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# GYDE

## Response to Submissions Report

SSD-66826207 Mod 2  
405 Pacific Highway, 5 Falcon Street and 8 Alexander  
Street, Crows Nest

Submitted to NSW Department of Planning Housing and Infrastructure  
on behalf of Deicorp (Crows Nest) Pty Ltd

12 September 2025

[gyde.com.au](http://gyde.com.au)

## Acknowledgment of Country



Towards Harmony by Aboriginal Artist Adam Laws

Gyde Consulting acknowledges and pays respect to Aboriginal and Torres Strait Islander peoples past, present, Traditional Custodians and Elders of this nation and the cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander people. We recognise the deep and ongoing connections to Country – the land, water and sky – and the memories, knowledge and diverse values of past and contemporary Aboriginal and Torres Strait communities.

Gyde is committed to learning from Aboriginal and Torres Strait Islander people in the work we do across the country.

### This report was prepared by:

Approver: Stephen Kerr – Executive Director  
Authors: Olivia Page – Associate Director  
Oscar Davie – Senior Project Planner  
Patrick Holland – Assistant Planner  
Project: SSD-66826207 Mod 2  
Report Version: Final

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# 1. Introduction

This Response to Submissions (RTS) Report has been prepared by Gyde Consulting on behalf of Deicorp (Crows Nest) Pty Ltd (Deicorp) to address submissions that were made to a section 4.55(2) modification application during public exhibition between 15 July 2025 and 28 July 2025. The modification application is known as 'Mod 2' which modifies the approved mixed use development SSD-66826207 at the Fiveways, Crows Nest site with an address of:

- 405 Pacific Highway, Crows Nest.
- 5 Falcon Street, Crows Nest.
- 8 Alexander Street, Crows Nest.

On 23 December 2024, the Independent Planning Commission (IPC) approved the original SSDA (SSD-66826207) for:

*“Demolition of existing structures, early works, site remediation and construction of a 22-storey mixed-use development with in-fill affordable housing comprising:*

- *Three storey podium (with mezzanine) with retail and commercial use;*
- *19-storey residential tower above podium comprising 188 apartments (including 48 affordable housing apartments);*
- *Communal open space at podium level;*
- *Seven levels of basement car parking with 220 car spaces;*
- *Two-way vehicular access from Alexander Street; and*
- *Associate landscaping works, consolidation of existing lots and stratum subdivision.”*

The modification application has been amended to address submissions and feedback received through the assessment process. The amendments are described and assessed in a separate Amendment Report. This RTS Report should be read in conjunction with the Amendment Report.

## 1.1 Purpose of this Report

This RTS Report has been prepared in response to public and agency feedback that was received in relation to Mod 2. Specifically, this RTS Report:

- Has been prepared in accordance with the *State Significant Development Guidelines – Preparing a Submissions Report* (March 2024).
- Should be read in conjunction with the accompanying Amendment Report prepared by Gyde Consulting that has been prepared to support the revised scope of Mod 2 in accordance with section 37 of the *Environmental Planning and Assessment Regulation 2021* (the Regulation).

The Amendment Report amends the proposed (modified) scope in Mod 2 to capture those changes in the withdrawn Mod 3 and three other minor changes.

### - **Capturing the 6<sup>th</sup> level of basement as included in Mod 1**

- Mod 1 is currently in the RtS stage and has been revised to capture the 6th level of basement parking. Mod 2 has been prepared on the basis of this 6th level having been included and forming the baseline.

### - **Fit out of the proposed hotel**

- Approval is sought for the fit-out of the proposed hotel use in Mod 2 and its associated operational details. Whereby Mod 2, originally sought consent for the land use.

### - **Reinstating the previously existing static sign as detailed in the now withdrawn Mod 3**

- Provision of the existing static sign (vinyl with backlit LED illumination) facing north, north-east and north-west. The sign will be visible in a 180-degree span from Pacific Highway and Falcon Street.
- **Amend condition A.1 to capture the amended Draft Stratum Plan**
  - Condition A.1 is modified to capture the revised Draft Stratum Subdivision Plan to create a separate stratum for 47 (of the 48) affordable housing apartments and one affordable housing apartment will remain as a strata lot.
- Responds to public and agency feedback in a thorough, balanced manner with reference to amended documentation and sound environmental planning grounds.

Where there is any inconsistency between the amended documentation that accompanies this RTS Report and the material that was initially lodged, the amended document(s) shall prevail to the extent of that inconsistency.

## 1.2 Proposed Modification (as amended)

Mod 2 (and as amended in the accompanying Amendment Report) seeks consent to modify SSD development consent SSD-66826207 involving:

- The introduction of a 100-room hotel on the mezzanine level and level 1, replacing the approved retail floor space on those levels.
- Deletion of the approved commercial floor space on level 2 and its replacement with residential apartments and associated communal open space (COS), noting that the approved level 3 originally fulfilled this COS function.
- Increase in the total number of apartments from 188 to 212, while maintaining 48 affordable apartments (representing 15% of the total residential floor space).
- Minor amendments to building services, plant areas and basement parking layouts arising from ongoing design development. This application works on the assumption Mod 1 is approved with a modified number of basement levels being 6 levels.
- Amendments to the materials and finishes schedule and to wind mitigation measures.
- Revisions to the approved gross floor area (GFA) allocations, as follows:
  - Residential GFA: increased from 16,117sqm to 18,468sqm (+2,351sqm), comprising:
    - Market dwellings: 12,494.7sqm increased to 14,843sqm (+2,348.3sqm).
    - Affordable dwellings: 3,622.26sqm increased to 3,625sqm (+2.74sqm).
  - Retail GFA: reduced from 5,502sqm to 1,915sqm (-3,587sqm).
  - Commercial GFA: reduced from 2,500sqm to 0sqm (-2,500sqm).
  - Tourist and visitor accommodation (hotel): increased from 0sqm to 3,736sqm (+3,736sqm).
- Notwithstanding the above, the total GFA of the proposed development (24,119sqm) will not change. Accordingly, the proposed intensity of development at the site will not increase.
- Increase in the approved maximum building height at the top of rooftop plant from RL 79.76 metres to RL 81.4 metres (measured to the lift overrun).
- Reduction in the overall occupied building height by 0.4 metres, from RL 75.10 metres to RL 74.70 metres, due to land use changes and associated floor-to-floor amendments.
- Amendment to the site address in the development consent to reflect the consolidated lot and updated address. Please note that updated addresses have been provided in consultation with Council and preapproval for these addresses has been issued for the following uses:
  - 405 Pacific Highway – Hotel address
  - 5 Falcon Street – Retail address

- 8 Alexander Street – Residential address
- As captured in the accompanying Amendment Report:
  - The fit out of the proposed hotel including its operational details.
  - Provision of the existing static sign (vinyl with blacklit LED illumination) facing north, north-east and north-west. The sign will be visible in a 180 degree span from Pacific Highway to Falcon Street. This was formerly part of Mod 3 which was withdrawn and now forms part of Mod 2.
  - Capturing the revised Draft Stratum Subdivision Plan to create a separate stratum for 47 (of the 48) affordable housing apartments and one affordable housing apartment will remain as a strata lot.

The scope of Mod 2 (as amended) necessitates the following changes to the standardised project description:

*“Demolition of existing structures, early works, site remediation and constructions of a 22-storey mixed-use development with infill affordable housing **and a hotel** comprising:*

- *Three storey podium (with mezzanine) with ~~retail and commercial use~~:*
  - *Ground floor-level retail and hotel lobby uses; and*
  - *Two **hotel** levels ~~of hotel~~ with 100 rooms, **including fit out**;*
- *19-storey residential tower above podium comprising ~~188~~ **212** apartments (including 48 affordable housing apartments);*
- *Communal open space at **the podium level and the roof** level;*
- *~~Seven~~ **Six** levels of basement car parking with ~~220~~ **230** car **parking** spaces;*
- *Two-way vehicular access from ~~a~~ **Alexander** ~~s~~ **Street**;*
- *Associated landscaping works, ~~consolidation of existing lots~~ and stratum subdivision; **and***
- ***1 static sign, facing north, north-east and north-west. The sign will be visible in a 180-degree span from Pacific Highway and Falcon Street.**”*

The amended project description above incorporates the scope of the former Mod 3 with reference to the replacement static signage to the building exterior and hotel fit out.

### 1.3 Pre-Lodgement Consultation

The approach taken in this RTS Report and the accompanying Amendment Report has been reviewed and accepted in principle by the Department. Namely:

- The inclusion of the former Mod 3 scope into the subject Mod 2 relating to the existing static sign;
- Seeking approval for the hotel fit out and its associated operational processes; and
- The stratum and single strata subdivision for the 48 affordable housing dwellings.

