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OBJECT

Submission ID: 224326

Organisation: N/A	Key issues: <i>Built form and design, Residential amenity, Traffic, parking and servicing, Overshadowing impacts, Landscaping and communal open space, Other construction impacts, Other operational impacts, Affordable housing</i>
Location: New South Wales 1585	
Attachment: Attached overleaf	

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Please find submission attached

**Submission to Independent Planning Commission NSW
Fiveways Crows Nest Mixed Use Development incl In Fill Affordable Housing**

SSD – 66826207. 22-storey mixed-use development comprising commercial premises within a 3-storey podium, a 19-storey residential tower above with 188 apartments (140 market and 48 affordable housing apartments) and seven basement levels.

Background: The following is essentially based on an excellent presentation made by the Wollstonecraft Precinct, which has followed this project since inception. It identifies in a clear and concise manner key points that I fully support and presents them in a far better manner than I could articulate. Key background points:

- 1) 35-storey mixed use development. Prior to the exhibition of the draft 2036 Plan, an application to spot rezone the site was lodged with Council. Withdrawn.
- 2) 19-storeys including three-level podium with a tower of 16 storeys. That application was refused by the Sydney North Planning Panel because it did not demonstrate strategic merit. It was a “try-on.”
- 3) A 16-storey mixed use development with provision for 129 for market apartments. The SNPP decided that the proposal proceed to Gateway. The NSLEP (2013) was amended for maximum height of 58.5 metres (plus 2.0 metres for roof top structures) and maximum FSR of 5.8:1.
- 4) SSD-66826207. A 22 storey development based on the SEPP for bonus provisions for affordable housing but with a 15 year sunset clause that allows the affordable housing to be sold on market at the expiry of the sunset period. This is seen to be a major failure because affordable housing must be in perpetuity to ensure long-term growth of that category of housing. The project provides significant benefits to the developer in the first instance and then a form of lottery win, when the apartments are sold. It is massive over development in disguise.
- 5) **The 2036 Plan:** Gazetted on 29 August 2020 prescribed significant height uplift and increased FSRs to deliver 6,500 new apartments within the Plan area. It also envisaged an increase in population from 12,000 in 2016 to 26,000 in 2036.

The 2036 Plan failed to adequately address the social infrastructure impacts such as: education, health facilities, road transport and open space where the people who will live there, have good access to parks for recreational and sports purposes.

- 6) Transport Oriented Development. Crows Nest is one of 8 Tier One locations. The NSW Planning Dept chose the 2036 Plan area for a TOD uplift of density. Their first plan exhibited for public comment was for an additional 3,500 apartments on top of the 6,500 already included in the 2036 Plan area.

North Sydney Council produced a well-considered critique of the government's TOD plan and proposed a joint effort to produce a more moderate uplift in density. The development lobby proposed a significant additional number of sites for uplift. The government made the Plan on 27 November 2024 which proposes an additional 5,900 apartments in lieu of the 3,500 as exhibited.

Population by the time the TOD plan is completed will reach 36,000 and the final density will be 20,000 persons per sq.km. This is unheard of over development exacerbated by the government's refusal to properly address an increase in open space. The government has allocated \$520 million for open space across 8 TOD sites but there is no plan to deliver any of it. The requirements for children living in this precinct have been ignored.

Against this background, the five-ways site SSD proposal adds unnecessary additional apartments to an area where good planning has been overtaken by a desperate government decision to increase density and height at any cost.

Density: The Green plan published with the 2036 Plan states:

- The current Open Space in the 2036 Plan area is 21.0 hectares:
- The population in the 2036 Plan area at August 2020 was 15,581

The ratio of open space to population at that time = 1.37 hectares/1,000 population, the lowest by far of any part of the LGA and anywhere in the State.

Future Density:

There are four possible proposals for additional open space in the 2036 Plan area:

- Hume Park stages 2 and 3 proposed by the North Sydney Council
- redevelopment of the Holtermann Street Car Park offered by government
- pedestrianisation of part of Willoughby Road proposed by Precinct
- Together approximately 1.0 hectare.

The ratio of open space even if those proposals are implemented would be

$$\mathbf{22.0\ Ha / 36,000 = 0.61\ Ha/1000\ population.}$$
$$\mathbf{6.1\ sqm\ for\ each\ person}$$

An appalling outcome highlighting the gross deficiency of social infrastructure of the TOD plan.

Summary: The SSD proposal will add 188 apartments and up to 400 more persons but zero open space to the TOD. It will increase density and is undeniably overdevelopment. The IPC's considerations must, in addition to the assessment report, include density in the TOD precinct as a reason to approve or refuse this SSD application.

