

Submission to Transport Oriented Development Program

This submission is provided in response to the NSW Department of Planning, Housing and Infrastructure's exhibition of:

- The Crows Nest (St Leonards) Transport Oriented Development (TOD) Program accelerated precinct rezoning proposal exhibition (note: for the purposes of this submission Lot 4B is referred to as 4B Herbert Street).
- Pathway changes to support transport oriented development and residential housing delivery.

Executive Summary

On 16 July 2024, the NSW Department of Planning Housing and Infrastructure (DPHI) published a rezoning proposal relating to the Crows Nest TOD Precinct (see figure 1 for proposed are to be rezoned). DPHI is also concurrently exhibiting an Explanation of Intended Effect (EIE) proposing policy changes seeking to accelerated housing delivery in the TOD accelerated precincts.

The Crows Nest TOD rezoning proposal includes 3,255 dwellings (representing an increase of 1,762 dwellings above the total capacity provided for in the previously adopted St Leonards Crows Nest 2036 Plan. The TOD concentrates on land predominately in the North Sydney and Lane Cove Local Government Areas, with one site included in the Willoughby Local Government Area (LGA) being 4B Herbert Street.

Council has identified a number of concerns and issues which are summarised as follows:

- The rezoning should not proceed in advance of funding commitments to the supporting infrastructure required. Consideration should be given to immediate funding for upgrades to deliver indoor sports facilities at Gore Hill Oval, cycleways connecting the station to surrounding suburbs, and improved pedestrian links to the metro and rail stations. The funding mechanism and timeline for the projects identified under the previous SIC should also be confirmed before any rezoning is finalised.
- Council supports the 10-15% affordable housing requirement across the Crows Nest TOD precinct.
- Council recommends that a minimum of 15% of the 4B Herbert Street be Affordable Housing.
- The exhibited TOD program materials do not specify who owns and manages proposed affordable housing. Affordable Housing units should be dedicated to Council for management as part of Council's well-established Affordable Housing portfolio.
- Council re-affirms its position (resolved on 25 March 2024):

that Royal North Shore Hospital land that is most accessible to St Leonards Station and the new Crows Nest Metro should be reserved for clinical health care, research and education to allow for the hospital's future expansion, and not be used for residential, commercial, or retail purposes. Confirming that Council's recently gazetted Local Environmental Plan explicitly encourages non-clinical health related land use in the nearby employment zones.

- Council recommends that a review of the Royal North Shore Hospital Masterplan is undertaken in light of the TOD, and a Community Reference Group is established.
- Rather than remove the requirement for referrals and concurrence, the State Government should be working with relevant State agencies and bodies to improve resourcing and processing capacity to reduce processing times.
- The specific alternative to design competitions should be articulated and provided to Councils, the community, and other stakeholders, for consideration and input before any change is made.
- With particular regard to 4B Herbert Street:
 - Council seeks for Clause 6.23 of *Willoughby Local Environmental Plan 2012* (WLEP 2012) to be applicable and for the site to be identified as Area 5 on the Special Provisions Area Map. The effect of this would be to require the consent authority to be satisfied that the development exhibits design excellence.
 - Any rezoning of 4B Herbert St should include floor space requirements confirming the future residential and non-residential mix to be accommodated on the site. This should be informed by confirmation of the anticipated future needs of the hospital catchment, and the need to ensure the site remains a key employer and service provider for residents of the precinct.
 - Council recommends that at least 15% affordable housing be provided at 4B Herbert Street. The site should be added to the Affordable Housing Map in WLEP 2012 with the specific required rate added to 6.8 of the Affordable Housing clause.
 - Consideration of a height response on 4B Herbert Street more sensitive to the surrounding sites and to the future skyline of the precinct is requested. Particularly given the proposed height, the proposed built form should be revised to ensure a more slender tower form is delivered on the site.
 - A setback of 7m should be required to the southern boundary of 4B Herbert Street and the site specific Design Guide should be updated accordingly to clarify an inconsistency.
 - Given the proposed height and the prominence of the site, consideration should be given to implementing a more detailed site specific DCP (which would replace the proposed Design Guidelines) for the 4B Herbert Street site

- To ensure the development of 4B Herbert Street is accompanied by appropriate ground level public realm outcomes, greater resolution of the ground plane are required in accordance with Council's detailed comments contained within the relevant section of this submission. Consideration should be given to replacing the proposed Design Guide with a more detailed Site Specific DCP.
- Documentation should be updated to consistently refer to the proposed realigned Herbert Street pedestrian bridge.
- Section 4.3.1 'Building Massing and Envelope' should be amended to remove the invitation to vary the prescribed building envelopes as part of the design excellence process.
- The Landscape Plan and Design Guide should be updated to require additional planting where possible. Deep Soil areas should be utilised to maximise the tree canopy provided.
- Greater consistency is required between the Site Specific Design Guideline and the Crows Nest Design Guide and they should be updated to maximise deep soil provision and tree canopy.
- The design guides should be updated to sufficiently specify loading and unloading requirements including requirements loading bay length, height and clearance requirements.

Council requests that these matters be addressed by DPHI prior to the finalisation of the rezoning proposal.

Figure 1 - Boundary of the Crows Nest TOD



Source - DPHI

Contents

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- Built form
- Tree removal / replacement and deep soil planting
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3) Requested additional information, clarification or technical matters

- Herbert Street pedestrian bridge and other works
- Infrastructure Funding
- Flood related comments and associated matters
- Helicopter path
- Waste Provision
- Consultation with Council prior to construction



1. Background


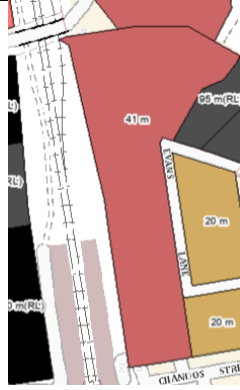




Recent History

The Crows Nest TOD is located in the same boundary as the approved *St Leonards Crows Nest 2036 Plan* (the 2036 Plan). The 2036 Plan was released in August 2020 and included some sites in the Willoughby LGA. The majority of the changes occurred along the Pacific Highway from St Leonards Station to the new Crows Nest Metro Station.

Willoughby Council incorporated the recommended land use changes into the comprehensive review of WLEP 2012, which became Amendment No 34. Amendment No. 34 was brought into effect in June 2023, Table 1 provides a summary of the changes that have been implemented.

Table 1 – Implementation of the 2036 Plan in Willoughby LGA

Previous controls (pre Amendment 34)	WLEP 2012 Current controls - incorporating St Leonards 2036 Plan (Post Amendment 34)
207 Pacific Highway St Leonards	
Zoning B3 Commercial core HOB (previous heights varied across the site)  FSR 3:1	Zoning E2 Commercial Centre HOB 83m across entire site (25 storeys)  FSR 10: 1 with a 10.1 non res FSR
2-10 Chandos Street	
Zoning B3 Commercial core HOB 26m	Zoning E2 Commercial Centre HOB 41m (13 storeys)

Previous controls (pre Amendment 34)	WLEP 2012 Current controls - incorporating St Leonards 2036 Plan (Post Amendment 34)
 <p>FSR 3:1</p>	 <p>FSR 4.5:1 with 4.5:1 non res FSR</p>
<p>110-120 Christie Street</p> <p>Zoning B3 Commercial core HOB 14m</p>  <p>FSR 1.5:1</p>	<p>Zoning E2 Commercial Centre HOB 20m (6 storeys)</p>  <p>3:1 with 3:1 no res FSR</p>
<p>14-102 Chandos Street</p> <p>Zoning B3 Commercial core (Schedule 1 allows shop top) HOB 20m</p>  <p>FSR 2.5:1</p>	<p>Zoning E2 Commercial Centre HOB 20m (5 storeys) – no change</p>  <p>FSR 3:1 with minimum no res FSR of 2:1</p>

Summary of Changes in the Willoughby LGA

The proposed changes in the Willoughby LGA under the proposal are limited to the 4B Herbert Street site; however, the growth proposed across all three precincts will affect infrastructure demands across all three precincts.

The 4B Herbert Street site covers an area of 3,371m² (0.34ha) and is owned by Property NSW. Adjacent is a recently constructed 10-storey Administration Building occupied by Health NSW (Lot 4A).

