



**New South Wales Government**  
Independent Planning Commission

## **TRANSCRIPT OF MEETING**

**RE: MIXED USE DEVELOPMENT INCLUDING IN-FILL AFFORDABLE HOUSING – FIVE WAYS, CROWS NEST (SSD-66826207)**

### **COMMUNITY STAKEHOLDER MEETING**

**PANEL:** MICHAEL WRIGHT (CHAIR)  
DUNCAN MARSHALL AM

**OFFICE OF THE IPC:** TAHLIA HUTCHINSON  
CALLUM FIRTH

**EXTERNAL ATTENDEE:** JOHN HANCOX

**LOCATION:** IPC OFFICE  
LEVEL 15, 135 KING STREET, SYDNEY

**DATE:** 11:20AM – 11:35AM  
THURSDAY, 12<sup>th</sup> DECEMBER 2024

**<THE MEETING COMMENCED**

**MR WRIGHT:** So, I'll just make a statement. So good morning and welcome. Before we begin, I'd like to acknowledge the traditional owners of the lands on which we meet, the Gadigal people of the Eora Nation, and pay my respects to the Elders past and present.

I'm Michael Wright and I am the Chair of this panel. Joining me is my fellow Commissioner, Duncan Marshall. We're also joined by Tahlia Hutchinson and Callum Firth from the Office of the Independent Planning Commission.

As you're aware, due to the low number of registered speakers, the Commission's cancelled the public meeting for the Five Ways, Crows Nest Mixed Use Development including In-Fill Affordable Housing (SSD 66826207), which is currently before this Commission Panel for determination.

The Commission thought it was appropriate to meet separately with those who had expressed their interest to speak at the public meeting, or those the Panel wished to hear from to hear their views on the application.

In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded, and a complete transcript will be produced and made available on the Commission's website.

John, we've set aside 10 minutes to hear your views, so if you'd begin.

**MR HANCOX:** I'll do my best.

**MR WRIGHT:** Thank you.

**MR HANCOX:** I'll talk about some background first and about this application.

Number one was the 35-storey application they made before the 2036 Plan was finalised. They withdrew that before Council had an opportunity to comment on it. They must have got wind about the Government Architect's proposal that the 16-storey height was the appropriate size for that particular site, so that was the Government Architect's view, that 16 storeys was the maximum height for the site.

That was never relayed to the public, that particular advice given to the Planning Department. They called for it, they got it from the ... But somehow or another it got into private hands, but not ours. Then the 16-storey development was tried on, but he'd put in a proposal for 19 storeys, and it was refused. Following that, the 16-storey real height that was approved, as we know, at 58.5 metres.

This particular one, 22 storeys with an uplift of 6 storeys, and whilst they were uplifting 6 storeys, the anomaly of the increase of height of 30% applied from the ground level for a mixed use development, the same as it does that starts on a flat

residential front building. So he gets an extra bonus to increase the height of the building, even though the accommodation tower doesn't start until the top of the podium. So, he did increase the height of the podium by introducing a mezzanine level, so that still exists, unfortunately.

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The other thing about is that the 15-year sunset clause which we really think is poor, because everything should be – all that housing should be in perpetuity. Because fundamentally, by having in-fill housing with a 15-year period, is a bonus, an extra bonus to the developer without any real penalty, but 15 years later it's a lottery win. So it's a double-whammy win for the developer.

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Come in then the 2036 Plan which was gazetted in 2020, it really failed – it failed to properly address the social infrastructure required. In that part of the LGA North Sydney is the lowest open space per population in the LGA, and it's also the lowest amount of open space anywhere in New South Wales, in the greater Sydney area particularly.

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So, we were very critical of the 2036 Plan because it failed the social infrastructure. And then along came the Transport Oriented Development on top, an extra 6,500 dwellings (in round figures) on top of the already-dense area. And then that TOD, when it was prepared by the Planning Department, gave another 3,500 (in round figures) of dwellings to go into that same area.

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The exhibition of that resulted in comments from the – from two of the important areas, one from Council, Council said, “Hang on, there's a whole lots of problems with this, we can do a much better job together. Let's work together to do a better plan which based on place making studies and proper planning.” Their approach and our approach was that they're being directed by government to provide housing in an emergency situation, and good planning, really good planning is going out the window.

