

19 June 2025

Ms Kiersten Fishburn
Secretary
Department of Planning, Housing and Infrastructure
12 Darcy Street
Parramatta NSW 2150

Dear Ms Fishburn

RE: REQUEST FOR SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENT

8-24 Nicholson Street, Wollstonecraft

This submission has been prepared on behalf of 8 Nicholson Street Wollstonecraft Pty Ltd (**Applicant**) (ABN: 86 685 727 182) to request Secretary's Environmental Assessment Requirements (**SEARs**) for a proposed residential flat building at 8-24 Nicholson Street, Wollstonecraft (the **Site**). The Applicant is a wholly owned entity of Traders In Purple a highly experienced builder and developer that has been delivering projects across NSW and Queensland for 20 years.

1.0 Introduction

The Site is on land within the Crows Nest Accelerated TOD Precinct, whereby development for the purposes of residential accommodation on land identified as an accelerated TOD Precinct with an estimated development cost (**EDC**) of more than \$60 million is State Significant Development (**SSD**) per Schedule 2, Section 19 of State Environmental Planning Policy (Planning Systems) 2021 (**Planning System SEPP**). The proposed development meets these criteria and therefore the proposal is declared to be SSD for the purposes of the Environmental Planning and Assessment Act 1979 (**EP&A Act**).

To support the request for SEARs, this scoping report provides an overview of the Site and proposal, as well as relevant planning context, and identifies the key likely environmental and planning issues associated with the proposal. It should be read in conjunction with the Architectural Drawings prepared by Group GSA (**Appendix A**).

2.0 The Site

The Site is 8-24 Nicholson Street, Wollstonecraft, in the North Sydney Local Government Area and within the Crows Nest Accelerated TOD precinct. The Site is approximately 3,011.8 sqm in area, consists of ten allotments, and has a c.60m frontage to Nicholson Street and c.46m frontage to Oxley Street. The Site is identified in Figure 1.

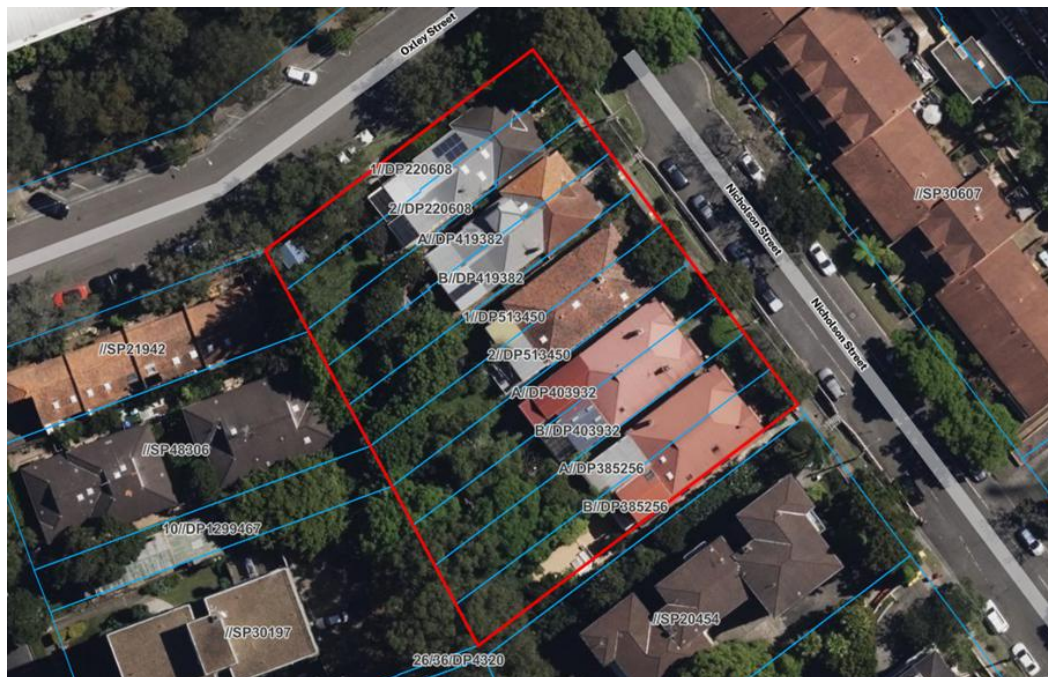


Figure 1: The Site

Table 1: Key Site Information

Site Information	Particulars
Site Address	8-24 Nicholson Street, Wollstonecraft
Legal Description	- Lots 1 & 2 of DP220608, - Lots A & B of DP419382, - Lots 1 & 2 of DP513450, - Lots A & B of DP403932 - Lots A & B of DP385256.
Six Cities Region	Eastern Harbour City
Local Government Area	North Sydney
Site Area	3,011.8 sqm

3.0 Context

The Site is within the Crows Nest Accelerated TOD Precinct and is approximately 190m to Crows Nest Station. The surrounding area is undergoing significant urban renewal as a result of the TOD reform and has been subject to extensive strategic planning over the last few years.



