



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF MEETING

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

DEPARTMENT MEETING

PANEL: JANETT MILLIGAN (Chair)
DR SHERIDAN COAKES

OFFICE OF THE IPC: JANE ANDERSON
CALLUM FIRTH

DEPARTMENT OF PLANNING, HOUSING
& INFRASTRUCTURE: ANNIE LEUNG
JAMES GROUNDWATER

LOCATION: ZOOM VIDEOCONFERENCE

DATE: 1:00PM – 2:00PM
WEDNESDAY, 11th MARCH 2026

<THE MEETING COMMENCED

5 **MS JANETT MILLIGAN:** Good afternoon, hello, and welcome. Can I just check we have online James and Annie from the Department. Can I just check if you're expecting anybody else to join?

MS ANNIE LEUNG: No, we're not expecting anyone to join from the Department's side. It will just be myself and James today.

10 **MS MILLIGAN:** Well, that's excellent, thank you very much, let's get underway. 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're meeting virtually today, and I pay my respects to their Elders past and present.

15 Welcome to the meeting today to discuss the Crows Nest Over Station Development Site B, which is currently before the Commission for determination. The applicant is for a 122-dwelling residential tower above the completed Crows Nest Metro Station which is within the North Sydney local government area.

20 My name is Janett Milligan. I'm the Chair of the Panel. And I'm joined by my fellow commissioner (on screen), Sheri Coakes.

DR SHERIDAN COAKES: Hello.

25 **MS MILLIGAN:** And we're also joined by (on screen) Jane Anderson and sitting next to me here, Callum Firth, from the office of the Independent Planning Commission.

30 In the interests of openness and transparency and to ensure the 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.

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

40 It's important for the commissioners to ask questions of attendees and 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. And then any subsequent response or information you provide to the Commission will then be published on our website.

45 So, we just have two people from the Department, but if I can ask that you still identify yourself before you speak for the first time – this is for the transcript – and that we all make sure we don't speak over the top of each other so we get an accurate transcript.

So, with those introductory remarks, let's get underway. And I understand, James and Annie, you have a short presentation for us. You'd sent that to us previously. But can I advise you perhaps to go through that prepared presentation and then we've got a list

of key issues that you may well have dealt with in the presentation; if not, we'll come back and have some more conversation.

5 **MR JAMES GROUNDWATER:** Yes. My name is James Groundwater. I'm Principal Planning Officer for the Department of Planning. I might just quickly share my screen and we can start going through the presentation.

10 **MS LEUNG:** I will just quickly introduce while we set up the presentation. We appreciate that the Commission has sent through an agenda to us, including potential discussion of key issues. The presentation that we've prepared generally covers around the built form, around the questions around refinement, FSR and getting material, some amenity issues, additional compliance issue, as well as some of the balance scenario that I understand the Commission is interested to discuss with the Department.

15 And then we'll cover some of the other issues around landscaping, open space, car parking, construction, waste, and affordable housing, for any specific questions that the Commission may have. Please feel free to ask us any question as we kind of go through the slides. So, we do have your screen now, James.

20 **MR GROUNDWATER:** Yes, just making sure everyone can see this, the front page.

MS MILLIGAN: Yes, thank you.

25 **MR GROUNDWATER:** Okay. I'll just quickly go through over the proposal, obviously, the construction of over-station mixed use development containing 122 dwellings, including the use of ground floor commercial tenancies, with three floors of podium car parking for up to 78 car parking spaces.

30 The EIS was first exhibited and it resulted in 5 public submissions, 1 objection, and 4 in support, and an objection from North Sydney Council. Following the assessment, the Applicant submitted an Amending Report which we re-exhibited; that resulted in 3 public submissions, 1 objection, 2 in support, and Council maintained their objections.

35 The key issues that –

MS MILLIGAN: James, the slides – excuse me, the slide hasn't moved on. Did you want the slide to move on?

40 **MR GROUNDWATER:** Not just yet, I was just quickly reading this front page – are you ... ooh ...

MS MILLIGAN: We're looking at the cover sheet.

45 **MS LEUNG:** Yes. Number 1.

MR GROUNDWATER: Oh, okay, let me have a quick – sorry.

MS MILLIGAN: That's all right.

MR GROUNDWATER: It's showing three different things for me on my side. Let me just quickly ...

5 **DR COAKES:** That's it, James.

MS MILLIGAN: That's great.

MR GROUNDWATER: Is that full screen for you?

10

MS MILLIGAN: No. But it's adequate.

