

Ref: **SSD-61400212**
WTJ23-225



WILLOWTREE PLANNING

SUBMISSIONS REPORT#2: CROWS NEST OSD SITE B SSD-61400212

25 HUME STREET, CROWS NEST
LOT 3 DP 1296669

—
Prepared by Willowtree Planning Pty Ltd
for Third.i Crows Nest Residential Developments Pty Ltd

3 November 2025

In the spirit of reconciliation and recognition, Willowtree Planning acknowledges the Traditional Owners of this Country throughout Australia and their continuing and ongoing connections to land, waters and community. We show our respect to Elders - past and present. We acknowledge that we stand on this Country which was and always will be recognised as Aboriginal Land. We acknowledge the Traditional Owners of the Lands in this Local Government Area, belonging to the local Aboriginal People, where this proposal is located upon.

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EXECUTIVE SUMMARY

This is the second Response to Submissions Report (RTS) prepared by Willowtree Planning on behalf of the Proponent, Third.i Crows Nest Residential Developments Pty Ltd, to address matters raised during the re-exhibition of the State Significant Development Application (SSDA) for Crows Nest OSD Site B (SSD-61400212) located at 25 Hume Street, Crows Nest (the Site).

The SSDA was re-exhibited by the NSW Department of Planning, Housing and Infrastructure (DPHI) from 5 September 2025 to 18 September 2025, with the subsequent request for a response to submissions issued by DPHI on 29 September 2025. The SSDA seeks approval for construction and operation of an over station mixed use shop top housing development including 122 residential units and ground floor/mezzanine retail and commercial floorspace.

Overview of Submissions

DPHI and Council Submissions and Feedback

- One (1) request for response to submissions and additional information request was received from DPHI.
- One (1) submission (objection) was received from North Sydney Council.

Public Submissions and Feedback

During re-exhibition the Department received three (3) public submissions. These public submissions were noted as being primarily in favour of the proposal and recognised the need for housing in the locality and the city generally. Of the three (3) submissions, only one was noted as an objection to the proposal. The submission primarily relates to building separation, building bulk, gross floor area (GFA) calculation, increased car parking, mechanical car lift, solar access, noise and wind amenity issues.

Key matters raised in the Submissions

Overall, the submissions related to a range of issues including, but are not limited to:

- Built form – horizontal height datum/delineation. Building efficiency target
- Amenity – ADG requirements, solar access, privacy to the building to the south, wind, cross-ventilation, acoustic
- Affordable housing
- Structural advice
- Carpark interface with building to the south
- Calculation of GFA
- Access to carpark
- Waste management
- Provision of community infrastructure / communal space

Project Refinements and Clarifications

Design refinements include:

- An increase in the shadow gap to 1m between the existing brick station box and the screened car park to accentuate the separation between these building elements.
- Introduction of an internal wall on the southern side of the car park level to mitigate any potential impacts with future development to the south.



Further clarifications are provided within the RTS to the matters raised above. The clarifications in this report, made in response to key issues raised within submissions, do not change the scope of the application for which consent is sought.

Further Assessment and Mitigation Measures

The subject matter experts have reviewed the matters raised in the submissions. Revised technical information, where relevant, has been prepared to respond to matters raised in submissions and/or to provide further assessment taking into account the proposed refinements. No changes are required to the mitigation measures.

Conclusion

This Submissions Reports outlines the further design refinements that have been made in response to the submissions received during the public exhibition period and as a result of further design development. The proposed amendments are minor in nature and do not give rise to any additional environmental impacts beyond the impacts assessed within the Amendment Report and the EIS.

The proposed development remains consistent with the objectives of the exhibited development and is consistent with the project justification, including suitability of the site and the public interest.



PART 1 INTRODUCTION

1.1 PROJECT OVERVIEW

This Submissions Report has been prepared by Willowtree Planning on behalf of the Proponent, Third.i Crow's Nest Residential Developments Pty Ltd, to address matters raised during the public re-exhibition of the State Significant Development Application (SSDA) for Crow's Nest OSD Site B (**SSD-61400212**) located at 25 Hume Street, Crow's Nest (the Site).

The development proposed under **SSD-61400212** involves the following scope of works:

- **Ground Level - Hume Street:** Includes the OSD tower lobby, retail, and back of house spaces.
- **Level 01:** Includes a commercial mezzanine, back of house, and a loading dock which is used for OSD garbage collection.
- **Level 02:** Contains plant rooms for the metro station.
- **Level 05-07:** The OSD car parking levels are located on Level 05-07. These are naturally ventilated with 28 car spaces (including 2 disabled spaces) on Level 05, 25 car spaces (including 2 disabled spaces) on Level 06 and 25 car spaces (including 2 disabled spaces) on Level 07. There is a total of 78 spaces.

One (1) motor bike space is located on Level 06. One (1) motor bike space is located on Level 07.

50 bike parks are provided on Level 06. 106 bike spaces are provided on Level 07.

- Apartments are located from Level 08 to 18. Level 19 and 20 contain penthouse apartments.
- A roof terrace on Level 21 includes communal gardens and pools, as well as private penthouse terraces.
- **Level 08:** 10 apartments per floor
- **Level 09-16:** 11 apartments per floor
- **Level 17-18:** 11 apartments per floor
- **Level 19** – 8 apartments per floor (3 x two storey)
- **Level 20:** 5 apartments
- Total number of apartments: 122
 - 1 bedroom = 40
 - 2 bedroom = 63
 - 3 bedroom = 19
- Public domain works around Site B will be delivered as part of the CSSI approval. The proposed development will be designed to complement the station and activate the public domain.

The subject site is located within the North Sydney Local Government Area (LGA) and is zoned MUI Mixed Use pursuant to the *North Sydney Local Environmental Plan 2013* (NSLEP2013), the proposed development falls within the definition of 'shop top housing', which is permissible with consent in the MUI Mixed Use zone of the NSLEP2013.

The proposal satisfies the definition of SSD pursuant to:



- Schedule 1, Section 19 of *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP), being development within a rail corridor for commercial premises or residential accommodation with an Estimated Development Cost (EDC) of more than \$30 million.

1.2 APPLICATION PROCESS OVERVIEW

Development consent is being sought for the proposal, as SSD, under Division 4.1, Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The EIS for the proposal was placed on exhibition from 15 November 2024 to 12 December 2024, during which time a number of submissions were provided to DPHI.

An Amendment Report and RTS Report was subsequently submitted to the Department of Planning, Housing and Infrastructure (DPHI) in August 2025.

The amended application, RTS Report and accompanying documents were re-exhibited from 5 September 2025 to 18 September 2025 during which time a number of submissions were provided to DPHI, as discussed herein. In accordance with clause 59(2) of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), DPHI require a written response to the matters raised.

1.3 PURPOSE OF THIS REPORT

The purpose of this Submissions Report is to detail and respond to matters raised in the submissions received for **SSD-61400212**.

The Submissions Report has been set out to address each submission matter, and is structured in accordance with the *SSD Guidelines – Preparing a Submissions Report*, as follows:

- PART 1** provides an overview of the project, the application process and the Submissions Report purpose and structure;
- PART 2** provides an analysis of the submissions received;
- PART 3** provides an overview of the actions taken since exhibition of the project;
- PART 4** provides responses to each of the issues raised in the submissions received;
- PART 5** provides an updated environmental assessment of the proposal;
- PART 6** provides an updated justification and evaluation of the proposal as a whole;
- APPENDIX A** provides an updated project description (as relevant);
- APPENDIX B** provides a summary of the submissions received;
- APPENDIX C** provides a revised set of project management and mitigation measures, following the review of submissions and technical responses;
- APPENDIX D** provides copies of any supporting information required by the received submissions.

1.4 CHANGES TO THE PROPOSAL AS EXHIBITED

Following the exhibition phase, and upon review of all submissions received, amendments have been made to the proposal. The changes are further explained in **PART 3** of this Submissions Report. Such amendments include:



- Increase in the shadow gap to 1m between the existing brick station box and the screened car park to accentuate the separation between these building elements.
- Introduction of an internal wall on the southern side of the car park level to mitigate any potential impacts with future development to the south.

PART 2 ANALYSIS OF SUBMISSIONS

This section provides a summary of the submissions received, including a breakdown of respondent type, nature/ position, and number of submissions received.

2.1 SUBMISSIONS PROCESS

The proposal was exhibited from 5 September 2025 to 18 September 2025, during which a number of submissions were provided to the DPHI.

Section 59(2) of the EP&A Regulation permits the Planning Secretary of the NSW DPHI to request that the Applicant to provide a written response in relation to the issues raised within any submissions made during public exhibition. This Submissions Report aims to fulfil the request from the Planning Secretary.

2.2 BREAKDOWN OF SUBMISSIONS RECEIVED

2.2.1 Agency Submissions

A total of two (2) submissions were received from the following State department and local authority during the exhibition period.

TABLE 1 below provides a summary of the DPHI and Council positions and comments:

TABLE 1: SUMMARY OF AGENCY SUBMISSIONS		
Agency	Position	Summary of Comments
DPHI	Comments and recommendations	<ul style="list-style-type: none"> ▪ Requested a response to the submissions received from Council and feedback from the community. ▪ The proponent was also requested to provide a response to matters raised and address key issues raised by DPHI including: <ul style="list-style-type: none"> ○ Built form – horizontal height datum/delineation. Building efficiency target. ○ Amenity – ADG requirements, solar access, privacy to the building to the south, wind, cross-ventilation, acoustic. ○ Affordable housing.
North Sydney Council (Council)	Objection	<ul style="list-style-type: none"> ▪ Grounds of objection are summarised as: <ul style="list-style-type: none"> ○ Inadequate setbacks and poor articulation of shared property boundary and street frontages. ○ Non-compliant building separation to the southern adjacent site and non-compliant building separation to the site across Clarke Lane. ○ Poor interface of parking levels with the site to the south. ○ FSR/GFA underestimated due to exclusion of residential corridor spaces. ○ Queuing of vehicles to access the car lift is unacceptable.