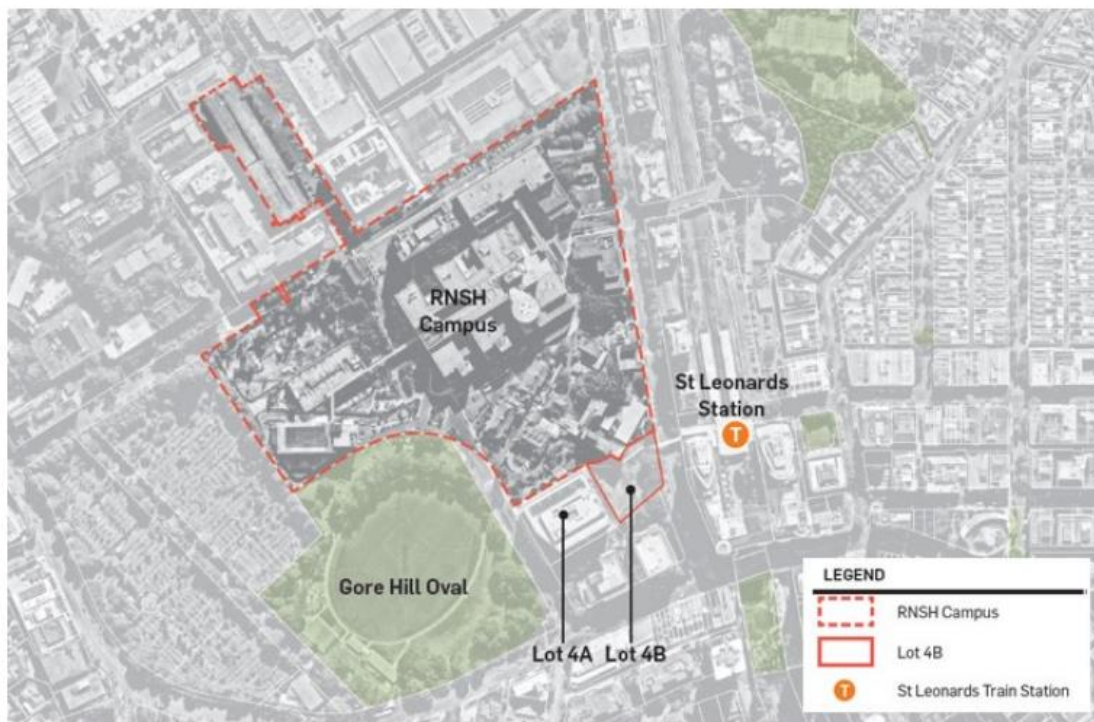
The current controls on the site are:

- SP2 Infrastructure (Hospital) zone
- No current height or Floor Space Ratio (FSR) controls

The vision is stated in the Urban Design Report (P.67):

To unlock well-located, but currently underutilised NSW Government land (Lot 4B), to provide much needed housing for key workers in the area, with access to high-quality transport and local services. To provide improved access and arrival experience, for the RNSH Campus within St Leonards Health and Education Precinct in the short-term.

Figure 2 - 4B Herbert St and immediate surrounds



Source: DPHI

The key elements that form the Concept Plan include:

- A building envelope with a maximum building height of up to RL283m and a floor space ratio (FSR) of 14.3:1. The envelope can accommodate a tower of up to 62-storeys comprising 2 basement levels, 2 podium levels, residential and non-residential uses.
- Approximately 448 residential dwellings supported by communal open space at podium level.
- Affordable housing provision of 10-15%

- Relocated and improved public pedestrian access from Herbert Street to the RNSH campus via a new stairs and lift and an arrival plaza at upper ground level.
- Pedestrian access to the building from ground level at Herbert Street and upper ground level from the proposed new arrival plaza.
- New entry/exit vehicular access via Herbert Street.

The proposal seeks to retain the existing SP2 Hospital zoning, with additional permissible uses for the site identified through amending the Special Provisions Area Map:

- Residential accommodation – to enable the delivery of housing including affordable housing in a height density and accessible location to support healthcare and key workers at RNSH.
- Commercial – to enable small-scale, complementary ground level activation of the Lot 4B Herbert Street within podium including office and retail premises.
- Community facilities – to enable communal open space to accommodate the social and infrastructure needs of the future population.

The Crows Nest Explanation of Intended Effect states (P. 4):

“It is proposed the controls 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 ..., Lane Cove Environmental Plan 2009 ..., and Willoughby Local Environmental Plan 2012.”

The proposed self-repealing SEPP has not been included in this exhibition.

In parallel to the above changes proposed under the TOD program, the following is proposed as part of the Pathway changes to support the TOD.

The Pathway changes to support Transport Orientated Development, Explanation of Intended Effect, Section 1.6 ‘Focus and objectives of proposed changes’ (July 2024) states (P. 8 and 9):

The focus of the proposed changes is to support the TOD program and streamline the delivery of dwellings in the TOD Accelerated Precincts.

The objectives are to:

- *simplify planning controls within the TOD Accelerated Precincts*
- *encourage lodgement of applications for residential development in the TOD Accelerated Precincts.*
- *Streamline the development application process so that applicants can lodge development applications sooner and so that consent authorities can determine them rapidly*
- *Ensure that developments within the TOD Accelerated Precincts achieve high-quality design outcomes.*

The Pathway changes to support Transport Orientated Development, Explanation of Intended Effect, Section 2.2 ‘Exemptions from low and mid-rise housing reforms’ (July 2024) states (P. 11) states:

To ensure the most appropriate outcomes for the areas identified in both the application of the LMR housing reforms and the accelerated TOD rezonings, the interrelation between the two will be fully assessed. The intention is to reduce duplication and maximise housing potential for lots identified in both the TOD Accelerated Precincts and the low and mid-rise reforms, which may mean exempting some TOD Accelerated Precincts from the LMR housing reforms.

With respect to design excellence, the exhibited Explanation of Intended Effect states:

Where a LEP requires a design competition introducing Offering [sic] an alternative design excellence pathway to be developed by the Government Architect NSW for any design competitions required by the local Council.

The Pathway changes to support Transport Orientated Development, Explanation of Intended Effect, Section 2.2 'Exemptions from certain concurrence and referral requirements' (July 2024) states (P. 11):

It is proposed to exempt local and regionally significant development within the TOD Accelerated Precincts from concurrence and referral requirements that are not considered high-risk. This exemption is proposed to be established for a period of five years. High-risk concurrence and referrals will be retained to ensure safe and orderly development.

To determine which concurrence and referral provisions will be subject to the exemption, the Department is developing risk criteria, including the potential of potential hazards and the likelihood of significant adverse planning outcomes and will work with Government agencies to finalise this.

The Department wants to understand from stakeholders, councils, agencies and the development sector about what concurrence and referrals could be switched off through the development assessment process...

2. Key Issues

Proposed pathway changes

Council thanks DPHI for the opportunity to combine its comments on the Crows Nest TOD and the Proposed pathway changes to support the TOD.

Council supports the exclusion of TOD precincts from the in-fill affordable housing height and floor space bonuses. Council does not support policies that provide permanent uplift for temporary affordable housing delivery.

Council suggests that this same principle should apply to other areas, such as Chatswood CBD, where similar detailed masterplanning has maximised heights and floor spaces controls and set associated affordable housing requirements based on detailed feasibility analysis (though it is noted that this is beyond the scope of the proposed TOD program).

Council supports the exemption of these precincts from the low and mid-rise housing reforms to reduce duplication. However, it is Council's view that this exemption should be

complete and without qualification. This principle should also be applied to locations where Council has undertaken and implemented significant recent masterplanning such as those areas where upzonings occurred as part of Council's recent Comprehensive LEP (Council notes that this is beyond the scope of the proposed TOD program).

Council does not support exemptions from concurrence and referral requirements. Referrals are required to ensure minimum expectations regarding quality, amenity, and sustainability are met. The community should not have to take on additional risk in the form of developments approved under reduced scrutiny.

Rather than remove these necessary considerations, the State Government should be working with referral bodies to improve resourcing and processing capacity to reduce processing times.

Similarly, the high visibility and density of TOD precincts require careful and considered design. Design competitions, when managed correctly, are an effective means of delivering diverse, high quality built form outcomes. These precincts should be examples of the highest standards of design and design competitions are considered a best practice means of ensuring these standards are achieved. Council cannot support a proposal for an unspecified alternative to design competitions.

Given the scale of the proposed future development of 4B Herbert Street, this site should be subject to excellence.

The specific alternative should be articulated and provided to Councils, the community, and other stakeholders, before any change is made.

With particular regard to 4B Herbert Street, Council seeks for Clause 6.23 of WLEP 2012 to be applicable and for the site to be identified as Area 5 on the Special Provisions Area Map.

Infrastructure funding

When approved, the 2036 Plan was accompanied by a Special Infrastructure Contribution (SIC) to ensure development delivered under the plan would be contributing to the \$113.6 million of infrastructure required to support the future residents and employees of the precinct. The SIC was subsequently repealed and replaced by the Housing Productivity Contribution, which does not provide the same certainty of funding for the infrastructure required in the precinct.

The State Government has yet to confirm how the infrastructure requirements arising from the 2036 plan will be funded. The most recent advice provided to Council from DPHI advised that the process for allocating funds from the Housing Productivity Contribution is yet to be finalised.

The level of growth in the precinct will affect infrastructure across all three affected Local Government Areas. In the Willoughby LGA, the demand for use of open space at Gore Hill Oval and demand for active transport and pedestrian links will dramatically increase. Given the significant uplift proposed under the rezoning, funds should be assigned to upgrades of existing open space such as provision of indoor recreation facilities at Gore Hill Oval, and

pedestrian and cycle ways improving access to the station within the precinct and to the surrounding suburbs. Improved cycleways will be critical to managing the increased potential conflicts between cyclists seeking to access the station from surrounding suburbs and the increased pedestrian activity within the precinct.