Refer to section 7 of the accompanying Amendment Report for consultation undertaken with agencies on the existing static sign, including Transport for NSW (TfNSW).



## 2. Analysis of Submissions

### 2.1 Public Submissions

This section provides an analysis of submissions that were made in relation to Mod 2, which included:

- **Public submissions:**  
During the public exhibition of Mod 2, a total of 13 submissions were received from the community.
- **Agency advice:**  
In addition, 8 submissions were received from relevant public authorities, including the Department, North Sydney Council (Council) and TfNSW.

The combined total number of submissions (21) are categorised as follows:

- **Objections:**  
8 submissions (38%) objecting to the initial scope of Mod 2.
- **Neutral / general commentary:**  
3 submissions (14%) providing neutral or general commentary in relation to the initial scope of Mod 2.
- **Supportive:**  
2 submissions (10%) in support Mod 2.
- **Agency Advice:**  
8 submissions (38%) comprising advice or comment from government agencies, including North Sydney Council.

#### 2.1.1 Geographic Distribution of Public Submitters

The geographic distribution of public submitters is summarised within Table 1.

Table 1: Summary of submissions

Suburb	Number of Submissions
<b>Objections</b>	
Crows Nest	6
Wollstonecraft	1
Copacabana	1
<b>Neutral / General Commentary</b>	
Crows Nest	1
Engadine	1
North Sydney	1
<b>Supportive Submissions</b>	
Muswellbrook	1
Chipping Norton	1
<b>Total</b>	<b>13</b>
<b>Public Authority</b>	
Various	8

## 2.1.2 Supported Outcomes

There were 2 supportive public submissions that were made in relation to Mod 2. They supported the delivery of residential apartments in a location that is well-served by high-frequency, public transport.

## 2.1.3 Key Issues Raised by Public Submissions

There was an overlap in the objections and general commentary made by the community. The key issues raised included:

- Traffic and parking impacts, relating to:
  - Traffic congestion.
  - Reduced on-street car parking supply.
  - Over-supply of on-site car parking spaces.
- The removal of commercial floorspace to accommodate the proposed hotel component.
- Insufficient affordable dwellings.
- Concerns regarding the capacity of social public infrastructure (for instance, schools).
- Solar amenity.
- Pedestrian wind comfort.
- Concerns relating to the availability of community facilities.
- A perceived lack of community consultation.

## 2.1.4 Breakdown of Public Submissions

A breakdown of each key issue identified within section 2.1.3 above is discussed in further detail below.

### 2.1.4.1 Traffic and Parking Impacts

Traffic congestion was raised as the most prominent concern, with residents emphasising existing congestion along Pacific Highway, particularly during peak periods. Submissions expressed apprehension that the additional apartments and hotel use would exacerbate congestion and place further pressure on existing infrastructure.

Parking demand was also identified as a significant issue. Objectors raised concerns about potential shortfalls in on-site provision, resulting in spill-over parking into surrounding streets.

One submission expressed concern that the increase in basement parking spaces may encourage higher car usage despite the availability of public transport, thereby intensifying congestion.

### 2.1.4.2 Removal of Commercial Floorspace and Proposed Hotel Use

Concerns were raised regarding removal of commercial floorspace and provision of a hotel.

- **Removal of commercial office floor space:**
  - Concerns were raised in relation to the removal of commercial office floorspace.
  - One submitter noted that *“instead of providing long-term retail, business, and community services, it [the hotel] introduces short-term accommodation, increasing noise, service vehicle movements, traffic congestion, and reducing community amenity [sic]”*.
- **Proposed hotel:**
  - Concerns were raised in relation to the location of the site, which was not considered to have ‘touristic appeal’.
  - One submitter noted that *“ultimately, this area of Sydney is not a tourist centre, it offers little to travellers that they would not be better served accessing elsewhere”*.

#### 2.1.4.3 Affordable Housing Component

Concerns were raised in relation to the provision of affordable housing.

- **Proportionality:**
  - The total number of residential apartments is proposed to increase with no change proposed to the number of affordable units.
- **Application of infill affordable housing bonus provisions:**
  - With respect to the points above, it was questioned whether the proposed development (as amended) would still satisfy the criteria for the bonus provisions that apply under the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP).

#### 2.1.4.4 Capacity of Social Infrastructure

Concerns were raised regarding the capacity of social infrastructure, including schools, with respect to the additional residential apartments that are proposed.

- **Social and transport infrastructure:**
  - The increased number of apartments was perceived to place additional pressure on the local community infrastructure.
  - One submitter noted that *“Crows Nest already experiences pressure on local infrastructure, including transport, roads, schools, and health services”*.
- **Utility network infrastructure:**
  - The increased number of apartments was perceived to place additional pressure on available utilities.
  - One submitter noted that *“the existing water pressure in the area is already relatively low”*.

#### 2.1.4.5 Solar Amenity

Solar amenity concerns were raised with respect to the proposed increase to the maximum height of the proposed tower form.

These concerns were raised on the assumption that the development (as initially proposed) would *“already block sunlight to our building”*, and that the proposed increase to the maximum height of the tower form would further exacerbate this impact. This objector withheld their name/address.

#### 2.1.4.6 Pedestrian Wind Comfort

Concerns were raised regarding the levels of pedestrian wind comfort as the proposal is slightly increasing in height. One submitter expressed that the development (as amended) would *“increase winds like what is happening in St Leonards”*.

#### 2.1.4.7 Community Facilities

The availability of community facilities at the site was raised as a concern with respect to:

- **Proposed hotel:**
  - The proposed hotel component was considered to present less value to the local community than the approved quantum of commercial office floorspace.
  - One submitter noted that *“removing the retail and commercial spaces will significantly decrease the community value of the development”*. Another noted that the hotel use *“risks changing the character of the area from a community-focused precinct to one dominated by transient accommodation”*.
- **Communal open space:**

- Concerns were raised regarding the availability of communal open space (COS) under the assumption that the proposed development (as amended) would result in an unacceptable reduction to the amount of COS on site.

#### 2.1.4.8 Acoustic Amenity

Acoustic concerns were raised in relation to potential noise emissions from the hotel component and traffic.

- **Proposed hotel:**

- Noise emissions from the proposed hotel component were raised as a concern that could result in a reduction to residential amenity.
- One submitter noted that the proposed hotel component would introduce *“increased noise, and commercial operations that are incompatible with the surrounding residential area”*.

- **Evening noise disturbance:**

- The operational scope for the proposed hotel component during evening hours was raised as a concern, where the proposed hotel component was referenced as a *“major nighttime venue”*.

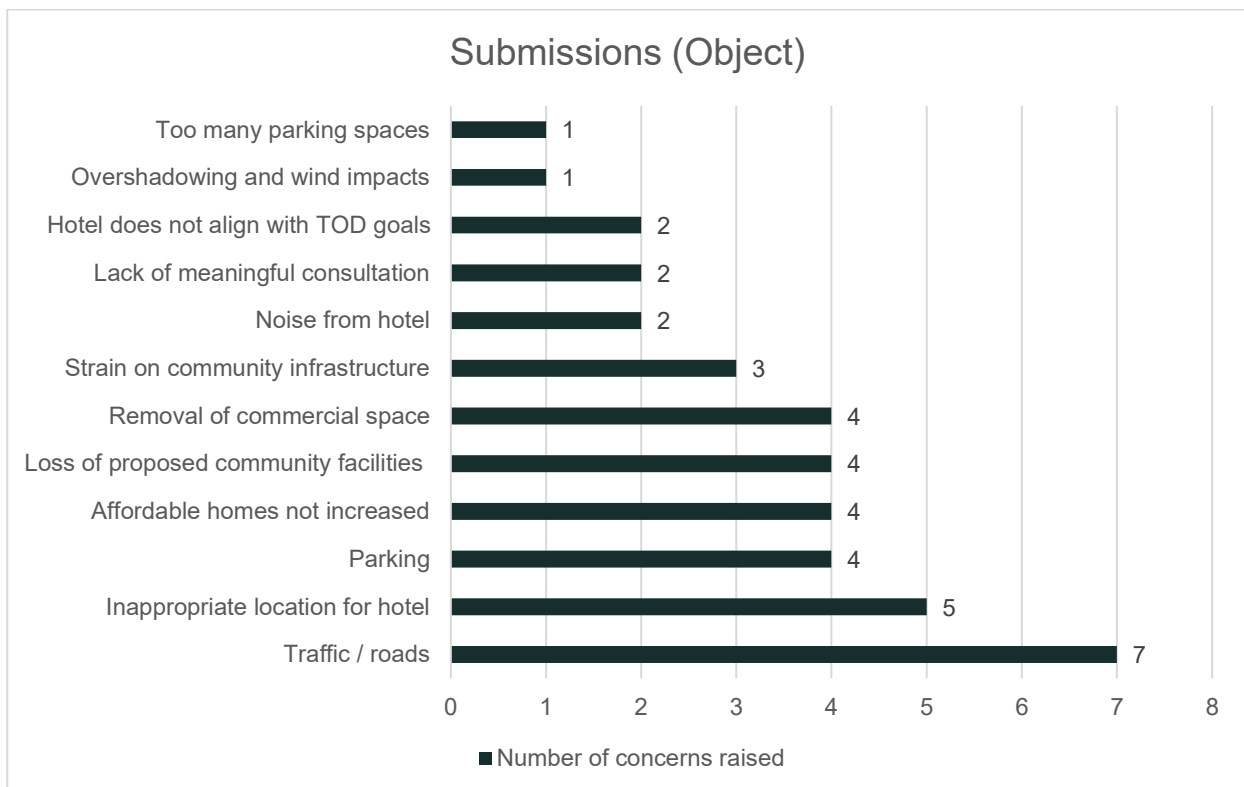
#### 2.1.4.9 Community Consultation

A handful of submissions (x 2) perceived a lack of community consultation for Mod 2.

