



ATTACHMENT

**SSD-75660711 & SSD-75662958
505 Pacific Highway Crows Nest (OSD Site A)**

Issues raised by Council, Applicant's response & Council's comments.

Commentary in the following table is based on Table 4 in Gyde's *Response to Submission Report – Detailed SSDA*, 7 November 2025.

Issue	Applicant's response	Council's comments
1. Consideration of planning controls including the Crows Nest TOD precinct design guide. A review is required to incorporate DCP provisions into the design guide.	It is noted that DCPs do not apply to SSDs (section 2.10 of the Planning Systems SEPP) and in the event of an inconsistency, SEPPs shall prevail. The Design Quality Guidelines were prepared in consultation with Council as part of the Station Design and Precinct Plan. The Design Quality Guidelines (for the projects) have been reviewed to reflect the proposed land use change (residential rather than commercial) and an addendum memo has been prepared (Appendix BB concept SSDA). It should be noted that these guidelines are intended to be applied flexibly across the entire precinct. Any major changes would not be appropriate as the guidelines apply to the entire precinct rather than being specific to Site A.	The purpose of Council's submission was to highlight that several provisions of the TOD Precinct Design Guide (PDG) references the North Sydney DCP, while other provisions of the PDG have copied material directly from Council's DCP for the Precinct. As the applicant notes, DCPs do not apply to SSDAs due to s. 2.10 of the Planning Systems SEPP. This cancels the need to consider those provisions of the DCP that the PDG cross-references. To overcome this, the PDG could be amended by incorporating all applicable provisions from the DCP, thus eliminating the need to cross-reference the DCP, which does not apply. There was no consultation with Council when the precinct design guide was finalised, this having occurred after the formal consultation period. This is evidenced by amendments having been made when the final plans were released in November 2024, that Council was unaware of until after publication. These amendments included increased building heights, FSRs, inclusion of additional sites (not included in consultation draft documents), and amendments to the PDG.
2. Monetary contributions for affordable housing.	No response provided, it was noted.	No response from the applicant was needed. The matter requires further consideration by the Department, as the present method of determining contributions is arguably open to

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		inconsistency and lacking in transparency.
3. Awning cutouts and planting of more suitable specimens on Oxley Street was recommended.	The awning proposed at the corner of Oxley Street and Clarke Lane to address concerns regarding to pedestrian wind safety is not proposed to change as part of this amendment Given the site's slope towards the north-eastern and the need to maximise pedestrian wind safety, no further awning cut-outs are proposed. Three temporary planter boxes with Lilly pillies will not exceed 5m in height and are proposed along Oxley Street frontage to assist with mitigating wind impacts. These plantings are below the existing awning height. The new awning will align with the existing structure, maintaining a consistent height.	Awning cutouts are required for healthy tree growth and typically do not increase wind impacts on pedestrian comfort and safety. Planter boxes are unacceptable to Council, for maintenance reasons. Council's policies support using robust tree specimens for street planting, not shrubs, such as Lilly pillies. The Department is requested to include recommended conditions regarding planting suitable species of street trees and providing awning cutouts.
4. No more than 24 motorcycle spaces be provided.	The proposal remains as submitted, without any motor cycle parking.	Noted.
5. Bicycle and end-of-trip facilities should be provided in accordance with the North Sydney DCP 2013.	In accordance with the North Sydney DCP, an additional 306 bicycle parking spaces have been provided to accommodate the increase in unit numbers. The project provides 316 bicycle spaces on Level 1 of Tower 3, 92 spaces on Level 2 of Tower 1/2 and 206 spaces on Level 3 of Tower 1/2. Woods Bagot has clarified access to the bicycle storage areas in the respective towers.	Noted.
6. Off-street bicycle parking should be made available for workers of retail and business premises in the development	Off-street bicycle parking has been made available for workers of retail and business premises. The Level 2 and mezzanine bicycle parking shown in Figure 4 and Figure 5 (in the Gyde RTS report) is accessible via the Goods Lifts, accessible from Clarke Lane and the Building 3 lobby.	Noted.
7. Construction traffic management plan	The proponent acknowledges that a condition of consent will be imposed requiring the preparation of a detailed construction traffic management plan prior to the issue of the construction certificate. We suggest regard be had to the Vehicular Servicing Management Plan provided in the original submission (Appendix 49).	Again the Department is requested to include Council's requirements in conditions of consent, should the application be approved. That Council's Transport and Traffic Operations team will approve the final construction traffic management plan should be noted.
8. Heritage a. Implement a monitoring programme for structural damage to the St Leonards Centre. b. Develop a temporary protection plan that identifies the potential risks and outlines measures to reduce the potential for damage to	Addressing these recommendations was omitted from Table 4 in the applicant's RTS report.	The Department is requested to include these requirements in conditions of consent, as originally recommended.

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heritage fabric of the adjacent St Leonards Centre building during the works. c. The temporary protection plan should include a monitoring regime that will allow for ongoing crack monitoring of the adjacent heritage building by the built heritage specialist in association with a heritage engineer during the construction period.		
9. The Precinct Design Guide be amended to include other provisions of Council's DCP, in collaboration with Council, to address the anomaly introduced with the PDG.	As outlined above, the Design Quality Guidelines have been updated and necessary amendments captured in an Addendum Memo. No major amendments have been made, ensuring the guidelines remain applicable to the entire precinct.	Refer to comments regarding item 1.
10. Housing SEPP and PDG departures: a. Building separation b. Affordable housing principles (cl.7.5 (e) NSLEP 2013) standard of affordable housing should be the same as market housing c. Affordable housing principles must be considered (cl. 7.4 (5)), including on the existing likely future housing mix in the North Sydney area.	Information provided by the applicant contends that all provisions have been appropriately considered.	Council remains concerned that the proposal is not of a standard consistent with the objectives of applicable planning controls. Amenity, including solar access, natural ventilation and privacy, are not the only matters of significance in siting and designing a project compliant with development standards and consistent with design criteria. In addition to amenity, key objectives of building separation, height and other envelope-related controls include managing the bulk and scale of a building, to create a streetscape and urban form of human scale, and a pleasant and healthy place to live. These objectives, or principles, have not been addressed in the table by the applicant. Contrary to the applicant's claims, proximity to public transport and other urban amenities should not result in poor design. Council remains concerned regarding the form of the proposal, with affordable housing in a separate tower from the market rental housing and the social consequences of such segregation, rather than more socially inclusive and cohesive design, as suggested in Council's original submission.

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11. Adequacy of the number of affordable rental dwellings, need to monitor outcomes to ensure housing delivery satisfied planning outcomes.	Monitoring of housing provision not required in assessing State Significant Development.	Noted, this and several other matters were included in Council's submission for the Department's consideration.
12. Monitoring effects of development with regard to objectives established for the TOD precinct.	That this matter applies to the precinct was noted.	As above, for item 11.
13. Adequacy of open space.	The commentary or the applicant indicated that potential for additional open space was examined within the precinct.	Council's submission did not address adequacy of open space in the precinct alone. Its main focus was the need for strategic infrastructure planning to meet district and regional needs across the Lower North Shore and the North Shore.