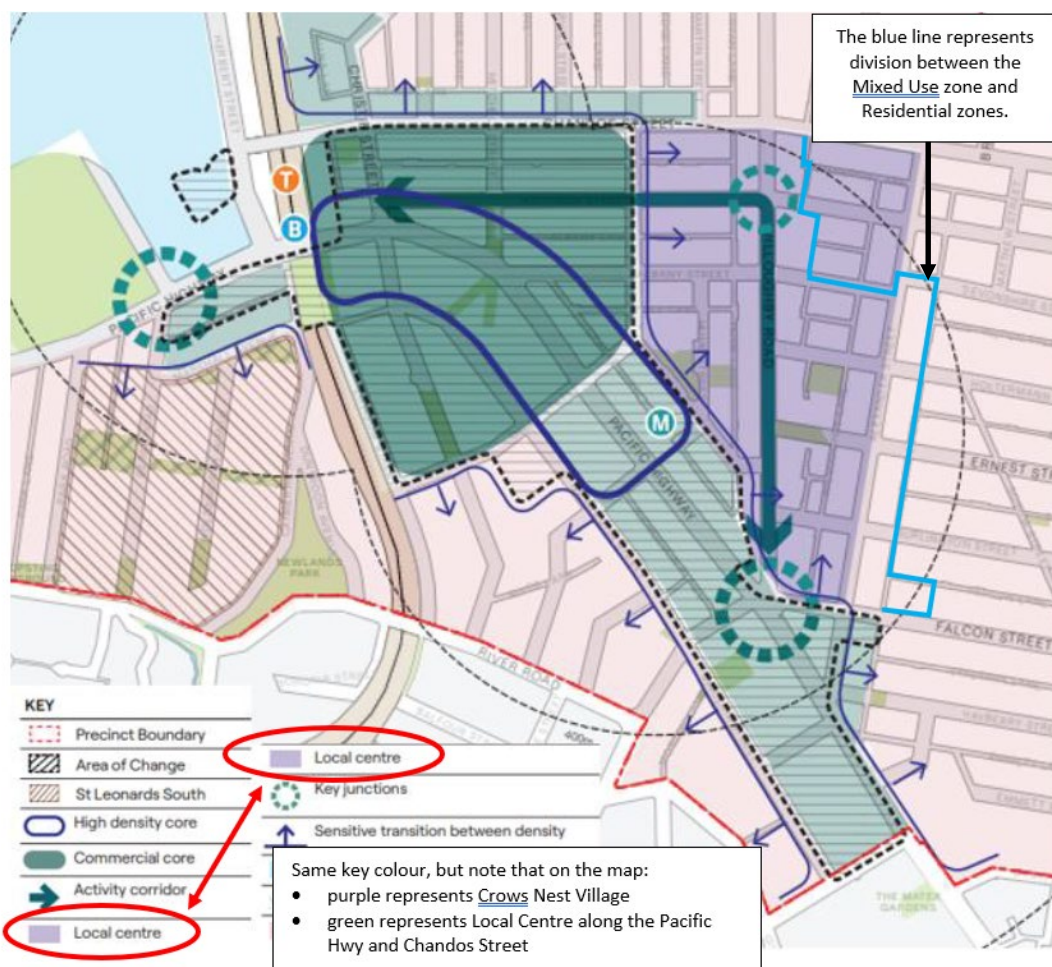


Figure B22.1 - Land use map from Design Guide

This error needs to be corrected to accurately reflect the intended land use.

B22 Add minimum lot size control

Ref: Land use (Design Guide - Section 3.3)

To support site amalgamation, ensure sufficient tower separation, and prevent site isolation, it is recommended that a minimum lot size provision be incorporated. The suggested provision is as follows:

- A minimum lot size of **1,500sqm** for developments of 16 storeys and above along the Pacific Highway, south-east of Oxley Street.

B23 Add a maximum tower length control for towers along Pacific Highway

Ref: Built form (Design Guide - Section 3.4)

Buildings should be carefully designed and positioned to minimise the impact of their height and bulk on surrounding residential areas. Given the proposed density increase along the Pacific Highway, which will significantly impact upon the Wollstonecraft residential area, incorporating a maximum tower length control for the sites along Pacific Highway into the Design Guide is essential. This would also prevent the creation of long walls to streets, thereby creating canyons that would reduce pedestrian amenity through the reduction in solar access and increased wind environments.

The Urban Design Report suggests a 40m separation between towers along Pacific Highway (see Figure B24.1) to enhance sensitivity to the local character and context.

06 Maximise tower separation

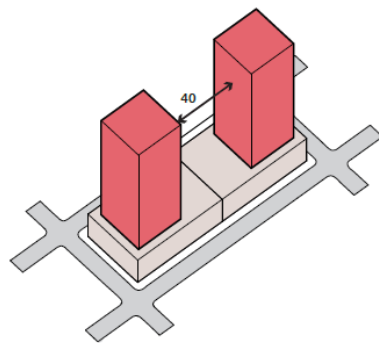


Figure B24.1 – Built form design recommendations – Urban Design Report

To preserve amenity for Wollstonecraft residents and pedestrians, it is recommended that a new provision be provided within the Design Guide requiring:

- No part of a building located above the podium, and which exceeds **18 storeys** in height, may have a horizontal width of more than **45m**.

B24 Amend floor-to-floor height assumptions

Ref: Built form (Design Guide - Section 3.4)

Amend floor-to floor height assumptions are follows:

- provide different maximum floor height controls for ground floor commercial and residential uses. 5m for commercial use and 4m for residential use.
- increase the maximum floor height control for rooftop service zone (2-20 storeys) to 3m.

B25 Reduce the GBA-GFA efficiency assumption for non-residential ground floor uses to 50%

Ref: Built form (Design Guide - Section 3.4)

This is a more accurate assumption that will improve the accuracy of FSR controls.

B26 Add heritage controls for future development

Ref: Built form (Design Guide - Section 3.4)

The Design Guide does not include adequate and clear design guidance for future development on and adjoining existing heritage items within the Precinct. In particular, it does not adequately address the desired outcomes for heritage items located along the Pacific Highway between Shirley Road and Oxley Street, which has the potential to adversely impact the significance of these heritage items and result in excessive bulk and scale.

B27 Amend the solar access map to reflect protected areas

Ref: (Design Guide - Section 3.4.1)

The proposed solar access map fails to correctly identify the full extent of Hume Street Park, which includes the road reserve of Hume Street. This road reserve is zoned as RE1 in the North Sydney Local Environmental Plan (NSLEP2013) and is expected to be transformed into part of Hume Street Park in the long term. The solar access map should be updated to reflect this consolidated space accurately.

Additionally, no solar access protection is being proposed for any future Holterman Street Park, as identified in the 2036 Plan. The NSDCP2013 includes a solar access protection control for this future open space. It is recommended to add Holterman Street Park to the solar access protection areas.

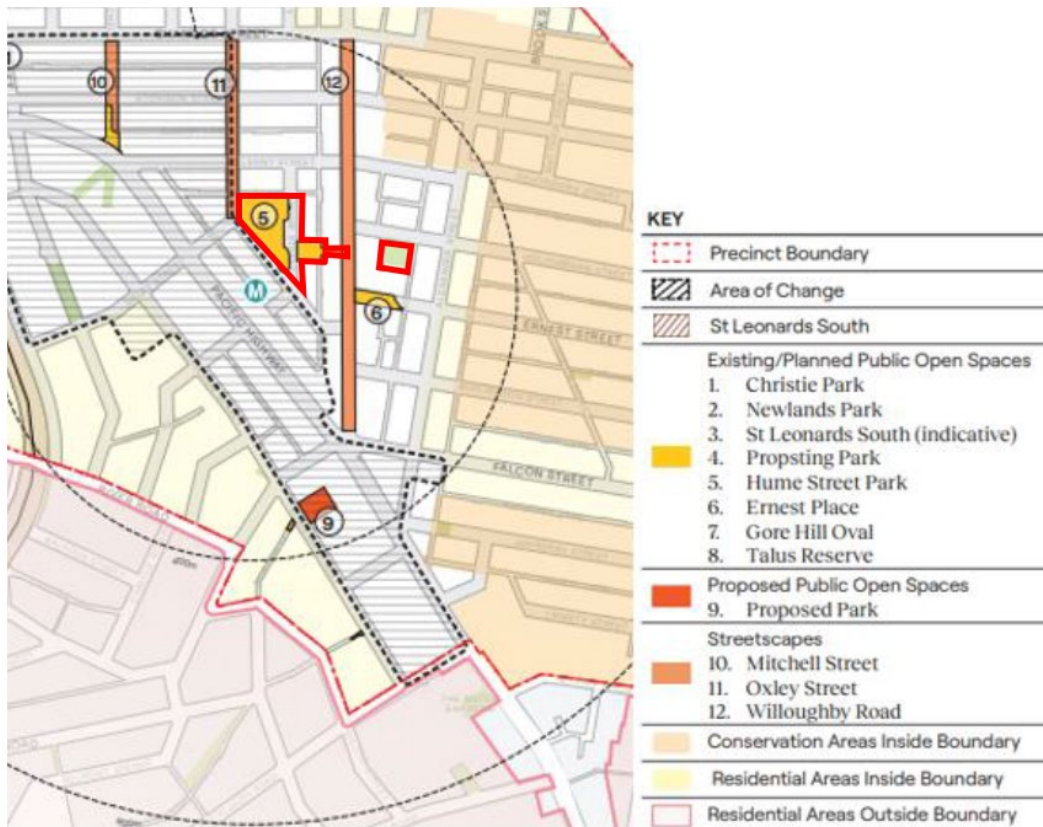


Figure B28.1: Extract of Figure 8 to the Design Guide and extent of missing public open spaces where solar access is to be protected.

B28 Reconsider the overshadowing requirement

Ref: (Design Guide - Section 3.4.1)

The Design Guide outlines solar access requirements to various public open spaces throughout the Precinct. Strict technical compliance with these requirements will not be able to be achieved for sites located directly adjacent to those public open spaces, if seeking to apply the additional uplift proposed. This results in the controls unfairly impacting upon the ability of these sites to be developed to their full potential, and is contrary to the objectives of the EP&A Act.

This issue was specifically looked at when Council revised NSDCP 2013 to implement the desired outcomes of the 2036 Plan. The NSDCP2013 requires *“development on land located directly adjacent to the identified public spaces may result in a net increase in overshadowing of that space, but only if that development strictly complies with key built form envelope controls that apply to that land under both NSLEP 2013 and this DCP.”*

It is recommended that a similar requirement to that used within NSDCP 2013 be incorporated into the Design Guide, to ensure that development directly adjacent to those open spaces can be developed to their potential under the revised controls.

B29 Add public domain upgrade provisions for Hume Street Park

Ref: Landscape and Environment (Design Guide - Section 3.5)

See comments at B10.

B30 Include public domain upgrade provisions for the transition boundaries at Nicholson Street, Sinclair Street, Oxley Street and Clarke Street

Ref: Landscape and Environment (Design Guide - Section 3.5)

See comments at B11.

B31 Include tower setback controls

Ref: Setbacks (Design Guide - Section 3.7)

The cross sections from the Urban Design Report for opportunity blocks detail minimum tower setbacks along Nicholson Street and Sinclair Street (see Figure B32.1), which are reflected in the 3D models and align with the proposed FSR. However, these setback controls are not reflected in the Design Guide. To ensure the intended design outcomes are met, it is essential to include these minimum tower setback controls within the Design Guide.

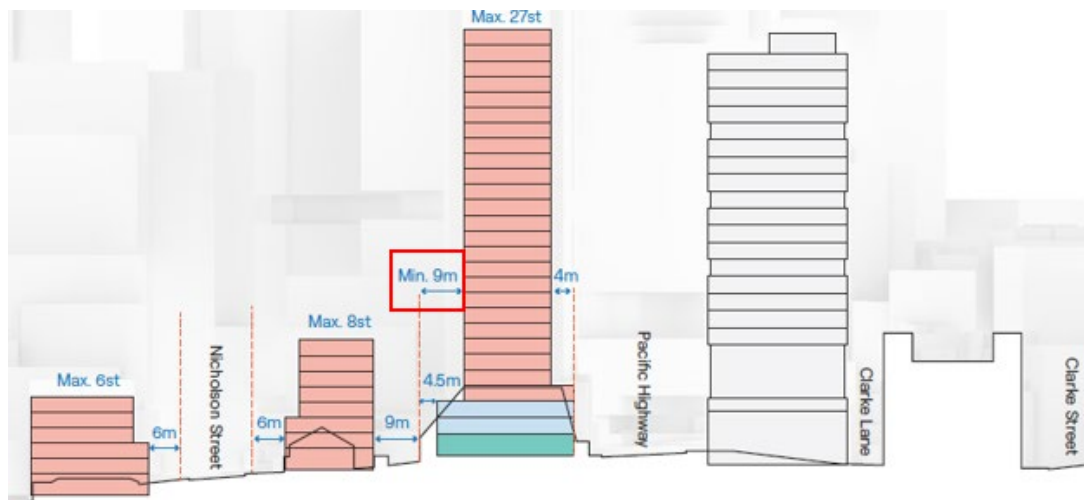


Figure B32.1 – Block 4 section – Urban Design Report

B32 Provide detailed above podium setback requirements for developments over heritage items and near the Five Ways intersection

Ref: Setbacks (Design Guide - Section 3.7)

As indicated in the comments at B9 to this report, additional details are required to clarify and provide certainty of the extent of setbacks anticipated where new development is proposed to be erected and incorporate the retention of heritage items.

B33 Amend the proposed setback control diagram to correct any misalignment with the section diagram (from Urban Design Report) and incorporate Council's recommendations listed in the comments at B7 of this report.

Ref: Setbacks (Design Guide - Section 3.7)

B34 Amend the proposed street wall height control diagram to correct misalignments with the 3D views and section diagrams (from Urban Design Report) and incorporate Council's recommendations in the comments at B8 of this report.

Ref: Street Wall Heights (Design Guide - Section 3.8)

Recommendations:

- Refine Design Guide to incorporate essential recommendations from the Urban Design Report, add critical design provisions, and revise existing provisions to address **B15** to **B34**.

3.3 Site-specific matters

KEY MOVES

- NSC9** Defer the Crows Nest Metro 'Site A' from the rezoning proposal and collaborate with Council to refine the land use mix.
- NSC10** Should the 'affordable housing non-residential FSR reduction bonus' be pursued on Crows Nest Metro 'Site A', amend the built form controls to provide separate towers and reduce the overshadowing impact to Ernest Place and Willoughby Road.
- NSC11** Defer 290 Pacific Highway from the rezoning proposal to resolve built form controls and delivery of proposed open space along Sinclair Street.

3.3.1 CROWS NEST METRO 'SITE A'

The proposed TOD changes

The soon-to-be-opened Crows Nest Sydney Metro Station serves as a key catalyst for revitalising the area, enhancing its distinctive characteristics, and providing new experiences and services for both current and future residents.

The EIE Package does not seek to amend the base built form controls for this site which are to maintain:

- a MU1 Mixed Use zoning;
- a maximum height of RL 180 (to allow a 27 storey commercial building);
- a maximum FSR of 11.5:1; and
- a minimum non-residential FSR of 10:1*.

The site is also identified as one of the affordable housing incentive sites. If a minimum of 15% affordable housing is delivered on the site, then the minimum non-residential* FSR may be reduced to a minimum of 1:1.

This change aims to facilitate additional residential development, including affordable housing. While the proposed building height and FSR will remain consistent with the 2036 Plan and the approved State Significant Development Application (SSDA) envelope, this proposed incentive provision if adopted would significantly reduce the employment capacity offerings and negatively impact on the long-term activation of the Precinct as well as the regional and local economy.

The history of the site proposal

In 2018, a concept SSDA was lodged for the Crows Nest Metro Over Station Development (OSD), comprising the development of three sites integrated with the future Crows Nest Station. Since then, various schemes for the sites have been developed. The resulting built form envelope for the Crows Nest Metro OSD was approved in December 2020 and was subsequently incorporated within NSLEP 2013 at the time. Table C1.1 below provides a summary of the development of the site proposal for Site A.