### 2.1.5 Analysis of Public Submissions

The Proponent and Gyde has reviewed the public submissions to determine key areas of concern. A thematic overview of key issues and their frequency of occurrence is provided below.

**Figure 1 Occurrence of concerns across Mod 2 public submissions**



Source: Gyde Consulting

## 2.2 Agency Advice

Agency feedback and advice has been received from:

- **The Department:**

The Department issued a Request for Information (RFI) on 13 August 2025, which requested the following information:

- **Building height:**
  - Rectify minor discrepancies on drawing sheets.
  - Submit additional height exceedance analysis to support the assessment of the amended height profile for the tower under the applicable height controls.
  - The submission of an updated height comparative table.
  - Provide a comparison of the approved and proposed height exceedances on building elevations at each street frontage.
  - Provide an updated roof drawing to show the RLs of all plant structures (as amended), in addition to updated height plane diagrams.
- **Materials:**
  - Clarify the rationale for façade material changes (white concrete grid to blue terracotta grid).
  - Confirm that submitted plans include the louvres as required under condition B1(c)(iv) and (v) of development consent SSD-66826207.
- **Traffic and parking:**
  - Provide a detailed car parking schedule and clarify the allocation of tandem spaces to a single apartment.
  - Consider the coach/bus demand associated with the hotel use, including location of set-down facilities (on or off site), existing demand, and cumulative impact.
  - Consider provision of bicycle parking and end of trip (EOT) facilities for hotel staff.
  - Clarify inconsistencies in the Hotel Plan of Management (hours of operation for deliveries/loading) and provide an updated POM.
  - Update the traffic assessment required to confirm truck/car frequency, particularly at night, and verify acoustic assessment assumptions for the loading dock.
  - Justify the reduction in car-share spaces (six to three).
  - Justify the deletion of requirement for 3% crossfall from kerb (condition B19(a)) of the consent SSD-66826207 to be modified.
- **Acoustic amenity:**
  - Confirm whether the central atrium landscaped area will be accessible by hotel guests/staff.
- **Residential amenity:**
  - Provide Apartment Design Guide compliance diagrams.
  - Clarify apartment storage, including internal and basement storage.
  - Confirm universal design performance rating.
- **COS:**
  - Update COS calculations and diagrams that exclude non-accessible landscaped areas, areas that have a minimum dimension of less than 3m, open gallery access (if included) and the central atrium landscaped area.
- **Stratum subdivision plan:**
  - Minor clarifications in relation to the Stratum Subdivision Plan.
- **Other matters:**

- Clarify the affordable housing dwelling mix and adjust inconsistent references to the total number of units across documents.
  - Confirmation from a registered Community Housing Provider (CHP) that the mix of affordable housing dwellings is supported.
  - Clarify the sewer pump station relocation (noting it is associated with the separate Mod 1).
  - Provide revised street activation elevations (DA-230-101, 201, 301).
  - Clarify the roof plan drawing title (DA-110-220) to reference both roof levels.
- **Council:**

Council lodged two submissions – an initial placeholder objection (28 July 2025) and a subsequent detailed submission (1 August 2025) – which collectively set out the following issues:

    - **Employment floorspace:**

Council raised concerns regarding the proposed removal of commercial office floorspace at the site and a reduction to retail floorspace at the site. This was considered to present an unacceptable reduction to the site’s capacity to generate employment opportunities.
    - **‘Substantially the same’ test:**

Council contends that these fundamental land use changes mean the modified development would not be ‘substantially the same’ as the development originally approved.
    - **Socio-economic analysis:**

Council submitted that a detailed analysis of potential socio-economic impacts would be required to address section 4.55(3) of the Act.
    - **Strategic planning framework:**

The proposed reduction of employment space in place of additional housing and a less intensive (in employment terms) hotel use was considered to contravene the local strategic planning framework.
    - **Affordable housing:**

Council submits that, given the addition of 24 extra residential apartments, a proportionate increase in infill affordable housing on the site would be warranted. Council advocated for 6 additional affordable dwellings (greater than the required amount of floor space required under the infill provisions of the Housing SEPP).
    - **Local Infrastructure Contributions:**

It was noted that the amended mix of land uses may necessitate a reassessment of local infrastructure contributions under the *North Sydney Local Infrastructure Contributions Plan 2020*. Council advised that the proposed changes should trigger a review of the development’s contributions to local infrastructure and requested further consultation in relation to the recalculation of contributions.

Council issued draft conditions with their detailed submission.
  - **Sydney Water Corporation (Sydney Water):**
    - Sydney Water reviewed the proposed modification and confirmed that water supply and wastewater services are available to support the development (as amended), although some local network amplification or minor extensions may be required to meet the increased demand.
    - The modified development would need to be accounted for when a Section 73 Certificate is sought.
    - Certain tree species placed in proximity to Sydney Water’s underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the *Sydney Water Act 1994 (SW Act)* specifies what might occur when there is interference or damage to Sydney Water assets caused by trees.

- **NSW State Emergency Services (SES):**
  - The SES confirmed that the development (as amended) will have limited to no impact on flood conditions at the site or the implementation of flood emergency management requirements.
  - The SES provided detailed recommendations (in earlier correspondence dated 3 June 2024) for the original project regarding flood emergency response planning. The advice that the SES issued in relation to Mod 2 notes that those earlier recommendations have been addressed.
  - No new concerns or additional requirements were raised by SES in relation to Mod 2.
- **TfNSW:**
  - TfNSW did not raise any objections to Mod 2, noting the proposed amendments are expected to have a negligible impact on the surrounding state road network.
  - TfNSW's response indicates support for the project subject to the retention of previously imposed conditions (from TfNSW's earlier advice on the original project, dated 18 October 2024) and the inclusion of some additional conditions of consent to address specific transport and accessibility matters (refer below).
  - TfNSW recommended the following measures:
    - The preparation of a Coach Management Plan before an Occupation Certificate is issued in relation to the proposed hotel use.
    - The preparation of a Green Travel Plan to promote sustainable travel behaviours for residents and hotel guests before an Occupation Certificate is issued.
- **Sydney Trains:**

Sydney Trains confirmed on 14 July 2025 that it did *"not have any comments regarding this application given the distance of the site from the Sydney Trains corridor"*.
- **The Civil Aviation Safety Authority (CASA):**
  - CASA has assessed the proposed changes to the building's height profile and concluded that they present no new aviation safety concerns.
  - In February 2024, CASA had reviewed the building at a maximum height of RL 177.9 m AHD and determined that it will not constitute a significant hazard to aircraft operations under Regulation 139.180(1) of the *Civil Aviation Safety Regulations 1998*.
  - Accordingly, obstacle lighting or marking of the building itself was not deemed necessary in that assessment. CASA did, however, recommend appropriate obstacle lighting and marking for the temporary tower cranes, which are taller than the final structure, during construction. CASA has confirmed it maintains no objections to the development as amended, including in relation to the amended height profile of the tower form.
- **Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts (DITRDCA):**
  - The DITRDCA submitted a letter (dated 18 March 2024), which confirmed that the proposed intrusion into prescribed airspace is supported, subject to routine conditions of consent in accordance with Regulation 14(1)(b) of the *Airports (Protection of Airspace) Regulations 2016*.
  - It was noted that any further change to the height of the building (above what is proposed under Mod 2) would necessitate further consultation.

A fully itemised response to agency advice is provided in section 4 of this RTS Report.