I request that the IPC considers this overdevelopment in its role as an Independent Authority.

Recommendation: That SSD–66826207 be refused, the result of which would be the reversion to the current approval for 16 stories, a lesser of two evils.

If the IPC decides not to refuse the proposal, the following amendments to the conditions of consent are recommended:

Building Height:

- The maximum approved height of the building is 58.5m (excluding 2m for roof top structures). The bonus provision for height adds 30% which means maximum allowable building height is 76.05m. The applicant made a section 4.6 request to vary the maximum height, The Dept has supported this variation. The variation is unnecessary because the podium height can be reduced without any detrimental effect to the project. Building height must be reduced by 1.59m to comply with the maximum height allowable.

The building design was further amended after exhibition to increase the floor-to-floor heights from 3.1m to 3.2m, adding 1.6m to height. Justification for this increase seems to have been based on a recommendation or by mutual agreement between the Dept and the applicant. It is gold-plating, and the impacts will affect the community from additional overshadowing and wind effects. Although this floor-to-floor height increase would comply with maximum allowable building height, it increases the overshadowing, the views and the wind impacts. There is no conclusive evidence in the assessment report to support the increase in height of an extra 6 storeys and the extra height of the Podium. Together they make material impacts to shadowing, wind or views. The building height should be reduced by a further 1.6m.

Recommendation: that the maximum allowable building height be reduced from 76.05m to 74.45m (plus 2m for all roof top structures). This height reduction from the proposed height will help reduce overshadowing, views and wind impacts. It is time that the community's concerns are appreciated and supported.

Car parking:

- The applicant has reviewed parking requirements related to the commercial retail component housed in the podium, but these are considered excessive. Parking rates for the apartments which are also excessive have not changed.

The TOD rezoning plan now in effect, has modified car parking rates to align with North Sydney Council's Development Control Plan (DCP) Table 10.1 for new high-rise developments close to train stations. The same conditions should apply to the Fiveways Site. If adopted the car parking numbers would be reduced by 67 from 220 to 153:

One BR apartments - 33	0.4 space per apartment	13 spaces
Two BR apartments - 118	0.7 space per apartment	83 spaces
Three BR apartments - 37	1.0 space per apartment	37 spaces
TOTAL Residential- 188		133 spaces
Non-residential (8,000sqm) = 1.0 / 400 sqm		20 spaces
Service/delivery		incl above
TOTAL		153 spaces

The assessment report makes no suggestion of a reduction in the number of basement levels when the applicant was seeking 328 spaces. This is an obvious oversight that requires adjustment. 67 spaces would reduce the number of basements by at least 2 levels, possibly 3 levels.

Recommendation:

- that the car parking rates be in accordance with North Sydney Council’s DCP Table 10.1 for new high-rise developments in the near vicinity of high access to public transport.
- that the number of basement levels be reduced from 7 to align with the reduced number of car parking spaces and that the actual number of basement levels be agreed and confirmed with Council.

Construction Traffic Management:

- The proposed plans for construction traffic (including for excavation of the site) are mentioned in section ‘**Other construction impacts**’ on page 44 of the Assessment Report. The Report concludes that the Construction Traffic will have minimum impact subject to conditions requiring the preparation of a list of detailed management plans. This statement has no supporting evidence other than it requires plans to be prepared.

Wollstonecraft Precinct commented that the complexity and difficulties with construction traffic approaching this site would create real issues that required more detailed analysis of truck movements and road closures than disclosed in the proposal.

In particular, Precinct is concerned where large vehicles required for the removal of excavation material would park whilst waiting to approach from the south. There is no location identified nor available for that purpose. All vehicles will have to travel north on the Pacific Highway, cross the intersection into Alexander Street and somehow move into the site, wait, load and then turn back onto Alexander Street and then left into Falcon Street then onto the Pacific Highway. This also means that Alexander Street could be permanently closed during excavation waste removal. This would be unacceptable.

The difficulties are such that approval of the project should not be provided until a satisfactory proposal is developed and approved by Council that mitigates traffic impacts and keeps Alexander Street open at morning peak traffic and weekends as a minimum requirement. This may require a temporary roadway

into the site to avoid long delay impacts on Alexander Street. The requirement for truck queuing and parking poses more difficulties. Truck sizes must also be considered in the context of these issues.

Movements of other construction traffic such as delivering materials to site also need to be developed to ensure Alexander Street can be left open as much as possible to allow normal traffic flows.

Recommendation: that approval of the proposal be held until the list of detailed plans relative to construction traffic management are prepared and delivered by the applicant and approved by Council and Transport for NSW.