



NAME REDACTED

OBJECT

Submission ID: 225577

Organisation: N/A	Key issues: <i>Built form and design, Heritage impacts, Residential amenity, Traffic, parking and servicing, Overshadowing impacts, Visual privacy and building separation</i>
Location: New South Wales 2065	
Attachment: Attached overleaf	

Submission date: 12/18/2024 5:02:34 PM

I OBJECT to this application and oppose the significant increase in height proposed by the developer.

This is not a site where the uplift in height enabled by the Affordable Housing Bonus should be allowed.

This site is a significant site for planning. It sits at the highest point in Crows Nest and is one of the highest points in the whole of the North Sydney area. It also sits at the junction of a number of important road transport routes. This site demands the highest standards of planning consideration and consideration of the impact of the site on the surrounding community. Poor planning decisions around this site will cause significant detrimental impacts on the surrounding community and community infrastructure for decades.

The direct impacts on the residents living close to this site are severe in terms of overshadowing, loss of solar access, loss of privacy, light pollution from apartments towering above them and noise pollution from high rise apartments with outdoor balconies as well as an increase in congested traffic conditions on Alexander St.

Further details are provided in my attached submission.

Submission on the planning proposal for the Five ways triangle: 391-423 Pacific Highway, Crows Nest (SSDA 66826207)

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Residents are exhausted from objecting to this proposed development with the developer submitting multiple development applications and authorities re-writing development plans for Crows Nest/St Leonards from the North Sydney Council Local Environment Plan, to the St Leonards and Crows Nest 2036 Plan to the most recent Transport Oriented Development Program (TOD).

The Department of Planning gave a commitment to the community to “lock in the height” of this building at 16 storeys.

The Crows Nest community has already expressed deep concerns with previous attempts by the developer of this site to increase the height envelope. In response to these concerns the Department of Planning (the Department) gave a firm commitment to the community in the St Leonards and Crows Nest 2036 planning document (SLCN 2036) to lock in height controls on this specific development.

“the Triangle Site at the corner of Falcon St and Pacific Highway will be 16 storeys mixed use.” Department of Planning SLCN 2036 plan.

Further, the Department stated in the SLCN 2036 Plan that it is:

“giving certainty to the community about the types of development allowed” on this site.

The developer has already benefitted from the height uplift of this site from 10 storeys allowed under the North Sydney LEP to 16 storeys under the SLCN 2036. A further height increase to 22 storeys is overly generous and further exacerbates the overshadowing, traffic congestion and severe loss of amenity for the surrounding community.

The increased height of 16 storeys this building approved under the SLCN 2036 was strongly opposed by the community. It is deeply disappointing that the Department is considering increasing the allowed height of this development further after giving such firm assurances to the community

that this would not happen in the SLCN 2036 plan. The Department should not go back on its own commitment that the height allowed on this site would be capped.

Guidelines around accessing the Affordable Housing Height Bonus are clear, they should not overrule the requirement of the Department to assess the impact on the surrounding community of the developer accessing this bonus.

The Department of Planning states in its FAQ on Social and Affordable Housing Reforms

“The bonuses are not a right. Some sites may not be able to accommodate additional height and/ or floor spaces due to local impacts.” The bonuses, unless otherwise specified do not override or remove the requirement for a proposal to comply with any control that applied to the land and development in the Local Environment Plan.”

The Developer does not have a right to access the height uplift and should not be able to access the height uplift indicated by the Affordable Housing Bonus. The height of this site should be considered by the Department to be controlled by the SLCN 2036 Plan.

The Department must take into consideration the severe impact on local residents of the proposed increase in height and density of this building.