## 2.3 Categorising Issues

Key issues that were raised by agencies and the public have been organised into categories that have been adopted from the *State Significant Development Guidelines – Preparing a Submissions Report* (October 2022).

### 2.3.1 The Project (for instance, the site, project area, the physical layout and design, key uses and activities, timing)

Key issues that are relevant to this category are listed below:

- **Building height:**  
Several public submissions did not support the amended height profile of the tower form. The Department has requested further height-specific clarifications to support the ongoing assessment of Mod 2.
- **Land uses:**  
The amended mix of land uses, specifically, the replacement of commercial office floorspace and the reduced quantum of retail floorspace, is not supported by Council.
- **Overshadowing:**  
The change in the shadows as a result of the modified height profile of the tower form was raised by one public submitter.
- **Materiality:**  
The Department have requested further clarification regarding the rationale for the proposed materials palette.
- **Number of affordable apartments:**  
Council has taken the view that the number of affordable units needs to increase as the number of market units are proposed to increase, notwithstanding that the proportion of the total floor space of the development provided as affordable housing remains the same and is in accordance with the requirements of the relevant statutory instrument, being Chapter 2 of the Housing SEPP.
- **EoT facilities:**  
The Department requested clarification that an allowance for EoT facilities for hotel staff has been made.

### 2.3.2 Procedural Matters (for instance, the level or quality of engagement, compliance with the SEARs, identification of relevant statutory requirements)

Key issues that are relevant to this category are listed below:

- **Community consultation:**  
Several public submissions expressed that there had been insufficient opportunities for meaningful community engagement in relation to Mod 2.
- **Environmental planning grounds for amended land use mix:**  
Council's submission has referenced the local strategic planning framework and case law precedent to support its objectionable stance towards the proposed mix of land uses.
- **'Substantially the same development' test:**  
Council's submission contends that the proposed modification does not satisfy the requirement for development (as amended) to be substantially the same as originally approved.
- **CHP:**  
The Department requested confirmation from the nominated CHP that the revised mix of affordable dwellings is supported, noting that this is not a statutory requirement. '

### 2.3.3 Economic, Environmental and Social Impacts (for instance, amenity, air, biodiversity, heritage)

Key issues that are relevant to this category are listed below:

- **Socio-economic analysis:**  
Council submitted that a detailed analysis of potential socio-economic impacts would be required to address section 4.55(3) of the Act.
- **Employment opportunities:**  
Council do not support the replacement of all commercial office floorspace at the site or the reduced retail floorspace component due to a perceived loss of potential employment opportunities.
- **Acoustic amenity:**  
Confirmation is required as whether the central atrium landscaped area will be accessible to hotel guests or staff.
- **Residential amenity:**  
An amended assessment against the provisions of the ADG is required to support the proposed modification.
- **Traffic and parking impacts**  
Traffic and parking concerns were raised as the most prominent matter of concern in the public submissions, namely impact on the road network and supply of on-street parking.

### 2.3.4 Justification and Evaluation of the Project as a Whole (for instance, consistency with Government plans, policies and guidelines)

Key issues that are relevant to this category are listed below:

- **National Housing Accord:**  
The need for additional and diverse housing in North Sydney is urgent. Local targets that were established by the National Housing Accord are not on track to being met at this stage.
- **Site suitability:**  
Several public submissions expressed that the proposed hotel component is not suitable for the site location.

### 2.3.5 Issues Beyond the Project Scope (for instance, broader policy issues)

Key issues that are relevant to this category are listed below:

- **Institutional:**  
Structural changes in commercial office market conditions have necessitated an amended mix of land uses in order to facilitate the orderly and economic development of the site; however, recent submissions made by Council in relation to residential-led SSDAs in North Sydney have indicated that Council is institutionally opposed to the removal of commercial office floorspace in high-density settings across the LGA.
- **Other matters:**  
Perception (based on the public submissions that were received) that the development (as amended) is driven by developer interests rather than community needs.

### 3. Actions Taken Since Public Exhibition

Actions taken since Mod 2 was placed on public exhibition include:

- **Mostly retaining the original Mod 2 scope:**

The initial scope of Mod 2 is mostly unchanged with respect to the amended mix of land uses (residential, hotel, reduced retail) and other minor design refinements that are listed within section 1.2. The scope of Mod 2 has been updated to reflect the concurrent revised scope of Mod 1 which reintroduces a 6<sup>th</sup> level of basement parking.
- **Hotel fit out:**

The fit out of the proposed hotel component is now proposed. Initially, Mod 2 only sought land use approval for the hotel.
- **Incorporation of replacement static sign (former Mod 3):**

Provision of a static sign facing north, north-east and north-west. It is a replacement of the existing sign. The sign, which was initially proposed under the scope of Mod 3 before it was withdrawn, will be visible in a 180-degree span from Pacific Highway and Falcon Street.
- **Amended Stratum Subdivision Plan:**

The modification of condition A.1 is required to capture the revised Draft Stratum Subdivision Plan, which will create a separate stratum for 47 (of the 48) affordable housing apartments and one affordable housing apartment will remain as a strata lot.
- **Response to Submissions:**

This report, the accompanying Amendment Report, and a suite of updated technical inputs) were then prepared to respond to submissions and support the amended scope for Mod 2.

#### 3.1 Further Assessment of Project Impacts

The accompanying Amendment Report provides a detailed assessment of environmental impacts that has been coordinated with the amended scope of development that is proposed under this section 4.55(2) modification application. This assessment, which has not been reproduced within this RTS Report to avoid the unnecessary duplication of text, has considered the following legislation and Environmental Planning Instruments (EPIs):

- The Act
- The Regulation
- The Housing SEPP
- The *State Environmental Planning Policy (Industry and Employment) 2021*
- The *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- The *Transport Corridor Outdoor Advertising and Signage Guidelines 2017*
- The NSLEP 2013

The above-listed instruments were assessed with reference to the suite of amended technical documents that accompany this report. Where further assessment was necessary in response to the submissions received, this has been provided within:

- Table 2 which addresses matters that were raised by the Department.
- Table 3 which addresses matters that were raised by Council.
- Table 4 which addresses matters that were raised by advice that was received from agencies.
- Table 5 which addresses matters that were raised by public submissions.

With reference to the response that is provided herein and the updated assessment within the accompanying Amendment Report, it has been demonstrated that the development (as amended) will not result in any unacceptable adverse environmental impacts.

## **3.2 Post-Exhibition Consultation**

The Department will coordinate any consultation with the relevant public authority(s) or approval body(s), as required. The relevant agencies will be consulted in due course before a Construction Certificate and/or Occupation Certificate is issued, including:

- Sydney Water, as required to facilitate the process of securing a Section 73 Certificate.
- TfNSW, who will endorse the final Green Travel Plan and Coach Management Plan.
- Any other post-approval agency engagement that becomes necessary to satisfy a condition of consent.

The project team remain open to further feedback in relation to the revised scope of Mod 2, noting Mod 3 (withdrawn in July 2025) was never placed on public exhibition.

## 4. Response to Submissions

### 4.1 Response to Department Key Issues

A response to matters that were raised by the DPHI is provided within Table 2 with reference to the amended technical documentation that accompanies this RtS Report.

Table 2 Response to DPHI Key Issues

DPHI Raised Issue	Response	Relevant Report(s)								
<b>Building Height</b>										
1. <i>The submitted drawing 'DA-780-008 Height Plan Diagram' indicates exceedances are up to 3.35m above the cl.4.3A of the North Sydney Local Environmental Plan (LEP) 2013 height plane (maximum building height of 81.4m). However, given the Modification Report (page 30 and 36) indicates that the exceedance is up to 2.29m (maximum building height of 80.34m), provide clarification of the proposed building height exceedances.</i>	<p>The height plane diagrams (drawings DA-780-008 and DA-780-009) prepared by Turner have been updated and are correct.</p> <p>The maximum extent of the variation is at the top of the lift overrun where it is subject of the 78.05 metre height limit. The variation is 3.35 metres (RL177.90) being 81.4 metres.</p>	Amended Architectural Plans (Appendix 3)								
2. <i>Provide additional height exceedance analysis to more clearly compare the proposed exceedances to the:</i> <ol style="list-style-type: none"> <li><i>LEP 2013 and Housing SEPP maximum building height; and</i></li> <li><i>Maximum building height +2m (under cl.4.3A of LEP 2013) lift-overrun / plant bonus.</i></li> </ol>										
3. <i>Based on the above analysis:</i> <ol style="list-style-type: none"> <li><i>Provide an updated table comparing the development standards, approved development and modified development</i></li> <li><i>Compare the height exceedances grouped by their relationship to street elevations (Falcon St, Alexander St and Pacific Hwy), in relation to the relevant control and in relation to the approve and proposed structures</i></li> </ol>	<p>a) Turner has prepared a comparison of the height exceedances having regard to the respective controls. A comparison of the maximum height exceedance is as follows.</p> <table border="1"> <thead> <tr> <th>Element</th> <th>Approved dev</th> <th>Modified dev</th> <th>Change</th> </tr> </thead> <tbody> <tr> <td>HOB</td> <td>79.74 metre / RL177.7 (at top of the rooftop</td> <td>81.4 metres / RL177.90 (at the top of the lift overrun on</td> <td>+ 1.66 metres</td> </tr> </tbody> </table>	Element	Approved dev	Modified dev	Change	HOB	79.74 metre / RL177.7 (at top of the rooftop	81.4 metres / RL177.90 (at the top of the lift overrun on	+ 1.66 metres	Amended Architectural Plans (Appendix 3)
Element	Approved dev	Modified dev	Change							
HOB	79.74 metre / RL177.7 (at top of the rooftop	81.4 metres / RL177.90 (at the top of the lift overrun on	+ 1.66 metres							