TABLE C1.1 Comparison of Development Proposals for Site A					
Site A	Concept SSSDA (2018)	The 2036 Plan (2020)	Approved Envelope (2020)	Crows Nest TOD (2024)	
				Base	Affordable Housing Incentive
Building Height	RL 183 (27 storeys)	27 storeys	RL 180 (21 storeys)	RL 180 (27 storeys)	RL 180 (27 storeys)
FSR	9.67:1	11.5:1	11.5:1	11.5:1	11.5:1
Non-residential FSR	0.7:1	10:1	10:1	10:1	1:1
Uses (tower)	Residential (2 towers) Approx. 350 units	Commercial (1 tower)	Commercial (1 tower)	Commercial (1 tower)	Residential (1 tower)

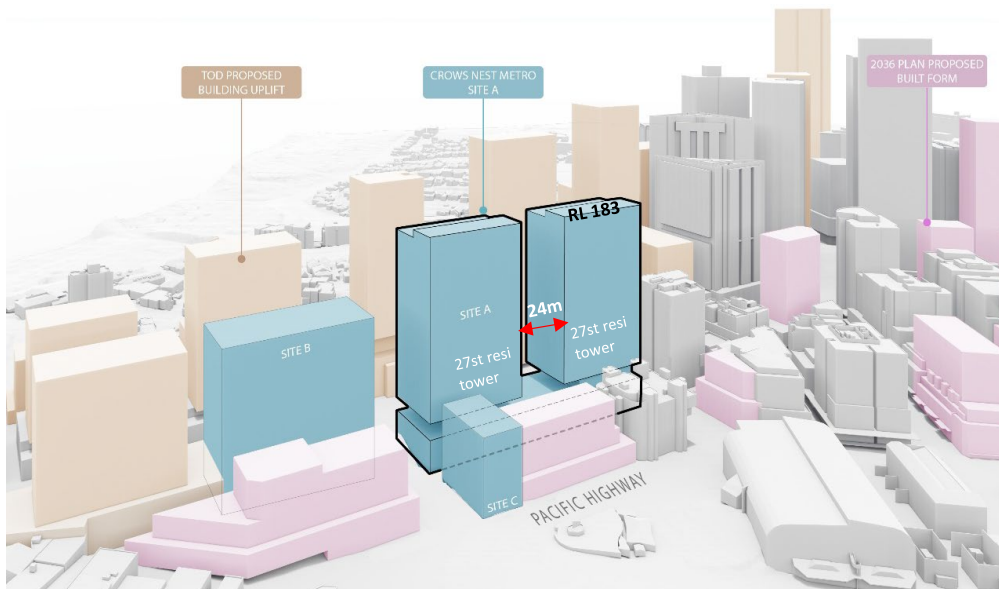


Figure C1.1 Concept SSSDA (2018) – two residential towers

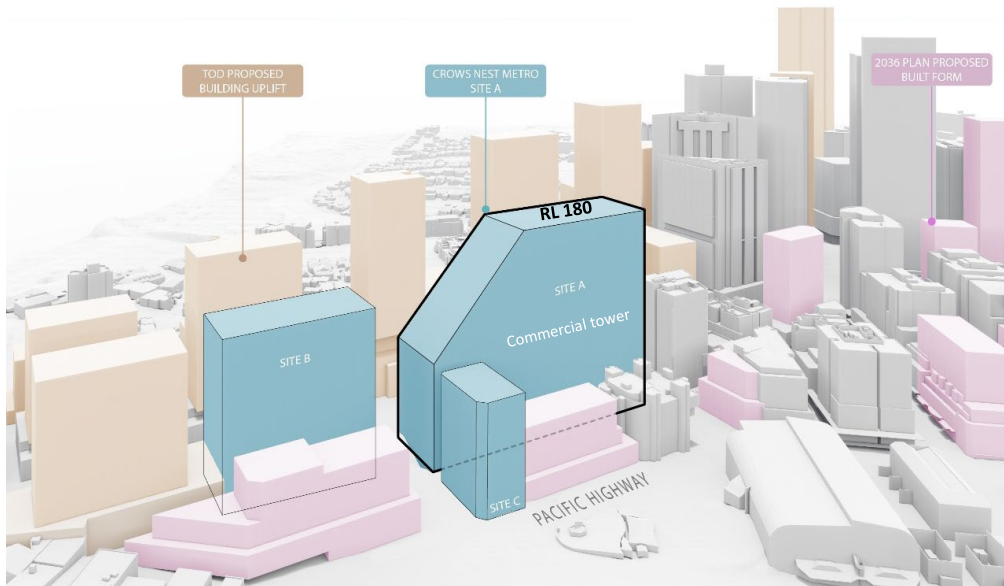


Figure C1.2: Approved Envelope (2020) – one commercial tower

Key concerns of the development proposals

- **Concept SSDA (2018):** The proposed concept scheme included a mixed use development up to 27-storeys in height, with a commercial base and two residential towers with 24m tower separation (refer to Figure C1.1) above. The key concerns raised by Council at the time in relation to the Concept SSDA included:

 - the proposed built form being out of scale with the fine-grain nature and village atmosphere of Crows Nest
 - the extent of overshadowing impacts to Ernest Place and Willoughby Road
 - the limited employment opportunities and public benefits for the area.

- **Approved building envelope (2020):** In 2020, the NSW Government finalised the 2036 Plan and subsequently amended NSLEP 2013, by implementing the approved built form envelope in terms of building height, FSR and Non-residential FSR for the Crows Nest Station OSD SSDA (refer to Figure C1.2). The proposed increase in non-residential FSR was supported as it provided a significant boost in employment floor space compared to the original SSDA scheme. The main concerns raised by Council in relation to the approved building envelope were:

 - the bulk and massing of the built form negatively impacting the village atmosphere of Crows Nest
 - the overshadowing impacts to Ernest Place and Willoughby Road
 - the domination of the continuous long and tall façade with no gaps or articulation, creating an uncomfortable environment for pedestrians.

- **Crows Nest TOD (2024):** Whilst the currently exhibited EIE Package, does not seek to amend the approved built form envelope, Site A is identified as one of the affordable housing incentive sites. In particular, the non-residential FSR may be reduced from 10:1 to 1:1 as long as 15% of the residential component comprises affordable housing. The

Package suggests that the built form for Site A will remain as a single tower with a significantly long unbroken façade parallel to the Pacific Highway (refer to Figure C1.3). The key concerns arising from the implementation of the proposed affordable housing incentives on Site A include:

- the scale and massing of the building diminishing the village character of Crows Nest
- the overshadowing effect to Ernest Place and Willoughby Road
- the extensive length of the façade, which lacks any breaks or articulation, overwhelms the street frontage and creates an unwelcoming experience for pedestrians
- the significant decrease in employment floor space, thereby restricting employment opportunities to a highly accessible site and could negatively affect the long-term economic vitality of the region and local area.

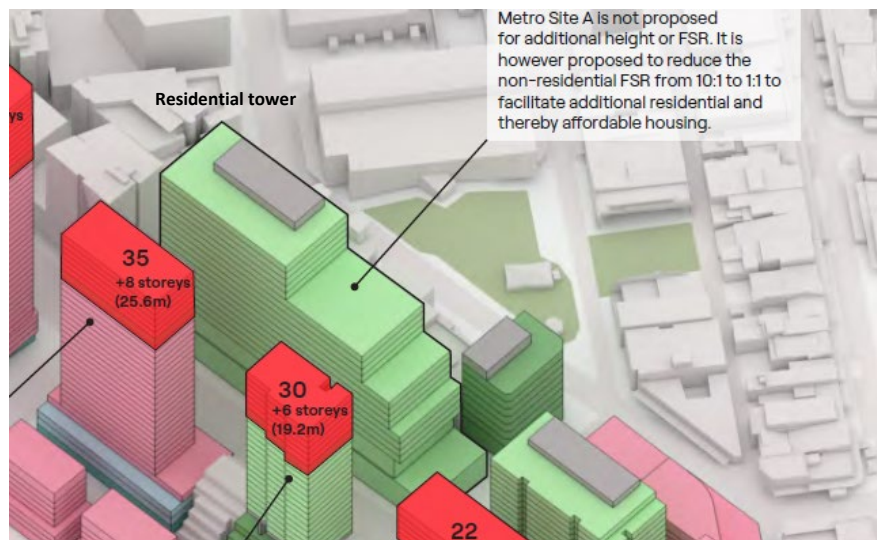


Figure 1.3: Crows Nest TOD (2024)

C1 Retain employment floorspace at Site A

Capturing employment opportunities at major transportation hubs is vital. The Crows Nest and St Leonards area stands out as one of five precincts in Sydney Metropolitan area that has both a Railway Station and a Metro Station, making it a prime location for commercial development.

The EIE, Urban Design Report and Design Guide all emphasize the necessity to preserve floorspace for future employment, highlighting the potential for the new Metro to stimulate the commercial market. The objective of the Crows Nest Precinct includes creating future employment opportunities by leveraging the increased transport capacity of the new Sydney Metro Station.

However, the proposed changes to the Metro Site will potentially convert previously designated commercial uses to residential uses if the affordable housing bonus provisions

are taken up. This shift will significantly reduce the commercial offering within the Precinct and adversely affect the long-term economic prospects of the area. Refer to Section 3.4.

Metro Site A	Approved Envelope (2020)		Crows Nest TOD (2024)		Loss
	Non-res FSR	Non-res GFA	Non-res FSR	Non-res GFA	Non-res GFA
	10:1	38,810sqm	1:1	3,881sqm	- 34,929sqm

C2 Alternative solution for delivering affordable housing

It is noted that the EIE designates Lot 4B on Herbert Street, St Leonards as part of the TOD Accelerated Rezoning Area. This site, adjacent to St Leonards Railway Station and Royal North Shore Hospital (RNSH) and owned by the State Government, is proposed to accommodate a mixed-use development, a large portion of which is to be allocated to residential accommodation. In particular, the EIE Package suggests that a 62-storey mixed-use building should be erected on Lot 4B. Any such development on this land would be subject to a minimum provision of 10% affordable housing.

As discussed in Section 3.5, solving the affordable housing crisis requires a broad approach beyond just encouraging private sector involvement. If Lot 4B is developed as proposed, the State Government could set a strong example by providing a significant proportion—ideally 30% or more—for key worker housing on this site. This would affirm a commitment to affordable housing on government-owned land and align with existing government goals.

As an alternative, it is recommended that the affordable housing component for Lot 4B next to the Railway Station could be further increased as an offset in the protection of the commercial space on Site A to the Crows Nest Metro Station OSD. This approach would strategically ensure a balanced provision of both commercial and affordable housing close to major transport nodes in the Precinct.

C3 Amend the planning controls for Metro Site A if residential towers are proposed

If the affordable housing incentives are to be implemented as proposed, the associated planning controls need to be refined to ensure a desirable outcome in terms of amenity for the future residents on Site A and to existing and future residents adjoining the site.

The following recommendations would align with a future residential use of the site if this policy position was pursued by the NSW Government:

- **Zoning:** Retain the existing zoning regime - *MU1 Mixed Use*
- **Height of Building (HOB):** Retain the existing maximum height control of RL 180, with consideration given to reducing the building heights at the site's northern end to reduce the shadow impact to Ernest Place and Willoughby Road
- **FSR:** Reduce the maximum FSR from 11.5:1 to 10:1, given residential use GBA-GFA efficiency is much lower than commercial uses, and the need to include additional separation and articulation treatments to provide adequate privacy, amenity, solar access, ventilation for residential uses.
- **Non-residential FSR:** Increase the minimum non-residential FSR to 2:1 to better reflect a consistent application of this quantum of non-residential floor space on

adjacent sites along the Pacific Highway (reduced from the adopted 10:1 from the 2036 Plan, noting the draft 2036 Plan at the time suggested 3:1 non-residential FSR)

C4 Reconfigure the Crows Nest metro Site A built form to minimise adverse impacts

The Urban Design Report highlights the challenge that the “*new Metro station will bring change to Crows Nest. Managing the impacts of this change requires consideration of the scale of new buildings, overshadowing, pedestrian movements and demand on public spaces.*”

The currently approved building envelope presents several significant concerns. The anticipated massing will be visually prominent from several key local viewpoints, including Ernest Place, Hume Street Park, Willoughby Road, and the Pacific Highway. The site and controls would enable a continuous 117-metre long tower wall parallel to the Pacific Highway, lacking any meaningful gaps or articulation, which would contribute to significant overshadowing of Ernest Place and Willoughby Road and conflicts with the emerging character of St Leonards and the need to maintain the existing village character of Crows Nest.

If affordable housing incentive provisions are to be taken up, it is essential to reconsider the built form as a result of the changed use of the building. In particular, it is recommended that at least two physically separated towers above a common podium be provided, with maximum tower length and/or minimum tower separation controls be imposed to minimise potential impacts on the surrounding neighbourhood and public domain, and future residents in terms of privacy, solar access and ventilation.

C5 Reduce shadow impact to the heart of the community at Ernest Place and Willoughby Road

Willoughby Road is the vibrant heart of the Crows Nest Village, known for its fine-grain built form, boutique shops, cafes, and restaurants. It’s often called the “Surry Hills of the north.” Ernest Place is a popular urban plaza, surrounded by coffee shops and retail premises connecting with the Crows Nest Community Centre. Its lawn area gets decent sunlight and is used by various community groups throughout the day and into late afternoon and early evening during spring and autumn equinox (see Figures C5.1 and C5.2).



Figure C5.1: Ernest Place looking east at 5.45pm, 27 March

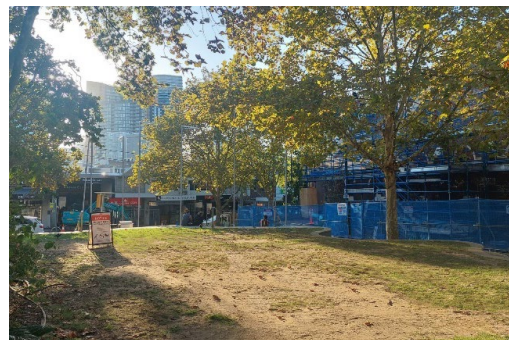


Figure C5.2: Ernest Place looking west at 5.45pm on 27 March

Council has previously advised the Department that the approved Crows Nest metro Site A building envelope has unacceptable overshadowing of Ernest Place and Willoughby Road. Ernest Place currently receives sun up to 5.30-5.45pm at equinox (Figures C5.1 and C5.2). The approved Site A building envelope begins casting shadows on this important open space at 4.10-4.25pm. Sculpting of the envelope would reduce shadows to Ernest Place.

448 Pacific Highway

The EIE Package proposes height increases for some sites along the Pacific Highway, adjacent to the Metro Station. Additionally, bonus heights are permitted for four sites along Pacific Highway if the affordable housing incentives are taken up. The most significant height increase for 448 Pacific Highway, St Leonards, which rises from 30 storeys under the 2036 Plan to 32 storeys under the EIE Package and then to 40 storeys (an additional 10 storeys) if the affordable housing incentives are taken up.

If the affordable housing incentives are taken up at 448 Pacific Highway, it will create additional overshadowing impact to Ernest Place and Willoughby Road, beyond the anticipated impacts of the envelope to Site A of the Crows Nest Metro OSD (refer to Figure C5.3). This additional overshadowing impact is unacceptable as the approved Crows Nest Metro OSD building envelope already creates significant shadow impacts and visual impacts to Ernest Place and Willoughby Road within the Crows Nest village.

It is recommended that the State Government collaborate with Council to refine the planning controls for 448 Pacific Highway and Site A to the Crows Nest Metro OSD to reduce the overshadowing impacts to Ernest Place and Willoughby Road.

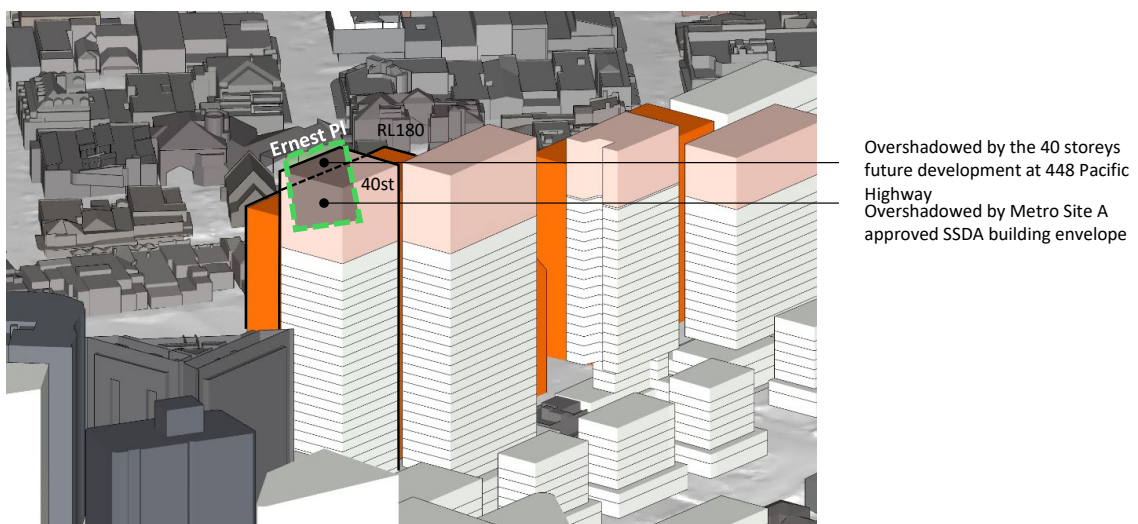


Figure C5.3: Sun eye diagram at 4.10pm on 21 Sep - Ernest Place

- Recommendations:**
- Defer any amendments to 448 Pacific Hwy and engage in collaboration with the Council to ensure alignment with the long-term vision for the Precinct.

- Maintain the 2036 Plan’s 10:1 non-residential FSR with and without the introduction of an affordable housing bonus.
- If the affordable housing bonus proceeds and results in a significant reduction of the non-residential FSR, reconfigure the built form and building envelope to minimise impacts on the surrounding areas and public domain and provide adequate amenity to future residents. The following recommendations align with the residential use of the towers:
 - Retain the maximum building height as within the approved SSDA building envelope
 - Reduce the FSR from 11.5:1 to 10:1, given residential use GBA-GFA efficiency is much lower than commercial uses, and addition separation and articulation treatment are required to provide adequate privacy, amenity, solar access, ventilation for residential use.
 - Increase the non-residential FSR to 2:1 to reflect the requirement at adjacent sites along the Pacific Highway (reduced from the adopted 10:1 from the 2036 Plan, noting the draft 2036 Plan at the time suggested 3:1 non-residential FSR)
 - Break the long façade wall and provide towers at site with sufficient building separations. If two towers are envisioned, the minimum building separation between the towers should be 24m
 - No part of a building located above the podium should have a horizontal width of more than 45m
- Collaborate with Council to refine the planning controls for 448 Pacific Highway and Site A SSDA building envelope to the Crows Nest Metro OSD to reduce the overshadowing impacts to Ernest Place and Willoughby Road.
- Apply a reduced parking rate to reduce the on-site parking spaces

3.3.2 290 PACIFIC HIGHWAY

C6 **Defer any amendments to 290 Pacific Highway, until a more resolved position can be reached as to how this site may be redeveloped to the benefit of the wider community.**

290 Pacific Highway, Crows Nest is located on the south-western side of the Pacific Highway approximately 40m south-east of the Five Ways Intersection.

The site is “L” shaped, with a 24.4m frontage to the Pacific Highway, a 36.6m frontage to Sinclair Street, a depth of 91.5m and an area of 2,789sqm. The front portion contains two commercial buildings.



Figure C2.1
Aerial Photo

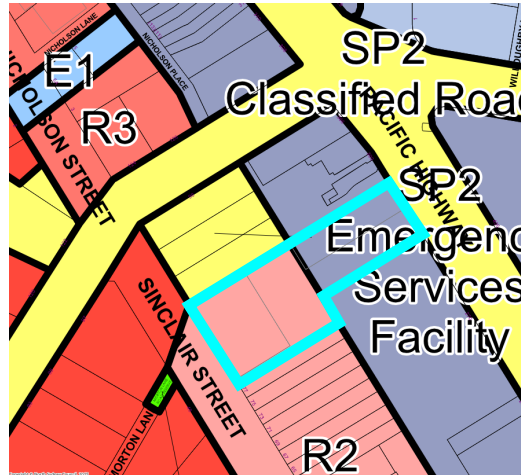


Figure C2.2
Extract of NSLEP 2013 Zoning Map

This site currently has a split zoning, with the front portion fronting the Pacific Highway (1,117sqm) being zoned *MU1 Mixed Use* and the rear portion fronting Sinclair Street (1,672sqm) being zoned *R2 Low Density Residential*.

That part of the site which is zoned *MU1 Mixed Use* has a maximum building height of 16m and a minimum non-residential FSR of 0.5:1. The majority of the site is also identified as a heritage item (formerly applying only to 286 Pacific Highway, which excluded 290 Pacific Highway, a 560sqm parcel fronting the Pacific Highway).

