

Submissions Report

Build-to-Rent Housing

46-52 Nicholson Street and 59-67 Christie Street, St Leonards

SSD-88113706

10 July 2026

240125

planning&co

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1.0 INTRODUCTION

This Submissions Report has been prepared on behalf of St Leonards Property Unit Trust (**the Applicant**) to address the matters raised during and following the public exhibition of the State Significant Development Application (**SSDA**) for a built-to-rent (**BTR**) housing development at 46-52 Nicholson Street and 59-67 Christie Street, St Leonards (SSD-88113706). This SSDA seeks to provide much needed residential rental accommodation and a monetary contribution to affordable housing within the Crows Nest Accelerated Transport Oriented Development within the Lane Cove local government area (**LGA**) per the provisions of the *State Environmental Planning Policy (Housing) 2021* (**Housing SEPP**).

The SSDA was lodged with the Department of Planning, Housing and Infrastructure (**DPHI**) and was publicly exhibited for 28 days from 2 December 2025 until 15 December 2025. In addition to the submissions received, DPHI undertook an assessment of the application and issued a Request for Additional Information Letter on the 20 January 2026. During the public exhibition period, 6 submissions were received from government agencies including Lane Cove Council, in addition to 381 submissions received from the general public.

This Submissions Report provides an analysis of submissions, actions taken since Public Exhibition, the Applicant's response to submissions and provides an updated justification of the proposed development. It is accompanied by supporting information and technical reports. This Submissions Report, as required under Section 59(2) of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), has been prepared in accordance with the DPHI's *State Significant Development Guidelines*, including *Appendix C – Preparing a Submissions Report*.

1.1 Exhibited Development

The SSDA, as exhibited, sought approval for the following:

Under Division 4.7 State Significant Development of the EP&A Act, the proposed development seeks approval for the construction of a BTR development. Specifically, the SSDA seeks approval for:

- A single 36-storey tower including a 4-storey podium comprising 541 units,
- Three levels of basement parking,
- BTR amenity provided in lower ground, upper ground, podium, tower and rooftop levels,
- Vehicular access from Christie Street and loading access from Nicholson Street,
- Site landscaping and public domain improvements,
- Amalgamation of existing allotments to create one consolidated lot and extinguishment of Easement (B) upon consolidation, and
- Utility and services augmentation as required.

The proposal also seeks the following staging of CCs (in the below order):

1. Shoring, excavation and capping beam, public utilities relocation
2. Structure & in-ground services up to and including lower ground floor slab.
3. Structure & services from lower ground to roof
4. Finishes and facade low rise (lower ground to Level 20)
5. Finishes and facade low rise (Level 20 to roof)
6. Public realm / landscaping

The above CC staging is proposed to facilitate timely delivery of the development.

The proposal has now been amended as detailed in **Section 3.2** and **Section 3.3**.

2.0 ANALYSIS OF SUBMISSIONS

This section provides a breakdown of submissions and categorises them to identify the issues raised.

2.1 Breakdown of Submissions

During the Public Exhibition, a total of 387 submissions were received over the public exhibition period for SSD-77829461 made by relevant government agencies, agencies and the members of the community which are listed in **Table 1**.

Stakeholder	Name	Total
Government Agency	Civil Aviation Safety Authority	5
	Department of Climate Change, Energy, the Environment and Water (DCCEEW) Water Group	
	DCCEEW Conservation Programs Heritage and Regulation (CPHR) Group	
	NSW State Emergency Service	
	Transport for New South Wales	
Council	Lane Cove Council	1
Public (Organisation)	Strata schemes SP57540 and SP61234 at 52 Christie Street	9
	The Owners – Strata Plan No. 102041	
	Body Corporate – 486 Pacific Highway St Leonards	
	Owners Committee of 88 Christie St St Leonards	
	Owner's Committee of Strata Plan No 99383, St Leonards Square	
	St Leonards Square	
	472 Pacific Highway	
	Wolstonecraft Precinct	
Public (Individual)	NSW Farmers Association	372
	Congli Zhang	
	Sian Hu	
	Catherine Low	
	Daniel Mendes	
	Joyce Hopwood	
	David Hearnden	
	Robyn Ziino	
	Justin Hastings	
	Paul Christopher	
	Jimmy Yao	
	Jeffrey Shi	
	Wenjen Yang	
	Eduards Stipnieks	
	Rosston Wellings	
	Martin Dobes	
	William McGowan	
	Ran Tao	
	Furong Lei	
	Steve Gray	
	Mary O'niell	
	Wan Mit Choy	
	Tiffany Tsao	
	Zhimei Guo	
	Victor Chau	
	Tammy To	
	Marion Probert	
	William Qiu	
	Raymond To	
	Bradley Probert	
	Craig Sargent	
	Gregory Twemlow	
	Mingming Ma	
	Nicole Oliveira	
	Bill McGowan	
	Michael Sperling	
	Wei Guo	
	Siu Wai Leung	
	Rong Xia	
	Merri Southwood	
	Maria Fenelon	
	Clive Mills	
	Yananon Manmai	
	Aaron Pang	
	Ian Macintosh	
	Youn Soo Koo	
	Sarah Park	
	Johan Choi	
	Jingyi Huang	
	Murray Davies	
	Hengdao Yin	
	DT Lam	
	Wiley To	
	Richard Coleman	
	Edward Smith	
	Qing Huang	
	Prree Hiss	
	Chair 486 Pac Hwy	
	Hyun Park	
	Grace Lam	
	Alex Ashton	
	Bonny Chan	
	Mohinder Kumar	
	Catherine Mulvenna	
	Jill Carr	
	Ian Ashbrook	
	Cameron Allen	
	Runqian Liu	
	Jason Perica	
	Andrew Kwan	
	Chenyang Zhao	
	Carolyn Ashbrook	
	Michael Chui	

Yuhan Zhang	Andrew Lee	Youn Choi	
Lorraine Myers	Peter Snell	Robert Nash	
Rustem Zhanabekov	Zhi Jiang	Liang Xu	
Sylvia Lam	John Tran	John Hancox	
Candy Au	David Yu Ming Shang	Jill Connell	
Penelope Burns	Poramat	Ruth Leonard	
Akira Watanabe	Apichaicharoenkul	Alexander Chau	
Margaret Keller	Asha Rani Kumar	Anthony Bofinger	
Damian Oong	Anthony Bofinger	Ching-Hua Sung	
Adrian Wilson	Kim-Lena Bofinger	Mark Leatherbarrow	
Lei Zhou	Reza Dyer	Ho On Tam	
Alex Fredrich	Ali Noroozi-Iranzad	Rajiv Sundarjee	
Sam Zhang	David Lee	Harrison Kwon	
Hazel Chen	Georgie Lee	Zoe Anderson	
Amanda Lee	Garry Russell	J Coates	
Ramin Rohani	John Spiteri	Robert Hung	
Kelly Wu	Christopher Folta	Hiu Fung Katie Chan	
Lie li	Elaine Kwok	Xuejing Luo	
Haochun Sun	Maya Ding	Josie Chau	
Yanyan Zhang	Qi Qi	Mohinder Kumar	
Gen Li	Jesus Garcia	Ali Finnegan	
Mei Sze Cheng	Jui Ping Yu	Chloe Uchida	
Reynold Collin Hiss	Agnes Sarkis	Ben Corby	
Winson Li	Liangxun Zhang	John Morison	
Michael Thompson	Amit Chakraborty	Withheld x 235	
Total			387

A summary of the above stakeholders' positions on the exhibited development is summarised in **Table 2**.

Table 1: Number and Position of Submissions Received

Stakeholder	Object	Support	Comment/Neutral	Total
<i>Government Agency</i>	-	-	5	5
<i>Council</i>	1	-	-	1
<i>Public (Organisation)</i>	8	1	-	9
<i>Public (Individual)</i>	364	6	2	372
Total	373	7	7	387

2.2 Categorising Issues

The issues raised in the submissions have been categorised in **Table 2**.

Table 2: Categorisation of Issues

Category	Key Issue	Stakeholder
<i>The Project</i>	<i>Height and scale</i>	DPHI
	• Height increase beyond the approved Planning Proposal and Concept SSD	Council
	• The proposed height is more suitable for a building fronting Pacific Highway	Public
	• The proposed height contravenes the height transition / step-down strategy under the St Leonards and Crows Nest 2036 Plan	Community groups
	<i>Land Use</i>	DPHI
	• Requirement for active use for BTR developments	Council
	• Removal of retail use is a missed opportunity to activate the streetscape and provide increased vibrancy to the area	Public

- The proposal is inconsistent with the objectives of the *Lane Cove Local Environmental Plan 2009* and *Crows Nest Precinct Design Guide*, which seek active frontages and a balance of commercial and residential uses.
- A mixed use building would better strengthen the role of the zone as a commercial centre, of business and retail.

	<i>Residential Amenity</i>	DPHI
	• The city starter and studio dwellings on Level 1 and 2 do not achieve natural cross ventilation • The proposal does not align with the Apartment Design Guide (ADG) regarding solar access • Excessive number of units accessing a single core • The layout of all studio and city starter dwellings obstruct access from the bed to light, ventilation and outlook • City starter dwellings are below the minimum apartment sizes under the ADG • Cumulative impacts of the proposed size, layout and aspect of the city starter units contribute to poor amenity outcomes • No details on apartment storage	Public
	<i>Building setbacks and privacy</i>	DPHI
	• Proposed 9m tower setback to 29-57 Christie Street is expected to result in privacy, solar and ventilation impacts, reducing amenity for both sites • Reduced southern setback would remove the south west view corridor through the site • 24m separation between the proposed tower and 486 Pacific Highway being inadequate for a 36-storey tower • The proposed BTR units will result in direct overlooking into habitable spaces of existing apartments, forcing existing residents to keep curtains permanently closed, losing natural light • Proposed rooftop terrace would result in elevated overlooking into lower adjacent apartments at close range	Council Public
	<i>Traffic and Parking Provision</i>	DPHI
	• Insufficient carparking, which does not comply with the non-discretionary standard in the Housing SEPP • Lack of visitor parking. The proposal will put significant strain on the limited on-street parking. • Shortfall in bicycle parking • EV charging stations to be shown on the plans	TfNSW Council Public
	<i>Engineering and Servicing</i>	DPHI
	• Redesign and recalculation of stormwater • Confirmation of location and purpose of rainwater • Provide pump-out design • Ensure compliance with DCP runoff rules.	Council
<i>Procedural Matters</i>	<i>Revised Technical Assessments/Reports</i>	DPHI
	• Following additional technical assessments needed to assess and or justify following technical concerns: – Architectural Plans and Design Report – Visual Impact Assessment – Pedestrian Wind Environment Statement – Flood Impact Risk Assessment – Detailed Site Investigation and Remediation Action Plan – Groundwater Impact Assessment – Waste Management Plan – Noise and Vibration Impact Assessment – Landscape Plan	Council

	Community Consultation	Council
	• Consultation process and involvement of the public • Short exhibition period of 14 days only	Public
	Undermining earlier planning approvals	Council
	• The project is inconsistent with the approved Planning Proposal and approved SSD Concept Design • Residents who purchased apartments in the area based on the previous determination and the St Leonards and Crows Nest 2036 Plan when making major financial decisions • Change of developer is not a valid planning justification for increasing the building height	Public
Economic, Environmental and Social Impacts	Overshadowing	Council
	• Impact to nearby public open spaces • Impact to sunlight for nearby residents	Public
	View Impacts	DPHI
	• Impact of the additional height to 88 Christie Street (JQZ), 524-542 Pacific Highway (Telstra Exchange), 486 Pacific Highway (St Leonards Square) and 500 Pacific Highway (The Landmark)	Council Public
	Wind Impacts	DPHI
	• Provide a wind tunnel program and update the wind assessment documents to demonstrate how the single aspect apartments can achieve cross ventilation • Existing wind conditions on Nicholson Street and St Leonards Square Plaza	
	Flooding Impacts	DPHI
	• Adopt flood mitigation strategies (freeboard, ramp hump) and confirm flood modelling outcomes.	DCCEEW – CPHR NSW SES Public
	Traffic Impact	Public
	• Existing road network is at or beyond capacity • Nicholson Street is the primary vehicular access for an estimated 4,000-5,000 residents across St Leonards Square, The Landmark and 88 Christie Street • Egress via Oxley Street onto Pacific Highway is a critical bottleneck, regularly gridlocked during peak hours • One-way traffic on Christie Street, further constraining movement and providing no alternative exit • Existing traffic studies referenced in the application dating back to 2013 and not reflecting current conditions • Build-to-Rent operations generating exponential service traffic including delivery vehicles, ride-share pick-ups/drop-offs, removalists, and maintenance vans beyond typical residential developments • Emergency vehicle access would be compromised in an already constrained network	
	Construction Impacts	Public
	• Prolonged construction disruption including noise, dust, diesel emissions, and heavy vehicle movements at very close proximity to residential buildings • Silica dust from deep basement excavation through sandstone was raised as a serious respiratory health risk for adjacent residents • Multiple submitters noted residents in the precinct have already endured years of continuous construction from surrounding developments, and expressed fatigue and distress at the prospect of further extended disruption • The proximity of childcare centres made construction air quality and noise impacts particularly concerning for children	
	Acoustic Impacts	DPHI
	• Rooftop plant and mechanical noise	Public

- Background monitoring dated 2021
- Internal noise levels before and after recommended mitigation measures to be included in the Noise and Vibration Impact Assessment

Justification and Evaluation of the Project	Local Infrastructure	Council
	• Assess demand on schools, childcare, libraries, recreation, and community facilities, with measures to address cumulative impacts.	Public
	Ventilation	Public
	• Natural ventilation of nearby residential property to be impacted by the proposal, affecting living comfort, airflow and potential health impacts associated with poor ventilation	
	Community Benefits, Concerns and Infrastructure	Public
	• Lack of meaningful public open space, parkland or community facility • The proposal was argued to fail the Liveable Lane Cove Plans and the St Leonards and Crows Nest Station Precinct Social Infrastructure and Open Space Study 2018 • Several submitters questioned whether the BTR model would genuinely address housing affordability • Crime Prevention Through Environmental Design (CPTED) concerns regarding security risks from transient populations and frequent delivery driver access • Increased vehicle movements, loading activity, and construction traffic on narrow streets were argued to create foreseeable risks of pedestrian–vehicle conflicts, particularly involving young children, prams, and carers • Strain on local infrastructure including Metro, schools and hospitals	
	Cumulative Impacts of Multiple Developments	Public
	• An assessment of the proposal in isolation without considering the aggregate population, traffic and amenity impacts results in a flawed environmental assessment	
	Consistency with the Objectives of the TOD	Council
	• Support of the intent of the TOD program but concern for the built form resulting from the provisions of the Housing SEPP.	Public
	Desired Future Character	DPHI
	• Consistency with the desired future character of the area including alignment with State and local plans and strategies • Design response to the specific local character of the area	Council
	Provision of Affordable Housing	DPHI
	• Support for the provision of affordable housing in a highly accessible location where the supply of affordable housing is limited.	Council Public

3.0 ACTIONS TAKEN SINCE EXHIBITION

This section summarises the actions the Applicant has taken since the public exhibition to address the issues raised in submissions.

3.1 Further Engagement Undertaken

Following the public exhibition period and receipt of the DPHI's Request for Additional Information dated 20 January 2026, the Applicant and project team met with DPHI's assessment and technical team on 3 February 2026 to discuss the key matters raised in DPHI's letter, including:

- Solar access
- Natural ventilation
- Floorplate reconfiguration
- Amendment to layout of City Starter Apartments
- Reconfiguration of lower ground floor to provide an active frontage
- View loss
- Building setback and separation
- Landscape and deep soil planting

An addendum to the Visual Impact Assessment (VIA) prepared by Colliers was subsequently submitted on 20 February 2026 to provide further analysis on the view impacts arising as a result of the proposed height increase and the impacts on 88 Christie Street.

