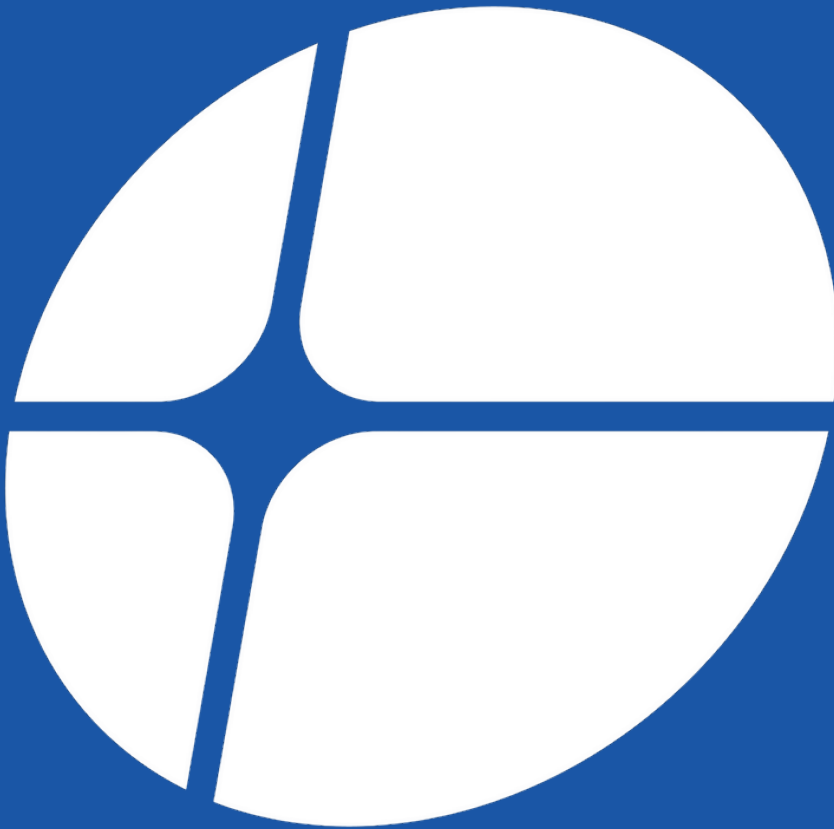


# Submissions Report



SSD 79658964  
Build-to-rent housing and mixed-use development  
270 Pacific Highway, Crows Nest

Prepared for Silvernight

Submitted to the Department of Planning  
Housing and Infrastructure

November 2025

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# 1 Introduction

This Submissions Report has been prepared by *Keylan Consulting Pty Ltd* (Keylan) on behalf of *Silvernight* (the Applicant) to address the matters raised by Government agencies, Council and the public during the exhibition period for the State Significant Development (SSD) application (SSD-79658964) at 270 Pacific Highway Crows Nest for a mixed use development within the Crows Nest Accelerated Transport Orientated Development (TOD) Precinct.

On 4 July 2025, the SSD application was lodged with the DPHI. The application was placed on public exhibition from 7 August 2025 to 3 September 2025. During this time, 11 submissions were received from government agencies, Council and the public.

An overview of the submissions received is provided below:

| Government agencies                                                                                                                                                                            | Councils                                                                         | Public                                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• Ausgrid</li><li>• Department of Climate Change, Energy, the Environment and Water</li><li>• Sydney Water</li><li>• Transport for NSW (TfNSW)</li></ul> | <ul style="list-style-type: none"><li>• North Sydney Council (Council)</li></ul> | <ul style="list-style-type: none"><li>• 2 support</li><li>• 4 objections</li></ul> |

Table 1: Summary of submissions

This Submissions Report has been prepared in accordance with the Department's *State Significant Development Guidelines – Preparing a Submissions Report October 2022 (Appendix C)*.

## 1.1 Proposed Development

The proposal (as exhibited) seeks to facilitate the construction of a 16-storey mixed use development comprising 168 build-to-rent (BTR) units, retail, medical and office uses.

Specifically, the proposed development comprises the following works:

- demolition of two existing 5 storey commercial buildings
- construction of a mixed-use development including:
  - 2 basement parking levels
  - 3 podium levels comprising:
    - non-residential uses including office premises, retail premises and a medical centre; and
    - residential uses, in the form of BTR apartments and mews, together with associated residential amenity facilities such as a gym and sauna, steam room, outdoor pool, class space, cinema room, co-working space
  - 13 storeys of residential uses in the tower, comprising 168 BTR apartments (including 42 adaptable apartments)
  - communal open space
  - landscaping on ground, level 2 – level 15
  - rooftop solar panels
  - internal and external residential amenities space on roof top

- construction of an office and 2 substations fronting Bruce Street
- retention of the rear service lane with upgrades to paving and
- landscaping
- streetscape upgrades
- site landscaping

## 1.2 Report Structure

The structure of the report is as follows:

| Section                          | Overview                                                                                                                                   |
|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| Executive Summary                | An overarching summary of issues and responses contained within this report.                                                               |
| 1 Introduction                   | A short summary of the project and the assessment that has been carried out to date.                                                       |
| 2 Analysis of Submissions        | Analysis of submissions, detailing groups and people who made submissions and categorisation of issues raised in submissions.              |
| 3 Actions taken since exhibition | An overview of the actions the Applicant has taken since public exhibition to address the issues raised in submissions.                    |
| 4 Response to submissions        | A detailed summary of the Applicant's response to the issues raised in submissions.                                                        |
| 5 Updated project justification  | An outline of the updated project justification and evaluation of the project, incorporating relevant issues and the Applicant's response. |

Table 2: SEE Report Structure

This Submissions Report should be read in conjunction with the following supporting documents:

| Supporting documentation              | Appendices  |
|---------------------------------------|-------------|
| DPHI Key Issues Letter                | Appendix 1  |
| Architectural Plans                   | Appendix 2  |
| Height Clause 4.6 Application         | Appendix 3  |
| Planning Report                       | Appendix 4  |
| Traffic Impact Assessment             | Appendix 5  |
| Statutory Compliance Table            | Appendix 6  |
| Hazardous Material Survey             | Appendix 7  |
| Design Verification Statement         | Appendix 8  |
| Construction Traffic Management Plan  | Appendix 9  |
| Groundwater Impact Assessment         | Appendix 10 |
| Market and Economic Impact Assessment | Appendix 11 |
| Design Report                         | Appendix 12 |
| Qualitative Wind Assessment           | Appendix 13 |
| Updated Mitigation Measures           | Appendix 14 |

Table 3: List of Appendices

## 2 Analysis of Submissions

### 2.1 Breakdown of submissions and key issues raised by DPHI

During the public exhibition period, a total of 11 submissions were received from Government agencies, Council and the general public.

A breakdown of the submissions is provided below. Submissions that provided commentary without explicitly stating support or objection are recorded under the 'comments' category.

| Submission          | Support  | Object   | Comments |
|---------------------|----------|----------|----------|
| Government agencies | -        | -        | 4        |
| Council             | -        | 1        | -        |
| Public submissions  | 2        | 4        | -        |
| <b>Total</b>        | <b>2</b> | <b>5</b> | <b>4</b> |

Table 4: Breakdown of submissions

On 5 September 2025, DPHI issued a letter requesting further information on a number of key issues and responses to the issues raised in the submissions.

A high level summary of the key issues letter and submissions is provided below.

| Submission                                                      | Breakdown                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| NSW DPHI                                                        | Provided comments and requested additional information regarding the below matters: <ul style="list-style-type: none"><li>• concurrent rezoning</li><li>• non-residential Floor Space Ratio (FSR)</li><li>• clause 4.6 Building Height</li><li>• Gross Floor Area (GFA) calculations for outdoor terraces and balconies</li><li>• amenity of units fronting Pacific Highway</li><li>• wind assessment</li><li>• traffic impact assessment updates</li><li>• statutory assessment</li><li>• preparation of a Hazardous Materials Survey and Design Verification Statement</li><li>• details of how vehicular access will be maintained and managed to the rear laneway during construction</li></ul> |
| Ausgrid                                                         | Provided comment and suggested conditions of consent.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Department of Climate Change, Energy, the Environment and Water | Provided comment and requested additional information.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Sydney Water                                                    | Provided comment and suggested conditions of consent.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| TfNSW                                                           | Provided comment and suggested conditions of consent.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Council                                                         | Provided comments. Council objected to the State Significant Development Application and sought clarification on a number of issues.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Public submissions                                              | Support and objections provided                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

Table 5: Summary of submissions

## 2.2 Categorising issues

In accordance with the Department's *State Significant Development Guidelines*, the issues raised in the submissions have been categorised in the table below. A response to the issues raised is provided at Section 4 of this report.

| Category                                                         | Summary of issues raised                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>The Project</b>                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Concurrent rezoning                                              | <ul style="list-style-type: none"> <li>Justify the public benefit associated with the planning proposal</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Urban design                                                     | <ul style="list-style-type: none"> <li>Request for greater building separation and southern tower setback</li> <li>Greater building separation should be provided</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                         |
| Connecting with Country                                          | <ul style="list-style-type: none"> <li>Justify alignment with Connecting with Country principles</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Solar access                                                     | <ul style="list-style-type: none"> <li>Internal solar access is non compliant with the ADG</li> <li>Overshadowing of residents on Sinclair Street</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Height                                                           | <ul style="list-style-type: none"> <li>6 levels should be the maximum building height</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Procedural Matters</b>                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| General procedural matters                                       | <ul style="list-style-type: none"> <li>Clarification of some inconsistencies between application documents</li> <li>Updated plans and reports submitted</li> <li>Various conditions of consent recommended by agencies</li> <li>Update methodology used to calculate height</li> <li>Further assessment of the Crows Nest TOD and NSLEP 2013</li> <li>Calculation of the affordable housing contribution</li> <li>Non compliance with the issued SEARs</li> <li>Requested a State Design Review Panel meeting be held</li> <li>Clarification of planning approval pathway</li> </ul> |
| <b>Economic, environmental and social impacts of the project</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Traffic, parking and access                                      | <ul style="list-style-type: none"> <li>Car parking rates (medical and accessible)</li> <li>Car parking design and layout</li> <li>Vehicle access to properties along Sinclair Street during construction and operation of the development</li> <li>Traffic congestion</li> <li>Bruce Street impacts</li> </ul>                                                                                                                                                                                                                                                                       |
| Landscaping                                                      | <ul style="list-style-type: none"> <li>Tree canopy cover not achieving the 15% target set by the North Sydney Council Urban Forest Strategy 2019.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Air quality                                                      | <ul style="list-style-type: none"> <li>Air pollution concerns during construction and demolition</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

Table 6: Categorisation of issues raised in submissions

### 3 Actions taken since exhibition

In response to the key matters raised within the submissions, the Applicant has undertaken minor amendments to the exhibited proposal. This section outlines the key refinements and additional assessment that have been made to the proposal since its public exhibition.

#### 3.1 Further engagement

The Applicant undertook further consultation with DPHI on several occasions during September and October 2025.

This consultation sought clarification on items 1 and 4 of their key issues letter i.e. the concurrent planning proposal and GFA calculations.

#### 3.2 Refinements to the project

In response to issues raised in submissions, a number of minor amendments have been made to the project. The table below outlines the amendments and groups them by issue.

Aside from the changes required to achieve the non-residential FSR of 1:1 (see table below), all other responses relate to clarification or confirmation of information rather than major changes to the built form or design.

As the amendments are minor in nature and have been made in direct response to feedback from DPHI and submitters, they do not trigger the need for a formal amendment to the SSD Application under Section 37 of the *Environmental Planning and Assessment Regulation 2021*.

| Category    | Summary of project amendments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The Project | <ul style="list-style-type: none"><li>• The Architectural Plans (Appendix 2) have been amended to:<ul style="list-style-type: none"><li>○ increase the non-residential GFA from 3,773m<sup>2</sup> to 3,831m<sup>2</sup> which achieves a non-residential FSR of 1:1. Specifically, Level 1 has been modified to increase the medical GFA by 58m<sup>2</sup>. This has resulted in:<ul style="list-style-type: none"><li>- the removal of two 3 bedroom units from the southern corner of Level 1, changing the dwellings above on Level 2 from 3 bedroom dwellings to 1 bedroom dwellings,</li><li>- addition of a non-residential car parking space; and</li><li>- change 2 courier car parking spaces to 2 non-residential spaces</li></ul></li><li>○ at the request of DPHI, amend the height of buildings measurement methodology from <i>Merman</i> to <i>Bettar</i>. This resulted in a change in total GFA from 21,258m<sup>2</sup> (5.6:1) in the scheme dated 9/05/2025 to 20,897m<sup>2</sup> (5.51:1) in the scheme dated 21/10/2025, as the basement level is no longer included within the above ground GFA calculations.</li><li>○ retain a 1.2m solid planting wall and removal of 600mm glass balustrade extension above the planter wall on levels 12 and 14 for a large portion of the terrace, refer to DA-14002. Accordingly, this area has been excluded from the GFA calculations as it does not include an outer wall of 1.4m or greater in height, consistent with the <i>North</i></li></ul></li></ul> |

| Category                                                  | Summary of project amendments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                           | <p><i>Sydney Local Environmental Plan 2013</i> (NSLEP 2013) definition of GFA.</p> <ul style="list-style-type: none"> <li>○ Inclusion of operable windows with acoustically treated seals to all dwellings facing Pacific Highway.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Procedural matters                                        | <ul style="list-style-type: none"> <li>• The Architectural Plans (Appendix 2) and Clause 4.6 Application (Appendix 3) to vary the height development standard have been updated to calculate the proposal's building height based on <i>Bettar v Council of the City of Sydney [2014] NSWLEC 1070</i> rather than the <i>Merman Investments Pty Ltd v Woollahra Municipal Council [2021] NSWLEC 1582</i>. This change in methodology, which was specifically requested by DPHI, has decreased the maximum height exceedance from 5.52m (10.2% increase) to 1.32m (2.44% increase) as the basement level is no longer measured as the existing ground level.</li> <li>• Other inconsistencies raised in the submissions are addressed in this Submissions Reports and the relevant reports and plans amended accordingly or new reports prepared. These are outlined in Section 3.3 below.</li> </ul> |
| Economic, environmental and social impacts of the project | <ul style="list-style-type: none"> <li>• Nil</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

Table 7: Key refinements

### 3.3 Further impact assessment

The issues raised in the submissions and in DPHI's comments have been assessed and the following documents have been updated and / or provided to reflect this:

- Architectural Plans (Appendix 2)
- Height Clause 4.6 Application (Appendix 3)
- Planning Report (Appendix 4)
- Traffic Impact Assessment (Appendix 5)
- Statutory compliance assessment (Appendix 6)
- Hazardous Materials Survey (Appendix 7)
- Design Verification Statement (Appendix 8)
- Construction Traffic Management Plan (Appendix 9)
- Ground Water Impact Assessment (Appendix 10)
- Market and Economic Assessment (Appendix 11)
- Design Report (Appendix 12)
- Qualitative Wind Assessment (Appendix 13)

The results and findings of the actions identified in Section 3 of this report are discussed further in Section 4.