\$520 million has been identified for allocation to the 8 TOD precincts identified under the program. Given the substantial growth anticipated across the 8 precincts, there is concern that this will not be sufficient to deliver the required supporting infrastructure. In discussions to date, DPHI has advised that the funds will not be allocated evenly, and given the growth and needs anticipated in each precinct vary, this is understandable; however, consideration of needs and allocation of funding should occur in parallel to the rezoning, as was the case with the 2036 Plan, it should not lag behind the masterplanning and rezoning process.

The rezoning should not proceed before funding the infrastructure required to support growth. Consideration should be given to immediate funding for upgrades to Gore Hill Oval, cycleways connecting the station to surrounding suburbs, and improved pedestrian links to the station. The funding mechanism and timeline for the projects identified under the previous SIC should also be confirmed before any rezoning is finalised.

Affordable Housing

Development of the site at 4B Herbert Street is an opportunity for the State Government to show leadership and demonstrate its commitment to Affordable Housing delivery.

The exhibition materials do not clarify how affordable housing requirements are to be satisfied. Council is seeking dedication of the affordable housing units delivered on 4B Herbert Street to Council so that they can be managed as part of Council's well-established Affordable Housing portfolio. As Council has existing capacity and established operational procedures for the management of Affordable Housing this would be the most effective and efficient means for the delivery and ongoing management of units within the precinct.

Council supports the 10-15% affordable housing requirement across the Crows Nest TOD precinct.

For the site at 4B Herbert St a minimum of 15% affordable housing should be provided noting the significant uplift to be delivered on this State Government owned site.

Affordable Housing units should be dedicated to Council for management as part of Council's well-established Affordable Housing portfolio.

It is recommended that the site be added to the Affordable Housing Map in WLEP 2012 with a rate of at least 15% added to 6.8 of the Affordable Housing clause and that the clause confirm dedication of units is required.

The relevant objectives of the Design Guides should also be updated to reflect the *minimum* 15% Affordable Housing that should be provided on 4B Herbert Street.

Importance of retaining RNSH land

Subsequently to the 2036 Plan and Council's comprehensive LEP, NSW Health's Northern Sydney Local Health District developed and adopted a Masterplan for the Royal North Shore Hospital Site. It is noted that the site now known as 4B Herbert Street was not included in the masterplan as this land is not in the care and control of the Northern Sydney Local Health District.

The Royal North Shore Hospital Masterplan 2023-2036 was considered by Council on 25 March 2024. Council reiterated its longstanding objection to any loss of key hospital, health services, and health education lands and its position:

that Royal North Shore Hospital land most accessible to St Leonards Station and the new Crows Nest Metro should be reserved for clinical health care, research and education to allow for the hospital's future expansion, and not be used for residential, commercial, or retail purposes. Confirming that Council's recently gazetted Local Environmental Plan explicitly encourages non-clinical health related land use in the nearby employment zones.

Council also recommended that the Royal North Shore Hospital Masterplan be reviewed in light of the recent State Planning Reforms and the TOD Program. This is considered necessary to ensure that planning for the hospital considers the new scale and pattern of development arising from the reforms and the TOD. Council and the community considers it appropriate for such significant public infrastructure to be planned with cross-agency and community collaboration. To this end, Council has requested a Community Reference group be established, similar to that which has been established as part of the masterplanning for Bankstown Hospital.

Noting the need for cross-agency consideration, Council seeks DPHI's support through the TOD program for a review of the Royal North Shore Hospital Masterplan and the establishment of a Community Reference Group.

Health care and social assistance is the largest employer in the Willoughby LGA, at 23% of the workforce, or 16,477 people (source: .id economic profile). Much of this Health care workforce is located at the Royal North Shore Hospital. The premise of the Low and Mid Rise reforms and the TOD program is to accelerate delivery of housing, it follows that infrastructure planning needs to be reviewed to ensure this accelerated growth can be supported by the necessary facilities and services.

While Council acknowledges that 4B Herbert St is not currently in the care and control of NSW Health, it has historically been zoned for health purposes. Council supports the retention of the primary zoning on the site remaining commensurate with potential future health purposes. However, before amendments are made to introduce residential uses that will displace future capacity for health services to be delivered on the land, it should be demonstrated that the remaining land will be sufficient in light of current population projections and anticipated development in the hospital's catchment.

Neither the materials published in relation to the TOD nor the materials published with the Royal North Shore Hospital Masterplan demonstrate how much 4B Herbert St is surplus to future requirements. This should inform the rezoning, which should include floor space requirements confirming the residential and non-residential mix to be provided on the site.

Any rezoning of 4B Herbert St should include floor space requirements confirming the future residential and non-residential mix to be accommodated on the site. This should be informed by confirmation of the anticipated future needs of the hospital catchment, and the need to ensure the site remains a key employer and service provider for residents of the precinct.

Loss of Employment lands

The St Leonards Crows Nest 2036 Plan aimed to make the area a key employment centre, with particular regard to health or education related employment. The TOD program also appears to recognize the need to balance the allocation of land to future employment and residential needs in principle. The Crows Nest Design Guide, Section 2.4 'Key themes and objectives', (P. 10), states as land use objectives:

Protect and strengthen the area's commercial role supported by complementary uses to capitalise on the close proximity to stations. Leverage world-class health and education uses to provide opportunities for training and employment growth into the future. Expand residential opportunities through mixed-use development ensuring long-term activation across the precinct.

Objectives

- *Intensify all types of development around public transport, providing an appropriate balance of residential and non-residential land uses.*
- *Prioritise affordable housing up to 15% ...*
- *Focus commercial activity in the mixed-use core between the station ...*
- *Future proof the precinct to ensure spaces can grow with community needs.*
- *Protect and leverage from significant contributors to the local economy such as the Artarmon Employment Area and the Royal North Shore Hospital Precinct.*

Having regard to the above, Council supports retention of the WLEP 2012 SP2 Infrastructure zone with regard to the 4B Herbert Street site as the associated zone objectives are consistent with the desired future function of the site.

However, the proposal in its current form does not appear to meet the relevant objectives. The breakdown of land uses anticipated for the site under the proposal is:

- Residential: 46,340m²
- Non-residential: 623m²

The 4B Herbert Street site represents an opportunity for the State Government to deliver an exemplar development that provides significant employment as well as market and affordable housing. Providing such a minimal amount of non-residential uses on the site will undermine the ability for the precinct to function as a balanced employment and residential centre and will signal to the market that the objectives can be satisfied with minimal consideration for provision of non-residential uses.

As noted previously, any rezoning of 4B Herbert St should include floor space requirements confirming the future residential and non-residential mix to be accommodated on the site. This should be informed by confirmation of the anticipated future needs of the hospital catchment, and the need to ensure the site remains a key employer and service provider for residents of the precinct.

Design Excellence

The need for design excellence is referred to throughout the exhibited materials in principle, however, the mechanism by which it will be guaranteed is not specified. Design excellence is a crucial component of delivering a successful TOD program and for this component to be unresolved is a significant flaw. The proposed mechanism should be specified and the community, Councils and stakeholders should have meaningful input before any rezoning is implemented.

The Crows Nest TOD Explanation of Intended Effect (EIE) states:

Willoughby LEP has a design excellence clause (clause 6.23) that requires developments to deliver the highest standard of architectural, urban and landscape design. To ensure faster DA assessment timeframe are combined with high-quality design outcomes, a consistent approach to design quality will be set out across all TOD precincts.

The proposed approach to design excellence is addressed in the reforms proposed in 'Pathway changes to support transport oriented development and residential housing delivery' EIE publicly exhibited alongside the Crows Nest TOD rezoning proposal. Specifically:

Where a LEP requires a design competition introducing Offering [sic] an alternative design excellence pathway to be developed by the Government Architect NSW for any design competitions required by the local Council.

In the absence of a specified improved alternative, Council recommends that the 4B Herbert Street is subject to Clause 6.23 of WLEP 2012 to be applicable and for the site to be identified as Area 5 on the Special Provisions Area Map.

Sustainability

The site specific Design Guide does not have a section on sustainability. This is considered a significant deficiency. Sustainability is of sufficient import to deserve its own section in the site specific DCP.

Height

The proposed building height for site 4B within the Royal North Shore Precinct will result in a building height that is significantly greater than the surrounding built form. The height of the Forum development (being 45 storeys, approximately 150m) was previously established as an area marker to clearly identify that site as being above the St Leonards Train Station.