DPHI Raised Issue	Response	Relevant Report(s)
<p>c) <i>It is noted the 'upper roof' canopy does not benefit from the cl.4.3A of LEP 2013 2m height bonus and should therefore be considered against the LEP 2013 and Housing SEPP maximum building height.</i></p>	<p>plant on Falcon Street side      Alexander Street side)</p> <p>b) c) The height plane diagrams (drawings DA-780-008 and DA-780-009) have been revised to capture the height exceedances from the various street elevations and to exclude the upper roof canopy as it does not benefit from the additional 2m height for plant, etc.</p>	
<p>4. <i>Explore options to reduce the lift overrun height. In addition, provide a new section taken through the proposed lift overrun structure to show the internal considerations.</i></p>	<p>The design of the lift overrun structure (as amended) accords with technical specifications provided by Schindler, reflecting project-specific criteria, installation and maintenance requirements, and the operational height of the lift car.</p> <p>The shadow diagrams in the Amended Architectural Plans (Appendix 3) confirm that the amended height profile of the tower form will not result in any material change to the extent of the shadow footprint that will be cast.</p> <p>Out of functional necessity, the height of the lift overrun cannot be reduced. This would result in a lower lift car height, which would present a limit the efficient movement of furniture and other large items. This suboptimal outcome, as an alternative to the current lift overrun design, would compromise the overall level of amenity that is afforded to future residents.</p> <p>The 2-metre allowance for rooftop plant, including lift overruns, is inadequate for a building that complies with the maximum permissible height that applies to the site. This is detailed in the clause 4.6 variation request that accompanied the original development application and is believed to be an oversight, in so much as when the height limit was increased for the site, the rooftop plant allowance was not adjusted, unlike other properties in Crows Nest and St Leonards.</p> <p>Having holistic regard to overall amenity, including in relation to solar access and vertical circulation, the current lift overrun design (as amended) is considered to be acceptable.</p> <p>The minor increase to the maximum height of development (+1.66m) relates to an isolated element of the tower form (formerly rooftop plant on Falcon Street and now the lift overrun on Alexander Street). With respect to the points above, this minor matter is not considered to warrant any further assessment.</p>	<p>Amended Architectural Plans (Appendix 3)</p>

DPHI Raised Issue	Response	Relevant Report(s)
<p>5. <i>Provide an updated roof drawing DA-110-220 to include RLs for all plant enclosures / structures at the lower roof level.</i></p>	<p>The RLs have been annotated on drawing DA-110-220. This is to be right in conjunction with the height plane diagrams (drawings DA-780-008 and DA-780-009) prepared by Turner.</p>	<p>Amended Architectural Plans (Appendix 3)</p>
<p>6. <i>Provide updated Height Plane Diagram drawings as follows:</i></p> <p>a) <i>DA-780-008 and 009 – include annotation of height above ground level next to annotated RLs.</i></p> <p>b) <i>DA-780-009 – include the exceedances of the ‘upper roof’ canopy and other relevant features.</i></p>	<p>The height plane diagrams (drawings DA-780-008 and DA-780-009) have been revised by Turner to address these comments.</p>	<p>Amended Architectural Plans (Appendix 3)</p>
<p><b>Materials</b></p>		
<p>7. <i>Clarify the design rationale for the change in the material palette selection, including:</i></p> <p>a) <i>The change of the tower’s expressed grid façade from white coloured expressed concrete to blue coloured terracotta</i></p> <p>b) <i>Update drawing DA-890-001 to include visual reference of (omitted) proposed louvres refs LV1, LV2.</i></p>	<p>Following the approval, there was further design development on the façade for the construction documentation.</p> <p><u>Thermal Performance Design Development</u></p> <p>Based on advice from the façade engineer (JFS) and the thermal consultant (Windtech), the exposed concrete structure required very high-performance glass due to the lack of thermal break caused by the exposed structure. The façade system was therefore amended to allow a layer of insulation between structure and outer façade.</p> <p>The blue terracotta element, now amended to a powder-coated aluminium extrusion (blue façade element) for improved compatibility with the window system and weight advantage, has several functions which assist the thermal performance and construction of the facade.</p> <p><u>Façade Expression: 2-storey Scale</u></p> <p>In the original design, the concrete slab edge varied in depth to provide a 2- and 2-storey macro-scale organisation to the façade.</p> <p>In the amended design, the blue façade element system allows the macro-grid to be maintained on the tower elevations without compromising the thermal performance of the façade.</p> <p><u>Façade Depth &amp; Sun Shading</u></p> <p>The blue façade element also provides depth to the façade and a degree of solar shading to the façade, particularly to the east and west facing facades on Falcon Street.</p>	<p>Amended Architectural Plans (Appendix 3)</p>

DPHI Raised Issue	Response	Relevant Report(s)
	<p>Vertical blue façade elements are added to the northern side of the windows to optimise shading to the windows.</p> <p><u>Integral Colour</u> The blue façade elements also allowed colour to be introduced to the façade without reliance on paint.</p> <p><u>Podium Character and Materiality</u> A key part of the amendment is the change in use within the podium to include hotel accommodation. As part of this amendment, the podium façade required further consideration of the façade due to the window requirements of the hotel rooms and the resultant grid of windows on the façade of the rooms.</p> <p>The hotel component also required a different mechanical solution than the commercial levels which required a different arrangement of air intake and exhaust.</p> <p>As part of the podium façade amendments, the louvres were incorporated into the hit-and-miss brick screen.</p> <p>As well as fulfilling the program and technical requirements to service the building, the updated design also reduces the number of materials to simplify and strengthen the design response.</p>	
<p>8. <i>Confirm the submitted plans include louvers as per the requirement in Condition B1(c)(iv) and (v).</i></p>	<p>The project's ventilation strategy is addressed in detail at section 5.2.4 of the Amended Acoustic Report (Appendix 8). The design achieves compliance with natural ventilation and internal acoustic criteria through the following measures:</p> <ul style="list-style-type: none"> <li>Partially enclosed balconies: Incorporation of acoustically absorptive linings enables these spaces to act as noise buffers. Adjoining living rooms and bedrooms may then be naturally ventilated via openings equivalent to 5% of the room floor area.</li> <li>Remote bedrooms: Where rooms are not directly adjoining a balcony, natural ventilation is achieved by a combination of controlled façade openings (without exceeding acoustic thresholds) and borrowed ventilation from living areas connected to balconies. The combined direct and borrowed ventilation areas meet the required 5% of room floor area.</li> </ul>	<p>Amended Architectural Plans (Appendix 3) and Amended Acoustic Report (Appendix 8)</p>