TABLE 1: SUMMARY OF AGENCY SUBMISSIONS

Agency	Position	Summary of Comments
		<ul style="list-style-type: none"> ○ Compliance with waste management requirements. ○ Provision of community infrastructure, to assist with the growth in population. ○ Provision of a communal space with a capacity of 30-50 people. ○ 5% of units be provided as affordable rental housing in perpetuity.

2.2.2 Public Submissions and Feedback

The Department received a total of three (3) submissions, of which all are ‘unique’ submissions.

Overall, the community recognises the need for housing in the vicinity of transport infrastructure and indicated general support for the proposed development.

Of the three (3) public submissions received in response to the proposed development, the following is noted:

- 1 was an objection,
- 2 were in support.

The Proponent recognises the need to genuinely consider feedback received as part of the planning and design process and addresses the matters raised in this report.

The key matters raised in the single objection public submission are summarised as follows:

- Building separation,
- Building bulk,
- GFA calculation,
- Increased car parking,
- Mechanical car lift,
- Solar access, and
- Noise and wind amenity issues.

The key matters raised in the public submissions of support are summarised as follows:

- Development of houses above the metro station.
- Help alleviate Sydney’s housing crisis.
- Well thought out development.
- General support.

2.3 CATEGORISATION OF ISSUES

TABLE 2 below provides a categorical summary of the issues raised in the submissions and the Department’s letter.



TABLE 2: CATEGORISATION OF ISSUES

Category/Topic	Issue	Stakeholder
The Project		
	Nil	
The Economic, Environmental and Social Impacts of the Project		
Built Form	<ul style="list-style-type: none"> ▪ Provide an appropriate horizontal height datum/delineation between the station and the development. 	DPHI
	<ul style="list-style-type: none"> ▪ Confirm compliance with the building efficiency target of 80%. 	DPHI
	<ul style="list-style-type: none"> ▪ Questions regarding structural advice. 	Council
	<ul style="list-style-type: none"> ▪ Non-compliant building separation to the south and across Clarke Lane 	Council/Public
	<ul style="list-style-type: none"> ▪ Poor interface of parking levels with the site to the south. 	Council
	<ul style="list-style-type: none"> ▪ FSR/GFA underestimated due to exclusion of residential corridor spaces 	Council/Public
	<ul style="list-style-type: none"> ▪ Inherited non-compliance is not a justification for poor urban outcomes. 	Public
Amenity	<ul style="list-style-type: none"> ▪ Unproven amenity solutions - wintergardens and open air corridors. 	Public
Solar Access	<ul style="list-style-type: none"> ▪ Provide further details to address the ADG including: <ul style="list-style-type: none"> ○ Identification of apartments receiving two or more hours ADG compliant solar access ○ The extent of solar access received by apartments that receive less than two hours of solar access. ○ The extent of apartments that receive no direct solar access. 	DPHI
	<ul style="list-style-type: none"> ▪ Object to apartments not receiving solar access - amenity sacrificed for views. 	Public
Privacy	<ul style="list-style-type: none"> ▪ Demonstrate a reasonable level of privacy with the adjoining development to the south including consideration of: <ul style="list-style-type: none"> ○ The proposed communal open space on Level 8 ○ Measures to mitigate impacts, particularly associated with any openings within the 12m separation. 	DPHI/Public
Wind	<ul style="list-style-type: none"> ▪ Confirm any wind impacts associated with the removal of the wintergardens on Level 9-15. 	DPHI
Cross Ventilation	<ul style="list-style-type: none"> ▪ Submit evidence regarding how dwellings will achieve adequate natural cross ventilation where reliant on internal corridors. 	DPHI



TABLE 2: CATEGORISATION OF ISSUES

Category/Topic	Issue	Stakeholder
Acoustic	<ul style="list-style-type: none"> Clarify the statement in the Acoustic Response dated 26 March 2025 regarding alternative means of ventilation bring provided to dwellings on road traffic noise affected facades. 	DPHI
Affordable Housing	<ul style="list-style-type: none"> Submit evidence to comply with Conditions A13 and A14 of the Concept Approval in respect to the provision of affordable housing. 	DPHI
	<ul style="list-style-type: none"> 5% of units be provided as affordable rental housing in perpetuity. 	Council
Traffic and Parking	<ul style="list-style-type: none"> Queuing of vehicles to access the car lift is unacceptable. 	Council
	<ul style="list-style-type: none"> Concerns with operational risks with of the car lift. 	Public
	<ul style="list-style-type: none"> Object to the provision of an additional level of car parking at the expense of housing. 	Public
Waste Management	<ul style="list-style-type: none"> Laneway waste collection must not be accepted. 	Council
Community Infrastructure	<ul style="list-style-type: none"> Provision of community infrastructure, to assist with the growth in population. 	Council
	<ul style="list-style-type: none"> Provision of a communal space with a capacity of 30-50 people. 	Council



PART 3 ACTIONS TAKEN SINCE EXHIBITION

This section summarises the actions undertaken by the Proponent since the public exhibition to respond to the key issues raised in the submissions, including:

- Further engagement with DPHI
- Design refinements and clarifications, and
- Further assessment of impacts.

3.1 FURTHER ENGAGEMENT WITH STAKEHOLDERS

3.1.1 Department of Planning, Housing and Infrastructure

A meeting was held with staff from DPHI and the consultant team to discuss the content of the DPHI letter and the associated issues on 15 October 2025. Key matters discussed included:

- Built form – horizontal height datum and building efficiency compliance.
- Amenity – ADG requirements, solar access, privacy to the building to the south, wind, cross-ventilation, acoustic.
- Affordable housing.

In addition to the above, in satisfaction of Condition A13 of the Concept OSD Consent (SSD-9579), a revised Planning Agreement has been submitted to DPHI for consideration and is currently under assessment.

3.2 DESIGN REFINEMENTS

In response to the submissions received during exhibition, two (2) design refinements are proposed as follows:

- Increase in the shadow gap to 1m between the existing brick station box and the screened car park to accentuate the horizontal height datum between these building elements.
- Introduction of an internal wall on the southern side of the car park level to mitigate any potential impacts with future development to the south.

This has resulted in minor amendments to the architectural plans submitted with the SSDA package, refer to **Appendix D1**.

3.2.1 Revised Description of Development

. The minor nature of the changes proposed does not require a revised description of development.

3.3 ADDITIONAL IMPACT ASSESSMENT

Given the thorough environmental assessment already completed and documented in the Environmental Impact Statement and supporting technical studies, the amendments proposed in response to feedback from DPHI, Council and objectors represent design refinements that do not materially change the environmental impacts already assessed. These amendments do not create new environmental issues, escalate impacts beyond those previously evaluated, or alter the fundamental nature or scale of the development approved under the Concept Approval.

Consequently, duplicating the detailed environmental assessment within this RTS is neither necessary nor appropriate. The environmental implications of the amendments have been examined and are addressed in the responses to specific submissions in Part 4 below where relevant. The comprehensive assessment framework established in the original EIS remains robust and continues to provide the proper foundation for evaluating the proposal's environmental performance. This RTS should be read



together with the EIS and supporting documentation and the August 2025 Amendment Report and associated RTS, which collectively provide a complete assessment of the development's environmental impacts and demonstrate compliance with relevant environmental planning instruments and assessment requirements.

Additional advice has been sought to response to submissions and is provided as follows:

- Architectural Response (**Appendix D1**)
- Wind Response (**Appendix D2**)
- Cross Ventilation Response (**Appendix D3**)
- Acoustic Response (**Appendix D4**)
- Legal Advice Response (**Appendix D5**)
- Waste Management Response (**Appendix D6**)
- Social Impact Response (**Appendix D7**)
- Landscape Response (**Appendix D8**)
- Structural Response (**Appendix D9**)

3.4 UPDATED MITIGATION MEASURES

No changes are proposed to the Mitigation Measures Table as included within the Amendment Report previously submitted to DPHI dated 19 August 2025.



PART 4 RESPONSE TO SUBMISSIONS

This section summarises the Proponent's response to the issues raised by the Department, Council, agencies, as well as the public, with reference to the documentation that is appended to this report.

The responses are provided in the following sections and have been structured as follows:

- Response to DPHI
- Response to North Sydney Council
- Response to Public Submissions

Refer to **TABLE 3**, **TABLE 4**, and **TABLE 5**.