Proposed Outcomes

With regard to this site, the EIE proposes:

- Retain the existing zoning regime.
- Apply a maximum FSR of:
 - 6:1 to that part zoned *MU1 Mixed Use*.
 - 2:1 to that part zoned *R2 Low Density Housing*.
- Apply a minimum non-residential FSR of 2:1 to that portion of the site zoned *MU1 Mixed Use*.
- Apply a maximum height of 50m (14 storeys) to that portion of the site zoned *MU1 Mixed Use*.
- Retain a maximum height of 8.5m to that portion of the site zoned *R2 Low Density Housing*.

The EIE also suggests that the rear portion of the site which is currently zoned *R2 Low Density Housing* and fronts Sinclair Street is to:

- be used as a future public open space; and
- provide vehicular access to the *MU1 Mixed Use* zoned portion of the site.

Desired Outcomes

The proposed controls in the EIE are contrary to the recommendations of the Urban Design Report, which states:

“The adjacent property [290 Pacific Highway] also has capacity to develop as mixed-use to a similar height and density. This site has been split in two, with the portion at the front identified as a heritage item and the portion at the rear flagged as an indicative location to provide much needed open space. If open space is delivered, the controls will thus only apply to the front of the lot, shown as 14 storeys with a total FSR of 6:1 to match the surrounding developments. If open space is not provided to the rear of the lot, the site remains subject to the 2036 Plan controls that showed 8 storeys and an FSR of 4:1.

The use of this site for open space is to be considered indicative only and is not to be rezoned for open space. Any site in this general area may be considered for open space. This site has simply been identified as a high opportunity location for the purpose of demonstrating a vision for the precinct”.

If the recommendations of the Urban Design Report had been incorporated into the EIE as originally intended, then the EIE should be seeking to apply the base controls to the site (i.e. a maximum height of 31m, a maximum FSR of 4:1, and a minimum non-residential FSR of 2:1) with the inclusion of a site specific incentive provision to allow a maximum height of 50m and a maximum FSR of 8:1 over that portion of the site zoned *MU1 Mixed Use* only, but only if a public open space is to be delivered over that portion zoned *R2 Low Density Residential*.

Unfortunately, the Urban Design Report does not specify any built form controls for the rear portion of the site, should the base case be pursued. This omission introduces uncertainty regarding the development intensity allowed for the rear section when open space is not provided. Addressing this ambiguity is crucial to ensure that the development aligns with the Urban Design Report's intent and avoids potential issues during the development approval process.

Utility for Public Open Space

As discussed at section 3.9 to this submission the ability to deliver a substantial, high quality public open space on the subject site is compromised in the context of the cumulative uplift proposed under the Package. If a public open space is to be provided in this location, then further investigation is required to determine how this space may be positively integrated with the immediately adjacent properties and how it can be better integrated with existing and desired pedestrian movements (e.g. is a through site link need to improve access to the space). The need to maintain vehicular access to that portion zoned *MU1 Mixed Use* will also heavily compromise the quantum and amenity of this space. In order to deliver a 6m wide vehicular accessway (required based the proposed quantum of development to be permitted), an area of approximately 1,300sqm would be left over, which is 200sqm short of the desired amount suggested within the Urban Design Report.

Further investigations should be undertaken to see if the existing right of carriageway to Shirely Street can be better utilised to provide access to the subject site, which could then enable an approximately 1,600sqm space to be delivered.

Zoning / Permissibility

If the site is to retain its *R2 Low Density Residential* zoning, a “recreational area” would be permitted on that part of the site currently zoned *R2 Low Density Residential*. However, the provision of any vehicular access to the *MU1 Mixed Use* portion would be prohibited.

Rezoning the land to *RE1 Public Recreation* would retain the permissibility for a future open space over this portion. However, vehicular access to the *MU1 Mixed Use* portion of the site would remain prohibited.

Consideration could be given to rezoning the *R2 Low Density Residential* portion to *MU1 Mixed Use*, which could address the permissibility issues for both aspects of the site. However, there is potential that a public open space may not be delivered over the portion fronting Sinclair Street, unless some other planning mechanism is put in place to ensure that this is achieved (e.g. removal of the maximum FSR requirement, planning agreement).

If a public recreation outcome is preferred, then to remove any doubt, it should be rezoned to *RE1 Public Recreation*. Consideration could be given to inclusion of a new clause within *Schedule 1 – Additional Permitted Uses* of NSLEP 2013 or a local provision within Part 6 of NSLEP to address any future vehicular access issues, if required.

If a recreational outcome is not preferred, then consideration should be given to rezoning the rear portion of the site to *R4 High Density Residential* as this would provide a better interface to the residential development on the south-western side of Sinclair Street. However, issues regarding permissibility of the vehicular access would still need to be addressed as pointed out above.

A *MU1 Mixed Use* zoning is not necessary over that part of the site fronting Sinclair Street, as it could result in incompatible uses being undertaken adjacent an established residential interface and undesirable built form relationships to the adjacent residential development.

FSR

The application of a maximum FSR of 2:1 across that portion of the site zoned *R2 Low Density Housing*, should be removed.

An FSR requirement is not necessary if it is to be used for public open space under its current zoning, or an *RE1 Public Recreation* zoning.

If the site were to be rezoned to *R4 High Density Residential*, then a maximum FSR of 2:1 may be appropriate, but only if it has an 8 storey height limit and similar setback controls, consistent with that proposed to the south east of the site.

However, as discussed below, a reduced height limit over this portion of the site may be more appropriate to provide a better transition down to the heritage items fronting Shirley Street, similar to that proposed along Nicholson Street. If this approach is pursued, then a reduced maximum FSR may be required if the setback controls are to remain consistent with those proposed along Sinclair Street, south-east of the site.

Height

It is not proposed to amend the height controls across that portion of the site currently zoned *R2 Low Density Residential* which is to retain its existing 8.5m limit.

This results in an irregular height profile when moving along Sinclair Street and from the Pacific Highway down to the prevailing 3-4 storey built forms south-west of Sinclair Street.

If the site is to be rezoned to RE1 Public Recreation, then the existing height limit should be revised to ensure that nothing greater than a single storey can be achieved over this portion of the site.

However, if this portion of the site is to be redeveloped for alternative purposes, then a maximum 6 storey height limit should be applied. This would ensure that there is an appropriate transition in height between the proposed 8 storey height limits south-east of the site to the four storey and heritage context to the north-west and the proposed 14 storeys to the north-east on the Pacific Highway to the prevailing 3-4 storey built forms south-west of Sinclair Street.

Heritage

As indicated, the majority of the subject site is heritage listed (refer to Figure C2.3). The listing predominantly relates to the existing building fronting the Pacific Highway, with the rear portion, which forms an open air at-grade car park, comprising the curtilage to the original use of the site.

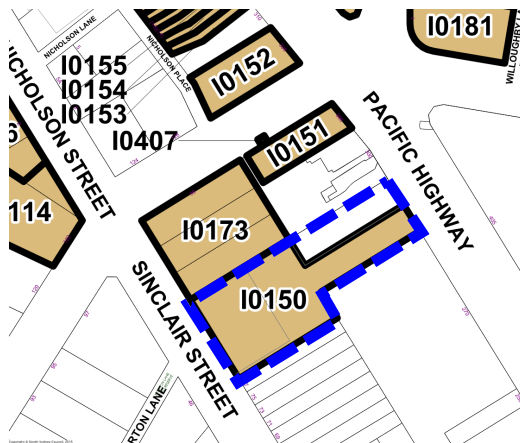


Figure C2.3
Extract of NSLEP 2013 Heritage Map
subject site outlined by blue dashed line
Heritage item extent highlighted in tan and marked "I0150"



Figure C2.4
Extract of NSLEP 2013 Zoning Map
subject site outlined by blue dashed line
extent of original commercial building outlined in brown

The Package downplays the heritage value of this site, suggesting that it is effectively limited to the Pacific Highway façade only.

During the current and ongoing Land and Environment Court Appeal to the deemed refusal of a Development Application for the redevelopment of this site for a mixed use development, additional research and analysis of the heritage aspects indicates that additional original fabric exists to a far greater extent than first acknowledged, though masked by recent alterations. This expansion of the physical aspects which are deemed to have heritage significance warrants a revised consideration of the future development potential of this site.

In addition, the Package's proposed building envelope for the site does not consider its relationship to the existing heritage item on the site and neighbouring heritage listed items including the Crows Nest Fire Station and 306 Pacific Highway. The proposed envelope has the potential to adversely impact on both the existing heritage item on the site, any potential public open space fronting Sinclair Street and nearby heritage items.

Summary

Whilst the proposed controls within the Package reflect the outlined incentivised public open space outcome, it should be revised to reflect the base outcome with the inclusion of a local clause to allow the incentivised outcome, subject to meeting several criteria.

Whilst the reversing of the approach may appear to be a relatively easy task to undertake, there are various other matters that have not been adequately addressed in terms of zoning and permissibility, heritage context, vehicular access, quantum and quality of open space and alternative outcomes for the rear portion of the site fronting Sinclair Street.

Given the potential various outcomes that could be considered, it is recommended that this site be deferred from the EIE, and only addressed once future more refined options have been prepared and subject to public consultation. Council will be happy to assist the Department in determining an appropriate outcome for this site in line with the higher level objectives of the Package.

Recommendations:

- Defer any amendments to this site, until a more resolved position can be reached as to how this site may be redeveloped to the benefit of the wider community.
- But if proceeded with, the EIE is to be revised to:
 - Apply a maximum building height of 31m to that part zoned *MU1 Mixed Use*;
 - Apply a maximum FSR of 4:1 to that part zoned *MU1 Mixed Use*;
 - Apply a minimum non-residential FSR of 4:1 to that part zoned *MU1 Mixed Use*;
 - Ensure a maximum FSR is not applied to that portion zoned *R2 Low Density Residential*.
 - If required, include a local provision that will permit the use of that part of the land zoned *R2 Low Density Residential* to provide vehicular access to the portion zoned *MU1 Mixed Use*.
 - Include a local incentive provision that allows an increase to the maximum building height to 50m and a maximum FSR of 8:1, but only if a public open space of at least 1,000sqm is provided over that portion zoned *R2 Low Density Housing* and a through site link is provided between the Pacific Highway and Sinclair Street.

3.4 Planning for future employment

KEY MOVE

- NSC12** As a principle, protect and enhance the long term employment capacity of the St Leonards Strategic centre and Crows Nest Precinct to support the growing population of the North District.
- NSC13** Retain the non-residential FSR from the 2036 Plan to protect the commercial role.
- NSC14** Note the cumulative impact of the Affordable Housing and Build-to-Rent provisions is estimated to lose 11,000 planned local jobs.
- NSC15** Either turn off the Build-to-Rent provisions on land zoned E2 Commercial Core or apply minimum non-Residential FSR controls that are slightly under the maximum FSR controls that apply to each site.

ISSUES AND RECOMMENDATIONS

3.4.1 LONG TERM EMPLOYMENT CAPACITY OF THE STRATEGIC CENTRE

- D1** As a principle, the employment function of the St Leonards Strategic Centre and Crows Nest Precinct should be protected and enhanced

The EIE, Urban Design Report and Design Guide all contain statements that seek to “protect and strengthen” the area’s commercial role, particularly within the commercial core of St Leonards. This is consistent with the identification of the Precinct as a “Strategic Centre” within the Eastern Economic Corridor under the Sydney Regional and District Plans.

The Crows Nest Precinct is identified as Sydney’s 5th most important employment centre, currently providing employment for approximately 43,500 workers (2021 ABS Census) and includes approximately 350,000sqm of office stock. The 2036 Plan sought to increase the employment capacity by approximately 120,000 sqm to accommodate an additional **16,500 workers**, consistent with the targets under the Sydney Regional and North District Plans.

The EIE Package suggests that the proposed amendments will result in a **reduction** in the additional employment floor space capacity under the 2036 Plan by approximately **28,900sqm to yield approximately 89,700sqm** (n.b. these figures are based on the Department’s estimate of full uptake of the proposed affordable housing incentives within the EIE). There is no indication as to how many workers this revised floorspace is likely to accommodate and how it relates to the Sydney Regional and North District Plans’ employment targets has been provided.

It is noted that the EIE Package concentrates on delivering more dwellings within the Precinct in response to the State Government’s commitment to meeting the targets under the National Housing Accord. This need to increase dwelling density is generally supported by detailed justifications within the Package. Conversely, however, there is a general lack of detailed justification for, or consideration of the potential impact of, reducing employment floor space capacity to the North District.

Whilst the dwelling targets have been revised for the Precinct, there has been no corresponding comprehensive review and amendment to the employment targets.

Economic Impact Assessment provides limited justification or analysis

The proposed reduction in potential employment floorspace capacity is largely premised on changes in employment market trends, particularly in relation to the rise of “work from home” (Economic Impact Assessment, Atlas 2024). The long-term trends in relation to “work from home” are not fully understood as this sphere of employment is still evolving. Indeed, all NSW public servants have recently been directed back to the office.

There is clearly risk in fundamentally changing employment lands policy across the board in Sydney when longer term trends are yet to be fully understood.

Further population increases in the North District requires more employment capacity in well-connected centres, not less

Accordingly, pursuing reduction strategies now will not necessarily assist in delivering more employment floorspace in the longer term, as it fails to recognise that there will still be a need to deliver such floorspace as the overall population increases. This is particularly important, as the EIE Package ignores the potential significant increase in resident population within and surrounding the Crows Nest TOD Precinct, resulting from the future Low and Mid-rise Housing Reforms anticipated to be implemented by the end of the year.

There is no detailed analysis to determine exactly what level of floorspace will be required in response to the increased population within the locality. This is important, especially in the absence of the any revised employment targets released by the State Government, to align with the revised dwelling targets recently released.

The increasing of residential development within proximity of mass public transport is supported in principle, as it enables residents to more easily travel to employment centres, without a reliance of private transportation. However, it is likely to come at the detriment of providing employment and community-based activities in highly accessible areas.

The success of commercial centres is particularly influenced by its degree of accessibility for workers. The St Leonards / Crows Nest centre is soon to be served by 2 heavy rail-based services and is also well connected by district and regional bus services. The only other commercial centres to have such a high level of accessibility in NSW include Sydney City, Parramatta, North Sydney and Chatswood. This demonstrates the importance of St Leonards / Crows Nest as an employment centre.

By further restricting the employment capacity of the Centre, it has the potential to displace these employment opportunities to other centre locations which may not have a similar level of accessibility and could result in increased reliance on private transportation in a constrained road network.

It is therefore important to protect the employment capacity in those areas which are closest to the transport nodes, with the provision of increased residential capacity surrounding those nodes.

Once the employment capacity has been transferred to residential uses, it is very unlikely that it could ever revert back to commercial purposes.

Given the extent of residential uplift being provided for immediately around the commercial core of St Leonards, there is no need to erode the existing capacity of employment floor space. As the local population increases over time, it will generate a need for employment floor space, which would have to be accommodated elsewhere.

Employment capacity loss is greater than the EIE package estimate

There are two matters whereby the planned employment capacity of the Centre could be significantly eroded:

- Affordable housing incentives within the EIE: **-3,150+ jobs**; and
- Application of Build-to-Rent (BtR) provisions under the Housing SEPP: **-8,000+ jobs**

Cumulatively, Council estimates these matters could result in a **net reduction** of the employment floorspace capacity of between **165,300 – 174,600 sqm** equating to **over 11,000 potential jobs lost** next to St Leonards train and Crows Nest metro stations.

These matters are addressed in the following subsections.

Recommendations:

- That as a principle, the NSW Government policy does not result in a net reduction in the quantum of planned employment floor space capacity within the Precinct.

D2

Retain the proposed non-residential FSR from the 2036 Plan at a minimum

The Urban Design Report highlights a key objective for St Leonards and Crows Nest is to *“Protect and strengthen the area’s commercial role supported by complementary uses to capitalise on renewed confidence in the commercial market.”* Additionally, the report underscores the need to preserve floor space for future employment, leveraging the opportunity provided by the Metro to stimulate the commercial market.

Non-residential FSR has been reduced on some sites compared to the 2036 Plan

Under the review process, it has been observed that the non-residential FSR for some sites has been reduced compared to the 2036 Plan (see Figure D2.1). While increasing housing supply is a priority for NSW and the proposed uplift aims to address this objective, it should not come at the expense of the non-residential FSR crucial to the Precinct’s commercial vitality. Increased density is anticipated to drive additional demand for retail and commercial services. Therefore, to uphold the Precinct’s designated commercial role, it is essential to retain the non-residential FSR as specified in the 2036 Plan. Council opposes any reduction in non-residential capacity for St Leonards and Crows Nest.

1 Chandos Street and 601 Pacific Highway

Furthermore, the proposed LEP non-residential FSR map fails to include non-residential FSR for 1 Chandos Street and 601 Pacific Highway. The 2036 Plan specified a minimum 3:1 non-residential FSR and 20:1 for these sites respectively – this provision, however, has been removed in the Crows Nest TOD rezoning package.

As a significant provider of commercial floor space, 601 Pacific Highway, along with the Metro Site, play a crucial role in the Precinct’s commercial framework. Recent State policy

changes, which allow the conversion of commercial land in E2 zones to Build to Rent (BTR) or rental residential purposes, could impact the delivery of commercial uses at 601 Pacific Highway and affect the Precinct's overall commercial offer.

Therefore, it is essential to include the minimum non-residential FSR controls on the map to ensure the preservation and promotion of non-residential uses within this key commercial core area.

