



**New South Wales Government**  
Independent Planning Commission

## **TRANSCRIPT OF MEETING**

**RE: CROWS NEST OVER STATION DEVELOPMENT SITE B  
(SSD-61400212)**

### **COUNCIL MEETING**

**PANEL:** JANETT MILLIGAN (Chair)  
DR SHERIDAN COAKES

**OFFICE OF THE IPC:** JANE ANDERSON  
CALLUM FIRTH

**NORTH SYDNEY  
COUNCIL:** STEPHEN BEATTIE  
ANDREW BEVERIDGE

**LOCATION:** ZOOM VIDEOCONFERENCE

**DATE:** 9:30AM – 10:30AM  
WEDNESDAY, 11<sup>th</sup> MARCH 2026

## <THE MEETING COMMENCED

5 **MS JANETT MILLIGAN:** Well, good morning. Good morning and welcome. Before we begin, I'd like to acknowledge that I'm speaking to you from Gadigal land, and I acknowledge the traditional owners of all the lands from which we virtually meet today and I pay my respects to their Elders past and present.

10 So, welcome to the meeting today to discuss the Crows Nest Over Station Development Site B, the project currently before the Commission for determination. The application is for the development of a 122-dwelling residential tower above the completed Crows Nest Metro Station within the North Sydney local government area.

15 My name is Janett Milligan and I'm the Chair of the Panel. And I'm joined by my fellow commissioner, Sheridan Coakes, who's on screen. And we're also joined by Jane Anderson (on screen) and Callum Firth who's sitting here beside me, both from the office of the Independent Planning Commission.

20 In the interests of openness and transparency and to ensure a 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.

25 The meeting is one part of the Commission's consideration of this matter and it will form one of several sources of information upon which the Commission will base its determination.

30 It's important for the commissioners to ask questions of attendees to clarify issues whenever it's considered appropriate. If you're asked a question and you're not in a position to answer, you may take the question on notice. And then following the meeting, the Commission will advise you in writing of any questions taken on notice that the Panel considers require a formal response. Any subsequent response or information provided to the Commission will then be published on our website.

35 I request that all participants here today introduce themselves before speaking for the first time, and for all members to ensure that they don't speak over the top of each other, so that we get a really accurate transcript.

40 So, with those few opening comments, let's begin. And thank you very much to you both for being here to help us with this discussion and our determination. We have an agenda that will roughly guide us through this morning, but we particularly want to hear from you.

45 So, we might just start – perhaps, Stephen, you could just introduce yourself and Andrew, and then we might just move through the key issues that we have in front of us, but don't feel constrained by that list.

**MR STEPHEN BEATTIE:** Thanks, Commissioner. My name is Stephen Beattie. I'm the Manager of Development Services here at North Sydney Council, principal role being the assessment of development applications. Andrew? Andrew, introduce yourself?

5 **MR ANDREW BEVERIDGE:** Sorry, I'm just trying to un-mute myself. Sorry. My name is Andrew Beveridge. I'm the Senior Assessment Planner at North Sydney Council and I assisted the Council in preparing the detailed submissions to the Planning Commission regarding this matter.

10 **MS MILLIGAN:** Thank you very much. Obviously, we've read the correspondence Council has produced in the assessment of this project, and we've sort of read the responses to submissions and subsequent responses to that. So, let's just jump straight in. Can we start talking about built form?

15 **MR BEATTIE:** Certainly. By this time, you would have had the benefit of the Department's report which I consider is quite complete. I don't necessarily agree with the outcome, but it is certainly a comprehensive report.

20 There are two essential elements to this building that are concerning for Council. The first is the setbacks that are being achieved and the way those setbacks might impact on future development around the site. The Applicant and the Department have taken the view that the setbacks were sort of set by way of the concept DA, and in some ways that is true, but that doesn't relieve the Applicant and the Department from looking at the ADGs particularly and high filling the box that's been set by the concept DA will impact on that future development that's around it.

