



12 December 2024

Secretary
Department of Planning, Housing & Infrastructure
Attn: Bonnie Hale
12 Darcy Street
PARRAMATTA NSW 2150

SSD 61400212
AB7 (P&E)

STATE SIGNIFICANT DEVELOPMENT APPLICATION 61400212
APPLICANTS: Third.i Crows Nest Residential Developments Pty Ltd

Dear Ms. Hale,

I refer to the recent public exhibition of the application and advise that following a review of the documents provided, Council objects to the approval of this development proposal.

In summary, the grounds for objection are:

- The proposal envisages the maximum in-fill of the approved building envelope, which will create significant and excessive bulk and scale, with limited articulation or setbacks to enable the building to fit appropriately within the surrounding area and adjoining buildings, and will exacerbate the appearance of significant bulk of buildings along the Pacific Highway.
- The proposal gives insufficient regard to the placement of the envisaged residential usage on neighbouring sites, particularly with regard to building setbacks, and streetscape interfaces, thereby compromising future residential amenity.
- The proposal has not provided sufficient bicycle spaces, end of trip facilities, or car wash bays, to meet the needs of future residents and occupants of the building.
- Traffic flow and swept path issues, particularly for the proposed car lifts.
- Inadequate consideration has been given to construction management and how works will impact upon the surrounding area and local roads.
- The traffic and transport assessment submitted is inadequate and does not take full account of all modes of traffic and transport generation.
- Waste management arrangements do not comply with Council DCP requirements, and are not appropriate for the size and scale of the development.
- The proposal underplays the social impact of the development upon the area and the diverse needs of the community with regard to community spaces and affordable/social housing.

Detailed Submission

This submission has been prepared with input from across Council's departments, and addresses:

- Strategic Planning,
- Urban Planning and Design,
- Social Impact and Affordable Housing,
- Traffic and Transport, and
- Waste Management

Development-specific and standard conditions will be recommended, should the application be recommended for approval, for the following matters in addition to the above issues:

- Traffic and Transport
- Landscape and Trees,
- Environment and Health

Accordingly, Council is prepared to assist the Department with preparing detailed conditions of consent, should a positive recommendation be made to the Independent Planning Commission.

Background

The opening of the Sydney Metro City line in August this year represents major city-shaping investment with significant benefits to North Sydney Council, the wider precinct and the Metropolitan region more generally. The Crows Nest and Victoria Cross metro stations have essentially halved travel times to and from the city.

Leveraging off that investment, the NSW Government has sought to establish the highest and best use of air space above the Crows Nest metro landholdings (Sites A, B and C) and adjacent properties along the Pacific Highway. This is supported in principle. Over the past eight years, a combination of strategic plans, rezoning proposals, state significant development (SSD) approvals and modifications have envisaged increasingly taller buildings and higher densities, and a marked shift from a future employment hub to high density housing around the metro station. These shifts are largely attributed to increased office vacancies following the COVID-19 pandemic, as well as higher construction costs and interest rates making commercial development currently less feasible; and NSW Government's more immediate focus on delivering additional housing supply across Sydney to support the growing population.

Plans for the Crows Nest metro Sites A and B have been subject to significant changes over the years, again shifting progressively to a high-density residential typology. For Site B, the subject of this SSD, proposals have shifted from a proposed 12 levels of hotel or commercial office premises (concept SSD-9579) to 14 levels of residential (SSD-61400212) above 2 levels of above ground car parking and the ~15m metro station box.

Council has consistently advocated for a long term and strategic mix of housing and employment above the metro sites, along with appropriate tower articulation, separation, floor space ratios, and setbacks to better respond to the fine-grained and much-loved character of Crows Nest and to protect afternoon sunlight to Willoughby Road and Ernest Place – i.e. what is often referred to as “density done well”.

Preliminary Notes

Except as discussed below, the proposed development performs satisfactorily in response to applicable planning instruments and the Apartment Design Guide. It is noted that development control plans are excluded from being applied to State significant development proposals. In these circumstances, the North Sydney DCP 2013 has been used not as a suite of assessment controls, but rather as a guide, to allow an informed and well-considered evaluation of the proposal.

Timing of Submission

Before preparing this submission, the Department of Planning Housing and Infrastructure advised that no extension would be granted, so this submission was made by the due date.

The Department also advised that the elected Council may make a supplementary submission following formal closure of the exhibition period. The Council will consider this application at a meeting early in 2025, although the next opportunity of doing so will be at the first Council meeting of 2025, which is scheduled for 10

February. Should Council resolve to make any additional comments, they will be included in a supplementary submission as soon as practicable after the Council meeting.

STRATEGIC PLANNING/URBAN PLANNING AND DESIGN

1. Inadequate setbacks and articulation of shared property boundary and street frontages

The approved building envelope diagrams from December 2020 include two sets of OSD building outlines: the maximum building envelope and the indicative OSD building location above the station. For Site B, the indicative OSD features a smaller floorplate with above podium setbacks provided along all property boundaries (Figures 2 and 3). The purpose of the two building outline controls is to ensure an appropriate level of articulation to the tower to improve the internal amenity of the residences, retain a better sense of scale at pedestrian level along the Pacific Highway and better reflect the fine grain context of Crows Nest village.

In contrast, the proposed tower fills the maximum approved building envelope, with limited above podium street and lane setbacks and minor articulation (Table 2). This results in a bulkier building that will contribute towards a 'canyon of towers' along the Pacific Highway, having regard to the increased tower heights under the Crows Nest TOD (see Section 2 of this advice).

Filling the maximum envelope is only made possible by omitting the GFA of internal corridors in the floorspace calculation, which is not supported (see Section 5 of this advice).

Finally, it is important to note that the North Sydney Development Control Plan 2013 (NSDCP 2013) requires a 3m above podium setback for Site B along Pacific Highway, Hume Street, and Clarke Lane to provide a better sense of scale to the street. The SSD is inconsistent with the DCP setback guidance.

