



New South Wales Government
Independent Planning Commission

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Crows Nest Over Station Development Site B

SSD-61400212

Statement of Reasons for Decision

Janett Milligan (Chair)
Dr Sheridan Coakes

16 April 2026

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1. Introduction

1. On 25 February 2026, the NSW Department of Planning, Housing and Infrastructure (**Department**) referred the State significant development (**SSD**) Application SSD-61400212 (**Application**) from Third.i Property Pty Ltd (**Applicant**) to the NSW Independent Planning Commission (**Commission**) for determination.
2. The Application seeks approval for the construction of a residential tower above the Crows Nest Metro Station at 'Site B' (the **Project**) under section 4.36 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**). The Project is located in the North Sydney Local Government Area (**LGA**).
3. In accordance with section 4.5(a) of the EP&A Act and section 2.7(1)(a) of the *State Environmental Planning Policy (Planning Systems) 2021* (**Planning Systems SEPP**), the Commission is the consent authority because North Sydney Council (**Council**) made an objection to the Application.
4. Andrew Mills, Chair of the Commission, determined that Janett Milligan (Chair) and Dr Sheridan Coakes would constitute the Commission for the purpose of exercising its functions with respect to the Application.
5. The Department concluded in its Assessment Report (**AR**), dated February 2026, that the Application is approvable, subject to its recommended conditions.

2. The Application

6. The site is located at 25 Hume Street, Crows Nest (Lot 3, DP 1296669) (the **Site**), and is currently occupied by the newly constructed Crows Nest Metro Station. The Site has frontage to the Pacific Highway to the west, Hume Street to the north and Clarke Lane to the east. It is located close to high-frequency public transport, including being situated directly above the Crows Nest Metro Station (**Metro station**), 600 metres from St Leonards Train Station, and adjacent to bus stops along the Pacific Highway.
7. The Application seeks approval for the use of ground floor commercial tenancies (61m² of non-residential gross floor area (**GFA**) within the existing station podium) and a 15-storey residential tower comprising:
 - three levels of podium car parking for 78 car parking spaces, two motorcycle spaces and 156 bicycle spaces;
 - 12 levels of residential accommodation comprising 122 apartments (including 40 x 1-bedroom units, 63 x 2-bedroom units and 19 x 3-bedroom units); and
 - rooftop private terraces and communal open space.
8. The key aspects of the Project are specified at Table 2 of the Department's AR.

3. Material Considered by the Commission

9. In this determination, the Commission has given consideration to the:
 - matters raised in public submissions received by the Commission as set out in [Appendix A – Community Consultation Report](#);
 - material and planning framework as set out in [Appendix B – Commission's Considerations](#); and
 - Department's whole-of-government assessment as set out [in Appendix C – Department's Assessment Report](#).

4. Reasons for the Decision

10. A whole-of-government assessment of the Project has been undertaken, involving consultation with nine government agencies including Transport for NSW (TfNSW), Sydney Metro, NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) and Heritage NSW. None of the agencies consulted objected to the Project. TfNSW and Sydney Metro provided recommended conditions. Council's submissions to the Commission (at its meeting with the Commission and via a written submission) reiterated the reasons for its objection to the Application, including its concerns relating to the Project's built form (including bulk and scale, interface with adjoining residential developments, and articulation and setbacks), number of bicycle spaces, traffic and parking, waste management and affordable housing.
11. The Project is consistent with the State's strategic planning framework, as it proposes to deliver 122 new dwellings in a highly accessible location above the Crows Nest Metro Station. The Commission finds the Project supports the National Housing Accord, which sets a national target of delivering 1.2 million new well-located homes over 5 years from mid-2024 (with NSW's share being 377,000), while also facilitating use of retail floor space within Crows Nest.
12. The proposed built form is appropriate and responds well to the Concept Approval as well maintaining structural alignment over the Metro station podium. The architectural design was developed in consultation with the NSW Government Architect and the State Design Review Panel and demonstrates design excellence through its articulated tower form, high-quality materials and clear differentiation between the podium and tower. The Commission finds the proposal to be compatible with the envisaged future character of the Crows Nest and St Leonards transit-oriented precinct.
13. The Commission has considered the residential amenity matters, including building separation, solar access, natural ventilation and privacy and is satisfied the design achieves an acceptable level of residential amenity in the context of the approved building envelope. The tower's vertical articulation divides the building into several columns, reducing perceived bulk and forming recessed indents that improve residents' access to daylight and ventilation. Some of these indents accommodate naturally ventilated, open-air corridors where windows are operable, helping to supplement ventilation in apartments unable to achieve full cross-ventilation. The proposed articulation also enables the inclusion of balconies, which are enclosed in wintergardens in some cases, improving daylight access and natural ventilation.
14. The Commission notes that where dwellings could not achieve the Apartment Design Guide's (ADG) recommended solar access due to the building's fixed alignment over the Metro Station podium and mid-winter shading constraints, apartment orientation was used to maximise views toward Sydney Harbour and the Sydney CBD, thereby enhancing overall amenity. The provision of rooftop open space, compliance with internal and external dwelling size ADG requirements and evidence that all dwellings will receive some direct sunlight within the extended assessment period demonstrates the Applicant's efforts to find an appropriate balance between solar performance and broader residential amenity. On balance, the Commission is satisfied that the Project achieves acceptable levels of residential amenity in the context of the Site's constraints.