4.1 DPHI

TABLE 3: RESPONSE TO ISSUES RAISED BY DPHI

Matters Raised	Stakeholder	Response
Built Form		
<p>a) Review and revise the façade treatments of the car parking levels to provide an appropriate horizontal height datum/delineation between the station and the development (as recommended by the Design Guidelines) and to reduce its visual impacts. This may include consideration of:</p> <ul style="list-style-type: none"> i. Additional landscaping along the car parking level and provide details to demonstrate any landscaping would be practical and viable ii. Sections to indicate how the proposed new columns that are to be extended up to the transfer slab, and the car park façade screen are integrated. iii. The extent/ height of the terracotta façade and how that relates to the desired streetscape. 	<p>DPHI</p>	<p>A detailed response from the project architect (Woods Bagot) is provided at Appendix D1 which provides as follows:</p> <p>The façade expression at the car park level, above the metro station, is dictated by the location of structure that extends from the station. In some locations, this structure sits directly along the façade line, meaning that creating a recessive element at the car park levels poses a challenge. Regardless, we have designed the façade to read as a transitional and recessive element in the following ways:</p> <ul style="list-style-type: none"> • Landscaping has been provided around the extent of the car parking level except for where structure from the metro box prevents any landscape zone. • A lightweight, folded metal cladding in a dark finish is proposed to delineate between the green terracotta and red brick. This will be detailed with a shadow gap where it interfaces with the terracotta, and a landscaped edge where it interfaces with the metro station. • The folded metal will add depth to the façade as it picks up shadows across the day. The folded panels will also assist in integrating the structure that sit in line with the façade, notably along Clarke Lane and Hume Place, to create a unified horizontal expression between the OSD and the metro. • Shadow slot increased to 1m. <p>Drawings of this arrangement are shown at Appendix D1.</p> <p>Further to the above, the landscape consultant (RPS) has provided the below comments:</p> <p>Landscaping has been thoroughly interrogated across the extent of the podium through several building design iterations to ensure maximum possible landscape amenity is provided at the largest appropriate size; however as noted by the structural engineer in their response report, the ability for the built form to</p>



TABLE 3: RESPONSE TO ISSUES RAISED BY DPHI		
Matters Raised	Stakeholder	Response
		<p>accommodate landscaping around the podium skirt is restricted by structural column and slab requirements.</p> <p>With reference to the structural engineer's response report, landscaping can be maintained along three of the four facades with only planting to the Hume Street façade being omitted due to the introduction of a structural transfer slab removing planting opportunities.</p> <p>Façade planting to the balance of the podium skirt will have more than ample soil depth at approx. 1500mm deep with a 1000mm air gap above the soil FFL to allow for medium to large cascading stock to be installed; This allows for the maximum immediate vegetation screening possible. See Figure 1 below.</p>

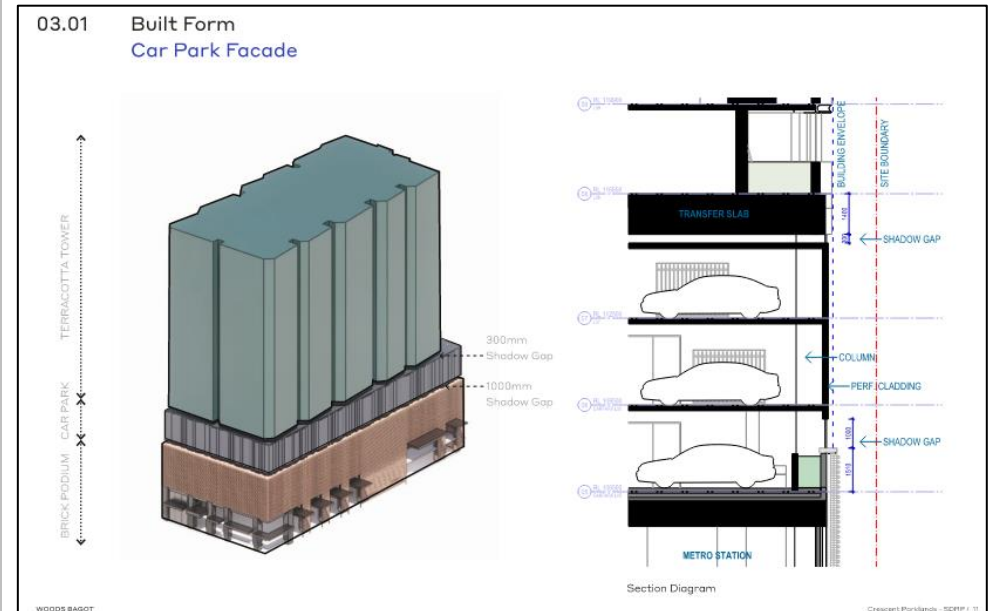


Figure 1. Section View of a Typical Façade Planter (Source: Woods Bagot, 2025)



TABLE 3: RESPONSE TO ISSUES RAISED BY DPHI		
Matters Raised	Stakeholder	Response
		<p>The landscape consultant (RPS) have confirmed that they are determined to ensure a level of landscaping amenity around the perimeter of the carpark level that aligns with previously circulated 3D renders and accepts the Structural Engineering suggestion to maintain landscaping along the Pacific Highway façade of Level 05.</p> <p>Further to the above, additional advice has been provided by the Structural Engineer (Appendix D9) which provides further clarification in relation to the structural changes required as follows:</p> <ul style="list-style-type: none"> • As the structural design has developed from concept phase into a more detailed design, we have identified crucial structural requirements, necessitating alteration of the originally approved SSDA layout. • In summary, the perimeter car park walls have been moved outward on Clark Lane to align with newly added perimeter columns. The perimeter car park walls have also been moved outward on Pacific Highway to control mid-span slab deflections and on Level 06 and 07. A transfer wall has been added between Level 05 and Level 07 on the Hume Street elevation to support Level 08 transfer slab. • These modifications ensure the structural integrity of the over station development while protecting the metro infrastructure below. <p>These changes are illustrated in Figure 2 below.</p>



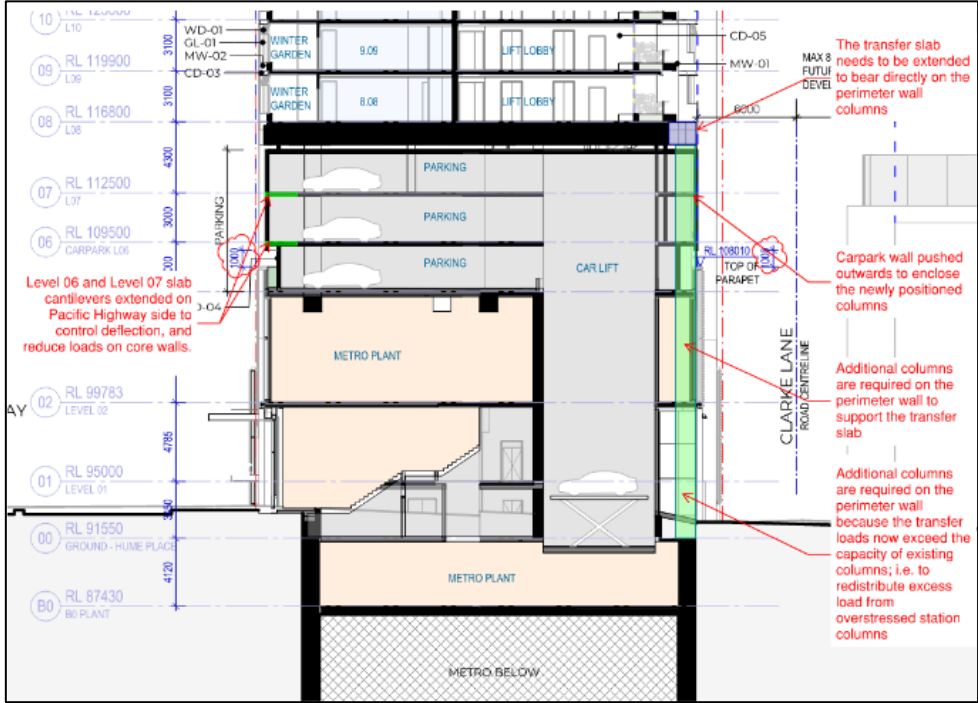
TABLE 3: RESPONSE TO ISSUES RAISED BY DPHI		
Matters Raised	Stakeholder	Response
		 <p>The diagram is a vertical section view of a building facade planter. It shows multiple levels from B0 (Metro Plant) to 10 (L10). Key areas include Winter Garden, Parking, Car Lift, and Metro Plant. Red annotations provide structural requirements: 'Level 06 and Level 07 slab cantilevers extended on Pacific Highway side to control deflection, and reduce loads on core walls.'; 'The transfer slab needs to be extended to bear directly on the perimeter wall columns'; 'Carpark wall pushed outwards to enclose the newly positioned columns'; 'Additional columns are required on the perimeter wall to support the transfer slab'; and 'Additional columns are required on the perimeter wall because the transfer loads now exceed the capacity of existing columns; i.e. to redistribute excess load from overstressed station columns'. The diagram also shows 'CLARKE LANE ROAD CENTRELINE' and 'MAX 8 FUTUR LEVEL'.</p>
b) Confirm compliance with Condition B3 of the Concept Approval and provide supporting illustrations showing how the proposal satisfies the building efficiency target of 80%.	DPHI	A response from the project Architect is provided at Appendix D1 which includes the below diagram that illustrates compliance with the 80% building efficiency target as shown in Figure 2 below:



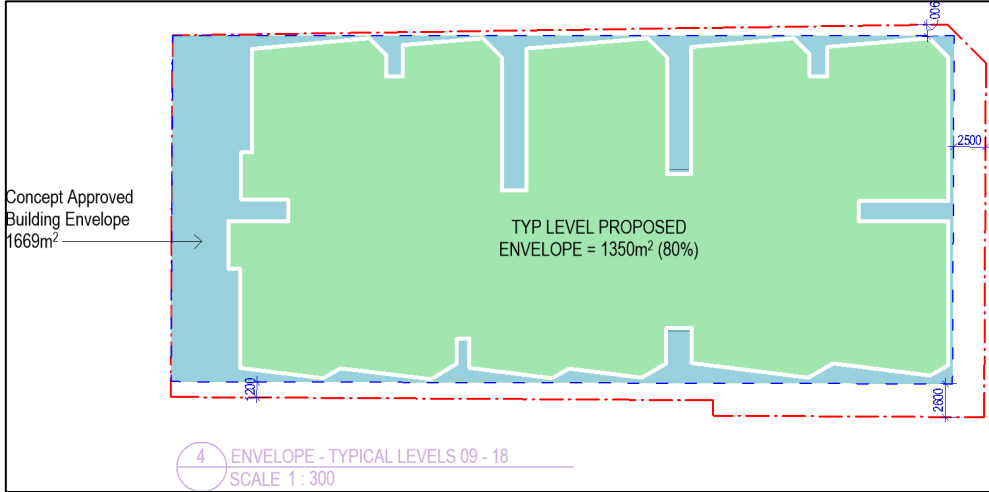
TABLE 3: RESPONSE TO ISSUES RAISED BY DPHI		
Matters Raised	Stakeholder	Response
		 <p>Figure 3. 80% Building Efficiency Target (Source: Woods Bagot, 2025)</p>
Amenity		
<p>Provide further details, including supporting documentation and drawings to illustrate how the proposal will meet the objectives and criteria of the Apartment Design Guide (ADG). This must include:</p> <p>a) How the proposal maximises solar access, including identifying:</p> <ol style="list-style-type: none"> i. the number of apartments that receive two or more hours of solar access ii. the extent of solar access received by those apartments that receive less than two hours of solar access; and iii. the extent of apartments that receive no direct solar access. 	<p>DPHI</p>	<p>A detailed response from the project Architect (Woods Bagot) is provided at Appendix D1 which provides as follows:</p> <p>Drawings DA-2303, DA-7721, DA07722 address solar access to units. 62% (76 units) achieve more than 2 hours of direct sunlight between 9am and 3pm at mid-winter. 38% (46 units) achieve 1 hour 45 minutes of solar access between 3:15 -5pm at mid-winter. Achieving the ADG design guidance for solar access is not possible on this site due to the long east and west orientation. The proposed development improves amenity for those apartments with less direct sun access in the following ways:</p> <ul style="list-style-type: none"> • Significant views are oriented away from the desired aspect for direct sunlight along the western Pacific Highway façade. The proposal orients the west facing units to the south where there are views back to the harbor and city.



TABLE 3: RESPONSE TO ISSUES RAISED BY DPHI		
Matters Raised	Stakeholder	Response
		<ul style="list-style-type: none"> Where apartments receive no direct solar access from 9am - 3pm during mid-winter, greater separation between units is proposed to increase access to daylight throughout the year. <p>Drawings demonstrating solar access are shown at Appendix D1.</p>
<p>b) Demonstrate a reasonable level of privacy and amenity can be achieved between the proposed building and future adjoining development to the south along the Pacific Highway, including further consideration of:</p> <p>i. the appropriateness of the location and design of the proposed communal open space adjacent to the southern boundary on Level 8</p> <p>ii. measures to mitigate visual impacts between the future adjoining development, particularly any proposed openings within the nominated 12 metre separation.</p>	DPHI	<p>A detailed response from the project Architect (Woods Bagot) is provided at Appendix D1 which provides as follows:</p> <p>The outdoor area on the southern boundary at Level 8 is a secondary communal space while the roof terrace provides the main functional communal open space. The intention of the southern boundary terrace is to provide breathing space between buildings, and for further landscaped edges above the podium in keeping with the Design Quality Guidelines for Crows Nest Overstation Developments.</p> <p>To mitigate amenity impacts between adjoining future development to the south the following design approaches have been made:</p> <ul style="list-style-type: none"> Primary living room orientation is to the east and west, any south facing windows are positioned towards the corner of apartments to look beyond any adjoining future development. Windows to the south are primarily for cross ventilation. Bedroom windows have also been oriented to the west to mitigate any visual impacts between neighbours. The south façade is predominantly blank wall to accommodate future development. Landscaping and balustrade design on the southern terrace will be designed to ensure privacy between the proposal and any future development. A solid blackout panel is to be installed on inside face of carpark perforated mesh screening.
<p>c) Confirm whether the removal of the winter gardens on levels 9-15 for the selected dwellings will not compromise the amenity of those balconies in terms of wind conditions.</p>	DPHI	<p>Consideration of potential wind impacts associated with the removal of the winter gardens on Levels 9-15 has been undertaken by the wind consultant Arup (Appendix D2) who has provided as follows:</p>



TABLE 3: RESPONSE TO ISSUES RAISED BY DPHI		
Matters Raised	Stakeholder	Response
		<p>The proposed changes involve converting the middle wintergardens on the building's north face into balconies for Levels 9-13. Located centrally and away from high-wind corners, these spaces are open on one side and have an aspect ratio that limits recirculation. Overall, these modifications are expected to have minimal impact on local wind conditions for the affected balconies.</p>
<p>d) Similar to the evidence submitted in support of the proposed winter gardens, demonstrate how the dwellings can achieve adequate natural cross-ventilation where reliant on the internal corridors.</p>	<p>DPHI</p>	<p>Consideration of cross-ventilation has been undertaken by Stantec (Appendix D3) who have provided as follows:</p> <p>Natural ventilation strategies were incorporated in the most recent BASIX Certificate, presented in the ESD Report for Crows Nest OSD - Site B (revision 6). All units pass the minimum thermal comfort requirements (NatHERS heating and cooling loads) for BASIX, indeed the average NatHERS rating for the building is 7.9 Stars. The assessment confirms compliance with the minimum thermal comfort requirements (NatHERS heating and cooling loads) for BASIX and therefore achieves adequate natural cross-ventilation.</p> <p>A preliminary NatHERS assessment has been undertaken to evaluate the thermal performance of the updated dwellings. Low-level balustrades have replaced the fixed and high-level awning windows, thereby increasing open sections to further enhance natural cross-ventilation.</p> <p>Following this review, Stantec are of the opinion that the updated SSDA drawings will not compromise the dwellings' capability to achieve satisfactory natural cross-ventilation via internal corridors. Results from NatHERS modelling of the updated units indicates there will be no substantial change in heating and cooling loads. These models incorporate detailed thermal performance analysis for each apartment unit, accounting for window specifications, location, type, and the proportion of each window that may remain safely open to support natural ventilation. Balconies are also considered in the models to reflect their impact on both natural ventilation and shading, which are essential factors in the overall thermal efficiency of each unit. In summary, the dwellings offer adequate natural cross-ventilation through balcony windows and are not dependent solely on internal corridors.</p>



TABLE 3: RESPONSE TO ISSUES RAISED BY DPHI		
Matters Raised	Stakeholder	Response
e) Clarify the statement in the Acoustic Response, dated 26 March 2025, that recommends alternative means of ventilation be provided to those dwellings on road traffic noise-affected facades.	DPHI	<p>Consideration of acoustic matters has been undertaken by Pulse White Noise Acoustics (Appendix D4) who have provided as follows:</p> <p>The assessment of environmental noise impacts on the proposed development, included within the projects Noise and Vibration Impact Assessment, include the assessment completed in accordance with the Department of Planning and Environmental - Development Near Rail Corridors and Busy Roads - Interim, Guideline 2008 including the details for required alternative outside air such that compliance with the standard requirements will be achieved.</p> <p>Section 5.2.5 Alternative Ventilation Requirements includes the requirements for the project, including options to achieved compliance with the standard requirements.</p> <p>The project design includes options for the provision of alternative outside air, such that compliance with the requirements above will be achieved.</p>
Affordable Housing		
Submit evidence to comply with Conditions A13 and A14 of the Concept Approval in respect to the provision of affordable housing. Note these conditions must be satisfied prior to the determination of the subject Site B SSDA.	DPHI	A Planning Agreement was submitted to DPHI in June 2025 relation to the provision of Affordable Housing. The wording of the Planning Agreement is in the process of being refined prior to finalisation.

4.2 NORTH SYDNEY COUNCIL

TABLE 4: RESPONSE TO ISSUES RAISED BY COUNCIL		
Matters Raised	Stakeholder	Response
Inadequate setbacks and poor articulation of shared property boundary and street frontages		
The DPIE is advised to review structural advice to confirm the voracity of this claim. Poor urban design outcomes arising from engineering "constraints" should not be accepted without better alternatives being fully explored. Independent Structural engineering advice should be sought.	North Sydney Council	Expert evidence has been provided by an appropriately qualified structural engineer in relation to the structural constraints associated with the project. Further details are provide within Appendix D9 that clearly outline the changes and why they are required.