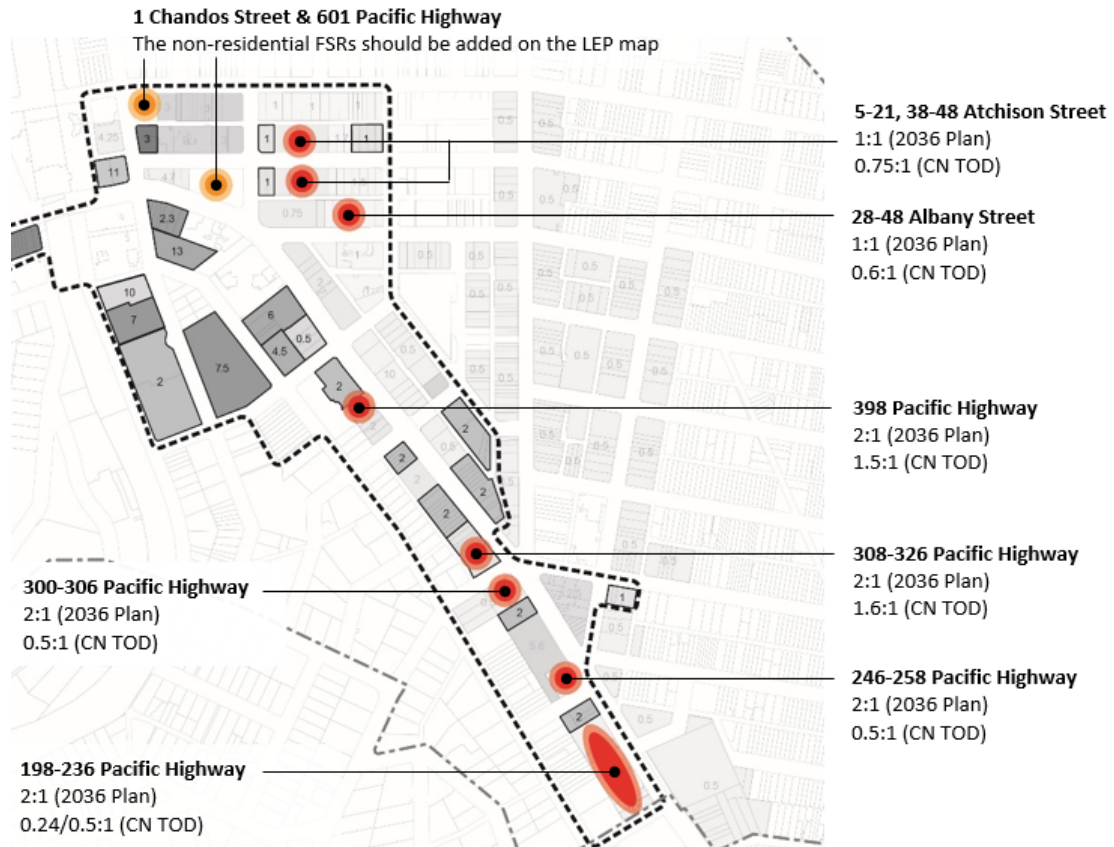


Figure D2.1 – LEP non-residential FSR map – reduction in non-residential FSR

Recommendations:

- Amend the LEP non-residential FSR map to retain the non-residential FSR controls as specified in the 2036 Plan, at a minimum.
- Ensure that the LEP non-residential FSR map includes controls for 1 Chandos Street and 601 Pacific Highway that reflect those contained previously in the 2036 Plan.

3.4.2 AFFORDABLE HOUSING INCENTIVES

D3 Affordable housing incentives estimated to lose between 3,150 – 3,800 planned jobs capacity and create poor built form outcomes

Non-residential FSR under the affordable housing bonus scheme

The EIE Package, does not appear to have accurately addressed the implications of the bonus affordable housing provisions, whereby the non-residential floorspace requirement is reduced and replaced with residential accommodation and affordable housing.

Table D3.1 below demonstrates that if the affordable housing incentives are taken up to their maximum potential, then the proposal will result in a **loss of 47,257 to 56,596sqm** of planned commercial floorspace, equating to between **3,150 – 3,800 jobs**. This is significantly more than that suggested under the EIE Package of 28,900sqm.

Of that potential loss, **37,711 to 43,532sqm** (or 77% of the total) would occur within the North Sydney LGA.

TABLE D3.1: Potential Loss in Employment Floor Space from Affordable Housing Incentives							
Site	Zoning	Site area (sqm)	Base Case (2036 Plan or Proposed)		Affordable Housing Incentive (EIE)		Loss
			Non Res FSR req.	Floor space (sqm)	Non-Res FSR req.	Floor space (sqm)	
58-64 Pacific Hwy (Lane Cove LGA)	E2	1,458	5:1 (5.1:1 max)	7,290 (7,436)	2.5:1	3,645	- 3,645 (-3,791)
448-456 Pacific Hwy (Lane Cove LGA)	E2	1,686	4:1 (6:1 max)	6,744 (10,116)	0.5:1	843	- 5,901 (- 9,273)
Crow Nest Metro – Site A	E2	3,881	10:1 (11.5:1 max)	38,810 (44,630)	1:1	3,881	- 34,929 (- 40,750)
402-420 Pacific Hwy	MU1	2,127	2:1	4,254	1:1	2,127	- 2,127
378-390 Pacific Hwy	MU1	1,309	2:1	2,618	1.5:1	1,963	- 655
360-376 Pacific Hwy	MU1	2,317	2:1	4,634	2:1	4,634	0
<i>Subtotal</i>				64,350 (73,688)	<i>Subtotal</i>	17,093	- 47,257 (-56,596)
Total Loss of Employment Floorspace							- 47,257 to 56,596

Poor built form outcomes from varying non-residential FSR requirements along the Pacific Highway

It is questioned why there has been a reduction to the non-residential FSR amount for some of the properties identified for the affordable housing bonus. It is noted that there was a consistent non-residential FSR requirement (2:1) for those properties at 360-420 Pacific Highway. However, the proposal seeks to apply to a stepped non-residential FSR requirement, which will result in awkward built form relationships between buildings along the Pacific Highway. This issue is further exacerbated when also considering the property at 448-456 Pacific Highway which has a different non-residential FSR as well, incongruous with those further to the south-east. The proposed controls will result in some buildings having either 1, 2 or 3 storeys of non-residential development within the same podium heights.

Better planning outcomes are achieved when the entirety of a podium is used for single uses, such as non-residential uses, with residential located in the levels above. This is largely due to podiums comprising larger and deeper floor plates which are less compatible with residential development and the ability to improve amenity of residential dwellings in the levels above afforded by increased setbacks and access to daylight.

Should the affordable housing incentives be pursued, then it is strongly recommended that there be no reduction to the non-residential FSR as originally envisaged under the 2036 Plan and that at least a minimum 2:1 non-res FSR is applied to 448-456 Pacific Highway. This would also ensure that employment floorspace is retained in close proximity to the mass transport nodes.

Recommendations:

- As above, amend the LEP non-residential FSR map to retain the non-residential FSR controls as specified in the 2036 Plan, at a minimum.
- Ensure non-residential FSR requirements along the Pacific Highway support full podium non-residential floor space
- A minimum non-residential FSR of 2:1 be applied to 448-456 Pacific Highway

3.4.3 BUILD TO RENT

D4 Build-to-Rent provisions that continue to apply to the Precinct estimated to lose an additional 8,000 planned jobs capacity

The BtR provisions under the Housing SEPP enable residential accommodation to be accommodated with the *E2 Commercial Centre* zone, despite any prohibition under a Council's LEP. Both North Sydney's and Lane Cove's LEPs currently prohibit all forms of residential accommodation within the *E2 Commercial Centre* zone, with some minor exceptions (via clause 2.6 and Schedule 1 of their LEPs).

When applying the BtR provisions under the Housing SEPP, it does not remove the need to comply with any other requirements under an LEP including any non-residential development standards that may also apply to the land.

The majority of sites which are proposed to retain their *E2 Commercial Centre* zoning within the "Focus for accelerated rezoning" area, already have or are proposed to have a non-residential FSR control applied to them, with the exception of the following sites, which have no controls applied to them at all:

- 601 Pacific Highway, St Leonards (North Sydney LGA);
- 1 Chandos Street, Leonards (North Sydney LGA);
- 558 Pacific Highway, St Leonards (Lane Cove LGA);
- 59-67 Chandos Street & 46-50 Nicholson Street, St Leonards (Lane Cove LGA);

If the BtR provisions were to be taken up on the above four sites, and an assumed ground level activation only with non-residential uses (i.e. 0.5:1), it could have the potential to result in the **loss of approximately 118,000 sqm** of planned employment floorspace capacity, equating to **8,000 jobs** through this avenue alone (refer to Table D4.1).

It is worth noting that this loss alone, equates to almost the entire employment floorspace uplift (120,000sqm) envisaged under the 2036 Plan.

TABLE D4.1 Potential Loss in Employment Floor Space from Build-to-Rent						
Site	Site area (sqm)	Base Case (2036 Plan or proposed)		Build-Rent Outcome		Loss
		Non-Res FSR req. (max)	Non-Res floor space (sqm)	Non-Res FSR req.	Non-Res floor space (sqm)	
601 Pacific Hwy	2,844	20:1	56,800	0.5:1	1,422	-55,458
1 Chandos St	1,150	9:1	10,350	0.5:1	575	-9,775
558 Pacific Hwy	1,823	10.1:1	20,053	0.5:1	912	-19,141
59-67 Chandos St & 46-50 Nicholson St	2,302	15:1	34,530	0.5:1	1,151	-33,379
<i>Subtotal</i>			121,733	<i>Subtotal</i>	4060	
Total Loss of Employment Floorspace						-117,753

D5 Options to protect the planned employment function of St Leonards Strategic centre and Crows Nest Precinct

The cumulative impact of Affordable Housing Bonus provisions and Built to Rent is estimated at estimated at **an overall loss of 165,257sqm – 174,596sqm** of planned employment floor space capacity – equivalent to over **11,000 jobs lost**.

This means the growing population of the North District will have to travel further for work, raising significant economic, social and environmental issues for future generations.

There are two potential options available to address this issue.

- Option 1 – Turn off Build-to-Rent provisions under the Housing SEPP (Preferred)

To ensure that employment floorspace capacity is protected, the BtR provisions under the Housing SEPP could be turned off for land zoned *E2 Commercial Centre* within the Crows Nest TOD Precinct.

Pursuing this Option would negate the need to apply minimum non-residential FSR controls to *E2 Commercial Centre* zoned land on such land (outlined in Option 2). It would protect over 8,000 planned jobs capacity.

This is Council's preferred approach.

- Option 2 – Apply appropriate Non-Residential FSR controls to all land zoned E2 Commercial Core

Applying a minimum non-residential FSR that essentially matches the maximum FSR to all land zoned E2 Commercial Core will reinforce the employment objectives of the zone and protect the planned employment capacity.

This mechanism was previously introduced in the 2036 Plan and has been included again in the EIE package on certain sites.

Nonetheless, if this option is pursued, to avoid the need to automatically require a cl.4.6 variation, any minimum non-residential FSR requirement should not be exactly the same as any maximum FSR requirement.

Recommendations:

- Amend the Housing SEPP to exclude the Build-to-Rent provisions from applying to land zoned E2 Commercial Core within the Crows Nest TOD Precinct and concurrent removal of all non-residential FSR controls from land zoned E2 Commercial Centre within the Crows Nest TOD Precinct; or
- Apply minimum non-residential FSR controls to all land zoned E2 that are slightly under the maximum FSR controls that apply to each site

3.5 Affordable housing

KEY MOVE

NSC16 Retain mandatory affordable housing to be held in perpetuity as a TOD principle.

NSC17 Key sites with bonus uplift are not supported, due to the unacceptable negative economic, social and amenity impacts.

Following a period of significant housing market change, affordable housing (and housing affordability in general) is a high-profile priority nationally, for all levels of government, including North Sydney Council.

Council has demonstrated commitment to affordable housing in the LGA for more than 40 years, through advocacy, partnerships with social/community housing providers, as well as utilisation of assets and resources for affordable housing delivery (Affordable Housing Study: Background Report. Stubbs, 2019). These commitments are demonstrated through the actions contained within Council's Local Strategic Planning Statement and Local Housing Strategy. Council has recently affirmed its commitment to advocacy and the provision of more diverse and affordable homes in the LGA, with its work programme prioritised and resources invested to pursue affordable housing policy, planning and implementation. Council also continues its dedication to affordable housing delivery in partnership with affordable housing providers, including most recently for a 12 unit boarding house in Cammeray, which commenced construction in July 2024.

Preceding the Crows Nest TOD Precinct, the St Leonards Crows Nest 2036 Plan (2036 Plan) identified the need to encourage a range of dwelling typologies to cater to the diverse community in St Leonards and Crows Nest, including a desire to see more affordable housing in the area. The 2036 Plan also highlighted the importance of preserving employment lands and ensuring commercial uses are protected into the future.

Pleasingly, the Explanation of Intended Effect (EIE) for the Crows Nest TOD Precinct proposes mandatory affordable housing provisions (of 10%-15%), to be held in perpetuity and managed by a registered community housing provider (CHP), for all new residential development in the Precinct. In addition, six key sites have been identified to receive a potential further bonus of increased height, increased floor space ratio (FSR) and reduced minimum non-residential FSR, but only if a minimum of 15% affordable housing is provided. Of these key sites, four are located within North Sydney LGA with the remaining two within the Lane Cove LGA.

A balanced solution must link housing provision with liveability. This includes increased employment opportunities, the delivery of appropriate built form with quality amenity (contained within a development and for its neighbouring surrounds) and adequate access to green open space, without unacceptably impactful negative trade-offs.

ISSUES AND RECOMMENDATIONS

3.5.1 MANDATORY AFFORDABLE HOUSING IN PERPETUITY

E1 The mandatory provision of affordable housing for residential development in perpetuity within the Crows Nest TOD must be retained as a key principle.

It is acknowledged that to maintain a liveable, well-functioning and prosperous city, access to affordable housing supply is essential. The core of cities contain the greatest opportunity for productivity, but provide the least accessibility to affordable housing. In Sydney's context, the productivity and economic costs is estimated to equate to a \$10b/year loss arising from the unaffordability of appropriate housing in relative proximity to workplaces, with younger, working age people (including essential workers) seeking opportunities elsewhere (Chronically Unaffordable Housing. Committee for Sydney, 2023).

The Crows Nest TOD Precinct contains a health and education innovation cluster, creating parallel demand for housing for essential workers. It is broadly recognised that there is an increased disparity of housing tenure for younger essential workers under the age of 40 years old, who are more likely to be renting than older essential workers, and whose proportion of house purchase has been declining since 2011 (Tracking the housing situation, commuting patterns and affordability challenge of essential workers. Gilbert, Nasreen & Gurran, 2023). Further, essential workers increasingly face dislocation from where they can afford to live compared to where medical precincts are located which misaligns with shiftwork and public transport links at irregular hours. Therefore, these essential workers are increasingly making choices to relocate or work outside of their key expertise, thereby consequently losing that key skill. The mandatory provision of affordable housing in State policy is long overdue and will positively contribute to affordable housing choice for lower-moderate income households, including early career essential workers.

Conversely, the cost of inaction regarding affordable housing is too great, especially where the divide between wages and housing costs is ever increasing. While the solution to affordable housing supply does not lie only in what the market is incentivised to provide, in this instance the State Government must demonstrate political will and proceed with the mandatory requirement to provide affordable housing within the Crows Nest TOD Precinct.

Recommendations:

- Mandatory affordable housing must be retained as a TOD principle
- Affordable housing supply in perpetuity must be retained as a TOD principle
- In-fill affordable housing bonuses contained within the Housing SEPP must be switched off for the Crows Nest TOD Precinct

3.5.2 STATUTORY MECHANISMS GIVING EFFECT TO AFFORDABLE HOUSING

E2 Clarity needed regarding the mandatory affordable housing percentage requirements

The EIE contains minimal detail regarding how the proposed affordable housing percentage requirements will be applied, merely referencing the requirement of “affordable housing contributions of 10-15%”.

Whilst it is clear that the affordable housing incentive provisions sites require the provision of at least 15% affordable housing to take advantage of any related density bonuses, it is unclear if all other residential developments in the Precinct must provide a minimum of 10% affordable housing; 10%-15%; or some other arrangement. It is interpreted that the intent of the EIE was to apply a 15% affordable housing requirement for the affordable housing incentive sites and 10% for all other residential development within the Precinct, however, further clarity is required in this regard.

In addition, it is uncertain how this percentage will be applied. Will it be applied based on the quantum of dwellings or floorspace? And if based on floorspace, will it apply to the total floorspace or on that related to the residential accommodation component.

It is challenging to provide meaningful comments on a proposal that lacks sufficient detail, and such detail (by way of draft legislation) is necessary when considering the impact of a proposed policy, especially in conjunction with bonuses that enable the exceedance of the new base planning controls. Accordingly, it is recommended that Council seeks clarity and certainty regarding the expectations of the quantum of affordable housing to be delivered for new developments, as well as the opportunity to respond to any draft written instrument giving effect to the EIE and subsequent amendments to *North Sydney Local Environmental Plan 2013*, before they come into force.

It is further recommended that whatever requirement is selected then, the requirement is set as a minimum. Where that minimum results in a part dwelling or fraction of a whole square metre, then the actual provision is to be rounded up.

Further, to ensure that the delivery of affordable housing is not eroded, that the requirements are not made capable of being varied under Clause 4.6 of a council’s LEP.

E3 Clarity needed regarding the statutory mechanisms to create affordable housing

Section 2.6 of the EIE reads in part as though the affordable housing contribution must be provided as a physical dwelling/product on site. However, the EIE also separately suggests, through the term “levy” that the affordable housing contributions may be delivered as a monetary contribution.

It is therefore necessary that the DPHI provide additional detail and clarity regarding how they intend affordable housing is to be created and delivered (stock, levy and/or in-kind arrangements) within the Crows Nest TOD Precinct. An analysis of the two potential options is considered below.

Physical Delivery

Requiring the physical provision of affordable housing as part of the redevelopment of a site is the preferred solution. This ensures that affordable housing is delivered immediately within the locality close to mass public transportation, a critical criteria for essential workers.

Physical delivery may require greater rounding up than a per metre rate.

There also needs to be some qualification as to the degree of mix of affordable housing (i.e. mix of studio, 1-bed, 2-bed, 3 bed apartments) is to be provided. Affordable housing ought to be suitable to the needs of all occupants, therefore dwelling mixes need to include consideration of lone person households as well as families, to ensure equity is maintained.

Monetary Levy

This approach would be easiest for the developer, enabling a one off payment at time of approval. However, it would automatically jeopardise the delivery of the affordable housing in the long term. This is due to the delayed increase in supply of affordable housing and widening cost divide which may prevent the actual provision of such housing within the Precinct.

The EIE package does not contain any details of the financial impacts associated with the delivery of the quantum of affordable housing proposed. Accordingly, it is unclear what sort of monetary contribution would be required. The absence of such data and analysis would such that the delivery of physical affordable housing is the preferred solution.

However, if this approach is not pursued, then the levy needs to be subject to an appropriate indexation, to ensure that an equivalent product can be delivered in the locality on parity with that envisaged. Of particular note is that property prices often move at much different rates to construction costs which are closer aligned with the Consumer Price Index. There is a real risk with this option, that the capacity to deliver actual affordable housing, will be eroded over time.