DPHI Raised Issue	Response	Relevant Report(s)
	Accordingly, the design achieves natural ventilation compliance without the need for operable louvres. This has informed the proposed amendments to Condition B1(iv) and (v), as set out in section 5.	
<b>Traffic and Parking</b>		
<p>9. <i>Provide a car parking schedule clarifying:</i></p> <p>a) <i>The total number of tandem spaces</i></p> <p>b) <i>The proposed amendments to the car parking allocation' referred to in the Appendix 2.</i></p>	A total of 215 car parking spaces is provided, distributed across basement levels B6 to B3. Mod 1 is concurrently amended to reintroduce a 6 <sup>th</sup> level of basement, removing all previously proposed tandem spaces.	Amended Architectural Plans (Appendix 3) Traffic Assessment (Appendix 7)
<p>10. <i>Confirm that each set of tandem spaces (i.e x2 spaces) will be allocated to one apartment.</i></p>		Amended Architectural Plans (Appendix 3) Traffic Assessment (Appendix 7)
<p>11. <i>Consider the demand for coach/bus trips associated with the hotel use and also identify the location for coach/bus set-down within the site, or within the vicinity of the site. If existing set-down areas are proposed to be used identify current demand for those facilities and the impact of the proposed coach/bus use and frequency on the availability of those facilities for existing use(s).</i></p>	<p>JMT Consulting has advised that given the relatively small scale of the proposed hotel (100 rooms), bus and coach activity is anticipated to be minimal. The majority of guests are expected to travel via public transport (notably the proximate Crows Nest Metro Station), taxis, or ride-share services. Neither the North Sydney DCP nor other Council guidelines impose a requirement for on-site bus or coach parking.</p> <p>Occasional use by tour operators employing vans, minivans, or minibuses (up to 30 passengers, approx. 7.5m in length and 3m in height, below the dimensions of a Medium Rigid Vehicle) can be accommodated within the site's loading dock. Such access will be coordinated with the building manager to ensure availability, consistent with the operational procedures for other uses. The frequency of such activity will be very low, with vehicles typically on-site for less than 15 minutes, and will not adversely affect loading dock operations.</p>	Amended Architectural Plans (Appendix 3) Traffic Response (Appendix 7 and this RTS Report)
<p>12. <i>Provide bicycle parking and cyclist end of trip facilities for the use of hotel staff.</i></p>	EOT facilities for the hotel component have been provided on basement level B1.	Amended Architectural

DPHI Raised Issue	Response	Relevant Report(s)
	<p>Design provision has also been made for bicycle storage spaces on basement level B1, which will be used by hotel staff.</p> <p>Bicycle parking and EOT facilities have been designed in accordance with the NSDCP 2013. Although the NSDCP 2013 does not technically apply to SSD, it has been used as a baseline reference to ensure local design expectations are met in relation to sustainable transport objectives.</p>	<p>Plans (Appendix 3)</p> <p>Traffic Assessment (Appendix 7)</p>
<p>13. <i>There are inconsistencies in the submitted Modification Report, Hotel Plan of Management and the Centre Plan of Management with respect to the proposed hours of operation for deliveries, loading and unloading of the site.</i></p> <p>a) <i>Provide clarification of the proposed hours of operation for operation for deliveries, loading and unloading of the site</i></p> <p>b) <i>Provide an updated Hotel Plan of Management and Centre Plan of Management (where required)</i></p>	<p>As noted within the accompanying Traffic Assessment (Appendix 7) that has been prepared by JMT Consulting:</p> <ul style="list-style-type: none"> <li>• Residential and retail deliveries will occur between the hours of 7:00 AM and 12:00 AM.</li> <li>• Hotel deliveries will occur 24 hours a day, 7 days per week.</li> </ul> <p>These delivery / servicing hours for each land use component are referenced consistently between:</p> <ul style="list-style-type: none"> <li>• Traffic Assessment (Appendix 7)</li> <li>• Centre Plan of Management (Appendix 10), which only relates to the retail floorspace component (as amended).</li> <li>• Hotel Plan of Management (Appendix 11, which only relates to the hotel).</li> <li>• This RTS Report and accompanying Amendment Report.</li> </ul>	<p>Traffic Assessment (Appendix 7)</p> <p>Centre Plan of Management (Appendix 10)</p> <p>Hotel Plan of Management (Appendix 11)</p>
<p>14. <i>Update the traffic assessment in the submitted Transport Statement prepared by JMT Consulting to confirm the predicted truck and car arrival/departure frequency in any given 15min period (and particularly at nighttime) to verify the Acoustic Assessment's maximum vehicle frequency assumptions at Table 8-3 (page 40) and its conclusion that the loading dock use has acceptable noise impact.</i></p>	<p>The Transport Assessment (Appendix 7) has been updated to include car and truck movement profiles across different times of day.</p> <p>This confirms that the assumptions adopted in the Acoustic Assessment are conservative, with actual vehicle flows expected to be lower than modelled.</p>	<p>Traffic Assessment (Appendix 7)</p> <p>Amended Acoustic Impact Assessment (Appendix 8)</p>
<p>15. <i>Provide justification for the reduction of three car-share vehicle spaces (from six to three).</i></p>	<p>The NSDCP 2013 (which is technically not applicable SSD under s2.10 of the Planning Systems SEPP) and TfNSW's <i>Guide to Transport Impact Assessments</i> (TS 00085, Version 1.1) do not prescribe a specific provision rate for car share parking spaces.</p>	<p>Traffic Assessment (Appendix 7) and this RTS Report</p>

DPHI Raised Issue	Response	Relevant Report(s)
	<p>While the NSDCP 2013 supports car share arrangements, it would restrict the provision of car share spaces to not more than 25% of the maximum off-street parking requirement (excluding visitor spaces). The development (as amended) would satisfy this requirement if it applied to SSD.</p> <p>It is noted that the <i>Sydney Development Control Plan 2012</i> (SDCP 2012) recommends one car share space per 50–90 spaces. The proposed provision of three car share spaces equates to one space per 76 car spaces, falling within this range. The proposed provision rate is therefore considered suitable to meet anticipated demand in the context of this project.</p>	
<p>16. <i>Provide justification for the amendment of condition B19(a) to delete the requirement for ‘3% rising from the top of the kerb’.</i></p>	<p>The footpath crossfall has been designed in accordance with the following legislation, standards and industry guidelines:</p> <ul style="list-style-type: none"> <li>• <i>Disability Discrimination Act</i> 1992 (DDA).</li> <li>• Australian Standard AS 1428.1:2021 (Design for Access and Mobility, including Part 1: General Requirements for Access – New Building Work).</li> </ul> <p>The framework above requires walkways and landings to have a crossfall no steeper than 1:40, and this requirement has been satisfied as it relates to this project.</p> <p>The design (as amended) is also consistent with North Sydney Council Standard Drawing No. S104A (nominal 2% crossfall) and the <i>North Sydney Public Domain Style Manual and Design Codes</i> (June 2024), Section 5 (Village Centres and Activity Strips), which specifies a nominal 2.5% crossfall.</p>	<p>Mott Macdonald input into this RTS Report</p>
<b>Noise</b>		
<p>17. <i>Confirm whether the central atrium landscaped area is proposed to be used / accessible by hotel guests / staff and if so:</i></p> <ol style="list-style-type: none"> <li><i>Clarify the proposed nature, intensity/frequency, hours of operation and patron capacity of the use</i></li> <li><i>Update the Acoustic Assessment to consider the noise impact on the future residential apartments facing the central void</i></li> </ol>	<p>The following clarifications are provided in relation to this item:</p> <ul style="list-style-type: none"> <li>• The central atrium will not be accessible to hotel guests or the general public. Access will be restricted to staff for maintenance purposes only. All maintenance activities will be scheduled during designated hours to minimise any disturbance to residents. Refer to the amended Hotel Plan of Management (Appendix 11)</li> <li>• As discussed within the Amended Acoustic Impact Assessment (Appendix 8), there will be no adverse reduction to the level of</li> </ul>	<p>Amended Acoustic Impact Assessment (Appendix 8) Hotel Plan of Management (Appendix 11)</p>

DPHI Raised Issue	Response	Relevant Report(s)
<p>c) <i>Update the Hotel Plan of Management to confirm the nature of any use of the central atrium. If the space is not to be accessed by guests / staff clearly state this in the Hotel Plan of Management.</i></p>	<p>acoustic amenity afforded to residents because the central atrium will not be accessible to hotel guests.</p> <ul style="list-style-type: none"> <li>The Hotel Plan of Management (Appendix 11) has been amended to reflect the above.</li> </ul>	