TABLE 4: RESPONSE TO ISSUES RAISED BY COUNCIL

Matters Raised	Stakeholder	Response
		This information is able to be relied upon for the purposes of assessment and determination.
<i>Non-compliant building separation to the southern adjacent site and non-compliant building separation to the site across Clark Lane.</i>		
<p>Refer comment above regarding structural limitations.</p> <p>The diagrams in Appendix D2 rely on neighbours increasing their setbacks to the site for levels above 25m, to achieve ADG separation objectives. This is unlikely to be realised and remains unacceptable. The ADG promotes equidistant setbacks either side of a site boundary to achieve suitable separation.</p> <p>Where envelopes have been approved for commercial towers, conversion to residential use of towers requires changes to the approved envelopes to be considered. This has not been sufficiently explained for Site B.</p> <p>Insufficient building separation distance to the south-west necessitates an alternate approach be considered for the removal of envelopes to accommodate anticipated yield for adjoining sites. The applicant has not sought to do this at the expense of designing poor quality residential apartments.</p> <p>The inadequate building separations to the south and across Clarke Lane have not been satisfactorily addressed. To create a better quality outcome which activates a significant portion of the lower and future apartment towers across Clarke Lane, and fronting onto the Pacific Highway;</p>	<p>North Sydney Council</p>	<p>This item was addressed in detail in the RTS provided to DPHI in August 2025. Previous comments are provided below:</p> <p>Analysis undertaken by Woods Bagot indicates that, in consideration of the development potential of adjoining sites, compliant building separation under the Apartment Design Guide (ADG) can be achieved. Please refer to Appendix D2 for detailed analysis.</p> <p>We acknowledge the Crows Nest TOD (2024) has increased heights for adjacent southern sites from 8 to 16 storeys. While Site B provides 5-6.285m setbacks to the southern boundary, the Woods Bagot analysis demonstrates ADG compliance is achievable through reciprocal setbacks from both sites.</p> <p>The ability to increase setbacks to the south is not viable having regard for the following design constraints:</p> <p>Structural Limitations The OSD sits above the operational Metro station with fixed load-bearing structures that cannot be modified. Any reduction in building footprint would compromise structural integrity, as detailed in the Robert Bird Group Structural Constraints Letter.</p> <p>Approved Building Envelope Site B operates within the Concept SSD Approval building envelope, established when adjoining sites had 8-storey height limits. This envelope is integrated with Metro infrastructure and cannot be substantially altered.</p> <p>Urban Design Response The design incorporates significant façade articulation through angled apartments, varied materials, and rotating planes to address 'wall effect'</p>



TABLE 4: RESPONSE TO ISSUES RAISED BY COUNCIL		
Matters Raised	Stakeholder	Response
		<p>concerns. Ground-level activation and enhanced pedestrian connections improve the Pacific Highway interface.</p> <p>While the southern setback does not achieve 12m, the combination of existing setbacks, design measures, reciprocal development responsibilities, and unique Metro infrastructure constraints ensures acceptable amenity outcomes. The Woods Bagot analysis confirms ADG compliance is achievable considering shared setback responsibilities between adjoining developments.</p>
Poor interface with adjacent site to the south		
<p>Development of all sites within the Precinct is expected to consider and reasonably accommodate or not impinge upon development capability of adjoining land under applicable planning controls.</p> <p>The amended design adds a third car parking level (Levels 5-7), maintaining almost no setback to the shared southern boundary. Previous Urban Design advice raised concerns that these open-façade (featuring perforated metal panels) car park levels directly interface with the adjacent site, which is planned for redevelopment with a 3-storey street wall and residential uses above.</p> <p>The nil-setback interface would directly overlook future residential units, negatively impacting privacy, noise, air quality, and visual amenity. The additional level in the amended design worsens these effects and further reducing the residential amenity of the adjacent site.</p> <p>A three-storey car park that reaches up to level 7 is an entirely inappropriate design and land use above a metro station, where employment, population serving activities, additional housing or community facilities would be more appropriate.</p>	<p>North Sydney Council</p>	<p>A design response to incorporate an internal wall to the metal panels within the car park adjacent to the southern elevation is proposed.</p> <p>As outlined in the documentation supporting the approved SSD-9579-Mod-3, the redistribution of carparking from Site A to Site B will result in a net overall reduction in car parking of 23 spaces within the Crows Nest OSD precinct. This is considered an appropriate outcome and is consistent with the modified Concept Approval.</p> <p>As outlined above, a solid blackout panel to be installed on inside face of carpark perforated mesh screening adjacent to the southern boundary to mitigate amenity impacts.</p>
GFA/FSR underestimated due to exclusion of residential corridor spaces		
<p>The applicant's approach is not correct at law. This response does not explain how the "excluded" areas are required for vertical circulation, to</p>	<p>North Sydney Council</p>	<p>Further clarification in relation to this matter and an updated legal advice has been provided by Mills Oakley at Appendix D5 which includes the following comments:</p>



TABLE 4: RESPONSE TO ISSUES RAISED BY COUNCIL

Matters Raised	Stakeholder	Response
<p>allow their exclusion. The proponent has not adjusted the tower envelope to achieve the required ADG building separation.</p> <p>To remain within the maximum FSR control and avoid exceeding the GFA, the previous Level 7 residential uses have been replaced with an additional car parking level seemingly to avoid non-compliance with FSR requirements, while retaining the overall tower height.</p> <p>This approach is not supported.</p> <p>It appears that the proponent has attempted to reduce the floor space ratio (FSR) of the building without addressing the acute need for greater above podium setbacks by swapping apartments for car parking. This represents a poor outcome on a site identified for design excellence by the NSW Government. It is also contrary to the fundamental principle of transit-oriented development as it will facilitate greater use of trips by private vehicle.</p> <p>The built form now comprises above ground car parking on levels 5, 6 and 7, that will directly face future residential apartments. This is an inappropriate land use above a metro station where employment, population serving activities, additional housing or community facilities would be more appropriate.</p> <p>The landscaped recess has been reduced, resulting in a bulkier, less articulated podium fronting key public domain along Hume Street outside the metro station that is inconsistent with advice from the State Design Review Panel.</p>		<p>In our legal opinion, based upon the facts set out below and the material that we have reviewed, we remain of the view that:</p> <ul style="list-style-type: none"> • A corridor with louvres at the end can be considered an open corridor and excluded from the calculation of GFA. • In this case, the louvres are not permanent and will remain recessed in the ceiling, only triggered by excessive external wind speed or pressure. Even when the louvres have “dropped down”, they will not be fully closed. In this respect, the breezeways can be characterised as “the exterior of the building”. • Therefore, the breezeways have rightly been excluded from the calculation of GFA in the amended architectural plans. <p>We note that the comments from Council on the Amended Architectural Plans incorrectly characterise the basis for the exclusion of the breezeways as an area for common vertical circulation. Noting our conclusion above, we have not considered the use of the breezeways as common vertical circulation for the purposes of calculating GFA.</p>
<p>Replanting of street trees required</p>		
<p>Council requests that the Department include such a condition in approval of the application.</p>	<p>North Sydney Council</p>	<p>Noted, it is expected that Council will recommend this as a condition of consent.</p>
<p>Only 100 bike spaces are provided, 147 are required. No car wash bays are provided.</p>		
<p>Noted, increased bike storage has been included in revised architectural drawings.</p>	<p>North Sydney Council</p>	<p>Noted.</p>



TABLE 4: RESPONSE TO ISSUES RAISED BY COUNCIL		
Matters Raised	Stakeholder	Response
Car wash bays could still be provided, as per ADG guidelines, via a condition of consent.		
<i>Queuing of vehicles to access the car lift is unacceptable.</i>		
<p>Vehicle queuing in the lane is potentially unresolvable given the reliance on car lifts and the number of parking spaces seeking to use lifts (esp. in peak periods). The impact on peak hour movements over seven floors has not been adequately considered, noting the increase in parking numbers.</p> <p>The solution would be to reduce off street parking numbers to minimise the need for queuing during peak periods.</p>	North Sydney Council	Car parking and associated traffic matters were comprehensively addressed within the RTS response in August 2025.
<i>Compliance with waste management requirements</i>		
<p>That the architectural plans have been amended to allow on site collection from areas within the loading dock, complemented by bulk waste and bin storage (including FOGO and recyclables) and a general waste chute on all floors, separate from commercial waste facilities, is noted. A condition should ensure implementation of the revised waste management plan.</p> <p>Laneway waste collection must not be accepted for this site given access to the off street loading dock.</p> <p>Vehicle access arrangements must be reviewed to ensure adequate design to enable waste collection and loading vehicles to operate wholly off the laneway itself.</p> <p>Consideration should be given to requiring restricted height vehicles is the existing station box envelopes do not permit standard waste vehicles to access the loading dock.</p>	North Sydney Council	<p>In response to this item, an updated Operational Waste Management Plan (OWMP) is provided at Appendix D6. The updated OWMP identified that the waste process will occur as follows:</p> <p>On the nominated waste collection day, the building caretaker will be responsible for transporting the waste and recycling bins from ground to the Residential Bin Presentation Area on level 1 level to await collection. The service bin will be placed under the chute to collect discharge while the other bins are being serviced.</p> <p>To service the bins, a Council collection vehicle will enter the site from Clarke Lane and park in the loading bay on Level 1. The bins will be serviced directly from the Residential Bin Presentation Area via a collect and return arrangement. Once all the bins have been emptied the collection vehicle will leave the site via Clarke Lane.</p> <p>Once servicing is complete, the building caretaker will return the empty bins back to their operational locations to resume use.</p>
<i>Provision of community infrastructure, to assist with the growth in population</i>		
The Amended SIA is not supported.	North Sydney Council	Consideration of social infrastructure comments was undertaken by Griffin Planning (Appendix D7) who advised as follows:



TABLE 4: RESPONSE TO ISSUES RAISED BY COUNCIL

Matters Raised	Stakeholder	Response
<p>It is anticipated that the development will place substantial additional strain on already pressed local infrastructure, and when multiple developments come into being in the TOD precinct, the precinct will experience compounded impacts.</p> <p>The omission of community-focused infrastructure in the TOD development represents a significant missed opportunity to replace aging facilities in Crows Nest and meet current local needs, let alone to meet the needs of an increasing population.</p>		<p>No amended SIA has been submitted. The matters raised in Council's original submission were responded to in the RTS response in August 2025, which included additional information to address specific points raised by Council. However, the findings of the original SIA dated October 2024 remain valid.</p> <p>The project will contribute to a growing demand for social infrastructure in the Crows Nest St Leonards Precinct. This was addressed in Section 5.3.2 of the SIA. In summary:</p> <ul style="list-style-type: none"> ▪ The project is consistent with the planned population growth facilitated through the St Leonards Crows Precinct Plan. ▪ Planning for the St Leonards Crows Nest Precinct includes plans for the delivery of expanded, revitalised and new social infrastructure to support the planned population growth. ▪ The project is subject to a voluntary planning agreement that has already been executed. As such, Site B (and Sites A and C) are excluded from the St Leonards and Crows Nest Special Infrastructure Contribution. The Planning Agreement between North Sydney Council, Sydney Metro and The Minister for Planning and Public Spaces was made on 16 June 2021. That agreement established a monetary contribution for Site B of \$2,265,601.63. That contribution may be used by North Sydney Council to: <ul style="list-style-type: none"> ○ acquire land for the provision of public facilities or open space or ○ attend to the embellishment of land for public facilities or open space or ○ care for and maintain facilities or open space or ○ for another public purpose within the North Sydney Local Government Area which the Council considers suitable. ▪ In addition, the proponent has agreed to provide a 5 per cent affordable housing contribution within the development.



TABLE 4: RESPONSE TO ISSUES RAISED BY COUNCIL		
Matters Raised	Stakeholder	Response
		<p>Given the above, adequate planning is in place to accommodate the anticipated population growth to arise from the project.</p> <p>As noted above, the planning for upgraded and new social infrastructure to meet the needs of the future population of St Leonards Crows Nest Precinct has already been undertaken.</p> <p>The proponent is meeting all obligations for social infrastructure as set out in previous approvals and agreements.</p>
<i>Provision of a communal space with a capacity of 30-50 people.</i>		
<p>The spaces available do not offer the same amenity and functions as a common room would, as recommended by Council.</p> <p>The amended SIA has nominated the lobby area and the rooftop communal area for spaces - Neither of these are dedicated as spaces area acceptable space for communal gathering which can also be offered to the broader public to promote social connection in and around Crows Nest.</p>	North Sydney Council	<p>Consideration of social infrastructure comments was undertaken by Griffin Planning (Appendix D7) who advised as follows:</p> <p>The communal spaces to be provided on all residential levels in the Project will offer a high level of amenity for small groups to meet. These spaces are described in section 3.3.3 of the EIS. These spaces will be landscaped and have seating to encourage residents to meet, dwell and socialise.</p> <p>There are opportunities for larger groups to gather, in landscaped spaces, on the rooftop area and terrace adjacent to the southern boundary. The rooftop space could accommodate up to 100 people standing.</p> <p>These spaces will offer a higher level of amenity for informal gatherings, than a typical common room, as suggested by Council.</p> <p>The communal spaces within the project are detailed in section 3.3.3 of the EIS. They are:</p> <ul style="list-style-type: none"> ▪ Located within the open corridor on all residential levels which will provide landscaped areas with seating and opportunities for residents to meet and dwell and socialise. ▪ Level 8 terrace adjacent to the southern boundary.



TABLE 4: RESPONSE TO ISSUES RAISED BY COUNCIL		
Matters Raised	Stakeholder	Response
		<ul style="list-style-type: none"> ▪ The roof top terrace offering a communal pool, spa and recreation area. <p>In addition, the Lobby on the ground floor would provide a space for residents to meet (e.g. before going out) or stop for short periods for informal interactions.</p> <p>These spaces will provide ample opportunity for residents to socialise and relax outside their homes and within the project.</p> <p>If Council is suggesting that members of the public should have access to private gathering spaces located within the project, this is not supported. These spaces listed above are intended for residents. There is no requirement for the proponent to provide spaces that are accessible for members of the public within the development.</p> <p>As noted earlier, the proponent has already made a substantial contribution towards the delivery social infrastructure in the precinct. The contribution would enable Council to provide a public facility for larger groups in Crows Nest, if appropriate.</p> <p>As set out in the SIA and the previous response to North Sydney's Council's submission, there are meeting spaces available in the social locality.</p>
5% of units be provided as affordable rental housing in perpetuity.		
<p>It is acknowledged that the site is in the base rate area for affordable housing and that the proposed provision is likely to exceed the 3% contribution required (or equivalent thereof, in dwellings). However, the consent authority is also required to consider cl. 7.5 (4) of the North Sydney LEP 2013, which requires consideration of the 'affordable housing principles' for the precinct, for consent to be granted. The principles include:</p> <ul style="list-style-type: none"> • Affordable housing must be managed to accommodate a diverse residential population and maintain continued use as affordable housing, 	North Sydney Council	<p>In accordance with the requirements of the Concept Approval, a Planning Agreement was submitted to DPPI in June 2025 relation to the provision of Affordable Housing at Site B. The wording of the Planning Agreement is in the process of being refined prior to finalisation.</p>



TABLE 4: RESPONSE TO ISSUES RAISED BY COUNCIL		
Matters Raised	Stakeholder	Response
<ul style="list-style-type: none"> Rent does not exceed a benchmark income of 30%, and Affordable housing being built to a standard the same as dwellings not proposed as affordable housing, in the consent authority's opinion. <p>Time limited social and affordable housing and cash contributions to a registered Community Housing Provider equivalent of 5% of approved residential gross floor area, are an underwhelming response to a housing affordability crisis.</p> <p>Council reiterates that ideally, 15% of the total number of dwellings should be dedicated in perpetuity for 'affordable housing'. A minimum of no less than 5% be managed by a Tier 1 Community Housing Providers (CHP) operating in NSW.</p>		

4.3 PUBLIC SUBMISSIONS

TABLE 5: RESPONSE TO PUBLIC SUBMISSIONS		
Matters Raised	Stakeholder	Response
<p>Whilst I support the proposed over station mixed use and residential development comprising of; 131 Residential units, 4 Ground floor/mezzanine retail and commercial floorspaces & 55 Car spaces.</p> <p>I believe that the project should and must include more storeys for residential usage, especially for essential workers like nurses.</p>	Resident 1	Noted
<p>I support project</p>	Resident 2	Noted
<p>1. Failure to Satisfy SEARs 3 & 4: Design Quality, Built Form, and Urban Design</p> <p>The SEARs require the proposal to demonstrate design excellence and a built form that responds appropriately to its context. The amended proposal fails on several fronts.</p>	Resident 3	<p>The proposition that 'the development will compromise the amenity, privacy and daylight of future residents in adjoining properties' or that the development demonstrates 'excessive bulk' is not accepted.</p> <p>A detailed response was provided within the RTS response in August 2025, which included the below:</p>



TABLE 5: RESPONSE TO PUBLIC SUBMISSIONS

Matters Raised	Stakeholder	Response
<p>Unacceptable Building Separation and Bulk: The proposal's significant non-compliance with the building separation distances mandated by the Apartment Design Guide (ADG) is a primary concern. The proponent justifies this by claiming the building's footprint is locked in by the structural columns of the metro station below, creating an "inherited non-compliance." This is not an acceptable justification. It suggests a fundamental failure in the integrated planning of the station and the OSD from the outset.</p> <p>To approve a development that knowingly compromises the amenity, privacy, and daylight access of future residents in adjoining properties sets a dangerous precedent. The ADG exists to ensure a minimum standard of liveability, and engineering constraints should not be used as a blanket excuse to disregard it. The result is a building of excessive bulk that will dominate its surroundings, particularly when viewed from the narrow Clarke Lane.</p>		<p>Wood Bagot notes that compliant ADG separation shared equally between Site B and the adjacent site on Clarke Lane is not possible due the proposal sitting above the metro station structure. To amend the building separation, amendment to the load bearing conditions within the metro would have to be altered. This position is validated by advice from Structural Engineers wherein it is identified that increased setbacks 'will introduce the transfer structures at Levels 7 and 9. Such changes would alter the loading conditions at the station on which the envelope was based. The introduction of additional transfers would also require façade modification and result in an increased solid façade visible from the street. A transfer structure at these levels would require modifications of the proposed building and the introduction of deeper structural members, leading to an increase in overall building height, which may exceed the approved height limit. A thicker transfer structure would also increase the dead load, directly impacting the station's load capacity. This added weight would also lead to higher seismic loads and lateral forces, potentially exceeding the station load limits specified in the interface drawings. Given these constraints, the current structural design of the OSD cannot be modified to accommodate these setbacks without significant alterations and outside the assumptions of the original design.'</p> <p>In addition to the above, the proponent has undertaken studies that illustrate the neighbouring development have the ability to comply with new FSR targets whilst accommodating the greater building separation requirements under the ADG (Appendix D2 or the August RTS).</p>
<p>Questionable Gross Floor Area (GFA) Calculation: In response to concerns from both the Department and Council regarding the exclusion of corridors from GFA calculations, the proponent has made a token amendment to enclose some narrower corridors while still excluding the main lift lobbies. Their justification rests on legal advice that these "open-ended" spaces are external. This argument is unconvincing. The design includes automated, operable louvres that can enclose these spaces during inclement weather. The ability for these spaces to be enclosed,</p>	<p>Resident 3</p>	<p>Further clarification in relation to this matter and an updated legal advice has been provided by Mills Oakley at Appendix D5. The building sits within the building envelope approved via the Concept Approval and responds appropriately to the existing and future built form context at Crows Nest.</p>