E4 Affordable housing incentive mechanism

The EIE identifies six sites, where if at least 15% of the residential component comprises affordable housing, then they would be entitled to density bonuses including, increased height, increased FSR, reduced non-residential FSR, over and above the general uplift that will occur as a result of the Crows Nest TOD. Four of the key sites are located within the North Sydney LGA, with the two remaining in the Lane Cove LGA.

While the proposed requirements to deliver affordable housing in the Precinct are supported in principle, the extent of the affordable housing bonus mechanisms as proposed creates concerning impacts to employment land and built form outcomes relative to the delivery of affordable housing yield as discussed in Section 3.4.

Relationship to employment lands

The North District Plan contains planning priorities to provide housing supply, choice and affordability with access to jobs, services and public transport, as well as actions to leverage the Crows Nest Metro Station to deliver additional employment capacity and grow jobs in the centre. As mentioned above, the 2036 Plan seeks to both increase opportunities for affordable housing and to preserve commercial centres into the future.

These priorities and actions work together harmoniously. Whereas the EIE seeks to move away from these principles, particularly on the Metro site where proposed affordable housing bonuses come at a significant loss of non-residential floor space ratio. Consideration needs to be given to the implications of creating a non-residential FSR reduction bonus that may weaken the employment function of the 5th largest commercial market in NSW. The net potential loss of commercial use in a strategic centre is shortsighted and counter to the creation of a liveable city, where people wish to live and work.

The EIE indicates significant uplift for the Precinct. Indicative development yield figures provided in the EIE Urban Design Report indicate dwelling estimates as a result of land already zoned (3,182) and dwellings estimates subject to re-zoning (3,255). The calculations do not include base figures and contain some exclusions (for example, developments built since 2020) and some inclusions (for example, affordable housing incentives applied). DPHI have since clarified the following with Council: the 2036 Plan projected 6,683 new dwellings while the Crows Nest TOD identifies an additional 1,762 new dwellings, therefore the total new dwelling capacity is 8,445. Based on this, assuming maximum residential uptake and 10% mandatory affordable housing, the precinct can potentially deliver 844 affordable housing dwellings, without the need to provide further incentives that derogate non-residential floor space.

Unacceptable amenity impacts

The impacts of the affordable housing incentive bonuses for the four key sites on the south-western side of the Pacific Highway opposite the Sydney Metro station, have been modelled to analyse the shadow impact of the various proposed building heights (Figure E4.1 and E4.2).



Figure E4.1: NSC model of proposed affordable housing bonus heights (Source: North Sydney Council)



Shadow Diagram - 10am June 21

Figure E4.2: Shadow diagram – comparative analysis of shadow extent (10am at Mid-Winter – Source: North Sydney Council)

There is some moderate shadow impact from the proposed building heights (illustrated by the solid orange line) under the EIE in comparison to the 2036 Plan outcomes (illustrated by the solid purple line). However, it is the cumulative extent of shadow arising from application of the affordable housing incentives component on the four sites to the south-west, dominating Nicholson Street and beyond, that is cause for serious amenity concerns (illustrated by the red dotted line).

Council asset at Nicholson Street

Council currently maintains social/affordable housing assets on Nicholson Street, to the south and west of the incentive sites. Despite increased development potential being proposed over this Council asset, it is unlikely to be redeveloped in the short to medium term. Having regard to its potential redevelopment timeframes, any proposed development or excess uplift that diminishes the amenity for those residents is strongly opposed in the short or long term. The potential beneficial outcomes of some additional affordable housing units as a result of the proposed bonus is off-set by the cumulative shadow impact on these residential areas, and is not supportable.

Demonstrably, Council is best placed to develop a response to local strategic planning needs. Continuous State Government policy overriding local place-based strategic planning and provisions makes it increasingly challenging to effectively plan for and provide for local

needs. Council's commitment to crafting a locally responsive approach to affordable housing is affirmed.

Should the State Government proceed with the introduction of incentive development standards in exchange for 15% affordable housing (base 10% + an additional 5%) then the minimum 15% requirement must not be diluted.

The role of State Government land

The EIE nominates Lot 4B located on Herbert Street, St Leonards as part of the TOD Accelerated Rezoning Area. This site adjoins the Royal North Shore Hospital (RNSH) site and is owned by the State Government. The EIE states that the RNSH campus has several non-public facing masterplans and while Lot 4B is not featured in the masterplans, the lot adjoins RNSH and is nevertheless identified as suitable for residential purposes and if used as such, it ought to include a key worker/affordable housing proportion. The Crows Nest TOD Precinct EIE identifies a 62 storey mixed use development for Lot 4B, with a proposed 10%-15% affordable housing component available for key workers.

The solution to the chronic affordable housing shortage relies on a multi-faceted approach, not only policy drivers that incentivise the private sector to deliver supply. If Lot 4B is to be developed as proposed, there is an opportunity for the State Government to lead from the front, bringing online appropriately located key worker housing to support the operation of the RNSH health and education precinct and at a robust quantity of 30% or more on this site. This approach would not only set an exemplar for the provision of affordable housing in NSW on Government owned land, and aligns with previously stated government policy objectives for affordable housing provision.

Recommendations:

- Clarity is provided regarding how mandatory affordable housing provisions are calculated
- Clarity is provided regarding the intended statutory mechanisms to create affordable housing
- A balanced solution linking housing to liveability. Key sites with bonus uplift are not supported, due to the unacceptable negative economic, social and amenity impacts. All residential developments in the Crows Nest TOD Precinct should feasibly be able to deliver a minimum mandated 10% affordable housing within the parameters of the proposed base uplift with the EIE
- Council requests the opportunity to respond to draft written instrument giving effect to the EIE for the Crows Nest TOD Precinct and proposed subsequential amendments to *North Sydney Local Environmental Plan 2013*
- Land that is State Government owned ought to deliver a minimum 30% affordable housing to align with previously stated policy objectives

3.5.3 DEVELOPMENT PROPOSALS VIA THE STATE SIGNIFICANT DEVELOPMENT (SSD) PATHWAY CONTAINING AFFORDABLE HOUSING

E5 SSD proposals currently under assessment ought to meet the affordable housing in perpetuity requirements as outlined in the EIE

The EIE states that the proposed changes to the development controls along the Pacific Highway corridor seek to “*preserve the high-quality character around Five Ways intersection as key gateway into the precinct*”. Whilst this high-level intention is strongly supported, concern is raised with regard to the potential impacts from a recent application (Application SSD-66826207) under assessment for a mixed use development at this location (i.e. land bound by the Pacific Highway, Falcon Street and Alexander Street and commonly referred to as the Fiveways site). This proposal which includes the utilisation of the height and FSR bonuses under the Housing SEPP, including in-fill affordable housing, does not align with this intention.

The subject site was recently granted (December 2023) significant development uplift generally in accordance with the 2036 Plan and a merit assessment of its impacts on the surrounding locality. The EIE currently on exhibition does not propose to change any development standards in relation to this site, nor is the site identified as an affordable housing bonus site in the EIE. In addition, the EIE clearly articulates that the bonus provisions of the Housing SEPP will not apply to developments in the Crows Nest TOD Precinct.

As the EIE forms a rezoning proposal, and is now on exhibition, the intention of the State led outcomes for the Precinct must be considered in the context of the assessment of SSD-66826207. The proponent is to receive the benefit of the Housing SEPP bonus uplift, which is not intended to apply to the wider Precinct which maybe considered by some as unfair. It is recommended that any affordable housing on the Fiveways site be required to be provided in perpetuity, consistent with the outcomes expressed in the EIE. In the context of the significant uplift recently applied to the site and the need for any SSD Application to consider and respond to its strategic context, it is reasonable for the State Government to require the applicant to provide affordable housing in perpetuity.

Similarly, the site at 378-390 Pacific Highway is well advanced in the process of submitting a State Significant Development Application (SSD – 70617459). The exhibited EIE appears to ‘switch-off’ the bonus provisions for this site currently available under the Housing SEPP. The applicant has however recently indicated their intention to formally lodge their application. Any additional affordable housing provided on this site must be provided in perpetuity also.

Recommendations:

- Affordable housing be provided in perpetuity at the mixed use development currently under assessment at Five Ways, 391-423 Pacific Highway, 3-15 Falcon Street and 8 Alexander Street, Crows Nest (SSD-66826207) and 378-390 Pacific Highway, Crows Nest (SSD – 70617459).

3.6 Liveable housing design

KEY MOVE

NSC18 Incorporate liveable housing design standards into the Design Guide to be a requirement for all new developments.

Liveable housing design standards enable elderly people, people with disability, families with young children and those with temporary mobility injuries to more easily access accommodation.

NSW is one of two states that have not yet signed up to silver LHD standards despite significant community support and clear evidence demonstrating the strong benefits and marginal costs

New developments in the Crows Nest Precinct should be required to adhere to silver LHD standards

ISSUES AND RECOMMENDATIONS

3.6.1 LIVEABLE HOUSING DESIGN

F1 Liveable housing design standards to be a requirement in all new developments

For the past two years, the NSW Government is one of only two state governments that have refused to sign up to the Silver Liveable Housing Design (LHD) standards in the National Construction Code. LHD standards enable elderly people, people with disability, families with young children and those with temporary mobility injuries to more easily access accommodation. Currently, the NSW Apartment Building Code only requires that 20% of apartments in new development meet silver LHD standards. To ensure the consistent application of a modern home standard and to best capitalise on the precinct's proximity to high quality healthcare, transport and education facilities, silver LHD standards should be a requirement in **all** new developments in the Crows Nest Precinct.

Across Australia there has been a clear aspiration to become a more inclusive society, resulting in a move towards LHD being incorporated into legislation. As previously stated, NSW is one of only two state governments across Australia that refused to sign up to the silver LHD standards. This is despite NSW's own 2021-2025 Disability Inclusion Plan stating that "where public authorities have a role in planning for, assessing or providing housing for NSW communities, universal housing design principles could be outlined ... and make reference to the liveable housing design guide". Support for the initiative, driven by vocal advocacy campaigns such as the 'Building Better Homes Campaign', indicates a clear desire for LHD standards to be incorporated in NSW.

Liveable housing design standards to be embedded into the 'Crows Nest Precinct Design Guide'

The current 'Crows Nest Precinct Design Guide' does not provide any specific guidance or requirements for new developments to achieve LHD standards, nor does it establish accessibility as a key theme or objective.

To ensure consistent application of LHD standards, accessibility should be included as a key theme in the Crows Nest Precinct Design Guide with related objectives to ensure development adheres to LHD standards.

Improving workforce participation through Liveable Housing Design

According to ABS statistics, almost one in five Australians (18.3%) reported living with disability. More than half of those with disability aged 15-64 years participated in the labour force (53.4%)- well below the workforce participation of those without a disability (83.2%).

A dwelling that is accessible immediately attracts 18% of people who may not have otherwise been able to access these developments. Modern home standards facilitated through LHD allows for flexibility when seeking work, providing means for a person to easily work from home. This reduces the barriers to workforce participation for people who experience challenges in easily accessing their workplace.

Accessible accommodation near the high-quality healthcare, transport and education facilities available in the Crows Nest Precinct also reduces barriers to workforce participation by allowing a person to address health issues that would prevent them from working, allowing them to easily travel to and from work, and to more easily attain skills and qualifications to further their careers.

Developing for the future

Embedding LHD standards improves the utilization of each new dwelling across its lifespan, future proofing its use and utility. Research published in the Journal of the American Planning Association (Smith, Rayer & Smith, 2008) found that conservatively, a new home built today with a minimum of four different households over its lifetime is 65% likely to have an occupant with a permanent disability. If we include visitors, the likelihood rises to 91%.

These figures do not include other groups for whom accessibility is a priority, such as older people, families with young children and those with temporary mobility injuries- all of whom would benefit from the consistent implementation of LHD standards across the lifespan of a dwelling. Given that older people and young families are amongst the most common demographic groups in the area, designing with these demographics in mind is imperative. This is particularly important for older people as embedding LHD allows older people to age in place and remain independent in their homes for longer periods.

Viability of Liveable Housing Design

There is a perception that developing to LHD standards is expensive. This perception is an oft quoted justification for the absence of these features in new developments. However, recent modelling by the Australian Building Codes Board showing that these standards will only add about 1% to the cost of a new build. These models are supported by international research such as the recent meta-study on the cost of universal housing design conducted

by the University of Hasselt Faculty of Architecture and Arts (Ielegems & Vanrie, 2023), which showed that for a new build, the added cost ranges from 0.94%-3.93%. While these figures do indicate that there is a marginal additional cost associated with implementing liveable housing design standards, the cumulative benefits gained from the implementation of LHD standards are likely to offset some, if not all of these costs through increased workforce participation are likely to offset some, if not all these additional costs.

Some benefits, including future proofing and workforce participation have already been highlighted above. Other benefits include:

- **Social Inclusion:** Liveable housing design allows people with accessibility requirements to participate fully in family and community life, enhancing their quality of life and reducing social isolation
- **Enhanced Safety and Health Benefits:** Liveable housing design features such as non-slip surfaces, well-lit corridors and accessible emergency exits reduce the risk of accidents and injuries, particularly for children, the elderly and people with disabilities
- **Aging in Place:** Liveable housing design supports the concept of aging in place, allowing individuals to live independently in their homes for longer. This is particularly important as the population ages and the demand for accessible housing increases

Recommendations:

- Include requirements that all new developments in the Crows Nest Precinct meet silver standards per Liveable Housing Australia's Design Guidelines
- Include 'Accessibility' as a key theme in the Crows Nest Precinct Design Guide and establish related objectives to ensure development adheres to liveable housing design standards

3.6.2 NORTH SYDNEY COUNCIL ACCESS AND INCLUSION COMMITTEE (AIC)

F2

AIC submission on the Crows Nest TOD seeking further information and commitment from the NSW Government on accessible planning and design

The AIC is comprised of community members with lived experience with disability- either as a person with a disability and/or a carer of a person with a disability. The Committee has reviewed the Crows Nest TOD proposals and advised it is disappointed by the lack of commitment or acknowledgement of accessibility and inclusion in the exhibited plan for the Crows Nest/St Leonards Precinct.

The AIC believes that the Crows Nest/St Leonards Precinct presents an opportunity for the NSW Government to be world leaders in setting new and better standards for accessibility and inclusion. To support in achieving these higher standards, the AIC is seeking further information and commitment from the NSW Government on a range of matters outlined in its submission at Attachment 1.

Recommendations:

- To consider the submission from the Access and Inclusion Committee at Attachment 1

3.7 Community resilience

KEY MOVES

NSC19 Undertake a social impact assessment a matter of priority.

NSC20 Work with North Sydney Council to address existing and future gaps in social infrastructure that cannot be funded through Council's existing local infrastructure contributions plan.

NSC21 NSW Government to release plans to meet the increased demand for schools

ISSUES AND RECOMMENDATIONS

3.7.1 SOCIAL INFRASTRUCTURE

G1 Note the 2036 Plan priorities and findings of the supporting technical study

The 2036 Plan identified the following Planning Priorities, relating to its key themes of 'Infrastructure and Collaboration' and 'Liveability':

- Planning Priority N1: Planning for a city supported by infrastructure
- Planning Priority N3: Providing services and social infrastructure to meet people's changing needs
- Planning Priority N4: Fostering healthy, creative, culturally rich and socially connected communities

In line with these planning priorities and supported by findings from the Social Infrastructure and Open Space Study commissioned by the Department (ARUP 2018), the 2036 Plan contained specific commitments of funding to support planned social infrastructure and open space projects in the Crows Nest Precinct to ensure that the forecasted population increase is appropriately supported. The Urban Design Guide for the Crows Nest Precinct outlines that "ensuring the controls prescribed in the (2036) Plan are meeting the future needs and aligning with the latest in policy and strategic objectives for the precinct". It goes on to state that "these (Planning) Priorities and objectives (highlighted above) are still relevant and have been utilized within this report as the basis for change."

The current TOD proposal contains none of these commitments to Social Infrastructure, with the \$520 million that the State government has indicated are likely to be directed towards transport and open space infrastructure. Local Councils are instead being directed to the Housing and Productivity Commission (HPC) to fund local social infrastructure projects. There is currently no guarantee that funding secured from future development in the Crows Nest through the HPC will be reinvested in the precinct. This lack of specific commitment to both precinct specific funding and to the completion of specific social infrastructure projects runs the risk of these key resources not being adequately implemented. Failure to implement adequate social infrastructure in the Crows Nest Precinct will negatively impact the stated objectives of the TOD Program to 'deliver housing that is supported by attractive public spaces, vibrancy, and community amenity.

G2**Benchmark social infrastructure to identify the current gap**

Findings from the ARUP study suggests that there is a critical need for additional social infrastructure, stating that “existing social infrastructure has no spare capacity to address the additional population growth within the corridor as informed by the consultation process”. Crucially, these recommendations were made within the scope of the original forecasted growth in the 2036 Plan, prior the addition of 3255 new homes outlined in the TOD proposal. Given the additional growth outlined in the TOD, it is expected that the infrastructure required has grown beyond the recommendations of the ARUP study. Noticeably and alarmingly, no technical study on social infrastructure was provided with the TOD proposal to address this growth.

In the absence of a technical study, this submission will utilise the ‘2036 (high residential target)’ and ‘2036 (high GSC jobs target)’ provided by NSW DP&E as baseline figures to accommodate the additional population growth associated with the TOD (see Figure G2.1). The ARUP study also provided benchmarking data to identify gaps in existing social infrastructure resources (see Figure G2.2).

By utilising population indicators for 2036 with benchmarking data and comparing it to existing social infrastructure resources, it is possible to identify gaps where further investment in social infrastructure is required. Figure G2.3 attempts to build upon the assessment of future needs analysis completed in the ARUP study to reflect the growing need associated with an increase in population growth due to the TOD. Note that estimates attained from this analysis are based purely on residential population and do not account for additional use by those employed in the area. Figures for rates of use by those employed in the area were not available and thus were not used, however their lack of inclusion likely skews the analysis to under-represent the actual social infrastructure requirements.

It is acknowledged that the data utilised in this analysis is dated to 2018 and is likely no longer accurate in 2024. It is also noted that there has been infrastructure progress achieved since the data was collected (e.g. NSC has negotiated an Arts Centre at 617 Pacific Highway and a coworking space at 100 Christie St, and St Leonards Primary School is currently in the planning phase) which may impact the accuracy of the estimated infrastructure required.