15 **MR GROUNDWATER:** Ooh, sorry. Okay. I'll go off this page then. And then, so basically the key issues were building separation and residential amenity. This just covers the IPC agenda that we're addressing today. I must just skip to the built form and materials page with Annie – you were going to speak to this one?

20 **MS LEUNG:** Okay. I understand that the Commissioner or the agenda points out including some refinement of some building material that the Commissioner is interested in. But in terms of the evolution of that, the concept approval provides a building envelope, but also a range of parameters and processes that supports the detailed design DA, which is what's before us today.

25 Set out in the Department's Assessment Report, it talks about the proposal is within the building envelope, it also meets the GFA as well as other building efficiency criteria. The development is further supported by the design guideline as well as design excellence process, which involved the use of the State Design Review Panel.

30 The project was presented before the State Design Review Panel five times. And the Design Review Panel is supportive of the final architectural expression and built form of the project, which the panel described as a set of pot and slots. They looked at the strength and simplicity of the architectural expression.

35 The built form and the arrangement of the architectural expression also respond to some of the detail of the design guideline, which speaks to the vertical articulation that reflects some of the finer grained built forms in the area, but also a delineation between the station infrastructure which is the podium and then the above ground car park and the residential tower of both.

40 So, that's kind of an extract on the slides that James is showing now. On the right-hand side, those relate to some of the design guidelines. And on the left-hand side, there's a smaller drawing which is an extract from the submitted Architectural Report which talks about some of the referencing to local material forms which were used and considered in the refinement of the built form and materiality.

45

There is a Design Integrity Report submitted as part of the application, which details the Applicant's response to the SDRP advices as well as Architectural Report which talks about the Applicant's architectural statement and their design intent in selection

of material and the like. Happy for the Commission to ask any question around that before we move on to the next topic.

5 **MS MILLIGAN:** Look, I think we're probably okay for you to keep going. At some stage we want to talk – I don't know if this is the right place – we want to talk too about those two main issues that continued throughout the process and still remain issues for North Sydney Council. And that's about the setbacks of the project and just the bulk and scale.

10 **MS LEUNG:** Yes. So, I'll let James to move on to the building separation, which also relates to some of the key concerns from Council. James?

15 **MR GROUNDWATER:** Okay. So, I'll be talking a bit about the, starting off at the concept and the evolution of the context around the site. So, the slide you see now was the envisaged development under the Crows Nest St Leonards Plan, where the concept envelope was designed in mind, keeping that it was envisaged that the maximum storeys of the surrounding development would be eight storeys, and therefore, the concept development was approved.

20 Following the recent TOD rezoning, the surrounding context has changed. And just for note, the subject development application that we're considering today was lodged prior to the finalisation of the TOD and was obviously designed in accordance with the concept approval, which was also limiting to the station construction in terms of the podium for the station is constructed on site. And there are obviously structural
25 constraints with the design of the building, and the proposal was designed to comply with those.

30 Having noted Council's submission, including some of the public submissions, we requested the Applicant to do a bit of a study on the potential redevelopment of the adjoining sites, taking into account ADG compliant separation. I'll just move onto the slide showing that.

35 So, what the Applicant undertook was under the development potential for adjoining sites, their permissible height and FSR uplift, the Applicant did a bit of an analysis on a building envelope or a bit of a design layout of adjoining sites and how they would be able to achieve their development while also being able to provide ADG complaint building separation.

40 So, the slide we're looking at now would be for development up to eight storeys. We'll move onto then any development above those eight storeys obviously having stepped to meet the ADG compliant separation. I would note the result of this study indicated that the proposal's future development on adjoining sites could easily accommodate the FSR, then on a building efficiency of about 75% they would be able to exceed the permissible FSR.

45 So, there's obviously room there for any incentives to be picked up, noting that this site's in the TOD and the TOD Precinct turns off the affordable housing bonuses, so they'd be limited to those provisions. But nonetheless, the Applicant demonstrated that

the adjoining sites were more than capable of achieving their development potential under the current controls.

5 **MS MILLIGAN:** Can I just ask a question about that, because, I mean, we look at those diagrams and I suppose the immediate response is that the adjoining sites, the one to the south, the one east across Clarke Lane, are really picking up the setback that the current project hasn't been able to provide.

10 But you're saying to us, having looked at that, having looked at the controls as now in place, you feel that neither of those sites will be diminished in development capacity or its financial yield.

15 **MR GROUNDWATER:** Correct. So, the proposal when lodged was obviously lodged prior to the TOD uplift, was designed under the impression that the adjoining sites would be limited to eight storeys under the previous study. Currently, well, not currently, prior to the TOD, they were only permitted up to sort of 10 metres with a future planning proposal required to an envisaged eight storeys, and so the development was designed having in mind obviously the concept approval, but under the impression that the adjoining sites would be limited to a maximum of eight storeys
20 under future planning proposals.