TABLE 5: RESPONSE TO PUBLIC SUBMISSIONS

Matters Raised	Stakeholder	Response
<p>even temporarily, fundamentally changes their character from truly "open" corridors to internal circulation space.</p> <p>This appears to be a deliberate design strategy to exploit a loophole, allowing the proponent to build to the absolute maximum building envelope and deliver a bulkier building than the FSR control intends and what is permissible under the planning controls, undermining the intent of the North Sydney LEP. This contravenes the SEARs requirement for a built form that is appropriate in scale.</p>		
<p>Failure to Satisfy SEARs 10 & Strategic Context: Traffic, Transport, and TOD Principles</p> <p>A core objective of the SEARs is to ensure the development aligns with strategic planning for a TOD precinct. The amended proposal fundamentally contradicts these principles.</p> <ul style="list-style-type: none"> · Increased Car Parking at the Expense of Housing: The most egregious amendment is the decision to replace an entire residential floor (Level 7) with an additional level of car parking. This specific action increases the car parking provision by 42% (from 55 to 78 spaces) at the direct expense of eight residential apartments, reducing the total yield from 130 to 122 units. <p>This is a fundamentally regressive step for a flagship TOD project. The primary strategic objective of a TOD is to leverage investment in high-capacity public transport to reduce car dependency and maximize housing density.</p> <p>This amendment does the exact opposite. It actively prioritizes the storage of private vehicles over the provision of much-needed homes directly above a new metro station, near a heavy rail station (St Leonards) and on a highway with regular bus services - one of the most accessible locations possible!</p>	<p>Resident 3</p>	<p>As outlined in the documentation supporting the approved SSD-9579-Mod-3, the redistribution of carparking from Site A to Site B will result in a net overall reduction in car parking of 23 spaces within the Crows Nest OSD precinct. This is considered an appropriate outcome and is consistent with the modified Concept Approval.</p>



TABLE 5: RESPONSE TO PUBLIC SUBMISSIONS		
Matters Raised	Stakeholder	Response
<p>The proponent's justification - that the new total of 78 spaces complies with the maximum parking rates under the North Sydney DCP, is a flawed and misleading metric. A genuine TOD should be striving for parking minimisation, not maximisation. Citing compliance with a maximum rate is an argument of convenience that ignores the strategic failure at the heart of this amendment.</p> <p>This decision signals a profound lack of commitment to, and disregard of, the government's strategic housing and transport objectives and fails to meet the strategic requirements of the SEARs.</p>		
<p>Operational Risk of Mechanical Car Lifts: The reliance on two mechanical car lifts to service 78 parking spaces presents a significant operational risk. While the proponent's queuing analysis predicts minimal impact (of course), this model does not adequately account for peak usage conflicts or the potential for mechanical failure. A breakdown of one or both lifts could lead to significant vehicle queuing and traffic chaos on Clarke Lane, a narrow and vital local accessway.</p>	Resident 3	<p>Operation of the car lift has been appropriately addressed within the EIS and the RTS in August 2025 and is not intended to be repeated again.</p> <p>Further details regarding solar access are provided in TABLE 3 above.</p>
<p>Failure to Satisfy SEARs 5: Environmental Amenity</p> <p>The SEARs demand a high level of environmental amenity for both future residents and the surrounding locality. The proposal makes unacceptable compromises in this regard.</p> <p>· Poor Solar Access - Amenity Sacrificed for Views: The proponent openly concedes that a significant number of apartments will not meet the ADG's solar access benchmarks, justifying this by prioritizing southern views towards the harbour. This is a deliberate design trade-off that permanently sacrifices a fundamental component of residential amenity - natural sunlight - for a perceived market advantage. The amendments do not rectify this.</p>	Resident 3	<p>Further details regarding solar access are provided in TABLE 3 above.</p>



TABLE 5: RESPONSE TO PUBLIC SUBMISSIONS		
Matters Raised	Stakeholder	Response
Further grist to the mill is the argument that future TOD up-zoning will overshadow the precinct anyway. This is a blatant, self-serving and cynical justification for delivering a substandard product now.		
<p>Unproven Amenity Solutions: The reliance on innovative but complex solutions like "wintergardens" for acoustic buffering and "open air" corridors with automated louvres raises significant concerns about long-term liveability and maintenance. The State Design Review Panel (SDRP) repeatedly sought expert analysis to validate these strategies, indicating that their effectiveness may not be fully proven.</p> <p>Accordingly, there is a real risk that these features will fail to provide the intended acoustic and wind comfort, leaving residents in a high-noise, high-wind environment without adequate protection or potential remediation.</p>	Resident 3	Extensive details have been provided in the EIS and in associated RTS responses in relation to the suitability of the open air corridors and wintergardens including support from acoustic, wind and sustainability experts. These features will add significantly to the amenity enjoyed by future residents of the building and will facilitate opportunities for social interaction in open air environments rather than enclosed air conditioned corridors.
<p>Unresolved Built Form and Amenity Deficiencies (SEARs 3, 4 & 5)</p> <p>The amendments fail to address the fundamental built form and amenity issues raised in the initial assessment. The proponent's responses are inadequate and rely on justifications that should be unacceptable to the consent authority.</p> <p>· "Inherited Non-Compliance" is Not a Justification for Poor Urban Outcomes: The proposal's significant non-compliance with the ADG building separation distances remains a critical flaw. The proponent continues to defend this by citing structural constraints from the metro station box below, arguing it is an "inherited non-compliance" that is physically impossible to rectify without compromising the station's structural integrity. This excuse is unacceptable. It points to either a negligent and/or incompetent failure (deliberate perhaps?) of integrated planning at the Concept Approval stage, where the engineering of the station was not properly reconciled with the urban design requirements for the building above.</p>	Resident 3	<p>The inference that there has been a deliberate attempt to engineer a non-compliant ADG response as a result of structural complications associated with the existing metro infrastructure is rejected and appears to reflect an unfounded suspicion that has characterised this objection.</p> <p>The objection fundamentally mischaracterises both the nature of the constraints and the design response undertaken for this development.</p> <p>These constraints are not the result of "negligent or incompetent planning" but rather reflect the engineering realities of building above critical transport infrastructure that cannot be modified post-construction. See the further structural engineering advice at Appendix D9.</p> <p>The metro station structure was designed and constructed to accommodate future development above, with structural loading points and no-go zones predetermined by Sydney Metro's engineering requirements. These are non-negotiable constraints that any development on this Site must work within. They are a fundamental site condition, not a design choice.</p>



TABLE 5: RESPONSE TO PUBLIC SUBMISSIONS		
Matters Raised	Stakeholder	Response
<p>To approve a building with such poor separation sets a dangerous precedent, effectively allowing foundational engineering errors to override planning controls designed to ensure basic levels of privacy and daylight for future residents and neighbours. The amendments do nothing to mitigate this and instead lock in a poor urban outcome.</p>		<p>The ADG building separation requirements serve important objectives relating to visual and acoustic privacy, solar access, and building massing. However, it is recognised that the ADG is not a prescriptive development standard, and variations may be appropriate where design quality outcomes can be achieved through alternative means.</p> <p>The objector's characterisation of "inherited non-compliance" as an "excuse" ignores the statutory framework and existing Concept Approval for this OSD development. The alternative implied by the objection, that the development should not proceed unless full ADG compliance can be achieved, would effectively sterilise legitimate OSD development.</p> <p>Rather than setting a "dangerous precedent," this proposal follows the established assessment approach for constrained sites, particularly OSD sites, where the consent authority appropriately considers the nature and extent of the constraints, whether the constraints are genuine, the design quality of the proposed response and the overall planning merit of the development in its strategic context.</p> <p>Approval of this development, subject to conditions, would be entirely consistent with the proper application of performance-based planning assessment and the State's strategic objectives for transit-oriented development.</p>
<p>Conclusion and Recommendation</p> <p>The amendments submitted for SSD-61400212 do not resolve the proposal's inherent flaws; they compound them. It is a flawed development that fails to meet the standards of design excellence, residential amenity, and strategic planning required by the SEARs.</p> <p>The proponent's responses attempt to justify significant non-compliances with key planning controls by citing engineering constraints, questionable legal interpretations of GFA, and a future context of even</p>	Resident 3	<p>The objection fails to acknowledge the legitimate planning framework for this over-station development and mischaracterises the design response as inadequate without proper consideration of a performance-based assessment approach.</p> <p>OSD sites are recognised as strategically important development opportunities. These sites inherently operate within physical constraints imposed by operational metro infrastructure below. The proper assessment approach, as required by established planning practice, is to evaluate</p>