25 If I can share a screen for a moment, and forgive me, that one. This diagram actually comes from page 19 of the Department of Planning's report and it basically shows what the setbacks on the subject site as they are proposed and setbacks on adjoining sites which are required to, I suppose, accommodate the lack of setback on the subject site. And importantly, you will note that there are two sites which are affected. One to the south, which is on Pacific Highway, and the other one across Clarke Lane which actually fronts Clarke Street.

30 Now, the concept of sharing those setbacks is somewhat lost in this. The Applicant claims – and I'm not a structural engineer – but the Applicant claims much of the necessity for the reduced setbacks on the subject site are brought about by the structural constraints placed upon any over-station development by the Metro Station box, if I can call it that, underneath.

35 But that, for me, that's sort of a bit of a convenient way of saying we need to build this form of development. Surely, there's a structural solution that would allow for greater setbacks on the subject site and not to rely on reduced setbacks on the adjoining sites to the south and to the east.

40 I'll just scroll down. This is the impacts on the upper levels of those two developments and illustrates much better how the impact of the reduced setbacks on the subject site will affect future development on the adjoining sites. And there is no doubt at all those sites will be developed in the relative short term. There's no particular impediment to that development and it's actually facilitated by the current planning controls that apply to the site.

It is Council's position that even though an envelope was approved at the concept stage, it remains necessary to us to assess and address all relevant controls applicable to the site. This may mean it's not appropriate to fully fill the established envelope that the concept has given us.

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Going on, we've done some in-house work to illustrate better. And can you see the additional diagram that's up on the screen now?

**MS MILLIGAN:** No, we're still looking at the setbacks that come from the AR.

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**MR BEATTIE:** Yes, yes, from ... Okay.

**DR SHERIDAN COAKES:** So, Stephen, while you're looking for that. So, one of the key issues then from Council's perspective is the constraints on that future development.

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**MR BEATTIE:** Yes, it is one of the key issues. [Pause]. Share. It's that one. I'm having trouble, I'm not used to Zoom.

20

**MS MILLIGAN:** We see it now.

**MR BEATTIE:** You see it now?

**MS MILLIGAN:** Yes.

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**MR BEATTIE:** So, this is Council's own in-house work, which illustrates quite clearly how the very – and I'm trying to be kind to the building designers because I realise they've put a lot of effort into this and indeed they've visited the State Design Review Panel no less than five times to try and improve this proposal to the point of acceptability.

30

But this clearly shows the impact, particularly on the south to the east across Clarke Lane, and it's quite significant. Impacts to my mind are not equitable and can only be managed in the form that's being offered here if the Commission is of a mind to accept the current proposal in unamended form.

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That's, I suppose, one of the major concerns that Council has, one is the residual concerns. The other residual concern, and it goes to the general appearance of the building, as illustrated on the very front page of the Department's report. The massive box, brick box upon which this building will sit tends to dominate the streetscape as it is. And the lack of setbacks at the podium level and the brick box forms a podium level, doesn't do anything to reduce the overall bulk and scale of the building as you approach it from Pacific Highway in either direction or from Hume Street.

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And those two issues are probably the most concerning of the residual issues Council has with this development. There's a number of other things addressed in the Department of Planning's report and a number of things which relate to condition matters and waste disposal that I note that are down for discussion. But simply put, for Council, these are the determinative factors.

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5 **MS MILLIGAN:** All right. Thank you, Stephen. Can I just ask you just stay with that for a minute. We did notice that there were some amendments made to things like landscaping on the edge of the car parking, a visual change from the podium box above it. Do you have any comments on whether some of those minor amendments have improved the issue you talked about, particularly in relation to the impact of the building as you approach it – as you look at it from Pacific Highway or from Hume Street.

10 **MR BEATTIE:** It really would go to how well that landscaping is done and how well it's maintained. One of the revisions that occurred along the way was the incorporation of an extra level of car parking, and that car parking is of course incorporated between the station box and the residential component of the building. So, we've gone from two to three storeys of car parking, and that is open car parking. And in the case of the  
15 building to the immediate south, that car parking apparently extends to the boundary.