15. The Commission has considered building separation and acknowledges that opportunities to increase separation, particularly across Clarke Lane, are limited by the fixed structural grid of the Metro station podium and the setbacks established by the approved building envelope under the Concept Approval (AR para 75-76). Within these constraints, the Commission finds the Applicant has provided a well resolved design response that uses articulation and window orientation to reduce privacy and outlook impacts. The Commission is also satisfied that the Project does not constrain the future development potential of the adjoining sites, with built form testing demonstrating that an acceptable envelope and separation can still be achieved. The Commission finds the building separation outcome to be acceptable in the context of the Site's structural limitations.
16. The Commission has considered the affordable housing provisions proposed by the Application, which will secure a minimum of 5% of residential GFA as affordable housing for a period of at least 10 years, to be managed by a registered community housing provider. This requirement was established under the Concept Approval and has been appropriately carried forward through the detailed design. The Commission recognises that affordable housing contributions vary across different contexts and it is satisfied that the retention of the approved requirement ensures the Project will deliver a contribution to housing diversity in a highly accessible location close to medical and community services. The conditions of consent imposed by the Commission ensure guaranteed delivery, tenure and management.
17. The Commission finds that the proposed parking and access arrangements are appropriate. The number of car spaces provided is consistent with Council's maximum parking rates in highly accessible areas to maximise the use of public and active transport, which is further supported by the provision of 156 bicycle parking spaces, consistent with the Concept Approval. Vehicle access, provision of car parking and vehicle circulation deliver operational efficiency given the low traffic generation expected along Clarke Lane and the constrained nature of the station podium. Additionally, the Commission finds that the existing Metro station loading docks will suitably support on-site servicing. The Commission has imposed conditions of consent, as recommended by the Department, to manage operational car parking and access, including the requirement for the Applicant to prepare a Green Travel Plan to further support sustainable transport.
18. The proposed waste management arrangements, including private waste collection from within the Site's loading dock, are an appropriate response to the physical design of the podium and will ensure all waste handling can occur within the Site. These functions can be undertaken safely and efficiently without adverse impacts on the surrounding road network or public domain. Accordingly, the Commission finds the proposed arrangements to be an appropriate response to the physical design limitations of the podium and will ensure all waste handling can occur within the Site. The Commission has imposed conditions of consent to manage operational waste collection.
19. The Commission has considered submissions received, including those received by the Department, that raise concerns about the potential construction impacts of the Project. The Commission has considered the Applicant's construction management plans submitted with the EIS, including the construction traffic, noise, and waste management plans. While noting the constrained nature of the Site and the close proximity of nearby residential buildings, the Commission agrees with the Department's assessment that the Project can be constructed without resulting in unreasonable amenity impacts. The Commission has imposed a condition requiring the Applicant to prepare a Community Engagement Plan to ensure that local residents and businesses are appropriately engaged in relation to construction activities.

20. Overall, the Commission is of the view that the Project will deliver a high-quality urban outcome. The Commission finds that the Project will:
- support the NSW Government's target of delivering 377,000 well-located homes over five years from mid-2024 by contributing new housing supply;
 - deliver well-located high-density housing in an area serviced by rapid public transport and within walking distance of employment, services and amenities, in accordance with Sydney's strategic planning objectives;
 - demonstrate design excellence through high-quality architectural outcomes which consider the Site's topography, opportunities and constraints;
 - align with the Concept Plan by delivering a building fully consistent with the approved envelope and land use mix;
 - appropriately manage potential impacts relating to overshadowing, solar access, privacy, wind, noise and construction through design measures and imposed conditions of consent;
 - generate up to 550 construction jobs and 70 operational jobs.
21. The Commission finds that the Application meets all necessary legal requirements, is consistent with NSW Government policies and its approval supports the public interest in providing appropriate housing supply. The Commission has therefore determined to approve the Application subject to the conditions of consent in [Appendix D – Instrument of Consent](#).
22. The reasons for the Decision are given in the Statement of Reasons for Decision dated 16 April 2026.