Obviously, the TOD came in after the application was lodged. And so therefore, we looked at an exercise to ensure that those adjoining sites wouldn't be diminished if they were required to provide more of the share of any building separation.

25

MS MILLIGAN: Okay. Thank you, that's clear.

30 **MR GROUNDWATER:** I'll move onto overshadowing, so this is one of the things that we haven't noted when we were doing the assessment of this proposal, is given the orientation of the site, the western elevation would not receive solar access until after 3 p.m. So, in accordance with the ADG requirements between 9 and 3, that's where we resulted in the 59% solar access instead of the ADG 70%. However, the design has been, the number of dwellings were tried to stack on the side that would receive the solar access.

35

So, they had for each floor, the majority of the units would be on the side that would receive the most solar access, with the notable exception would be the top floor where the Applicant deliberately designed the outlook of those upper levels to face towards harbour views. Noting, obviously, the limited opportunity to receive solar access on
40 that elevation, they maximised outlook.

Noting that as well is all the units exceed all the minimum standards in terms of dwelling sizes, room layouts and private open space requirements. And then in addition, the location of the communal open space on the roof enjoys more than the
45 two hours minimum solar access.

Moving onto cross-ventilation. So, in strict interpretation of the ADG, we noted that the proposal would receive 34% solar access, however, an addition – oh, sorry, not solar access, cross-ventilation – we noted that 28%, so basically totalling in 62% of the

development would receive adequate alternative cross-ventilation through the use of these internal slots which would go to partially open internal corridors.

5 So, what we required the Applicant to do was take additional steps in demonstrating that this design would achieve adequate flow of air through additional wind studies. And noting the enclosed balconies for noise from the road, but also opportunities for alternative elevations with openings to achieve cross-ventilation.

10 In addition to that, the proposal includes, what's it called, FCU units which basically is independent to any air conditioning unit which provides mechanical ventilation, so not cooling but just outside air to those units, if there's unfavourable conditions in terms of road noise during the day, to ensure that internal amenity is met whilst also achieving adequate natural ventilation to those units.

15 In terms of the slides, there's other issues that we may like to address. We've designed this to maybe respond more to questions than present any additional slides.

20 **DR COAKES:** James, just one question on the ventilation and we can see obviously you've gone to some – the Department's been working very closely with the Applicant there around that improving that ventilation aspect. But that sort of system that you mentioned, is called fan-coil, or whatever ...

MS MILLIGAN: Fan-coil.

25 **DR COAKES:** Fan, thank you, fan-coil.

MR GROUNDWATER: Fan-coil units, yes.

30 **DR COAKES:** Is that to a certain number of apartments, just, it's only those that potentially will have obviously that reduced ventilation?

MR GROUNDWATER: No, that is part of the design for all units.

35 **DR COAKES:** For all units? Okay.

40 **MR GROUNDWATER:** Pretty much the majority of the units on the western elevation have enclosed balconies for, I guess, on Pacific Highway, so for noise attenuation. But that's something that the Applicant was proposing as part of the entire – it wasn't just selected units, it was more just as an overall development, all units in the development would have this.

DR COAKES: Terrific. Thanks for that clarification.

45 **MS MILLIGAN:** Okay. So, I think having listened to your presentation so far, I think we've probably heard as much as we need to hear about your thinking about setbacks. Sheri, any remaining questions on setback?

DR COAKES: No, no, just, I mean, obviously some of that building articulation, James and Annie, persists in naturally reducing that bulk, I guess, that we've heard

obviously raised by Council quite extensively. And like you said, the re-orienting and then even some of the landscaping aspects. Yes, correct?

MR GROUNDWATER: Correct.

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MS MILLIGAN: So, this is about the visual impact of the building?

DR COAKES: Yes.

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MS LEUNG: Correct. That has remained an ongoing issue in discussion with Council through the concept approval as well as the current development proposal before us. And that has been a subject to discussion throughout the SDRP process as well, for which Council has had representation at that panel as well.

15

MS MILLIGAN: Thank you. Can we move onto car parking, because again, we can see there's been a lot of conversation about car parking through the development of the proposal. And so, we know where it's landed, there's an extra floor of cars, they're up to 78, I believe, accessed via Clarke Lane, two-car lift. Concern from Council about the impact of queuing on Clarke Lane. Could you just talk to us about your analysis and thinking and where you landed on car parking?

