

**SSD-66826207 – Fiveways Site including affordable in fill housing.
Amended Application - Arising from Responses to Submissions.
Closing date for submissions: 30 September 2024 @ 5:00pm**

NSW Planning Portal:

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

I object to this amended application with reference to the amended Reports:

Summary: It appears that none of the community's objections that were previously submitted in response to the original proposal have been properly addressed. The amended report focuses on five areas. My/our comments are in relation to:

Affordable Housing provisions
Building Height
Common Open Space (within the development)

Affordable Housing Provisions:

1. The Site is within the 2036 Plan area which has only recently (2020) been the subject of the government-led uplift of density to >14,000 population/sqkm.
2. The site is also within the TOD Precinct Boundary that has been designated for further increased density and accelerated development. The increased density will be >17,500 population/sqkm within the 2036 Plan area. There is insufficient other infrastructure to support 14,000 population/sqm let alone the spike resulting from the TOD and from this SSD Proposal.

Within that TOD area, the DPHI has selected six sites for uplift to provide 15% floor space for affordable apartments plus an equal 15% floor space for other apartments, as a bonus for the developer. It states elsewhere within that boundary, there will be no opportunity for any further height uplifts, but all (other) developments within the TOD precinct must contribute 10% -15% of apartments to affordable housing. This development is included in that boundary, yet it is permitted to continue with its SSD application. This is wrong.

3. The affordable housing in this SSD application has a sunset period of 15 years. All affordable housing should be provided in perpetuity, otherwise the stock of housing will decline rather than increase over time.

Building Height: I object to the Applicant's proposal to increase height above the maximum allowable under Clause 4.6 of the North Sydney LEP (2013)

Regarding this Clause 4.6 Variation request, the maximum height of the building (HOB) can be achieved by simply reducing the height of the Podium. The explanations and justifications

offered by the Applicant to increase height purposely ignore the obvious solution. The Variation of Height Request should be refused.

There are also other ways that HOB can be reduced:

- a) Provision of affordable housing within this development could be achieved by abandoning or refusing the SSD application and instead by applying the requirement for 10% -15% affordable housing as per the TOD program:
- b) If by some imperative, the DPHI decides to proceed with a form of SSD proposal, Precinct requests that the rules of the SEPP that stipulate allowable additional floor space and allowable additional height be relaxed so that the reference for each be calculated on the actual floor space applicable to the apartment towers and the actual height applicable to the apartment towers. There would be a lesser number of affordable and marketable apartments, but that number would still be significant, given the already approved development. The relaxed height would also result in a lower podium height as per the reference proposal in the approved project.

Common Open Space: It is unreasonable to assume that the COS within the development will satisfy any of the requirements for recreational open space that up to 450 residents in this development will need as part of the broader community. This development will significantly contribute to density and that will require more open space in the 2036 Plan area.

Our Precinct in Wollstonecraft and the North Sydney Council are in concert advocating for already planned but as yet unfunded development in Crows Nest specifically: The stages 2 and 3 of the Hume Street Park; the redevelopment of the completed design but as yet unfunded redevelopment of Holtermann Street carpark and the concept proposal to pedestrianise part of Willoughby Road (a method of providing more open space advocated by the DPHI).

As to incentivising the property owner in Sinclair Street to provide existing car parking space as a community park, we see this as a denial to fund essential open space. The carpark should be forcibly acquired at a negotiated price funded by government to ensure no extra height is allowed on that site.

Response to Submissions (RtS) Report: The analysis of submissions is weighted towards favourable comments about the low number (7) of supportive submissions but ignores the poor quality of those submissions, the majority of which are one sentence or paragraph and devoid of substance. Four submissions are from suburbs where residents will not be impacted by the proposal. By comparison, the community supports affordable housing if it is done well. My/our objection is the increase in height as compared to the approved proposal.

There was overwhelming objection to the application as measured by both number and by quality of objections and with valid reasons.

3 Actions taken since Exhibition:

3.1 Project Refinement: The Applicant has conducted a review of the project's Height (HOB), Common Open Space, Parking provisions and Signage.

HOB has been increased but this is unnecessary given the excessive height of the Podium which can readily be decreased to what it was in the approved project.