- The St Leonards Crows Nest 2036 Plan (SLCN 2036) states “areas around the St Leonards Station and Crows Nest Metro Station will be height peaks, as they will consolidate development above and adjacent to the two stations.”
- The St Leonards and Crows Nest planning package was finalised on 29 August 2020. It states that “the Triangle Site at the corner of Falcon St and Pacific Highway will be 16 storeys mixed use.”
- An uplift in the height of this building will have a severe detrimental impact on the heritage values of the Holtermann Estate, one of the oldest residential areas in Sydney.
- The Holtermann Estate (including Hayberry St) Historic Precinct area is currently a quiet residential area with houses with private backyards and gardens.
- The privacy of all of the residents of this area will be severely impacted with residents of the proposed development able to look directly into private properties.
- In addition, the height of the building will overshadow these residential properties resulting in reduced access to sunlight and daylight in the afternoons in summer and winter.
- The building will also overshadow public open space at the park in Hayberry St.
- The proposed increase in height will result in overshadowing of North Sydney Girls High School, during winter, including the playground area which is used for afternoon sports.
- Residents of the Holtermann Estate will be exposed to both light pollution from apartments being lit at night as well as noise pollution from open balconies on this development. This should not be exacerbated by adding additional apartments to the building and increasing the height.
- Parking in the Holtermann estate area is limited and heavily used. Increasing the height of this building to allow additional apartments will place further pressure on the limited parking in this area. This will not be wholly offset by access to the Crows Nest metro.

- The following photograph illustrates the view toward the Proposed development from Hayberry St. The developer argues that the building will not be visible due to the height of trees. This is patently false. Residents of Hayberry are easily able to see tall buildings at St Leonards. The propose height of the building is taller than the crane shown in this photograph. If the height of this building is increased it will dominate the view from Hayberry Street as well as all of the residents in the Holtermann Estate.

Figure 1: View from Hayberry St towards Proposed Triangle Development



- The Triangle development will dominate the views from Hayberry St in Crows Nest.
- The proposal to increase the height of this development makes a mockery of all the work done by the Department of Planning, North Sydney Council and Crows Nest residents in considering how additional housing can be added to the area.
- All the placemaking photos of Crows Nest today only show 2 story buildings. Accordingly, a 22 story building does not fit with the Crows Nest “place”.
- The 2036 St Leonards-Crows Nest Plan planned around having a well managed transition from high rise at the Crows Nest metro site to medium rise nearby (16 storeys) to heritage houses in the St Leonards / Crows nest area.
- A further precedent for considering Five Ways and the Triangle Site is the Rocks and the Sydney CBD, where a heritage area is kept quite separate from the high rise CBD area. It is noteworthy

that the former Sirius housing commission building has not been used as a precedent for further high rise in the Rocks, following its construction in the 1970s. This confirms that high rise and heritage areas do not mix.

Traffic analysis for the Crows Nest / St Leonards Areas continues to be wholly inadequate and poorly serves not only the communities of North Sydney, but everyone who uses the Warringah Freeway.

- The Western Harbour Tunnel (WHT) is scheduled to open in 3 years time in 2028.
- None of the traffic analysis undertaken for the:
 - Crows Nest / St Leonards 2036 plan;
 - the Crows Nest TOD;
 - the “Supplementary Transport Technical Note for the Crows Nest Transport Orientated Development Precinct” October 2024, or
 - the proposed Triangle development,includes traffic forecasts which incorporate the cumulative increase in traffic volumes from the WHT or the Affordable Housing bonus. Why?
- Infrastructure Australia forecast that of the 20% of the 300,000 traffic movements on the Sydney Harbour Bridge and Sydney Harbour tunnel would be diverted to the WHT per day – or around 60,000 vehicles¹. This number is forecast to increase to 83,000 vehicles per weekday by 2037. Even if only 10% of this traffic offramps at Falcon St during the AM peak that represents an 6,000 additional vehicles on Falcon St from the WHT in addition to the additional trips forecast to be generated by 11,000 new dwellings proposed under the TOD.
- The Department of Planning must have forecast traffic numbers for the WHT. With the WHT offramping onto Falcon St, the Department must have forecasts for the increase in traffic volumes along Falcon St into Crows Nest and consequent traffic increase on the Pacific Highway, West St and River Road. Yet the Department consistently fails to include any of this cumulative impact of this forecast increase in traffic volumes due to the WHT in its public forecasts of traffic volumes for Crows Nest.
- Within the Department, traffic planning appears to be undertaken in silos relating to the Policy the Department is trying to “sell” to the community at the time – be it the WHT or the SLCN 2036 or the TOD or most recently Affordable Housing. This is just irresponsible.
- A comprehensive forecast is required for traffic volumes in Crows Nest incorporating the cumulative increased traffic volumes from 1) increasing population density as a result of the SLCN 2036 plan, 2) Increased density from the TOD, 3) Increased density from the Affordable Housing bonus and 4) offramping from the WHT. In addition, the Department of Planning considers the “peak hour” for the St Leonards/ Crows Nest area to be 6am-7am. This seems to be an unreasonable assumption for an area designated as an “Educational Precinct”. The peak hour for this area is at school drop off and pick up times – 8am-9am.