20

MR GROUNDWATER: Yes. So, basically overall the concept was originally approved for 101 car parking spaces across all three sites. Through a modification, that was reduced down to the maximum of 78, which is obviously located on Site B, 78 also is compliant with Council's DCP maximum car parking rate for highly accessible areas.

25

In regards to queuing, we obviously dealt with it a lot going through obviously increasing the car parking as part of the Amending Report. The Applicant came back with a traffic analysis that demonstrated that at the worst-case scenario during the p.m. peak there would be queuing for two vehicles, which would include one inside the lift as well as one within the Clarke Lane.

30

As part of that package, they also came in with sweep-path analysis to demonstrate that at the worst point of time, even if there was a vehicle queuing in Clarke Lane, traffic could still pass that safely within the lane without causing any disruption.

35

MS MILLIGAN: And then the other maybe not entirely agreed aspect around car parking. Council, I think, had asked for the inclusion of a carwash bay. Can you just talk us through that one and your thinking?

40

MS LEUNG: So, the provision of car parking is a requirement under the concept. So, the proposal that is before us is something that is in response to and must be consistent with the concept. A carwash space, we understand, is a requirement of Council, however, it is no longer a requirement having looking at some sustainability aspect, water saving aspect of carwash bay being included in all residential buildings. So, that's not something that we consider to be necessary in a modern building like this.

45

MS MILLIGAN: Okay. So, your general approach is not to require them to be included. So, I guess I'm asking a general question outside this particular proposal.

MS LEUNG: I understand, yes.

5

MS MILLIGAN: Is that what you're just saying to us, Annie?

MS LEUNG: That's correct. I understand historically through time on Council DCP has always included the requirement for a carwash bay across any. That, through time, has increasingly been faded out as well due to various reasons. One is we have a lot less car space included in buildings, accessible area, but also the use of carwash bays and water saving and other requirements would make them less desirable in a building nowadays.

MS MILLIGAN: Okay, thank you. And what is the current thinking about visitor parking spots in buildings?

MS LEUNG: We are certainly at a very highly accessible location for which we really are above a fast train line. So, that's where visitor car space, we don't even have a car space for every unit, let alone visitor car space. So, the general approach to a location like this is to minimise any car spaces and encourage public transport use at its maximum.

MS MILLIGAN: Okay. And then just a last question from me, something that occupied our minds. We noted with interest that a number of these units are accessible, they can be sort of very suitable accommodation for people with high-level disabilities. And so, we thought about are those people who needed care workers to come to them quite regularly? Do you have any thoughts about how you get care workers into a building where there's no visitor car park and no access for as many residents. Has that, again, a general mind if you don't mind taking it.

MS LEUNG: Again, care workers, especially in this location, is quite accessible to a range of medical services, hospital and the like as well, so we fully understand where you're coming from. But again, it is a highly accessible location for an aged care worker where possible to minimise cost, will be expecting that to maximise that public transport use as well.

There are car spaces, accessible car spaces to be included as part of the allocated to different units and is a requirement that will be part of the allocation within the building. But there's no designated visitor car spaces, so to speak.

MS MILLIGAN: Okay. Thank you for that answer. Can we talk, well, next on the list is construction impacts, so perhaps we can talk about that. Of course, we note that the podium is built, so the construction impacts are of a particular type, I suppose. But we do note this is a very busy location, so can you just talk us through your assessment of construction impacts and the way you've conditioned that.

MS LEUNG: Yes. So, the podiums themselves which contain the station infrastructure also contains what they call "structural provisioning" for the over-station development.

So, the design and construction of this station for Sydney Metro, including Crows Nest, they are not designed to without the consideration of without the provisioning of a tower being built above.

5 So, the concept approval and the development of the concept approval was actually led by Sydney Metro prior to the divesting it to different developers, including the Applicant for Site B, Crows Nest here. The construction of the impacts which would be potentially lower for some of this site as well, given there will be no excavation for basement car parking, and would be limited to what's actually being constructed on
10 site, and that will need to be closely discussed with the infrastructure owner, Sydney Metro. But also, we've received a range of recommendations including requirements around [unintelligible 00:25:32], licensing from Transport NSW as well. And the Department has recommended a range of construction management plans are required as the set of dated conditions.

15 **DR COAKES:** And I guess, Annie, Sheri here, obviously it's a busy part of, a busy area, we noted that when we were on our site visit yesterday, in terms of pedestrian access. And I think there obviously are proximal businesses and other things that potentially will be affected, so yes, good to see of that tightening of those aspects in
20 terms of construction.