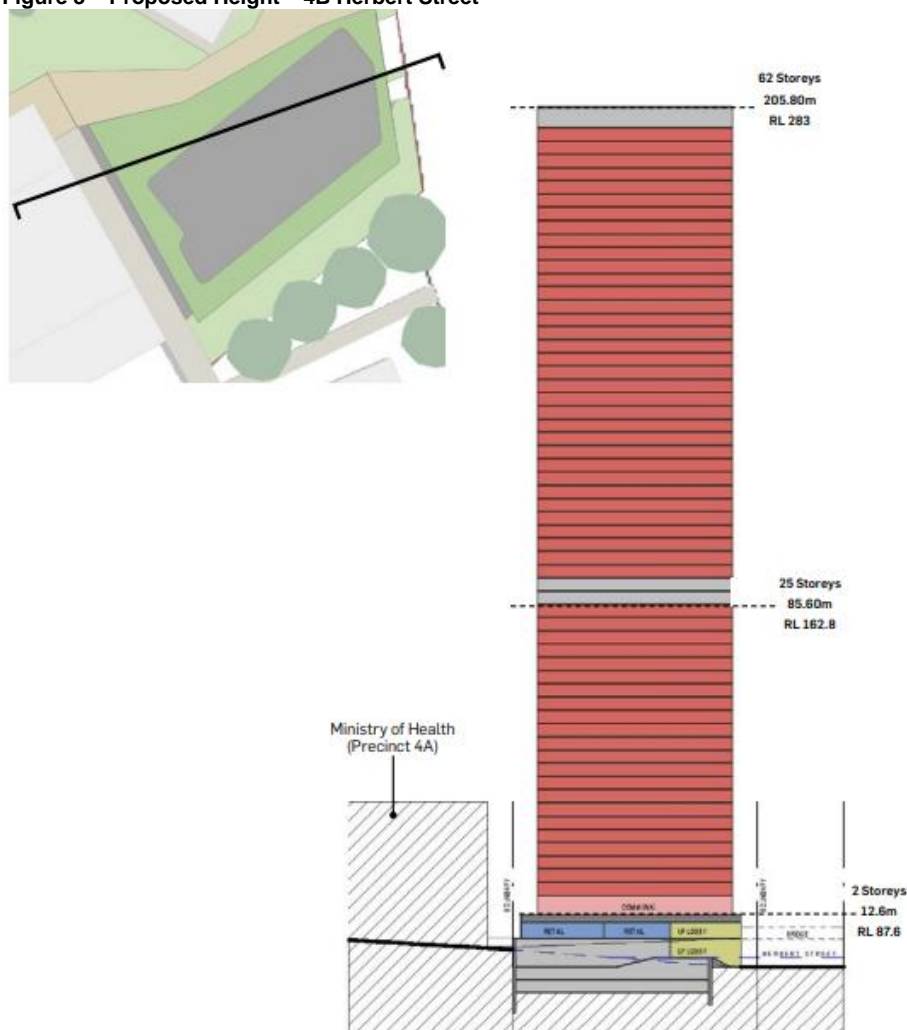
The redevelopment of 4B Herbert Street proposes 62 storeys, 205.8m, being significantly higher by 17 storeys or approximately 55m above the Forum development. The adjacent site at 4A Herbert Street has a recently constructed 10 storey RNSH Service Administration building occupied by Health NSW. The adjacent site at 207 Pacific Highway, which was originally part of the RNSH site but subdivided for sale and subsequent development, has a maximum height of 25 storeys.

The Crows Nest Design Guide, Section 2.4 'Key themes and objectives', built form (P. 10) states as built form objectives:

Preserve, strengthen and enhance the existing diverse character areas and design and plan for the optimal built form outcomes. Height and density should be appropriate within the immediate context, emphasising key locations such as the stations whilst also protecting public spaces through solar access controls.

It is unclear how the proposed height on 4B Herbert Street achieves these objectives.

Figure 3 – Proposed Height – 4B Herbert Street



Source: Crows Nest Precinct Design Guide

Council is concerned with the dramatic increase in height above the 25 storeys at 207 Pacific Highway. Council is also concerned with the proposed Lot 4B height being significantly higher than the Forum, which minimises the Forum as an area marker for the St Leonards Train Station.

It is the view of Council officers that while public spaces within the Willoughby LGA are not adversely impacted by the proposed height with regard to solar access, this is not the only consideration that should determine what height is to be established.

Council seeks a balanced height solution on this site, noting its proximity to the direct neighbouring properties at RNSH, 207 Pacific Highway and Lot 4A Herbert Street. It is considered that this 62 storey proposal will dominate the built form within close proximity, being the RNSH including the heritage precinct, Gore Hill Park and Oval and as already mentioned, St Leonards Station.

Consideration of a height response more sensitive to the surrounding sites and to the future skyline of the precinct is requested

Built Form

Concern is raised with the 4B Herbert Street concept scheme residential tower floor plates, from level 3 upwards, being approximately 1,000m², and the north / south facing presentation to the RNSH and the Pacific Highway.

In the formulation of the Chatswood CBD Planning and Urban Design Strategy 2036, prepared by Architectus on behalf of Willoughby Council, an important outcome was slender towers based on a floor plate size of 700m². In pursuit of slender tower forms, the width of each side of any tower was to be minimised. On large sites this was achieved via two towers. A similar vision is considered deserving for 4B Herbert Street and its surrounds.

Particularly given the proposed height, the proposed built form should be revised to ensure a more slender tower form is delivered on the site.

Council notes that there are inconsistencies in documentation. The Crows Nest Design Guide refers to a podium 7m setback to the southern boundary. However the site specific Design Guide, Section 4.3.1 'Building Massing and Envelope' has the following provisions:

1. *Built form within Lot 4B is to be in accordance with Figures 13 to 14 relating to setbacks, street frontage heights and tower setbacks.*
2. *The envelopes prescribed by these figures are the maximum permissible extent of any future built form on the site. Variances will only be considered where design excellence can be demonstrated ...*
4. *Development is to ensure that public domain within the site and Gore Hill Oval receive an appropriate solar amenity for their intended use.*

Figure 13 of the Design Guide refers to a podium setback of 6m to the southern boundary

Being a flood zone, a setback of 7m is supported and the site specific Design Guide should be updated accordingly.

Neither Figures 13 nor 14 of the Design Guide make reference to street frontage heights. Street frontage heights should be specified on Figure 13 of the Design Guide.

Concern is raised regarding Point 2 regarding variances, design excellence can be achieved within the prescribed envelope. Variation should not be invited and this wording should be removed.

It is also suggested that Point 4 is strengthened to ensure that there is no additional overshadowing on Gore Hill park (including the Oval) between 9am and 3pm as a result of any development on 4B Herbert Street.

Figure 4 – 4B Herbert Street Podium Envelope “Figure 13” of the Design Guide



Figure 13: Podium envelop (source: Urbis)

Figure 5 – 4B Herbert Street Tower Envelope “Figure 14” of the Design Guide



Figure 14: Tower envelop (source: Urbis)

Tree removal / replacement and deep soil planting

The existing site is largely an open lawn area with a stand of 8 established trees located near the Herbert Street boundary, which the plans indicate are to be removed. Of the trees to be removed the 3 large deciduous trees closest to the street appear to be *Liquidambar styraciflua* which are an exempt species of tree. The others appear to be native species. *Syncarpia glomulifera* (Turpentine) and *Ficus rubiginosa* (Port Jackson Fig). An arborist report was not cited in the documents, and species identification is based on street view images only.

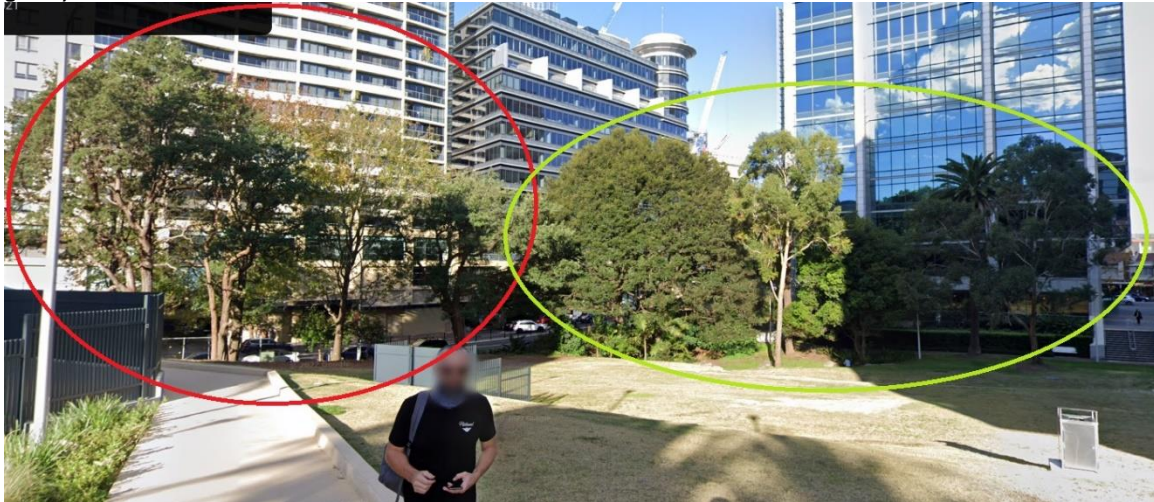
Figure 6 – 4B Herbert Street - Existing stand of trees to be removed along Herbert Street boundary



Source: Google street view image

Willoughby DCP Part G requires replacement for removal of trees at a rate of 3:1. The Landscape Design Concept does not specify tree species and numbers, however the plans indicate approximately 8 new trees to be planted on the ground and lower ground floor, with potential for more, and approximately 35 shown on the Level 2 podium.

Figure 7 – 4B Herbert Street - Trees to be removed (circled red) and trees on adjoining site to be retained (circled green)



Source: Google Street View image

The setback along the southern boundary and green space along Herbert Street connect with the existing green space and trees on the adjoining site to create a larger more continuous green space, as well as providing sufficient setback allowing for the retention and protection of the existing trees. This lawn space is intended to be utilised as publicly accessible space combined with the neighbouring sites.