You can green it. You can try and make it look better. And in time if that greening is maintained, it surely will be better than simply a bare-built form. But still is  
20 concerning that you need to do that when arguably the issues could be addressed by a greater setback above the podium that's formed by the station box.

**MS MILLIGAN:** I understand your point. So, the change of material, I suppose I'm asking about, so there are three. There's the podium box, three levels of parking that have quite different material treatment, as you say, they're open, enclosed by a sort of  
25 a mesh material, and there is some sort of change in – what's the term – in undulation in that. And then a different material for the residential levels above it. I'm just wondering to what extent you feel that helps with the visual appearance of the building.

30 **MR BEATTIE:** Yes, it will help. Those materials need to be very carefully selected. In the montage that's produced on the Department of Planning's report, currently that material is green. I'm not necessarily a fan of how that is being presented. But that's possibly a detail that can be amended. And ultimately, others may disagree with my view that by having green on top of brown with this band of mesh, whether it's black  
35 or grey, I think's immaterial, is not the best built form outcome. And is, you know, arises in part by the need to address some site constraints, and the claimed inability to have greater setbacks due to the supporting structure underneath being the station box.

40 **MS MILLIGAN:** Okay, thank you. Yes. You've clearly put your argument, so we understand exactly what you're saying. So, thank you. So, you've outlined the two major setbacks from Council's point of view, the major issues, the setbacks and I suppose the appearance of the building, particularly as you approach it from Pacific Highway north or south or Hume Street.

45 We'd quite like to keep going actually and talk about some of these perhaps secondary issues that Council has raised along the way and just get a bit of a feel for to what extent you feel they've been addressed. So, can we talk a little bit about ventilation perhaps.

**MR BEATTIE:** Yes. The Applicant's taken a very unusual approach to ventilation and something that is relatively uncommon in having that central corridor through the building, which you can see on the plans provided by the Department of Planning. At either end of that corridor, there needs to be a wind control device. So, there's actually  
5 dropdown blinds, if I can call them that, that will control wind through that corridor.

So, the reliance on that for amenity or the provision of any natural ventilation is rather, for me, rather trite. The other issue that arises when you look at the technical compliance, it's only around 30% of apartments that get cross-ventilation; well under  
10 the standard. And, you know, that may be acceptable and certainly the Department's accepted it, but it still remains an outcome that's primarily dictated by the building form and the fact it's a squat form rather than a tall narrow tower. So, a lot of these issues simply come from the constraints of the site and the Applicant's response to those constraints.

**MS MILLIGAN:** Thank you for that. Sheridan, are there any questions on ventilation before we move on?  
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**DR COAKES:** Yes, just a couple. I think it would be good – Callum, I don't know, Jane, if – I read somewhere that I thought that they'd achieved about 60% in terms of  
20 cross-ventilation. Sorry, Stephen, I'm not sure as we've just been reading a little bit earlier today around that. So, it would be good if we could check that.

But just in terms, they have proposed, I guess, for certain apartments, that sort of foil-coil type of system. I'm just interested in your/Council's view in the use of that to  
25 actually increase natural ventilation in some of the apartments on the site.

**MR BEATTIE:** Yes, I did note that. It's a system that I personally am unfamiliar with. It would of course increase the ability for the apartments to have a form of cross-ventilation. But it's really, if you go back to the ADG, simply there's this anticipation  
30 that everything will be conventional. And certainly having a different system to achieve the objective of the ADG is, you know, not without merit, and if it achieves the outcome, then it's probably supportable.

**DR COAKES:** Okay.  
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**MS MILLIGAN:** I might just go back, Sheri, to answer your question. I'm reading from the Assessment Report. "The Department notes the proposal will achieve natural cross-ventilation to 34% of dwellings in accordance with the ADG criteria, and a  
40 further 28% of the dwellings will be naturally ventilation via the open corridors and building recesses." So, just to clarify the figures.