However, what the analysis overwhelmingly shows is the extensive gap in social infrastructure resources required to adequately service the anticipated population growth associated with the TOD. These resources are vital for fostering a healthy, vibrant, connected and inclusive community. They support the physical, emotional and social wellbeing of residents and contributes to the overall sustainability and resilience of the community.

Year	Total dwellings	Total population	Total employment	Source
2016 (existing)	7,600	15,800	47,000	Transport Performance and Analytics LU16
2017 (existing - SJB analysis as at April 17 inc including DAs, sites under construction, and advanced planning proposals)	10,200	17,000	46,469 (SJB, SGS, 2016 LU16)	SJB & SGS analysis
2036 (base projections)	13,600	25,800	54,000	Transport Performance and Analytics LU16, SGS analysis
2036 (mid range residential target)	15,100	30,200	-	SJB Planning analysis
2036 (high residential target)	19,300	38,600	-	SJB Planning analysis
2036 (mid range jobs target achievable with Sydney Metro)	-	-	57,500	SGS analysis
2036 (high GSC jobs target)	-	-	63,500	North Draft District Plan, GSC, 2016
Employment beyond 2036 (high target + allow +10%)	-	-	70,000	NSW DP&E for long term planning purposes

Figure G2.1- Dwelling, population, employment projections for St Leonards and Crows Nest

Infrastructure type	Benchmark standard	Source
Halls and centres		
Youth centre	1:10-30,000 people	Draft Development Contributions Guidelines (2009)
Multi-purpose community/ neighbourhood centres	Small – 1:3,500-6,000 people Large – 1:15-20,000 people	Draft Development Contributions Guidelines (2009)
Meeting halls	Small – 1:10,000 people Large – 1:20-30,000 people	Draft Development Contributions Guidelines (2009)
Community Service Centre	1:60,000 people	Growth Centres Development Code
Local Community Centre	1:6,000 people	Growth Centres Development Code
District Community Centre	1:20,000 people	Growth Centres Development Code
Libraries		
Library - Branch	1:10,000 people	Draft Development Contributions Guidelines (2009)
	1:33,000 people	Growth Centres Development Code
Library - Central	Central - 1:20-35,000 people	Draft Development Contributions Guidelines (2009)
	District - 1:40,000 people	Growth Centres Development Code
Arts and culture		
	1:30,000 people	Growth Centres Development Code
Child care and education*		
Long day care centres	1: place per 10 children 0 - 4	Lane Cove Children and Family Social Plan (2010 - 2014)
Occasional care centres	1 place: 10 children 0 - 4	Lane Cove Children and Family Social Plan (2010 - 2014)
Family day care	1 place: 10 children 0 - 4	Lane Cove Children and Family Social Plan (2010 - 2014)
Outside of school hours care	1 place; 15 children 5 - 12 years	Lane Cove Children and Family Social Plan (2010 - 2014)

Figure G2.2- Benchmarks for social infrastructure

Social Infrastructure Assessment of Future Needs Analysis		
Service	Existing Infrastructure	Estimated Infrastructure Required
Youth Centre	0	Additional 1-3
Multi-purpose Community Centres	Small- 4	Small 2-4
	Large- 0	Large 1-2
Community Centres	Local- 0	Local 6-7
	District- 1	District 1
Library	Branch- 1	Branch 2
	Central- 0	Central 1-2
	District- 0	District 1
Arts and Culture Centre	0	New 1
Childcare Centre*	16	Additional 8-12
Schools	Primary- 1	Primary 2
	Secondary- 2	Secondary 1

Figure G2.3- Social Infrastructure Assessment of Future Needs Analysis

*The ARUP study indicated that existing childcare services did not have additional spaces remaining. The 'estimated infrastructure required' figure was sourced by calculating the number of children aged 0-4 in 2036 and assumes an average of 30 places per childcare centre

The lack of social infrastructure will impact the mental health and wellbeing of the community

A lack of social infrastructure development has been conclusively proven to have significant adverse effects on a population, and disproportionately impacts vulnerable groups such as the elderly, people with disabilities and low-income families. These adverse effects can be seen in a variety of different areas. Social infrastructure supports community engagement, education and overall well-being and when these services are absent, communities experience lower satisfaction and diminished social cohesion (Grum & Grum, 2020). Inadequate infrastructure can also lead to reduced physical activity levels, particularly amongst older adults, associated with poorer health outcomes (Jiang, Xia et al., 2022). Lack of social infrastructure facilities can exacerbate social isolation, especially for the previously mentioned vulnerable groups (Greed, 2022). And access to educational facilities is critical for enabling workforce participation for parents. A lack of these resources can limit job opportunities and economic advancements for residents (Greed, 2022).

Insufficient consideration of social infrastructure in the exhibited TOD plan and related documents demonstrates a deviation from the Planning Priorities outlined in the 2036 Plan

and fails to meet the stated goals of the TOD program by failing to 'deliver housing that is supported by attractive public spaces, vibrancy, and community amenity.' Further consideration, planning and investment is required to sufficiently address this critical need.

Recommendations:

- The Department conduct further technical studies on social infrastructure to accurately capture social infrastructure requirements based on current population and estimations of future growth.
- Undertake an updated social impact assessment and social infrastructure study with North Sydney Council as a matter of priority
- Utilise the data accrued as a result of future technical studies to inform the allocation of funding and resources to ensure that social infrastructure requirements in the Crows Nest Precinct are sufficiently met.



NSW Government to release plan for meeting demand for new schools

There is concern that the growing community will not be adequately serviced by early childhood, schools and tertiary facilities.

In 2018, during the release of the draft 2036 Plan, the community wanted more information on the identification of a school site. In response, the 2036 Plan states on page 4: "*The Department of Education is actively investigating new early childhood, schools and tertiary education facilities in the precinct.*" It is also listed as a key objective of the precinct:

"Investigate and secure locations for education establishments to service the precinct. This includes early childhood, schools, and tertiary education facilities that may be needed to deliver education services".

2036 Plan (page 9. NSW Government 2020)

It is further identified as an action for investigation to be supported via SIC funding (page 42) and discussed again on pages 43 – 45 of the 2036 Plan.

Six years have elapsed since the community called for more information on a school site and the rezoning of land is now imminent. It is surprising then that the EIE rezoning package is silent on plans to deliver education facilities.

As the NSW Government would appreciate, providing services and social infrastructure to meet people's changing needs is of critical importance to Council and the community. If the Department intends to proceed to rezone land to the scale proposed under the EIE by the end of the year, plans to deliver this important infrastructure should be released soon.

Recommendations:

- The NSW Government release plans for meeting the demand for new early childhood, schools and tertiary education facilities in the precinct.

3.8 Arts and culture

KEY MOVE

NSC22 Work with North Sydney Council to address existing and future gaps in cultural infrastructure that cannot be funded through Council’s existing local infrastructure contributions plan.

The provision of social and cultural infrastructure is integral to meet the needs of the high number of new residents who will be looking to St Leonards and Crows Nest for provision of services.

The provision of key social and cultural infrastructure is missing in the Crows Nest Precinct Design Guide and the current TOD proposal has zero commitment to cultural infrastructure. It is essential that the TOD considers how the infrastructure funding will extend to community and cultural infrastructure for the precinct. This includes: Arts and Cultural Centres, Halls and Community centres and Libraries. From a cultural planning perspective, the social and creative benefits provided by offering these kinds of spaces have a direct positive impact on community.

With a projected increase of 16,000 residents in the precinct, there will be a clear need for a range of social and cultural infrastructure to support connected and engaged residential communities. This means supporting residential centres with targeted cultural infrastructure to support both creative production and consumption. There is a significant lack of cultural infrastructure across the lower North Shore with community engagement consistently indicating this as an unmet community need.

The gaps for cultural and social infrastructure were identified as part of the St Leonards and Crows Nest Station Public Infrastructure and Open Space Study as performed by Arup in 2018.

There are currently little to no cultural facilities in the precinct. These spaces are necessary to “provide opportunities for diversifying the economic base, enable the community (residents and workers) to engage in creative activities including visiting galleries and attending workshops and provide an outlet for local creative expression” (ARUP, 2018). By undertaking a public art and placemaking strategy and by providing publicly accessible creative space there will be a shared benefit to residents and business owners. It is important to note that the ARUP study found that “the assessment of need assumes that existing social infrastructure has no spare capacity to address the additional population growth within the corridor as informed by the consultation process”, further reiterating the need to consider additional infrastructure as the population increases.

ISSUES AND RECOMMENDATIONS

H1 Need for Arts and Cultural spaces to be included as necessary infrastructure.

The ARUP study highlights the need for an exhibition space/gallery in the Precinct as well as the need for affordable studio, workshop and gallery spaces is integral.

Cultural production spaces, that is spaces used to make cultural products by crafts-people, music and theatre producers and visual artists are currently scarce in the precinct and are

under threat across the country. Suitable, affordable premises that are fit for purpose should be considered as part of the new builds.

A number of halls and centres with multiple functions were identified as required for the Precinct based on the benchmarking review. This includes the need for a district community centre, a number of community centres, small meeting halls, large meeting halls and a youth centre.

A Central Library and multiple branch libraries were identified as needs from the benchmarking review. The consultation highlighted that a 1,000m² a branch library is proposed within the Precinct, however there was recognition that, with additional population in the Precinct and the role of St Leonards as a Strategic Centre, there may be a need for a Central Library with the flexibility to host a number of programs and spaces (including hall spaces considered above). The libraries on the periphery of the Precinct may contribute to the network of library spaces available to the community in the Precinct. The study suggested that a library facility may be hosted at the community space designed as part of the Sydney Metro Station which Council strongly advocated for, but unfortunately did not eventuate. The North Sydney Council LGA already falls short of the current State Library floor area benchmarks by 500 square metres based on the current population. Given the proposed increase, library space should be at least 4000 square metres across the LGA and much higher if we factor in non residents who work in the area.

As noted in the ARUP study, the provision of a library, which could serve as a multi-use, flexible community space is not only an opportunity for the precinct, but a necessity. Flexible/ co-located community spaces that incorporate library services would provide more flexibility to be able to address demand for recreation, working and social gathering spaces, as well as meeting and activity rooms for organised events.

Since the ARUP study was published in 2018, NSC has negotiated an Arts Centre at 617 Pacific Highway, however this facility will not be sufficient to meet the needs of future population.

There are examples of how collaboration to provide creative spaces through development can achieve positive results and shared value. Development should include flexible art spaces and groupings to become co-working precincts with shared community audiences and participants. An example such as Footscray Community Arts showcases several examples of this, including spaces that provide renewal and community development and spaces that provide employment and add vibrancy. Inner West Council's collaboration with AMP on the Marrickville Metro is an example of mutually beneficial outcomes from a public art perspective.

Considering examples of "art washing", where recent developments have been touted as creative hubs and employed artists to promote them, but then have not guaranteed any genuine creative outcomes after approval, it is important that commitments to the creative sector are locked-in to approvals and represent sustainable, long-term outcomes.

Recommendations:

- Funding is provided for cultural and social infrastructure and an updated creative and social infrastructure study is undertaken to assess gaps based on population projections.

3.9 Parks, open spaces and recreation

KEY MOVE

NSC23 Identify a funding mechanism to enable the timely expansion of Hume Street Park as a priority.

Current open space areas in Crows Nest / St Leonards are beyond capacity, a situation that will only worsen as density of residential development increases.

ISSUES AND RECOMMENDATIONS

3.9.1 OPEN SPACE AND RECREATIONAL INFRASTRUCTURE

I1 Insufficient open space to meet current and future needs of the residential population.

Figure I1.1 reworks the Open Space map in the SJB *Urban Design Report* pg. 29 to provide a more accurate reflection of existing and future proposed (unfunded) open space in the precinct.



Figure I1.1 Existing Open Space and Proposed Future Open Space in the Precinct reworks the Open Space map in the SJB *Urban Design Report* pg. 29, providing a more accurate reflection of existing and future proposed (unfunded) open space in the precinct. Current open space at Hume Street Park (2) is limited, and the lack of funding attached to future proposed open space at locations 1 (childcare centre), 3 (indoor sports centre) & 4 (car park) highlight the currently reality of a precinct that lacks both quality and quantity of open space.

Hume Street Park

Whilst espousing the benefits of Council’s Hume Street Park expansion master plan, the TOD documents appear to incorrectly conclude that there is sufficient existing open space to cater for the forecast density increase, based on the existing Hume Street Park meeting the > 1500m² area requirement stated. (Refer *Crows Nest Precinct Design Guide* pg21 and the Open Space map in the *SJB Urban Design Report* pg 29).

Whilst the existing area of Hume Street Park, (inclusive of the recently completed Stage One expansion area) exceeds 1500m², the current park area is already under extreme pressure and over capacity. The intensity of use from the existing level of development is such that it is difficult to maintain the park and particularly the grass areas, in good condition. Existing pathways within the park are expected to be over capacity with the imminent opening of the Metro station, and this will also bring additional pressure, even before the additional uplift proposed in the TOD.

The m² provisions for open space needs to serve the core TOD area are clearly insufficient and will not alleviate the current over capacity issues, nor serve projected growth. The m² provision are also described based on a density of **60** dwellings per hectare, whereas dwellings per hectare for the Crows Nest TOD is likely to be at least **380** dwellings / hectare. Much of the open space quoted in the headline figures in the key to the Open Space map in the *SJB Urban Design Report* pg. 29 (below), do not directly relate to the core mixed used precinct and / or TOD accelerated Rezoning Area.

PRECINCT EXISTING OPEN SPACE METRICS:

99,116m² open space > 1,500m²
8,032m² open space < 1,500m²
*** 6.5sqm per person**

* based on approx. population of 15,300

A minimum park size of at least the area proposed in the Hume Street Park expansion master plan, near the TOD is required to adequately serve the TOD precinct proposed densities. This will also assist to alleviate pressures on the nearby smaller parks such as Ernest Place, which is also suffering from overuse. There are clear synergies with the adjacent Willoughby Road ‘eat-street’ with the proposed parkland providing a much-needed breakout space for this vibrant commercial precinct and a buffer with the adjacent high-density residential area of the TOD immediately to the west.

Hume Street Park is the best and most feasible site for development of a substantive park east of the Pacific Highway with easy access to the TOD precinct, and directly opposite the new Metro Station. Without a larger open space area where the intensity of use is dissipated, grass will not grow, and solar access is more difficult to achieve. Apartment dwellers of all ages need the opportunity to come out and sit in the sun, particularly in the cooler months, not only at lunch time but also in the morning and afternoon and after work if time permits. Grass is needed for children to play on, and for apartment dogs and their owners to enjoy. The Hume Street masterplan concept is an ambitious project and would be cost prohibitive for Council to deliver alone.

Holtermann Street car park

The TOD also relies on the proximity of the accelerated rezoning area to a planned/proposed open space on the site of the Holtermann Street car park. This space was identified by the State Government as part of the finalisation of the St Leonards/Crows Nest 2036 Plan in August 2020.

In 2021, Council endorsed the Draft Holtermann St car park design concepts. In addition to a multi-storey underground car park, the proposed redevelopment of the site would deliver a new 1500 square metre public park, an all-abilities children's playground, and a pedestrian link to Ernest Plaza. These design plans to create more public open space at street level on this site were driven and funding, for design only, provided by the State Government.

The St Leonards/Crows Nest 2036 Plan acknowledged that the current level of provision of open space in this precinct (0.4 hectares per 1000 people) was well below the standard ratio for provision of open space in Sydney of 2.83 hectares per 1000 people, and that more open space was needed given the planned significant growth.

However, no funding was provided for construction of this project, and the increased densities resulting from the accelerated rezoning area in the TOD will further exacerbate the lack of open space in this area. Substantial public investment is required to transform the Holtermann Street car park site into useable, useful, and high quality public open space.

St Thomas' Rest Park

Located on the eastern edge of the TOD precinct, St Thomas' Rest Park is currently the most significant open space available for passive recreation, children's play, and social/family gatherings in the Crow Nest area. The value of the Rest Park goes beyond its value for recreation – it is also the site of the first cemetery on the northern side of the harbour. Recreational use of this park currently respects and is consistent with its heritage significance, and further intensification of use is not considered appropriate.

Sinclair Street Site

The TOD identifies a site on Sinclair Street as a potential new public open space. Council acknowledges and supports the need for additional open space in this area, but notes that the site's capacity to deliver a substantial, high quality public open space is compromised. Sinclair Street is located on the southwestern side of the Pacific Highway site earmarked for uplift development. Although shadow modelling indicates that most of the site will be in the sun from 12pm, providing good amenity for lunchtime users, solar access will be non-existent throughout the morning and limited by 3pm. This limited solar access means this space is more suitable for development as a plaza with perimeter planted gardens, as natural grass surfaces which could provide a respite from the dense urban character of the area are unlikely to thrive. This has flow on impacts regarding water infiltration and urban heat island effects.

Figure I1.2. shows the impact of over-shadowing on the proposed open space in Sinclair Street (on 21 June 2024).

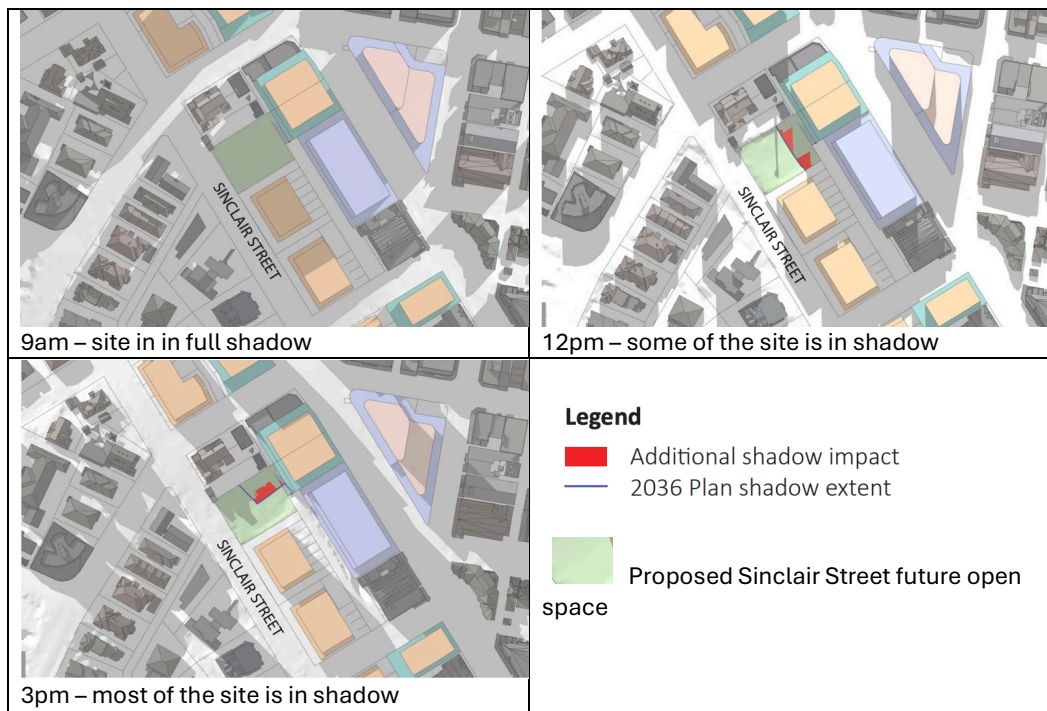


Figure 11.2 The Sinclair Street site is surrounded by residential developments, making it less suitable to cater for much-needed active recreation facilities such as basketball $\frac{1}{2}$ courts due to noise issues. Separation of the site from retail and commercial spaces and dining experiences located within Crows Nest further reduces the desirability of this location for new open space, and the requirement to provide vehicular and service access through the open space to the portion of the site fronting the Pacific Highway site will comprise the future site design and the site's ability for this site to provide high quality open space.