On 24 February 2026, further comments were provided by DPHI following a review of the materials presented at the meeting and the VIA addendum submitted. The comments received are:

1. **Natural Ventilation** – *The Department acknowledges the increase from 43% to 56% natural ventilation. Please confirm in the RtS with technical evidence that all units identified as cross-ventilated can achieve true natural ventilation.*
2. **Solar Access** – *The Department acknowledges the increase in solar access. Please ensure the RtS provides evidence that solar access is maximised at the site and ensure the findings of the urban design report, EIS and architectural drawings are consistent.*
3. **Visual Impact** – *The Department confirms that the development is likely to have a minor visual impact to 88 Christie Street. Please explore and document alternative design responses that maximise existing view corridors from St Leonards Square, including potential refinements to the roof form to mitigate visual intrusion. Please quantify the apartments impacted by the height increase and provide justification as to how the loss of panoramic water views is minor-moderate in the RtS.*
4. **Building Setbacks** – *The building setbacks to the south are inconsistent with the ADG and may adversely affect the future development potential of the adjoining southern site, which is located within a commercial core centre. The proximity of proposed balconies and windows also has the potential to constrain viable commercial development on that property by increasing overlooking, limiting design flexibility, and reducing future amenity outcomes expected in a core commercial context. Sufficient justification has not yet been provided to support the departure from the required setbacks. Please provide a comparison between the proposed scheme and a 12 m setback (to boundary) in the RtS.*
5. **City Starter Apartments** – *Please ensure plans are updated to clearly show the three-door stacked sliding system. The robe with highlight above creates a bedroom-like effect for studio units. Please demonstrate that this design is consistent with the NCC in the RtS.*
6. **Landscaping** – *The Department notes the updated tree location and provision of deep soil. – acceptable.*
7. **Storage** – *Storage details are now available – acceptable.*
8. **Active Use** – *Three tenancies are provided at Christie Street – acceptable. Please ensure waste, loading, staff access, etc. details are provided.*

9. **Other Matters** – Please ensure all other key issues and comments from DPHI, agencies and Council are addressed.

3.2 Refinements to the Proposed Development

3.2.1 Amendment to typical floorplates

- The typical floorplate has been reconfigured to enhance the residential amenity of the development, relating to solar access and natural ventilation.
- Specifically, the following amendments have been made to the typical floorplates:
 - Level 2: Replacement of two one-bedroom units with two city starters and one one-bedroom unit in the north and two studios with one one-bedroom unit and one city starter in the west
 - Levels 3-25: Replacement of two studios with two city starters in the west, two one-bedroom units with three city starters in the north
 - Levels 26-32: Changes made to Levels 3-25 plus replacement of a one-bedroom unit and studio with a three-bedroom unit in the south and four city starters with two one-bedroom units in the east
 - All typical floorplates: Introduction of a glazed recess within the western elevation including high level louvres at levels 3-5 to achieve improved daylight access and natural ventilation to the corridors and lift core.
- Solar access enhanced from 34% (182 units) in the SSDA submission to 40% (215 units) in the updated proposal achieving two hours of solar access between 9am and 3pm at mid-winter.
- Natural ventilation enhanced from 45% (53 units) in the SSDA submission to 61% (75 units) in the updated proposal in the first nine storeys.



Proposed - Level 2 Plan

Figure 1 Amendment to Level 2
Source: Cox Architecture



Proposed - Level 3-25 Plan

Figure 2 Amendments to floorplates of Levels 3-26
Source: Cox Architecture



Proposed - Level 26-32 Plan

Figure 3 Amendments to floorplates of Levels 27-32

Source: Cox Architecture

3.2.2 Interface to 29-52 Christie Street

- Design solutions have been incorporated to mitigate potential amenity impacts to both sites relating to building separation.
- The building separation issue relates to between Levels 6 and Level 22 only as the proposed building complies with the minimum building separation distances in Section 3F of the ADG on Levels 3-5 and Level 23 to Roof Level.
- The approved concept envelope for 29-57 Christie Street has a maximum height of RL 151.4 which is at a similar height to Level 22 (floor level at RL 149.1) of the proposed building.
- On Levels 6-22, the proposed building provides a southern setback of 9m-12m with a separation distance of 9.1m to 14.7m between both proposed buildings.
- While the proposed southern setback is below the minimum required 12m for the building above 25m in height under the ADG, 1.5m high level windows have been incorporated to the southeastern interface which faces the proposed tower at 29-57 Christie Street.
- Angled windows have also been added to the bedroom windows in the middle portion and to the windows on the west and east elevations to limit the sightlines of these rooms.
- As the south western interface of proposed building does not face the proposed tower of the neighbouring site, full height windows have been retained for this interface.
- Similarly, full height windows have been retained for the middle part of the south elevation which has a 13m setback.

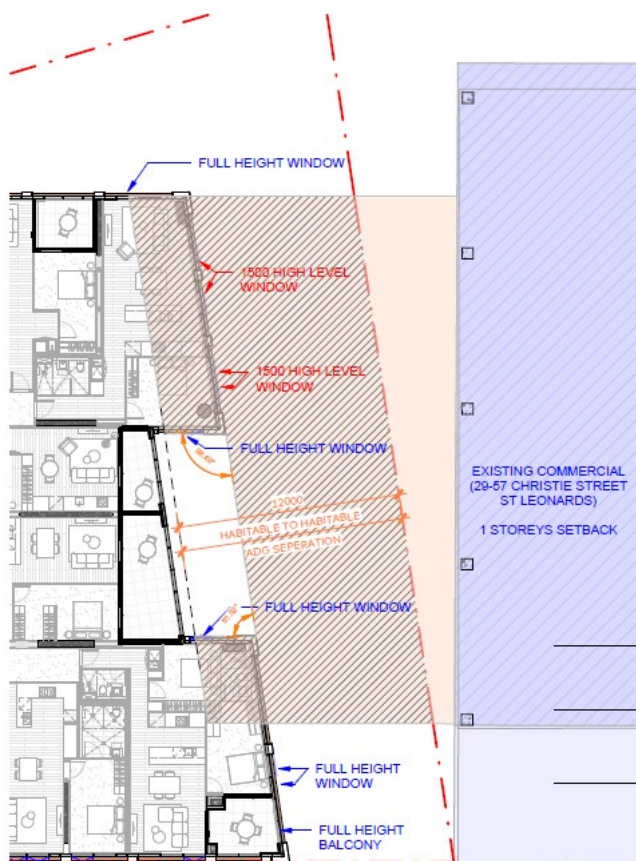


Figure 4 Setback Study – Over 25m - Levels 6-7
Source: Cox Architecture

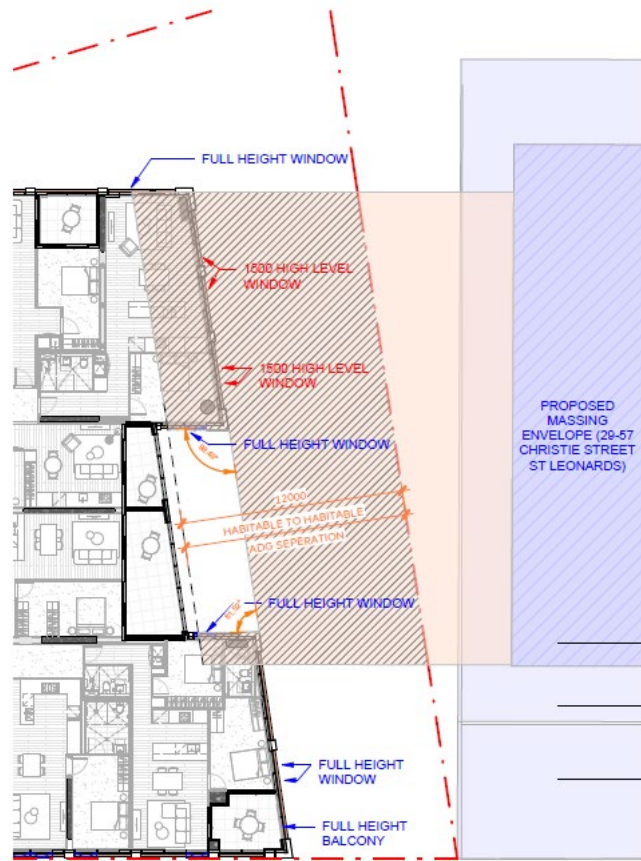


Figure 5 Setback Study - Over 25m - Levels 8-22
Source: Cox Architecture



Figure 6 Proposed design solutions for southern setback
Source: Cox Architecture

3.2.3 Enhanced quality of amenity spaces

- Level 1 reconfigured to provide a lounge area that connects with the communal open space in the south, enhancing the amenity of the communal facilities. This has been proposed to offset the reduced apartment size and enhance amenity for future residents

- Minor changes to the configuration of the amenity spaces on Level 33
- Following the reconfiguration of the amenity spaces, changes to the amenity offering are:
 - Indoor: reduction from 2,659 sqm (116% of site area) to 2,052 sqm (89% of site area) due to replacement of lower ground amenity with commercial space and increase in amenity on Level 1 as depicted in **Figures 7 and 8**.
 - Outdoor: from 1,670 sqm (73% of site area) to 1,435 sqm (62% of site area) through design refinement of Level 1.
 - Amenity space per unit: from 8 sqm to 6.5 sqm as a result of converting lower ground amenity areas to commercial in response to DPHI's request
- The provision of communal open space remains well above the minimum requirement of 25% under Section 3D of the ADG. Combined with the extensive range of internal communal spaces proposed, the total apartment and amenities area are significantly larger than a standard rental apartment (like for like basis type of unit).



Figure 7 SSSDA Level 1 Plan
Source: Cox Architecture



Figure 8 Updated Level 1 Plan
Source: Cox Architecture



Resident Lounge

Figure 9 Artist's Impression - Level 1 Amenity Space
Source: Cox Architecture



Resident Courtyard



Figure 10 SSDA Level 33 Plan
Source: Cox Architecture



Figure 11 Updated Level 33 Plan
Source: Cox Architecture



Kitchen



Resident Lounge



Resident Lounge
Figure 12 Level 33 Residents Lounge
Source: Cox Architecture



Games

3.2.4 Active frontage

The Lower Ground Floor Plan has been amended to provide commercial use fronting Christie Street.

Pedestrian entries have been added to the Christie Street frontage. Glazing will be provided on the Christie Street frontage to facilitate passive surveillance and an active street frontage.

The floorplate on lower ground floor is capable of being subdivided into three tenancies in the future, subject to separate planning approval.

The proposed amendment will enable a visual connection between the future commercial use and streetscape of Christie Street, as well as passive surveillance. The proposed amendment is considered to encourage the presence and movement of people on Christie Street, consistent with the objectives in Section 76(1) of the Housing SEPP and Part D of the Lane Cove Development Control Plan.



SSDA Lower Ground

Proposed Lower Ground

Figure 13 Change in Christie Street facade to incorporate glazing

Source: Cox Architecture

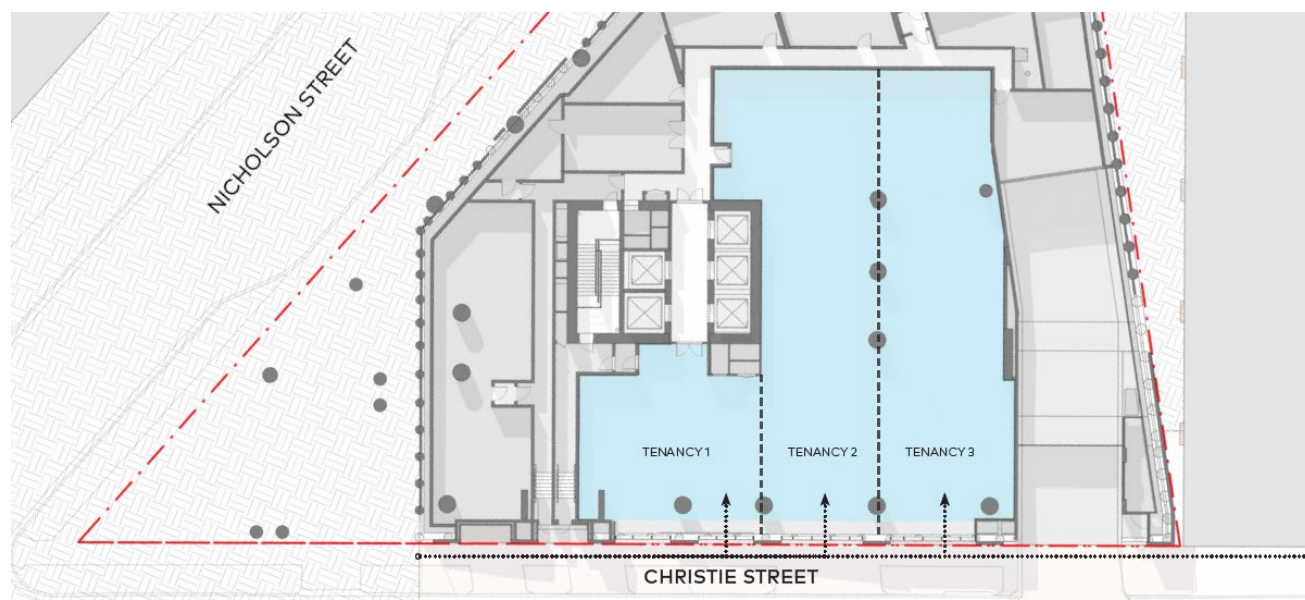


Figure 14 Updated Lower Ground Plan

Source: Cox Architecture

3.2.5 Bicycle parking

The provision of bicycle parking has been increased from 78 spaces to 82 spaces. In addition, the layout of the 42 (50% of) city starter apartments has also been reconfigured to include bicycle storage within the unit.

This result in the provision of a total of 124 spaces for bicycle parking / storage, which is an increase of 46 spaces compared to SSDA submission.

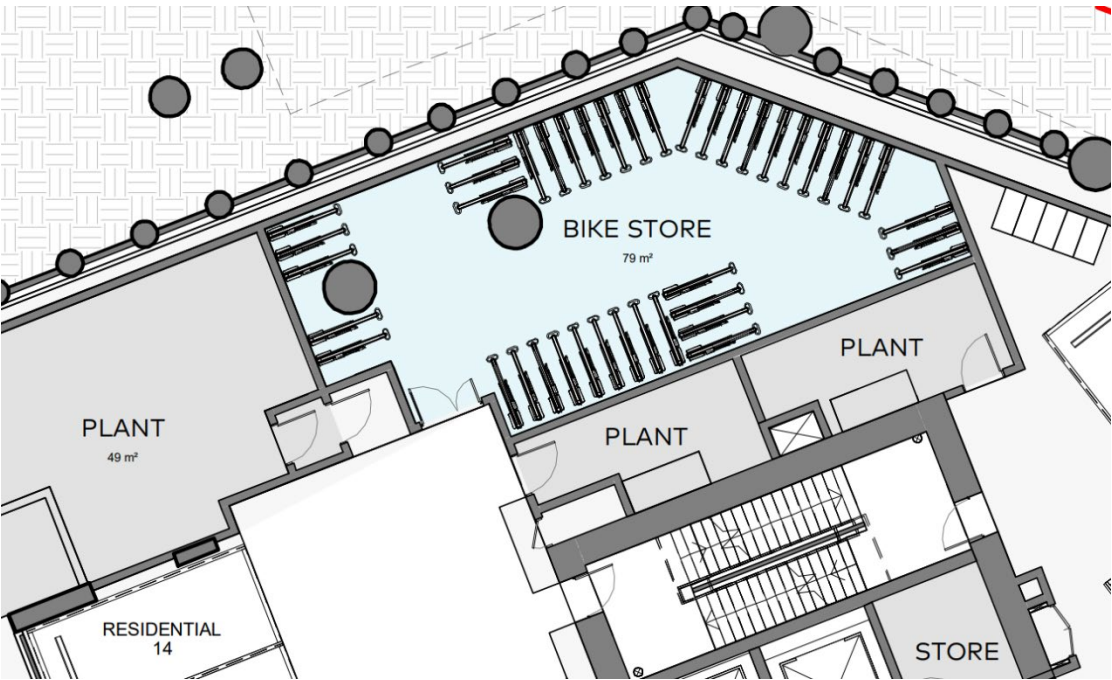


Figure 15 Proposed bike parking in Basement 1
Source: Cox Architecture



Interior Views
Figure 16 Bike storage within City Starter Apartments
Source: Cox Architecture

3.2.6 Amendment to Studio and City Starter Layout

The apartment layout of the studio has been amended to provide highlight above robe to enable access to natural daylight and ventilation.



Studio Layout
Mason and Main

Studio Layout
Nicholson Place

Figure 17 Amendment to studio layout
Source: Cox Architecture

The apartment layout of the City Starter has also been amended to include a three-door stacked sliding system to enable access to daylight from the window to the bedroom. A magnetic door holder is provided to facilitate cross ventilation (**Figure 16**).

3.2.7 Roof form design changes

The roof form of the proposed building has been amended to provide a staggered form, resulting in a reduction in building height by 400mm to 1,250mm, to a maximum height of RL 196.4.

As identified in the View and Visual Impact Assessment Addendum (**Appendix M**), the staggered reduction in building form results in improvements to views from the upper levels of St Leonards Square, The Landmark and Telstra Exchange, with increased portions of building silhouettes within the Sydney CBD and sky visible.