**DR COAKES:** Yes, thanks Janett. And yes, that's helpful.

**MS MILLIGAN:** Okay. All right. Thank you very much. Can we go to the issue of car parking. So, as you've already mentioned, Stephen, the amendment to the proposal added a floor of car parking. There are 77 car parks, I think, which is the maximum allowable under Council's guidance, accessed via two car lifts. And we've seen the conversations between the Department and Council regarding accessing car lifts, the  
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back lane, potential queuing, we've had a look at the transport study. So, can I just open that up and ask if there's anything you'd like to say to us about that?

5 **MR BEATTIE:** I don't think I need to say anything additional. There still remains a residua concern with vehicle queuing off the lane. And also, a concern overall that a development such as this, which is just across the road from a Metro Station, whether or not it should have the maximum number of car parks.

10 Council's code, unlike most, works to a maximum number rather than a minimum you must achieve. And part of the intent of that that might be varied the closer you get to transport hubs. And that is indeed the case with other developments that we've dealt with over the years. Where we actually have facilitated reduced car parking numbers under our code maximum. In this case, it's a given that we should be encouraging the use of the Metro and public transport generally – the site's very well served by public  
15 transport. But again, it's accepted that the number of car parks actually meet our maximum.

20 **MS MILLIGAN:** Okay. And bicycle parking – there was an amendment to increase the number of bicycle parking.

**MR BEATTIE:** Yes, and I understand that now effectively complies.

**MS MILLIGAN:** Yes, okay.

25 **DR COAKES:** And Janett, just any issues in relation to sort of car wash bays, Stephen?

30 **MR BEATTIE:** That could be dealt with by a condition. There is limited facility to wash cars in the Council area, and that's been a standard provision in our DCP for the past 30 or more years, as I understand it. So, a condition requiring one space to be allocated for car wash purposes would, in my opinion, be a good thing.

**DR COAKES:** Thank you.

35 **MS MILLIGAN:** While we're still talking about vehicles and building and access, let's talk about waste management. We followed the discussion between Council and the Department and the Applicant about waste management, and we can see where it's landed. So, can we just, without sort of re-tracing all the steps, I'm interested to hear about Council's view. The outcome is that a private contractor with a smaller vehicle  
40 will be used, and rubbish/waste will be collected within the building. Can you just comment on Council's position on where that's landed?

45 **MR BEATTIE:** Yes. Our Council's preference is always to manage waste collection ourselves rather than leave it to a diverse range of contractors. As the Commission would appreciate, waste collection is one of the fundamental services that councils provide. It's also one of the services that cause the most complaints in terms of noise and odour and traffic impacts when a garbage truck has to block a laneway, for example.

5 The Council has and will continue to accept collections by private contractors, but only where site constraints dictate that Council trucks can't access the site. In this case, I believe our Waste people have reluctantly accept the outcome. The residents of course will be subject to a service availability charge which I think is currently \$70 a year rather than the full garbage rate. And yes, we've accepted the outcome at this point in time.

10 **MS MILLIGAN:** And I'm not looking at the conditions as I speak, but I think the condition says those arrangements will stay in place up to the time that Council perhaps does have a vehicle that can access the building.

**MR BEATTIE:** I acknowledge that.

15 **MS MILLIGAN:** Yes, yes. So, when Council is in a position to service the building from within the dock, those arrangements will change. Okay. All right. Thank you. Okay.

20 We need to talk about construction impacts, but before we do, can we just talk about affordable housing. So, we have 5% minimum 10 years being provided on site within the development. So, is there anything Council would like to say to us about that?

25 **MR BEATTIE:** Yes. The Commission would note in our submissions that we've suggested that affordable housing should be granted in perpetuity. But also, it's notable that other state based planning controls suggest 15 years is the appropriate time for affordable housing where any form of bonus or greater development on site is.

30 This being for 10 years, 10 years in the grand scope of this building's lifespan, which probably will be around 50 years, is a very short amount of time. Council maintains the view that the affordable housing should be granted forever. And if not, it should be for a minimum of 15 years.