## **4 Response to submissions**

This section provides a detailed summary of the Applicant's response to the issues raised in submissions.

The tables in this section have been structured in accordance with the categories identified in Section 2.

## 4.1 Department Submission

| Ref. | Summary of submission                                                                                                                                                                                                                                                                                                                                                                                                                          | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1    | <b>Concurrent Rezoning</b>                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 1A   | <i>Provide an updated Planning Report that provides further justification of the site-specific merit of the proposed rezoning. Specifically, the Planning Report should be updated to demonstrate that the quantum of residential development is appropriate for this site and the locality, with consideration of the future potential residential development capacity within the locality unlocked through the Crows Nest TOD controls.</i> | <ul style="list-style-type: none"> <li>Following receipt of the key issues letter (Appendix 1), DPHI was consulted and confirmed the Planning Report should provide details on the site-specific public benefits arising from the planning proposal.</li> <li>Section 7.4.10 of the Planning Report (Appendix 4) has been updated accordingly and sets out the public benefits which include social, economic and environmental benefits, and are summarised below.</li> </ul> <p><b>Social benefits</b></p> <ul style="list-style-type: none"> <li>Enables substantial new housing on a well-located site within an Accelerated TOD precinct identified by the NSW Government for increased housing supply and density.</li> <li>Contributes to NSW's National Housing Target of 377,00 and supports North Sydney LGA's target of 5,900 new homes by 2029.</li> <li>Improves housing diversity and choice, unlocking a currently underutilised site constrained by restrictive development standards.</li> <li>Delivers a high-quality built form that activates street frontages, enhances the public domain and supports a vibrant, well-connected, transit-oriented centre.</li> <li>Serves as a catalyst for further urban renewal within the Crows Nest Precinct.</li> <li>Aligns with local and state housing objectives.</li> </ul> <p><b>Economic benefits</b></p> <ul style="list-style-type: none"> <li>Provides a feasible and commercially viable development pathway and avoids site sterilisation noting that the current FSR controls mandate a commercial only development in an area with an existing 30% office vacancy rate which is projected to take up to 20 years to absorb – due to the vacancy rate, retaining the current FSR controls would perpetuate a sub-optimal land use outcome that provides minimal economic or social value.</li> <li>The proposal will generate significant economic contributions including: <ul style="list-style-type: none"> <li>\$1.7m Housing and Productivity Contribution</li> <li>\$1.8m Local Infrastructure Levy</li> </ul> </li> </ul> |

| Ref. | Summary of submission | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      |                       | <ul style="list-style-type: none"> <li>○ Affordable housing contribution (equivalent to 3% of the residential GFA)</li> <li>• These contributions collectively deliver financial and community benefits through increased housing supply, economic stimulation and funding of essential infrastructure and public domain improvements – retention of the current FSR controls would forfeit these entirely and fail to capitalise on the site’s strategic location and alignment with the Crows Nest TOD vision.</li> <li>• The proposal delivers employment-generating uses, including a medical centre and retail which respond to local demand and the site’s proximity to the Mater Hospital.</li> </ul> <p><b>Environmental benefits</b></p> <ul style="list-style-type: none"> <li>• The proposal optimises strategically located land by co-locating new housing within an established and infrastructure-rich precinct serviced by: <ul style="list-style-type: none"> <li>○ high-capacity transport i.e. Crows Nest Metro Station (250m) and St Leonards and Wollstonecraft Train Stations (800m); and</li> <li>○ key social and health facilities i.e. Mater Hospital (350m), Royal North Shore Hospital (1.2km), North side Mental Health Clinic (1.5km), Greenwich Hospital (1.6km), North Sydney Girls High School (200m), St Leonards Health and Education Precinct (900m), TAFE NSW St Leonards (1.4km) and St Leonards Park (700m).</li> </ul> </li> <li>• Leveraging this existing infrastructure maximises land-use efficiency, reduces additional servicing demand and supports a transit-oriented, low-carbon lifestyle. This aligns with the principles of ecologically sustainable development (ESD) and the TOD framework for compact, well-serviced, high-density growth.</li> <li>• The development will deliver high environmental performance, meeting BASIX Energy, Water and Thermal Comfort targets and exceeds NCC/BCA Section J (2022) requirements as outlined in the EIS.</li> <li>• Collectively, these outcomes demonstrate that the planning proposal delivers substantial public benefits, including social, economic and environmental benefits. The proposal enables sustainable growth in a location already supported by high-capacity infrastructure, generates significant economic contributions and a viable development pathway that avoids site sterilisation whilst aligning with NSW Government sustainability and housing objectives including the TOD.</li> </ul> |

| Ref. | Summary of submission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1A   | <p><i>Update the Economic Assessment to:</i></p> <ul style="list-style-type: none"> <li>i. <i>Provide further evidence-based justification for the proposed 1:1 non-residential FSR, i.e. why 1:1 is the most appropriate FSR. Include analysis of the rates for comparable properties in the vicinity of the site.</i></li> <li>ii. <i>Assess the employment land demand with detailed consideration of surrounding lot sizes, floor space ratio, take up rates and employment densities.</i></li> </ul> | <ul style="list-style-type: none"> <li>Sections 3 and 4 of the Market and Economic Assessment (Appendix 11) have been updated to provide further evidence-based justification for the proposed 1:1 non-residential FSR.</li> <li>The assessment includes a market analysis and confirms that a 1:1 commercial component is sufficient to meet projected employment demand, noting the current oversupply of office space in the precinct (approximately 30% vacancy, which is forecasted to take up to 20 years to absorb). It is also expected to provide 1356 jobs during design and construction and 160 during occupation as outlined in Appendix 11.</li> <li>The updated analysis also compares the site with surrounding properties within the Crows Nest TOD and demonstrates that a 1:1 non-residential FSR is consistent with recently adopted controls on nearby sites (including the Metro Station site), where minimum non-residential FSRs range between 0.5:1 and 2:1.</li> <li>Importantly, the proposal does not remove employment generating uses from the site. It retains a non-residential FSR control of 1:1 and introduces residential floorspace in response to the National Housing Accord, market demand, feasibility and TOD planning objectives.</li> </ul> |
| 2    | <b>Non-residential Floor Space Ratio</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|      | <p><i>Based on a site area of 3,796m<sup>2</sup>, the proposed development provides a non-residential FSR of 0.95:1 (3,593m<sup>2</sup> GFA) and does not meet the 1:1 non-residential FSR proposed in the concurrent rezoning. The development is required to be amended to ensure compliance with the proposed 1:1 non-residential FSR (or revised non-residential FSR based on item 1).</i></p>                                                                                                        | <ul style="list-style-type: none"> <li>The Architectural Plans (Appendix 2) have been amended to increase the non-residential Gross Floor Area (GFA) to 3,831m<sup>2</sup>, which achieves a non-residential FSR of 1:1.</li> <li>Specifically, Level 1 has been modified to increase the GFA of the medical centre by 58m<sup>2</sup>. As shown in the figures below, this has resulted in: <ul style="list-style-type: none"> <li>the removal of the split level two 3 bedroom units from the southern corner of Level 1 and replacement with medical centre GFA (see extract below) and</li> <li>changing the dwellings above on Level 2 from 3 bedroom dwellings to 1 bedroom dwellings (see extract below)</li> <li>an addition of a non-residential bike parking space</li> <li>changing 2 courier car parking spaces to 2 medical spaces</li> </ul> </li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                  |

Current scheme Lvl 1 and Lvl 2

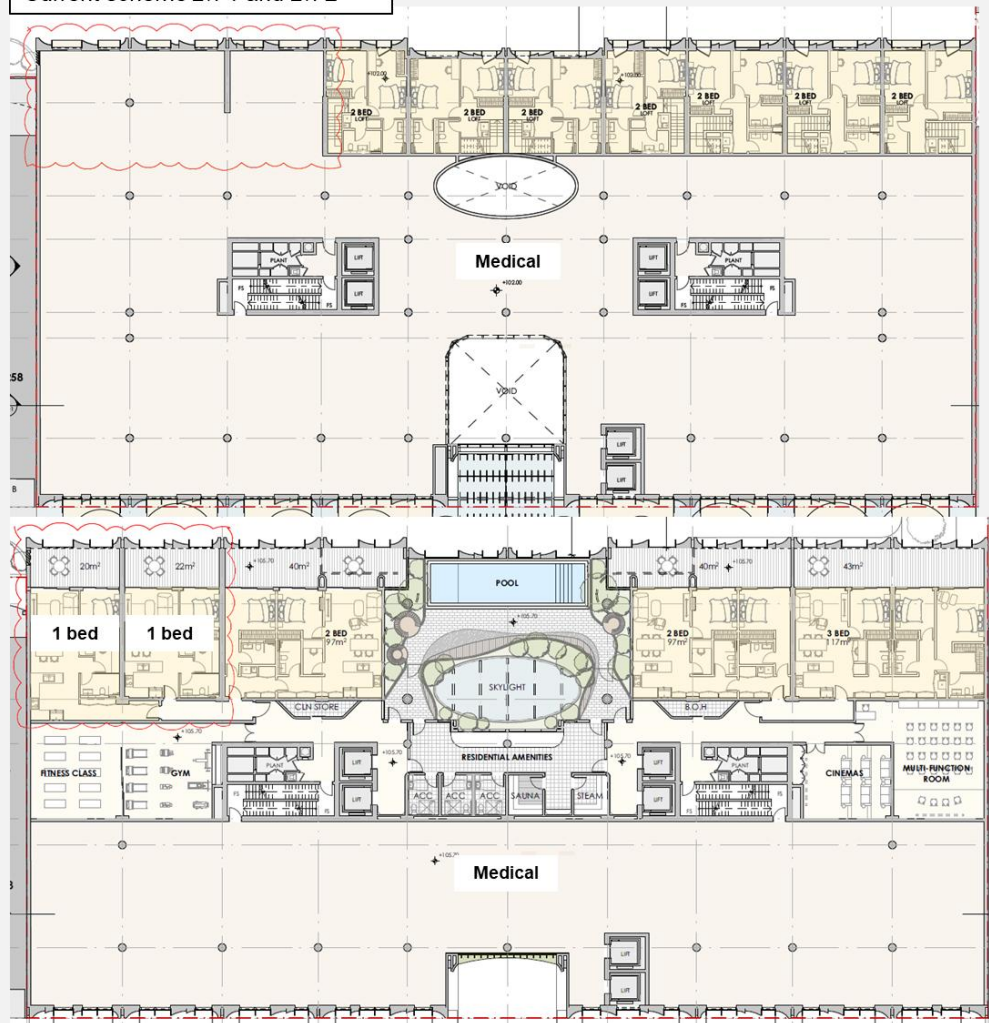


Figure 1: Current Scheme (Source: Fitzpatrick Partners)

Previous scheme Lvl 1 and Lvl 2

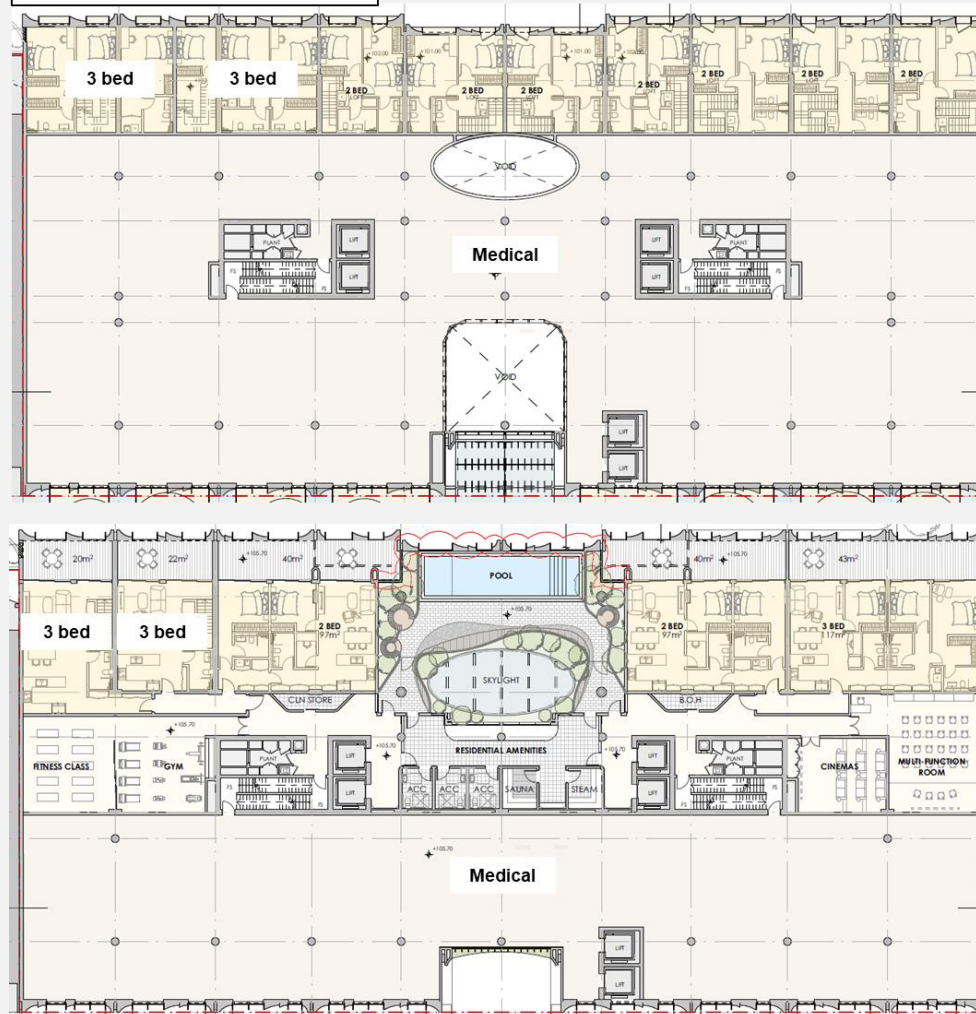


Figure 2: Previous Scheme (Source: Fitzpatrick Partners)