There is minimal planting volume along the street frontage to Herbert Street. Consideration should be given to trees and planting to present a greener appearance at street level and softening of the built form around the entrance.

At the ground and upper ground levels there are minimal trees proposed, with a heavy reliance on trees and green space within adjoining sites. Greater tree planting at ground level is encouraged.

The report indicates compliance with the Apartment Design Guide (ADG) 7% deep soil zone requirement. The deep soil zone is indicated to be entirely along the southern boundary within the flood zone. There are no trees proposed within the deep soil zone.

The basement outline and Lower Ground Landscape Design Concept indicate that there is additional deep soil extending along the Herbert street frontage, however this is excluded from the calculations as it does not meet the ADG minimum 6m dimension criteria for deep soil zones involving sites greater than 1,500m², being only 4m in width. As discussed below, the Crows Nest Design Guide provides a new provision regarding what is a deep soil zone.

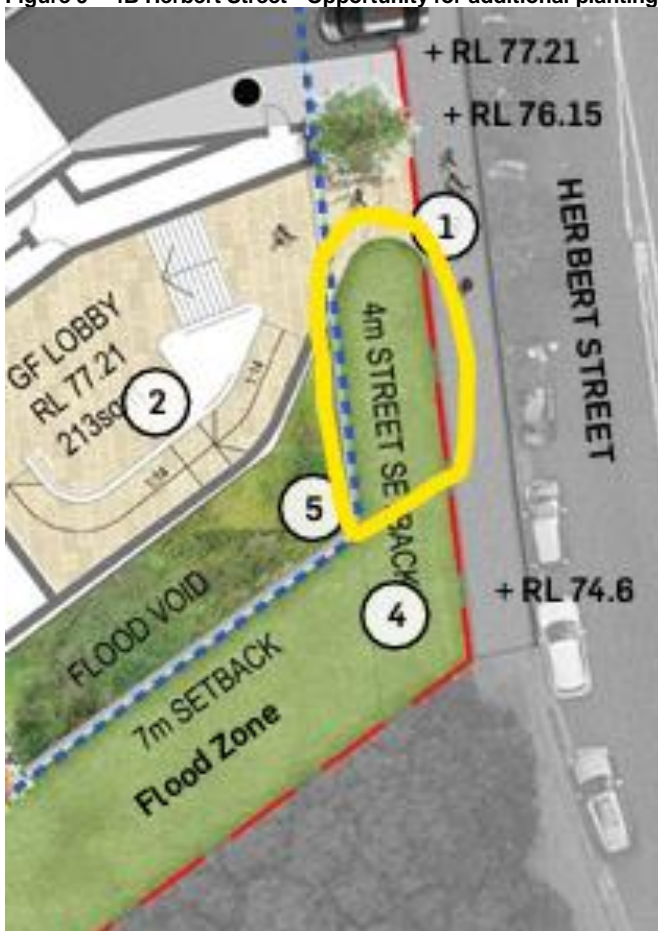
The Landscape Plan and Design Guide should be updated to require additional planting where possible. Deep Soil areas should be utilised to maximise the tree canopy provided on the site.

Figure 8 – 4B Herbert Street Lower Ground Deep Soil Zone



Source: Crows Nest Precinct Design Guide

Figure 9 – 4B Herbert Street - Opportunity for additional planting



Crows Nest Precinct Design Guide

The Crows Nest Design Guide, 3.5.2 'Tree Canopy and Deep Soil' (P. 22) states:

A key aspect of the Green Plan that supported the 2036 Plan is to retain and enhance the existing network of tree lined streets and remains relevant to including the plans for the Crows Nest Precinct.

The following objectives are stated (P. 22):

- *Maintain and enhance canopy cover to address urban heat, contribute to local amenity, reduce air pollution, support biodiversity and improve community health and wellbeing across the Crows Nest Precinct.*
- *Build on the 2036 Plan to increase the health and extent of the tree canopy or vegetation cover for Crows Nest.*
- *Ensure development provides sufficient deep soil to support healthy root systems and ensure trees reach maturity.*
- *Retain and protect existing trees*

The following provisions are stated (P.23):

1. *Provide deep soil zones are to be a minimum dimension of 3m x 3m to support new trees and retain any existing trees. Deep soil zones for development should be provided as per the benchmarks in Tables 3 and 4. Development is not to reduce the amount of deep soil provided.*
2. *Deep soil is to be unimpeded by any building or structure above or below ground, except for minor structures such as pathways, access ramps or area of paving with a maximum width of 1.2m; essential services infrastructure (such as stormwater pipes) with a maximum diameter of up to 300m; and landscape structures (such as lightweight fences, light poles or seating) requiring a footing with a maximum size of up to 300m x 300m in cross section.*
3. *Where possible establish contiguous deep soil zones within and between property boundaries to maximise tree planting by establishing them right up to abutting boundary walls and fence lines.*

There is minimal coverage of tree canopy and deep soil in the site specific Design Guidelines for 4B Herbert Street. Concerns include:

- The loss of highly visible of trees to Herbert Street.
- The proportion of tree replacement not being at ground and upper ground levels.
- The limited opportunity provided for deep soil planting along the northern and Herbert Street boundaries. It is unclear why a lower minimum dimension of 3m x 3m is provided in the Crows Nest Design Guide.

Greater consistency is required between the Site Specific Design Guideline and the Crows Nest Design Guide and they should be updated to maximise deep soil provision and tree canopy. Consideration should also be given to implementing a more detailed site specific DCP (which would replace the proposed Design Guidelines) for the 4B Herbert Street site given the proposed height and the prominence of the site.

Ground level publicly accessible space

Successful high density precincts require attractive publicly accessible space provided at ground level to provide community amenity, vibrancy, and to minimize urban heat by providing significant tree canopy.

Council also supports the integration of NSW Government owned land such as Sydney Trains/TAHE to support greener places, pedestrian connectivity (walkable communities) and active transport options.

The site specific Design Guide, Section 4.2.2 'Design Principles' identifies the following key design principle:

(h) Deliver a centrally located communal area surrounded by supporting outdoor open space.

Clarification is sought where this centrally located communal area is located. It is assumed this is to be along the northern boundary. Due to the northern boundary configuration, the middle or central area of this outdoor open space reduces to 5m width, being 16m at the Herbert Street end, and 12m at the 4A Herbert Street end. There is an existing building on the RNSH site which prevents any widening occurring on that site.

This narrowing represents an unsatisfactory pinch point, which could be widened at design stage (for the podium), to better reflect the characteristics of the site, being the irregular northern boundary, and ensure a more satisfying through site link and contiguous publicly accessible open space area of similar width.

Council expectations regarding the ground level space between the proposed building and the northern boundary are as follows:

- This represents the area of highest public benefit regarding publicly accessible open space and it is imperative that any design guide acknowledges this and any future development is designed on this basis.
- Refer to the discussion over widening at the 5m pinch point above, as well as the meaningful achievement of design excellence particularly with ground level public spaces.
- Provision of a crucial pedestrian connection from the eastern side of Herbert Street and St Leonards Station, over the Herbert Street pedestrian bridge to the western side and on to the Royal North Shore Hospital (RNSH).
- To provide quality plaza space of sufficient size to reflect different uses – being a combination of movement, passive rest areas, landscaping and mitigation of urban heat through significant canopy trees.
- To ensure that publicly accessible open space is clearly understood at application and consent stage, with public and private or commercially used areas (such as outdoor dining) clearly delineated.
- The proposed awning along the northern frontage of the podium should provide relief from the elements for pedestrians. There appear to be conflicts between pedestrian movement and outdoor dining here. It is requested the podium be pushed back in this location to achieve the increased open space at the pinch point identified above, and allow for redesign to both achieve outdoor dining opportunities and awning relief to pedestrians.

In regards the above, the following points are made:

- Council seeks for a strong green presence or gateway involving significant trees along this pedestrian connection from the Herbert Street pedestrian bridge. This position is based on the significant development proposed, the importance of providing canopy trees and addressing urban heat and the loss of a number of established trees within the site and presenting to Herbert Street. At present this strong green presence involving significant trees, involving deep soil planting, is not achieved.
- Consistent with the above, as a minimum, Council requires deep soil planting to facilitate the planting and growth of significant trees along the northern boundary of the pedestrian connection. Consistent with the Apartment Design Guide (ADG), a minimum 6m dimension is required. It is requested that consideration be made to the provision of at least two locations, where a 6m deep soil setback is provided to facilitate significant tree growth and canopy provision. These two locations should be spread out, one in the first section of the northern setback area (closest to Herbert Street) and one in the second section (closest to 4A Herbert Street).
- For the remainder of the northern boundary, a 3m deep soil zone is sought to also facilitate tree growth.
- Less substantive tree planting, without a deep soil zone, would be supported on the southern side of the pedestrian connection, at ground level, to still foster a green presence / gateway / boulevard towards the RNSH and Gore Hill Park heading west and towards St Leonards Station heading east.
- The realigned pedestrian bridge provides the opportunity for planting that, involving an appropriate species, would be visible from Herbert Street. This should be explored.
- Any increase in ground level publicly accessible space here is strongly encouraged.
- If outdoor dining is proposed in the retail shops facing the proposed pedestrian connection, this should be designed for now and be outside of publicly accessible open space. In this regard the podium may need to be pushed back to both provide for outdoor dining while not reducing the publicly accessible open space shown in the Urban Design Report and accompanying Figures. To be clear outdoor dining is separate to public open space and should be addressed in the Crows Nest Design Guide and any document specific to 4B Herbert Street.