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Now, the population by the time the TOD is finished, the new development, the number of new dwellings went up to 5,900. And the result of that is that the 2036 Plan area including the TOD area, will finish up with 36,000 people at the end of whatever number of period – 15 years, I think they're saying it's going to take, 36,000 people, 1.0 square kilometres. That's density unheard of.

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And what we've got is a small number of open space areas that are ripe for development. They're about a one hectare area. One hectare. That's the Hume Street area/park, it's in two stages. The Phase 2 is the flat park in front of the sports building, the inside sports building. Stage 3 is undergrounding the sports building and the car park and making a park on the top.

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The other one was the government-led proposal to redevelop Holtermann Street car park, which is 1,600 square metres of space. Very expensive. They have never funded it. They, at the time when they said that we should do that, they put 15 million, or they nominated 15 million as the cost, it turns out to be 40 million.

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**MR WRIGHT:** Sorry John, that involves undergrounding the car park?

**MR HANCOX:** Yes, underground, yes, undergrounding the car park. We've done the design, Council's spent a lot of money on that, the government paid for it, two-and-a-half million to do the design. It's just unaffordable. We just don't have the money – Council doesn't have the money.

The other thing about the whole area is that there's 21 hectares of open space in that area right now. That's a government number, it's in the Green Plan, 21 hectares. And the population at the time when they wrote that, was 15,581 people, then it's going, ultimately, to 36,000. The ratio of open space at the time when they wrote the Green Plan in 2036 was 1.37 hectares for a thousand population. If you take it to completion, we'll have 22 hectares of open space because as you see we have one more hectare of those three sites. And that includes the precinct zone suggestion to the Council, the pedestrianisation of Willoughby Road, partial pedestrianisation, i.e. processes that the government has recommended that all Councils should adopt, pedestrianisation.

At completion, 22 hectares surrounded by 36,000 people is 0.6 of a hectare per thousand population. Six square metres per person. Think about it. It's really dense. The result of all that is that my conclusion is that this particular State Significant proposal adds another 188 dwellings and about 400 people. That just adds to – a smaller increment, I agree, but it just adds to the disaster which is the TOD proposal.

And combined with the fact that it's got a 15-year sunset clause on the affordable housing, it just doesn't stack up. And we're saying that you should refuse it. That's what we're recommending you do; refuse the application. Which means, if you did, it will revert to the already-approved site with 129 apartments, was the reference number in that particular one, it could turn out to be somewhere anywhere around that because, depending on how they use the floor space, 129 was their reference number, instead of 188, including 48 affordable housing.

So, going back, refusing this application. Going back to the approved one would be the lesser of two evils for us, if I could put it that way. We know that there's a suggestion that there's a 6% requirement for affordable housing in TOD, is the underlying requirement. It just means that the Applicant's got to comply with that, but the height would remain the same.

So, that's our request. Refuse the application. Good grounds, because all it does is add to the disaster that's already the TOD. And the benefit to the community who deserve something, is that they get less overshadowing, less bulk – this is a hundred-metre long/wide tower on Pacific Highway, 75 metres on Falcon Street, and something similar along Alexander Street. It's a bulky, ugly looking building and it provides a lot of visual impact, wind impacts, and more importantly, shadowing.

So, if you don't refuse it, here's what we recommend instead. The building height.

The building height that's in the Assessment Report is, I think, 70 – I just can't remember now. Anyway. It's a 1.6 metre higher than the approved level. If you could take the 58.5 and multiple it by 1.3, you get 76.05. I think they're going to 74.45, 1.6 metres higher anyway. Plus 2 metres for rooftop enclosure.

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There are two components of that. First of all, there's the fact that they actually exceed what the rules say, 1.3, they've got a little bit more. And our argument when we made our submission on the proposal – you don't have to do that, you can just take it out of the podium, it won't affect the dwelling. What do you want it? Going back to the first proposal, they were looking all the time to get more and more height.

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The other slight increase of 1.6 metres was when they ... When it appears to be an agreement or a discussion between the developer and the Planning Department, was that they wanted to increase the floor-to-floor height from 3.1 to 3.2. And there doesn't appear to – there's no regulatory requirement for that. Everybody else is doing 3.1 metres floor height. And we're saying that should be cut back to 3.1, so 3.2 should be cut back to 3.1, which would save another 1.6 metres.