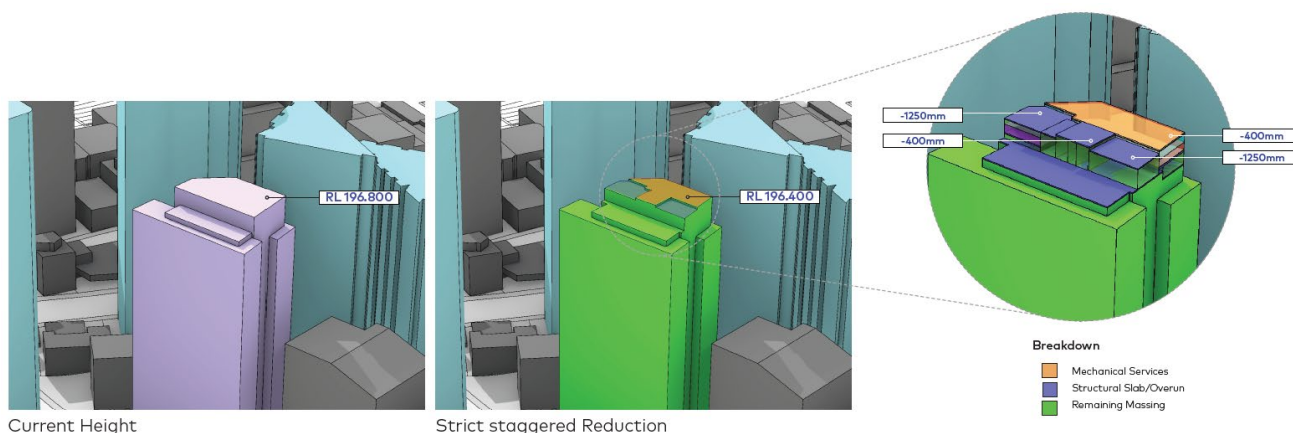


Figure 18 Amendment to building roof form
Source: Cox Architecture

3.2.8 Layout amended to Street trees

The proposed street tree planting has been reconfigured to be clear of the access point to the proposed loading dock and basement.

The proposal has increased the provision of deep soil zone from 7.7% (177 sqm) to 9% (208.5 sqm).

The proposed deep soil provision is therefore well above the minimum requirement of 7% under the ADG.



Figure 19 Updated Ground Floor Landscape Plan

Source: Cox Architecture

3.2.9 Wind mitigation

In response to the recommendations of the updated Pedestrian Wind Environment Study and wind tunnelling program (**Appendix I**) prepared by Windtech.

Whilst the wind mitigation testing is iterative in nature, wind mitigation measures have been incorporated following the first round of wind tunnel testing resulted in the inclusion of:

Upper ground level:

- Awnings on Nicholson Street frontage
- 1.5m high hit and miss brick screening

Level 3:

- Vertical screen on podium roof

Level 33 and 34:

- Awnings over seating area for swimming pool
- Awning over outdoor terrace

With a combination of mitigation measures the proposal can achieve an acceptable wind comfort outcome. The adoption of specific measures will be reviewed and implemented post approval.

The proposed wind mitigation measures are illustrated below.



Upper Ground Plan

----- Awning above
 ----- 1500 Height - Hit & Miss Brick Screening

Figure 20 Upper Ground Level - Screening and awning
 Source: Cox Architecture



Upper Ground Plan

----- Awning above

Figure 21 Upper Ground level - Awnings
 Source: Cox Architecture



Level 3 Plan

----- Vertical Screen

Figure 22 Level 3 Plan - Vertical screen

Source: Cox Architecture

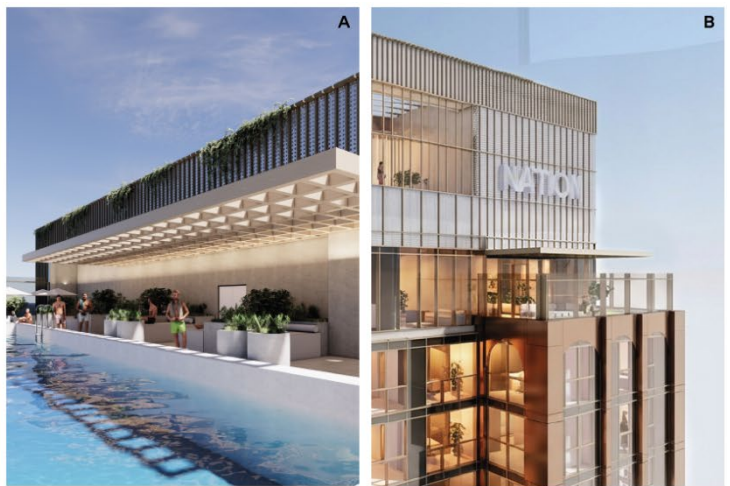


Roof Plan

----- Awning above

Figure 23 Level 33-34 - Awning

Source: Cox Architecture



3.2.10 Change in GFA

The proposal results in an increase in GFA by 526.16 sqm as a result of rationalisation of the layout on each level and the changes to service plant areas. There have been no volumetric massing increases in the revised proposal.

As the design has been refined, plant, services and circulation spaces have been reorganised and consolidated to improve efficiency across the building. Minor design updates including reconfiguration of unit and floor layouts have resulted in a corresponding increase in the GFA, while the overall building envelope and volumetric massing remain generally consistent with the approved scheme.

3.2.11 Affordable housing contribution

The revised proposal retains the proposed affordable housing contributions at 4%. The proposal still contributes meaningfully to the precinct's affordable housing objectives and a significant uplift from the approved Concept SSDA contribution position. Further details of the quantum value of the proposed affordable housing contribution are discussed in the response to DPHI's submission in page 34.

It is requested that the payment of the affordable housing is conditioned to be made prior to the issue of Occupation Certificate.

3.3 Amended Project Overview

Following the public exhibition of the proposed development, refinements have been made in response to the submissions received and further design development. The refined proposal remains consistent with the project description for the EIS submission, the proposed project objectives and importantly further minimises environmental impacts. Therefore, a formal amendment to the proposed development is not required. A comparison of the project description and key project metrics from the exhibited scheme and the revised RTS scheme is provided in **Table 3** below.

Table 3: Amended Project Overview

Development Aspect	Exhibited Scheme		Revised RTS Scheme	
<i>Project Description</i>	Under Division 4.7 State Significant Development of the EP&A Act, the proposed development seeks approval for the construction of a BTR development. Specifically, the SSDA seeks approval for:		Under Division 4.7 State Significant Development of the EP&A Act, the proposed development seeks approval for the construction of a BTR development. Specifically, the SSDA seeks approval for:	
	- A single 36-storey tower including a 4-storey podium comprising 541 units, - Three levels of basement parking, - BTR amenity provided in lower ground, upper ground, podium, tower and rooftop levels, - Vehicular access from Christie Street and loading access from Nicholson Street, - Site landscaping and public domain improvements, - Amalgamation of existing allotments to create one consolidated lot and extinguishment of Easement (B) upon consolidation, and - Utility and services augmentation as required.		- A single 36-storey tower including a 4-storey podium comprising 541 units, - Three levels of basement parking, - BTR amenity provided in lower ground, upper ground, podium, tower and rooftop levels, - Vehicular access from Christie Street and loading access from Nicholson Street, - Site landscaping and public domain improvements, - Amalgamation of existing allotments to create one consolidated lot and extinguishment of Easement (B) upon consolidation, and - Utility and services augmentation as required.	
<i>Proposed Development Type</i>	Built-to-Rent Housing in the form of Residential flat building		Built-to-Rent Housing in the form of Residential flat building	
<i>Gross Floor Area (GFA)</i>	39,443.88 sqm		39,970.04 sqm	
<i>Maximum Building Height</i>	RL 196.80		RL 196.40	
<i>Floor Space Ratio (FSR)</i>	17.14:1		17.36:1	
<i>Dwellings</i>	City Starter	68 (12.6%)	City Starter	178 (33%)
	Studio	192 (35.5%)	Studio	117 (22%)
	1 Bedroom	160 (29.6%)	1 Bedroom	118 (22%)
	2 Bedroom	121 (22.4%)	2 Bedroom	121 (22%)
	3 Bedroom	0 (0%)	3 Bedroom	7 (1%)
	Total	541	Total	541
<i>Car Parking Spaces</i>	Residential Car Spaces	93	Residential Car Spaces	98
	Bicycle Spaces	78	Bicycle Spaces	82
<i>Communal Open Space (sqm)</i>	Indoor	2,659 (116% site area)	Indoor	2,052 (89% site area)
	Outdoor	1,670 (73% site area)	Outdoor	1,435 (62% site area)
	Total	4,329 (188% site area)	Total	3,488 (156% site area)
<i>Deep Soil Area</i>	177.2 sqm (7.7% of site area)		208.5 sqm (9% of site area)	

Development Aspect	Exhibited Scheme	Revised RTS Scheme
<i>Affordable Housing Contribution</i>	4%	4%

3.4 Further Assessments Undertaken

Further assessment of the proposed development in response to the submissions received, have been undertaken. The following **Table 5** lists amended reports that accompany this Submissions Report.

Table 4: Amended Reports

Report	Prepared by	Appendix Reference
Architectural Plans	Cox Architecture	Appendix A
Design Report Addendum	Cox Architecture	Appendix B
Amended Housing SEPP Assessment	Cox Architecture	Appendix C
Landscape Plans	360	Appendix D
Waste Management Statement	MRA	Appendix E
Flood Impact and Risk Assessment	Mott Macdonald	Appendix F
Flood Impact Risk Letter	Mott Macdonald	Appendix G
Community and Stakeholder Engagement Letter	Gyde Consulting	Appendix H
Pedestrian Wind Environment Study	Windtech	Appendix I
Ventilation Statement	Windtech	Appendix J
Noise and Vibration Impact Assessment	Acoustic Logic	Appendix K
Submissions Register	Planning&Co	Appendix L
Visual and View Impact Assessment Addendum	Colliers	Appendix M
Notice of Determination – DA32-2025 (Demolition DA)	Lane Cove Council	Appendix N
Notice of Determination and General Terms of Approval – DA110-2025 (Early Works DA)	Lane Cove Council WaterNSW	Appendix O

4.0 RESPONSE TO SUBMISSIONS

This section provides a detailed summary of the Applicant's response to the matters raised in submissions received. The Applicant's responses are provided in the following sections and have been structured as follows:

- Department of Planning, Housing and Infrastructure (**Section 4.1**)
- Government Agencies (**Section 4.2**)
- Lane Cove Council (**Section 4.3**)
- Public (**Section 4.4**)

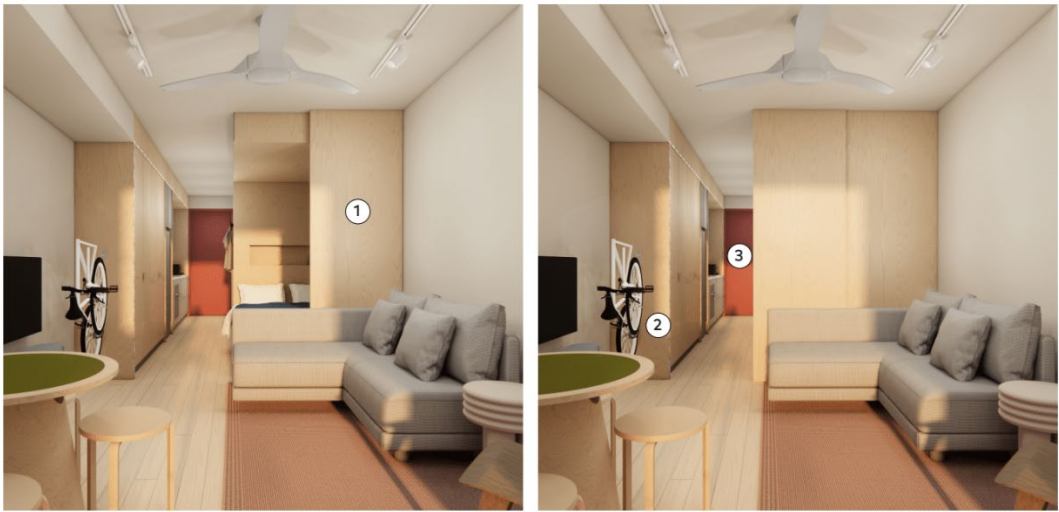
4.1 Department of Planning, Housing and Infrastructure

The Applicant's response to the DPHI's 'Additional Matters for Response to Submissions Report' are outlined in **Table 5** below.

Table 5: DPHI Response to Submissions Table

Issue/ Comment	Response
1. Residential Amenity <u>Natural Ventilation and Solar Access</u> <i>a) Natural ventilation:</i> Based upon the information provided, the Department considers that the 'city starter' and studio dwellings on level 1 and 2 do not achieve natural cross ventilation. This is due to the proposed courtyard being enclosed on all sides and partly overhung by the tower above, restricting good airflow and any potential breezeway. Additionally, it is not apparent that any other dwellings on level 1 or 2 achieve cross ventilation due to a reliance on single aspect windows. The Department requests technical evidence to demonstrate that apartments on level 1 and 2 achieve cross ventilation, including confirmation that the effective openable area (EOA) of windows is sufficient to provide natural ventilation in accordance with the ADG. Should these apartments not achieve cross ventilation, the applicant is to explore an alternative building layout that ensures an appropriate amount of natural ventilation.	The layout of Level 1 and 2 has been updated with changes to the unit mix on these levels. A Natural Ventilation Assessment (Appendix J) has been prepared by Windtech, which confirms 15 out of 17 units on Level 1 and 14 out of 20 units on Level 2 achieve natural ventilation either as proposed or with treatment. The proposal as revised will achieve a total of 61.5% (75 out of 123 units) of natural ventilation. Therefore, the proposal is compliant with Section 4B of the ADG in this regard.
<i>b) Solar Access:</i> The ADG compliance table submitted with the architectural plans indicates that 72 of 541 dwellings (13.3%) achieve no solar access. This is inconsistent with the Department's assessment and the Urban Design Report, which indicates that 141 of 541 dwellings (26.1%) achieve no solar access. The architectural plans show that 122 of the 541 apartments (22.6%) can achieve at least two hours of solar access, with extended hours of 8am to 4 pm. These are significant departures from the ADG recommended criteria. The Department requests revised plans that consider bulk, massing and modulation that optimise the number of apartments receiving sunlight to habitable rooms. While full compliance with ADG Design Criteria 4A may not be achievable on the site and recognising the higher density location, the proposal must demonstrate alignment with the ADG Design Guidance and objectives. Specifically, the revised design should clearly show how it seeks to maximise solar access for as many apartments as possible.	ADG Compliance - Overall solar access has been improved to 40% (215 of 541 units) in the updated proposal between 9am to 3pm at mid-winter, which is a substantial increase from the exhibited proposal. - As demonstrated in the Design Report Addendum (Appendix B), Architectural Plans (Appendix A) and ADG Compliance Table (Appendix C), the updated proposal includes 75 of 541 units (14%) achieving no solar, which is compliant with the ADG requirement of maximum 15% of apartments receiving no direct sunlight between 9am to 3pm at midwinter. Consideration of ADG Design Criteria and Design Guidance As established in the Land and Environment Court, <i>Construction Development Management Services Pty Ltd v City of Sydney [2023] NSWLEC 1620</i>, flexibility should be applied when design criteria cannot be met and it is not practical or possible to do so. The updated proposal has optimised the number of apartments receiving sunlight to habitable rooms, primary windows and private open spaces, as per the criteria of objective 4A-1. The following considerations aligned with ADG design guidance, should be considered on balance to justify the departures from the ADG criteria: - The site slopes steeply to the south and downhill of a highly urbanised CBD core with numerous approved and anticipated high density developments that cast extensive shadowing over the site.

Issue/ Comment	Response
	• Units facing south-west, which do not receive the minimum 2 hours, benefit from access to significant views to Sydney Harbour. • The proposal provides a generous offering of communal facilities, including 2,695 sqm (117% of site area) of indoor communal facilities and 1,554 sqm of communal open space (68% of site area). These provisions are well above the minimum requirement of 25% under the ADG and represents high quality of amenity offering for residents. • Noting the proposed rooftop communal open space also achieves minimum 50% of sunlight to the principal usable part of the communal open space for at least two hours between 9am and 3pm on 21 June per Section 3D of the ADG. • The opportunities to increase solar access are constrained by the height of proposed building which is restricted to preserve sunlight to Newlands Park as required by the TOD Design Guide.
c) <i>Lift core</i>: There is an excessive number of units accessing a single core which limits opportunities for dual aspect and cross -through apartments, limiting natural ventilation and solar access. To help improve residential amenity outcomes, provide revised plans that include: • an amended core arrangement and apartment layout to improve and optimise natural ventilation in accordance with objective 4B of the ADG • window inlet and outlet openings with comparative size • smaller apartment depths • a minimum floor to floor height of 3.2m • increased building setbacks (refer to Section 3 of this letter).	As demonstrated in Section 3.2.1, the typical floorplate has been amended to enhance and optimise the natural ventilation and solar access to apartments. The key amendments include changes in room mix and layout on typical floorplates and shifting of the lift core, resulting in: • Increased level of solar access: from 34% (182 units) in the exhibited proposal to 40% (215 units) in the updated proposal achieving two hours of solar access between 9am-3pm at mid-winter; and • Increased level of natural ventilation: from 45% (53 units) in the SSDA submission to 61% (75 units) in the updated proposal in the first nine storeys. As demonstrated in the Design Report Addendum (Appendix B), while the proposal provides a 3.15m floor to floor height, it can accommodate a floor to ceiling height of 2.7m which complies with the minimum ceiling height requirements in Section 4C of the ADG.
d) <i>Unit layout</i>: The apartment layout and bed alcove arrangement of all proposed studio and ‘city starter’ dwellings obstruct access from the bed to light, ventilation and outlook. Please provide amended plans that remove these obstructions. See Figure 1.	As outlined in Section 3.2.6, the studio apartment layouts have been amended from internal walls or “bed alcoves” that obstruct access to light, ventilation and outlook to highlight above robes. Noting the proposal arrangement has been supported in the Mason and Main development, which provides a precedent as an acceptable layout for access to natural daylight and ventilation, included in Figure 17. For the City Starter units, an operable wall will be provided between the living room and bedroom (fixed panel with an operable sliding door). This will allow daylight from the window and compliance with the BCA provisions. Noting this is consistent with the approved layout of City Starters at the Precinct 75 development (SSD-82639959).