| Ref. | Summary of submission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3    | <p><b>Clause 4.6 Building Height</b></p> <p><i>The clause 4.6 variation request for height has assessed the maximum building height using the 'Merman' method. The Department does not consider that the decision in Merman Investments Pty Ltd v Woollahra Municipal Council [2021] NSWLEC 1582 (Merman) sets a precedent for the meaning of 'existing ground level' and the calculation of maximum building height that the Department is required to adhere to.</i></p> <p><i>The Department considers that the more appropriate way to extrapolate 'existing ground level' in this instance is to use the 'Bettar' method (Bettar v Council of the City of Sydney [2014] NSWLEC 1070). The Department considers that the determination of the existing ground level should relate to the overall topography of the site. This can include considering the footpath level and the rear laneway level for this site. This approach would result in a more appropriate height plane for the site consistent with the intention of the height control described in the North Sydney Local Environmental Plan 2013.</i></p> <p><i>This method of determining ground level (existing) has been affirmed in several other recent cases. It is requested that the clause 4.6 variation request is</i></p> | <ul style="list-style-type: none"> <li>• The Architectural Plans (Appendix 2) and Clause 4.6 Application (Appendix 3) to vary the height development standard have been updated to calculate the proposal's building height based on the <i>Bettar v Council of the City of Sydney [2014] NSWLEC 1070</i> case rather than the <i>Merman Investments Pty Ltd v Woollahra Municipal Council [2021] NSWLEC 1582</i> case.</li> <li>• This change in methodology has decreased the maximum height exceedance from 5.52m (10.2% increase) to 1.32m (2.44% increase) as the basement level is no longer measured as the existing ground level.</li> <li>• It has also resulted in a change in total GFA calculations from 21,258 (5.6:1) in the scheme dated 9/05/2025 to 20,897 (5.51:1) in the scheme dated 21/10/2025 as the basement level is no longer included within the above ground GFA calculations.</li> </ul> |

| Ref.     | Summary of submission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|          | <i>updated to reflect this application of determining ground level (existing).</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>4</b> | <b>GFA Calculations – Outdoor Terraces/Balconies</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|          | <p><i>The level 2, 12 and 14 communal terrace/balcony areas are surrounded by barriers that exceed 1.4 m in height. The Department has reviewed the articles from Mills Oakley provided by the Applicant (dated 31 July 2020 and 14 July 2021) on calculating gross floor area (for FSR purposes) in NSW. It is considered that these scenarios do not directly apply to this development and do not satisfactorily justify that these areas do not constitute gross floor area. The Department maintains its position that these areas meet the definition of gross floor area as described in North Sydney Local Environmental Plan 2013 and are to be included in the GFA calculations. It is noted that this will result in the development exceeding the maximum 5.6:1 FSR and a clause 4.6 variation request will be required to support the exceedance of floor space.</i></p> | <p><b>Level 2</b></p> <ul style="list-style-type: none"> <li>• Whilst DPHI's position is noted, we maintain that the Level 2 communal open space/balcony area does not constitute GFA in accordance with the findings of <i>C &amp; J Corporation Pty Ltd v Canterbury-Bankstown Council [2020] NSWLEC 1431</i>. In this case, the Court confirmed that terraces with fences of 1.8m could be excluded from GFA calculations as they were not considered 'external walls'.</li> <li>• Specifically, the Court was asked to consider an application for a child care facility and accepted that outdoor play areas on the ground, first and second floors (although located within large balconies projecting from the primary built form) were excluded from the GFA calculation. The Court noted that while the definition of GFA excludes 'terraces and balconies with outer walls less than 1.4 metres high', the terraces in question had walls exceeding 1.4m for more than 50% of their perimeter and in one case, included a roofed area. Nevertheless, the Court held (at [35]) that: <ul style="list-style-type: none"> <li>○ the external play area on the ground floor, bounded by a 1.8 metre-high brick fence with horizontal timber infill panels, did not constitute an external wall; and</li> <li>○ the external play areas on the first and second floors, bounded partly by 1.8 metre and 1.35 metre-high solid fences, were similarly not considered to be external walls</li> </ul> </li> <li>• Accordingly, applying this precedent to Level 2, the communal open space area should not be included in the GFA calculation given the: <ul style="list-style-type: none"> <li>○ proposed 1.8m screen is a glass balustrade and therefore is not considered to constitute external wall</li> <li>○ open space area is fully external, permanently open to the weather as it is not enclosed by any roof element</li> </ul> </li> <li>• Notwithstanding, even if it is included within GFA calculations, the total above ground FSR would be 5.55:1 (proposed above ground GFA {20,839m<sup>2</sup>} + Level 2 residential terrace</li> </ul> |

| Ref.     | Summary of submission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>{225m<sup>2</sup>} = 21,064m<sup>2</sup> divide by site area {3,796m<sup>2</sup>} = 5.55:1), which remains compliant with the base FSR control of 5.6:1 pursuant to Clause 4.4 of the NSLEP 2013.</p> <p><b>Level 12 and 14</b></p> <ul style="list-style-type: none"> <li>As shown in the Architectural Plans, DA-14002 has been updated to retain a 1.2m solid planting wall and remove 600mm glass balustrade extension above the planter wall for a large portion of the terrace.</li> <li>The 1.8m glass balustrade is now only retained to the south-west portions of the terraces to assist with wind comfort. The 1.8m balustrade equates to 40% and 45% of the perimeter of the terrace on levels 12 and 14 respectively. These spaces are also open fully external, permanently open to the weather and are not enclosed by any roof element.</li> <li>On this basis, these spaces are not included in the GFA calculations.</li> </ul> |
| <b>5</b> | <b>Amenity of units fronting Pacific Highway</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|          | <p><i>The proposed development achieves only 12% natural cross ventilation due to units fronting Pacific Highway not being provided with private open space or operable windows. The Design Report acknowledges that if these units were provided with balconies and/or operable windows then over 60% natural ventilation could be achieved within the development.</i></p> <p><i>It is acknowledged that Pacific Highway produces intrusive noise that could impact the amenity of residents. Notwithstanding, several existing and recent residential developments with balconies exist immediately adjacent to the site and surrounding the Crows Nest Metro Station. The Department also does not consider that the site is disproportionately impacted by bushfire</i></p> | <ul style="list-style-type: none"> <li>The design has been revised to ensure that 100% of dwellings facing Pacific Highway are now provided with operable windows, in addition to maintaining the mechanically assisted ventilation system. Refer to Appendix 2 (DA-11001 and DA65001) and Appendix 12 (pages 26, 51 and 63).</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

| Ref. | Summary of submission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      | <p><i>pollution than other areas in the immediate locality.</i></p> <p><i>This means, at a minimum, that operable windows with acoustically treated seals can be provided and it be at the discretion of residents when these windows are utilised.</i></p> <p><i>The proposed use of mechanical ventilation to provide amenity to the units is noted. However, it is not considered that this provides the same level of amenity as operable windows and balconies would provide.</i></p> <p><i>The Department considers that the current amenity outcome achieved for these units can be improved. The Department recommends that the design is amended to include operable windows on all units, at a minimum, to achieve an acceptable level of amenity for all units, being a minimum of 60% of units receiving natural cross ventilation.</i></p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 6    | <b>Wind assessment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|      | <p><i>The Qualitative Wind Assessment is to be updated to provide a clear assessment of each external area of the development. The assessment of the external areas is to define what comfort rating each area achieves in line with the 'Wind Comfort and Safety Criteria' and ensure that each area achieves the rating required for the use, i.e. private balconies are to achieve a minimum 'sitting' rating to ensure they can be used</i></p>                                                                                                                                                                                                                                                                                                                                                                                                     | <ul style="list-style-type: none"> <li>As confirmed with DPHI on 28/10/2025, the Qualitative Wind Assessment does not need to be revised in response this item in their Key Issues Letter given a detailed assessment is provided within Section 4 of the report.</li> <li>Separate to this, it is noted the assessment has been updated from an administrative perspective to align with the revised architectural plans (i.e. updated figures and minor wording amendments in Section 4 of the assessment). Refer to Appendix 13.</li> </ul> |

| Ref. | Summary of submission                                                                                                                                                                                                                                                                                                                                                                        | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      | <i>as designed. If any further mitigation measures are required to achieve the rating, these are to be clearly identified and shown on the Architectural Plans.</i>                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 7    | <b>Traffic Impact Assessment (TIA)</b>                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 7A   | <p><i>The following additional information is to be included in an updated TIA:</i></p> <p>a) <i>Provide further detail on the TfNSW Services Trip Generation Surveys Medical Centres Analysis Report used to determine the medical centre traffic generation. Detail how it has been determined that 4.08 spaces/100 m2 GFA equates to approximately 1 vehicle trip per 100 m2 GFA.</i></p> | <ul style="list-style-type: none"> <li>• The Transport Impact Assessment (TIA) (Appendix 5), has been updated to clarify the correct rates (which should have been included within the original TIA) should have been 0.99 and 1.12 trips per car space.</li> <li>• Specifically, Section 5.2 of the TIA states: <p><i>‘as the site will have limited parking, a rate per parking space is deemed more suitable for assessment. The same Sydney sites from the aforementioned medical centre analysis report had an average peak parking rate of 4.08 spaces per 100m<sup>2</sup>. If 4 trips are generated by 4.08 car spaces in the AM peak, this is equivalent to 0.99 trips per car space (<math>4 \div 4.08 = 0.99</math>). Similarly, if 4.6 trips are generated by 4.08 car spaces in the PM peak, this is equivalent to 1.12 trips per car space (<math>4.6 \div 4.08 = 1.12</math>). The commercial office is only 65m<sup>2</sup> with no parking provided to this use, therefore it has been assumed that it will not generate any traffic.’</i></p> </li> </ul> |
| 7B   | <p>b) <i>Demonstrate where a medical centre trip generation rate approach (i.e., based on parking spaces within a development) has been applied to other developments? The direct link between parking spaces and trip generation has not been clearly articulated.</i></p>                                                                                                                  | <ul style="list-style-type: none"> <li>• Section 5.2 of TIA (Appendix 5) has been updated to address this matter and states: <p><i>The trip rates shown in Table 5.1 have been adopted for the proposed medical centre to be consistent with the assessment undertaken for the approved development. This rate was determined from Transport for NSW’s (TfNSW) Services Trip Generation Surveys Medical Centres Analysis Report. For the sites within the Sydney Area, the average trips generated per 100m<sup>2</sup> was 4 trips during the weekday AM peak and 4.6 trips during the PM peak.</i></p> </li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