Figure 2: Surrounding Context

4.0 The Project & Background

The proposed State Significant Development Application (**SSDA**) seeks approval for a residential flat building comprising 13-storeys of residential uses, ground floor communal open space and of basement car parking. The proposed development will provide approximately 79 dwellings within the Crows Nest TOD Precinct.

Architectural drawings have been prepared by Group GSA and are provided as **Appendix A** to this scoping report. A summary of the proposal is provided in **Table 2**.

Table 2: Description of Proposal

Required Information	Particulars
Description of Proposal	The proposed development is a residential flat building comprising 13-storeys of residential uses, ground floor communal open space and basement car parking.
Dwellings	Approximately 79 dwellings
Height of Building	Proposed: 47.5 m (4.5m (10.4%) variation sought to lift overrun and rooftop services) however no habitable gross floor area above the height of building control
Floor Space Ratio	Proposed: 3.5:1
Planning Systems SEPP Threshold	The proposed development will meet the minimum threshold to be declared State Significant Development under Schedule 2 s19 of SEPP Planning Systems, being development for residential accommodation within an Accelerated TOD Precinct that has an EDC more than \$60 million. The current construction cost budget is approximately \$81m.

Zoning and Permissibility

The Site is zoned R4 High Density Residential. Development for the purposes of residential flat buildings is permitted in the R4 Zone.

5.0 Strategic Context

The proposed development is strategically aligned to NSW Government priorities and will delivery new housing in an identified TOD Precinct, close to transport, jobs and social infrastructure. Crows Nest was identified as an accelerated precinct due to its close proximity to a metro station and key public transport interchanges, promoting walking and cycling opportunities¹.

To streamline development within the accelerated TOD Precincts, DPHI have introduced a temporary State Significant Development pathway until November 2027 for residential development applications valued over \$60 million. The proposed development satisfies the criteria to be declared State Significant and will deliver new, high amenity housing in Crows Nest.

The proposed development is aligned to the NSW Strategic Planning Framework as it:

- Supports the vision of the Eastern Harbour City as a productive, liveable and sustainable city.
- Aligns with the 30-minute city objective by locating homes close to jobs, services and public transport.
- Reinforces planning for urban renewal around transport nodes such as the Crows Nest Metro Station.

6.0 Statutory Context

Table 3 below identifies key statutory considerations for the proposed development.

Table 3: Statutory context of proposal

Details	Comments
Power to grant approval	Section 4.36(2) of the Environmental Planning & Assessment Act (1979) states: “A State environmental planning policy may declare any development, or any class or description of development, to be State significant development.”
Qualification for state significant development	The proposal is development for the purposes of residential accommodation within an Accelerated TOD Precinct with an EDC more than \$60 million, and which does not involve development prohibited under an EPI applying to the land. Therefore, the proposed development satisfies the requirements under Schedule 2, s19 of the Planning Systems SEPP and qualifies as State Significant Development. • The proposed development is for the purposes of residential accommodation and is within an Accelerated TOD Precinct. • The proposed development will have an EDC more than \$60 million. • The proposed development does not involve development prohibited under an EPI applying to the land.
Permissibility	The site is on land zoned R4 High Density Residential under the North Sydney LEP 2013. Residential flat buildings are permitted with consent in the R4 Zone.
Key development standards	• The maximum building height for the site is 43m. The proposed development has a height of building of approximately 47.5m, representing a 4.5m or 10.4% variation. This variation is sought to the lift overrun and rooftop services, and no floors containing residential accommodation is proposed above the permitted height. A written clause 4.6 variation request will accompany a future SSDA and be required to demonstrate that compliance with the standard was unreasonable or unnecessary and that there were sufficient environmental planning grounds to justify the contravention. • The maximum FSR for the site is 3.5:1. The proposed development will comply with the maximum FSR. • Non-residential FSR. No non-residential floor space ratio requirement applies to the Site under cl. 4.4A.

¹ <https://www.planning.nsw.gov.au/plans-for-your-area/priority-growth-areas-and-precincts/st-leonards-and-crows-nest/crows-nest>

Other approvals	The following approvals and/or referrals will be required in order to permit the proposal to occur: • Roads Act 1993 (including Section 138 approvals), and • Sydney Water Act 1994 under Section 73 (compliance certificate).
Pre-conditions to exercise the power to grant consent	• State Environmental Planning Policy (Sustainable Buildings) 2022, • State Environmental Planning Policy (Resilience and Hazards) 2021, • State Environmental Planning Policy (Transport and Infrastructure) 2021, • State Environmental Planning Policy (Housing) 2021, and • State Environmental Planning Policy (Biodiversity and Conservation) 2021.
Mandatory matters for consideration	The consent authority must consider the below matters in deciding whether to grant consent to the SSDA. These matters will be addressed in the EIS. • Environmental Planning and Assessment Act 1979, in particular s1.3 & s4.15 • Environmental Planning and Assessment Regulation 2021 • State Environmental Planning Policy (Housing) 2021, Chapter 4 • The Apartment Design Guide (ADG) • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Sustainable Buildings) 2022 • North Sydney LEP 2013, in particular cl2.1, cl5.10, cl5.21 and Part 7.