Issue/ Comment	Response
 Figure 1: Bed Alcove Arrangement	 Design Features 1. Three door stacked sliding system to open or close the bedroom from the lounge 2. Built-in bike rack to encourage reduced private car travel/ownership 3. Magnetic Door Holder to Achieve Cross-ventilation
<u>City Starter Apartments</u> e) The Department has assessed the proposed 'City Starter' dwellings and may consider minor departures from the minimum apartment sizes under the ADG if it can be demonstrated that these units deliver high residential amenity. At present, this has not been demonstrated. The cumulative impacts of the proposed size, layout, and aspect of the 'City Starter' units contribute to poor amenity outcomes, particularly for units along the Christie Street frontage. The Department requests that the City Starter units along the Christie Street frontage be reconfigured to accommodate larger units and/or varied dwelling types. Alternatively, the proposal should include measures that offset the reduced apartment size such as providing additional communal spaces or other design improvements that enhance amenity for future residents.	As demonstrated in the Design Report Addendum, the layout of the City Starter units has been revised to incorporate a magnetic door holder to achieve cross ventilation. In addition, as shown in Section 3.2.3, the Level 1 amenity area has been amended to provide a lounge area that connects with the communal open space in the south, enhancing the amenity of the communal facilities. The updated proposal provides generous communal space offering and residential amenities consisting of 1,435 sqm (62% of site area) of communal open space and 2,052 sqm (89% of site area) indoor amenity space across the development, which is well above the minimum communal open space requirement of 25% under the ADG. The proposed offering of communal facilities is equivalent to 6.5 sqm per unit, which is sufficient to offset the shortfall in the internal area of the city starter units, being 5sqm from the minimum internal area of 35sqm for studios. Whilst multiple apartments have been labelled as “City Starter” dwellings, labelling reflects the design typology only with only 42 apartments being sized under 35sqm. Additionally, the City Starter units have been designed to include an operable wall for greater amenity / flexibility for residents.
<u>Storage</u>	Storage diagrams and storage calculations per unit are provided in the Architectural Plans and Design Report Addendum.

Issue/ Comment	Response
f) The Department acknowledges that Chapter 3, Part 4 of the <i>State Environmental Planning Policy (Housing) 2021</i> (Housing SEPP) requires a consent authority to be flexible when assessing storage ADG requirements, however, the proposal has not included any details or calculations of apartment storage. Please provide storage details for each apartment.	The proposal has optimised the provision of internal and external storage. Section 75(2) of the Housing SEPP requires the consent authority to provide flexibility when applying the design criteria for storage in Item 4G of the ADG. Additionally, the proposal is consistent with Section 75(3) – - the proposal provides generous amenity offering to the residents, well above the minimum required 25% of communal open space in Item 3D, - the proposal includes a diverse unit mix, providing a range of unit sizes and layouts for future tenants, and - the tenants will be able to relocate to other dwellings within the building if their needs change. - In Nation’s BTR developments, the unit, carparking and storage are typically decoupled and are allocated on an as-need basis. Therefore, flexibility for this typology is warranted. Accordingly, it is requested that flexibility is applied to the storage requirements under the ADG.
2. Active Use	
Chapter 3, Part 4 of the Housing SEPP requires the street of a BTR development in a business zone to have an active frontage. The proposed pool facilities along the Christie Street frontage creates a closed-off, exclusive use that does not activate the street. No justification has been provided for limiting opportunities for active tenancies along this frontage. The site is zoned E2 Commercial Centre under the <i>Lane Cove Local Environmental Plan 2009</i> (LCLEP 2009), which seeks diverse, active street frontages that attract pedestrians and contribute to vibrant public spaces. The site also forms part of the St Leonards commercial core under the Crows Nest Precinct Design Guide, where development is expected to maintain a balance of commercial and residential uses. The proposal is inconsistent with these objectives. The Department does not support the proposal in its current form as it fails to provide an active ground-floor interface with the public domain. Provide revised plans that include commercial or publicly accessible active uses, particularly along the Christie Street frontage.	As noted in Section 3.2.4, the updated proposal has amended the Lower Ground floor plan to provide commercial tenancies at street level. The street level façade on Christie Street has been amended to provide glazing and pedestrian entries, which will enable passive surveillance and an active street frontage. The updated proposal therefore complies with the active street frontage requirement in Section 76 of the Housing SEPP and the objectives of the E2 zone under LCLEP 2009 relating to the provision of active street frontages and strengthening the role of the commercial centre.
3. Built Form	
<u>Building Height and View Loss</u> a) The Department considers it important to balance the provision of housing with the amenity of the locality, while being mindful of impacts on surrounding development. The proposed height increase under the planning proposal and visual impact will result in severe view loss of iconic landmarks from existing and	The View and Visual Impact Assessment Addendum (VVIA Addendum), prepared by Colliers and attached as Appendix M, provides further justification on the visual and view loss impact to the residential developments of Telstra Exchange BTR, The Landmark, and St Leonards Square. In summary:

Issue/ Comment	Response
approved residential developments (Telstra Exchange BTR, The Landmark, and St Leonards Square. The Department requests a revised scheme and Planning Proposal that acknowledges and appropriately manages iconic and landmark views from existing and approved residential developments in the locality. The revised plans should be supported by an updated Visual Impact Assessment (VIA) and demonstrate how the proposed massing responds to view corridors.	• The views from the subject approved developments in the direction of the proposal are highly vulnerable to considerable change given the anticipated developments in the St Leonards strategic centre and Crows Nest TOD. • The approved Concept SSDA indicates that considerable view impact from the building has been accepted by DPHI. This includes complete loss of visibility of the Sydney Harbour Bridge from viewpoints. This is a benchmark for consideration of additional view impacts. • Only a relatively small number of additional apartments are affected by the proposal. Specifically, – ~21 units across seven levels (out of the total 366 units) within the Telstra Exchange BTR development are located within the levels between the approved Concept SSDA height and proposed building height – ~28 units across seven levels (out of the total 417 units) within The Landmark between the approved Concept SSDA height and proposed building height – ~28 units across seven levels (out of the total 527 units) within the St Leonards Square tower between the approved Concept SSDA height and proposed building height • The updated proposal has incorporated amendments to the roof form which has resulted in a staggered reduction in building form, lowering the building height between 400mm - 1,250mm, to a maximum building height of RL 196.4. This results in improvements to views from the upper levels of St Leonards Square, The Landmark and Telstra Exchange, with increased portions of building silhouettes within the Sydney CBD and sky visible. • Additionally, a translucent glazed wind screen is used on the rooftop to assist in visibility beyond the building form. This is specifically for apartments positioned at the upper levels on the south-western facades of the Telstra Exchange and The Landmark, which assists in facilitating view lines beyond the building form to parts of the Sydney Harbour, Sydney CBD and Balls Head Reserve. • In conclusion, the view impact on the surrounding existing and approved residential developments is acknowledged and is assessed by the VVIA Addendum as minor-moderate. • The nature and extent of impact is considered reasonable in the context of the considerable future growth identified within the strategic planning framework and current NSW Government planning priorities related to delivery of housing.
b) The VIA has not identified the potential view loss from the residential dwellings at 88 Christie Street. Please provide an updated VIA that addresses this matter, particularly the potential iconic view loss from this site.	The VVIA Addendum (Appendix M) also includes an assessment on the potential view loss from 88 Christie Street from two viewpoints. The qualitative assessed extent of the additional view impact from the proposal on 88 Christie Street is minor-moderate. Given the proposal is only visible obliquely from this location, only views to the north Sydney skyline will be impacted, with iconic and high value elements, including Sydney Harbour, the Sydney Harbour Bridge the Sydney CBD, and the Anzac Bridge retained.

Issue/ Comment	Response
	 Figure 24: Viewpoint locations - 88 Christie Street Source: Colliers
<u>Building Setbacks and Privacy (29-57 Christie Street)</u> c) The proposed 9m tower setback to 29 -57 Christie Street is expected to result in privacy, solar, and ventilation impacts that contribute to reducing amenity for both sites. In accordance with the ADG, setbacks should be designed to mitigate direct overlooking, maintain adequate solar access, and support natural ventilation. Provide a revised scheme that achieves recommended ADG setbacks and includes an analysis demonstrating how privacy impacts have been mitigated. Consider angled or high-level glazing (where there is a choice of more than one window) that can direct views away from the adjoining property, privacy screens, landscape screening, and built in landscape planters.	As noted in Section 3.2.2, the proposal only provides a building setback below the ADG recommendation on Levels 6-22. The approved concept envelope for 29-57 Christie Street has a maximum height of RL 151.4 which is at a similar height to Level 22 (floor level at RL 149.1) of the proposed building. On Levels 6-22, the proposed building provides a southern setback of 9m-12m with a separation distance of 9.1m to 14.7m between both proposed buildings. The proposal has been amended to incorporate 1.5m high windows on the southern façade on Levels 6-22 to minimise potential opportunities for overlooking to the future development at 29-57 Christie Street. The proposal is compliant with the ADG building separation requirements on Levels 3-7 and Level 23 to Roof Level. Further, this concept DA has been approved for five years since July 2021 and no detailed DA has been lodged to date. Therefore, there is no certainty that this would be developed in the future. While the Concept DA approves an envelope, it is typically not expected that an envelope would be fully maximised in any case. Refer to Section 3.2.2 and Design Report Addendum for further details on privacy measures implemented at the interfaces of the updated proposal and the proposed tower at 29-57 Christie Street.

Issue/ Comment	Response
<u>Design Excellence</u> d) With consideration of the above comments on amenity, active use, and built form, please review the design excellence provisions of the LCLEP 2009. Consider the relationship of the development with other existing or proposed development on neighbouring sites and how the proposal will achieve an appropriate interface at ground level between the development and the public domain	The proposal as modified, remains consistent with the design excellence in Clause 8.5, particularly relating to subclauses (2)(d)(iv) and (x): (2)(d)(iv) - the relationship of the development with other existing or proposed development on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, - As discussed above and in Section 3.2.2, the proposal is generally consistent with the building separation requirements of the ADG, noting appropriate design solutions have been incorporated to Levels 6-22. - As discussed in Section 3.2 and earlier, the proposal as modified has enhanced the amenity by increasing the level of solar access and natural ventilation, as well as reconfiguration of the layout of the amenity spaces. - Regarding urban form, the updated proposal has reduced the total building height from RL 196.8 to RL 196.4 by amending the roof form, resulting in improvements to views from upper levels of St Leonards Square, The Landmark and Telstra Exchange. - As demonstrated in the VVIA Addendum, the view impact of the proposal on the surrounding existing and approved residential developments, including 88 Christie Street, is assessed as minor-moderate. The nature and extent of impact is reasonable considering the future growth identified within the strategic planning framework in relation to housing delivery. (2)(d)(x) - achieving appropriate interfaces at ground level between the development and the public domain, - The proposal has been updated to enhance the interfaces at ground level, particularly to Christie Street. As identified in Section 3.2.4, commercial use will be provided on the Christie Street frontage and is capable of being subdivided into three commercial tenancies, subject to separate planning approval. - The Christie Street façade has also been amended to provide glazing to enable passive surveillance and encourage the movement of people. - Ground level interfaces on all frontages have been improved to enhance the pedestrian experience in the public domain. Active frontage has been provided along Christie Street with increased opportunities for incidental social interactions, which provides a direct pedestrian connection to the proposed public plaza at the intersection of Nicholson Street and Christie Street. The Nicholson Street ground level interface has redesigned street landscaping to ensure safe vehicle access to the loading area whilst providing pedestrians with a high-amenity landscaped streetscape. Wind mitigation elements have been added in the form of additional awnings and brick screens to improve pedestrian comfort. Accordingly, the proposal remains consistent with the design excellence provisions at Clause 8.5 of LCLEP 2009.
<u>Wind Impacts</u> e) The Pedestrian Wind Environment Statement (PWES) identifies criteria for wind speed and correlating pedestrian comfort, however, no mean wind speeds	The Pedestrian Wind Environment Statement prepared by Windtech, has been updated and attached as Appendix I and includes the results of a detailed investigation into the wind environment of the updated proposal. Peak gust and mean wind speeds were determined at selected critical outdoor trafficable

Issue/ Comment	Response
anticipated from the development have been provided. The PWES advises that a wind tunnel program has commenced, which will allow for a quantitative assessment of the wind conditions. To determine wind impacts by the development, the Department requests that the wind tunnel program be provided. Additionally, please update the wind assessment documents to demonstrate how the single aspect apartments can achieve cross ventilation.	locations within and around the subject development. The wind tunnel program has been provided to Department as part of the RTS submission. The Wind Report establishes a suite of mitigation measures that can be incorporated to achieve compliance. The precise mitigation strategies will be adopted post approval in conjunction with façade and engineering feedback. The Natural Ventilation Assessment, prepared by Windtech and attached as Appendix J, notes that in accordance with the ADG design guidance, single aspect apartments allow for site restraints with the inclusion of plenums, vertical ventilation shafts and building indentations with a width to depth ratio of 2:1 or 3:1 to ensure effective air circulation and avoid trapped smells.
<u>Car Parking and Bicycle Storage</u> f) The Transport Impact Assessment (TIA) advises that the proposal is consistent with Council's bicycle parking space requirements. A review of the development shows 78 bicycle spaces which is a significant shortfall to Council's requirements. Please justify accordingly.	The updated proposal has increased bicycle parking provision from 78 to the 170 spaces, including 82 in the basement and bicycle storage space provided with 88 city starter units (50% of city starters). This presents a significant improvement to bicycle parking / storage provision. Where additional bicycle storage capacity is required, storage cages are provided in the basement for residents, which can used to accommodate a bicycle. Bike parking is typically decoupled from the unit in BTR developments and it is intended that future operation will involve a bike share provider to manage this.
g) The Ecologically Sustainable Development (ESD) report indicates that all car parking spaces will have EV charging provisions with additional consideration for e-bike charging. The Department supports this initiative and requests that EV charging stations be shown on the plans.	The NCC J9D4 mandates that car parks associated with new Class 2 buildings be future-proofed to support future charging demands. The proposal includes the required charging infrastructure to accommodate future charging requirements in the form of distribution boards on each basement level and cable trays to each parking space.

Issue/ Comment	Response
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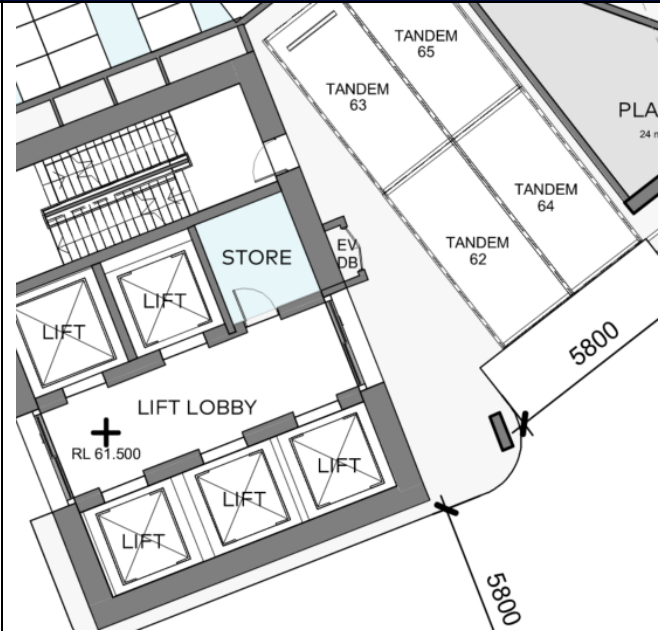


Figure 25 Typical EV distribution board
Source: Colliers

4. Affordable Housing Contribution

The purpose of the affordable housing contribution is to provide affordable housing whilst balancing development feasibility and increased density in the Transport Orientated Development (TOD) precincts. The proposed rezoning is considered to significantly increase density at the site and whilst the Department acknowledges the 4% affordable housing contribution, the proposed development provides an excellent opportunity to further improve the provision of affordable housing in NSW. The Department has reviewed the Economic Impact Assessment and requests further justification for the 4% contribution in comparison to a higher site-specific contribution rate that apply in the Crows Nest TOD precinct and whether it is feasible for a greater contribution to apply.