| Ref.      | Summary of submission                                                                                                                                                                                                                                                                                                                                                                                       | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |         |          |                |                               |  |                          |  |         |         |         |         |          |            |    |      |      |    |    |         |    |      |      |    |    |       |    |   |   |    |    |          |            |    |      |      |    |    |         |    |      |      |    |    |       |    |   |   |    |    |           |  |  |  |  |     |     |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|----------|----------------|-------------------------------|--|--------------------------|--|---------|---------|---------|---------|----------|------------|----|------|------|----|----|---------|----|------|------|----|----|-------|----|---|---|----|----|----------|------------|----|------|------|----|----|---------|----|------|------|----|----|-------|----|---|---|----|----|-----------|--|--|--|--|-----|-----|
|           |                                                                                                                                                                                                                                                                                                                                                                                                             | <p>Table 5.1: Approved DA Traffic Generation</p> <table><tr><th rowspan="2"></th><th rowspan="2">Land Use</th><th rowspan="2">Parking Spaces</th><th colspan="2">Trip Rate (veh/parking space)</th><th colspan="2">Trip Generation Estimate</th></tr><tr><th>AM Peak</th><th>PM Peak</th><th>AM Peak</th><th>PM Peak</th></tr><tr><td rowspan="3">Existing</td><td>Commercial</td><td>29</td><td>0.77</td><td>0.59</td><td>22</td><td>17</td></tr><tr><td>Medical</td><td>68</td><td>0.99</td><td>1.12</td><td>67</td><td>76</td></tr><tr><td>Total</td><td>97</td><td>-</td><td>-</td><td>89</td><td>93</td></tr><tr><td rowspan="3">Proposed</td><td>Commercial</td><td>52</td><td>0.77</td><td>0.59</td><td>40</td><td>31</td></tr><tr><td>Medical</td><td>32</td><td>0.99</td><td>1.12</td><td>32</td><td>36</td></tr><tr><td>Total</td><td>84</td><td>-</td><td>-</td><td>72</td><td>67</td></tr><tr><td colspan="3">Net Total</td><td></td><td></td><td>-18</td><td>-26</td></tr></table> <p>Source: TTPP Traffic Impact Assessment prepared 18 March 2024 (23353-R01V06-240318-TIA)<br/>Figure 3: Approved DA Traffic Generation (Source: TTPP)</p> |         | Land Use | Parking Spaces | Trip Rate (veh/parking space) |  | Trip Generation Estimate |  | AM Peak | PM Peak | AM Peak | PM Peak | Existing | Commercial | 29 | 0.77 | 0.59 | 22 | 17 | Medical | 68 | 0.99 | 1.12 | 67 | 76 | Total | 97 | - | - | 89 | 93 | Proposed | Commercial | 52 | 0.77 | 0.59 | 40 | 31 | Medical | 32 | 0.99 | 1.12 | 32 | 36 | Total | 84 | - | - | 72 | 67 | Net Total |  |  |  |  | -18 | -26 |
|           | Land Use                                                                                                                                                                                                                                                                                                                                                                                                    | Parking Spaces                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |         |          |                | Trip Rate (veh/parking space) |  | Trip Generation Estimate |  |         |         |         |         |          |            |    |      |      |    |    |         |    |      |      |    |    |       |    |   |   |    |    |          |            |    |      |      |    |    |         |    |      |      |    |    |       |    |   |   |    |    |           |  |  |  |  |     |     |
|           |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | AM Peak | PM Peak  | AM Peak        | PM Peak                       |  |                          |  |         |         |         |         |          |            |    |      |      |    |    |         |    |      |      |    |    |       |    |   |   |    |    |          |            |    |      |      |    |    |         |    |      |      |    |    |       |    |   |   |    |    |           |  |  |  |  |     |     |
| Existing  | Commercial                                                                                                                                                                                                                                                                                                                                                                                                  | 29                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 0.77    | 0.59     | 22             | 17                            |  |                          |  |         |         |         |         |          |            |    |      |      |    |    |         |    |      |      |    |    |       |    |   |   |    |    |          |            |    |      |      |    |    |         |    |      |      |    |    |       |    |   |   |    |    |           |  |  |  |  |     |     |
|           | Medical                                                                                                                                                                                                                                                                                                                                                                                                     | 68                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 0.99    | 1.12     | 67             | 76                            |  |                          |  |         |         |         |         |          |            |    |      |      |    |    |         |    |      |      |    |    |       |    |   |   |    |    |          |            |    |      |      |    |    |         |    |      |      |    |    |       |    |   |   |    |    |           |  |  |  |  |     |     |
|           | Total                                                                                                                                                                                                                                                                                                                                                                                                       | 97                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | -       | -        | 89             | 93                            |  |                          |  |         |         |         |         |          |            |    |      |      |    |    |         |    |      |      |    |    |       |    |   |   |    |    |          |            |    |      |      |    |    |         |    |      |      |    |    |       |    |   |   |    |    |           |  |  |  |  |     |     |
| Proposed  | Commercial                                                                                                                                                                                                                                                                                                                                                                                                  | 52                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 0.77    | 0.59     | 40             | 31                            |  |                          |  |         |         |         |         |          |            |    |      |      |    |    |         |    |      |      |    |    |       |    |   |   |    |    |          |            |    |      |      |    |    |         |    |      |      |    |    |       |    |   |   |    |    |           |  |  |  |  |     |     |
|           | Medical                                                                                                                                                                                                                                                                                                                                                                                                     | 32                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 0.99    | 1.12     | 32             | 36                            |  |                          |  |         |         |         |         |          |            |    |      |      |    |    |         |    |      |      |    |    |       |    |   |   |    |    |          |            |    |      |      |    |    |         |    |      |      |    |    |       |    |   |   |    |    |           |  |  |  |  |     |     |
|           | Total                                                                                                                                                                                                                                                                                                                                                                                                       | 84                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | -       | -        | 72             | 67                            |  |                          |  |         |         |         |         |          |            |    |      |      |    |    |         |    |      |      |    |    |       |    |   |   |    |    |          |            |    |      |      |    |    |         |    |      |      |    |    |       |    |   |   |    |    |           |  |  |  |  |     |     |
| Net Total |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |         |          | -18            | -26                           |  |                          |  |         |         |         |         |          |            |    |      |      |    |    |         |    |      |      |    |    |       |    |   |   |    |    |          |            |    |      |      |    |    |         |    |      |      |    |    |       |    |   |   |    |    |           |  |  |  |  |     |     |
| 8         | Other matters                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |         |          |                |                               |  |                          |  |         |         |         |         |          |            |    |      |      |    |    |         |    |      |      |    |    |       |    |   |   |    |    |          |            |    |      |      |    |    |         |    |      |      |    |    |       |    |   |   |    |    |           |  |  |  |  |     |     |
| 8A        | <p>Statutory Compliance Table</p> <p>i. All non-discretionary development standards outlined in section 74 of the Housing SEPP for BTR developments apply to the proposal and are to be addressed in the statutory compliance table.</p> <p>ii. Provide adequate detail on how the development has achieved design excellence with a direct assessment of the requirements of clause 7.4 of NSLEP 2013.</p> | <ul style="list-style-type: none"><li><b>Item 8A(i) response:</b> The statutory compliance table has been updated to address all non-discretionary development standards, see Appendix 6.</li><li><b>Item 8A (ii) response:</b> A detailed assessment of Clause 7.4 of the NSLEP 2013 is provided in Appendix 6. In summary, the proposal satisfies all provisions of Clause 7.4 and achieves design excellence through high-quality architecture, public domain integration and sustainable urban design.</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |         |          |                |                               |  |                          |  |         |         |         |         |          |            |    |      |      |    |    |         |    |      |      |    |    |       |    |   |   |    |    |          |            |    |      |      |    |    |         |    |      |      |    |    |       |    |   |   |    |    |           |  |  |  |  |     |     |
| 8B        | <p>Provide a Hazardous Materials Survey as recommended in the Detailed Site Investigation and as requested by the Department at the test of adequacy.</p>                                                                                                                                                                                                                                                   | <ul style="list-style-type: none"><li>A Hazardous Materials Survey has been prepared and is provided at Appendix 7.</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |         |          |                |                               |  |                          |  |         |         |         |         |          |            |    |      |      |    |    |         |    |      |      |    |    |       |    |   |   |    |    |          |            |    |      |      |    |    |         |    |      |      |    |    |       |    |   |   |    |    |           |  |  |  |  |     |     |

| Ref. | Summary of submission                                                                                                  | Response                                                                                                                                                                                                                                                                                                                                                         |
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| 8C   | <i>Provide a Design Verification Statement.</i>                                                                        | <ul style="list-style-type: none"> <li>A Design Verification Statement has been prepared and is provided in Appendix 8.</li> </ul>                                                                                                                                                                                                                               |
| 8D   | <i>Provide details of how vehicular access will be maintained and managed to the rear laneway during construction.</i> | <ul style="list-style-type: none"> <li>A CTMP has been prepared and is provided at Appendix 9. In summary:<br/><br/><i>'the shared driveway will be used once the structure is being constructed. Traffic controllers will be required to manage pedestrian movements past the site and pedestrian/ vehicle movements along the shared driveway.'</i></li> </ul> |

Table 8: The Project – Response to Submissions

## 4.2 Agency Submissions

| Ref. | Summary of submission                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Submitter                                                 | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| A    | <b>Consideration of the Crows Nest TOD precinct design guide and other planning controls</b>                                                                                                                                                                                                                                                                                                                                                                                        |                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| A1   | <p><b>Recommendation</b></p> <p><i>Whilst it is acknowledged that this is not directly relevant the SSD at hand, a review of the Crows Nest TOD Precinct Design Guide should be undertaken, to include those provisions of the North Sydney DCP 2013 that should apply to state significant and/or local development.</i></p>                                                                                                                                                       | <ul style="list-style-type: none"> <li>Council</li> </ul> | <ul style="list-style-type: none"> <li>A detailed assessment of the Crows Nest TOD Design Guide has been undertaken and is provided at Appendix 6. In summary, the proposal is consistent with the applicable TOD controls. .</li> <li>The only exception is the maximum floor-to-floor height for the rooftop service zone. The minor 15cm exceedance is considered acceptable as it will not result in any discernible visual or amenity impact and will not materially alter the building's overall presentation, skyline composition or relationship to surrounding developments.</li> </ul> |
| B    | <b>Strategic planning &amp; context</b>                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| B1   | <p><i>Section 4.39 of the Environmental Planning and Assessment Act, 1979 and Section 190 (2) of the Regulations require a State Significant Development Application to have regard to 'State Significant Development Guidelines'. These guidelines contain a requirement to consider strategic context. It is Council's position that the State Significant Development and 'concurrent rezoning', as submitted, fail to consider or satisfy these statutory requirements.</i></p> | <ul style="list-style-type: none"> <li>Council</li> </ul> | <ul style="list-style-type: none"> <li>The EIS and Planning Report i.e. the concurrent planning proposal, comprehensively considers the strategic context. Refer to Section 3 and Appendix 3 of the EIS and Section 3 and 6 of the Planning Report.</li> </ul>                                                                                                                                                                                                                                                                                                                                   |

| Ref. | Summary of submission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Submitter                                                 | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| C    | <b>Background</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| C1   | <i>The Department of Planning undertook feasibility/viability modelling as part of its recent work and consciously applied a non-residential FSR control on the site as recently as November 2024. The applicant has submitted a 'Market and Economic Assessment' that has not, in Council's opinion, adequately responded to the SEARs in that it fails to have adequate regard to the broader economic impact of the proposal and the important employment function that has been consistently envisaged (and in fact advocated for by the landowner) for this large, well-located site.</i>                                                                                                                                                                                                                                                                                               | <ul style="list-style-type: none"> <li>Council</li> </ul> | <ul style="list-style-type: none"> <li>The Market and Economic Assessment prepared by Hill PDA provides a detailed, site-based analysis that reflects current market conditions.</li> <li>The assessment demonstrates that the commercial market in the Crows Nest / St area is in a long term decline as it has an existing 30% office vacancy rate which is projected to take up to 20 years to absorb.</li> <li>Without a rebalancing of the FSR distribution to include a greater proportion of residential floorspace, the site is effectively sterilised and will not be redeveloped.</li> <li>Importantly, the proposal does not altogether remove employment generating capacity from the site but rather delivers a mixed-use outcome that retains a dedicated non-residential component at ground and podium levels which supports activation and ongoing employment generation consistent with the Crows Nest TOD vision.</li> </ul> |
| D    | <b>Procedural concerns</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| D1   | <i>In considering Expressions of Interest that also involve a 'concurrent rezoning', the Housing Delivery Authority (HDA) have recently updated criteria, one of which is the need for the proposal to be consistent with any State-led rezoning that has taken place within the last 24 months. As detailed in this submission, the proposal has recently been the subject of both a Planning Proposal that was facilitated and implemented by the Department of Planning, as well as a precinct wide re-zoning (Nov 2024). It would appear the HDA have logically turned their minds to re-visiting the underlying planning framework for sites and precincts that have recently been the subject of detailed planning work and development uplift. The progression of this proposal should therefore only be based on the current North Sydney LEP controls as most recently amended.</i> | <ul style="list-style-type: none"> <li>Council</li> </ul> | <ul style="list-style-type: none"> <li>On 14 April 2025, DPHI agreed to the proponent lodging a concurrent planning proposal and issued Study Requirements which outline the matters to be addressed to justify the proposed changes to the planning controls.</li> <li>As noted above, amending the FSR control to enable residential use on the site is essential as the existing non-residential FSR control does not reflect site-specific economic realities or demand within the Crows Nest commercial market.</li> <li>Introducing a residential component is necessary to ensure the site's viability, activation and renewal, while still delivering non-residential uses that support employment generation and align with the mixed-use intent of the Crows Nest TOD Precinct.</li> </ul>                                                                                                                                            |

| Ref. | Summary of submission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Submitter                                                   | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| D2   | <p><i>The notification letter advising of the public exhibition of the proposal does not include legislation details on how an amendment to the North Sydney Local Environmental Plan would be made and erroneously refers to it as a 'concurrent rezoning proposal'.....</i></p> <p><i>The applicant's submitted documentation (Appendix 34) states that the proposed amendment will be made through a State Environmental Planning Policy. If this is the case, this would appear to give rise to procedural incorrectness as both the written notice of exhibition and descriptions provided on the planning portal webpage do not adequately or correctly describe the proposed statutory amendments being sought to facilitate the development.</i></p> <p><i>The determination (under Part 4, Division 4.7) of the State Significant Development Application, is reliant upon the making of an amendment to NSLEP that is, in the absence of the LEP amendment the determination of the SSD in its current form would be beyond power unless the amendment, by whatever mechanism, occurs first.</i></p> | <ul style="list-style-type: none"> <li>• Council</li> </ul> | <ul style="list-style-type: none"> <li>• The concurrent planning proposal is being managed by DPHI through a self repealing State Environmental Planning Policy (SEPP).</li> <li>• If finalised, the SEPP will automatically repeal upon gazettal of the NSLEP 2013 amendment.</li> <li>• This approach enables the planning proposal to proceed concurrently with the assessment of the State Significant Development Application to ensure a coordinated approval.</li> </ul> |
| E    | <b>Affordable Housing</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| E1   | <p><i>As the TOD Precinct controls in the LEP were developed by the State Government, Council has sought clarification from the Department regarding the policy intent in calculating the equivalent monetary affordable housing contributions. This is particularly important, as the SSD under consideration is one of the first to apply the provisions of the TOD through this development pathway.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <ul style="list-style-type: none"> <li>• Council</li> </ul> | <ul style="list-style-type: none"> <li>• Noted. This is an overarching comment regarding the TOD Precinct controls and is not directly relevant to the proposal.</li> <li>• We note the proposed affordable housing contribution is 3% of the total residential GFA and is proposed will be made via a monetary contribution in accordance with Clause 7.5(7)(b) of the NSLEP 2013.</li> </ul>                                                                                  |
| E2   | <p><i>Regarding SSD-79240223 at 578-598 Pacific Highway Crows Nest, Council had previously requested the Department and Council collaborate to assess and determine the most effective way forward for calculating the appropriate affordable housing monetary contribution to</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <ul style="list-style-type: none"> <li>• Council</li> </ul> | <ul style="list-style-type: none"> <li>• As above.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                   |

| Ref. | Summary of submission                                                                                                                                                                                                                                                                                                                                                     | Submitter                                                   | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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|      | <p><i>give effect to the need for affordable housing and ensuring a clear and transparent inter-governmental process.</i></p> <p><i>In reviewing the Response to Submissions for this project, it was apparent that a report providing the value of recent apartment sales in the area, submitted by the applicant, was to be used to calculate the contribution.</i></p> |                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| E3   | <p><i>Regarding the subject site, per cl. 7.5 of the LEP, the developer is required to provide a base (minimum) 3% contribution. Any affordable housing proposed should be provided in perpetuity (not limited to 15 years) and any consent granted should include conditions accordingly.</i></p>                                                                        | <ul style="list-style-type: none"> <li>• Council</li> </ul> | <ul style="list-style-type: none"> <li>• As above.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| E4   | <p><b>Recommendation</b><br/> <i>Council requests the Department to confirm whether affordable housing contributions for all SSD applications will be calculated by the Department based on reports provided by applicants, and include a condition to this effect, to satisfy clause 7.5 of the LEP.</i></p>                                                             | <ul style="list-style-type: none"> <li>• Council</li> </ul> | <ul style="list-style-type: none"> <li>• As above.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| E5   | <p><b>Recommendation</b><br/> <i>As recommended previously, all affordable rental housing should be provided in perpetuity, not for a limited period, and any consent conditioned accordingly.</i></p>                                                                                                                                                                    | <ul style="list-style-type: none"> <li>• Council</li> </ul> | <ul style="list-style-type: none"> <li>• As above.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| F    | <b>Transport and traffic</b>                                                                                                                                                                                                                                                                                                                                              |                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| F1   | <p><b>Parking</b><br/> <i>The development proposes a total of 80 car parking spaces, which complies with DCP requirements for all land uses with the exception of the medical centre, for which 45 spaces are proposed. Parking dedicated to the medical centre exceeds the DCP's maximum permissible parking and does not comply with the DCP standard.</i></p>          | <ul style="list-style-type: none"> <li>• Council</li> </ul> | <ul style="list-style-type: none"> <li>• Per clause 2.10(1)(a) of the State <i>Environmental Planning Policy (Planning Systems) 2021</i>, DCPs do not apply to State significant development. Accordingly, non-compliances with DCP provisions are not a valid ground for objection to a SSD application.</li> <li>• Notwithstanding, the TIA (Appendix 5) acknowledges Council's DCP and justifies this exceedance. In summary: <ul style="list-style-type: none"> <li>○ A total of 80 parking spaces is proposed (34 residential, 1 retail and 45 medical centre spaces).</li> </ul> </li> </ul> |