Janett Milligan (Chair)
Member of the Commission



Dr Sheridan Coakes
Member of the Commission

Appendix A – Community Consultation Report

Public consultation overview

A summary of the Application timeline and key engagement milestones is outlined below.

Appendix A – Figure 1: Engagement timeline



Department’s public exhibition of the Project

The Department exhibited the Project and received a total of 10 submissions, including an objection from Council. Of these submissions (excluding Council), two submissions were objections, and six were in support of the Project, and one provided comment.

The Commission’s public consultation

The Commission’s meetings:

The Commission met with Council, the Applicant and the Department. Transcripts from these meetings were made publicly available on the Commission’s website.

Written submissions

The community was offered the opportunity to make written submissions to the Commission from 27 February to 20 March 2026. The Commission received two written submissions (one being from Council), which objected to the Project.

Consideration of submissions

The submission received by the Commission from a member of the public raised concerns about the construction impacts of the Project, specifically on 545 Pacific Highway. It also highlighted concerns about cumulative traffic impacts, parking pressure during construction and amenity impacts on 545 Pacific Highway.

The Commission acknowledges the concerns raised by Council in its submission and has addressed these matters in Section 4. Regarding Council's comment that carwash bays should be provided by the Project, the Commission has received correspondence from the Applicant that due to the constraints posed by the Metro Station, the required grease and oil management infrastructure cannot be incorporated.

The Commission appreciates the time and effort put into the submissions made to the Commission. The concerns raised were fully considered and directly informed the Commission's findings in this Statement of Reasons for Decision.

Appendix B – Commission’s Considerations

Material considered by the Commission

Appendix B – Table 1: Material considered by the Commission

Document	Date
Secretary’s Environmental Assessment Requirements (SEARs)	25 August 2023
Applicant’s Environmental Impact Statement and its accompanying appendices	14 October 2024
Government agency advice to the Department	Various
Public submissions made to the Department during exhibition	Various
Applicant’s Amendment Report and its accompanying appendices	19 August 2025
Applicant’s Response to Submissions Report #1 and its accompanying appendices	21 August 2025
Applicant’s Response to Submissions Report #2 and its accompanying appendices	3 November 2025
Department’s Assessment Report and recommended conditions of consent	25 February 2026
Observations made at the Site Inspection	10 March 2026
Comments and presentation material from meetings with: <ul style="list-style-type: none"> Applicant Council Department 	11 March 2026 11 March 2026 11 March 2026
The following correspondence to the Commission from the Applicant	9 March 2026 11 March 2026
All written submissions made to the Commission up until	20 March 2026
Department’s advice to the Commission regarding the imposition of conditions	23 March 2026 30 March 2026

Planning Framework

Strategic context

Appendix B – Table 2: Strategic and Statutory context

Strategic context	Commission’s consideration
National Housing Accord, 2022	The National Housing Accord provides a national target of delivering 1.2 million new, well-located homes over 5 years from mid-2024. The NSW Government has a target of 377,000 well-located homes by 2029.
Greater Sydney Regional Plan, 2018 (GSRP)	<p>The GSRP provides a vision for Sydney to 2056 and informs planning across five districts, including the North District. The Commission finds the Project contributes to various Objectives in the GSRP, including:</p> <ul style="list-style-type: none"> Objective 8 – Greater Sydney’s communities are culturally rich with diverse neighbourhoods; Objective 10 – Greater housing supply; and Objective 11 – Housing is more diverse and affordable. <p>The Project will deliver 122 residential apartments immediately adjacent to the Crows Nest Metro Station, including 5% of the approved residential floor area as affordable dwellings for 10 years, providing for the housing needs of Crows Nest.</p>

North District Plan, 2018 (NDP)

The NDP is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. It is a guide for implementing the GSRP at a district level.

The Commission finds the Project gives effect to Planning Priority N5 of the NDP: “Providing housing supply, choice and affordability, with access to jobs, services and public transport”.

In relation to Planning Priority N5, the NDP states (p 37):

- *New housing must be in the right places to meet demand for different housing types, tenure, price points, preferred locations and design.*
- *Housing supply must be coordinated with local infrastructure to create liveable, walkable neighbourhoods with direct, safe and universally designed pedestrian and cycling connections to shops, services and public transport.*
- *The number of single-person households is expected to increase by 31,750 by 2036. The number of single parent and couple-only households in particular, is also expected to increase by 2036. This requires more smaller homes, group homes, and adaptable homes of universal design and aged care facilities.*

The Project will increase housing supply and affordability within the North Sydney LGA, making a significant contribution to meet the demands of an increasing population, and the consequent changing demographic and housing typology needs of the North District. With exceptional access to jobs and services, the Commission considers the Project to directly support the intended outcomes of Planning Priority N5.