By committing to a 4% monetary contribution, the proposal contributes meaningfully to the precinct's affordable housing objectives and a significant uplift from the approved Concept SSDA contribution position.

As a quantum value, the proposed 4% contribution represents approximately 1,571 sqm of residential GFA.

In comparison, where the proposal is to be reduced to the approved concept height at RL 174.95 (roughly equating to the removal of seven levels), a 3% contribution in this scheme would be approximately equivalent to 929 sqm of residential GFA.

Were the concept proposal in the approved Concept SSDA to proceed, a 3% contribution would be equivalent to approximately 824sqm.

Based on the above, the quantum of residential GFA in the proposed 4% contribution is:

- a 69% increase in residential GFA compared to the current scheme reduced to the height approved in the Concept SSDA; and
- a 91% increase in residential GFA compared to the approved Concept SSDA.

Issue/ Comment	Response
	Separately, at the time of acquisition of the site by the applicant, part of the feasibility was predicated on achieving the infill affordable housing provisions under the Housing SEPP and partnering with a Tier 1 Community Housing Provider. Following exchange of the site, the State Government introduced the TOD reforms, nominating St Leonards and Crows Nest as a TOD Precinct. While the site was nominated to be within Crows Nest TOD area, it was not subject to any urban design analysis or review for additional uplift (having been rezoned under a site-specific proposal for a commercial building). In essence, this resulted in a reduction in the site's development potential in two ways being 1) it turned off access to the infill affordable housing provisions and 2) it introduced a minimum affordable housing contribution of 3%. While the subject proposal seeks to increase the building height and FSR on the site, it should be acknowledged that the provision of a 4% contribution is above the minimum required 3%. As demonstrated above, when viewed in the quantum of affordable housing in sqm, the 4% contribution is significantly greater than the base 3% contribution. Accordingly, the proposed 4% affordable housing contribution is considered appropriate. It is requested that the payment of the affordable housing is conditioned to be made prior to the issue of Occupation Certificate.
5. Flooding and Stormwater Management	
a) The Crows Nest Precinct Design Guide requires the Flood Impact Risk Assessment (FIRA) to be carried out in accordance with the NSW Flood Risk Management Guideline LU01 and to identify flood impacts for a range of flooding scenarios, including the Probable Maximum Flood (PMF). The FIRA does not identify the catchment area, impacts to downstream and upstream properties, rainfall data, and parameters and assumptions in the modelling. Existing and post-development flood behaviour is to be captured for entirety of the local catchment to identify any potential upstream and downstream impacts from the proposal. Please include the duration for shelter-in-place during the PMF and ensure mitigation measures for offsite impacts are limited to no greater than 10mm in the 1% AEP event and that no change in flood hazard or behaviour occurs in larger events. Provide afflux mapping for events greater than the 1% AEP event and provide a table which states the increase in depth offsite for each event modelled.	The Flood Impact and Risk Assessment (FIRA) (Appendix F) prepared by Mott Macdonald has been updated to include the details requested to identify the catchment area and additional technical detail relating to model configuration, event magnitudes, impacts and additional result outputs and processed maps. Section 5.2.1.1 identifies "<i>A small area of H5 is noted at the narrowest point, relieved by spill into the sag location of the adjacent Christie Street</i>". However, this is not within our development area and similar to existing the existing scenario. The FIRA states there are minimal changes in flood hazard outside of the site boundary, and flood hazard is limited to H3 within the site boundary. Further discussion and refinement of the recommended emergency response has been included to a) simplify, and b) provide clarity on the anticipated response. Note the flood emergency response is to be detailed specific to the final design as it is derived during detailed design.
b) The Integrated Water Management Plan (IWMP) recommends diverting and upgrading Council's drainage assets. The FIRA has not identified downstream flood impacts for these proposed upgrades. Please provide a revised FIRA accordingly. Note that a <i>Roads Act 1993</i> approval will be required for these	Section 5.4.1 of the FIRA (Appendix F) to confirm that the new drainage infrastructure has been reviewed as part of the flood analysis, ensuring a balanced flood impact outcome which mitigates from worsening of conditions upstream or downstream of the works.

Issue/ Comment	Response
works. Alternatively, if diverting and upgrading Council's drainage assets form part of an approved development application with Council, please advise and provide details of the arrangements made.	Stormwater network improvements have been addressed in a separate development approval for early works (DA110/2025, approved 18 December 2025). Refer to the Notice of Determination and General Terms of Approval for the Early Works DA in Appendix O .
c) The Department acknowledges that a shelter-in-place strategy is recommended. Any proposed refuge location is to be above the height of the PMF and align with the design criteria in the NSW Government shelter-in-place for flash flooding Guideline and the Red Cross Preferred Sheltering Practices for Emergency Sheltering in Australia	The FIRA (Appendix F) has been updated to provide further details on the shelter-in-place strategy and its consistency with the relevant design requirements.
6. Contamination	
Please clarify if remediation works form part of this application or the approved early works development application approved by Council. Should remediation form part of this application, the following must be addressed:	Remediation is not part of this application. Remediation of the site has been addressed in a separate development approval for early works (DA110/2025, approved 18 December 2025). Refer to the Notice of Determination and General Terms of Approval for the Early Works DA in Appendix O .
a) The Detailed Site Investigation (DSI) advises that a data gap investigation (DGI) is required to confirm fill material, soil, and groundwater contamination on and off-site. This is confirmed by the Remediation Action Plan (RAP) which recommends a DGI to assess and the long-term management of groundwater. Please provide a revised DSI and RAP that identifies and considers the findings of the DGI.	
b) The RAP provides recommendations for offsite disposal and capping contamination. The Department requires a single approach for contamination and is most supportive of Option 4 which involves removal of contaminated material to an appropriate facility and reinstatement with clean material.	
7. Groundwater	
Please clarify if excavation forms part of this application or the approved early works development application approved by Council. Should excavation form part of this application, the following must be addressed:	Excavation does not form part of this application. Separate development approvals for demolition and tree removal (DA32/2025, mod approved 8 October 2025) and early works (DA110/2025, approved 18 December 2025) have been obtained for the site.
a) The Groundwater Impact Assessment (GWIA) advises that internal dewatering will be required during basement excavation and construction, however, no information has been provided that quantifies the amount of groundwater anticipated. Provide an updated GWIA that clearly determines these findings and includes volumetric quantification of groundwater take, inflow analysis and calculations.	Demolition and excavation costs were not included in the EDC report prepared Napier & Blakeley, which was included in the EIS submission. Refer to the Notice of Determination and General Terms of Approval for the Early Works DA in Appendix O and the Notice of Determination for the Demolition DA at Appendix N .
b) Should any earthworks form part of this application, a cut and fill plan is to be submitted and a revised GWIA will be required to address any groundwater impacts.	

Issue/ Comment	Response
c) If the findings result in a groundwater take greater than 3 ML/year, the impacts due to aquifer interference are to be assessed in accordance with the NSW Aquifer Interference Policy and Framework 2012.	
d) Note that the EIS states that excavation of the site will be managed under the separate approval, however, the project description and EDC reference earthworks/excavation as part of the proposal. This is to be clarified and made consistent across all documents.	
8. Waste Management	
The Waste Management Plan (WMP) calculations for operational recycling waste will require an additional yellow/blue bin. Note that the number of FOGO collections have not been identified in the report. Please update accordingly.	The Waste Management Statement prepared by MRA, attached as Appendix E , confirms the revised bin provision resulting in 9 x 660L co-mingled recycling bon (yellow) and 8 x 660L paper and cardboard bin (blue). FOGO collection is based on a frequency of three times a week and 19 x 240L FOGO bins will be required to service the development.
9. Acoustic Impacts	
a) The background monitoring submitted with the Noise and Vibration Impact Assessment (NVIA) is dated 2021. This should be updated to be within the last 12 months. Please provide an updated NVIA accordingly.	The exhibited Noise and Vibration Impact Assessment (NVIA) Report, dated 15 October 2025, included background monitoring data which was conducted in May, September and October 2025.
b) The NVIA is to include internal noise levels before and after recommended mitigation measures are implemented to determine if mitigation measures will be effective.	The updated NVIA prepared by Acoustic Logic and attached as Appendix K , includes an environmental noise survey and calculations of façade noise levels. Provided complying constructions are presented within Section 7 of the NVIA are adopted, internal noise levels for the development will comply with the acoustic requirements of the following documents: • NSW Department of Planning and Environment’s document “State Environmental Planning Policy (SEPP) (Transport and Infrastructure) 2021”, • NSW Department of Planning’s “Developments near Rail Corridors or Busy Roads – Interim Guideline” (DNRCBR
10. Landscaping	
The proposed street trees along Nicholson Street and Christie appear to block access to and from the proposed loading dock and basements. Please provide revised plans addressing this matter.	As noted in Section 3.2.8 , the Landscape Plan has been amended to clear the access point to the proposed loading dock and basement of street trees, which have been relocated to the south-eastern corner of the site and inclusion of terraced planters with landscaping have been spaced along the Nicholson Street façade.
Consider increasing the basement setback from the property boundary to improve the provision of deep soil planting.	208.5 sqm of deep soil area is proposed in the updated proposal which represents 9% of the site area, which exceeds the 7% requirement under the ADG.

4.2 Government Agencies

The Applicant's response to the received government agency submissions are outlined in **Table 8** below.

Table 6: Government Agencies Response to Submissions Table

Issue/ Comment	Proponent Response
Civil Aviation Safety Authority (CASA)	
- The AIA advises: "Regulation 139.165 (Notifying CASA of certain proposed objects or structures) of Civil Aviation Safety Regulations Part 139 states: This regulation applies if a person proposes to construct or erect an object or structure that...will have a height of 100 metres or more above ground level ..." CASA advises that the notification described above for the building can be considered complete, provided the building height is not increased. Notification will be required for the cranes, when the heights are finalised. (To be sure, the CASR 139.165 notifications are separate to the assessment under the Airports (Protection of Airspace) Regulations 1996). - As advised in the Aviation Impact Assessment (3.5), CASA does not regulate Helicopter Landing Sites. CASA receives advice from Avipro on potential obstacles, and their lighting and marking, near hospital helipads in NSW. CASA has no issues with the AIA (except perhaps at Sydney Airport 'Airspace Protection Manager' replaces the 'Airfield Design Manager' at section 5.3) - CASA agrees with the Aviation Impact Assessment Conclusion (4.21). - CASA is not an Approval Authority, CASA has no objections to the Nicholson Street/Place Build-to-Rent proposal at a maximum building height of RL 196.5m metres.	Noted- No proponent response required.
DCCEE Water Group	
1.1 Water-take – Pre-determination - The Department of Planning, Housing and Infrastructure (DPHI) should request the proponent to quantify the maximum annual volume of water take due to aquifer interference activities and demonstrate the ability to acquire sufficient water entitlement unless an exemption applies. - Insufficient information has been provided to confirm the potential groundwater inflow volumes. Appendix DD (Geotechnical report) indicates groundwater interception will occur during the basement work and the bulk earthworks, however no predictions are provided of the groundwater seepage volumes. - Quantification of maximum potential inflow volumes is required.	GTA to be attached
1.2 De-watering – Pre-determination DPHI should request the proponent to provide an impact assessment of the proposed water supply work construction for dewatering.	

Issue/ Comment	Proponent Response
- Pumps for dewatering require a Water Supply Works Approval unless specifically assessed as part of a SSD application, in which case they would be excluded from such approvals as per s.4.41(g) of the Environmental Planning and Assessment Act 1979. 1.3 Water Access Licence – Post Approval - DPHI should request the proponent to obtain a water access licence (WAL) to account for the maximum predicted water take for construction and operation activities unless an exemption applies under the Water Management (General) Regulation 2025. 2.1 Groundwater impacts and dewatering – Pre-determination - If the take of groundwater is found to be greater than 3 ML per year, DPHI should request the proponent to assess impacts due to aquifer interference activities in accordance with the NSW Aquifer Interference Policy and framework (2012). - As per Recommendation 1.1 above, the EIS has not provided a volumetric quantification of groundwater take. Additionally, the EIS has not provided an assessment of impacts to groundwater due to construction or operation of the project. NSW DCCEEW Water Group notes that without groundwater take estimations it is difficult to assess the level of risk. Therefore, the proponent should determine the estimated take volume.	
DCCEEW – Conservation Programs, Heritage and Regulation Group	
1. Disclaimers on both the FIRA and the IWMP do not permit use by any party other than the applicant Disclaimers that do not allow another party to rely on the advice mean that it is not possible for CPHR to determine if the SEARs are met. Recommendation action: The consultant should ensure that sufficient investigations are undertaken, and the reports provided for the express purpose of allowing an assessment of the project. Reports should be updated to include adequate assessment and remove inappropriate disclaimers	Mott Macdonald notes the FIRA is issued for the party which commissioned it and for specific purposes. Mott Macdonald revised the FIRA (C) Section 1.1 to include specific purposes regarding issue of information to relevant agencies and approval authorities (permitting DPHI, CPHR, Lane Cove Council, NSW SES and their advisers to rely on them for assessing the SSDA and whether the Flood-related SEARs are met). Mott Macdonald retains appropriate limitations (scope, assumptions, data sources). The FIRA otherwise demonstrates sufficient investigations (site-specific 1D/2D TUFLOW model; ARR v4.2; NSW Flood Risk Management Manual 2023; Guidelines FB01 LU01 2023; Shelter-in-Place 2025 etc).
2. The provided FIRA provides output maps for a limited number of flood scenarios and has not provided any details of how the flood assessment was carried out. - The FIRA has not been prepared in accordance with the requirements of Flood Risk Management Guideline FB01 Understanding and managing flood risk or Flood Risk Management Guideline LU01 Flood impact and risk assessment. - The FIRA does not document the catchment area used, rainfall data used, parameters and assumptions in the modelling, nor pipework included and has not been carried out for a range of flood events - The extent of the flood mapping provided is limited to the immediate proximity of the development and does not extend upstream or downstream to determine impact. When compared to flood reports provided in	Mott Macdonald revised the FIRA with a Methods section documenting catchment delineation and the drainage/pipework represented in the model, with full rainfall/parameter tables and assumptions. Section 5 & 6 respond to requirements of the LU01/FB01. The model domain has been reviewed to ensure that areas upstream and downstream are represented sufficiently to capture off-site effects. Updated mapping is provided for the re-submission of FIRA. Mott Macdonald notes there is no regional modelling is available for the catchment. The previous analysis for prior development scheme

Issue/ Comment	Proponent Response
support of SSD-5627976 for development at 46-52 Nicholson Street, a discrepancy in reported flood levels of between 100 and 200mm is evident. Recommendation action: The FIRA to clearly define the catchment used and pipework included in the model. All model parameters and rainfall used to develop mapping is to be documented. The modelling is updated to show compliance with Flood Impact and Risk Assessment LU01 and extend far enough upstream and downstream to determine impacts. Results to be compared to the previous reports for SSD-5627976 unless alternative methods of calibration/validation can be provided.	does not represent an approved modelling basis from which to provide any validation for subsequent investigation. The FIRA (C) documents a detailed model build for the relevant overland flow catchment area using industry standard approaches and parameters in a highly impervious environment, in lieu of calibrated data, noting validation would not be appropriate to the previous SSD investigations. There are variables in grid-based hydrodynamic models and results are dependent on input terrain models, alignment of the processed grid to the input terrain models, pipe network assumptions and the previous scheme's model is not available for these issues to be explored further.
3. Significant diversion of pipework and work in land outside the site is required. • The IWMP proposes to divert and upgrade a drainage pipe around the site perimeter by works in the road reserve and roadway. There is no indication that Lane Cove Council has consented to these works. • There are also a large number of services located in the proposed pipe location and it has not been demonstrated that the proposed works can be built as shown. • The pipe sizes are proposed to be enlarged significantly however they join to small pipes near the sag point in Christie Street. It is not clear if this has resulted in flood impacts further down the council drainage network. Recommendation action: Further investigation is required to demonstrate that the proposed pipe upgrade can be built and will be permitted by Lane Cove Council. Update the FIRA to include existing and proposed pipework to demonstrate that the upgraded pipe does not shift flooding to a downstream location.	Stormwater upgrades are part of the Civil works scope, with the proposed design providing improvements in access to the system should future maintenance be required. As noted in the FIRA section 5.4.1 this was then assessed in the impact analysis using detailed flood model to mitigate impacts. Mott Macdonald have updated the FIRA to include an existing-vs-proposed pipework schematic, with FIRA (Figure 5.5) already presenting hydraulic results showing no transfer of flood risk downstream through afflux assessment. Detailed capacity checks (including the Christie St sag junction) as documented by IWMP and Civil drawings - also subject to detailed design. Stormwater network improvements have been addressed in a separate development approval for early works (DA110/2025, approved 18 December 2025). Refer to the Notice of Determination and General Terms of Approval for the Early Works DA in Appendix O.
4. The proposed development will result in unacceptable flood impacts outside of the site boundary. • The proposed building footprint extends to the boundary of 29-57 Christie Street and results in a significant increase in flood levels in this location. • The previous building was not on the boundary and allowed for the escape of water flowing along the common boundary. The building footprint may need to be amended to reinstate the flow path near the Christie Street frontage to mitigate offsite impacts. • Impact mapping has been provided for the 1% AEP event and is misleading because impacts of greater than 1m are included in a category labelled greater than 0.05m Recommendation action: Provide mitigation measures to ensure that offsite impacts are limited to no greater than 10mm in the 1% AEP event and no change in flood hazard or behaviour occurs in larger events. Provide afflux mapping for events	The flow path is provided by the proposed design to limit offsite afflux, and FIRA updated with new colour scheme to detail these flood impacts with more colour ranges. Design seeks to minimise changes in flood hazard/behaviour in larger events SFAIRP through flow path provision to neighbouring building. Section 5.4 discusses how flooding in the narrow area to adjacent southern neighbour is essentially shifted towards Christie Street. There is also a large depth decrease associated with this shift and this pulls the ponding further west, away from the neighbour's external pathway and egress stairs which experiences the deep ponding in existing conditions. The FIRA is updated with like-for-like baseline and post-mitigation comparisons, afflux mapping for >1% events, and a summary of maximum offsite depth increases for the 1% AEP and PMF events.