Council expectations regarding the ground level space between the proposed building and the southern boundary as follows:

- This space is secondary to the offering along the northern boundary (high side) of the site.
- To provide for a minimum 7m wide green space directly accessible at grade from Herbert Street, noting that this is a flood zone area.
- To integrate with the publicly accessible open space, and significant trees, at 207 Pacific Highway.

- To connect with the existing through site link at 207 Pacific Highway through to Reserve Road and Gore Hill Park beyond, as well as the existing path on the NSW Health building site (Lot 4A) and RNSH.

In regards the above, the following points are made:

- Council seeks for meaningful integration with the existing publicly accessible open space and through site links at 207 Pacific Highway and the Lot 4A site.
- To this end fencing is not supported and appropriate measures should be explored to encourage public usage of this space as appropriate noting the flood zone status.

Council expectations regarding the Herbert Street setback are as follows:

- To provide for significant tree planting to Herbert Street, subject to the flood zone, noting that there is no basement in this location.
- To replace the existing trees presenting to Herbert Street that will be removed by the development.

In regards the above, the following points are made:

- For a setback to be provided in accordance with ADG's requirement of 6m for deep soil zones. No clear reasoning is provided why this cannot be delivered, and why a smaller standard is provided in the proposed
- It is requested that opportunities be explored to provide a minimum of one significant tree within this setback to provide a strong green presence to Herbert Street.

To ensure the development of 4B Herbert Street is accompanied by appropriate ground level public realm outcomes, greater resolution of the ground plane is required in accordance with the above. Consideration should be given to replacing the proposed Design Guide with a more detailed Site Specific DCP.

Loading and unloading

The site specific Design Guide, Section 4.4.1 'Movement and Access' states the following provision:

- 1. Basement parking and service vehicle entry and exit points is to be provided from Herbert Street only, generally in the locations nominated on Figure 16.*

Basement loading is supported and it is critical that this is established early in the planning process to ensure the expected outcome.

In regards to 4B Herbert Street, and Figure 39 on P. 76 of the Urban Design Report (see below), concern is raised with:

- The potential for adverse impacts on traffic movement in Herbert Street, a significant road access to the Gore Hill Freeway, Artarmon as well as Chatswood.
- The potential for adverse impacts on the Pacific Highway, noting that the intersection of Herbert Street with the Pacific Highway is approximately 70m away.

- The capacity of heavy rigid loading vehicles, which would include Council's waste vehicles as well as other loading related activity including residential moving vehicles, being able to access the basement for the purposes of loading and unloading. In this regard, Council's waste vehicle is 10.5m long, requires a 12.5m long loading bay and 4.5m headroom between the frontage road and the loading bay. A minimum side clearance of 0.5m each side of the vehicle is required for occupant exit, entry and access to load. Servicing by a smaller waste vehicle is not appropriate, as it will result in an increased number of vehicle movements to the site and to the waste management centre.
- The capacity of heavy rigid vehicles being able to enter the site in a forward direction, manoeuvre within the basement level to access the loading area and then leave the site in a forward direction (a non-mechanical solution is sought).
- The capacity of heavy rigid vehicles within the basement to not interfere with vehicles associated with the proposed 448 residential units and non-residential uses.

Due to the density of development, it is considered critical at the very early stage to ensure that loading and unloading can be adequately addressed. It is Council's expectation that waste servicing occurs on-site, on the ground floor or basement level, not on any part of Herbert Street, and that the development provides an on-site servicing waste space that seeks AS2890.2 compliance. Council has seen a number of examples where heavy rigid vehicle loading is confirmed as possible at high level conceptual stage, but is found to not work at the more detailed stage.

There is no section of the proposed Crows Nest Design Guide that addresses loading and unloading. This is considered a significant deficiency and a specific section should be provided having regard to the concerns identified above regarding 4B Herbert Street, or state that loading should be in accordance with Council's DCP.

The design guides should be updated to sufficiently specify loading and unloading requirements including requirements loading bay length, height and clearance requirements.

Car parking

The proposed Crows Nest Design Guide, Section 3.10, relating to the TOD area states in regards car parking:

1. *The parking provisions in the relevant Council DCP will apply and must be referred to as part of any planning proposal and/or development application.*
2. *Notwithstanding maximum car parking rates in the relevant LEP's and DCP's, minimised provision of parking for all land uses is encouraged to capitalise on the proximity of St Leonards Station and the Metro Station.*

Council supports the position of the Crows Nest Design Guide in regards to car parking.

The site specific Design Guide, Section 4.4.1 'Movement and Access' states the following objectives:

- *Promote the use of public transport infrastructure including St Leonards railway station, Crows Nest Metro station and the St Leonards bus interchange.*

- *Prioritise active transport.*
- *Minimise the provision of on-site car parking within future development.*

These objectives are supported.

The Transport Impact Assessment (7 June 2024) provides the following table in comparing Council WDCP car parking rates and what is required as a result of the proposed development on 4B Herbert Street.

Table 2 – Parking Requirement of Indicative Yields

Type	Size	Parking Rate		Parking Requirement	
		Minimum	Maximum	Minimum	Maximum
Residential					
1-Bedroom unit	139 units	0.10 per unit	0.50 per unit	17	85
2-Bedroom unit	174 units	0.20 per unit	0.50 per unit	45	112
3-Bedroom unit	39 units	0.25 per unit	0.50 per unit	13	27
Visitors		NA	1.00 per 7 unit	-	64
Sub-Total				75	288
Retail	623m ²	1 space per 200m ²	1 space per 70m ²	3	9
Total				78	297

Note:

1. Portion of affordable housing is unknown, as such has been excluded from this indicative assessment.
2. The non-residential component has been assumed to be all retail.

Source : Table 7.2 Traffic Impact Assessment

The correct WDCP car parking rates are provided. However two points are made:

- Council encourages and seeks minimum car parking rates in locations so close to train stations. It is requested that this site set an example regarding minimum parking rates.
- The car parking requirement shown above in the Transport Impact Assessment is mathematically incorrect. The following correct numbers are provided:

Type	Size	Parking requirement	
		Minimum	Maximum
1 bedroom unit	139	14	70
2 bedroom unit	174	35	87
3 bedroom unit	39	10	20
Visitors		0	69
Retail	623	3	9
Total		62	255

Car parking related to 4B Herbert Street should be as per WDCP, which deliberately seeks to minimise car parking provision, encourage public transport usage close to public transport

options, encourage active transport options and minimise additional traffic congestion arising from significant and dramatic increases in density.

3. Requested additional information, clarification and technical matters

Herbert Street pedestrian bridge and other works

There are discrepancies in documentation that require clarification:

On Figure 44 'Landscape Design Concept', P. 81 of the Urban Design Report, the insert states:

Indicative future configuration of realigned pedestrian bridge and stairs considers RNSH campus Master plan and is subject to detailed design.

This insert shows a realigned pedestrian bridge as well as the existing bridge.

P. 82 of the Urban Design Report states:

This landscape design proposes to upgrade the streetscape along Herbert Street with new access (via lift and stairs) to the arrival plaza.

However, Figure 48 'Landscape Design Concept' on P.83 of the same document only refers to the existing pedestrian bridge.

The site specific Design Guide, Section 4.2.1 'Desired Future Character for lot 4B' states the vision is to (in part):

(h) Improve connections between Gore Hill Park and St Leonards railway station through a realignment of the pedestrian bridge.

The site specific Design Guide, Section 4.2.2 'Design Principles' identifies the following key design principles:

(d) Improve public safety and line of sight through a new public lift and stair connection from Herbert Street.

(e) Provide a realigned pedestrian bridge across Herbert Street to unlock large public plaza amenity.

The site specific Design Guide, Section 4.5 'Landscape', 4.5.1 'Public Domain and Landscaping', Provisions states:

3. Future development should consider realignment of the Herbert Street pedestrian bridge in accordance with Figure 16 to formalise a pedestrian connection from St Leonards Station to the site.

The renewal of the pedestrian bridge, stairs and lift access, to meet increased density and to more effectively connect to St Leonards Station is a fundamental infrastructure requirement of any development of Lot 4B and the Crows Nest TOD generally and supported. In regards

Point 3 above, it is critical that ‘must’ replaces ‘should’, so that certainty regarding the realignment of the bridge is provided. Funding, ownership and ongoing maintenance are crucial matters regarding this pedestrian bridge and are addressed in the funding section below.

All documentation should refer to the proposed realigned Herbert Street pedestrian bridge.

Funding

The Crows Nest Explanation of Intended Effect states in Section 3 ‘Infrastructure funding and delivery’ 3.1 State Infrastructure (P.29):

“The NSW Government has committed \$520 million from the Housing and Productivity Fund to be spent on community infrastructure in the TOD precincts. This will provide upgrades to critical transport and active transport infrastructure and new open spaces to support housing in the Precinct.”

The Department is developing program guidelines for the allocation of these funds between the TOD precincts and the process for allocating them to projects.