**Residential Amenity**

<p>18. <i>Provide an Apartment Design Guide (ADG) assessment / numeric schedules that demonstrate how the apartments (including affordable apartments) perform against the ADG design criteria for the following:</i></p> <ul style="list-style-type: none"> <li>a) <i>Apartment sizes, by apartment type</i></li> <li>b) <i>Habitable room and living room area depths and widths</i></li> <li>c) <i>Depths of cross over and cross through apartments, measured glass line to glass line</i></li> <li>d) <i>Combined kitchen/living room depths measured from a window</i></li> <li>e) <i>Bedroom dimensions and areas</i></li> <li>f) <i>balcony sizes by apartment type</i></li> <li>g) <i>apartment storage by apartment type, including clarification of internal and basement storage and with reference to the residential storage diagrams (DA-725-001 to 003)</i></li> <li>h) <i>the silver level universal design performance rating (Liveable Housing Guideline).</i></li> </ul>	<p>The Amended Architectural Plans (Appendix 3) incorporate an updated assessment against the ADG that has been prepared to address each of the matters that are listed under this item. Note:</p> <ul style="list-style-type: none"> <li>The minimum internal floorspace provisions of the ADG have been satisfied in relation to each apartment typology as follows: <ul style="list-style-type: none"> <li>- 1-Bedroom Apartments: All <math>\geq 50\text{m}^2</math>.</li> <li>- 2-Bedroom Apartments: All <math>\geq 70\text{m}^2</math>.</li> <li>- 3-Bedroom Apartments: All <math>\geq 100\text{m}^2</math>.</li> </ul> </li> <li>20% have been designed to achieve Liveable Housing Australia (LHA) Silver Level Certification. Refer to Drawing Sheets DA-810-001 and DA-810-002.</li> <li>Living rooms and private open spaces in 70% of the proposed apartments receive at least 2 hours of direct sunlight between 9:00 AM and 3:00 PM during Winter Solstice.</li> <li>None (0%) of the proposed apartments receive no direct sunlight between 9:00 AM and 3:00 PM during Winter Solstice.</li> <li>Over 90% of the apartments between Level 2 (the lowest residential floor level) and Level 9 will be naturally cross ventilated.</li> <li>The site has a surveyed area of 3,200.6m<sup>2</sup>. The development (as modified) will deliver 929m<sup>2</sup> of principle usable COS, which equates to 29% of the site area. As indicated on drawing sheet DA-730-001, at least 50% of the principle useable COS will receive direct sunlight for a minimum of 2 hours between 9:00 AM and 3:00 PM during Winter Solstice.</li> <li>Layout plans for each of the proposed apartment typologies are provided on the following drawing sheets: <ul style="list-style-type: none"> <li>- DA-750-001.</li> <li>- DA-750-002.</li> </ul> </li> </ul>	<p>Architectural Design Statement (Appendix 1) Amended Architectural Plans (Appendix 3)</p>
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DPHI Raised Issue	Response	Relevant Report(s)
	<p>- DA-750-003.</p> <p>Combined kitchen and living room depth, individual balcony areas, bedroom dimensions, and internal storage capacities have been confirmed.</p> <ul style="list-style-type: none"> <li>The balcony areas for each apartment typology generally meet or surpass the minimum area and dimensional requirements under Objective 4E-1 of the ADG. The calculation of internal storage capacity for each apartment typology has not included any of the balcony areas. All apartment typologies have implemented the following design guidance under Objective 4E-1: <ul style="list-style-type: none"> <li><i>Primary open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space.</i></li> </ul> </li> <li>While the internal storage capacity of most apartment typologies do not meet the minimum provision rates under the ADG, these rates have been satisfied by the communal storage space at Level 3. Drawing sheets DA-750-001 to DA-750-003 have nominated private storage areas on Level 3 for each apartment typology. Objective 4G-2 of the ADG provides the following design guidance: <ul style="list-style-type: none"> <li><i>If communal storage rooms are provided, they should be accessible from common circulation areas of the building.</i></li> </ul> <p>This guideline has been implemented in relation to the design and layout of the communal storage facility at Level 3.</p> <p>As noted within the Architectural Design Statement, the level of solar amenity afforded to COS areas has improved under the scope of Mod 2 compared to the initial approval.</p> </li> </ul>	
<p>19. Update the calculation of Communal Open Space (COS) and drawing 'DA-730-001 COS Diagrams' to:</p> <ol style="list-style-type: none"> <li>Exclude all areas labelled 'non-accessible COS'. As these inaccessible landscaped spaces would not qualify as COS</li> <li>Exclude all areas with dimensions less than 3 m , in accordance with the ADG Objective Part 3D-1</li> </ol>	<p>Drawing DA-730-001 has been amended to address this comment.</p>	<p>Amended Architectural Plans (Appendix 3)</p>

DPHI Raised Issue	Response	Relevant Report(s)
<p>c) <i>Exclude the 'open gallery access', if it has been included in the COS calculation</i></p> <p>d) <i>Exclude the central atrium landscaped area, noting this is surrounded by the hotel use.</i></p>		
<b>Subdivision</b>		
<p>20. <i>The proposed amendments to condition A1 plan references in the Modification Report (page 20) does not include the deletion of the approved stratum subdivision plans. Confirm whether the proposed stratum subdivision plans are intended to replace the approved plans entirely or in part.</i></p>	<p>Refer to the Amended Draft Stratum Subdivision Plans (Appendix 17) that accompany this RTS Report. The amended Stratum Subdivision Plan is proposed to supersede the initial version that is referenced by Condition A1 of the development consent to be modified. As discussed in the accompanying Amendment Report, this change creates a separate stratum for 47 (of the 48) affordable housing apartments and one affordable housing apartment will remain as a strata lot.</p> <p>This modification follows discussions with the Community Housing Provider (CHP). Given the substantial number of strata lots, the CHP has advised that managing the 48 affordable housing units on a separate stratum lot and 1 strata lot is strongly preferred over 48 individual strata lots. This approach offers a more effective and practical solution for reducing operational costs and simplifying administrative compliance.</p>	<p>Amended Stratum Subdivision Plans (Appendix 17)</p>
<p>21. <i>Clarify why the subdivision roof plan shown in drawing DP1305704 is indicated as entirely 'Lot 1 Retail', noting this level would relate only to the rooftop plant at 'upper roof' level.</i></p>	<p>As the proposed retail assets are to remain under Deicorp ownership, the stratum subdivision at the upper level has been allocated to 'retail' to avoid complicating future management and maintenance responsibilities. Stratum divisions on the Lower Roof have been appropriately allocated to relevant stakeholders and uses to support the ongoing functionality and governance of the development.</p> <p>The "Upper Roof and Above" level has been retained within the Retail Stratum Lot to allow for the installation of future plant and services. The detailed specifications for building plants and services will be confirmed before a Construction Certificate is issued.</p>	<p>Amended Stratum Subdivision Plans (Appendix 17)</p>
<b>Other</b>		
<p>22. <i>The affordable housing dwelling mix quoted in the Modification Report (page 10) does not add up to 48 dwellings. Clarify the affordable housing summary and update the drawings to include an annotation of the</i></p>	<p>Reference should be made to the following drawing sheets within the Amended Architectural Plans (Appendix 3) that accompany this Report:</p> <ul style="list-style-type: none"> <li>• DA-115-010.</li> </ul>	<p>Amended Architectural Plans (Appendix 3)</p>

DPHI Raised Issue	Response	Relevant Report(s)
<p><i>number / dwelling mix of affordable housing apartments on each floor and provide totals.</i></p>	<ul style="list-style-type: none"> <li>• DA-115-020.</li> <li>• DA-115-030.</li> <li>• DA115-040.</li> <li>• DA-115-050.</li> </ul> <p>The above-listed drawing sheets confirm:</p> <ul style="list-style-type: none"> <li>• All apartments on level 3, level 4 and level 5 are nominated to form part of the Affordable Housing Component.</li> <li>• As above for all apartments on level 6 (excluding apartment 612).</li> <li>• Apartment 704 on level 7 is nominated to form part of the Affordable Housing Component. All other apartments on level 7 will be offered at market rate.</li> </ul> <p>In total, 48 apartments are proposed to form part of the Affordable Housing Component. The statutory requirement for 15% of the proposed apartments to be nominated as affordable housing has been satisfied.</p>	
<p>23. <i>Provide confirmation from the Community Housing Provider that the change in the affordable housing dwelling mix is supported.</i></p>	<p>No agreement has been reached with the Community Housing Provider (CHP) regarding apartment mix, nor is such agreement considered necessary for assessment of the application. Notwithstanding, the preferred CHP, St George Housing, has confirmed its capacity to manage the proposed number and mix of units for a 15-year period.</p> <p>The proposed quantum of affordable dwellings continues to satisfy, consistent with the original consent, the infill affordable housing provisions of the Housing SEPP, being 15% (as 30% uplift was approved).</p>	<p>–</p>
<p>24. <i>Justify the reduction of proposed street tree planting to 18 street trees and confirm whether Council has been consulted regarding this proposed reduction.</i></p>	<p>The minor reduction in proposed tree planting reflects the need to balance landscape outcomes with constraints imposed by relevant authorities, including Sydney Water. Such design changes are commonly sought under section 4.55 of the Act for development of this scale and nature.</p> <p>The revised tree placement minimises potential conflicts with existing infrastructure while maintaining overall landscape objectives.</p>	<p>–</p>