The Sydney Plan (Draft)

The *Sydney Plan* is a new draft regional plan set to replace the GSRP. It is a 20-year strategic land-use plan that guides how Sydney will grow by coordinating housing, jobs, infrastructure and environmental requirements. Although the Sydney Plan is not in force, the Commission has considered it and finds the Project contributes to a number of its objectives, including:

- increasing well-located housing supply near high-capacity public transport;
- contributing to greater housing diversity and choice through higher-density infill development consistent with the Transport-Oriented Development policy settings; and
- supporting the growth of affordable housing supply.

North Sydney Local Strategic Planning Statement, 2020 (LSPS)

The LSPS aligns with the NDP and gives effect to its priorities and actions. Housing demand will continue within the North Sydney LGA, with the LSPS noting (p 52):

- North Sydney LGA residents will increase by 27% from 2016 to 2036; and
- more households will be made up of single people or couples without children, with the number of lone person and couple only households predicted to increase by 32% by 2036.

The LSPS identifies Local Planning Priority L1, “*Diverse housing options that meet the needs of the North Sydney community*” in response to Planning Priority N5 of the NDP. The Project will deliver a diverse range of housing typologies with excellent connectivity to high volume public transport, jobs, goods and social services. The Commission finds the Project to be consistent with the objectives of the LSPS, in particular Local Planning Priority L1.

North Sydney Community Strategic Plan 2025-2035 (CSP)

The CSP sets the community’s vision for the North Sydney LGA up to 2035. The CSP provides for outcomes identified by the North Sydney community. It states there will be approximately 15,220 additional residents within the LGA by 2035. Of the 38,990 existing private dwellings in the LGA, just 25% are 0-1 bedroom (p 48). Outcome 7 of the CSP, “Housing that meets the needs of a growing population” notes the following strategic directions (p 49):

- support the delivery of affordable and diverse housing;
- support the delivery of additional dwellings to meeting housing targets; and
- protect the amenity of our LGA through design excellence and provision of appropriate infrastructure in growth areas.

The Project directly supports the delivery of housing and affordable housing within the LGA to meet its predicted population growth. The delivery of 40 additional 1-bedroom dwellings will also assist in accommodating the predicted single person and couple only household typologies demand within the LGA.

The Commission finds that the Project is representative of a high-quality architecture and urban design outcome that will make a positive contribution to the area.

St Leonards and Crows Nest 2036 Plan (SLCN 2036 Plan)

The SLCN 2036 Plan is a strategic land use and infrastructure framework that guides coordinated growth around St Leonards and the Crows Nest Metro Station delivering jobs, housing, open space and transport upgrades while protecting local character, heritage and amenity.

The Commission finds the Project contributes to the vision and objectives of the plan, including:

- locating new housing within designated a high-density, transit-oriented corridor between St Leonards Station and the Crows Nest Metro Station;
- delivering housing in close proximity to public transport;
- provides affordable housing; and
- supports the plan’s vision for a mixed-use, highly accessible centre that offers a diverse range of homes;

North Sydney Local Housing Strategy, 2019 (NSLHS) and Draft Housing Strategy Supplement 2024 (DHSS)

The NSLHS is a 20-year plan that outlines the strategic direction for housing within the North Sydney LGA. The NSLHS aligns with the GSRP, NDP and CSP directions, objectives and actions for housing in metropolitan Sydney.

Statutory context

Appendix B – Table 3: Statutory context

Statutory context	Commission’s consideration
Objects of the EP&A Act and Ecologically Sustainable Development (ESD)	In its determination, the Commission has carefully considered the objects of the EP&A Act and is satisfied that the Application is consistent with the objects. The Commission also finds that the Application is consistent with ESD principles and would achieve an acceptable balance between environmental, economic and social considerations.
State significant development	Pursuant to section 4.36 of the EP&A Act, the Application is SSD as it satisfies the criteria under section 2.6(1) and item 19 of schedule 1 of SEPP Planning Systems.