Figure 1. Approved concept design – Dec 2020 (highlights added)

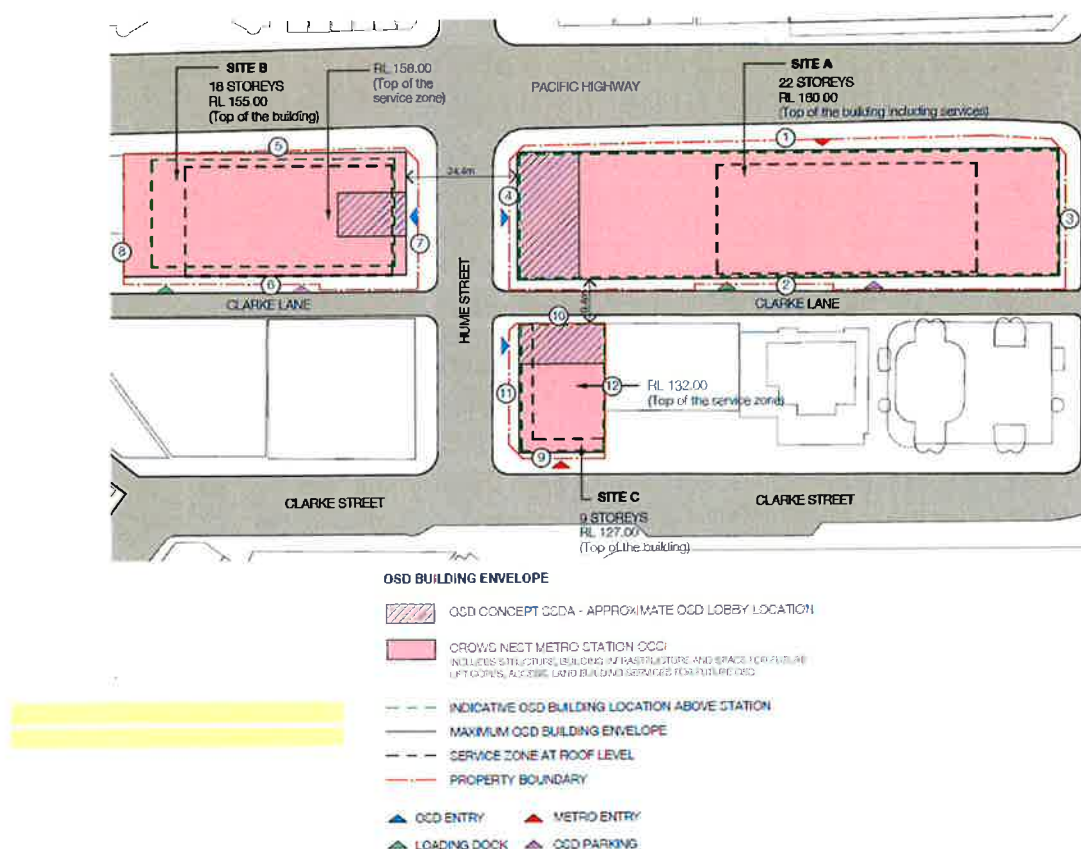


Figure 2. Approved concept design – Dec 2020 (highlights added)

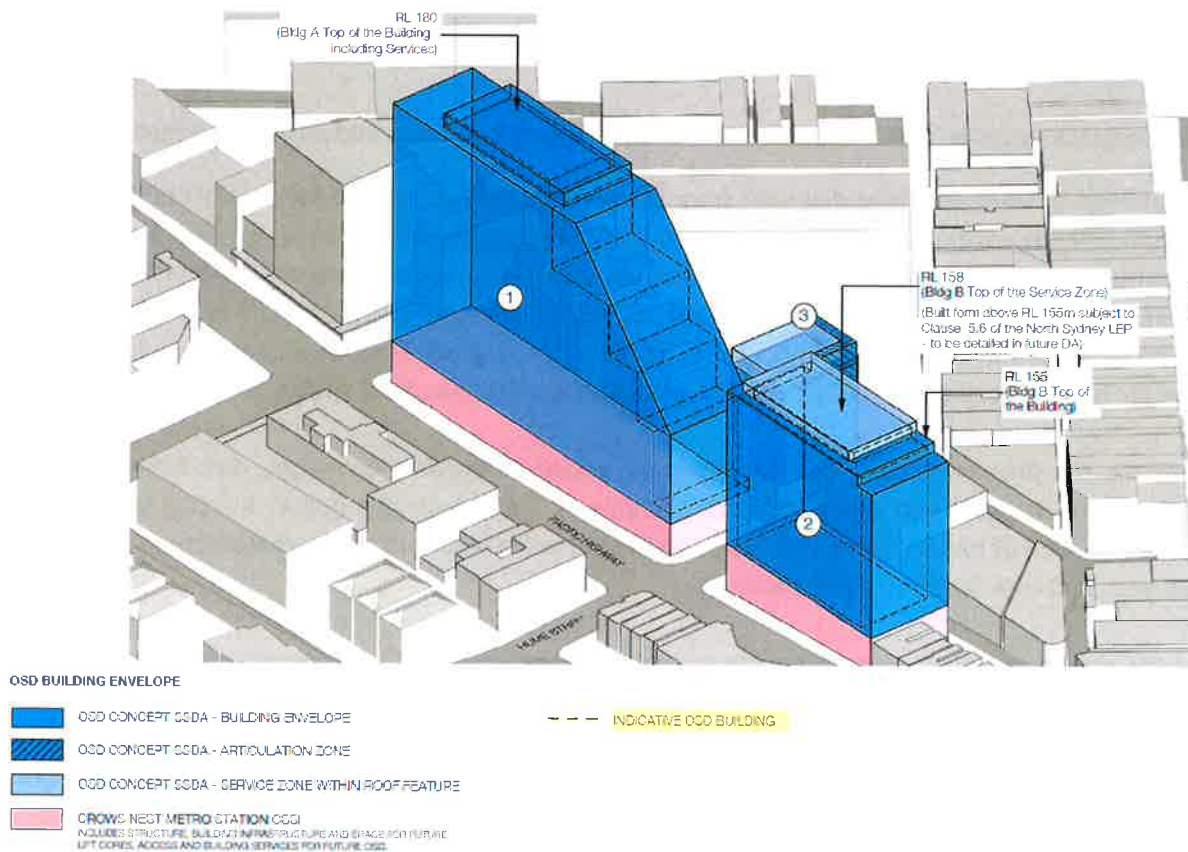


Table 1. Comparison of above podium setbacks for Site B showing the indicative OSD location of the approved envelope has not been observed

Setback to boundary	Approved Envelope (Dec 2020)		SSD
	Max OSD envelope	Indicative OSD location	
Pacific Highway	0-0.9m	Est. 1-2m	0-0.9m
Hume Street	2.5m	Est. 2.5m	2.5m
Clarke Lane	1.2-2.6m	Est. 2.5-4m	1.2-2.6m

2. Non-compliant building separation to the adjacent site to the south

The southern setback of Site B has not adequately responded to the proposed increase in building height of the building adjoining the southern boundary under the Crows Nest TOD (NSW Government 2024).

The 2036 Plan (NSW Government 2020) recommended a maximum building height of **8 storeys** for the sites adjacent to Site B to the south (Figure 4). To comply with the Apartment Design Guide (ADG), a total building separation of 21m is recommended between habitable rooms, comprising a 12m setback from Site B and a 9m setback from the adjacent site.

Previously, the proponent argued that due to the 8-storey height cap on the adjacent site, Site B only needed to provide a 6m setback to the shared property boundary for levels above 8 storeys.