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Admittedly, it would be 1.6 metres lower than the allowable height. But what it does is just reduces that building a little bit lower and help the community. It's a very fine point but it's important to the community.

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Car parking.

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**MR WRIGHT:** And John, we're coming close to being out of time. So, please, if you could ...

**MR HANCOX:** Okay.

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**MR WRIGHT:** Thank you.

**MR HANCOX:** Car parking.

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**MR WRIGHT:** Yes.

**MR HANCOX:** The TOD has addressed its proposal for car parking by adopting North Sydney Council's car parking rates. If you did that here, you'd reduce the Applicant's number of spaces by 63, from 220 to 153 spaces. Sixty-seven car parking spaces would also reduce the number of basement levels, which they haven't addressed in the Assessment Report or the Consent document.

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So, we're saying please adopt the North Sydney Council's rates for parking in that area. And also to have the number of basement levels assessed and approved by Council. And it would go from seven to probably five, maybe even four. Originally, they asked for 328 car parking spaces. In the revised proposal, they cut it to 220.

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5 Finally, construction management. The construction management which is addressed on page 44 of the Assessment Report doesn't go far enough in our view, because what they're saying is it's okay to go ahead, subject to a number of production of a number of management plans for construction traffic. If you read our proposal, we drew the attention to the fact that there's nowhere for trucks to park in the south of that site. Nowhere that they can park to wait to line up and get into the site.

10 Furthermore, they haven't addressed the fact that Alexander Street's a very busy road, and you can't close Alexander Street; you've got to get the trucks into the site.

**MR WRIGHT:** So, trucks coming up from Pacific Highway ...

15 **MR HANCOX:** They've got to cross the intersection of Alexander Street and get into the site, get into the site, get filled up, get out of the site, turn left into Falcon Street, turn right into ... It's a mess. That part of this approval process needs to be thought about before it's approved.

20 So, a lot of detail in our formal submission which you'll read, but that's the crux of the problem. You should not, in my view, approve this until that part of the assessment is properly analysed. Because I think it's going to be a real, real problem. That's it.

25 **MR WRIGHT:** Thank you, John. Duncan, do you have any questions you want to ....?

**MR DUNCAN:** If you have something to ask ...

30 **MR WRIGHT:** I'm fine.

**MR DUNCAN:** Actually, just one, and just understanding your organisation's kind of geographic area of interest, I guess, in relation to this site. What's the sort of ...

35 **MR HANCOX:** The relationship between Wollstonecraft precinct, you mean?

**MR DUNCAN:** Yes, and this site.

40 **MR HANCOX:** Well, Wollstonecraft precinct is a large precinct. There are 3,600 dwellings in the Wollstonecraft precinct, one of the densest areas in Sydney also. And according to the Minister of Planning, Wollstonecraft and Waverton are density done well, which makes me wonder why we're having this conversation.

45 But there's no shops in Wollstonecraft. We shop in Crows Nest. We eat in Crows Nest. We can't relax in Crows Nest because there's not enough space, open space. Our children have to go elsewhere. And for the residents of Crows Nest and close by, their children – I don't know what they tend to do.

**MR DUNCAN:** So, just to clarify, so your organisation is concerned as a neighbouring precinct?

5 **MR HANCOX:** Hmm.

**MR DUNCAN:** But one that uses Crows Nest.

10 **MR HANCOX:** Yes. We all go there. We don't have many other options. More recently, we can take a train to go to St Leonards and shop in the basement. That's one of the other things.

15 **MR WRIGHT:** Your time's up, John. Thank you very much for coming along. It was good to hear from you today.

Just to reiterate, this meeting has been recorded and its transcript will be made available on our website. Just a reminder that submissions for this project will close at 5 p.m. on Thursday the 19th of December.

20 If you have any material with you today you'd like leave with us, we can also publish it on our website.

25 **MR HANCOX:** I've got a few to enter on this, but I'll hold, I'll just send this in tomorrow.

**MR WRIGHT:** Could you please?

**MR HANCOX:** Yes.

30 **MR WRIGHT:** That'd be great. Thank you so much, John.

**>THE MEETING CONCLUDED**