| Ref. | Summary of submission                                                                                                                                                                                                                                                                                                                                                                                  | Submitter                                                 | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|      |                                                                                                                                                                                                                                                                                                                                                                                                        |                                                           | <ul style="list-style-type: none"> <li>While this exceeds the DCP maximum for the medical centre, the parking rate is consistent with the NSDCP 2013 non-residential rate of 4 spaces per 100m<sup>2</sup>.</li> <li>The previous approval on the site (DA193/23) provided 20 spaces for an 806m<sup>2</sup> medical centre (1 space per 40m<sup>2</sup>). The current proposal provides 45 spaces for a 3,132m<sup>2</sup> medical centre (1 space per 70m<sup>2</sup>), resulting in a lower car parking rate than the approved development, which was agreed by Council at that time.</li> <li>Accordingly, the proposed car parking provision is considered appropriate and justified.</li> </ul>                                                                                                   |
| F2   | <i>The development proposes three accessible parking spaces for the build to rent units. One accessible parking space is proposed for the non-residential component, which is consistent with the DCP requirement when all non-residential land uses are considered collectively. However, if assessed separately, each non-residential land use would require its own dedicated accessible space.</i> | <ul style="list-style-type: none"> <li>Council</li> </ul> | <ul style="list-style-type: none"> <li>See comment above regarding DCPs not applying to SSD applications.</li> <li>Notwithstanding, as outlined in the TIA (Appendix 5) the proposal is compliant with the accessible parking spaces, see extract below.</li> </ul> <p><i>The Housing SEPP does not require provision of accessible parking for Build-to-Rent developments. However, it is proposed to provide three accessible parking spaces for residents.</i></p> <p><i>NSDCP 2013 states that 1-2% of all non-residential parking spaces are to be designated for use by the disabled. Therefore, for the proposed 46 non-residential car spaces, it is required to provide 1 accessible space. It is proposed to provide four accessible spaces which complies with the DCP requirements.</i></p> |
| F3   | <b>Parking design and layout</b><br><i>The architectural plans show a ramp gradient of 1:4 for access. While this complies for the residential component of the development, it does not comply for the medical centre, which is considered a public car park. In accordance with</i>                                                                                                                  | <ul style="list-style-type: none"> <li>Council</li> </ul> | <ul style="list-style-type: none"> <li>The TIA submitted with the EIS reviewed the proposed ramp gradients and confirmed they were satisfactory. As no changes to the ramps have been made in the RtS, the previously reviewed gradients remain appropriate for the development.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

| Ref. | Summary of submission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Submitter                                                   | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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|      | <i>Section 2.5.3 of AS2890.1, a minimum ramp grade of 1:5 is required for public car parking, and the proposal is non-compliant.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| F4   | <p><i>The basement layout must comply with all requirements of Australian Standard AS2890.1 for off-street car parking, AS 2890.6 for off-street parking for people with disabilities and AS 2890.3 for bicycle parking. Certification from a suitably qualified and practising civil engineer that the basement design will comply with the requirements of the Australian Standard must be provided to the Principal Certifier for approval prior to issue of the relevant Construction Certificate.</i></p> <p><i>A condition is included in the recommended conditions to address these matters.</i></p> | <ul style="list-style-type: none"> <li>• Council</li> </ul> | <ul style="list-style-type: none"> <li>• Noted. The Applicant accepts this as a condition of consent.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| F5   | <p><b>Trucks</b></p> <p><i>One MRV bay is proposed at ground level and two courier spaces in Basement 1 designed to accommodate up to a B99 vehicle. This does not comply with Council's requirements, which specify either a minimum of one HRV bay or two MRV bays dedicated exclusively to residential servicing.</i></p>                                                                                                                                                                                                                                                                                 | <ul style="list-style-type: none"> <li>• Council</li> </ul> | <ul style="list-style-type: none"> <li>• As outlined in the TIA (Appendix 5), TTPP reviewed the servicing design, including the provision of one MRV bay at ground level and confirmed that the proposed arrangement is satisfactory. The design will accommodate expected loading demand and enables efficient on-site servicing without adverse traffic impacts on the surrounding road network.</li> <li>• We also note the courier parking spaces have been removed and changed to non-residential car parking spaces. Refer to DA-10002 in the Architectural Plans (Appendix 2).</li> </ul> |
| F6   | <i>The application indicates that a loading management plan will be implemented, including a booking system to ensure all deliveries are made by appointment. However, this does not satisfy minimum requirements either. The proposed loading dock is to be shared between multiple land uses, which is not considered appropriate and may lead to operational conflicts.</i>                                                                                                                                                                                                                               | <ul style="list-style-type: none"> <li>• Council</li> </ul> | <ul style="list-style-type: none"> <li>• As outlined in the TIA (Appendix 5), TTPP reviewed the proposal and determined a loading dock with a booking system is the most appropriate approach for the development.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                    |

| Ref. | Summary of submission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Submitter                                                 | Response                                                                                                                                                                                                                                                                                                              |
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| F7   | <b>Recommendation</b><br><i>Minimum requirements for the number accessible parking spaces, for residential and commercial components of the building and loading dock design should be complied with.</i>                                                                                                                                                                                                                                                                                                        | <ul style="list-style-type: none"> <li>Council</li> </ul> | <ul style="list-style-type: none"> <li>Addressed above – the accessible parking spaces are compliant and the loading dock design has been reviewed and is considered appropriate.</li> </ul>                                                                                                                          |
| G    | <b>Evaluation: Section 4.15 EP&amp;A Act</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                           |                                                                                                                                                                                                                                                                                                                       |
| G1   | <i>A 'high-level' assessment of the proposed development is presented below considering the key controls of:</i>                                                                                                                                                                                                                                                                                                                                                                                                 | <ul style="list-style-type: none"> <li>Council</li> </ul> | <ul style="list-style-type: none"> <li>Noted.</li> </ul>                                                                                                                                                                                                                                                              |
| G2   | <b>SEPP (Housing) 2021:</b> <ul style="list-style-type: none"> <li>Chapter 3, Part 4, Clause 75 Design requirements, requires flexible application of the ADG, regarding Objectives 4E - Private open space &amp; balconies, 4G Storage and 4K Apartment mix.</li> <li>Chapter 4, principally the 9 Design Principles for Residential Apartment Development. Key inconsistencies with the ADG are discussed in relation to the design principles, they are not repeated in a separate ADG assessment.</li> </ul> | <ul style="list-style-type: none"> <li>Council</li> </ul> |                                                                                                                                                                                                                                                                                                                       |
| G3   | <b>Part 7, North Sydney LEP 2013</b> , a high-level assessment has been made.                                                                                                                                                                                                                                                                                                                                                                                                                                    | <ul style="list-style-type: none"> <li>Council</li> </ul> |                                                                                                                                                                                                                                                                                                                       |
| G4   | <b>Crows Nest TOD Precinct Design Guide</b> , a high-level assessment has been made.                                                                                                                                                                                                                                                                                                                                                                                                                             | <ul style="list-style-type: none"> <li>Council</li> </ul> |                                                                                                                                                                                                                                                                                                                       |
| G5   | <i>The <b>North Sydney DCP</b>, Part B Section 2, Commercial and mixed-use development, and Part C Section 3 St Leonards Crows Nest Planning Area, have not been considered against otherwise applicable DCP provisions, in accordance with cl. 2.10, Planning Systems SEPP, as discussed.</i>                                                                                                                                                                                                                   | <ul style="list-style-type: none"> <li>Council</li> </ul> | <ul style="list-style-type: none"> <li>An assessment against the North Sydney DCP is not a legislative requirement in accordance with Section 2.10(1)(a) of the Planning Systems SEPP.</li> <li>Notwithstanding, as assessment against the relevant sections of the NSDCP 2013 was provided in Appendix 6.</li> </ul> |
| G6   | <b>Housing SEPP - Design Principles</b> <ul style="list-style-type: none"> <li>Cl. 147 of SEPP (Housing) 2021 requires consideration of the SEPP's design principles (SEPP's Schedule 9) and cl. 29 of the EP&amp;A Act Regulation 2021 requires an application for residential flat development (also when</li> </ul>                                                                                                                                                                                           | <ul style="list-style-type: none"> <li>Council</li> </ul> | <ul style="list-style-type: none"> <li>A Design Verification Statement has been included at Appendix 8.</li> </ul>                                                                                                                                                                                                    |

| Ref. | Summary of submission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Submitter                                                 | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|      | <p><i>part of a mixed use building) to be accompanied by a statement by a qualified designer, which must explain how the development addresses the SEPP's design principles and the objectives of Parts 3 and 4 of the ADG.</i></p> <ul style="list-style-type: none"> <li><i>Although the design principles and cited ADG objectives are, according to the submitted Statutory Compliance Table (Appendix 4 to the EIS), addressed by several other volumes appended to the EIS, no single statement appears to have been submitted, in satisfaction of cl. 29 of the cited Regulation.</i></li> <li><i>This renders the application unable to be determined. In the absence of a Housing SEPP-mandated design statement, no assessment against the design principles has been provided.</i></li> </ul> |                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| G7   | <p><b>Recommendation</b></p> <p><i>A design verification statement be submitted, as required by cl. 29 Environmental Planning &amp; Assessment Regulation 2021.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <ul style="list-style-type: none"> <li>Council</li> </ul> | <ul style="list-style-type: none"> <li>As above.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| G8   | <p><i>Despite this, the EIS contends that the development is consistent with the design principles and ADG objectives. Additionally, the Court granted consent to an application for a development similar to that proposed, with the exception that it was to be only used for commercial development. This building was the subject of an agreement between Council and the applicant during a s.34 conciliation conference. Requirements for amenity and a building's environmental performance differ between residential and commercial buildings, so approval of the commercial building cannot be considered commensurate with assessment of a residential building.</i></p>                                                                                                                      | <ul style="list-style-type: none"> <li>Council</li> </ul> | <ul style="list-style-type: none"> <li>Section 6.1.1, 6.1.2 and 6.1.3 of the EIS provides detailed justification of the proposed setbacks along the southern boundary. Specifically that: <ul style="list-style-type: none"> <li>The southern podium proposes nil setback which is compliant with the Crows Nest Design Guide and NSDCP.</li> <li>The southern tower setbacks are not strictly compliant with the ADG setback/building separation requirements, however are considered acceptable as: <ul style="list-style-type: none"> <li>angled façades and privacy screens have been introduced to the south facades to redirect views and minimise overlooking toward the neighbouring developments</li> </ul> </li> </ul> </li> </ul> |

| Ref. | Summary of submission                                                                                                                                                                                                                                                                                                                                                  | Submitter                                                 | Response                                                                                                                                                                                                                  |
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|      | <i>For instance, the proposed tower setback and resultant building separation to the southern boundary is unsuitable for a residential building.</i>                                                                                                                                                                                                                   |                                                           | <ul style="list-style-type: none"><li>- Part 4 Build-to-rent housing, Section 75(2)(a) of the Housing SEPP provides that the design criteria set out in the ADG should be applied flexibly for BTR developments</li></ul> |
| H    | Part 7 North Sydney LEP 2013                                                                                                                                                                                                                                                                                                                                           |                                                           |                                                                                                                                                                                                                           |
| H1   | <b>7.1 Objectives</b><br><i>The proposed development is generally consistent with objectives for development in the precinct.</i>                                                                                                                                                                                                                                      | <ul style="list-style-type: none"><li>• Council</li></ul> | <ul style="list-style-type: none"><li>• Noted.</li></ul>                                                                                                                                                                  |
| H2   | <b>7.3 Design guide</b><br><i>The consent authority must be satisfied that proposed development is consistent with the precinct design guide (PDG). The guide is further considered below.</i>                                                                                                                                                                         | <ul style="list-style-type: none"><li>• Council</li></ul> |                                                                                                                                                                                                                           |
| H3   | <b>7.4 Design excellence</b><br><i>This clause sets out assessment criteria, the majority (if not all) of which are requisite considerations under the s. 4.15 of the Act, the LEP, the DCP (if it applied to the subject DA), the ADG and Housing SEPP and of course, they are complemented by the PDG. They require no further consideration by this submission.</i> | <ul style="list-style-type: none"><li>• Council</li></ul> |                                                                                                                                                                                                                           |
| H4   | <b>7.5 Affordable housing</b><br><i>A contribution is payable equivalent to the value of 3% of the residential component of the proposed development.</i>                                                                                                                                                                                                              | <ul style="list-style-type: none"><li>• Council</li></ul> |                                                                                                                                                                                                                           |
| I    | Crows Nest TOD Precinct Design Guide (PDG)                                                                                                                                                                                                                                                                                                                             |                                                           |                                                                                                                                                                                                                           |

| Ref. | Summary of submission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Submitter                                                   | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| I1   | <p><i>As noted earlier, the first two parts of the PDG are introductory and strategic in nature.</i></p> <p><i>Part 3 contains “Precinct-wide Design Guidelines”. Chapters 4 &amp; 5 apply to specific sites. Applicable provisions of Part 3 are considered below.</i></p>                                                                                                                                                                                                                                                                                                            | <ul style="list-style-type: none"> <li>• Council</li> </ul> | <ul style="list-style-type: none"> <li>• Noted.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| I2   | <p><b>3.2 Connecting with Country</b><br/> <i>Addressed in the design report (Appendix 10 to the EIS) the applicant submits that development’s design is consistent with principles published by the NSW government architect. Unlike other applications in the precinct, the applicant is yet to consult with and listen to local indigenous voices.</i></p>                                                                                                                                                                                                                          | <ul style="list-style-type: none"> <li>• Council</li> </ul> | <ul style="list-style-type: none"> <li>• An assessment of Section 3.2 of the PDG is provided in Appendix 6. This assessment notes the following:</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| I3   | <p><i>Although the design report discusses the principles of Connecting with Country, it does not explain how these principles have influenced the design. The proposal is not considered to have satisfied the objectives of the PDG in respect of Connecting with Country.</i></p> <p><b>Recommendation</b><br/> <i>The applicant be required to satisfy the Precinct Design Guide’s objectives and provisions in respect of Connecting with Country, by consulting with Cammeraygal people, modifying the design and demonstrating how these objectives have been achieved.</i></p> | <ul style="list-style-type: none"> <li>• Council</li> </ul> | <p><i>The development acknowledges it’s on the traditional lands of the Cammeraygal people of the Eora Nation. The design response to the site’s location on a ridgeline, a natural path of travel and a point of outlook, by orienting the building to connect with views over the harbour and country, also with different architectural expressions to respond to the context, residential terrace facing the neighbourhood and harbour view on it’s western façade, and striking vertical tower façade to response to the civil nature on the eastern façade.</i></p> <p><i>The Architectural narrative is connected to Country by creating place of nature within the development. This is achieved through biophilic design, which integrates landscape space throughout the podiums and communal areas to support both people and biodiversity. The project uses the Connecting with Country framework by GANSW to inform its approach and focuses on understanding the place, its people, and the project’s impact on the environment.</i></p> |
| I4   | <p><b>3.3 Land use</b><br/> <i>The site is in the ‘commercial core’ of the precinct as described by the PDG and the proposed development is broadly consistent with land use objectives for the precinct, as set out in part 2.4.</i></p>                                                                                                                                                                                                                                                                                                                                              | <ul style="list-style-type: none"> <li>• Council</li> </ul> | <ul style="list-style-type: none"> <li>• Noted.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

