

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

NSW Planning Portal:

<https://www.planningportal.nsw.gov.au/major-projects/projects/mixed-use-development-including-fill-affordable-housing-five-ways-crows-nest>

From: John Hancox

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

As chair of the Wollstonecraft Precinct for almost 8 years and now as Treasurer for 12 months, I am morally if not, duty bound to support, if not represent the local community. There was from 2018, an active community group resisting the more serious impacts of the government led plan to increase density around the Crows Nest Metro and St Leonards suburban rail station.

The community did not argue against increasing reasonable density, particularly as the Department of Planning based its plan on North Sydney Council's place making studies for St Leonards and Crows Nest. But the enormous uplift in density and the accompanying building heights that exceeded Council's studies were unwarranted as was the failure to recognise the requirement for a significant increase in open space. The Green Plan that accompanied the Final 2036 Plan made a mockery of that need by ignoring the essential requirement for large parcels of open space where children could gather and play. Without consultation, the 2036 Plan passed over the adopted plan for the redevelopment of Hume Park and instead promoted redevelopment of the Holtermann Street car park with a promise of funding that is hopelessly short of the real cost.

The community was completely ignored and in fact some of the building heights in the final plan exceeded the draft plan heights. Developers and/or owners had a windfall. They enjoyed this uplift without having to make any contribution to compensate for their eventual financial benefit. The government has let down the community in that regard by selling the public air space for zero consideration. No wonder then that my efforts now to encourage the community to read another several thousand pages of this proposal and to make a submission is met by the question:

"why bother when the decision has been made and the proposal will be approved".

Against this background I still care and make the following brief submission on my own behalf in the belief that the DPE will agree that this proposal should be refused:

The site has already been the subject of significant uplift in height and floor space as a result of the government-led 2036 Plan which underwent rigorous debate with a knockout by government making virtually no concessions to its draft plan.

The LEP was amended on 6 December 2023 to allow a mixed-use top shop development with maximum FSR of 5.8:1, a minimum non-residential FSR of 2.5:1 and maximum building height of 58.5m.

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.”

Against that background and the Plan as gazetted, this new proposal is for 22-storeys having a maximum FSR of 7.54:1 taking excessive advantage of the very generous SEPP bonus provisions for affordable housing.

It proposes an increase of floor space of 30% of the combined floor area of the podium plus the residential tower. This works out at 48% of the residential floor space area. Whoopee!! Another bonus for this developer. Half of that extra floor space will be devoted to the provision of affordable housing.

It also proposes an increase in height of 30% of the combined height of the podium plus the height of the residential top shop development. Another bonus. The developer has taken advantage by also increasing height in the podium and is seeking an eye-watering increase in car parking for commercial and retail areas in the podium and proposes seven levels of basements. This is greed.

There is no strategic basis for this change given the Department of Planning’s own work and that of the government architect, have set a significantly lower height for this site at 58.5m.

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 Conservation 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.”

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.

John Hancox
5 June 2024.