Issue/ Comment	Proponent Response
greater than the 1% AEP event and provide a table which states the increase in depth offsite for each event modelled.	
5. The FIRA contains a complex flood emergency response plan which does not manage risk to life - The provided flood emergency response plan includes contradictory advice such as monitoring weather conditions, preemptive evacuation and shelter in place. - Evacuation is mentioned and later noted as being impractical. - Mapping does not extend beyond the site therefore it is not possible to determine if support or evacuation can be achieved from other entry points. - The location of the basement access in the most flood affected frontage of the site is likely to lead to residents trying to take cars from the basement through flood water rather than evacuate vertically. - Time of isolation or management of secondary risk has not been provided in the FIRA. Recommendation action: - Update the FIRA to contain an assessment of the ability to evacuation separate from any proposed shelter in place strategy and address the requirements of the Shelter-in-Place guideline for flash flooding. Refer the FIRA and associated Flood Emergency Response Plan (FERP) to the NSW State Emergency Services (SES) for comment.	Ability to evacuate in the case of a dual emergency documented in addition to the proposed shelter in place strategy, and a table to show shelter in place compliance updated within FIRA (C) to address requirements: - Section 6.2 is renamed to Potential options, not to be confused with the recommendations for the development. - Section 6.3 is renamed to considerations - Section 6.4 is renamed as the Recommended response, including the additional notes on time of isolation and management of secondary risk.
6. The proposed building has not demonstrated compliance with the requirements of DPHI Shelter in Place Guidance or EM01 Table 12 - The building is proposed to accommodate a significant population in an area where evacuation is not feasible due to flash flooding. - The building should therefore include requirements for structural adequacy up to the probable maximum flood (PMF) and provision of essential services during and after an event. Recommendation action: Basement entries, service ducts, and other openings to be protected from the PMF, ensuring the building remains operational during and after a flood event. Relocating all residents to an evacuation centre due to service failure is unlikely to be feasible.	Mott Macdonald note the following: - Updates made to FIRA to demonstrate compliance with DPHI Shelter in Place guidance and access points shown as above the PMF event. - Section 6 is prefaced with a statement on the sealing of building openings to the PMF level. - Section 6.5 Structural adequacy recommendation is made for the detailed design stage - as is common practice for structural design to consider load cases.
Biodiversity The development is consistent with the biodiversity development assessment report (BDAR) waiver granted by CPHR on 21 August 2025. Please note, if the proposed development is changed so that it is no longer as described in Schedule 1 of the determination, the applicant will need to lodge a new BDAR waiver request or prepare a BDAR.	Noted. The proposal remains consistent with the description in Schedule 1 of the BDAR waiver.
NSW State Emergency Service	
We emphasise that the strategy of isolation or sheltering in buildings surrounded by flood water are not equivalent, in risk management terms, to evacuation, and should not be used to justify <i>future development</i>.	As identified in the Flood Impact and Risk Assessment Letter, updates have been made to the FIRA to demonstrate compliance with DPHI

Issue/ Comment	Proponent Response
However, should shelter in place be pursued, we recommend ensuring any proposed refuge location is above the height of the PMF and align with the design criteria in the NSW Government shelter-in-place for flash flooding Guideline⁷ and the Red Cross Preferred Sheltering Practices for Emergency Sheltering in Australia,⁸ including water supply, waste management, sanitation, food, and shelter and space management.	Shelter in Place guidance and access points shown as above the PMF event.
Advise making buildings as safe as possible to occupy during flood events. <i>An area of habitable floor of any residential development should be located above the PMF</i> with the building structurally designed for the likely flood and debris impacts. Consider provision of services to minimise risk of fire and medical emergency during flooding.	Section 6 of the updated FIRA includes details of the flood emergency management and shelter-in-place strategy. The flood modelling highlights that at the changes in peak water level because of the development do not exceed to recommended thresholds for habitable buildings or residential zoned land and no cumulative impacts are predicted.
Recommend ensuring that all pedestrian and vehicular access points, including all openings to the basement (ramp, vents, lifts, etc.) are situated above the PMF or 1% AEP plus freeboard - whichever is higher, as a condition of consent to reduce risk to life and property.	As demonstrated in the Flood Impact and Risk Assessment Letter, details on the level of openings and the levels to which flood protection is afforded the design have been provided in the attached spreadsheet and are contained within the updated FIRA
Note that “upgrading the capacity has been incorporated as part of the design, upsizing the pipework from 300mm to 750mm diameter pipework along this network area,” and support pursuing site design and stormwater management that improves resilience to flooding and minimises any risk to all site users. Any improvements that can be made to reduce flood risk will benefit the community into the future.	Noted. Refer to the updated FIRA and Flood Impact and Risk Assessment Letter.
Recommend consulting with the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) regarding the impact of the proposed development on flood behaviour at the site and adjacent areas, particularly noting the flash flooding nature of the catchment.	The proposal has been referred to DCCEEW – CPHR. Responses to the comments raised by DCCEEW – CPHR have been provided above.
Key considerations relating to emergency management in Attachment A: Principles Outlined in the Support for Emergency Management Planning Guideline.	Refer to the updated FIRA and Flood Impact and Risk Assessment Letter.
Transport for New South Wales	
TfNSW has reviewed the EIS and has no requirements regarding the proposed development as it is unlikely to have a significant impact on the classified road network.	Noted.

4.3 Lane Cove Council

The Applicant's response to Lane Cove Council's submission letter are outlined in **Table 9** below.

Table 7: Lane Cove Council Response to Submissions Table

Issue/ Comment	Proponent Response
1. Height Increase <i>The approved Planning Proposal and Concept SSD permitted an envelope of 31 storeys and RL of 174.95. The approved height is considered an appropriate height transition between the tower developments on the Pacific Highway, and the lower properties south of the site (including the part 18, 12 and 8-storey commercial development at 29-57 Christie Street).</i> <i>The proposed height increases to approximately 36-storeys and RL of 196.8 is more suitable for a tower building fronting the Pacific Highway. The subject site is located 1 block south from the Pacific Highway interface and should reflect a reduced envelope. The additional height proposed is contrary to the envisioned built form and transitional character.</i> <i>Council does not support the increase in height by 21.85m and 5-storey's + lift over run. The proposal would be inconsistent with the approved Planning Proposal and approved SSD Concept Design. The increase of height would be an overdevelopment of the site and would dominate the urban form.</i>	The proposed height increase is appropriate because: • It is in response to the NSW Government's commitment to meeting housing targets under the National Housing Accord following years of strategic focus on the St Leonards Strategic Centre. • It is consistent with the HDA's recommendation and Minister's declaration to deliver high-yield housing on site. • The proposal is consistent with the relevant State, Regional and District planning strategies for St Leonards, including the St Leonards and Crows Nest 2036 Plan and vision and intent of the Crows Nest Accelerated TOD precinct. • The proposed height will facilitate much needed and sought-after diversity of housing product proximate to public transport in the form of 541 BTR dwellings and contribution towards affordable housing. The development will provide significant public domain improvements, enhancing pedestrian connectivity between St Leonards train station and Crows Nest Metro station, encouraging use of the public transport infrastructure. It has been demonstrated that in the Concurrent Rezoning Proposal submitted that the proposal has strategic and site-specific merits. • Potential environmental impacts associated with the building height, including view sharing, visual impact and overshadowing have been adequately addressed in this Submissions Report, VVIA Addendum, Architectural Plans and Design Report Addendum. • Ultimately, the proposal seeks to capitalise on the proximity to the St Leonards and Crows Nest Metro stations and provide a high quality and residential amenity focused BTR development.
2. Shadow Impacts <i>The additional height would result in increased shadows to affected properties in proximity to the site. The submitted shadow diagrams demonstrate that the proposal would result in significant additional shadows to the dwelling houses at 25, 27 and 29 Lithgow Street Wollstonecraft. The private opens space of these sites would be almost completely overshadowed at 12 noon. These properties are already largely overshadowed between 9.00am and 11.00am and again at 1.00pm during mid-winter. The proposal would result in only 1-hour solar access between 2.00pm and 3.00pm and does not comply with the Sydney</i>	The proposal only casts shadows to the rear yards and rear extension at 25-29 Lithgow Street at 12pm. Shadow casts at other times are by other surrounding developments. The dwellings at 25-29 Lithgow Street will receive a reasonable level of solar access between 12pm and 3pm on winter solstice. Importantly, the proposal has been designed to maintain solar access to Newlands Park between 10am and 3pm on winter solstice as one of the key public open spaces in St Leonards.

Issue/ Comment	Proponent Response
Metropolitan Area requirements that require properties receive 2 hours solar access between 9.00am to 3.00pm, to principal living spaces.	
3. Traffic and Parking	
Under State Environmental Planning Policy (Housing) 2021, the non-discretionary development standards require a minimum of 0.2 parking spaces per dwelling for build-to-rent housing in accessible areas. For the proposed 541 BTR units, the development should provide a minimum of 108 parking spaces. The application proposes only 95 residential parking spaces, which is a shortfall of 13 spaces. The proposal also fails to provide any visitor parking. The surrounding area has very limited on-street parking. The proposal is recommended to be amended to provide compliant residential parking and visitor parking. A development for 541 apartments with a shortfall of resident spaces, and zero visitor spaces will put significant strain on the limited on-street carparking available in the area.	The Housing SEPP provisions are <u>non-discretionary</u> development standards and flexibility can be applied depending on site conditions. Further, the TOD Design Guide provides maximum parking rates for residential flat buildings. The proposal is therefore consistent with the approach to minimised carparking for all land uses given its proximity to St Leonards Train Station and Crows Nest Metro Station. Given the site is within walking distance to both St Leonards and Crows Nest stations, residents and visitors of the proposal are likely to use public transport to travel to and from the site. As identified in the Transport and Accessibility Impact Assessment submitted as part of the EIS, 54% of the trips to and from the site are expected to be undertaken by Train/Metro, compared to only 23% by car (driver and passenger). Additionally, a Green Travel Plan has been prepared by JMT Consulting to promote high mode share for public and active transport to work journeys and reduce the number of car journeys. Therefore, the proposed carparking provision is considered to be appropriate for the development.
4. Removal of Commercial Use	
The Concept SSDA included a mixed-use building with approximately 2500m² of commercial Gross Floor Area (GFA) including commercial offices and a retail premises. The proposed SSD would remove the entirety of the commercial component of the building and proposes 100% residential uses. The approved concept SSDA included 271 residential units. The proposed SSD approximately doubles the number of dwellings to 541 units. The site is located within the E2 Commercial Centre Zone in the Lane Cove LEP 2009. It is considered that the approved concept SSDA which includes a commercial component better achieves the objectives of the E2 zone, as compared to a 100% residential building. Key E2 Commercial Centre Zone objectives include: • To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity. • To encourage investment in commercial development that generates employment opportunities and economic growth. • To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.	The proposal has been updated to demonstrate the ability for lower ground floor to be used as commercial tenancies. The updated proposal remains aligned to the objectives of the E2 Commercial Zone as below: • The potential for lower ground floor to be used as commercial tenancies will support the role of St Leonards as a commercial centre. • The proposed new public plaza and updates to the Christie Street façade will enhance the public domain and encourage increase pedestrian activity to contribute to a vibrant, diverse and functional streets and public spaces. • Contrary to traditional build-to-sell residential developments, the proposal will generate ongoing employment through the operation and management of the BTR development. As identified in the Economic Impact Assessment submitted within the EIS, the proposal will provide approximately 61 fulltime equivalent (FTE) jobs on-site during operational phase. • The EIA provides that delivering residential accommodation for nearly 980 residents represents a more efficient use of land. Residents of the development will generate an estimated \$24.8million in annual spending on retail goods and services, with local businesses in St Leonards and Crows Nest as key beneficiaries.

Issue/ Comment	Proponent Response
<i>To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.</i> The mixed-use building would better strengthen the role of the zone as a commercial centre, of business and retail. The mixed-use building would encourage investment in commercial development and generate employment opportunities to the site resulting economic growth. A 100% residential use is not considered to be consistent with Council's strategic planning vision for the area as compared to a mixed-use building. The removal of the retail component (an activated plaza with café) is a missed opportunity to activate the streetscape and provide increased vibrancy to the area during both daytime and nighttime compared to the subject proposal.	Further, the St Leonards/Crows Nest office market has the highest vacancy rates in the North Shore at 30%. The site itself has also been long-term underutilised, with occupancy at just 15% for over a year before becoming fully vacant. The proposal therefore continues to be consistent with the E2 zone objectives.
5. View Impacts	
<i>The additional 5 storeys would result in approximately 20m of additional building bulk and would impact south and southwest views. The view analysis demonstrates significant view loss impacts to:</i> <i>the Landmark tower development at 500 Pacific Highway; Iconic southern views to the CBD</i> <i>the approved BTR at 524-542 Pacific Highway (Telstra Site) to iconic southern views to the CBD.</i> <i>the Jackson Tower in St Leonards Square (486 Pacific Highway). Southwest civic views.</i> <i>The previous approval allowed for a view corridor to protect south-west views enjoyed from the Jackson Tower in St Leonards Square (486 Pacific Highway). Compared to the previously approved SSDA, the proposal will remove the southwest view corridor obtained through and over the site along its southern boundary. The increased height is not supported due to adverse view loss impact to multiple surrounding development.</i>	A VIA Addendum (Appendix M) has been prepared by Colliers. The key findings on The Landmark, Telstra Exchange and St Leonards Square developments are summarised below: - The views in the direction of proposal afforded by these developments are highly vulnerable to considerable change given the anticipated developments in the St Leonards strategic centre and Crows Nest TOD. - The approved Concept SSDA indicates that considerable view impact from the building has been accepted by DPHI. This includes complete loss of visibility of the Sydney Harbour Bridge from viewpoints. This is a benchmark for consideration of additional view impacts. - Only a relatively small number of additional apartments are affected by the proposal with the impact level measured between minor and moderate. Specifically, ~21 units across seven levels (out of the total 366 units) within the Telstra Exchange BTR development are located within the levels between the approved Concept SSDA height and proposed building height ~28 units across seven levels (out of the total 417 units) within The Landmark between the approved Concept SSDA height and proposed building height ~28 units across seven levels (out of the total 527 units) within the St Leonards Square tower between the approved Concept SSDA height and proposed building height - The updated proposal has incorporated amendments to the roof form which has resulted in a staggered reduction in building form, lowering the building height between 400mm and 1,250mm, to a maximum building height of RL 196.4. This results in improvements to views from the upper levels of St Leonards Square, The Landmark and

Issue/ Comment	Proponent Response
 Figure 4: Southwest views Level 34 Jackson Tower St Leonards Square. Facing southwest. Floor RL193.7, Ceiling RL196.8.	Telstra Exchange, with increased portions of building silhouettes within the Sydney CBD and sky visible. • Additionally, a translucent glazed wind screen is used on the rooftop to assist in visibility beyond the building form. This is specifically for apartments positioned at the upper levels on the south-western facades of the Telstra Exchange and The Landmark, which assists in facilitating view lines beyond the building form to parts of the Sydney Harbour, Sydney CBD and Balls Head Reserve. • In conclusion, the view impact on the surrounding existing and approved residential developments is acknowledged and is assessed by the VVIA Addendum as minor-moderate. • The nature and extent of impact is considered reasonable in the context of the considerable future growth identified within the strategic planning framework and current NSW Government planning priorities related to delivery of housing.