There is a body of evidence and research and methodologies in respect to providing adequate open space and recreational facilities in high density residential areas, such the RAB model as developed by the University of Technology. Links provided below that warrant consideration and support the need for adequate open space to support a growing population.

https://www.researchgate.net/publication/375088902_Planning_for_Open_Space_and_Recreation_in_High-Density_Areas_Report_1_Guidelines_Review

https://www.researchgate.net/publication/375119702_Planning_for_Open_and_Recreational_Space_in_High-Density_Areas_Report_2_The_RAB_Model

Recommendations:

- That the Hume Street Park expansion project be clearly articulated as a deliverable of the TOD Precinct Plan, together with the allocation of appropriate funding.
- That funding allocation for delivery of new open space in the Crows Nest precinct is prioritised as follows: 1 - Hume Street Park expansion, 2 - Holtermann Street car park, subject to further investigation and review of Council assets and landholdings, 3 - Sinclair Street site.

12

The TOD documents are not clear on the mechanism to fund the necessary expansion of open space in Crows Nest / St Leonards.

Council’s master plan for Hume Street Park proposes a contiguous parkland area of 8,500m² providing a green heart to the centre of Crows Nest / St Leonards, and directly adjoining (east side of) the TOD precinct. Implementation of Stage 1 has increased the open space in Crows Nest by 1,200m² (the existing Hume Street Park was 1,500m²) and created an important pedestrian link between the Willoughby Road commercial centre and the Crows Nest Metro.

Further expansion of Hume Street Park, including closure and pedestrianisation of Hume Street and relocation of the childcare centre and the indoor sports centre (from street level) could deliver an additional 6,200m² of parkland at the site.

The proposed master plan meets many of the stated objectives in the TOD with respect to open space, including:

- *“Promote legibility between key public spaces and infrastructure with key sightlines and corridors. [3.9. Movement pg. 30/41]*
- *“Create a network of new and existing useable, public open spaces....”; “Ensure the size, distribution and program of open spaces is proportional to the future needs of residents.” [2.4 Key themes and objectives: pg. 11/41]*
- *“...the provision and upgrade to existing open space needs to increase with the proposed increase to the population in and surrounding the Crows Nest Precinct”*

The master plan also meets many of the objectives espoused in the NSW Government’s *Greener Places Design Guide* [NSW Government Architect, 2020]:

- *Understand the demands on existing open space, and plan for open space in new and growing communities*
- *Encourage physical activity by providing better parks and better amenity*
- *Provide open space that is multifunctional and fit for purpose*
- *Design versatile, flexible spaces*
- *Use open space to connect people to nature*

Whilst the TOD references the proposed master plan (for example Figure 2; Figure 5; Figure 7; [SJB, 2024]), it does not clearly articulate the funding mechanism through which it can be delivered.

Whilst state government funding facilitated the redesign of the Holtermann Street car park site as public open space (and an underground car park), funding for construction was not provided. Again, the TOD provides no mechanism to enable this project to be realised.

The future provision of open space in Sinclair Street mooted by the TOD is dependent on the redevelopment of the entire privately-owned site. There is no time frame attached to this potential redevelopment, and indeed no assurance that it will ever occur.

In addition to the substantial capital investment required to deliver new public open space and improvements to the streetscape, another funding-related consideration is the ongoing

inherent and increasing lifecycle costs of managing and maintaining the infrastructure delivered.

Recommendation:

- Explore funding models between State and local governments to partner for sustainable provision of public space to support TOD population concentrations.

13

The increased open space is needed now

The North Sydney LGA already has a well-documented, critical shortage of existing open space to meet the needs of the current population. The North Sydney Open Space Provision Strategy 2009, the North Sydney Recreation Needs Study 2015, and the Open Space and Recreation Study Discussion Paper 2024 all substantiate this.

The existing open space in the Crows Nest area is already over capacity. This situation will only become more acute with the opening of the Crows Nest Metro in August 2024, and will be further exacerbated as density increases. It is critical that open space expansion is funded now so that the space is available as soon as is practical.

The provision of public open space is vital for both the physical and mental well-being of the community. Quality public open space provides an array of well-recognised environmental, social, cultural, and economic benefits. The proposed uplift in population including children, youth, seniors and dog-owners necessitates the provision of immediate access to a large area of quality public open spaces for gathering, enjoying the sunshine, grass and other natural elements, and for both passive and active recreation. A network of high quality, useable and attractive public open space is fundamental to building connected neighbourhoods and it will provide the foundation for liveability of this area.

Recommendation:

- That funding is allocated by the State government specifically for the delivery of additional open space.

14

New open space must be well-designed and of high quality to ensure capacity

The TOD prescribes numeric guides for provision but pays scant attention to achievable, qualitative issues. Solar access, protection from strong prevailing winds, views into and out of open space and connectivity between open spaces and the wider public domain are all factors that will contribute to the provision of high quality, desirable and useable public open space infrastructure to support an uplift in population density.

Although Hume Street Park currently provides more than 1500m² of public land, the public open space is of relatively poor quality, primarily due to its high use, and it has limited capacity in its current configuration and slope. The park is proof that relatively small open spaces, under pressure from high use, do not support grass. Providing additional open space at this location will enable provision of higher quality open space with increased capacity to meet the population's need for open space and recreation, including grassed areas and spaces for groups and gatherings.

There is a need to balance tree canopy and solar access, both in public open spaces and in connecting streets, and consideration should be given to guiding tree planting at certain sites, including Hume Street Park. Whilst deciduous trees can somewhat alleviate the issue, the more trees there are, the less solar access. Dense canopy is less compatible with maintaining grass cover, particularly if the trees are planted in the grass, and the roots are competing for water and nutrients.

Recommendation

- Dividing funding opportunities by attempting to meet numerical standards for provision of open space (by providing open space at the Holtermann and Sinclair Street sites) should not compromise delivery of more useful and usable additions to the public open space at Hume Street Park.

15

Significant deficit of active recreation spaces to cater for intensified sporting needs of the community uplift generated by the TOD

While the Crows Nest TOD seeks to address provision and access to public open space, this provision appears to be predominantly focused on supporting passive recreational needs. There is no provision for the addition of public open space infrastructure that facilitates active recreation.

The North Sydney LGA has an existing substantial deficit of public outdoor sporting sites to meet even the current population needs. The NSROC Regional Sportsground Strategy Review 2023 calculates the current deficit of sporting parks at approx. 53ha to meet demand by 2036. This figure excludes the demand intensification delivered by the Crows Nest TOD.

With limited public land available to accommodate active outdoor sporting needs, creative solutions are needed. Where uplift is planned, provision should be made for additional indoor sporting facilities. Future management of these facilities will require a partnering approach between site owners and public authorities to ensure access for community use is prioritised.

Recommendation

- Explore opportunities on selected TOD sites to help deliver active sporting infrastructure to respond to intensification of use.

16

Increased residential density cannot solely rely on public open space to address the recreation needs of new households

Given the shortage of suitable and sufficient public open space and recreation opportunities within the North Sydney LGA to meet demand from increased population numbers, the provision of quality private open space is critical.

High density design of apartments should acknowledge and/or mandate floor space ratios that result in additional internal spaces for play and the practicalities of family and

community life such that public open space is not placed under further pressure to fulfil basic family celebration and social needs.

Although the value of high quality and varied public open space is central to housing uplift, it cannot offset a poor-quality private domain that does not respond to and support the needs of a range of household types, family life stages and population ages from newborn to aging.

Recommendation:

- The Urban Design Report together with the Design Guide which inform the TOD should strengthen the requirement for private development to contribute to quality private open space within the footprint of any new high-density development.

3.10 Environmental sustainability

KEY MOVE

NSC24 Incorporate design standards into the Design Guide to ensure all new developments are to use only electricity for all energy requirements associated with normal operations.

Include provisions for an All Electric Precinct including residential and commercial developments to assist in achieving State Government and Council net zero targets. This is in keeping with the Utilities Study that suggested replacing gas for a sustainable electrical supply for heating and cooling.

ISSUES AND RECOMMENDATIONS

3.10.1 DESIGN GUIDE

J1 Key themes and objectives

Table 1 of the Design Guide:

- Built form: There is no reference to sustainable buildings. Recommended to include and highlight adherence to existing State Government documents including the Apartment Design Guide; Sustainable Buildings SEPP 2022; BASIX SEPP and National Construction Code 2022
- Environment: No reference to water resilience in the precinct. Recommend including WSUD principles in landscaping and designs.
- Environment: No reference to urban heat. This is now a resilience priority and should be referenced as a key design consideration.

Recommendations

- Include reference and adherence to existing Government documents relating to sustainable buildings.
- Include incorporation of WSUD principles in landscaping and designs.
- Include minimising urban heat as a key theme in design.

3.10.2 PRECINCT WIDE DESIGN PRINCIPLES

J2 All electric precinct

As per the key move outlined above, include provisions for an All Electric Precinct including residential and commercial developments to assist in achieving State Government and Council net zero targets. This is in keeping with the Utilities Study that suggested replacing gas for a sustainable electrical supply for heating and cooling.

The objectives for this include:

1. To minimise the installation of plant and equipment in new buildings that rely upon on-site combustion of fossil fuels.
2. To reduce indoor and outdoor air pollutants associated with the combustion of gas or wood and improve air quality and reduce health hazards.
3. To reduce the ongoing cost to occupants by avoiding ongoing gas connection charges.
4. To reduce the contribution of gas combustion to the anthropogenic heat contribution flux in the urban area.

Recommendation:

- All new developments are to use only electricity for all energy requirements associated with normal operations.

J3 No reference to Sustainable Building Design

Reference to existing government documents including the Apartment Design Guide; Sustainable Buildings SEPP 2022; BASIX SEPP and National Construction Code 2022 needs to be included. Reference to these documents will provide guidance and controls on building siting; design; configuration; and performance including passive design, energy and water efficiency, waste management and water conservation.

Recommendations

- Include reference to existing State Government documents as controls and guidance on best practice.

J4 Reference should be made to green walls and green roofs on a building façade

Planting on structures contributes to the quality and amenity of communal and public open spaces as well as contributing to the thermal performance of the buildings and reduction of the urban heat island effect.

Recommendation:

- Include reference to, and provisions for green walls and green roofs on a building façade.

J5 No reference to water resilience and WSUD design principles in public spaces

To improve biodiversity terrestrial habitat features should be incorporated into landscape plans and building designs. This should provide micro-habitats and stratified habitats and improve connectivity along existing or broken habitat corridors wherever practicable.

Recommendation:

- Include reference to water resilience and WSUD design principles in public spaces.
- Include provision for terrestrial habitat features in landscape plans.

J6 The current provisions for EV charging in Section 3.10 Carparking, need to reflect the provisions as outlined in the NCC 2022.

Provision of EV charging infrastructure needs to be provided for car share and visitor car parking spaces.

Recommendations:

- All new developments are to meet the relevant Deemed-to-Satisfy Provisions of NCC 2022 Volume One Part J9D4 Facilities for electric vehicle charging equipment or any subsequent amendment, except where varied by this clause.
- 10% or a minimum of 4, of all car-share spaces and spaces allocated to visitors must have a Minimum Level 2 40A charger.

3.10.3 GENERAL ENVIRONMENT/ SUSTAINABILITY

J7 Biodiversity: Inclusion of green walls as an objective

Reference is provided to maximising tree canopy and deep soil plantings to encourage growth of local biodiversity. To further encourage biodiversity and to help alleviate the effects of urban heat, inclusion of green walls and green roofs should be listed as an objective.

Recommendation:

- Include provisions for green roofs and green walls to increase biodiversity.

J8 Renewable energy production and storage

There is no reference to onsite renewable energy production. Including opportunities for onsite generation of power from renewable sources including solar PV will reduce the cost to households and businesses to meet operational needs.

Provision of space in the building footprint for storage of renewable energy in batteries also needs to be provided for.

Recommendation:

- Include provisions for onsite generation and storage of renewable energy.

J9 Refrigerants

There is no reference to the use of refrigerants in building equipment such as air conditioning, refrigeration and heat pump equipment. It should be a requirement of the building design that it aims to minimise the installation of equipment that relies on hydrofluorocarbons (HFC's) and prioritises the installation of equipment that uses natural refrigerants and has a global warming potential less than 10.

Recommendation:

- Include provision to install equipment including air-conditioning, refrigeration and heat pumps that uses natural hydrofluoroolefin (HFO) refrigerants with a global warming potential less than 10.

J10

Waste Management

There is no reference to waste management in the precinct pertaining to residential or commercial areas. With FOGO collection mandated for commercial businesses by 2025 and residential areas by 2030, the provision of adequate space within the buildings footprint is required.

Including reference to waste management will improve the separation of waste streams through the provision of necessary infrastructure.

Recommendation:

- Include provisions for the integration of waste management infrastructure to facilitate the separation of waste, bulky waste, recycling and organics. This includes integration wholly within the built form and is to be sufficiently sized to accommodate all waste streams. Provision to include space for on-site equipment to reduce the waste volume leaving the development. Eg onsite composting facilities.

3.11 Transport

KEY MOVES

NSC25 Prioritise pedestrian safety and connectivity with reduced speed limits, traffic calming treatments and pedestrian signal prioritisation at traffic signals.

NSC26 Deliver safe and connected cycleways to promote cycling and encourage young people to cycle to school.

NSC27 Implement parking maximums to reduce car ownership and deliver the aims of Transit Oriented Development.

ISSUES AND RECOMMENDATIONS

3.11.1 PEOPLE THAT WALK

K1 Integrate Crows Nest Metro with density on the western side of Pacific Highway

Considerable density is proposed on the western side of the Pacific Highway. This area is poorly integrated with the Crows Nest Metro site. In some instances, pedestrians are required to wait at multiple crossings on one signalised intersection to access the Crows Nest Metro or St Leonards Train Station. All intersections along Pacific Highway should have pedestrian signals on each approach, including:

- Pacific Highway and Herbert Street
- Pacific Highway and Christie Street
- Pacific Highway and Albany Street
- Pacific Highway and Oxley Street
- Pacific Highway and Hume Street

Poor connectivity to the metro and train stations increases pedestrian journey times and the catchment area of Transit Oriented Development.

K2 Reduce speed limits on local streets

A majority of streets in the Crows Nest precinct have a speed limit of 50km/hr. Pedestrians hit by a car at 50km/hr have a 10% chance of surviving, this increases to 60% and 90% for 40 and 30km/hr respectively.

In April 2020, North Sydney Council resolved to adopt the 40km/h and 10km/h Shared Zone Masterplan and Action Plan. The majority of the area identified within the CN TOD EIE falls within Zone 8 of Council's adopted Masterplan.

Lowering speeds on local streets will reduce the incidence of serious injuries and death. The proposed density will increase pedestrian activity in the precinct and as a result the risk of vehicle conflicts. All local streets in the precinct should have reduced speed limits to minimise the risk of serious and fatal injuries. This would require associated infrastructure to physically reduce vehicle speeds such as traffic calming at the entry to the local road network from the higher speed state road network.

Recommendations:

- Implement missing pedestrian signals on all intersections with Pacific Highway.
- Pedestrian phases should be frequent and above minimum requirements.
- Pedestrian phase should comfortably accommodate an older or less able-bodied person to cross the street.
- Implement reduced speed limits on all local streets within the Crows Nest precinct including continuous footpath treatments at all entry points to the State Road Network.

3.11.2 PEOPLE THAT RIDE A BIKE**K3 Fund and deliver safe, fully separated cycling connections to schools**

A majority of the Crows Nest Precinct set for uplift is situated in a school catchment with one primary school (Anzac Park Public School). This school is located approximately 1km from the Crows Nest Metro station (see figure K3.1). It is acknowledged that a second primary school is planned for the area, however this is still in the planning stages and a location has yet to be identified.

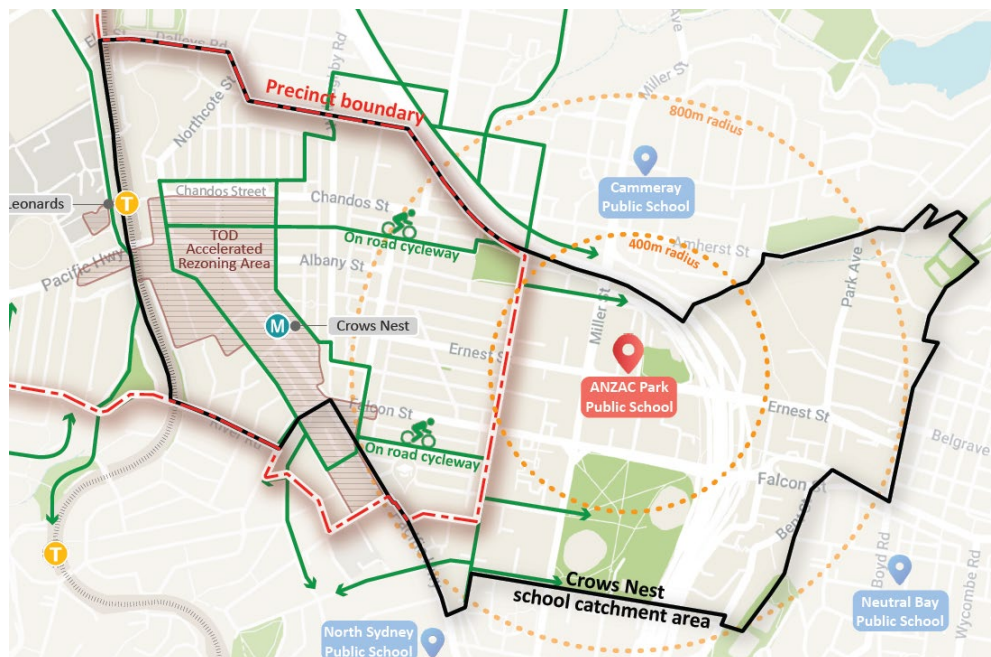


Figure K3.1. School catchment for primary schools highlights the distance parents would need to travel for school drop-off and pick-up necessitating the use of private vehicles.

