SSD-66826207 – Fiveways Site including affordable in-fill housing.

From: Tony Gribben

I OBJECT to this proposal to amend the already approved floor space ratio and height of the Fiveways Site at Crows Nest.

The site has already been the subject of significant uplift in height and floor space as a result of the government-led 2036 Plan gazetted on 29 August 2020.
The applicant has since submitted two planning proposals, the result of which was an amendment to the North Sydney LEP (2013) for mixed-use with a top shop development and maximum FSR of 5.8:1, a minimum non-residential FSR of 2.5:1 and maximum building height of 58.5m. The amendment was dated 6 December 2023.

It should be noted that in 2020, the department of planning asked for and received from the government architect, advice on the most appropriate development including height for the site. The height recommended was 16 storeys.

The ink is hardly dry on the recent amendment to the LEP and now we have been presented with an application for a 22-storey tower having a maximum FSR of 7.54:1 taking excessive advantage of the very generous SEPP bonus provisions for affordable housing. There is no strategic basis for this change given the Department of Planning's own work has set a significantly lower height for this site. The drive to approve affordable housing is understood but to add more height to this site which underwent a rigorous review, defies the Department's own committments

The Department of Planning has given a commitment to the community to "lock in the height" of this building at 16 storeys:
"the Triangle Site at the corner of Falcon St and Pacific Highway will be 16 storeys mixed use." SLCN 2036 plan.

Further, the SLCN 2036 Plan states that it is:
"*giving certainty to the community about the types of development allowed*" on this site.

The 2036 Plan also had as a basic principle, to maximise height at the two stations and then transition down to lower heights as developments got closer to lower height residential and conservation areas. The Plan 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."

This proposal as presented with a maximum height of 78.65 metres (RL176.00) ignores that strategic planning which supports the 2036 Plan. The site is just across Falcon Street from the low height heritage listed Crows Nest Hotel, is within a stone's throw of the Holtermann Estate Conversation area, looks down on the Historic Precinct of Hayberry Street and North Sydney Girls High School. It is about the same RL as the Over Station Development on site A

which demonstrates its non-compliance with the basic principle. It is inappropriate in this regard alone.

Affordable Housing:
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 Plan addresses affordable housing on page 46:

"The Local Character Statement identifies a desire to see more affordable housing and a greater variety of housing types in the area. The Plan provides capacity for up to 6,683 new dwellings in the area. An analysis of housing stress figures indicates that 10% of renters in the area are experiencing rental stress, so there is an important opportunity to influence affordability by increasing supply and increasing the diversity of products.

The Plan also supports further investigation into the provision of affordable housing in accordance with the initiatives outlined in the Greater Sydney Region Plan in consultation with Councils. The provision of affordable housing is exempt from application of the SIC.

The Greater Sydney Region Plan recommends applying affordable housing targets in defined precincts prior to rezoning. Further investigation to support a target for the area are recommended in this Plan. This will be further investigated under each Councils Local Plan" and recommends targets for affordable housing be established before the rezoning stage and leaves it to Councils to do so via their own government approved Local Housing regime of strategies and plans."

It is suggested, enforceable by way of the 2036 Plan, to insist on inclusion of some affordable housing within the approved amendment to the LEP. The government should support the 2036 Plan for some affordable housing within the 2036 Plan heights for all new high-rise developments and use SSD applications for extra height only outside the 2036 Plan area.

Some significant Impacts of this unwarranted proposal are:

- The additional 20 metres height will increase the surface area of the building by approximately 5,000sqm thereby causing:
    - Extreme overshadowing of properties both inside and outside the Plan area
    - Additional wind impacts

    - Additional adverse view impacts from the additional bulk and scale of the tower. The applicant states for example that the building will not be visible from Hayberry Street. This is nonsense: The St Leonards buildings can be seen from Hayberry Street
    - Additional reflection from the additional surface area of the building

- Increase in traffic will impact on Crows Nest by adding to congestion in Alexander and Burlington Streets. The fact that the existing crossing on Falcon Street won't be an issue to TfNSW is because the traffic lights will, as they do now, favour the bi-directional flow along Falcon Street. Alexander street will be a nightmare because there will be more traffic wanting to either left turn, right turn or go straight ahead. Sydney Metro's most recent study shows that traffic on Alexander Street at those lights is a fail or near fail at both AM and PM peak periods in weekdays and weekends.
- Construction traffic, particularly during excavation will be extreme with parking of trucks in local streets taking up residential parking. This will be an impossible situation. 24 months construction period is a huge understatement of the time from commencement to completion of this project.
- No contribution is offered from the applicant or from government to address the critical shortage of open space in Crows Nest or to provide other amenity. The 2036 Plan made a promise that the State Infrastructure Contribution (SIC) raised from the additional 6,683 dwellings to be approved would be used to support open space, education and other state infrastructure. The NSW government has since broken that promise and decided to divert that money to consolidated revenue for use wherever the government decides. To burden the Plan area with a further 62 dwellings on this site, 40 of which are exempt from the SIC, exacerbates that awful decision. Crows Nest needs money to:
    - fund the government's own decision to support redevelopment of the Holtermann Street car park which will cost more than double the initial promise
    - fund stages 2 and 3 of the Hume Street park
    - support a variety of small open space initiatives throughout the Plan area
- Every claim that the applicant has made in the proposal about public amenity within the through walkways in the three-level podium is not exclusive to the height of this new proposal. It would be the same for a 16 storeys proposal.
- If approved, existing sites already approved and others yet to submit planning proposals will most likely follow suit and apply for a similar uplift.

The DPE should act now to prevent any further aspirations by developers to make similar applications for further height. The proposal should be refused in its entirety.