However, the recently published Crows Nest TOD increases the building height for the adjacent site from 8 storeys to **16 storeys** (Figure 4). This change requires a considerably more careful response to the ADG, which

recommends a total building separation of 24m between habitable rooms (12m setbacks from each side of the property boundary) for buildings above 8 storeys. Further, it is worth noting the Urban Design Report (SJB 2024) that underpins the Crows Nest TOD, recommends maximising tower separation with distances of up to 40m (Figure 5).

The proposed Site B building provides a setback of approximately 5–6.285m from habitable rooms to the southern site boundary for level 9-18, falling considerably short of the accepted minimum 12m setback requirement under the ADG and design recommendations of the Crows Nest TOD.

Figure 3. Comparison of maximum proposed building heights under the 2036 Plan and Crows Nest TOD

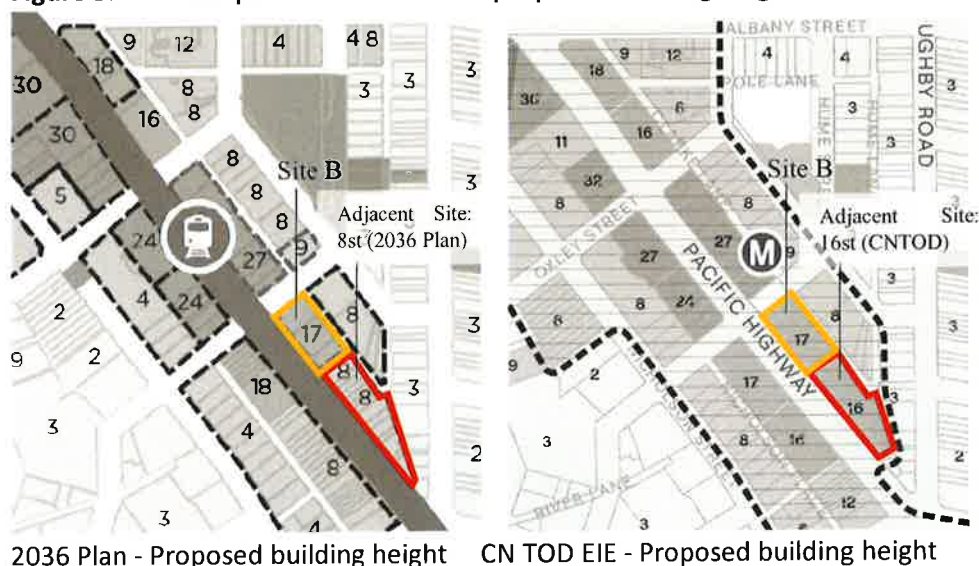
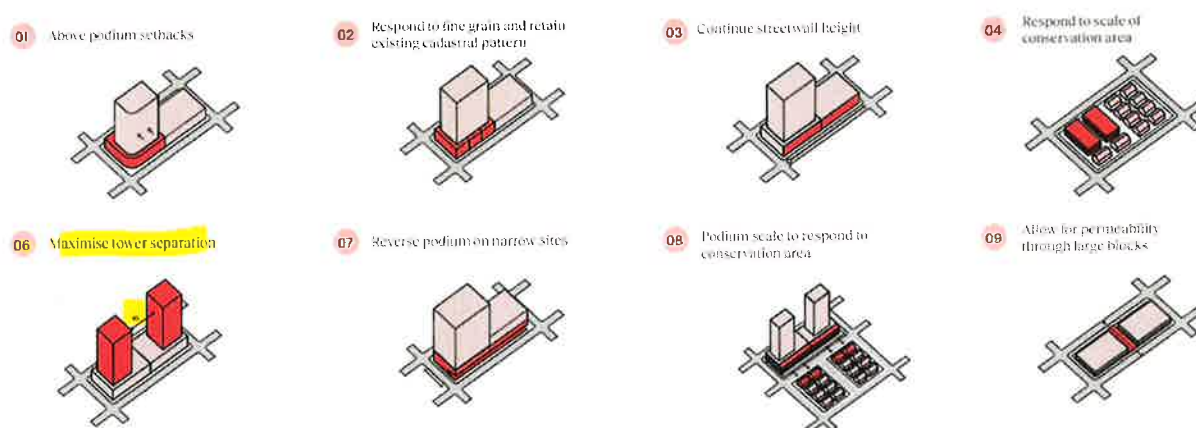


Figure 4. Design recommendations for tall towers under the Urban Design Report for the Crows Nest TOD (excerpt from page 82) (highlights added)