| Ref. | Summary of submission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Submitter                                                 | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| 15   | <p><b>3.4 Built form</b><br/> <i>The development is broadly consistent with built form requirements, except as follows:</i></p> <p><i>- P7. Rooftop plant breaches the height standard, contrary to this provision.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <ul style="list-style-type: none"> <li>Council</li> </ul> | <ul style="list-style-type: none"> <li>Noted and justified below and in the Statutory Appendix of the EIS (Appendix 6) and Clause 4.6 application to vary the height development standard (Appendix 3), the proposed rooftop service zone is considered acceptable as the 15cm exceedance is minor and will not have any material impact on the building's presentation, overall bulk and scale or its interaction with surrounding developments.</li> </ul> |
| 16   | <p><b>3.4.1 Solar amenity and overshadowing</b><br/> <i>None of the controls apply specifically to the subject land and the proposed development.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <ul style="list-style-type: none"> <li>Council</li> </ul> | <ul style="list-style-type: none"> <li>Noted.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                     |
| 17   | <p><b>3.5 Minimum lot size</b><br/> <i>No minimum lot size is specified for the site.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <ul style="list-style-type: none"> <li>Council</li> </ul> | <ul style="list-style-type: none"> <li>Noted.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                     |
| 18   | <p><b>3.6.1 Public spaces</b><br/> <i>The objectives promote standards for providing open space close to (within 200m) of the Metro Station. The provisions do nothing to realise the intent of the objective, except to propose one park on the corner of Christie Street and Oxley Street, which is about 280m from the main pedestrian entry of the station, in addition to other open space and its upgrading, such as Hume Park, Ernest Place and the closed section of Christie Street opposite the site of the park proposed by the precinct plan.</i></p> <p><i>There is no analysis in the PDG to indicate whether the population expected to be accommodated in the TOD precinct will be properly catered for in terms of the type, size and distribution of open space.</i></p> | <ul style="list-style-type: none"> <li>Council</li> </ul> | <ul style="list-style-type: none"> <li>Noted. This is an overarching comment on the PDG and is not relevant to the proposal.</li> </ul>                                                                                                                                                                                                                                                                                                                      |
| 19   | <p><b>Recommendation</b><br/> <i>In an apparent lack of analysis to inform an adequate provision of the type, size and suitable location of additional open space required, the analysis should be provided, or a study should be undertaken, as outlined above for the entire St Leonards-Crows Nest 2036 defined area, in a sub-</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <ul style="list-style-type: none"> <li>Council</li> </ul> | <ul style="list-style-type: none"> <li>Noted. This is an overarching comment on the PDG and is not relevant to the proposal.</li> </ul>                                                                                                                                                                                                                                                                                                                      |

| Ref. | Summary of submission                                                                                                                                                                                                                                                                                  | Submitter                                                 | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|      | <i>regional (Lower North Shore) context, and the design guide and other planning controls be amended or introduced accordingly, to acquire land and embellish the land to provide for the long-term needs of existing and future residents of the district, based on the findings of such a study.</i> |                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| I10  | <b>3.6.3 Tree canopy, deep soil and biodiversity</b><br><i>Whether deep soil is provided to satisfy the ADG design objective and provision of the PDG requires clarification.</i>                                                                                                                      | <ul style="list-style-type: none"> <li>Council</li> </ul> | <ul style="list-style-type: none"> <li>The site's ability to provide deep soil is constrained by the existing and proposed development footprint. Notwithstanding, the proposal is committed to increasing greenery and will almost double the existing landscaped area (from 2.3% to 5%). This is considered acceptable with consideration of the site's highly urbanised nature, existing built form and basement and the density controls applicable to the site.</li> <li>It is also noted 10 existing palm trees are located outside of the site along the Pacific Highway and are proposed to be retained. Whilst outside of the site, these trees contribute to the landscape aesthetic of the development.</li> </ul> |
| I11  | <b>Recommendation</b><br><i>Clarification of deep soil planting opportunities and means of providing planting to achieve the PDG's tree canopy and biodiversity objectives is required.</i>                                                                                                            | <ul style="list-style-type: none"> <li>Council</li> </ul> | <ul style="list-style-type: none"> <li>As above.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| I12  | <b>3.7 Design excellence</b><br><i>This clause reproduces the provisions of the LEP and need not be considered further.</i>                                                                                                                                                                            | <ul style="list-style-type: none"> <li>Council</li> </ul> | <ul style="list-style-type: none"> <li>Noted. An assessment against the design excellence provisions in the NSLEP 2013 is provided in Appendix 6.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| I13  | <b>3.8 Setbacks</b><br><i>Street wall (podium) setbacks and height are consistent with the PDG's objectives and provisions.</i>                                                                                                                                                                        | <ul style="list-style-type: none"> <li>Council</li> </ul> | <ul style="list-style-type: none"> <li>Noted.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| I14  | <i>Side setbacks (north and south) for the tower are proposed at 6.0m, potentially achieving separation of 12m with adjacent development. According to the application, this is justified by all habitable rooms, except bedrooms, facing</i>                                                          | <ul style="list-style-type: none"> <li>Council</li> </ul> | <ul style="list-style-type: none"> <li>Noted.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

| Ref. | Summary of submission                                                                                                                                                                                                                                                                                                                                          | Submitter                                                 | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|      | <i>east or west. Screening maintains privacy for bedrooms facing north and south.</i>                                                                                                                                                                                                                                                                          |                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 115  | <i>The proposed separation distance for a building of 13 habitable levels is not supported, especially for levels 8-13, which are above 25m in height.</i>                                                                                                                                                                                                     | <ul style="list-style-type: none"> <li>Council</li> </ul> | <ul style="list-style-type: none"> <li>As outlined in the EIS, the building setbacks and separation distances are acceptable as: <ul style="list-style-type: none"> <li>the adopted setbacks are compliant with the requirements of the NSDCP 2013, consistent with the provisions of the PDG.</li> <li>Part 4 Build-to-rent housing, Section 75(2)(a) of the Housing SEPP provides that the design criteria set out in the ADG should be applied flexibly for BTR developments.</li> <li>angled façades and privacy screens have been introduced to the north and south facades to redirect views and minimise overlooking toward the neighbouring developments</li> </ul> </li> </ul> |
| 116  | <i>To the north, a mixed-use building has been approved by the Land &amp; Environment Court with a setback to the site boundary of 6.0m, and an approved overall height of RL143.2 (lift overrun) and the highest habitable floor level, level 10, being at RL135.35 (36.75m above ground level).</i>                                                          | <ul style="list-style-type: none"> <li>Council</li> </ul> | <ul style="list-style-type: none"> <li>Refer to above discussion on the proposed setbacks.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 117  | <i>The proposed front setback of the tower to the highway is 3-7m, which is acceptable to maintain the street wall height and due to the width of the highway (approx. 25m). The ground level setback is a compliant zero metres.</i>                                                                                                                          | <ul style="list-style-type: none"> <li>Council</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 118  | <i>Rear setbacks to the west are 12m for the tower and 10m for the podium, where the building is adjacent to low density housing on Sinclair Street (zoned R4). This is reasonable, noting the transition at the boundary between R4 High Density Residential and MU1 Mixed Use zone, also noting the adjoining R4 zoned land has a height control of 33m.</i> | <ul style="list-style-type: none"> <li>Council</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 119  | <i>South of the site, land on the corner of the Highway and Bruce Street is also zoned R4 and is subject to a 33m height limit. Given that this height maximum would allow at</i>                                                                                                                                                                              | <ul style="list-style-type: none"> <li>Council</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

| Ref. | Summary of submission                                                                                                                                                                                                                                                                                                                                                                                  | Submitter | Response                                                                                                                                                                    |
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|      | <i>least two levels above 25m, it would be reasonable to require the proposal's design to be amended, by increasing the southern boundary setback to ensure adequate amenity (visual privacy and solar access) for development on the land south of the site.</i>                                                                                                                                      |           |                                                                                                                                                                             |
| I20  | <b>Recommendation</b><br><i>The proposed southern-boundary setback should be increased to at least 12m for the part of the building above 25m in height, being levels 8 to 13.</i>                                                                                                                                                                                                                     | • Council | • As outlined above, the proposed southern setbacks are appropriately justified and do not result in any adverse amenity impacts including overshadowing, privacy or noise. |
| I21  | <b>3.9 Street wall heights</b><br><i>Considered above</i>                                                                                                                                                                                                                                                                                                                                              | • Council | • Noted.                                                                                                                                                                    |
| I22  | <b>3.10 Movement</b><br><i>There are no specific aspects of the PDG-promoted movement network that affect the site.</i>                                                                                                                                                                                                                                                                                | • Council |                                                                                                                                                                             |
| I23  | <b>3.11 Carparking</b><br><i>Parking is addressed in the transport and traffic assessment.</i>                                                                                                                                                                                                                                                                                                         | • Council |                                                                                                                                                                             |
| I24  | <b>3.12 Wind management</b><br><i>This matter has been addressed in a 'qualitative' wind assessment. Its recommendations are expected to be addressed and confirmed by modelling, to be required by a condition, should consent be granted.</i>                                                                                                                                                        | • Council |                                                                                                                                                                             |
| I25  | <b>3.13 Flooding</b><br><i>Council's engineers advise the site is not in a flood planning area of Council's Interim Floodplain Management Policy.</i>                                                                                                                                                                                                                                                  | • Council |                                                                                                                                                                             |
| J    | <b>Ausgrid overhead powerlines are in the vicinity of the development</b>                                                                                                                                                                                                                                                                                                                              |           |                                                                                                                                                                             |
| J1   | <i>The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.</i> | • Ausgrid | • Noted. The Applicant accepts a condition of consent requiring safe construction measures to be implemented for the duration of works.                                     |

| Ref. | Summary of submission                                                                                                                                                                                                                                                                                                                                       | Submitter                                               | Response                                                                                                                                                                              |
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| J2   | Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.                                                                                                                                                             | <ul style="list-style-type: none"><li>Ausgrid</li></ul> |                                                                                                                                                                                       |
| J3   | The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at <a href="http://www.ausgrid.com.au">www.ausgrid.com.au</a> .                                                               | <ul style="list-style-type: none"><li>Ausgrid</li></ul> |                                                                                                                                                                                       |
| J4   | It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer’s cost.                        | <ul style="list-style-type: none"><li>Ausgrid</li></ul> |                                                                                                                                                                                       |
| K    | Ausgrid Underground Cables are in the vicinity of the development.                                                                                                                                                                                                                                                                                          |                                                         |                                                                                                                                                                                       |
| K1   | Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.                                                                                                                                                                 | <ul style="list-style-type: none"><li>Ausgrid</li></ul> | <ul style="list-style-type: none"><li>Noted. The Applicant accepts a condition of consent requiring safe construction measures to be implemented for the duration of works.</li></ul> |
| K2   | It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Before You Dig Australia (BYDA).                                                                            | <ul style="list-style-type: none"><li>Ausgrid</li></ul> |                                                                                                                                                                                       |
| K3   | In addition to BYDA the proponent should refer to the following documents to support safety in design and construction: <ul style="list-style-type: none"><li>SafeWork Australia – Excavation Code of Practice.</li><li>Ausgrid’s Network Standard NS156 which outlines the minimum requirements for working around Ausgrid’s underground cables.</li></ul> | <ul style="list-style-type: none"><li>Ausgrid</li></ul> |                                                                                                                                                                                       |

| Ref. | Summary of submission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Submitter                                                 | Response                                                                                                                        |
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| K4   | <p><i>The following points should also be taken into consideration.</i></p> <ul style="list-style-type: none"> <li><i>Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.</i></li> <li><i>Should ground levels change above Ausgrid's underground cables in areas such as footpaths and driveways, Ausgrid must be notified, and written approval provided prior to the works commencing.</i></li> <li><i>Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.</i></li> </ul> | <ul style="list-style-type: none"> <li>Ausgrid</li> </ul> |                                                                                                                                 |
| L    | <b>Ausgrid Underground Cables are in the vicinity of the development.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                           |                                                                                                                                 |
| L1   | <p><i>The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air conditioning in buildings - Mechanical ventilation in buildings.</i></p>                                                                                                                                                                                                                    | <ul style="list-style-type: none"> <li>Ausgrid</li> </ul> | <ul style="list-style-type: none"> <li>Noted. The Applicant accepts a condition of consent to address these matters.</li> </ul> |
| L2   | <p><i>In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                    | <ul style="list-style-type: none"> <li>Ausgrid</li> </ul> |                                                                                                                                 |
| L3   | <p><i>Any portion of a building other than a BCA class 10a structure constructed from non- combustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120.</i></p>                                                                                                                                                                                                                                                                                                                                                                 | <ul style="list-style-type: none"> <li>Ausgrid</li> </ul> |                                                                                                                                 |