MS MILLIGAN: Next on the list. We followed the conversation about waste management, and we can see that that's been difficult. But there is a resolution in your Assessment Report that you write of, but you might just take us through that. Our
25 understanding is that Council required all waste to be collected on site, not at curbside, and their collection vehicles cannot access the building. So, even though it's Council's preferred position, very preferred position that they do waste collection, it's not possible in this situation and I guess a compromise position exists. Would you like to comment on that?

30 **MS LEUNG:** Yes. I think, Commissioner, you have quite a good understanding of the history of both Council and the Department trying to facilitate the best solution, so to speak. But unfortunately, in this instance, the loading bay is located within the podium for which it's already been constructed as part of the infrastructure. So, it's not
35 possible for the developer to actually redesign to accommodate a larger truck.

The truck that can be accommodated within the loading bay is only going to be a medium-rigid vehicle which is an 8-metre-long vehicle. I think Council's garbage truck is over 9 metres, so therefore cannot be fully accommodated within the loading
40 bay itself.

There has been ongoing discussion around whether a Council garbage truck can be fitted across the vehicle access. There's also option looking at where in future the Council may have a smaller garbage truck that may be able to collect from this
45 location. So, therefore at this stage, we have secured for the Applicant to collect all the residential waste privately, however, the condition that we've recommended that should, in the future, that the new arrangement can be met with Council, it can be switched back to a Council residential waste collection as needed.

MS MILLIGAN: That's good. And it sounded to us that Council is motivated to do that if and when it's possible. Thank you. The last issue on our list is affordable housing. And, of course, we know that the concept approval talked about 5% for a minimum of 10 years. A number of people expressed disappointment in the 10 years.
5 Council of course said their position is to always prefer in perpetuity and they thought that 15 years is a much more usual arrangement. I'm not sure that there's a lot more you can say, but you might want to talk to us about that issue.

MS LEUNG: I think the way that the affordable housing in this instance is not a public benefit proposed or required under the development application before the Commission today. But rather is a public benefit that has attached to the concept, which has already been secured by a separate VPA negotiation outside the scope of this development.

The VPA, as we have advised the Commission, is already being signed by the Applicant, is currently on public exhibition, and that's a matter, I think the exhibition will close tomorrow, and the development application and its relationship to the VPA is that those affordable housing, that will be secured by the VPA within this development but more so the determination of this DA cannot happen prior to that VPA being executed. So, we cannot further comment on the timeline as that's part of a separate VPA negotiation outside the scope of DA.
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MS MILLIGAN: Okay, I understand, thank you. Let me just pause. I think probably we have discussed or at least touched on all the issues on our list, but let me just stop and go to Sheri.
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DR COAKES: Yes, no, I think it's been good, very focused, and the Assessment Report was very clear too in terms of those key issues. So, thank you, James and Annie, it's made, it's been very helpful to work us through those key issues.
30

MS MILLIGAN: Any last comments you wanted to make to us, or any last comments you wanted to make on the way you've conditioned the proposal?

MS LEUNG: I think the only thing I do note on the IPC agenda we haven't probably provided feedback on, was around the ventilation and the potential of further requiring additional condition to secure any outcome in relation to ventilation.
35

We would provide feedback that if the Commissioner is of the mind to further secure that, we'll kind of be looking at anything that is post-construction, pre-occupation to make sure any constructed outcome will be consistent with the technical report currently supporting the application.
40

MS MILLIGAN: So, are you thinking there, to provide assurance that the compliance has been met before the building is occupied, or are you talking about some sort of system, ongoing monitoring system, so the ventilation levels in the building can be reported on periodically?
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MS LEUNG: I think for a residential building, we wouldn't recommend an ongoing quality-type monitoring. But rather, the system itself as well as the combination of

what the various technical report around acoustic ventilation and wind mitigation needs to work together. And we would, if the Commission is of the mind of providing additional condition or requiring as such on this aspect, would be around that the development as constructed is consistent with those recommendations of the technical report.

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MS MILLIGAN: Right. So, at the moment, you haven't conditioned for that?

MS LEUNG: No. We have required them to be consistent with the recommendation. I don't believe at this moment under the current conditions set, that require further certification that the building has been constructed as such.

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MS MILLIGAN: I understand. All right. Thank you, that's useful. Unless you have anything else you want to say to us, I think we've probably come to the end of the meeting. So, thank you very much, thank you for your time, and thank you for answering the questions so clearly and completely.

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MS LEUNG: All right. Thank you. It's great that we're well ahead of time. And yes, so, but if there's anything else the Commission requires from the Department, please do reach out.

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MS MILLIGAN: We will, thank you very much.

MS LEUNG: Thank you all.

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MR GROUNDWATER: Thank you. Bye.

>THE MEETING CONCLUDED