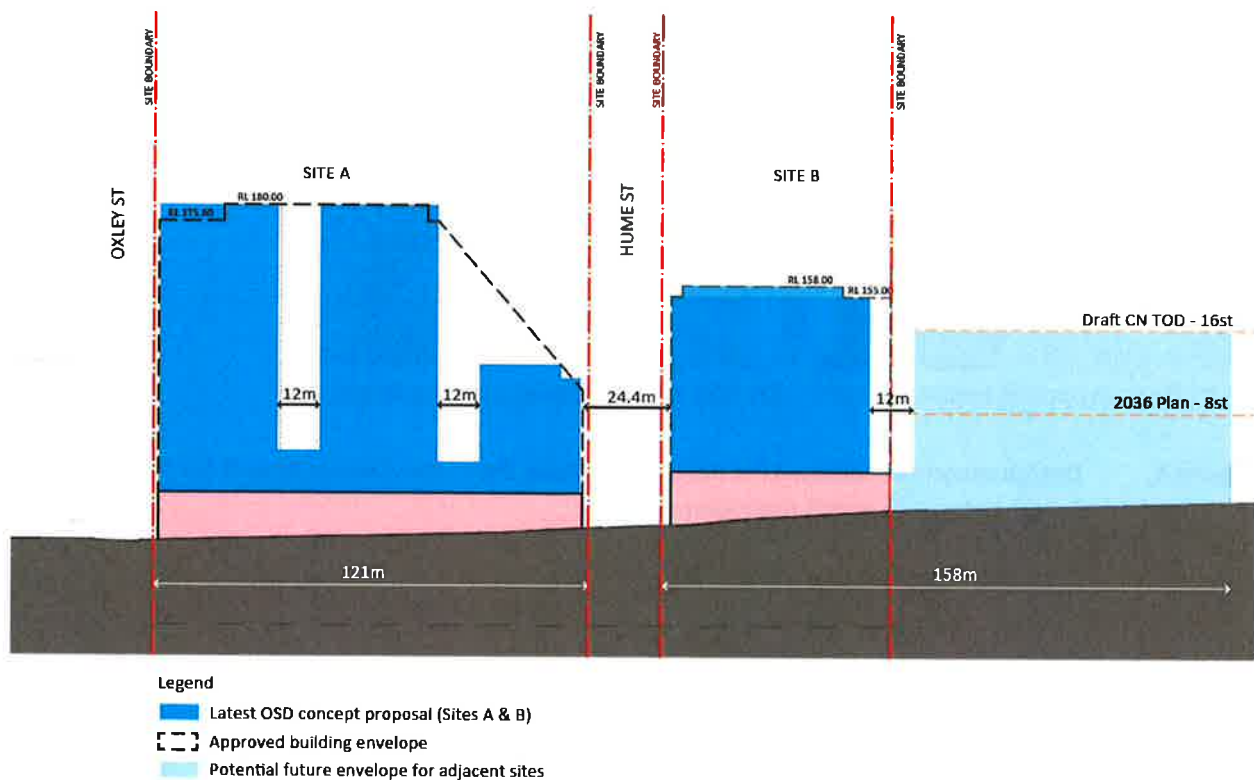


The cumulative effect of poorly separated tall buildings along the eastern side of the Pacific Highway, raises several significant concerns. The anticipated massing will be highly visible from local viewpoints, including Ernest Place, Hume Street Park, Willoughby Road, and the Pacific Highway. Lack of any meaningful gaps or articulation between buildings (Figure 5) will cause a 'wall effect' when looking up or down the highway or from the centre of Crows Nest. It will also cause significant afternoon overshadowing of Ernest Place and Willoughby Road during spring and autumn equinoxes.

In addition, with the Crows Nest TOD also proposing further increases to building heights along the western side of the Pacific Highway, any precedent set by poor separation and articulation of towers on the metro sites, may be repeated, causing a “canyon effect” down the highway. The Site A block spans approximately 121m, while the combined length of the Site B block, including the adjacent sites with uplift, extends to 158m. If the proposed narrow building separations are maintained for these two high-density, high-rise blocks along Pacific Highway, it will result in an exceptionally long and largely continuous built form with only a visual break at Hume Street. This must not set a precedent for the western side of the Pacific Highway.

To mitigate these impacts and provide adequate amenity to the residential units, it is recommended that a minimum 12m building setback be provided by Site B along the shared southern boundary.

Figure 5. Limited tower separation distances being sought by the applicant in context with increased building heights proposed under the Crows Nest TOD



3. Non-compliant building separation to the site across Clarke Lane

The ADG requires a total of 21m building separation between habitable rooms of Site B (18 storeys) and the site across Clarke Lane (potential 8 storeys). To comply with the ADG, a minimum 12m building setback should be provided from the centreline of Clarke Lane.

However, the proposed design only provides a 6m building setback for residential levels 9-20, which falls significantly short of the required minimum setback. This non-compliance compromises privacy, amenity, and the overall design quality for future residents on both sites.

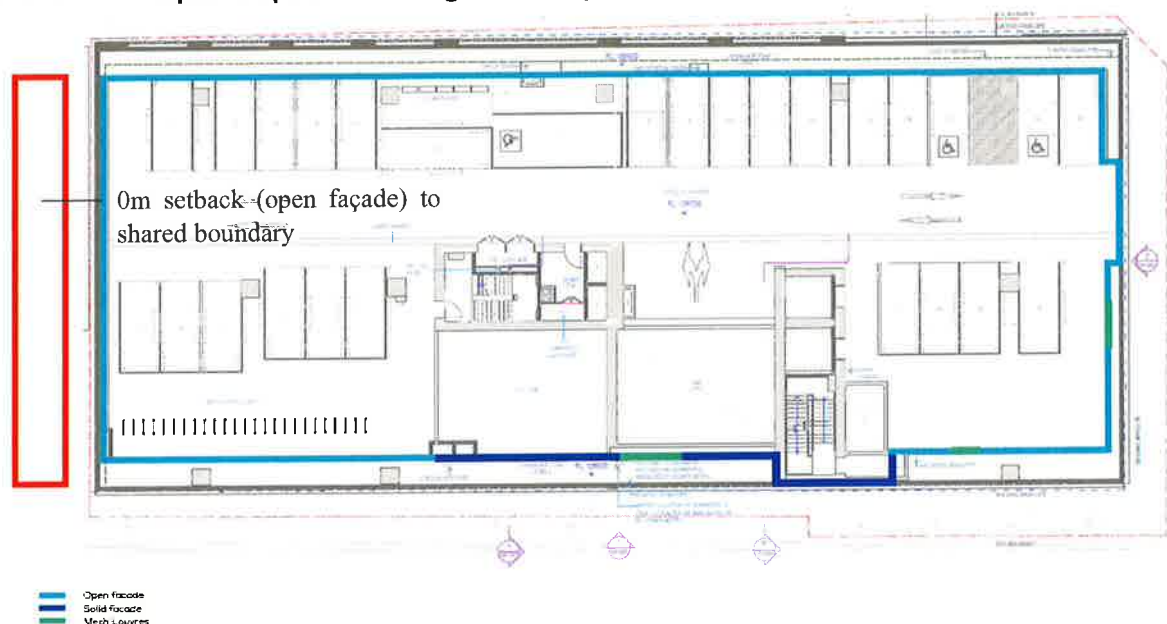
4. Poor interface with adjacent site to the south for carparking levels

The proposed building includes two levels of car parking on Levels 5 and 6, with a direct open interface to the adjacent site to the south and a 0m setback to the shared boundary (Figure 7). The façade at this interface is designed as an open structure, featuring perforated metal panels.

The Crows Nest TOD planning recommendations indicate that the adjacent site is intended for redevelopment with a 3-storey street wall accommodating non-residential uses, with residential uses above. As such, the proposed open façade car parking levels with a nil setback at Site B will directly face future residential units on the adjacent site.

This design raises significant concerns, as it would have a detrimental impact on the residential amenity of the adjacent site, particularly in terms of privacy, noise, air quality and visual intrusion.

Figure 6. Proposed open air above ground car parking level of Site B with nil setback to the south



5. GFA/FSR underestimated due to exclusion of residential corridor spaces

The residential levels of Site B incorporate corridors with operable louvers. The proponent argues that these louvers will remain fully open 75%–90% of the year, and therefore, the **corridor spaces are excluded from the total GFA calculation**.

Operable louvers can still create fully enclosed corridors. This suggests that the corridor spaces should still be considered in the GFA calculation. During the last SDRP meeting with GANSW, the Department of Planning, Housing and Infrastructure verbally advised that the Department is currently seeking legal advice on this matter that will be shared with Council in due course. Until now, Council has not received that advice. Supporting such an exclusion would set a concerning precedent.

The table below compares the GFA calculations using the two methods. If the corridor spaces are included, the overall FSR would increase to **8.48:1**, significantly exceeding the maximum 7.5:1 control (Table 3).