Other funding sources could grow the \$520 million to maximise the community benefit of the program, like Council co-contributions or other grant and funding programs.”

The Crows Nest Explanation of Intended Effect states in Section 3 ‘Infrastructure funding and delivery’ 3.2 Local Infrastructure (P.29):

Councils rely on a variety of funding sources to support the delivery of local infrastructure such as community centres, libraries, parks, roads, local transport infrastructure, recreation and sport facilities and stormwater drainage facilities ...

The type of contribution and the types of development which attract a contribution / levy are set out in the respective contribution plans:

- *North Sydney has a hybrid section 7.11 and 7.12 plan;*
- *Lane Cove Council has a section 7.11 plan; and*
- *Willoughby Council has a section 7.11 plan.*

Council’s plans will allow them to collect contributions from new housing development as soon as it becomes permissible under the proposed rezoning resulting in more revenue for infrastructure than currently anticipated.”

Willoughby Council has a hybrid section 7.11 and 7.12 plan.

Concerns include:

- Whether there is sufficient funding to accommodate the proposed additional density. The \$520 million is identified as covering the identified 8 Sydney priority high growth areas near transport hubs for accelerated rezoning, which are intended to provide capacity for up to 61,855 new homes over 15 years.

- When approved, the 2036 Plan included a special infrastructure contributions (SIC) of \$113.6M to deliver open space, pedestrian and cycling facilities, education and transport improvements. The SIC was subsequently repealed. However, the need for all the infrastructure additions and improvements remains, and will be exacerbated by the additional growth delivered by the TOD program.
- The process for allocation of the Housing Productivity Contributions has not been confirmed and no commitment has been made to ensure that it will be utilised to replace the funding for infrastructure in the precinct that was previously committed to under the SIC.
- The identification of Council as a source of co-contributions regarding infrastructure provision, is concerning noting that local contributions are capped such that funding of existing local infrastructure needs is already constrained.
- The lack of certainty regarding allocation of other potential funding sources such as grants.
- The impacts on the adjacent Willoughby LGA of increased density in North Sydney and Lane Cove Council areas under the Crows Nest TOD.
- The already identified and pressing infrastructure embellishment required within the Willoughby LGA. This is discussed further below.

Gore Hill Park and Oval are identified in the TOD Plan as locations of existing open space. As previously raised with DPFI, Gore Hill Park and Oval play a regional role and will be crucial in meeting the recreational needs of the additional population of St Leonards, including the TOD area. This area also plans an important supporting role to RNSH. An upgrade to provide indoor recreation facilities will be required to support the growth associated with the TOD.

Council seeks for this regional indoor recreation facility to be included in any infrastructure funding consideration related to the Crows Nest TOD.

It is recommended that the infrastructure items previously identified in the 2036 SIC Plan (copied below) be funded and incorporated into the implementation of the TOD. Cost estimates should be reviewed and updated to reflect changes in construction costs.

It should be further noted that Council is also involved in shared path installation and upgrades to the Pacific Highway (eastern side), from Herbert Street up to Mowbray Road. In addition, Council is in the planning process of improving cycle connectivity between St Leonards Station and Artarmon Station via Herbert Street. Appropriate funding is requested to facilitate these desired outcomes.

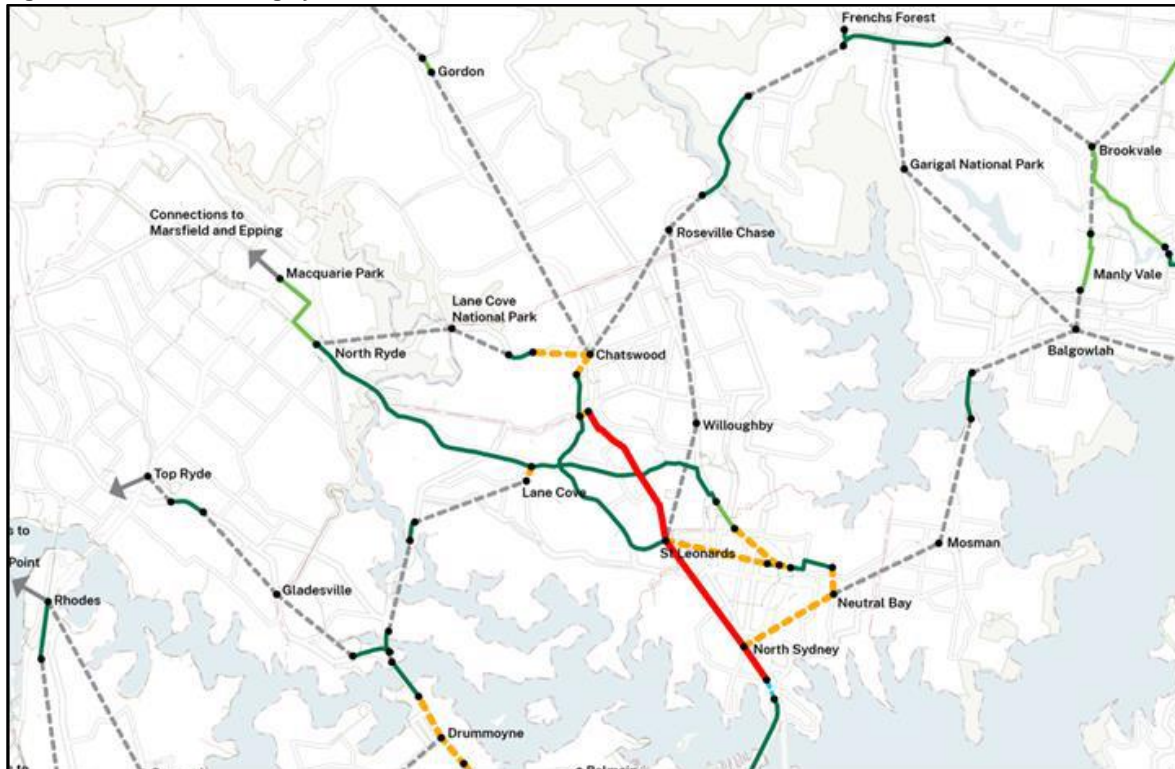
TfNSW has previously presented to council a *Priorities Map* for the Eastern Harbour City, identifying '*missing cycle links for future investigation*' within the Willoughby LGA connecting to surrounding LGA's.

Table 3 – SIC Projects

Project	Cost estimate
Roads	\$4,736,000
R1 Signalised pedestrian crossing: Pacific Highway at Portview Road	\$858,000
R2 Signalised pedestrian improvement: Pacific Highway at Reserve Road	\$343,000
R3 Signalised pedestrian improvement: Pacific Highway at Herbert Street	\$433,000
R4 Signalised pedestrian improvement: Pacific highway at Christie Street	\$1,557,000
R5 Signalised pedestrian improvements: Albany Street at Pacific Highway	\$172,000
R6 Signalised intersection improvement: Pacific highway at Oxley Street	\$515,000
R7 Signalised intersection improvement: Pacific Highway, Falcon Street and Willoughby Road	\$858,000
Education	\$21,984,000
E1 Primary School (funding towards additional school places generated by the new population)	\$16,471,000
E2 Secondary School (funding towards additional school places generated by the new population)	\$5,513,000
Open Space	\$57,659,000
OS1 North linear park: Herbert Street bridge to Chandos Street (land acquisition only)	\$28,058,000
OS2 South linear park: Lithgow Street	\$1,701,000
OS3 Hume Street park expansion	\$25,900,000
OS4 Gore Hill regional playground	\$2,000,000

Project	Cost estimate
<i>Pedestrian & Cycle Improvements</i>	<i>\$27,570,000</i>
<i>P1 Pedestrian and cycle link: Herbert Street to Chandos Street</i>	<i>\$12,514,000</i>
<i>P2 Cycle connection: Talus reserve to Naremburn Park</i>	<i>\$1,952,000</i>
<i>P3 Pedestrian and cycle connection: Pacific Highway to River Road via south linear park</i>	<i>\$1,308,000</i>
<i>P4 Pedestrian and cycle connection: Canberra Avenue</i>	<i>\$3,182,000</i>
<i>P5 Pedestrian and cycle improvements: Willoughby Road</i>	<i>\$668,000</i>
<i>P6 Pedestrian and cycle improvements: Sergeants Lane/Christie Street</i>	<i>\$191,000</i>
<i>P7 Cycle improvements: Oxley Street</i>	<i>\$1,185,000</i>
<i>P8 Cycle improvements: Shirley Road</i>	<i>\$309,000</i>
<i>P9 Cycle improvements: River Road</i>	<i>\$2,824,000</i>
<i>R10 Pedestrian and cycle improvements: Chandos Street</i>	<i>\$3,437,000</i>
<i>Planning & Delivery</i>	<i>\$1,679,000</i>
<i>Precinct Planning Costs</i>	<i>\$1,119,000</i>
<i>Precinct Delivery and SIC Review Costs</i>	<i>\$560,000</i>
<i>Other – Funded via Voluntary Planning Agreement</i>	
<i>C1 Community Arts Centre - Funded via Voluntary Planning Agreement</i>	

Figure 10 – TfNSW Missing cycle links



The Crows Nest TOD rezoning precinct location has been identified by TfNSW as an “*immediate opportunity for investigation*”. Council has responded to TfNSW, by providing its priorities with respect to the current regional gaps in the bicycle and walking network, including investigation and design development involving vital missing links between the Gore Hill cycleway network and the Naremburn network and St Leonards strategic centre.