Issue/ Comment

Proponent Response



Figure 5: View Impacts St Leonards Square at RL196.3. Approved concept SSD envelope = bronze dashed line.
(Source: Ethos Urban)

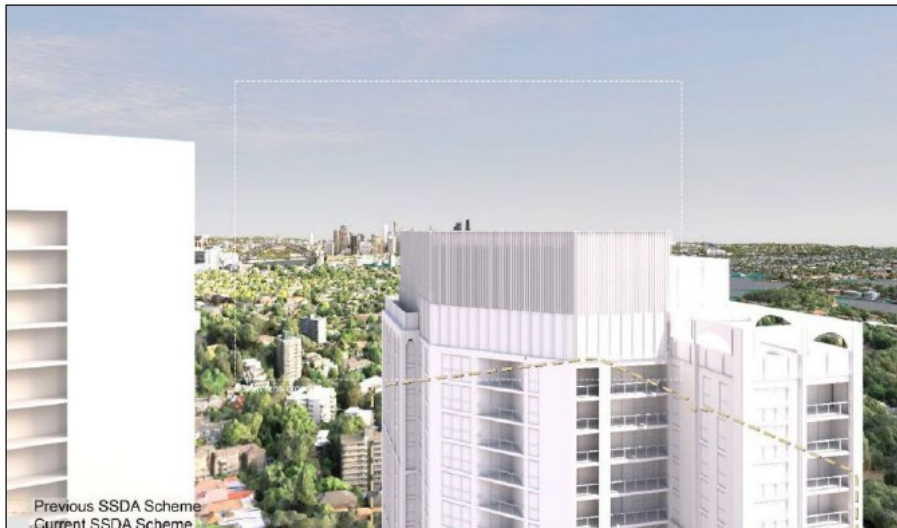


Figure 5: View impact from Landmark Tower. Approved concept SSD envelope = bronze dashed line.
(Source: Ethos Urban)

Issue/ Comment	Proponent Response
 Figure 6: View Impacts from Telstra Exchange site. Approved concept SSD envelope = bronze dashed line. (Source: Ethos Urban)	
6. Community Consultation <i>The recently reduced public exhibition period for all Major Projects to only 14 days is not considered to be reasonable time to allow for adequate community consultation. It is recommended the Department review the public exhibition policy. The subject proposal includes complex and detailed documentation which requires considerable time to review and provide comment. Lane Cove Council suggests a minimum of 21-28 days be considered to provide a realistic timeframe for public comment.</i> <i>The Departments website did not include the relevant documents on the first day of the notification period and the website has been down throughout the exhibition period, refer to</i>	The EIS and its appendices were exhibited by DPHI over 14 days in accordance with the EP&A Regulation, as required.

Issue/ Comment	Proponent Response
<i>Figure 7 below. Council requests that the exhibition period is extended in lieu of the documents being unavailable during this time to enable people the time to adequately respond.</i>	

4.4 Public Submissions

The Applicant's response to key concerns raised in the public submissions are outlined in **Table 8** below.

Table 8: Responses to Public Submissions

Number of submissions which mention	% of total submissions	Matter Raised	Response
286	76%	Traffic Congestion and Road Network Capacity	
Concerns in relation to additional traffic generation – considering existing conditions of Nicholson Street being the primary vehicular access for an estimated 4,000–5,000 existing residents across St Leonards Square, The Landmark, and 88 Christie Street. The single egress point via Oxley Street onto Pacific Highway is a critical bottleneck, regularly gridlocked during peak hours and the only vehicle exit route in the area.			The TIA (submitted with EIS) assessed and concluded that based on the level of car parking provided, a future development of the site, would be expected to generate no more than 14 vehicle movements during the busiest hours of the day - equivalent to less than one vehicle every four minutes. The traffic modelling demonstrates that the increased traffic flows associated with the development of the site will not result in adverse impacts on the surrounding road network. All intersections retain an acceptable level of service during both the AM and PM peak hours, with no additional measures required to accommodate future traffic demands. A Green Travel Plan has been prepared for the site which aims to reduce private vehicle dependence and promote sustainable modes of transport, including the provision of bicycle parking and end of trip facilities.
Build-to-Rent operations will generate exponential service traffic including delivery vehicles, ride-share pick-ups/drop-offs, removalists, and maintenance vans beyond typical residential developments.			The proposal has a dedicated loading dock to be accessed via Nicholson Street, that is separated from the main vehicle car park on Christie Street which allows unimpeded access for service vehicles into the loading dock, with no requirement for vehicle queuing to occur. The loading dock allows for two trucks to park at any one time which will be sufficient to accommodate the expected servicing demands from the building. No loading is to occur on Nicholson Street and therefore will not contribute to any additional congestion in the area.
Development approvals have relied on outdated 2013 traffic data, failing to reflect current realities. No recent comprehensive traffic study has been undertaken for St Leonards and surrounding areas. Existing reports ignore vehicular flow and rely on obsolete data.			As indicated in the TIA submitted, traffic data was collected by JMT at key intersections surrounding the site on 30 April 2025, including Pacific Highway / Oxley Street and Nicholson Street / Oxley Street. The traffic data has formed the basis for the road network analysis undertaken in the TIA. Vehicular trip rates for residential developments published by Transport for NSW in a Technical Direction were used by JMT to forecast traffic movements based on the quantum of parking provided within the site.
Emergency vehicle access would be compromised in an already constrained network.			Emergency vehicle access will be maintained at all times, or if necessary site personnel will grant access to emergency vehicles entering the site itself. Navigation of emergency vehicles will not be dissimilar to conditions expected in a commercial core urban environment.

Number of submissions which mention	% of total submissions	Matter Raised	Response
			As noted in the TIA that was submitted with the EIS, the contractor will liaise with the NSW Police, Fire Brigade and emergency services agencies throughout construction, and a 24-hour contact would be made available for 'out of hours' emergencies and access. The emergency services will be briefed through the appropriate forum.
238	64%	Overshadowing and Loss of Sunlight / Solar Access	
		Direct loss of sunlight to Nicholson-facing apartments at 486 Pacific Highway, 500 Pacific Highway (The Landmark) and 88 Christie Street	Refer to the updated shadow diagrams which demonstrate that the shadows from the proposed development do not impact 486 Pacific Highway, 500 Pacific Highway and 88 Christie Street.
		Shadows extending to public open spaces including Christie Street Reserve, Newlands Park, Canberra Avenue, and St Leonards South	As demonstrated in the Shadows Diagrams, the proposal will not overshadow Christie Street Reserve, which is located to the north across Pacific Highway. The proposal has been carefully designed to maintain solar access to Newlands Park between 10am and 3pm on winter solstice in accordance with Crows Nest TOD Design Guide. The proposal will only overshadow Canberra Avenue and St Leonards South at 9am at mid-winter and will be clear of Canberra Avenue by 10am.
		Wind and shadow reports in the application were reportedly completed prior to the construction of St Leonards Square, The Landmark, and 88 Christie Street developments and were therefore argued to be outdated.	Both wind and shadow reports that were submitted with the EIS were prepared in 2025 following the construction of St Leonards Square, The Landmark and 88 Christie Street.
234	63%	Loss of Views and Outlook	
		Residents of St Leonards Square (in particular Level 8 to Level 33), 486 Pacific Highway, 88 Christie Street and 472 Pacific Highway reported that the additional 7 storeys would block existing views to Sydney Harbour, the Harbour Bridge, CBD skyline, Darling Harbour, Anzac Bridge, Sydney Olympic Park, and the Blue Mountains.	Matters regarding view loss is addressed in the response to Item 3 of DPHI Response to Submissions Table (Table 7), Item 5 of Lane Cove Council Response to Submissions Table (Table 8) and Visual and View Impact Assessment Addendum at Appendix M .
		- The previously established 16.5m setback/view corridor is reduced to approximately 9–12 m with no planning justification. - This reduction restricts air flow, concentrates wind tunnels, and destroys the "view sharing" principles that existing owners relied upon when purchasing their homes.	As demonstrated in the VVIA submitted with the EIS, the objective impact of the reduced setback is not considered material noting it will not block visibility of internationally recognised icons (eg, the Sydney Harbour Bridge), and will still enable residents to recognise and appreciate the nature of the view and important embedded elements (eg, the Lane Cove River). Notably, more valuable views to the south that extend to include parts of the Sydney CBD skyline will not be impacted by the proposal. Due to the angle of other apartments on this western elevation of St Leonards Square, the extent of their view loss will be negligible.

Number of submissions which mention	% of total submissions	Matter Raised	Response
174	47%	Excessive Height and Overdevelopment	The proposed height is in response to the Minister's declaration of the site as SSD, with the key objectives being to increase housing delivery and contribute to the NSW Government's commitment to providing 377,000 new dwellings by 2029. The proposed height has been carefully designed to minimise overshadowing, particularly to Newlands Park as a key public open space for the area. The proposal acknowledges there is a view impact associated with the proposal. Refer to responses in Section 4.1 and 4.2. In summary, - the views in the direction of the proposal afforded by the surrounding developments (i.e. Telstra Exchange, The Landmark and St Leonards Square) are highly vulnerable to considerable change given the anticipated developments in St Leonards. Any development on the site is likely to have a considerable view impact to these developments. - The updated proposal has amended the roof form of the building to reduce the building height by 400mm to 1,250mm. This will result in increased portions of building silhouettes within the Sydney CBD and sky visible. - The nature and extent of the view impact are considered reasonable considering the future growth within the strategic planning framework and current NSW Government planning priorities on boosting housing delivery.
Submitters argued that buildings of this scale belong on the Pacific Highway corridor, not on a narrow secondary street such as Nicholson Street			The proposal is consistent with the HDA's recommendations and Minister's declaration for the site with the intent to deliver housing on site.
The proposal is contravening the height transition/step-down strategy intended under the St Leonards and Crows Nest 2036 Plan, which requires heights to decrease moving away from the Pacific Highway ridge.			The proposal will maintain the stepping down in height from the Pacific Highway ridge. As demonstrated in the Urban Design Report submitted with the EIS, the approved heights on Pacific Highway are: - RL 263 at 617-621 Pacific Highway - RL 228.8 at 524-642 Pacific Highway (Telstra Exchange) - RL 230 at 500-520 Pacific Highway (The Landmark) - RL 166-230 at 88 Christie Street (JQZ) - RL 186-210 at 486 Pacific Highway (St Leonards Square) The proposed height of RL 196.4 therefore presents a transition in height from Pacific Highway. The proposal has also incorporated a stepping roof form to facilitate a transition in height towards Christie Street.

Number of submissions which mention	% of total submissions	Matter Raised	Response
168	45%	Privacy Impacts and Overlooking	
The separation distance between the proposed tower and 486 Pacific Highway is approximately 24 metres, which is perceived as inadequate for a tower of 36 storeys			The building separation to 486 Pacific Highway is 23.8m-29.6m. Compared to the ADG recommended 24m for storeys above 9 storeys, the proposed separation distance on average is well above the ADG requirements.
The proposed development will result in the BTR units having direct lines of sight into bedrooms, living areas and balconies of existing apartments, resulting in these residents being forced to keep curtains permanently closed, compounding the loss of natural light.			The proposal is compliant with the building separation requirements under the ADG on all street frontages, which is considered adequate to mitigate visual privacy concerns. The only portion that is below the ADG minimum requirement is southern setback on Levels 6-22. The revised proposal has incorporated 1.5m high level windows could be accompanied by screening to mitigate the potential visual impacts.
160	43%	Lack of Green Space, Open Space, and Community Benefit	
No meaningful public open space, parkland or community facility provision as part of the proposal			The proposal contributes a community benefit in the form of a new publicly accessible plaza at the north-western extent of the site, which could have otherwise remained private land. The approach to the podium and interface with the surrounding public realm has been carefully curated to provide a positive contribution to the public domain. The plaza has been designed to maximise active frontages along Nicholson and Christie Streets, enhanced by the high quality landscaped open space at the north of the site. Solar access to the plaza and the well-lit residential lobby and amenity spaces on street level create an inviting environment for social interaction and a place for respite.
Comments that existing green space was described as severely deficient, with Wadangarri Park and small grassed areas near existing buildings already overused and degraded			The proposal includes a new publicly accessible plaza which will contribute to the provision of green open spaces in the area. The proposal includes an excess of residential amenity provision to accommodate a variety of recreational needs of its future residents including 1,554 sqm outdoor communal open space (68% of site area) and 2,695 sqm indoor (117% of site area) across the development.
141	38%	Inadequate Community Consultation	
Distribution of 2,600 flyers to local properties and reporting that no negative feedback, as noted in the Engagement report is heavily disputed by submitters including strata subcommittees of St Leonards Square, The Landmark, 88 Christie Street, 486 Pacific Highway, 472 Pacific Highway stating they received no flyer or notification.			A Community and Stakeholder Engagement Letter has been prepared by Gyde Consulting and is attached as Appendix H. This letter asserts that the engagement program for the project met all statutory requirements for state significant projects, and provided opportunity for community feedback to inform project development.
Concern expressed over statement “no participation may indicate the community is not concerned by the proposal” in the engagement report is a misrepresentation			The letter also reconfirms that a project flyer was distributed to 2,667 properties in the local area around the site on Tuesday 15 April 2025, including 2,235 residential

Number of submissions which mention	% of total submissions	Matter Raised	Response
			letterboxes and 432 business letterboxes. The flyer was distributed by a reputable provider, Distribution and Display, and a GPS map of the distribution is included in the letter. While flyers were distributed to 2,667 residential and business properties in the local area, no completed surveys and no email enquiries were received by the project team during this time. The community survey was also used as a tool to gauge the level of community interest in the project. A community drop-in session was planned to be added to the engagement program if there was a high level of community response to the survey. As no response was received by the project team, the engagement program was closed. The Engagement Outcomes Report (submitted with EIS) noted the design responses to stakeholder feedback that was received at key stakeholder meeting throughout the engagement program.
141	38%	Reliance on Earlier Planning Approvals	
		Residents expressed disappointment for property purchases as a major financial decision that was reliant on the determination, dated February 2025 for the site.	The proposal is in response to the Minister’s declaration of the project as SSD to deliver additional housing on the site. This includes a concurrent rezoning to amend the planning controls in the LCLEP 2009. Additionally, the Concept SSDA was prepared by the previous landowner and the associated indicative scheme was not tailored to Nation’s needs as an operator. Nevertheless, the proposal will deliver significant public benefits, including a 4% affordable housing contribution and a new publicly accessible plaza, providing a pedestrian connection to St Leonards Station, Crows Nest Metro Station and the Mall 88 Precinct.
		Submitters concerned about “reopening” this site for development after a recent approval on the site and demolition has started.	The proponent has utilised a legislated and endorsed planning pathway for the SSDA and concurrent rezoning proposal on the site. The development applications for demolition and subsequent early works, which were submitted at the time of preparing the EIS submission for this SSD-88113706, both acknowledged that a separate SSDA and Concurrent Rezoning Proposal (this proposal) was being prepared: <i>A separate SSDA and Concurrent Rezoning Proposal is currently being prepared that will align with the outcomes sought under this DA, allowing for site preparation to ensure an efficient development timeframe to deliver much needed housing in the strategic centre of St Leonards.</i> Both DAs have since been approved under these circumstances.
		The change of developer is not a valid planning justification for increasing the building height	The floorplate was reconfigured to tailor to Nation’s need as an operator.