The privatised, partly enclosed top floor spaces should also be reviewed.

This analysis highlights that, if the corridor spaces are included in the GFA, achieving compliance with the FSR control would necessitate a smaller floorplate and additional building setbacks - aligning more closely with the intent of the approved indicative OSD building location.

Table 2. Comparison of GFA yield of the SSD with and without including the internal corridors

	SSD	SSD with corridors included in the residential GFA
Residential GFA	12,981m2	14,941m2 (does not comply with max 13,000 residential GFA control)
Non-residential GFA	938m2	938m2
Total GFA	13,919m2	15,879m2
FSR	7.44:1	8.48:1 (does not comply with 7.5:1 FSR control)

LANDSCAPE AND TREES

The Arborist Report prepared by Urban Arbor dated 7 May 2024 states that no trees will be impacted. In the period since this Arborist Report was prepared, 4 x *Platanus digitata* have been planted across the Pacific Highway frontage of the subject site – this species is no longer a preferred species within North Sydney Council area due to its poor past performance. The south-easternmost tree has been planted under the overhanging awning, and next to a large steel power pole, and its imminent removal and replacement would have been required regardless of any additional works. All 4 x trees have ‘Filtipave’ rubber surround installed, that is not according to council specifications and require removal and reinstallation. These trees will all be impacted by proposed works to some extent (hoardings/scaffolding etc). The current OSD proposal also shows 5 x *Platanus digitata* to be planted across this frontage.

To achieve the best outcome, and to facilitate the OSD as proposed, the 4 x existing *Platanus digitata* planted across the Pacific Highway frontage of the subject site shall be removed and 5 x *Platanus X hybrida* (minimum 150-litre pot size) shall be planted across this frontage. All trees shall be planted with sufficient awning cut-outs to allow for future unimpeded canopy growth, with the south-easternmost planting site relocated further north-west to avoid future impedance created by the adjacent steel pole. All trees shall be planted according to council specifications, with ‘Filtipave’ rubber surround installed around the bases no sooner than 6 months post planting with a minimum 100mm gap between it and the trunk to allow for future trunk growth.

With regard to the above, several conditions are recommended to ensure that a sympathetic landscaping outcome is achieved:

Approval for removal of Trees

C47. The following tree(s) are approved for removal in accordance with the development consent:

Trees that are acceptable to remove	Location	Height
4 x <i>Platanus digitata</i>	Council verge-Pacific Hwy frontage	2.5m

Removal of any other tree on the site is not approved, excluding species exempt under Council’s Tree Preservation Order. Any tree(s) shown as being retained on the approved plans (regardless of whether they are listed in the above schedule or not) must be protected and retained in accordance with this condition.

(Reason: Protection of existing environmental and community assets)

Amendments to the Landscape Plan

C88. The landscape plan must be amended as follows to provide an appropriate landscaped setting:

- The 4 x existing *Platanus digitata* planted across the Pacific Highway frontage of the subject site shall be removed and 5 x *Platanus X hybrida* (150-litre pot size minimum) shall be planted across this frontage. All trees shall be planted with sufficient awning cut-outs to allow for future unimpeded canopy growth, with the south-easternmost planting site relocated further north-west to avoid future impedance created by the adjacent steel pole. All trees shall be planted according to council specifications, with 'Filtipave' rubber surround installed around the bases no sooner than 6 months post planting, with 100mm min. gap to trunk to allow for future trunk growth.

An amended landscape plan complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the amended landscape plan and other plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To ensure residential amenity)

Trees to be Removed

E19. All trees on the site must be protected and retained save for those expressly identified below as being approved for removal: -

Trees that are acceptable to remove	Location	Height
4 x <i>Platanus digitata</i>	Council verge-Pacific Hwy frontage	2.5m

(Reason: To ensure compliance with the terms of this development consent)

Required Tree Planting

G32. On completion of works and prior to the issue of an Occupation Certificate trees in accordance with the schedule hereunder must be planted in Council's nature strip/footpath: -

Schedule

Tree Species	Location	Pot Size
5 x <i>Platanus X hybrida</i>	Council verge-Pacific Hwy frontage	150l

The installation of such trees, their current health and their prospects for future survival must be certified upon completion by an appropriately qualified horticulturalist.

Upon completion of installation and prior to the issue of an Occupation Certificate an appropriately qualified horticulturalist must certify that any trees planted in accordance with this condition are healthy and have good prospects of future survival. The certification must be submitted with any application for an Occupation Certificate.

(Reason: To ensure that replacement plantings are provided to enhance community landscaped amenity and cultural assets)

Maintenance of Approved Landscaping

- 143 *The owner of the premises at 25 Hume St is to maintain the landscaping approved by this consent generally in accordance with approved plans.*

Any replacement plants required shall be advanced in growth and be selected to maintain the anticipated mature height, canopy density and nature of those plant species as originally approved.

(Reason: *To ensure maintenance of the amenity, solar access and views of adjoining properties*)

Ongoing Street Tree Care

11. *The 5 x Platanus X hybrida located in the road reserve shall be watered for a period of six (6) months after the final construction certificate is issued. The watering shall be approximately 150 litres per week (min), per tree, delivered gently by hose or watering can so that the surrounding soil can absorb the water. Seasol solution is recommended once a month over this period.*

Plans and specifications showing the said tree protection measures must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure the construction plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: *To ensure that appropriate tree protection measures are shown on construction drawings*)

TRAFFIC AND TRANSPORT

In summary the following traffic and transport advice is provided.

- Parking is compliant with Transport for NSW Guidelines.
- Adequate accessible car and motorcycle parking and bicycle storage is proposed.
- Waste collection arrangements are unacceptable and should allow for entering and leaving the site in a forward direction.
- Fire and Rescue NSW should be consulted regarding the ability of fire truck to make a three-point turn on streets adjacent to the site.
- Road safety measures are acceptable, except as discussed below.
- The Green Travel Plan submitted with the application lacks detailed initiatives, stakeholder engagement provision and does not allow for user-feedback, for continuous improvement.

Parking Provision

The site is proposed to be a mixed-use development above the Crows Nest Metro Station, which will comprise 130 units and retail/commercial space. Pedestrian access to the Site is proposed along the Hume Street frontage, whilst vehicular access to the Level 5 and 6 car parks will be off the Clarke Lane frontage. A breakdown of proposed yields (as identified in the *Traffic and Transport Impact Assessment* [the TA] prepared by Stantec dated 5 September 2024) is shown below:

Table 5: Breakdown of land-use

Land-use	Unit type	No. of units/ GFA
Residential	1-bedroom	44 units
	2-bedroom	64 units
	3-bedroom	22 units
	Total	130 units
Retail	-	347m ² GFA

A review of the EIS and submitted architectural plans indicate a retail GFA that is closer to 360m² GFA, not 347m² GFA. Hence, the below parking and traffic calculations adopts 360m² GFA for the retail GFA component.