Consent authority	In accordance with section 4.5(a) of the EP&A Act and section 2.7(1) of SEPP Planning Systems, the Commission is the consent authority as North Sydney Council made a submission to the Application by way of objection.
Permissibility	The Site is located within <i>Zone MU1 – Mixed Use (MU1 zone)</i> under the North Sydney LEP 2013. <i>Shop Top Housing</i> is permissible with consent in the MU1 zone.
Amended application	A development application can be amended at any time before the application is determined, in accordance with section 37 of the EP&A Regulation. The Applicant sought to amend its application on 19 August 2025, which is set out in the Department's AR and consisted of replacing a residential floor with an additional level of car parking. As the Commission's delegate, the Department agreed to the amendments.
Other approvals and authorisations	<p>Under section 4.41 of the EP&A Act, several other approvals are integrated into the SSD approval process and are therefore not required to be separately obtained for the Project. Pursuant to section 4.42 of the EP&A Act, some other approvals that may be required cannot be refused and must be substantially consistent with the development consent for the Project.</p> <p>The Department has consulted with government agencies during its assessment process and considered the advice required. Relevant recommended conditions of development consent are subsequently included in the Department's draft conditions (AR para 29-30).</p>
Commonwealth matters	According to the Department's AR (Appendix D), as a condition of consent for the Concept Approval, a separate approval had to be obtained from the Commonwealth Department of Infrastructure, Regional Development and Cities under the <i>Airports (Protection of Airspace) Regulations 1996</i> for the part of the building or any construction cranes that penetrate the Obstacle Limitation Surface (156 metres Australian Height Datum). The Applicant received this separate approval from Sydney Airport, dated 9 May 2025, for the purpose of controlled activities within the protected airspace.
Mandatory considerations	Commission's consideration
Relevant environmental planning instruments (EPIs)	<p>Appendix C of the AR identifies relevant EPIs for consideration. The key EPIs (in their present, consolidated form) include:</p> <ul style="list-style-type: none"> • State Environmental Planning Policy Amendment (Crows Nest Transport Orientated Development Precinct) 2024 • State Environmental Planning Policy (Planning Systems) 2021; • State Environmental Planning Policy (Housing) 2021 – and associated Apartment Design Guide; • State Environmental Planning Policy (Transport and Infrastructure) 2021; • State Environmental Planning Policy (Resilience and Hazards) 2021; • State Environmental Planning Policy (Biodiversity and Conservation) 2021; • State Environmental Planning Policy (Sustainable Buildings) 2022; and • North Sydney Local Environmental Plan 2013. <p>The Commission has considered these EPIs as part of its determination.</p>
Relevant DCPs	Pursuant to section 2.10 of the SEPP Planning Systems, DCPs do not apply to SSD.

Any planning agreement or draft planning agreement	<p>The Concept Approval was accompanied by a voluntary planning agreement (VPA) that required a total monetary contribution of \$11.818 million, including paying forward \$9.818 million of anticipated local contributions for future developments and an additional \$2 million for the acquisition, embellishment or maintenance of public facilities, including public open space.</p> <p>The VPA was executed on 16 June 2021 and removes future contribution liabilities under sections 7.11, 7.12 and 7.24 of the EP&A Act for subsequent development applications consistent with the Concept Approval. As a result, this Application which is in accordance with the Concept Approval is not required to make separate developer contributions.</p> <p>Subject to conditions A13 and A14 of the Concept Approval, the Applicant is required to secure a minimum of 5% of the approved residential GFA on Site B as affordable housing for a minimum period of 10 years via a planning agreement. The Site B VPA between the Applicant, Sydney Metro and the Minister for Planning and Public Spaces was executed on 14 April 2026.</p>
Relevant matters prescribed by the <i>Environmental Planning and Assessment Regulation 2021</i>	<p>The Commission has considered matters relevant to the Application, as prescribed by the EP&A Reg.</p>
Likely impacts of the development	<p>The Commission has considered the likely impacts of the development and has set out its reasons for decision in section 4 of the Statement of Reasons for Decision.</p>
Suitability of the Site for development	<p>The Commission considers the Site is suitable for the following reasons:</p> <ul style="list-style-type: none"> • the proposed use is permissible with consent; • the Application is consistent with the objectives of the MU1 zone; • the Project will provide housing with access to mass transit transport; • the use of the Site for housing and car parking is an orderly and economic use of the land; • impacts on surrounding land uses have been minimised where possible, with some impacts capable of being mitigated through conditions of consent; and • the built form and scale of the Project is compatible with the established character of the locality.
The public interest	<p>The Commission has considered the public interest in deciding to grant conditional consent to the Application. In doing so, the Commission has evaluated the likely impacts of the Application and considered the relevant ESD principles. The Commission has concluded that granting development consent (subject to conditions) supports the public interest, principally in the supply of housing, including affordable housing.</p>

Appendix C – Department’s Assessment Report

Link to [Department’s Assessment Report](#), dated 25 February 2026

Appendix D – Instrument of Consent

Link to [Instrument of Consent](#), dated 16 April 2026



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