The amendments to the COS are noted and we make no comment.

Parking provisions are noted to have not changed from the 190 requested for all housing in the original Application and is unchanged otherwise, meaning that a total 328 car spaces are requested for the whole project. We restate our objection to this unsustainable number of car parking spaces. The NSDCP in relation to car parking for new high-rise developments in close proximity to the Metro must apply.

3.4 Instruction to Technical consultants: Three areas are mentioned, one of which is parking feasibility for retail and commercial spaces. Apart from spaces for delivery vehicles and emergencies, there is no valid reason why the NSDCP for this requirement should be amended. For example, shop assistants in the city travel to work by public transport and shoppers do not take their vehicle into the City to shop. This SSD project deserves no special treatment.

4.1 Response to Community Concerns:

Height: The height of the building (HOB) has been dealt with in previous commentary above. No amount of argument can prove that the building height cannot be controlled within the maximum height calculated using the formula of 1.3 times the approved height of 58.5m by simply reducing the height of the podium to that shown in the reference design submitted with the approved proposal.

Density: Precinct has demonstrated above that density of the proposed design with 188 apartments and an estimated 450 residents will be a significant increase when compared to the reference design in the approved project having 129 apartments. We have offered three alternatives for consideration by DPHI any one of which if accepted, would reduce the number of persons and car parking spaces that together lead to congestion.

Traffic: The further analysis to which you refer is not credible and proves that paper studies are no match for experience. The applicant acknowledges correctly that there is good public transport so why is it necessary to have 7 levels of basement parking. The analysis and argument for such huge numbers of car parking spaces doesn't stack up.

Overshadowing: The approved design is bad enough for overshadowing and now the Applicant, supported by DPHI it seems, are attempting to justify the extra height of more than 12 metres is insignificant and doesn't matter. In winter, every bit of sunlight is like 'gold' to residents, but it is treated as if a small increment and should be of no concern. This is one reason why the community and North Sydney Council, wants the development to be as low

as possible and in this submission has offered ways that height (and shadowing) can be reduced.

Public Open Space Deficiency: The Common Open Space is no substitute for playing fields and for open space elsewhere. The 450 residents of the development won't reduce demand on public space that is classified as essential infrastructure available to all.

Prior to the recent government intervention to increase allowable height in the 2036 Plan and more recently, rezoning as per the TOD, Council had the ability to negotiate with developers for voluntary planning contributions towards the provision of new infrastructure. Now, that option has been eliminated and all infrastructure contributions go to government. The hybrid provisions of North Sydney Council will not come close to enough to provide the quantum and quality of open space and social infrastructure necessary to meet the demands of an additional 32,000 persons in St Leonards Crows Nest.

The comment is primarily directed to DPHI to raise within government that development of this scale needs more money to provide Social Infrastructure of which Open Space is one requirement.

4.3 Response to North Sydney Council: There are many valid arguments offered by NS Council including:

Podium Height. This is also a major concern for the community and Precinct because it increases height without any authority to do so. Furthermore, it is higher than the approved design which should be the deciding factor.

The response in relation to Heritage impact and the project's sympathy with the nearby Heritage items is quite extraordinary. No matter how the impact is described it is not sympathetic in the slightest to those heritage items.

Through-site Links. Council is not satisfied with the proposed design and recommends amendment to comply with the NSLEP DCP. The Applicant thinks otherwise. Like all comments or objections apart from the advertising sign, the Applicant has no appetite to change or consider alternatives.

7. Conclusion: The amended design does not comply with the maximum allowable height which can be achieved by reducing the height of the podium. Neither has it addressed community concerns. This is evidenced by an attitude of reliance on the compliance with SEPP and other controls and no consideration of accommodation of reasonable criticism, particularly about overshadowing and vision impact.

The consent authority is reported to be the Independent Planning Commission. Given the size and bulk of the proposed development we request that the IPC conducts a public hearing to determine if it is overdevelopment and if the scope can be reduced to include 10% - 15% affordable housing within the already approved envelope of the approved project or alternatively, with a much lesser aggressive approach to height.

...Roslyn Payne.....
Name