Additionally, the EIS indicates a unit breakdown outlined below, totalling 130 units. It is evident there is a slight discrepancy between the number of 2 beds and 3 beds compared to what has been indicated in the proposed yields identified in the TA. This memo has based the parking and traffic calculations on the below yields.

- o 1 bedroom = 44
- o 2 bedroom = 63
- o 3 bedroom = 23

Car Parking

Per the conditions of consent for the concept development application (SSD-9579 Mod 2) for an over station development, it is outlined that “future development application(s) must demonstrate compliance with the following maximum parking limits: a maximum of 55 spaces within Site B, including 6 accessible spaces”. The TA indicates a proposed provision of 55 car parking spaces across 2 levels. The TA notes that the car parking spaces will be allocated to the residential tenants of the building only. Hence, the provision of car parking complies with the conditions of SSD-9579 Mod 2.

Accessible Parking

Similar to the above SSD-9579 Mod 2 conditions, the development application should provide 6 accessible spaces in the maximum provision of 55 car parking spaces. The TA indicates a proposed provision of 6 accessible spaces, which is included in the total of 55 car parking spaces and therefore, complies with the conditions of SSD-9579 Mod 2.

Bicycle Parking

Relevant DCP bicycle parking requirements are listed below:

- Residential Accommodation
 - o Occupants – 1 / 1 dwelling
 - o Visitor / Customer – 1/10 dwellings
- Office Premises, Business Premises (Commercial)
 - o Occupants – 1 / 150m² GFA
 - o Visitor / Customer – 1 / 400m² GFA
- Shop, Restaurant or Café (Retail)
 - o Occupants – 1 / 250m² GFA
 - o Visitor / Customer – 2 + 1 / 100m² over 100m² GFA

Application of above rates **assuming** the retail/commercial component is “Office Premises, Business Premises” results in 143 bicycle spaces for the residential component and 4 bicycle spaces for the retail/commercial component, totalling 147 bicycle spaces.

The proposal only provides 100 bicycle spaces as indicated in the TA which does not comply with the DCP requirements. The TA identifies that the Site is constrained and justifies this shortfall by noting that residents will also be able to store their bicycles in their dwellings.

To strictly comply with the DCP (assuming the proposed non-residential component is entirely commercial), an additional 47 bicycle spaces should be provided so that the total number of bicycle spaces for the development is 147. The applicant should also clarify whether the non-residential component is classified as commercial or retail.

End of Trip Facilities

Per Clause P11 Section 10.5 of the DCP, relevant rates are shown below. This applies to non-residential uses only.

- (a) 1 personal locker for each bike parking space;
- (b) 1 shower and change cubicle for up to 10 bike parking spaces;
- (c) 2 shower and change cubicles for 11 to 20 or more bike parking spaces are provided;
- (d) 2 additional shower and change cubicles for each additional 20 bike parking spaces or part thereof;
- (e) Showers and change facilities may be provided in the form of shower and change cubicles in a unisex area or in both female and male change rooms; and
- (f) Locker, change room and shower facilities are to be located close to the bicycle parking area, entry/exit points, and within an area of security camera surveillance where there are such building security systems.

The proposal shall ensure that 1 personal locker is provided for each (non-residential) bike parking space. Assuming at least 4 bicycle spaces can be provided for the non-residential component, it would then be required that at least 1 shower and change cubicle is provided.

The TA does not provide an assessment on the end of trip facilities. The architectural plans do not seem to have end of trip facilities annotated. The applicant shall provide an end of trip facilities assessment and clarify proposed provisions of lockers, shower and change cubicle with reference to DCP requirements.

Car Wash

Per Provision P15 of Section 2.5.10 of the DCP, it is required that mixed use developments where there are more than 4 dwellings within the development shall incorporate car wash bays. The TA does not provide indication of the provision of car wash bays. The architectural plans does not seem to show any car wash bays. Hence, the proposal does not comply with the DCP's car wash bay requirements.

The applicant shall incorporate car wash bays to comply with Clause P15 Section 2.5.10 of the DCP.

Loading and Servicing Facilities

Per Provision P3, Section 10.4 of the DCP, it outlines that "developments containing more than 60 dwellings must provide at least 1 service delivery space, capable of accommodating at least (a) 1 HRV or (b) 2 MRVs". Application of the above requirement on the proposed yield of 130 dwellings results in a requirement of 1 HRV loading bay or 2 MRV loading bays.

The TA outlines that the Site will be sharing the dedicated loading dock on ground level which can be accessed off Clarke Lane which will be delivered as part of the Crows Nest Metro Station works. It states that the loading dock has been designed to accommodate 2 SRVs and 1 MRV simultaneously. The TA states that the proposed loading dock is considered to be sufficient for the servicing requirement of Site B.

The proposal does not strictly comply with the requirements of the DCP. However, noting the TA states that the proposed shared loading dock would be sufficient for waste, removalist and maintenance activities, Council's Traffic Engineers raise no objection.

Traffic Generation

The TA adopts a vehicle trip rate that is based on parking space as opposed to the number of dwellings and is justified by consideration that the parking provision is based on reduced rates (to reduce private car ownership). As such the TA adopts vehicle trip rates for St Leonards as outlined in the TDT 2013/04a. High Density Residential 0.10 vehicle trips per car parking space in the AM peak 0.05 vehicle trips per car parking space in the PM peak The TA's application of the above results in approximately 6 vehicle trips in the AM peak and 3 vehicle trips in the PM peak.

The TA identifies the traffic impact (up to 6 vehicle trips in the AM) would have negligible impact on the surrounding road network and therefore, no further traffic analysis is warranted.

The TA's traffic generation assessment does not seem to address the traffic generated from the retail/commercial component of the development. This should be clarified.

The applicant is to follow the Guide to Transport Impact Assessment 2024 which states in Appendix E that a Transport Impact Assessment are to provide the number of trips generated to/from the development by mode. The current Transport Impact Assessment only provides for private vehicle trips. The applicant should explore other modes of transportation including active transport and public transport trip generation.

The applicant is to provide a multimodal network impact assessment. This means not just private vehicle trips, but also public and active transport impact assessments. The applicant should refer to Chapter 6 of the Guide to Transport Impact Assessment 2024 for further details.

Queuing Analysis

The TA identifies that the total time for the car lift system to complete 1 cycle is 264 seconds which translates to a capacity of 13 vehicles per hour for single car lift system. There are 2 car lift systems proposed. It also notes that the cycle time is conservative as it is based on the longest travel distance between the street level and Level 3 car park. For the critical afternoon peak hour period, a 20:80 split on a PM traffic generation of 3 vehicle trips would mean up to 2 vehicles could enter the Site during peak hour.

