



The Hon Anthony Roberts MP  
Member for Lane Cove  
Minister for Planning

Dear Minister,

**Re: PP 1/21 – 270-272 Pacific Highway Crows Nest**

Wollstonecraft Precinct resolved unanimously at our meeting on 8 February 2023 that we write to you on behalf of residents of Sinclair Street Crows Nest, requesting that:

1. As Minister for Planning you exercise your statutory discretion to intervene in the Finalisation phase of the Planning Proposal for 1/21 – 270-272 Pacific Highway Crows Nest (the "Site") to prohibit your Delegate or nominee from determining this PP by approving any Plan to amend the NSLEP 2013, which seeks to increase the allowable height of the development on the site from 8 storeys as was presented in the draft St Leonards Crows Nest 2036 Plan, to 13 storeys, as was gazetted in the final 2036 Plan on 29 August 2020.
2. You exercise your statutory discretion to overturn the provisions of the 2036 Plan in relation to the Site and those adjoining it up to the junction with Bruce Street on the Pacific Highway.
3. That no decisions be permitted to be taken in respect of this site by the Department from the beginning of the "pre-election period", already passed (as that term is defined in the Caretaker Conventions and Other Pre-election Practices 2023) until such time as the election of the new Government.

We set out the following by way of background for your consideration:

1. The 2036 draft Plan as exhibited for public consultation between December 2018 and February 2019 was based upon Planning Studies of the North Sydney Council for Crows Nest and St Leonards Precincts conducted between 2013 and 2016 prior to the evolution of the 2036 plan area. Those studies had wide community consultation with over 3,000 submissions
2. Heights designated in the Crows Nest study along the Pacific Highway between Shirley Road and Bruce Street were restricted to 8 storeys.
3. The height limit of 8 storeys was decided to ensure protection of seven (7) period construction residences along Sinclair Street from overshadowing and to ensure a satisfactory transition between new developments along the Pacific Highway and to

protect the shared access zone between those residences and existing office buildings.

4. The height limits on this Site and those to the south to Bruce Street do not comply with the 2036 Plan strategy to have maximum heights at the Crows Nest station then transitioning to lower heights away from the station. The height of 13 storeys is contrary to this strategy. If approved, the new height will not only undermine the urban design principles of the 2036 Plan (cluster height around the stations) but set a precedent for height outside of the 2036 Plan boundary (i.e., to the south of this site).
5. The Department of Planning and Environment has practically ignored every submission received in relation to these sites in the draft 2036 Plan lodged by the community. Instead, it has met with and negotiated with developers to favour an extension of height limits in line with developers' requests.
6. This 'gift' of extra heights allowable has delivered a significant financial benefit to property owners at the detriment to the community who are deprived of the current quiet enjoyment of sunlight and already limited access to their properties. The developer in this instance is offering a measly Voluntary Planning Agreement that ensures the maximum financial contribution paid will only be realised if the site is developed to its maximum potential.
7. No amount of payment will compensate the property owners of Sinclair Street who are not a party to any VPA between the developer and the North Sydney Council and do not stand to benefit at all from it. To the contrary, the residents of Sinclair Street stand to be extraordinarily disadvantaged (not least by impact on value) by any approval of this PP not least because the construction of a building of this scale presents unworkable traffic issues and will interfere with the residents' free access to the rear garages of their properties. All these issues have consistently been raised in correspondence with the Department though the response has been, in effect, that they are not considering 'site-specific' issues at this point of the process. However, we contend that it is virtually impossible to assess the merits of this PP at all without considering the immense impacts of the site-specific issues raised by the residents. In short, there is simply no utility in approving a significant increase in height when the practical implications of building such a structure would not be feasible, as has been outlined by the residents in detail.

Yours faithfully,



John Hancox  
Precinct Chairman

9 February 2023