School Travel Plans for nearby schools suggest that primary school students are more likely to be driven to school (see table K3.2 for example travel patterns for Marist College). Parents 'trip chain' so they can drop their children safely at school and continue to work or other activities.

To reduce this travel pattern, safe, fully separated cycling connections are required so parents can ride with their children to school. This is essential to deliver the precinct aim to be a Transit Oriented Development.

Mode (%)	Arrival (AM)		Departure (PM)	
	Primary School	High School	Primary School	High School
Car	72	26	66	13
Walk	16	9	22	11
Bus	5	47	4	50
Train	0	4	1	7
Train and Bus	1	11	1	17
Cycle	3	0	3	0
Other	3	3	3	2
Total	100%	100%	100%	100%

Table K3.2. Travel patterns for Marist College suggest that most primary aged children are driven to school.

K4 Separated cycleway along Pacific Highway

The *Supplementary Transport Technical Note* identifies cycling infrastructure along the Pacific Highway. Transport for NSW has identified this corridor as an immediate opportunity to increase cycling in the Eastern Harbour City Strategic Cycleway Corridor (see figure K4.1).

As a key route through the precinct, this project should be investigated for potential prioritisation. This project would potentially better support a more genuine transit-oriented development precinct.

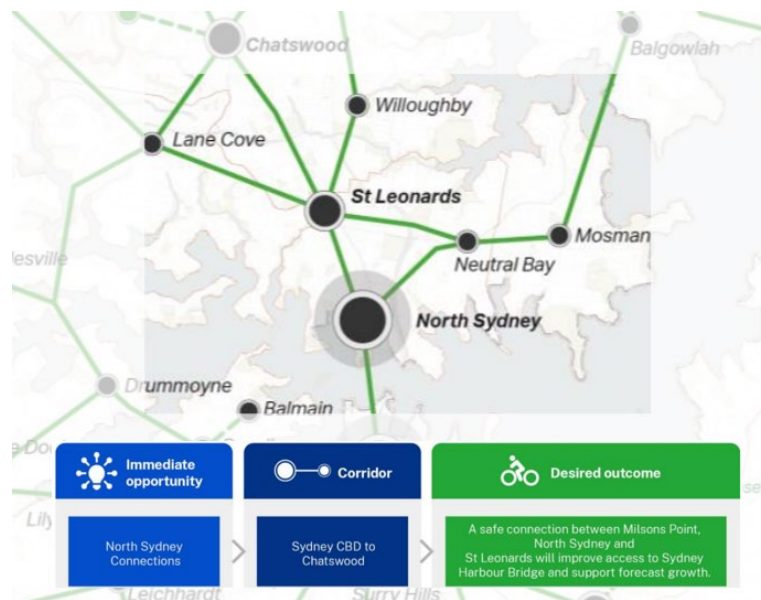


Figure K4.1. A connection between North Sydney and St Leonards is an immediate opportunity

K5 Fund North Sydney Council’s priority cycling routes

North Sydney Council has prepared designs and consulted with the community on West Street Cycleway Stage 2, proposing 1.1kms of cycleway between Ridge Street and Amhurst Street (see Figure K5.1 West Street Cycleway Stage 2).

This cycleway is on the border of the Crows Nest precinct and will significantly improve cycling connections to the 5 schools within 200 metres.



Figure K5.1. West Street Cycleway Stage 2

The concept designs received a high level of support from the community (see Figure K5.2.) and has been endorsed as a priority project for North Sydney Council. As a result, this is a low-risk project for delivery and an easy win for encouraging cycling in the precinct.

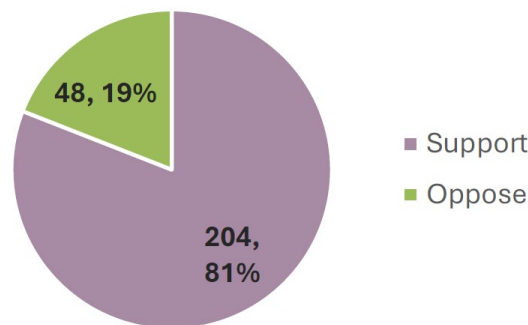


Figure K5.2. From 252 submissions, 204 (81%) supported the proposed West Street Cycleway design

Recommendations:

- Provide funding for detailed design and construction of West Street Cycleway Stage 2
- Carry out more detailed investigation work on a potential Pacific Highway separated cycleway
- Deliver safe, separated cycling connections between the Crows Nest Precinct and Anzac Park Public School

3.11.3 PEOPLE THAT DRIVE**K6 Expand parking maximums to cover all developments in the Crows Nest Precinct.**

North Sydney Council has prepared extensive research into car parking rates around the Crows Nest precinct. The report found:

- One parking space can add up to \$300,000 to the cost of an apartment impacting housing affordability.
- There is a strong link between car ownership and, as a result, car driving mode share and congestion.

This extensive research led to the implementation of parking maximums to the North Sydney Development Control Plan (NSDCP) for areas with high public transport access, including the North Sydney portion of the Crows Nest Precinct.

The Crows Nest Precinct proposal defers parking rates to either Willoughby, Lane Cove or North Sydney, whichever council DCP applies. Uplift is planned for areas within the Lane Cove LGA (see Figure K6.1, Lane Cove LGA and proposed FSR map). These developments would have significantly more parking than the North Sydney side and would have a greater impact on the road network. The current proposed parking rates will result in residents driving, causing queuing on the Pacific Highway and 'rat running' on local roads.

Expanding the NSDCP parking maximums to the entire Crows Nest Precinct is aligned with the aims of Transit Oriented Development and essential to transition away from car ownership.



Figure K6.1. Lane Cove DCP has parking minimums and generate more traffic than North Sydney DCP. Density is highlighted using proposed Floor Space Ratio changes.

K7**Implement traffic calming measures to reduce short cuts on local streets.**

There are existing 'No Right Turn' restrictions for southbound traffic on the Pacific Highway into Hume Street or Shirley Street. Drivers travelling from the north to the proposed uplifted area on the western side of the Pacific Highway will attempt short-cut routes through residential streets to gain access (see Figure K7.1).

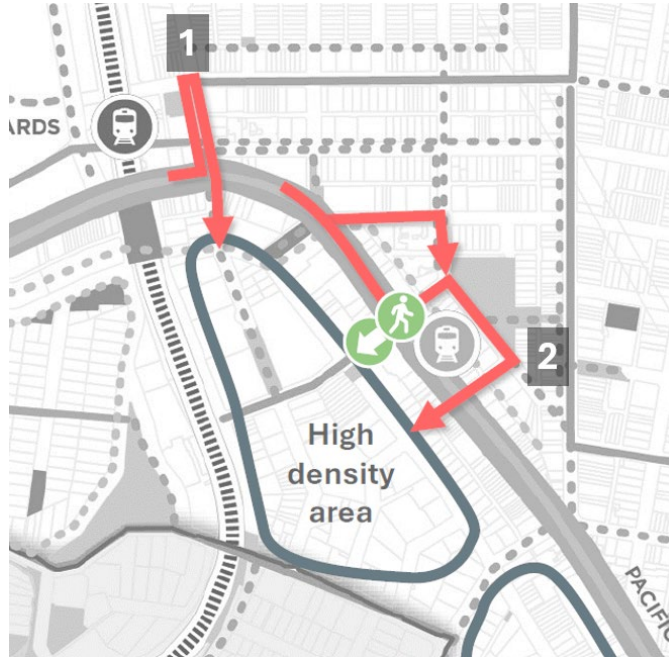


Figure K7.1. Right hand turn bans and the existing road network design will encourage rat-running through local streets.

This is of concern particularly for the areas that are expected to experience increased pedestrian activity as a result of the Crows Nest Metro Station and increased traffic due to current and planned rates of off-street parking provision within new development. Potential amelioration measures that warrant investigation include:

- removal of the roundabout at the intersection of Chandos Street and Christie Street (identified as point 1 in Figure K7.1) to reduce this travel pattern.
- treatments to minimise through traffic on Hume Street crossing the Pacific Highway (identified as point 2 in Figure K7.1)
- traffic calming measures for the entire precinct to prevent short-cut through movements through local streets. This should include continuous footpath treatments and raised pedestrian crossings on Oxley Street and Clarke Street.

Coupled with maximum parking rates for the precinct, this would help reduce traffic on local roads and promote public and active transport use.

Recommendations:

- Consideration be given to expand the approach of maximum parking rates throughout the precinct more broadly.
- Implement traffic calming measures to reduce speeds and prevent short-cut vehicle movements on local streets.

3.12 Utilities

KEY MOVE

NSC28 A detailed analysis is undertaken to capture the full scope of the upgrade to infrastructure and services to support the increase in housing supply and recognise how this financial burden will not be borne solely by Council and its residents.

ISSUES AND RECOMMENDATIONS

L1 Development works conflicting with Council capital works programs

Short-term and Long-term Council infrastructure works planning may be impacted by development works arising from the Crows Nest TOD. Impact is not defined at this stage. This can be better identified once Council's Asset Management Plans and capital works forecast are updated (Currently in progress).

Recommendations:

- Impact is revisited once Council's Asset Management Plans and capital works forecast have been updated.

L2 Council drainage infrastructure not shown in the Utilities Report

Consideration for North Sydney Council Stormwater drainage infrastructure does not appear to have been undertaken. Existing infrastructure, such as stormwater drainage, which are within development sites are likely to be impacted directly by developments.

Recommendations:

- North Sydney Council Stormwater drainage infrastructure is included in the Utilities Report.

L3 Impact on distribution of Radio Frequency

Developers commonly use sound proofing materials for the comfort of the occupants – such materials have the unintended impact of affecting radio frequency (RF) to the point of knocking out mobile reception from ground level and up.

Absence of RF adversely impacts the lives of the community and makes them reliant on service providers such as NBN and Co. This creates a financial impact as the community are obliged to purchase NBN units in absence of RF. RF is an integral part of our lives and cities.

Recommendations:

- If the future Design Guideline or DCP cannot regulate the type of materials employed in buildings then mitigating measures should be considered to compensate for the lack/absence of RF – this is a specialist area requiring expert advice.



Service constraints identified for potable water, sewer and electricity

The provided utilities report identifies and acknowledges service constraints in the categories of but not limited to existing potable water, sewer and electrical infrastructure.

An estimate of the future service demands has been calculated based on the maximum proposed development yields resulting in 6683 additional dwellings.

While sustainability initiatives are identified in the report to assist in the management of the increased need to supply these essentials services, a clear focus on the impacts to existing Council infrastructure must also be assessed and understood. The report is silent on the scope relating to accessing the existing infrastructure and the impact and cost this has on council assets such as footpaths, roads and parks. Costs associated with make good works, services diversions or similar pose a financial burden on Council and its rate payers and have not been adequately considered or identified in the report.

Recommendations:

- That an analysis is undertaken to capture the full scope of the upgrade to infrastructure and services to support the increase in housing supply. The analysis must review and consider all costs and impacts on council assets that are associated with the upgrades. It should also recognise how this financial burden should not be borne solely by Council and its residents

3.13 Implementation

KEY MOVE

NSC29 Ensure Council's future involvement in planning our centres and greater community participation.

ISSUES AND RECOMMENDATIONS

3.13.1 WORKING WITH LOCAL GOVERNMENT

M1 **Sharing the responsibility for environmental planning and greater community participation in the North Sydney local governmental area**

Council maintains that local government is the most appropriate tier of government to undertake the detailed planning and design of our centres. We know our area best, and we know our community. We are the layer of government that takes on the responsibility for making these high-density centres economically strong, liveable and humane, and environmentally sound.

Moreover, a 4-week exhibition, extended to six weeks late in the exhibition period, that requires Council to review a suite of unseen documents, report that matter to Council and make a submission to the Department, is not good process and will not yield the best result for our growing community.

Whilst the quality of the work that underpins the EIE rezoning proposal and Design Guide is noted, particularly given the short timeframe within which these documents were prepared, there are many errors, incorrect assumptions, omissions or inconsistencies between the proposals, as outlined in the previous sections of this submission – whether through a lack of knowledge of the area, graphic errors, or oversights based on the speed with which the rezoning package was prepared.

Finally, had the Department instead set jobs and dwellings targets for the centre under an updated Metropolitan Plan for Sydney – as was usual practice in strategic planning for Metropolitan Sydney, Council could have worked with the community and our state government colleagues, to develop a strategic plan that incorporated viable projects to increase jobs and housing capacity, increase canopy cover, improve active transport, and identify opportunities for cultural and community services. Such a process empowers both local government and the communities that we serve.

Going forward, it is recommended that Council is involved in the finalisation of the rezoning package.

Recommendation:

- The Department work with North Sydney Council in finalising any plans for the Crows Nest Precinct

- That going forward, the Department recognise the importance of sharing the responsibility for environmental planning and greater community participation in the North Sydney local government area

3.13.2 DEFERRED COMMENCEMENT

M2 Any SEPP giving effect to the EIE must be subject to a deferred commencement date. A minimum of 2 weeks is preferred.

Once a SEPP is made giving effect to the EIE, it will result in a large number of amendments to North Sydney LEP 2013, relating to:

- zoning
- building heights
- FSR
- non-residential FSRs
- affordable housing incentives
- affordable housing contributions


These amendments will have a direct impact on the information required to be applied to properties on land affected by the SEPP for the purpose of issuing section 10.7 Planning Certificates. Information provided on a Certificate must be correct at the time of issuance, otherwise it may be held liable for a party acting upon incorrect information on the Planning Certificate.

Given the extent of amendments proposed under the EIE, it is anticipated that it could take 2 weeks to correctly implement the required amendments. Accordingly, Council requests that the commencement of the SEPP that gives effect to the EIE be subject to a deferred commencement provision, which would require the SEPP to commence at least 2 weeks after its making/gazettal.

Recommendations:

- That any SEPP giving effect to the EIE is subject to a deferred commencement date. A minimum of 2 weeks is required.

Attachment 1: Submission by the North Sydney Council Access and Inclusion Committee



**NORTH SYDNEY
COUNCIL**

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The Honourable Paul Scully,
Minister for Planning and Public Spaces

The following letter has been compiled by members of the North Sydney Council Access and Inclusion Committee (AIC) to support Council's submission on the proposed Crows Nest/St Leonards Transport Oriented Development (TOD).

The AIC is comprised of community members with lived experience with disability- either as a person with a disability and/or a carer of a person with a disability. We use our collective experience to provide expertise and advice on how to enhance accessibility and promote inclusion within Council's infrastructure, facilities, events, services, systems and processes.




As community members who will be directly affected by the changes proposed in the TOD, the Committee is deeply disappointed by the lack of commitment or even acknowledgement of accessibility and inclusion in the exhibited plan for the [Crows Nest/St Leonards Precinct](#). While there is a plethora of information on topics such as building height and floor space, there is comparatively little detailing how crucial issues such as accessible housing or wayfinding will be implemented. We have each personally experienced significant barriers and obstacles resulting from adherence to current planning and design guidelines. With the TOD proposal representing rapid increases in development and population, we firmly believe that planning and design of the [Crows Nest/St Leonards Precinct](#) needs to exceed current guidelines to ensure that the needs of the community are met, now and in the future.

The AIC firmly believes that the [Crows Nest/St Leonards Precinct](#) presents an opportunity for the NSW Government to be world leaders in setting new and better standards for accessibility and inclusion. Everybody benefits from good universal design and planning, but people with disabilities, older people, families with young children and those with temporary mobility injuries are particularly affected. The Precinct's high-quality healthcare, transport and education infrastructure makes it a highly attractive destination for people with accessibility requirements to live, work and visit. As such, it is imperative that accessibility and inclusion principles are deeply embedded into the design and development of the whole Precinct.

We implore the NSW Government to aim higher and to become leaders in accessible planning and design to create a precinct that truly achieves the stated objectives of the TOD Program: 'To deliver housing that is supported by attractive public spaces, vibrancy, and community amenity'.

To support in achieving these higher standards, the AIC is seeking further information and commitment from the NSW Government on the following issues:

- **Accessible Housing**
 - Ensuring all new developments are required to adhere to universal design principles
- **Wayfinding**
 - Developing a consistent, Precinct-wide wayfinding strategy to ensure that anybody can easily and safely navigate between key points of interest
- **Accessible Active Transport**
 - Ensuring streets and footpaths between key points of interest can be easily and safely navigated by designing with accessibility in mind. Of particular interest to the AIC is

 [facebook.com/nthSydCouncil](https://www.facebook.com/nthSydCouncil)
 [north-sydney-council](https://www.linkedin.com/company/north-sydney-council)
 [north_sydney](https://www.instagram.com/north_sydney)

implementing the recommendations from the Guide Dogs Australia submission to the Design of Roads and Streets Guidelines

- Ensuring consistent and reliable access to accessible toilets and rest areas
- **Infrastructure**
 - Ensuring the provision of adequate and high-quality accessible community spaces, such as community centres, libraries, open spaces and sports facilities. These spaces are crucial for connecting isolated and vulnerable community groups such as older people, people with disabilities, neurodiverse people and young people
- **Quiet Spaces**
 - Ensuring the provision of adequate quiet spaces and noise control to support people disproportionately affected by these issues (e.g. neurodiverse people, people with vision, hearing or other impairments) can safely and easily access public spaces.

The AIC is committed to using our lived experience and expertise to passionately advocate for the best possible outcomes for the future of our community. The AIC acknowledges the complexity and challenges associated with planning and designing a precinct and our intention in writing this letter is to work collaboratively with the NSW Government in achieving this goal.

To that end, the AIC would be honoured to cordially invite the Minister and any relevant staff from the Department of Planning, Housing and Infrastructure to attend the next meeting of the AIC on Tuesday 29th of October, 5:30pm-7:30pm.

Yours sincerely,

The North Sydney Council Access and Inclusion Committee

Alistair Lee
Catherine Wilson
Jaci Armstrong
Jillian Christie
Judy Harwood
Kate Hooke
Naomi Deck



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