The TA references the Guide to Traffic Management Part 2: Traffic Theory (Austroads 2020) which concludes that the 95th percentile queue for vehicles entering the Site in the afternoon peak is expected to be 1 vehicle at any given time (the 93rd percentile queue is no vehicles).

The applicant shall confirm whether the design of the access complies with Clause 3.5 of AS2890.1:2004 which highlights that the storage area shall be designed to accommodate the 98th percentile queue. Per this standard, the proposal must provide sufficient vehicle storage to ensure that queues of vehicles awaiting service by the car lifts do not extend beyond the property boundary under normally foreseeable conditions. E.g. The on-street area highlighted in yellow should not be used for queue storage to comply with AS2890.1:2004.

The applicant needs to provide more details on how they would plan to manage a situation where the leftmost car lift has a car coming out at the same time a car is driving into the driveway which would result in cars blocking each other.

Design Commentary

- The applicant should confirm no on-street spaces will be lost as a result of the proposal. Alternatively, clarify any loss of on-street parking spaces.

- It is understood that the loading dock does not strictly comply with the requirements of Clause P3 Section 10.4 of the DCP. Instead, it is noted that the loading dock would be capable of accommodating 2 SRVs and 1 MRV simultaneously. Swept paths for these vehicles associated with the loading dock should be contained in the TA.
- Per the Vehicular Servicing Management Plan prepared by Stantec dated 9 September 2024, it states that the vertical clearance of the loading dock is 4.2m which does not comply with AS2890.2: 2018 which requires a minimum 4.5m headroom for an MRV. This shall be reviewed by the applicant.

Preliminary Construction Traffic Management Plan

The following comments are made on the Preliminary Construction Traffic Management Plan dated 5 September 2024:

- Cumulative construction impacts should be considered in the preliminary Construction Traffic Management Plan if there are surrounding properties also being developed per SEARs requirements.
- Hours of construction should align with North Sydney's standard construction hours which can be found on North Sydney Council's website and shown below.

Standard construction hours

Monday to Friday

7am - 7pm (for B3 Commercial Core and B4 Mixed Use)

7am - 5pm (for all other zones)

Saturday

8am - 1pm

Sunday

No work permitted

- North Sydney Council does not support the utilisation of vehicles greater than 12.5m Heavy Rigid Vehicle due to public safety. Hence, a 19m articulated vehicle for construction is not supportable.
- Construction vehicles shall not utilise North Sydney LGAs' local roads located within school zones during school zone hours for safety.
- The applicant shall ensure swept paths and Traffic Guidance Schemes are prepared with the detailed Construction Traffic Management Plan as part of a future submission.
- Consideration should be given to installing the works zone on roads with lower traffic volumes as opposed to Pacific Highway. A works zone on Pacific Highway should be restricted to short term works only and outside of peak hour to minimise impacts. Traffic Guidance Schemes are to be prepared accordingly as part of the detailed Construction Traffic Management Plan.

Traffic And Transport Recommendations

As a result of the above issues, Council's Traffic Engineers do not support the proposal in its current form. However, should this matter be approved, the following requirements are requested:

1. That a Construction Management Plan be prepared and submitted to Council for approval by the North Sydney Traffic team prior to the issue of the Construction Certificate. Any use of Council property shall require appropriate separate permits/ approvals.
2. All parking provisions must comply with the latest versions of the Australian Standards: AS 2890.1 for off-street car parking, AS 2890.6 for off-street parking for people with disabilities, AS 2890.3 for bicycle parking, and AS 2890.2 for off-street commercial vehicle parking. The car park and loading dock design (including any modifications to the original design) must be reviewed and approved by a suitably qualified person and submitted for approval to the satisfaction of the Certifying Authority.

3. That a condition be imposed on the determination stating that Council will not consider any future requests for 'No Parking' restriction benefitting this development.

WASTE MANAGEMENT

It is noted that this site will need onsite servicing, which is not what is proposed in the submitted Waste Management Plan. As such, it is strongly recommended that the waste management plan and facilities in this proposal be amended to meet the following conditions:

1. The bin storage room must be large enough to fit 5 x 1100L/8 x 660L compacted waste bins + 10 x 1100L/23 x 660L recycling bins. Note: the property must purchase 1100L/660L bins.
2. Servicing once per week. The bin room must be designed to access 1100L/660L bins.
3. The property is to be serviced by onsite council collection using Council's 12.5m HRV with a height clearance of 4.5m. Note: Applicant is to ensure sprinkler heights and service ducts are taken into consideration. Swept path for a 12.5m HRV with a 4.5m height clearance is to be provided for the loading dock. Gradient needs to be even to ensure truck is not affecting the service ducts or the roof of the internal driveway, cross over, or entry/egress points.
4. Properties with a lift must have a garbage chute and 240L recycling bin on each level or dual waste/recycling chutes.
5. Space must be provided for a 120L food waste bin on each level.
6. There needs to be bulky waste storage area to hold household clean up material. This should be separate from the garbage room.
7. The door width for the bin room and bulky waste room must be 1.5m.
8. Commercial bins must be separate from residential bins.

Objection is therefore raised to the current proposed collection method/waste management plan, and if approval is contemplated the developer should liaise with Council's Waste Operations Team to ensure an acceptable outcome as outlined above.

SOCIAL IMPACT AND AFFORDABLE HOUSING

Social Impact Assessment (SIA) Assumptions

An underlying assumption in the SIA is that the social locality is generally well serviced with social infrastructure. It notes that:

- This includes health, schools, childcare and a network of open space (see later comments).
- There is a need for an additional primary school in the area – when you look at the catchment of primary and high schools being across the LGA and beyond and projected growth rates, in fact there is a need for 2 primary schools and a high school that services North Sydney¹.
- Disadvantaged community members, such as those from culturally and linguistically diverse backgrounds, people with mental health issues, people experiencing homelessness and the elderly will likely experience negative impacts to a higher degree due to the vulnerabilities they experience in their lives. However, none of these groups are disproportionately represented within the social locality. This assumption is not correct and is not considering the true extent of social issues occurring. The housing crisis in New South Wales and the lack of affordable housing in Crows Nest and North Sydney is not simply solved by boosting housing supply. More on this issue in the next section.
- New community infrastructure for a range of community facilities and services generated by the project, will increase demand, but it states that "for the majority of service categories, the existing facilities in proximity to the site have capacity to absorb the impacts of the project, without additional services being required". This assumption is not correct and is not considering the true extent of social issues occurring. More on this issue in the next section.