7.0 Engagement

A Pre-scoping meeting was held between the Applicant and DPHI on 5 June 2025. Key items discussed related to:

- Minor height variation sought;
- Crows Nest TOD Design Guidelines – active frontage requirements;
- Tree retention / removal;
- SDRP requirement. The project does not trigger the \$100million EDC trigger and is largely compliant with key planning controls and Design Guideline metrics.

The Applicant has also held a positive meeting with North Sydney Council technical staff on 18 June 2025 in relation to the proposed development. Key items discussed related to:

- Minor height variation sought:
 - Council acknowledged the benefit for rooftop communal open space and noted the need to address overlooking and possible noise impacts;
- Setbacks.
 - Council have a preference for increased setbacks along Oxley Street beyond the Crows Nest TOD Design Guidelines and suggest that the intent of the setbacks within the Guidelines is to achieve green streets.
- Crows Nest TOD Design Guidelines – active frontage requirements.
 - Council did not see the benefit for any non-residential uses at the ground floor, noting the R4 high density residential zoning and lack of any non-residential FSR controls. It was agreed that perhaps the Design Guide reference to Oxley Street might pertain to lands on the northern side of Oxley Street that are Business Zones particularly given the varied setbacks on the southern side of Oxley Street;
- Flooding and overland flow.
 - Council noted the site being affected by flood in Council mapping. The Proponent has engaged with Council regarding obtaining modelling to ensure this issue is adequately addressed;
- Tree retention / removal.
 - Council supported the approach to minimise tree loss in the initial concept;

- Waste.
 - Council will engage with the proponent as the design progresses in relation to servicing the site for waste.

Further engagement will be undertaken as the proposal progresses and will be conducted in accordance with the *Undertaking Engagement Guidelines for State Significant Projects (2021)*. The SSDA process will provide further opportunities for community input and for the Applicant to respond to any issues raised. The project team remains committed to dialogue with the relevant stakeholders and agencies throughout the development assessment process.

8.0 Proposed Assessment of Impacts

A detailed assessment of the impacts of the development will be undertaken as part of the Environmental Impact Statement (**EIS**) that will accompany the SSDA. Additional technical reports will be prepared as required to inform the final design of the proposed development.

The environmental impact of the proposed minor variation to the height of building development standard will be assessed in detail in the EIS. The proposed variation is only to accommodate roof top plant and lift overrun to provide assessable rooftop communal open space, and no residential floor space is proposed above a permitted height.

Key considerations for assessment will include solar access, shadow impact, traffic and loading, view sharing, overland flow paths, tree retention and building setbacks. The applicant will seek to retain the large majority of mature trees on Site. Preliminary solar diagrams are provided as part of **Appendix A** to this SEARs request.

9.0 State Design Review Panel

The proposed development does not meet the relevant threshold to be referred to the State Design Review Panel (**SDRP**), being residential development with an EDC over \$100 million. There is also no requirement to participate in a design review panel under the LEP.

The proposed development is largely compliant with the relevant planning controls, other than:

- A minor variation to the LEP height of building control, to provide a central lift overrun and services, in order to provide assessable rooftop communal open space. This height exceedance is unlikely to create any undue impacts – however this will be studied in detail as the project progresses, and
- No provision of active street frontages along Oxley Street, which under section 3.4 of the Crows Nest TOD Precinct design guide notes ‘Oxley Street’ as requiring an active street frontage. It is not clear if that applies to all of Oxley Street, on both the north and south side of the street, or only on the northern side of Pacific Highway which runs through the Crows Nest / St Leonards centre itself.

An active street frontage to Oxley Street is not proposed as this runs counter to the 3m landscaped setback requirement in the Guideline and residential flat buildings are permitted in the R4 Zone with no requirement under LEP cl 4.4A to provide non-residential floor space. Per Section 7.0 in our engagement with North Sydney Council they noted that they have no desire for (nor understanding why) a non-residential ground floor would be suitable on the southern side of Oxley Street, on the contrary they noted that they would prefer increased setbacks and landscaping. Our interpretation of this provision is consistent with Council’s overall approach to the southern side of Oxley Street.

As the proposed development is largely compliant with the relevant planning controls, it is not considered that the project requires referral to the SDRP.

10.0 Conclusion

As outlined in this letter, the proposal qualifies as State Significant Development under Schedule 2, Section 19 of *State Environmental Planning Policy (Planning Systems) 2021*. This letter has outlined the preliminary information regarding the site, project, the statutory context and planned stakeholder engagement, which will permit DPHI and other relevant government agencies to issue SEARs.

We trust that information in this letter will assist with the preparation of the SEARs. Should you have any questions, please do not hesitate to contact the undersigned.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tom Goode', followed by a period.

Tom Goode
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