Number of submissions which mention	% of total submissions	Matter Raised	Response
			Refer to earlier responses in Section 4.1 and 26 4.2 on justification for building height.
125	33%	Cumulative Impact of Multiple Developments	
		The proposal should not be assessed in isolation and should account the aggregate population, traffic and amenity impacts.	The cumulative impacts had been considered as part of the exhibited EIS. St Leonards is undergoing significant urban renewal, following the gazettal of the 2036 Plan and the finalisation of the Crows Nest TOD Rezoning. Anticipated cumulative impacts of this SSDA to the surrounding high-density urban environment have been considered and mitigated where possible through design and have made considerations for cumulative impacts to traffic, parking, construction activities. It is expected that a precinct undergoing such considerable change will experience some level of amenity impact. A detailed assessment of the amenity impacts to the surrounding developments have been undertaken both in the exhibited EIS and this Submissions Report.
96	26%	Wind Tunnel Effects	
		Existing wind conditions on Nicholson Street and in the St Leonards Square plaza were described as severe, with residents reporting being ‘blown back’ on windy days, and balconies being unusable.	The Pedestrian Wind Environment Study (Appendix I) has been updated by Windtech to include the results of the first round of wind tunnel testing. The report notes that ‘the effects of nearby buildings and land topography have been accounted for through the use of a proximity model which represents an area with a radius of 375m.’ The results of the study indicate that wind conditions for the majority of trafficable outdoor locations within and around the development will be suitable for their intended uses. While some areas will experience strong winds which will exceed the relevant criteria for comfort and/or safety, in-principle treatments have been suggested for these areas. With the inclusion of these treatments to the final design, it is expected that wind conditions for all outdoor trafficable areas within and around the development will be suitable for their intended use. The Pedestrian Wind Environment Study has been prepared in accordance with the published environmental criteria. Further details are provided in Appendix A of the Study.
		Concerns that a narrow separation between towers is likely to intensify the ‘venturi effect’ and create dangerous wind corridors.	
		Submitters argued the wind assessment in the application was limited to pedestrian comfort and did not assess structural wind load impacts on adjacent buildings	
90	24%	Insufficient Parking Provision	
		Insufficient parking provision which will overflow onto already limited on-street parking, affecting existing residents, businesses and visitors.	Refer to the response to Item 3 of the Lane Cove Council Response to Submissions Table at Table 9 which addresses car space provision and risk of overspill parking.

Number of submissions which mention	% of total submissions	Matter Raised	Response
		The proposal relies on proximity to public transport noting this is inadequate as Crows Nest Metro is already at capacity.	The site is well positioned within walkable distances to all modes of public transport including metro, rail, and bus services which have connection to key employment centres. A forecast travel demand was addressed in the Transport Impact Assessment and concluded that, the additional travel demand by mode of transport is relatively low. The frequency of public transport services, including the metro station at Crows Nest, will comfortably be able to accommodate this level of travel demand.
88	24%	Build-to-Rent / Transient Tenant Concerns	
		Questions regarding the BTR model and the model's ability to address housing affordability.	The BTR model is an emerging asset class within the housing sector in New South Wales and will play an important role in delivering well-located housing at scale to meet the housing needs of NSW. This housing typology is recognised and encouraged by State and Federal Government alike. Rather than being built to exclusively address housing affordability, BTR housing provides tenants greater security, flexibility and lifestyle choices than traditional tenancy agreements and contributes to a greater diversity of housing. Tenants must be offered a range of lease terms, including a genuine option to enter a fixed term lease of at least three years. Notwithstanding, the proposal includes an additional monetary contribution with the value of 4% monetary contribution towards affordable housing which exceeds the required 3% for the site.
		High tenant turnover was cited as likely to generate exponential service traffic (removalists, deliveries, ride-share), erode community cohesion, and reduce neighbourhood safety.	As demonstrated in the Economic Impact Assessment submitted with the EIS, BTR housing is particularly well-suited to this location as it can deliver a substantial supply of professionally managed rental accommodation with longer lease terms, providing greater security and stability for tenants such as hospital staff, students, and other key workers. BTR's flexibility in unit mix and lease arrangements also enables housing to respond to the diverse needs of these groups, from single professionals to families, while maintaining high-quality, well-managed living environments. Further, the proposal has been designed to provide a combination of fully furnished and fitout apartments and typical unfurnished offerings, supported by a generous amenities, which will contribute to tenant satisfaction and therefore retention. The BTR amenity offering has been informed by demographic analysis to cater the needs of future tenants.
86	23%	Pedestrian Safety	

Number of submissions which mention	% of total submissions	Matter Raised	Response
		Increased vehicle movements, loading activity, and construction traffic on narrow streets were argued to create foreseeable risks of pedestrian–vehicle conflicts, particularly involving young children (childcares located in the vicinity), prams, and carers.	A preliminary Construction Pedestrian Traffic Management Plan (CTPMP) was included within the TIA (submitted with EIS) and outlined proposed pedestrian management during the construction phased including but not limited to: - Installation of temporary fencing and hoardings installed along the frontage of the works, - Existing footpaths to remain open at all times to pedestrians - Traffic controllers will be positioned at vehicle site access points to manage interactions between vehicles and pedestrians on the adjoining footpaths. - Traffic control plans detailing further measures to manage pedestrian safety will be provided as part of the detailed CPTMP to be prepared prior to the commencement of construction on the site.
		The absence of a pedestrian crossing at the Nicholson Street/Oxley Street intersection was identified as an existing hazard that would be significantly worsened	The provision of a pedestrian crossing is out of the scope of the proposal and will be subject to Lane Cove Council’s public domain plan for the area.
77	21%	Local Infrastructure Strain	
		- Crows Nest Metro was reported as already at capacity during peak hours, with residents unable to board trains between 6:00–10:00am - Schools (including Lane Cove Public School) and childcare centres were reported at or near capacity - Royal North Shore Hospital was cited as already under pressure, with the additional population expected to further burden healthcare services - Development at this scale should not be approved without funded infrastructure upgrades	Upon determination of the proposal and prior to the issue of a construction certificate, a Section 7.11 contribution and Housing Productivity Contributions (HPC) will be paid to Lane Cove Council and the NSW Government respectively. The local contributions are charged based on the additional demand that the proposal will place on existing facilities and provides for expansion of facilities to cater for the demand. Similarly, the HPC will help to deliver essential state infrastructure, including schools, hospitals, major roads, public transport and regional open space.
58	16%	Setback Reduction and View Corridor Loss	
		The previously negotiated 16.5-metre setback from the boundary (above podium level) was the primary community outcome from extensive prior consultation and a Lane Cove Council resolution of 20 September 2021. The current proposal appears to reduce this to approximately 9–12 metres, eliminating the view corridor that was specifically designed to prevent a continuous wall of high-rise.	Matters regarding view loss is addressed in the response to Item 3 of DPHI Response to Submissions Table (Table 7), Item 5 of Lane Cove Council Response to Submissions Table (Table 8) and Visual and View Impact Assessment Addendum at Appendix M.
57	15%	Construction Impacts	
		Prolonged construction disruption including noise, dust, diesel emissions, and heavy vehicle movements at very close proximity to residential buildings	A Preliminary Construction Pedestrian Traffic Management Plan (CPTMP) prepared as part of the Transport and Accessibility Impact Assessment submitted. A

Number of submissions which mention	% of total submissions	Matter Raised	Response
• Residents in the precinct have experienced years of continuous construction from surrounding developments, and expressed fatigue and distress at the prospect of further extended disruption			detailed CPTMP will be prepared and approved by the Private Certifier prior to the commencement of construction to provide management measures for construction traffic. The following mitigation measures have been included for the proposal to address impacts to nearby residents at the construction phase: • Ensure that the construction program for the site is staged to lessen impacts. • Communication in the leadup to and during construction should be targeted at families with younger children and older people and suitable mitigation measures implemented. • Mitigation measures identified in the Demolition Noise and Vibration Management Plan must be implemented according to conditions of consent. • Maximise site safety by appropriately managing the pedestrian and construction activity interface. • Construction traffic management plan. • Identify other development sites in the area and coordinate construction activities as required. • Conduct ongoing reviews of cumulative heavy vehicle traffic generation and coordination of heavy vehicle routes used by these projects will be undertaken on a regular basis between the appointed contractor, Council and TfNSW to minimise impacts on the road network.
46	12%	Fire Safety and Emergency Access	
• Concerns in relation to fire emergencies in high-rise, high-density contexts			Relevant fire emergency evacuation measures will be implemented.
10	3%	Rooftop Plant and Mechanical Noise	
• Amenity concerns for residents of nearby buildings impacted by proposed rooftop pool plant and cooling towers.			As noted in the Noise and Vibration Impact Assessment (submitted with the EIS), detailed plant selection and location have not been undertaken at this stage. Satisfactory levels will be achievable through appropriate plant selection, location and if necessary, standard acoustic treatments such as duct lining, acoustic silencers and enclosures. Noise emissions from all mechanical services to the closest residential receivers should comply with Section 8 of the NVIA which details relevant noise emission criteria and therefore ensures that plant and equipment will not emit excessive noise including at the rooftop.

Number of submissions which mention	% of total submissions	Matter Raised	Response
5	1%	Geotechnical and Structural Impacts on Adjacent Buildings	A Geotechnical Investigation prepared by JK Geotechnics was submitted as part of the EIS. A number of recommendations were made within the Geotechnical Investigation. Detailed dilapidation surveys will need to be completed to all neighbouring structures that fall within the zone of influence of the basement excavation.
6	2%	Urban Heat Island/ Reflectivity	The ESD Report, prepared by Efficient Living and submitted with the EIS, key ESD factors required to address the ESD principles in section 193 of the EP&A Regulation. The report discusses the sustainability principles as they have been incorporated into the design and ongoing operation of the proposed development. It also outlines the energy efficiency measures that will be implemented to reduce greenhouse gas emissions and footprint of the project. Design incorporation for climate change resilience will achieve over 75% of horizontal surfaces to minimise urban heating effects. Further sustainability design measures are provided in the ESD Report.

5.0 UPDATED PROJECT JUSTIFICATION

This section provides an updated justification and evaluation of the project as a whole, incorporating any relevant issues raised in submissions and the Applicant's response to these issues.

Design refinements and assessments undertaken in response to submission or further design development have not resulted in any additional environmental impact. As such, the project justification presented in the EIS is reinforced and further supported through the refinements made to support this proposal.

5.1 Design of the Proposed Development

The design of the proposed development has been carefully considered to ensure that potential impacts are suitably mitigated or minimised. The proposed development responds to its proximity to St Leonards railway station and Crows Nest metro station within the Crows Nest Accelerated TOD Precinct, which allows greater height and density on the site. Importantly, the proposal allows for much needed supply of both build-to-rent housing and affordable housing in New South Wales.

The concurrent rezoning proposal on the site seeks to amend the maximum building height from RL 174.95 to RL 197 and the maximum FSR from 4.5:1 to 17.4:1 demonstrates both strategic and site-specific merit and allows for a design that exhibits design excellence which integrates mixed types of uses including BTR, affordable housing and commercial uses in a highly accessible and infrastructure dense location.

5.2 Strategic Context

The critical focus of strategic planning currently is the delivery of new homes in accessible locations close to existing public transport, retail and services. The proposal is entirely consistent with the fundamental State government policy objective for the following reasons:

- The proposal provides 541 new BTR dwellings within walking distance to St Leonards railway station, Crows Nest metro station and other public transport options which provide connections to key employment centres, health precincts and education precincts along the North Shore, North Sydney, Macquarie Park, and the Sydney CBD.
- A substantial 4% affordable housing is proposed as a monetary contribution to Council towards positive outcomes that address housing affordability.
- The proposal contributed to the improvement of the public domain as a public benefit through the provision of a public plaza at the corner of Nicholson Street and Christie Street with an activated streetscape that enhances accessibility and connectivity through the precinct.
- It facilitates the movement towards planning for larger residential accommodation and actual delivery of housing in key strategic areas earmarked for greater housing density through the TOD program and the provisions of the Crows Nest TOD Precinct under the LCLEP 2009.

The priority for increased housing stock in well-located areas is a clear strategic goal as outlined in:

- The National Housing Accord 2022
- NSW Housing Strategy: Housing 2021
- Greater Sydney Region Plan: A Metropolis of Three Cities
- North District Plan
- TOD Program
- St Leonards and Crows Nest 2036 Plan
- Crows Nest TOD Rezoning
- Lane Cove Local Strategic Planning Statement

- Lane Cove Housing Strategy
- NSW Future Transport Strategy
- Better Placed

5.3 Statutory Context

The proposal is permissible with consent under the Housing SEPP and meets the relevant statutory requirements of the relevant Acts, Statutory Instruments and EPIs including:

- *Environmental Planning & Assessment Act 1979,*
- *Biodiversity Conservation Act 2016,*
- *Environmental Planning & Assessment Regulation 2021,*
- *State Environmental Planning Policy (Planning Systems) 2022,*
- *State Environmental Planning Policy (Housing) 2021,*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021,*
- *State Environmental Planning Policy (Resilience and Hazards) 2021,*
- *State Environmental Planning Policy (Sustainable Buildings) 2022,*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021,*
- *Lane Cove Local Environmental Plan 2009.*

5.4 Likely Impacts of the Development

The likely impacts of the proposed development will remain consistent with the submitted EIS. The potential environmental, economic and social impacts are summarised.

5.4.1 Natural and Built Environment Impacts

Natural

The proposal delivers acceptable natural and built environment outcomes, with no additional tree removal beyond that already approved under DA 32/2025 and subsequent modification (both approved in 2025) and a Landscape Report supporting retention of remaining trees and a cohesive public domain outcome. Ecologically, a BDAR Waiver confirms negligible biodiversity impacts, the site is not bushfire prone, and flood risks (1% AEP and PMF) are addressed through mitigation measures identified in a FIRA. Environmentally sustainable design measures are incorporated in accordance with statutory requirements, alongside on-site stormwater management through OSD and WSUD measures. Technical assessments confirm acceptable outcomes in relation to traffic and transport, noise and vibration, wind comfort, contamination and remediation, ground and water conditions, operational waste management, aviation, hazards and risk.

Built

Built form, visual and view impact assessments conclude the development is compatible with the highly urbanised St Leonards CBD context, consistent with view sharing principles established in Tenacity, and will enhance the public domain through the replacement of aging buildings with contemporary architecture and a new publicly accessible plaza. Heritage advice confirms no adverse impacts on Aboriginal or built heritage, subject to standard management protocols. Overall, the proposal is considered to appropriately manage environmental constraints while improving the site's visual amenity and integration within its urban setting.

5.4.2 Social and Economic Impacts

Social

The proposed development will generate the following positive social and economic impacts:

- Deliver new homes in a highly accessible location close to public transport, shops and services, contributing to a '30-minute city'.
- Provide 4% of affordable housing contribution via monetary contribution, which includes an additional 1% of contribution above the 3% base rate required under the LCLEP 2009.
- Provide high-quality, well-integrated and diverse housing solutions that aims to maximise residential amenity benefits.
- Produces a design response that is sensitive to a transitioning built environment context and aim to minimise residential amenity impacts for surrounding developments.
- The wider community will benefit from development that does not increase Sydney's sprawl with all the associated costs of residential development without amenity.

Economic

The proposal generates positive economic impacts by responding to critical housing undersupply while addressing structural weakness in the St Leonards / Crows Nest office market. With commercial vacancy rates exceeding 30% in the area and the subject site recently fully vacant following prolonged underutilisation, retaining large volumes of commercial floorspace would likely perpetuate oversupply rather than deliver meaningful employment outcomes. The proposed development will support approximately 61 fulltime equivalent (FTE) on-site jobs and accommodate around 980 permanent residents, generating an estimated \$24.8 million in annual retail expenditure to support local businesses and strengthen precinct vitality. The BTR model enhances housing stability for key workers and students, improves development feasibility in a constrained market environment, and includes a 4% affordable housing contribution exceeding the base requirement, thereby supporting broader economic participation and housing diversity objectives.

5.5 Suitability of the Site

The site remains to be considered highly suitable for the proposed development for reasons outlined below:

- The site is located in the Crows Nest TOD Precinct which is an area transforming into a mixed commercial and residential centre with a diverse range of homes supported by open spaces, jobs and transport infrastructure.
- The site is zoned E2 Commercial Centre under the LCLEP 2009 and development for BTR housing is permissible in the E2 zone under Section 72 of the Housing SEPP.
- The site is underutilised as a commercial premises within a highly accessible and amenity rich location between key public transport nodes being St Leonards train station and Crows Nest metro station.
- The site is located within the Crows Nest Accelerate TOD precinct area which has been subject to substantial strategic planning.
- The proposal achieves the project objectives, the objectives of the EP&A Act and strategic visions and priorities for the Crows Nest TOD precinct.
- The site is not affected by critical constraints and has been confirmed as suitable for the proposed development by the DSI subject to the implementation of the RAP prepared for this SSDA.
- The site is under a single ownership and demolition, and tree removal works have already begun on the site, to be followed by excavation and early works, which a DA has already been submitted to Lane Cove Council.

5.6 Public Interest

The proposal is considered in the public interest for the following reasons:

- The proposal will revitalise a strategically located site within walking distance of existing transport infrastructure, retail, social, cultural, open space and employment opportunities supporting the vision for a '30-minute city'.
- The proposal will deliver a new public plaza as a public benefit for the community which will activate the streetscape and integrate landscaping, that is influenced by Connecting with Country principles.
- The proposal seeks to deliver 541 BTR dwellings and provide a 4% affordable housing contribution which supports and delivers on the State government's housing targets and priorities.
- The proposal will increase housing diversity through the provision of BTR dwellings and contribute to meeting the demand for rental properties and high-density living in St Leonards.