TABLE 5: RESPONSE TO PUBLIC SUBMISSIONS

Matters Raised	Stakeholder	Response
<p>greater density. These justifications are insufficient and seek to normalize a lower standard of development. The decision to increase car parking at the expense of housing is a direct contradiction of the principles of Transit-Oriented Development.</p> <p>The specific decision to remove homes to add car parking is a strategic failure that undermines the very purpose of this TOD precinct. The continued reliance on questionable justifications for severe non-compliances with building separation and GFA controls demonstrates a lack of commitment to achieving genuine design excellence and high residential amenity.</p> <p>This project should be an exemplar for future development above public transport infrastructure. Instead, it prioritizes commercial yield and parking over the long-term liveability of its residents and the surrounding community in a location that demands the opposite. As amended, it is an example of compromised principles, where the goals of sustainable urbanism have been subordinated to pure commercial convenience.</p> <p>We strongly urge the Department of Planning, Housing and Infrastructure to refuse this application. At a minimum, the proponent should be required to undertake a fundamental redesign that addresses the critical issues of building separation, solar access, and car parking provision to ensure the project genuinely contributes to a high-quality, sustainable, and liveable Crows Nest precinct.</p>		<p>whether the design achieves quality outcomes despite these constraints, not to apply prescriptive standards without regard to site-specific conditions.</p> <p>The objection's characterisation of car parking arrangements as "removing homes to add car parking" is factually incorrect. As outlined in the documentation supporting the approved SSD-9579-Mod-3, the redistribution of car parking from Site A to Site B will result in a net overall reduction in car parking of 23 spaces within the Crows Nest OSD precinct. This is consistent with the modified Concept Approval and supports TOD objectives. The redistribution strategy reduces total parking provision across the precinct, locates parking more efficiently in relation to site access and structural capacity, and enables Site A to deliver higher residential density. The assertion that this "prioritizes parking over housing" is demonstrably false when assessed at the precinct scale.</p> <p>The objection calls for refusal or "fundamental redesign" without acknowledging that the proposal operates within an approved Concept Approval (SSD-9579) that established the planning envelope and key parameters, and directly implements State Government strategic planning priorities for housing delivery in well-connected locations. The site-specific constraints are inherent to OSD development and cannot be "redesigned away" without compromising either the development or the operational metro infrastructure.</p> <p>The objection seeks to apply an inappropriate assessment framework that would effectively prevent development of OSD sites. The proper approach, consistent with the Concept Approval, and established planning practice, is performance-based assessment that recognises site-specific conditions while ensuring quality outcomes. The objection provides no substantive planning basis for refusal and should be dismissed.</p>



PART 5 FURTHER ENVIRONMENTAL ASSESSMENT

Having regard to the comprehensive environmental assessment already undertaken and documented in the Environmental Impact Statement and supporting technical studies, the nature of the amendments proposed in response to DPHI, Council and objector feedback are refinements to the detailed design that do not materially alter the environmental impacts previously assessed. The amendments do not introduce new environmental issues, increase impacts beyond those already evaluated, or change the nature or scale of the development as approved under the Concept Approval.

Accordingly, it is neither necessary nor appropriate to repeat the detailed environmental assessment within this RTS. The environmental implications of the amendments have been considered and are addressed where relevant in the responses to specific submissions in Part 4 above. The comprehensive assessment framework established in the original EIS remains valid and provides the appropriate basis for evaluating the proposal's environmental performance. This RTS should be read in conjunction with the EIS and supporting documentation and August 2025 Amendment Report and associated RTS, which together provide a complete assessment of the development's environmental impacts and demonstrates compliance with the relevant environmental planning instruments and assessment requirements.

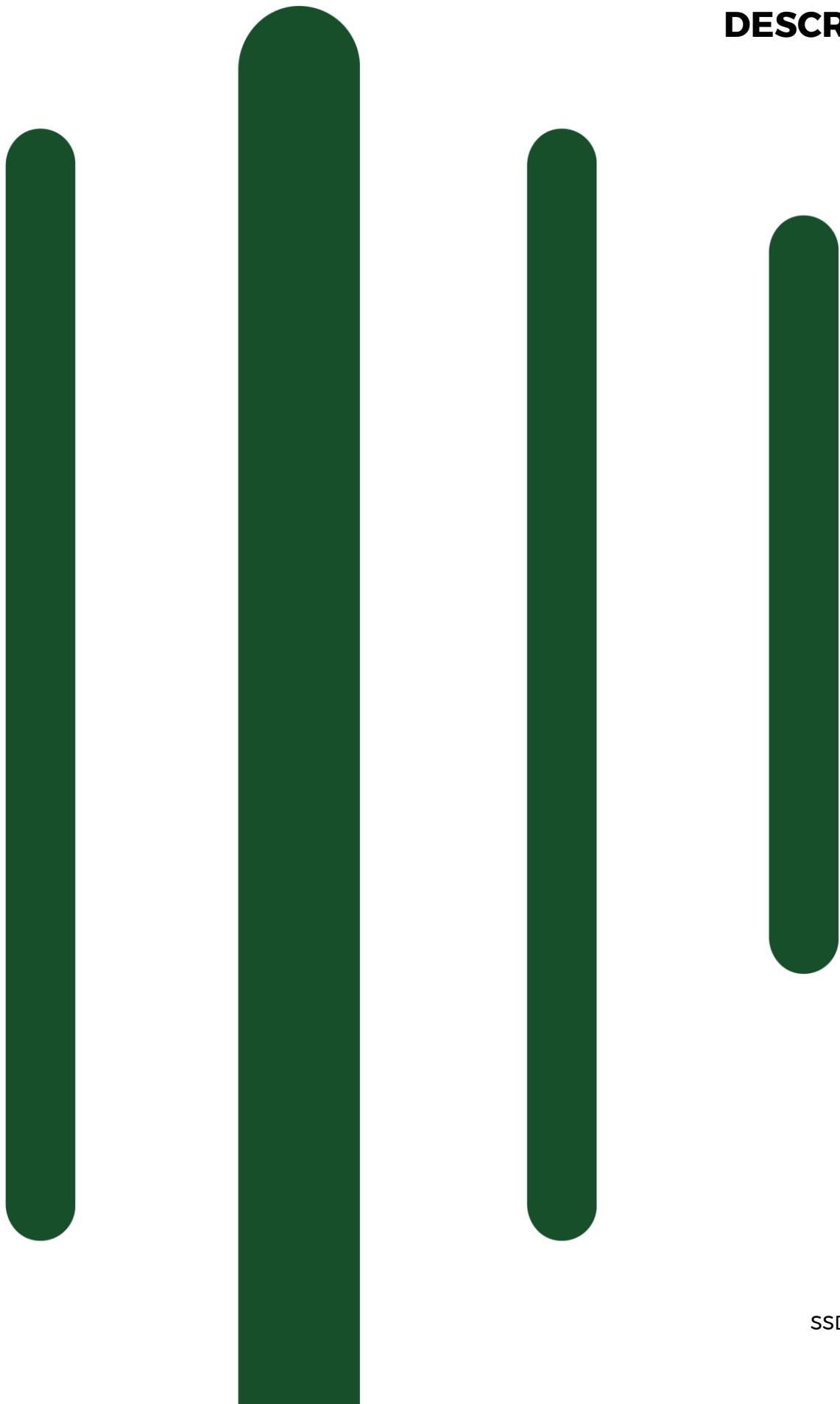


PART 6 UPDATED PROJECT JUSTIFICATION

The design amendments and/or assessments have been undertaken in response to issues raised in submissions or further design development. No further adverse environmental, social or economic impacts have been identified as a result of the proposed development. As such, the justification for the proposed development remains as described in the EIS and August 2025 Amendment Report and associated RTS.



APPENDIX A
UPDATED
PROJECT
DESCRIPTION



PROJECT DESCRIPTION - SSD-61400212

No change is proposed to the project description as included within the Amendment Report previously submitted to DPHI dated 19 August 2025.



APPENDIX B
SUBMISSIONS
REGISTER



SSD-61400212 - SUBMISSIONS REGISTER			
Group	Name	Matters	Addressed
Agencies / authorities	DPHI	Built form	Refer to 4.1
		Amenity	Refer to 4.1
		Affordable Housing	Refer to 4.1
Council	North Sydney City Council	Inadequate setbacks and articulation of shared property boundary and street frontage	Refer to 4.2
		Non-compliant building separation to the southern adjacent site and non-compliant building setback to the site across Clark Lane	Refer to 4.2
		Poor interface of parking levels with the site to the south.	Refer to 4.2
		GFA/FSR underestimated due to exclusion of residential corridor spaces	Refer to 4.2
		Queuing of vehicles to access the car lift is unacceptable.	Refer to 4.2
		Compliance with waste management requirements.	Refer to 4.2
		Provision of community infrastructure, to assist with the growth in population.	Refer to 4.2
		Provision of a communal space with a capacity of 30-50 people.	Refer to 4.2
		5% of units be provided as affordable rental housing in perpetuity.	Refer to 4.2
Individuals	Resident	Support. Good location.	Refer to 4.3
	Resident	Support.	Refer to 4.3
	Resident	Poor Building separation	Refer to 4.3
		Excessive Building bulk	Refer to 4.3
		Misleading GFA calculation	Refer to 4.3
		Increased car parking	Refer to 4.3
		Unresolved mechanical car lift issues	Refer to 4.3



SUBMISSIONS REGISTER

Crows Nest OSD Site B
25 Hume Street, Crows Nest

SSD-61400212

SSD-61400212 - SUBMISSIONS REGISTER			
Group	Name	Matters	Addressed
		Insufficient solar access	Refer to 4.3
		Noise and wind amenity issues	Refer to 4.3



APPENDIX C
MITIGATION
MEASURES
TABLE



MITIGATION MEASURES TABLE

Crows Nest OSD Site B
25 Hume Street, Crows Nest

SSD-61400212

No changes are proposed to the Mitigation Measures Table as included within the Amendment Report previously submitted to DPHI dated 19 August 2025.



APPENDIX D
SUPPORTING
DOCUMENTS