| Ref. | Summary of submission                                                                                                                                                                                                                                                                                                                                                                                             | Submitter                                                 | Response                                                                                                                      |
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|      | <i>Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a non-ignitable blast resisting barrier.</i>                                                                                                                                               |                                                           |                                                                                                                               |
| L4   | <p><i>The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHz) (ICNIRP 2010).</i></p> <p><i>For further details on fire segregation requirements refer to Ausgrid's Network Standard 141.</i></p>                                                               | <ul style="list-style-type: none"> <li>Ausgrid</li> </ul> |                                                                                                                               |
| L5   | <p><i>Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.</i></p> <p><i>For further details refer to Ausgrid's Network Standard 143.</i></p>                                                                                         | <ul style="list-style-type: none"> <li>Ausgrid</li> </ul> |                                                                                                                               |
| M    | <b>New driveways – proximity to existing poles</b>                                                                                                                                                                                                                                                                                                                                                                |                                                           |                                                                                                                               |
| M1   | <i>Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.</i>                                                                                                              | <ul style="list-style-type: none"> <li>Ausgrid</li> </ul> | <ul style="list-style-type: none"> <li>Noted. The Applicant accepts a condition of consent to address this matter.</li> </ul> |
| N    | <b>New or modified connection</b>                                                                                                                                                                                                                                                                                                                                                                                 |                                                           |                                                                                                                               |
| N1   | <i>To apply to connect or modify a connection for residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; <a href="https://www.ausgrid.com.au/Connections/Get-connected">https://www.ausgrid.com.au/Connections/Get-connected</a></i> | <ul style="list-style-type: none"> <li>Ausgrid</li> </ul> | <ul style="list-style-type: none"> <li>Noted. The Applicant accepts a condition of consent to address this matter.</li> </ul> |
| O    | <b>Water take and Licensing</b>                                                                                                                                                                                                                                                                                                                                                                                   |                                                           |                                                                                                                               |

| Ref. | Summary of submission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Submitter                                                      | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| O1   | <b>Recommendation – pre determination</b><br><i>Department of Planning, Housing and Infrastructure (DPHI) requests the proponent to quantify the maximum annual volume of water take due to aquifer interference activities for construction and operation activities and demonstrate the ability to acquire sufficient water entitlement unless an exemption applies</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <ul style="list-style-type: none"> <li>DCCEEW Water</li> </ul> | <ul style="list-style-type: none"> <li>A Groundwater Impact Assessment has been prepared and provided in Appendix 10 to address these matters, refer to Section 7.2.1, 9.6.1 and 8.2 of the Assessment.</li> <li>This assessment concludes as follows:<br/><br/>... the proposed drained basement is feasible without any significant impact to surrounding properties. In addition, the use of a drained basement is not considered likely to influence any GDEs or groundwater supply works in accordance with the AIP minimal impact considerations.</li> </ul> |
| O2   | <b>Explanation</b><br><i>The information provided on excavation and water table depths indicate it is very likely that groundwater will be intercepted and there will be some volume of groundwater take. The documents indicate a separate piece of work described as a 'Groundwater Impact Assessment' is to be or has been completed, however this could not be found. Quantification of maximum potential groundwater take for both the construction and operation period is required.</i>                                                                                                                                                                                                                                                                                                                                                                                        | <ul style="list-style-type: none"> <li>DCCEEW Water</li> </ul> | <p>Groundwater quality results suggested that some background metal concentrations exceed the adopted guideline values. Disposal criteria should be selected prior to dewatering based on background concentrations and relevant guideline values. Should disposal criteria be exceeded, treatment may be required prior to disposal. Long term disposal options for drained water should be considered.</p>                                                                                                                                                       |
| O3   | <i>Under the Water Management Act 2000, if groundwater is intercepted a WAL must be obtained prior to any water take occurring unless an exemption under the Water Management (General) Regulation 2025 (WM Reg) applies. An exemption may be available for water take during construction activities in coastal water sources under Clause 6 of Schedule 4 of the WM Reg, or where the groundwater take during construction or operation is less than or equal to 3ML per water year (cl 19, sch 4 of WM Reg). To claim either of the exemptions certain requirements must be met, such as</i> <ul style="list-style-type: none"> <li><i>The person claiming the exemption keeps a record of the water taken under the exemption and provides this to the Minister within 28 days of the end of the water year; and</i></li> <li><i>The records are kept for 5 years.</i></li> </ul> | <ul style="list-style-type: none"> <li>DCCEEW Water</li> </ul> | <p>Construction of a drained basement will be subject to review and approval from the DCCEEW and other relevant authorities.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| P    | <b>Groundwater impact assessment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

| Ref. | Summary of submission                                                                                                                                                                                                                                                                                                                                                                                                                     | Submitter                                                    | Response                                                                                                         |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| P1   | <b>Recommendation – pre determination</b><br><i>DPHI requests the proponent to assess the impacts due to aquifer interference activities in accordance with the NSW Aquifer Interference Policy and framework (2012) if the take of groundwater is found to be greater than 3ML per year.</i>                                                                                                                                             | <ul style="list-style-type: none"><li>DCCEEW Water</li></ul> | <ul style="list-style-type: none"><li>As above.</li></ul>                                                        |
| P2   | <b>Explanation</b><br><i>As per Recommendation 1.1 above, the groundwater assessment is deficient in quantifying groundwater take due to the project, 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 and a drawdown assessment it is difficult to assess the level of risk.</i>   | <ul style="list-style-type: none"><li>DCCEEW Water</li></ul> |                                                                                                                  |
| Q    | <b>Water and Wastewater Servicing</b>                                                                                                                                                                                                                                                                                                                                                                                                     |                                                              |                                                                                                                  |
| Q1   | <i>Our preliminary assessment indicates that water and wastewater servicing should be available for the proposed development.</i>                                                                                                                                                                                                                                                                                                         | <ul style="list-style-type: none"><li>Sydney Water</li></ul> | <ul style="list-style-type: none"><li>Noted.</li></ul>                                                           |
| Q2   | <i>Amplifications, adjustments, deviations and/or minor extensions may be required.</i>                                                                                                                                                                                                                                                                                                                                                   | <ul style="list-style-type: none"><li>Sydney Water</li></ul> |                                                                                                                  |
| Q3   | <i>Detailed requirements will be provided at the Section 73 application stage.</i>                                                                                                                                                                                                                                                                                                                                                        | <ul style="list-style-type: none"><li>Sydney Water</li></ul> |                                                                                                                  |
| R    | <b>Water and Wastewater Servicing</b>                                                                                                                                                                                                                                                                                                                                                                                                     |                                                              |                                                                                                                  |
| R1   | <i>Should the Department of Planning, Housing and Infrastructure (the Department) decide to progress with the subject development application, Sydney Water would require the following conditions be included in the development consent.</i> <ul style="list-style-type: none"><li>Section 73 Compliance Certificate</li><li>Building Plan Approval</li></ul> <i>Further details of conditions can be found in Attachment 1 (below)</i> | <ul style="list-style-type: none"><li>Sydney Water</li></ul> | <ul style="list-style-type: none"><li>Noted and the Applicant accepts these as a condition of consent.</li></ul> |

| Ref. | Summary of submission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Submitter                                                      | Response                                                                                                       |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
| R2   | <i>The Department is advised to forward the enclosed Sydney Water Development Application Information Sheet (for proponent) to assist the proponent in progressing their development. This Info Sheet contains details on how to make further applications to Sydney Water and provides more information on Infrastructure Contributions.</i>                                                                                                                                                                                                                                                                                                                                                  | <ul style="list-style-type: none"> <li>Sydney Water</li> </ul> | <ul style="list-style-type: none"> <li>Noted.</li> </ul>                                                       |
| S    | <b>Recommended development conditions – prior to the issue of an occupation/subdivision certificate</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                |                                                                                                                |
| S1   | <p><b>Section 73 Compliance Certificate</b><br/>A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Our assessment will determine the availability of water and wastewater services, which may require extensions, adjustments, or connections to our mains. Make an early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before an Occupation or Subdivision Certificate will be issued.</p> <p>Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.</p> | <ul style="list-style-type: none"> <li>Sydney Water</li> </ul> | <ul style="list-style-type: none"> <li>Noted. The Applicant accepts this as a condition of consent.</li> </ul> |
| T    | <b>Recommended development conditions – prior to the issue of an construction certificate/complying development certificate</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                |                                                                                                                |
| T1   | <p><b>Building Plan Approval (including Tree Planting Guidelines)</b><br/>The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to Sydney Water Tap in® to apply.</p> <p>Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.</p>                                                                                           | <ul style="list-style-type: none"> <li>Sydney Water</li> </ul> | <ul style="list-style-type: none"> <li>Noted. The Applicant accepts this as a condition of consent.</li> </ul> |

| Ref. | Summary of submission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Submitter                                                      | Response                                                                                                                                                               |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| T2   | <p><b>Tree Planting</b></p> <p>Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.</p> <p>For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.</p> | <ul style="list-style-type: none"> <li>Sydney Water</li> </ul> | <p>Noted. The Applicant accepts this as a condition of consent.</p>                                                                                                    |
| T3   | <p><b>Trade Wastewater Requirements</b></p> <p>If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.</p> <p>The permit application should be emailed to Sydney Water's Business Customer Services at <a href="mailto:businesscustomers@sydneywater.com.au">businesscustomers@sydneywater.com.au</a></p>                | <ul style="list-style-type: none"> <li>Sydney Water</li> </ul> | <ul style="list-style-type: none"> <li>Noted. The Applicant accepts this as a condition of consent.</li> </ul>                                                         |
| T4   | <p>A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <ul style="list-style-type: none"> <li>Sydney Water</li> </ul> | <ul style="list-style-type: none"> <li>As above.</li> </ul>                                                                                                            |
| T5   | <p>If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.</p>                                                                                                                                                                                                                                                                                                                                                                                                                               | <ul style="list-style-type: none"> <li>Sydney Water</li> </ul> | <ul style="list-style-type: none"> <li>N/A – industrial operations are not proposed. Notwithstanding, the Applicant accepts this as a condition of consent.</li> </ul> |

| Ref. | Summary of submission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Submitter                                                      | Response                                                                                                       |
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| T6   | <p><b>Backflow Prevention Requirements</b></p> <p>Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.</p> <p>All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.</p> | <ul style="list-style-type: none"> <li>Sydney Water</li> </ul> | <ul style="list-style-type: none"> <li>Noted. The Applicant accepts this as a condition of consent.</li> </ul> |
| T7   | <p>Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.</p>                                                                                                                                                                                                                                                                                                                                                                              | <ul style="list-style-type: none"> <li>Sydney Water</li> </ul> |                                                                                                                |
| T8   | <p>Before you install a backflow prevention device:</p> <ul style="list-style-type: none"> <li>Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.</li> <li>Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.</li> </ul>                                                                                                                                                                                         | <ul style="list-style-type: none"> <li>Sydney Water</li> </ul> |                                                                                                                |
| T9   | <p><b>Water Efficiency Recommendations</b></p> <p>Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.</p>                                                                                                                                                                                                                                                  | <ul style="list-style-type: none"> <li>Sydney Water</li> </ul> | <ul style="list-style-type: none"> <li>Noted.</li> </ul>                                                       |
| T10  | <p>Some water efficiency measures that can be easily implemented in your business are:</p> <ul style="list-style-type: none"> <li>Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency</li> </ul>                                                                                                                                                                                                                                                                                                                                              | <ul style="list-style-type: none"> <li>Sydney Water</li> </ul> |                                                                                                                |

| Ref. | Summary of submission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Submitter                                                      | Response |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|----------|
|      | <p>Labelling and Standards (WELS) Scheme, <a href="http://www.waterrating.gov.au/">http://www.waterrating.gov.au/</a></p> <ul style="list-style-type: none"> <li>Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <a href="https://www.sydneywater.com.au/your-business/managing-your-water-use/water-efficiency-tips.html">https://www.sydneywater.com.au/your-business/managing-your-water-use/water-efficiency-tips.html</a></li> <li>Install water-monitoring devices on your meter to identify water usage patterns and leaks.</li> <li>Develop a water efficiency plan for your business.</li> </ul> <p>It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.</p>                                                                                                                                                   |                                                                |          |
| T11  | <p><b>Contingency Plan Recommendations</b></p> <p>Under Sydney Water's customer contract Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.</p> <p>Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.</p> <p>Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.</p> <p>Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.</p> | <ul style="list-style-type: none"> <li>Sydney Water</li> </ul> |          |
| U    | <b>Awning on Pacific Highway</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                |          |

| Ref. | Summary of submission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Submitter                                             | Response                                                                                                     |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| U1   | <b>Comment</b><br>Awnings are proposed as part of podium façade above the footpath along (Design Report Page 48) Pacific Highway, which requires concurrence of TfNSW under section 138 of the Roads Act 1993                                                                                                                                                                                                                                                                                                                                                                                                                            | <ul style="list-style-type: none"><li>TfNSW</li></ul> | <ul style="list-style-type: none"><li>Noted. The Applicant accepts this as a condition of consent.</li></ul> |
| U2   | <b>Recommended Condition</b><br>The following requirement is recommended to be included in any consent issued by DPHI: <ul style="list-style-type: none"><li>The proposed awnings above the footpath along Pacific Highway shall be setback a minimum of 0.6 metres from the face of kerb on Pacific Highway to protect against the overhang of large vehicles.</li></ul>                                                                                                                                                                                                                                                                | <ul style="list-style-type: none"><li>TfNSW</li></ul> |                                                                                                              |
| V    | <b>Excavation Adjacent to Classified (State) Road</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                       |                                                                                                              |
| V1   | <b>Comment</b><br>Any changes to the stormwater drainage system that impact upon Pacific Highway should be submitted to TfNSW for approval, prior to the commencement of any works.                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <ul style="list-style-type: none"><li>TfNSW</li></ul> | <ul style="list-style-type: none"><li>Noted. The Applicant accepts this as a condition of consent.</li></ul> |
| V2   | <b>Recommended Condition</b><br>The following condition is recommended to be included in any consent issued by DPHI: <ul style="list-style-type: none"><li>Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system on Pacific Highway should be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to <a href="mailto:development.sydney@transport.nsw.gov.au">development.sydney@transport.nsw.gov.au</a>.</li><li>A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.</li></ul> | <ul style="list-style-type: none"><li>TfNSW</li></ul> |                                                                                                              |
| W    | <b>Utility Adjustment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                       |                                                                                                              |
| W1   | <b>Comment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <ul style="list-style-type: none"><li>TfNSW</li></ul> | <ul style="list-style-type: none"><li>Noted. The Applicant accepts this as a condition of consent.</li></ul> |

| Ref. | Summary of submission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Submitter                                             | Response                                                                                                     |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
|      | The Applicant shall be responsible for all public utility adjustment/relocation works, necessitated by the above work, and as required by the various public utility authorities and/or their agents                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                       |                                                                                                              |
| W2   | <b>Recommended Condition</b><br>The following requirement is recommended to be included in any consent issued by DPHI: <ul style="list-style-type: none"><li>Any proposed public utility adjustment/relocation works on the state road network will require detailed civil design plans for road opening/underboring to be submitted to TfNSW for review and acceptance prior to the commencement of any works.</li><li>The developer must also obtain any necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.</li></ul> | <ul style="list-style-type: none"><li>TfNSW</li></ul> |                                                                                                              |
| X    | <b>Road Occupancy License</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                       |                                                                                                              |
| X1   | <b>Comment</b><br>A Road Occupancy License (ROL should be obtained from TfNSW for any works that may impact on traffic flows on the classified road network (i.e. Pacific Highway) during construction activities                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <ul style="list-style-type: none"><li>TfNSW</li></ul> | <ul style="list-style-type: none"><li>Noted. The Applicant accepts this as a condition of consent.</li></ul> |
| X2   | <b>Recommended Condition</b><br>The following requirement is recommended to be included in any consent issued by DPHI: <ul style="list-style-type: none"><li>A Road Occupancy License (ROL) shall be obtained from the Transport Management Centre for any works that may impact on traffic flows on Pacific Highway during construction activities. A ROL can be obtained through <a href="https://myrta.com/oplinc2/pages/security/oplincLogin.jsf">https://myrta.com/oplinc2/pages/security/oplincLogin.jsf</a>.</li></ul>                                                                                                                                                                                                                    | <ul style="list-style-type: none"><li>TfNSW</li></ul> |                                                                                                              |