¹ Western Harbour Tunnel and Warringah Freeway Upgrade, Evaluation Summary, Infrastructure Australia. https://www.infrastructureaustralia.gov.au/sites/default/files/2021-05/Western%20Harbour%20Tunnel%20and%20Warringah%20Freeway%20Upgrade%20-%20Project%20Evaluation%20Summary_1.pdf

- The state led rezoning provides for “*Supplementary Transport Technical Note for the Crows Nest Transport Orientated Development Precinct*”² October 2024 only evaluates increased traffic volumes related to the forecast increase in population of Crows Nest under the SLCN 2036 and the TOD and does not include forecast increased traffic from density uplift due to the Affordable Housing bonus or the WHT offramping.
- The “*Supplementary Technical Transport Note*” advises that the “*traffic network is constrained within the precinct, its ability to accommodate additional traffic demand has been used to determine the potential impact of development over and above the 2036 plan*”. In other words, the traffic network cannot accommodate further density above and beyond what has been already been approved under the SLCN and the TOD. Given the traffic constraints already identified, this is not a location where the Affordable Housing bonus can be accommodated in developments.
- Bringing this together, within the next 3-5 years around 8,090 additional trips can be expected to be made during peak hour in Crows Nest as a result of increasing density under the SLCN, the TOD and offramping from the WHT (2,090 from increased density and 6,000 from offramping from the WHT). Additional trips above this will be generated by any development in the area approved for the Affordable Housing bonus. Much of this traffic can be expected to travel through the Pacific Highway / Falcon St or Falcon St/ Alexander St intersections. The Department of Planning is not preparing for this.

The proposed development on the triangle site is located on three critical transport linkages which are already congested. Any further increase in density on this site will add to the existing significant traffic congestion in the Crows Nest area.

- The development is located within three key intersections:
 - Falcon St / Alexander St
 - Falcon St/ Pacific Highway and
 - Alexander St / Pacific Highway.
- Two of these intersections – Falcon St/ Alexander St and Falcon St/ Pacific Highway are currently heavily congested at peak times.
- Recent traffic analysis (April 2024) by AECOM for Sydney Metro³ found that the North and South performance of the Falcon St / Alexander St Intersection was poor (LOS E or LOS F) during the weekday AM, weekday PM Peaks as well as during Weekend peaks. (see Table 1 below).
- Further, AECOM advised Sydney Metro that the “*95th percentile queues on Alexander Street (north and south approach) extend back to Burlington St and the Pacific Highway during all peak hours*”. (See Table 1 below).
- So, the North / South traffic flow at the Falcon St/ Alexander St intersection is **currently operating** at capacity at all peak times. before incremental traffic movements are added from the Triangle site.

² Crows Nest Transport Orientated Development Precinct. Dept of Planning, Housing and Infrastructure. October 2024 https://shared-drupal-s3fs.s3.ap-southeast-2.amazonaws.com/master-test/fapub_pdf/NSW+Planning+Portal+Documents/Crows+Nest+Transport+Technical+Note+-+Nov+2024.pdf

³ Block 2 Report Sydney Metro C&SW – Traffic and Interchange Modelling P56, 10 April 2024 prepared by AECOM

- Once again, the traffic analysis undertaken for Sydney Metro has been done in a “silo” with no consideration given to the known forecast cumulative increase in traffic volumes from the TOD, the Triangle site or the WHT.

Table 1: AECOM report to Sydney Metro on Falcon St / Alexander St Intersection performance

AECOM Sydney Metro City and Southwest - Traffic and Interchange Monitoring Block 2 Report – Sydney Metro C&SW - Traffic and Interchange Monitoring 56

Table 5-19 presents a performance summary of this intersection.