1 See [Impact-of-Enrolment-Growth-on-Demand-for-Teachers-in-Local-Government-areas.pdf](#)

Social Impacts in and around Crows Nest

1. Childcare:

North Sydney Council's Social Inclusion Study, Family and Children's Services Strategy, 2018-2024, and North Sydney Council's Family and Children's Issues Survey, 2022, discuss childcare key social impacts and conclude that the following are issues:

- **Accessibility and Affordability:** There is a need for more accessible and affordable childcare services to support working families and ensure children receive early education and care.
- **Quality of Services:** Emphasis on maintaining high standards in childcare services to promote child development and well-being.

In 2022 Council undertook a survey of parents and carers in its child care buildings. When parents at these centres were asked: Do you have sufficient access to the childcare services you need? 20% said that they didn't. When they were asked: Do you think that childcare services are offered at a sufficiently high-quality standard? 21% said that they did not. Child care considerations such as the cost, lack of equal access, and quality early childhood education are critical factors in the wellbeing of children and families. Research by UNICEF found Australia ranked 32nd out of 38 OECD countries on child wellbeing.

The issue for families seeking childcare include finding affordable care for a child aged 0-to-2-years, and child care being a cost-of-living pressure on families, especially if parents have more than one child in care. In general, services that run from council buildings, have more affordable fees. Over half the child care services in and around Crows Nest/ St Leonards/ North Sydney are run privately.

2. Culturally and Linguistically Diverse (CALD) Backgrounds:

There is a lack of support for the multicultural community with no specifically funded multicultural service in the vicinity. Issues for this community include:

- **Language Barriers:** Addressing language barriers through translation services and bilingual support to ensure CALD communities can access services and participate in community life.
- **Cultural Sensitivity:** Promoting cultural awareness and sensitivity in service provision to respect and accommodate diverse cultural practices and needs.
- **Limited Meeting spaces** – to undertake community interactions, workshops, gathering and social occasions.

3. People with Mental Health Issues:

13% of North Sydney residents report mental and behavioural issues, slightly higher than the NSW average of 12.6% and the highest of any LGA across northern Sydney². There have been more and more mental issues identified by workers within networks. Issues include the need for:

- **Support Services:** Increasing the availability of mental health support services, including counselling and crisis intervention, to address the growing mental health needs.
- **Stigma Reduction:** Initiatives to reduce stigma associated with mental health issues, encouraging more people to seek help and support.

4. People Experiencing Homelessness:

Homelessness remains a social issue in North Sydney and Council has a role to play in ensuring that no one is overlooked. The reports of homelessness in 2024 continued to increase with people sleeping rough, sleeping in cars and sleeping in parks and in public places. To summarise services needed:

² Sydney North Health Network (SNHN), Needs Assessment 2016/2017, Sydney, 2017, p. 49. See: <http://sydneynorthhealthnetwork.org.au/wp-content/uploads/2016/07/SNHN-Needs-Assessment-Report-2016.pdf>

- **Housing Solutions:** Developing affordable housing options and emergency shelters to provide immediate relief and long-term solutions for homelessness.
- **Support Programs:** Implementing support programs that help with employment, healthcare, and social services to help individuals transition out of homelessness.

5. The Elderly:

In Crows Nest alone, the percentage increase between 2016 and 2021 of people aged over 65 years old was 29.9%. A flaw of the SIA in comparing aged population figures is to not account for the fact that outside of Crows Nest, in the North Sydney LGA, there is James Mason Village (North Sydney) exclusively housing older people and Greenway Social Housing (Kirribilli) dominated by older people. Crows Nest's older population has been increasing and needs to be able to:

- **Age in Place:** Supporting initiatives that allow elderly residents to buy into age-appropriate developments, with communal spaces, so that they can age in place with dignity and in-home care services.
- **Social Inclusion:** Creating opportunities for social engagement and community participation to combat isolation and loneliness among the elderly.

6. Open Space:

Crows Nest has been identified as an area lacking in sufficient open space. When comments have been garnered from the community, it has highlighted that the improvements needed include an increase of playgrounds/parks in the area.

Council's role in Affordable Housing

Affordable rental is housing that can be rented by very low or low- or moderate-income households for no more than 30% of household income. Council has concerned itself with the need for affordable housing through a number of measures, including on a regular basis to engage *Judith Stubbs and Associates* to undertake an Affordable Housing Strategy and Reviews of the Housing Market (2008, 2013, 2015, 2017, 2019, 2022). There is both a positive obligation focus of producing more low-cost housing as well as mitigating against the loss of affordable housing and strengthening the Social Impact Assessment processes to assess the loss of and protect the existing supplies of affordable housing. Stubbs's 2019 Report found that:

"Since the affordable housing program began in 1984, at least 2,400 affordable bed spaces have been lost in the LGA".

She further noted that:

"Considering only the maintenance of 2016 levels of affordable housing within North Sydney LGA, the following targets will need to be met between 2016 and 2036:

- An additional 160 social housing dwellings (1.6% of projected additional dwellings)
- An additional 6,200 affordable rental and purchase dwellings (62% of projected additional dwellings)

Ideally, 15% of the total number of dwellings should be for 'affordable housing' and dedicated in perpetuity.

Conclusion

Human connection is what makes a place come alive. Providing a communal space for the residential community, so that they can come together, make connections and build social relationships and support systems could be enhanced by including a communal room in this development designed to accommodate 30-50 people, of approximately 70 to 100 square meters. This would ensure space for seating, movement, and any additional activities for connection, presentation and refreshment.

Moreover, dedicating affordable housing to some of the dwellings would have a positive impact on the loss of such housing in the area. A minimum would be 5% of the total. Such housing should be in perpetuity and managed by a Tier 1 Community Housing Providers (CHP) operating in NSW able to apply to manage the community housing project.

Social Impact And Affordable Housing Recommendations

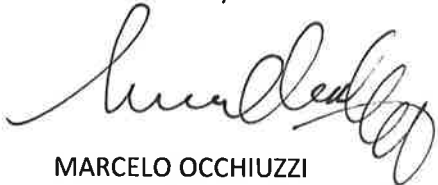
1. That the applicant include a communal room in this development designed to accommodate 30-50 people, of approximately 70 to 100 square meters.
2. That the applicant provide for community housing in perpetuity of a minimum of 5% managed by a Tier 1 Community Housing Providers (CHP) operating in NSW.

CONCLUSION

In conclusion, Council appreciates the opportunity to make this submission and the prior consultation of the applicant with Council's staff. Further involvement in project planning and engagement is positively anticipated, with amendments recommended to be made to the proposal as detailed herein, to resolve Council's grounds for objecting to the application.

Should you wish to discuss the contents of this submission, please contact Mr Andrew Beveridge, Senior Assessment Officer, on 9936 8257, or at andrew.beveridge@northsydney.nsw.gov.au.

Yours sincerely



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