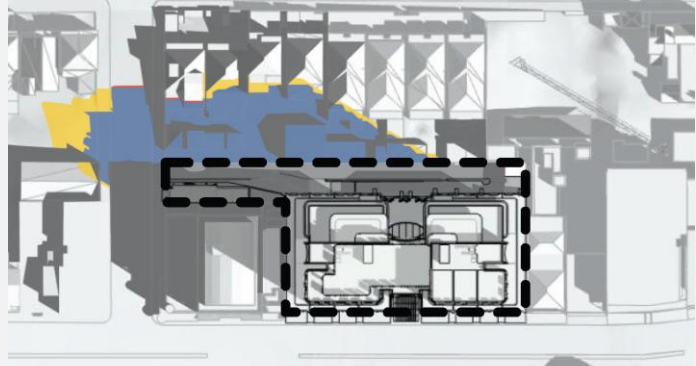
Table 9: Procedural Matters - Response to Submissions

### 4.3 Public Submissions

The following table outlines the issues raised in the four objections received.

| Issue                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>The project</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Application is premature and speculative</b> <ul style="list-style-type: none"> <li>The proposal relies entirely on a non-residential FSR of 1:1, which is not currently permitted on the site.</li> <li>The EIS assesses a hypothetical scenario as if the concurrent planning proposal was already approved, failing to adequately address the risk that the FSR amendment is refused or altered. This makes a proper assessment of the project impossible and renders the application premature.</li> </ul> | <ul style="list-style-type: none"> <li>The SSD has been assessed on the basis of a 1:1 non-residential FSR, consistent with the concurrent Planning Proposal.</li> <li>The lodgement of a concurrent DA and planning proposal is an approach specifically contemplated under Part 3 Division 3.5 of the EP&amp;A Act.</li> <li>This approach of a concurrent SSD and planning proposal was flagged in the applicant's request for SEARs and agreed to by DPHI in issuing SEARs and Study Requirements for the planning proposal.</li> </ul> |
| <b>Waste Management</b> <ul style="list-style-type: none"> <li>Both the construction and demolition waste management plan and the operational waste management plan describe the project as consisting of 'two towers'. This directly contradicts the EIS and architectural plans which detail a single tower, indicating that the waste assessment is based on an outdated design.</li> </ul>                                                                                                                    | <ul style="list-style-type: none"> <li>The development is serviced by two separate lift cores.</li> <li>The construction and demolition waste management plan and the operational waste management plans have both assessed the Architectural Plans as lodged with the EIS.</li> <li>Therefore, they represent an accurate assessment in terms of waste management.</li> </ul>                                                                                                                                                              |
| <b>Inconsistent Economic and Costing Data</b> <ul style="list-style-type: none"> <li>The official Estimated Development Cost Report states a value of \$176,670,000. However the Market and Economic Assessment uses a different 'total capital cost of \$159m'. The unexplained \$17.67m discrepancy creates uncertainty and undermines credibility of the economic justification.</li> </ul>                                                                                                                    | <ul style="list-style-type: none"> <li>The Market and Economic Assessment (Appendix 11) has been updated to reflect the correct capital investment value.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Solar Access</b> <ul style="list-style-type: none"> <li>Only 19% of apartments will receive the minimum two hours of direct sunlight in mid-winter, which is a major departure from the 70% benchmark in the ADG. The justification is considered underdeveloped given the scale of non-compliance.</li> </ul>                                                                                                                                                                                                 | <ul style="list-style-type: none"> <li>The proposed solar access is justified within Section 6.1.7 of the EIS. Specifically, the proposal seeks to offset the ADG non compliance by applying the global residential amenity standard introduced by 'WELL'.</li> </ul>                                                                                                                                                                                                                                                                       |

| Issue                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <ul style="list-style-type: none"> <li>Further the approach aligns with Section 75(2) of the Housing SEPP which provides flexibility in applying the ADG to BTR developments.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Tree Canopy Provision</b> <ul style="list-style-type: none"> <li>The proposal will only achieve 5% tree canopy cover, much less than the 15% target set by the North Sydney Council Urban Forest Strategy 2019.</li> </ul>                                                                                                                                                                                                                                           | <ul style="list-style-type: none"> <li>The ability to increase tree canopy cover is constrained by the existing and proposed development footprint. Notwithstanding, the proposal seeks to almost double it's current landscaped area from 2.3 to 5%</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Parking</b> <ul style="list-style-type: none"> <li>The surplus of parking spaces for the medical centre is justified using an alternative DCP rate that doesn't apply to the site. This represents an illogical justification and significant overprovision of parking.</li> <li>Two levels of car parking will cause significant traffic congestion to an already heavily populated area.</li> <li>How will Bruce Street cope with the additional demand</li> </ul> | <ul style="list-style-type: none"> <li>The proposal has been thoroughly reviewed by a traffic consultant and considered an appropriate outcome for the site. Refer to Appendix 5.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Amenity of surrounding residents</b> <ul style="list-style-type: none"> <li>The development will impact the overshadowing of nearby residents on Sinclair Street</li> </ul>                                                                                                                                                                                                                                                                                          | <ul style="list-style-type: none"> <li>Overshadowing impacts are addressed in Section 6.1.7 of the EIS.</li> <li>In summary, this Section includes a diagram assessing impacts of the surrounding sites at 9am, 10am, 11am, 12pm, 12:30pm, 1pm, 1:30pm, 2pm, 2:30pm and 3pm on the 21<sup>st</sup> June (worst case scenario) and compares the proposed building envelope with the approved envelope under DA193/23.</li> <li>As shown in the figure below (see red highlighted area) the proposal results in only a minor additional overshadowing impact at 12pm compared with the approved scheme. The blue shading represents the shadow proposed by the development and approved DA scheme whilst the yellow represents the additional solar access compared to the approved scheme.</li> <li>Outside of this minor difference, the proposal does not introduce any additional overshadowing (compared to the approved DA scheme) to residents on Sinclair Street.</li> </ul> |

| Issue                                                                                                                                                                                                                                                                                                                                                   | Response                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                         |  <p data-bbox="1272 651 1966 710">Figure 4: Overshadowing impacts at 12pm (Source: Fitzpatrick Partners)</p>                                                                                                                                                                                                                           |
| <p data-bbox="239 743 481 770"><b>Structural integrity</b></p> <ul data-bbox="239 775 1243 866" style="list-style-type: none"> <li>• How will the developer ensure the integrity is guaranteed so the foundations of the properties on Sinclair Street are not disturbed given the proximity of the site? Requested a detailed plan of this.</li> </ul> | <ul data-bbox="1272 743 1986 959" style="list-style-type: none"> <li>• The proposal is supported by a Geotechnical Report, Design Report and Structural Design Statement to confirm the proposal will be developed in accordance with the relevant statutory requirements.</li> <li>• It will be constructed in accordance with the conditions of consent, the BCA, the NCC and relevant Australian Standards.</li> </ul> |
| <p data-bbox="239 970 380 997"><b>Air Quality</b></p> <ul data-bbox="239 1002 1158 1061" style="list-style-type: none"> <li>• What actions are being undertaken to ensure the air is not polluted during construction and demolition?</li> </ul>                                                                                                        | <ul data-bbox="1272 970 1986 1091" style="list-style-type: none"> <li>• No significant air quality impacts are anticipated given the nature of the proposed uses. Standard conditions of consent will be imposed to address air quality during the construction stage of the development.</li> </ul>                                                                                                                      |
| <p data-bbox="239 1102 338 1129"><b>Access</b></p> <ul data-bbox="239 1134 1216 1193" style="list-style-type: none"> <li>• How will the developer ensure that access to the rear lane for properties 51-77 Sinclair Street at all times?</li> </ul>                                                                                                     | <ul data-bbox="1272 1102 1986 1161" style="list-style-type: none"> <li>• A Construction Traffic Management Plan (Appendix 9) has been prepared to address this matter.</li> </ul>                                                                                                                                                                                                                                         |
| <p data-bbox="239 1203 463 1230"><b>Rear service lane</b></p> <ul data-bbox="239 1235 1180 1294" style="list-style-type: none"> <li>• What are the details of the augmentation of the rear service lane?</li> <li>• Residents along 51-77 Sinclair Street require access to the lane for parking.</li> </ul>                                            | <ul data-bbox="1272 1203 1951 1262" style="list-style-type: none"> <li>• As outlined in Section 4.5 of the CTMP (Appendix 9), access through the laneway is being maintained.</li> </ul>                                                                                                                                                                                                                                  |

| Issue                                                                                                                                                                                                                                                                                                                            | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Height</b></p> <ul style="list-style-type: none"> <li>A maximum of 6 floors should have been allowed, as per the legal planning restrictions and current zoning</li> <li>The proposal is too high and can't be supported by current infrastructure</li> </ul>                                                              | <ul style="list-style-type: none"> <li>The maximum height permitted on the site under the NSLEP 2013 is 54m.</li> <li>The development proposes a minor variation of 1.32m, which is equivalent to a 2.44% exceedance of the permissible height.</li> <li>The exceedance is limited to minor rooftop elements (parapet, plant and lift overrun) and does not introduce any additional habitable floor space.</li> </ul>                                                                                                                                                                                                                                                                                                                                                           |
| <b>Non-compliance with SEARs</b>                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p><b>Engagement</b></p> <ul style="list-style-type: none"> <li>SEARs require that relevant government agencies must be consulted. The EIS justifies not re-engaging with certain agencies by citing consultation done on a previous different application. Fresh consultation should be undertaken.</li> </ul>                  | <ul style="list-style-type: none"> <li>Relevant government agencies have been consulted as outlined in Section 4.2 of this report.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p><b>Design Quality</b></p> <ul style="list-style-type: none"> <li>The SEARs require a review by the SDRP to ensure design excellence, which the proponent voluntarily opted out of. Bypassing independent design review represents a procedural weakness and failure to robustly demonstrate design excellence</li> </ul>      | <ul style="list-style-type: none"> <li>As outlined in the EIS, the Government Architect introduced the 'Wait Time Reduction Scheme' in 2024 to manage wait times. An SDRP meeting was requested for this development, however; the Government Architect confirmed the meeting request was eligible for a cancellation under the scheme.</li> <li>The proponent therefore voluntarily opted out of the SDRP process. Accordingly, an SDRP session is not required for this proposal.</li> <li>Design quality has instead been demonstrated through the Design Excellence Assessment undertaken in accordance with the requirements of the NSLEP 2013, refer to (Appendix 6). In summary, the proposal satisfies the design excellence provisions applying to the site.</li> </ul> |
| <p><b>Social Impact</b></p> <ul style="list-style-type: none"> <li>The SEARs require a full Social Impact Assessment (SIA) if significant social impacts are identified. The submission provides a 'Social and Community Needs Assessment'. A development of this scale in a changing precinct warrants a formal SIA.</li> </ul> | <ul style="list-style-type: none"> <li>A Social and Community Needs Assessment was submitted with the EIS.</li> <li>This report determines the community infrastructure needs generated by the proposed development and assesses how these needs are met, including an evaluation of additional infrastructure needs.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

| Issue | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <ul style="list-style-type: none"> <li>• This report concludes that the proposed development generates modest demand for additional infrastructure. The design of the proposed development and integration of residential amenity facilities generates overall positive benefits for residents and reduces demand on existing community facilities and open space in the local catchment.</li> <li>• Importantly, no concerns have been raised by Council, Agencies or DPHI in relation to the content of this report.</li> </ul> |

## **5 Updated project justification**

This section includes an updated justification and evaluation of the project, incorporating any relevant issues raised in submissions and the response to these issues provided in Section 4 of this report.

Given only minor amendments and clarifications have been made as a result of the response to submissions process, the proposal has remained substantially the same. As a result, the proposal is considered consistent with the project justification provided with the original EIS.

## Appendix 1 – DPHI Key Issues Letter

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## Appendix 2 – Architectural Plans

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## Appendix 3 – Height Clause 4.6 Application

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# Appendix 4 – Planning Report

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## Appendix 5 – Traffic Impact Assessment

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**Appendix 6 – Statutory Compliance Table**

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## Appendix 7 – Hazardous Materials Survey

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## Appendix 8 – Design Verification Statement

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## Appendix 9 – Construction Traffic Management Plan

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## Appendix 10 – Groundwater Impact Assessment

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## Appendix 11 – Market and Economic Impact Assessment

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## Appendix 12 – Design Report

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## Appendix 13 – Qualitative Wind Assessment

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## Appendix 14 – Updated Mitigation Measures

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| Issue                       | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ground Water                | <ul style="list-style-type: none"><li>• Seepage inflows are expected to be low. Inflows should be readily controllable by pumping from sumps for discharge to the stormwater network.</li><li>• Drainage measures within the basement walls and below the basement slab will be required to collect and store water inflows for periodic discharge. (Refer to Section 9 of the report)</li></ul>   |
| Qualitative Wind Assessment | <ul style="list-style-type: none"><li>• Mitigation measures such as tall (1.8 m or higher) solid or glass balustrades around the south and west edges of the L12 terrace, and the north and west edges of the L14 terrace would be recommended to encourage flow to pass above terrace level if these spaces are to be used for stationary activities such as sitting or outdoor dining.</li></ul> |