Table 5-19 Block 2 - Intersection performance summary of CST14

Intersection	Peak	Approach	Degree of saturation	Average delay (seconds)	95 th percentile queue (metres)	LOS
Falcon Street / Alexander Street (Signal)	Weekday AM	South	0.664	68.8	98.6	LOS E
		East	0.445	19.6	98	LOS B
		North	0.539	53.8	84.4	LOS D
		West	0.364	2.8	32.8	LOS A
		Total	0.664	24.9	98.6	LOS B
	Weekday PM	South	0.561	70.6	102.6	LOS F
		East	0.475	22.3	115.4	LOS B
		North	0.518	54.5	97.1	LOS D
		West	0.408	3.5	44.8	LOS A
		Total	0.561	25.4	115.4	LOS B
	Weekend	South	0.659	67.8	96.2	LOS E
		East	0.796	36	220	LOS C
		North	0.78	89.8	123.7	LOS F
		West	0.494	3.6	45.3	LOS A
		Total	0.796	33.8	220	LOS C

Overall, the intersection of Falcon Street and Alexander Street performs satisfactorily at LOS C or better during the peak hours. The 95th percentile queues on Alexander Street (north and south approach) extend back to Burlington Street and the Pacific Highway during all peak hours.

5.2.15 Comparison with previous study blocks

Figure 5-20 provides a comparison of the total peak hourly traffic volumes recorded across all intersections for the Block 1 and Block 2 study. As shown, Block 2 traffic volumes were slightly higher than Block 1 during all peak hours.

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- Full TfNSW modelling for the site has not been undertaken. This decision was based on the advice from the Traffic consultant (JMT Consulting) that a small number of additional trips would be generated by the project.

- However, in obtaining comment from TfNSW on the proposal, the figures provided by the developer to TfNSW were the “Net Additional Traffic Generation” of 54 trips in AM peak hour and 63 trips in PM peak hour⁴. These figures for “Forecast Additional Traffic Generation” were calculated by deducting the Forecast Travel Demand from “current conditions” estimated by the consultant as the hypothetical traffic which would be generated by a hypothetical building that doesn’t exist but is based upon certain building density assumptions.
- TfNSW traffic modelling should be undertaken based upon the ACTUAL Net Additional Traffic movements generated by the project not an uplift from a hypothetical base.
- The vehicle access point for the development should be left in and left out on Alexander St as recommended by TfNSW. Allowing a right hand turn into the building from Alexander St would cause unacceptable traffic congestion along Alexander St.
- I would note that the Construction Vehicle Access routes assume that trucks will be able to arrive via the Warringah Freeway and exit at Falcon St to travel along it to the site. The Falcon St exit is currently closed so this transport plan is unviable, unless the developer wishes to defer construction until 2028 when the Western Harbour Tunnel is opened.
- The parking rates provided are high for a development located in a High Density, High transport access development. The most recent TfNSW Guide to Transport Impact Assessment (2024) Sn 8.5.2⁵ recommends lower parking provisions for developments of this type than were previously provided for under Housing SEPP (2021). A reduction in parking spaces would alleviate the additional traffic generation into the congested Falcon St/ Alexander St intersection.

Thank you for considering these matters.

While I strongly support the addition of Affordable Housing to developments in the North Sydney area, not all projects are suited to taking advantage of this development uplift. This development is one of those and the development uplift should not be approved.

The proposed increase in the height of the building is not consistent with the overall plan for increasing density in Crows Nest/ St Leonards which was based upon very tall buildings being located immediately adjacent to the train stations and stepping down to surrounding residential areas.

The project is located on a unique strategic site, bounded by two heavily used State roads and a local road which is the entry road to the major local shopping centre. Increased congestion around this site will have outside impacts on the transport network of large areas of the lower North Shore. The cumulative impact on the traffic network of numerous policy changes in the SLCN area from the SLCN 2026 plan to the TOD, additional Affordable Housing density uplifts as well as increased traffic due to off-ramping from the Western Harbour Tunnel appears not to have been adequately modelled or fully understood by the Department of Planning. The impact of each of these proposals

⁴ Table7

<https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-66826207%2120240404T225154.561%20GMT>

⁵ <https://www.transport.nsw.gov.au/system/files/media/documents/2024/print-version-guide-transport-impact-assessment-TS%2000085-v1.1.pdf>

is considered in a piecemeal fashion with limited data supporting the particular proposal being promoted.

One would think that given the amount of taxpayer funds invested in trying to solve congestion on the roads north of the bridge and tunnel, that the Department of Planning would have a very strong interest in ensuring that no additional pressures are placed on key traffic linkages to the Pacific Highway or Falcon St by the developer seeking to increase density on this site.