Council is also open to funding initiatives aimed at improving bus services in the St Leonards/Artarmon area. This is particularly important given that the proposed TOD rezoning is likely to generate increased demand for bus services to complement the existing train and new Metro line.

More clarity is also required with respect to the proposed realigned pedestrian bridge. An upgrade or realignment of the bridge is supported. However, who carries out and funds this project long term is unclear and this should be resolved as part of this masterplanning process.

From “Supplementary Transport Technical Note” under the Cycling Infrastructure section, it is observed that new bike parking will be provided at the Metro Station. Provision should also be made for improved bike parking at St Leonards Station. The current provision for bike parking at the train station is minimal, and will not be able to cope with the increased population when demand for cycling increases.

Flood related comments and associated matters

The flooding and stormwater analysis detailed in the Urban Design Report (P. 44) states:
“A baseline desktop analysis of flooding and stormwater was prepared To provide an indication if a flood study may be required for the site and, where appropriate, a high level advice to manage flood impacts on the proposed development, evaluate any OSD and Water Sensitive Urban Design (WSUD) requirements for the site from Council controls.”

This analysis concludes initial findings are as follows:

“The site is relatively flood free with the exception of minor encroachments along the southern boundary ...”

Council provides a considered response based on its local knowledge of the site in order to ensure that the particular flooding circumstances are understood at the earliest possible stage.

The site 4B Herbert Street is tagged as flood affected. Please refer to Figure 11.

Figure 11 Flood Affection (marked in yellow/orange)



The Crows Nest Design Guide provides a very broad section on flooding. Council provides greater detail to assist in considering the appropriate development on this site.

There is an overland flow path along the southern boundary and flood storage occurring in Herbert St adjacent to the site and adjacent to the south-east corner of the site.

If the capacity of a flood storage area is significantly reduced, flood levels and depths or hazard in nearby areas may increase, leading to higher peak discharges downstream.

A substantial reduction in flood storage can also lead to a considerable redistribution of flood flows affecting downstream assets. Typically, intensification of land use or development in storage areas needs to consider the impacts of loss of storage through flood behaviour.

Impacts are minimised by the changes being storage neutral though safety should also be a consideration if someone was within this area. This demands assessment of the impacts regarding the development, including any changes to flood risk on-site or off-site to life and property and detail design solutions and operational procedures to mitigate flood risk as required.

Floor levels for the building need to comply with the requirements of Technical Standard 2. Of particular relevance:

- The ground floor level needs to be at a level of the 1%AEP flood level plus 500mm.
- All access points to the basement, including the vehicle access ramp, need to be at a level of the 1%AEP flood level plus 500mm or the PMF, whichever is higher.
- If the building includes any sensitive uses, which include childcare, aged care or health services, then access to the site in all storms, including the PMF, needs to be available.

In the vicinity of the proposed vehicle access to the site, in the 1%AEP storm event water depths in Herbert Street are in the range of 400-600mm, while in the PMF water depths exceed 1.5m. To protect the basement area, access should be above the PMF, which could require access to be up to 2m above the road level.

Helicopter flight path

As part of the completion of WLEP 2012 (Amendment No 34) Council was advised to introduce a new clause 6.6 with specific sites that were upzoned in the 2036 Plan to require consideration of hospital helicopter airspace at development application stage.

The TOD documentation states that the 62 storey will have no impact on helicopter airspace and DPHI has advised that consideration of the flight path was part of the masterplan. As the sites identified in Clause 6.6 are much lower in height it is requested that DPHI review the lots identified against the study to confirm if the control need to be retained. Should the work undertaken as part of the masterplan confirm the height controls in the precinct do not impact the flight path, Clause 6.6 should be removed, to reduce the unnecessary burden on the development application process.

Waste provision

The comments below are specific to 4B Herbert Street, and should be included in the site specific Design Guide. However, the general principles are also applicable to the Crows Nest TOD area.

Willoughby Council has formally adopted the Waste Management Technical Guide and development controls by North Sydney Regional Organisation of Councils for multi-dwelling housing, residential flat buildings and mixed-use developments. The technical guide provides comprehensive information to achieve best practice design and construction of waste management and recycling systems.

The development controls provide specific requirements for internal waste storage facilities, individual bin storage areas, communal bin storage areas, bin carting routes, and access for collection vehicles.

All major residential developments are required to comply with the technical guide and the specific controls for multi dwelling housing, residential flat buildings, and mixed-use buildings. This has been adopted because it provides consistency with Council's requirements and standards, many of which are needed to accommodate Council's collection and processing contacts and waste collection policies and procedures.

Waste management is an essential consideration in the planning controls and design at the future 4B Herbert Street development. For best practice, waste management systems meet long-term sustainability and best practice when the following principles are considered:

- Accessible processes to promote waste avoidance, waste minimisation, waste separation and resource recovery;
- Flexibility in design to allow for future changes in waste management systems (e.g., but not limited to the future introduction of a FOGO service and other recycling options over the lifespan of a building); and
- Innovative waste management facilities that complement the waste collection and management services offered by Council for residential waste (bins and bulky waste) and private contractors (where applicable).

Further detail is provided below.

Waste collection

The development and surrounding areas should be able to accommodate Council's waste collection HRV (10.5m long). Loading and unloading, involving waste vehicles, has been addressed above.

Bin storage areas

Residential bin storage areas should be large enough for the required number of bins and carefully designed to ensure bin carting routes (if applicable) are practical and safe, particularly recognising the large number of bins required by a development with 448 units. If the bins need to be carted between floors, a back-of-house lift would be required.

The proposal should include a lower ground floor bin room and separate bulky waste room within 2-10m of the loading dock on the lower ground floor. This will minimise bin and bulky waste handling for caretakers, whilst also ensuring that Council contractors are able to service residential waste bins.

Recycling chute and bulky cardboard disposal

Recycling chutes typically do not accept cardboard, particularly bulky cardboard, because it blocks the chutes and can be a fire and efficiency risk.

This means a recycling chute does not provide Council with an holistic recycling solution for all recyclables. A chute with no bin for oversized recyclables like bulky cardboard can lead to dumping on each level. Bulky cardboard comprises a large proportion of the recycling at MUDs in Council's area, approximately 60% of all recycling in a recent audit. The proposal should consider how residents will dispose of cardboard, particularly bulky cardboard.

It is important to note that Council does not require a recycling chute (although it is recognised as a valuable amenity) and NSROC (2018) states that “current best practice is to have a chute for garbage only” (Section 5.4, p. 48). If a recycling chute is considered, this could be proposed in conjunction with a 240L recycling bin for bulky cardboard waste on each residential level (or alternative, suitable bulky cardboard disposal option). The waste, recycling and FOGO disposal locations for residents (waste chutes or waste storage cupboards on each residential level) should be designed by considering FOGO disposal (see future point) and bulky cardboard waste disposal.

FOGO waste disposal for residents

The NSW EPA (2022), in the *NSW Waste and Sustainability Materials Strategy 2041 – Stage 1: 2021-2027*, will require the separate collection of food and garden organics from all NSW households by 2030. Although Council does not have a FOGO service currently, FO has been trialled and Council will be required to introduce a FOGO service in the future.

It is Council’s preference that there is a FOGO disposal option for residents that is in close proximity to the general waste and recycling disposal options. This would make waste separation and disposal convenient for all residents so they are able to drop-off all waste to one central point. Common suggestions, to require residents to travel to a basement level bin room to dispose of FOGO waste is not suitable. With the convenient disposal for general waste and recycling on each residential level, (e.g., through waste and recycling chutes), residents are unlikely to travel to a separate FOGO bin room to dispose of food organics. This would lead to food waste disposal in the waste or recycling chutes, leading to the loss of a large proportion of recoverable material and potentially high recycling bin contamination rates. This is not conducive to achieving Council’s improved resource recovery targets and increased diversion of organics waste from landfill (see the *Northern Sydney Regional Waste Strategy 2022* which has been adopted by Council).

To future-proof the development at 4B Herbert Street, the waste, recycling and FOGO disposal locations for residents (waste chutes or waste storage cupboards on each residential level) should be designed considering FOGO disposal and bulky cardboard waste disposal, as outlined in the previous point.

Bulky waste and charity waste

Residential bulky waste must be collected by Council’s waste collection HRV. The bulky waste presentation space, a room, should be of an approximate size and 2-10m from the loading bay to facilitate collection by Council’s contractor. The location of bulky waste storage should be carefully considered to reduce manual handling, particularly due to the typical size and weight of residential bulky waste.

It is Council’s preference for the development to provide a 6m² space for charity bins and other recycling, as required in NSROC 2018.

The site specific design guide should be updated in line with the above waste collection requirements.
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Consultation with Council prior to construction

Council seeks to be consulted regarding potential impacts during the construction phase and various contentious issues such as regarding parking, safety and cycling/ walking connectivity.

It is requested that this be added to the site specific Design Guidelines for 4B Herbert Street.