35 I also understand that probably the Department's put itself in the situation now through agreement that it will be for 10 years. But it's a matter that the Commission should have great regard for, in my view.

**MS MILLIGAN:** Thank you for that comment. Sheridan, anything from you?

40 **DR COAKES:** Nothing on waste. But just a question if I can, Janett, just around – I noticed in Council's submission there was some discussion around the sort of amenity aspects, Stephen, and the sort of connection with the public domain. Just again, in terms of enabling more interaction between public and the building, I'm just interested in your comments around that from a social perspective, yes.

45 **MR BEATTIE:** Yes. The building in itself will be quite separate from the public domain. And although it does provide community areas, those are not readily accessible or visible from the public domain, being predominantly on the roof. That connection is poor, in my opinion. And part of that inability to make it better in this particular design of course relates to the station box, which is a given.

So, utopia is somewhere else. In this case, this is another element of this building's design that's dictated by elements that neither the developer or Council or the Department have any control over at this point in time.

5 **MS MILLIGAN:** Let's talk about construction impacts. Obviously, a really important issue, particularly for that neighbourhood. Can you talk to us a little bit about where Council's thinking is at the moment in relation to construction impacts, the conditions that are being suggested to us?

10 **MR BEATTIE:** Yes. A comprehensive Construction Management Plan is entirely appropriate. This site has a degree of difficulty about it, with only essentially the lane and Hume Street being available during work hours, entirely available, with the Pacific Highway access being quite restricted due to clear way restrictions. It will be a difficult site to build. And it will also potentially impact on pedestrian movements to and from  
15 Metro.

The solution with all of these projects is of course a construction management plan that is comprehensive and then once agreed, applied and managed appropriately. In some ways, the good thing about the site is there isn't a lot of residential property around it  
20 at the moment, and it's one of the first cabs off the rank. If the developer seeks extended hours to shorten the development process, those sort of things might be supported by the Council.

25 But at this point in time, the other impacts of construction noise, pollution etc., are matters that will not impact on a great number of people.

**MS MILLIGAN:** Thank you for that. I guess we also acknowledge that the excavation's been done, the box is there, the podium is there, but that doesn't say that there are not still significant construction impacts that need to be managed in such a  
30 busy area.

**MR BEATTIE:** Exactly, exactly. And that's a fair observation. This is above ground and even things such as scaffolding with the site should be able to be accommodated within the limited podium setbacks.  
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**MS MILLIGAN:** Thank you for that. All right. Look, we might come to the next item on the agenda, and you opened, Stephen, with some comments about the Assessment Report and your view on it. You said you thought it was, while you didn't agree with all of it, you thought it was complete and comprehensive. But I'd like you to sort of  
40 talk to us about the recommended conditions.

Clearly, along the way Council has raised issues, some of those are not reflected in conditions, but I would like to give you the opportunity to just comment on the conditions, to talk to us about any conditions that haven't made it into the  
45 recommended list that you would like to sort of talk to us about today.

**MR BEATTIE:** Yes. Unfortunately, I haven't had an opportunity to fully review the conditions yet and form a view. I would intend to make a submission on the conditions before the close date, if that suits the Commission.

5 **MS MILLIGAN:** Yes, of course, thank you. All right. So, it sounds as though we might be getting towards the end of the conversation. Is there anything else at all Council would like to talk to the Panel about in relation to this development before we close?

10 **MR BEATTIE:** My parting comments were, essentially, the issues which remain are those issues that were very obvious at the beginning of the Department's review of this application and partly brought about by the station box and also the concept approval. The conversation has been somewhat lengthy and again the State Design Review Panel, I think, has done some good work. I sat on at least two of those meetings. But we are where we are, and I think it's up to the Commission to determine the matter.

15 **MS MILLIGAN:** Thank you very much. We very much appreciate the conversation, so Stephen and Andrew, thank for making time to meet with us this morning. And we'll finish it there. Thank you.

**MR BEATTIE:** Thank you for hearing us out.

20 **MR BEVERIDGE:** Thank you.

**>THE MEETING CONCLUDED**