DPHI Raised Issue	Response	Relevant Report(s)
<p>25. <i>The Department notes that the Heritage Impact Statement (HIS) submitted with the modification application does not propose any changes / updates to archaeological considerations. Noting this, justify the need to amend condition B3 to include reference to the MOD HIS.</i></p>	<p>Condition B3 is a routine condition of consent that does not need to be modified for coordination with the scope of Mod 2. Section 5 of this RTS Report includes the revised conditions to be modified and does not include this change.</p>	<p>Section 5 of this RTS Report</p>
<p>26. <i>Clarify the reason for the relocation of the sewer pump station (Basement Level 5), noting the introduction of the station forms part of the separate Modification 1 application (SSD 66826207 MOD 1).</i></p>	<p>The sewer pump station on basement level 5 has been relocated to facilitate ongoing design development. The location of the sewer pump station (as amended) is shown on Drawing Sheet DA-110-003 within the Amended Architectural Plans (Appendix 3) Operational requirements of the pump station remain unchanged. The relocation was undertaken to reduce in-ground pipework length and thereby minimise excavation. The repositioning of the car wash bay also necessitated the revised tank location.</p>	<p>Amended Architectural Plans Appendix 3</p>
<p>27. <i>Update the drawings to take account of any changes to the design and layout of the development resulting from the finalisation of the separate MOD1 application.</i></p>	<p>The requested updates (items 27-29, left) have been incorporated within the Amended Architectural Plans (Appendix 3).</p>	<p>Amended Architectural Plans Appendix 3</p>
<p>28. <i>Provide updated drawings 'DA-230-101, 201 and 301 Street Activation Elevations'.</i></p>		
<p>29. <i>For clarity, rename the drawing title of 'DA-110-220 Roof Plan' to refer to both roof levels.</i></p>		

## 4.2 Response to North Sydney Council

An itemised response to matters that were raised by Council is provided within Error! Reference source not found.. Matters that warrant further discussion a re addressed within **Section 4.2.1** and **Section 4.2.2**.

Table 3: North Sydney Council Response

Matter	Response
<p><b>Employment Floorspace</b></p>	<p>Council raised concerns regarding the proposed removal of commercial office floorspace at the site and a reduction to retail floorspace at the site. Council noted this results in an unacceptable reduction to the site’s capacity to generate employment opportunities; however, Council’s position is not supported by recent empirical studies or needs assessments. The following is noted in response to this commentary:</p> <ul style="list-style-type: none"> <li>• It is important to note that the proposed land uses remain permissible within the MU1 Zone that applies to the land. In <i>BGP Properties Pty Limited v Lake Macquarie City Council</i> [2004] NSWLEC 399, McClellan CJ observed that ‘<i>planning decisions must generally reflect an assumption that, in some form, development which is consistent with the zoning will be permitted</i>’ and that ‘<i>If the zoning is not given weight, the integrity of the planning process provided by the legislation would be seriously threatened.</i>’ The proposed change of use from commercial offices to tourist and visitor accommodation and the adjusted proportions of the uses of uses, besides being permissible, remains consistent with the objectives of the MU1 zone, including, ‘<i>To encourage business, retail, community and other non-residential land uses on the ground floor of buildings</i>’ and ‘<i>To create interesting and vibrant mixed use centres with safe, high quality urban environments with residential amenity</i>’ and ‘<i>To maintain existing commercial space and allow for residential development in mixed use buildings, with non-residential uses concentrated on the lower levels and residential uses predominantly on the higher levels.</i>’</li> <li>• An Economic Study (Appendix 12) has been prepared by Atlas Economics to address the concerns raised by Council. If the approved the commercial office floorspace was delivered this “<i>would mean more vacant office space in Crows Nest</i>”.</li> <li>• In summary: <ul style="list-style-type: none"> <li>- Structural changes to the office market necessitate a revised mix of land uses to ensure the orderly and economic use of land. The submitted material, including the Economic Study, indicates that Council’s commentary has not been made with appropriate regard for objective 1.3(c) of the Act being “<i>to promote the orderly and economic use and development of land</i>”.</li> <li>- As noted in Section 4.2.2 of the accompanying Economic Analysis, the site’s relative isolation from high-activity frontages, such as Willoughby Road, has warranted a reduction to the proposed quantum of retail floorspace. The over-delivery of retail floorspace could result in an unfeasible vacancy rate, which would not utilise the site as a high-value, accessible landholding.</li> <li>- The proposed hotel responds to a recognised shortage of quality hotel accommodation in North Sydney. As demonstrated in the Economic Study (Appendix 12):</li> </ul> </li> </ul>

Matter	Response
	<p><i>A lack of hotel rooms has broader consequences than just the foregone visitor opportunity. It has implications for the competitive advantage of the North Sydney office market. The historically low supply of hotel rooms puts the commercial precinct of North Sydney at a significant disadvantage to other markets.</i></p> <ul style="list-style-type: none"> <li>- The proposed hotel component will contribute towards a permanent (24/7) customer base, which will support the activation of a robust after-hours economy. This will support local business.</li> <li>- The removal of commercial office floorspace, reduction of retail floorspace and addition of a new hotel component represents the highest and best use of the site, responding appropriately to market and locational conditions.</li> </ul>
<b>Substantially the Same Development test</b>	Refer to section 4.2.1 below for a detailed response.
<b>Socio-Economic Analysis</b>	<p><b>Economic Analysis:</b></p> <p>As outlined within the accompanying Economic Study (Appendix 12):</p> <ul style="list-style-type: none"> <li>• An increase in office supply would only exacerbate the existing high vacancy rates in Crows Nest.</li> <li>• Vacant floorspace generates no economic contribution and represents a lost opportunity for activation.</li> <li>• There is no existing or foreseeable market incentive for the delivery of commercial office floorspace at the site.</li> <li>• The proposed reduction in retail floorspace is appropriate to the location of the site.</li> </ul> <p>The findings of the Economic Study (Appendix 12) have not been repeated within this RTS Report to avoid the unnecessary duplication of text. These findings are further verified below.</p> <p><b>Approved (Unconstructed) Commercial Office Pipeline in the North Sydney LGA:</b></p> <p>The pipeline of approved commercial office towers in North Sydney is significant. As Council are aware, works are yet to commence in relation to several approved commercial towers, including:</p> <ul style="list-style-type: none"> <li>• <u>DA58/2022</u>: 37-storey commercial office tower at 107 Mount Street, North Sydney. Approved by the NSW Land and Environment Court (LEC) on 22 March 2023, however works have not commenced.</li> <li>• <u>DA393/2022</u>: 43-storey commercial office tower at 153-157 Walker Street, North Sydney. Approved by the LEC on 16 August 2024, however a separate SSDA (SSD-82599709) is now being progressed in relation to the same site. At the time of writing, it is understood that this SSDA is seeking approval for market-rate housing and a new hotel.</li> <li>• <u>DA19/2021</u>: 53-storey commercial office tower at 110 Walker Street, North Sydney. Approved by the Sydney North Planning Panel (SNPP) on 3 June 2022, however works have not commenced.</li> <li>• <u>DA97/2021</u>: 26-storey commercial office tower at 63-83 Walker Street, North Sydney. Approved by the SNPP on 6 April 2022, however works have not commenced.</li> <li>• <u>DA68/2019</u>: 33-storey commercial office tower at 173 Pacific Highway, North Sydney. Approved by the SNPP on 27 November 2019, however works have not commenced.</li> </ul> <p>The status of the above-listed commercial tower projects (the above is not an exhaustive list) provides a tangible indicator of commercial hesitancy and structural change in commercial office market conditions. This lack of physical</p>

Matter	Response
	<p>progress, which pre-dates the start of the Covid-19 global pandemic, further verifies the findings of the accompanying Economic Study (Appendix 12).</p> <p>Further to the above, other projects in the LGA are being progressed to repurpose commercial office sites to accommodate alternative land uses. Recently, DA350/2024 (recommended by Council to the SNPP for approval) has proposed the adaptive re-use of the existing commercial office building at 20 Berry Street, North Sydney as a hotel.</p> <p><b>Social Impacts:</b></p> <p>The original SSDA was supported by a comprehensive Social Impact Assessment (SIA), dated 7 March 2024, which included an inventory of schools, childcare centres, healthcare facilities and parks that are located within walking distance from the site. It was demonstrated that the development (as approved) would not result in any unacceptable social impacts. The addition of 24 apartments (12.7% of the number initially approved) is an immaterial amendment that will not change this conclusion.</p> <p><b>Further comment:</b></p> <p>Most importantly, the amended mix of land uses is entirely permissible within the MU1 Zone. The positive socio-economic outcome that will be supported by the development (as amended) is reasonable to anticipate under the local planning framework and should be supported by Council.</p> <p>The submission of additional social/economic impact assessment material beyond what has been provided to date is not considered to be necessary to support the approval of the proposed modification.</p>
<p><b>Strategic Planning Framework</b></p>	<p>The proposed reduction of employment floorspace and a less intensive (in potential employment terms) hotel use was considered by Council to contravene the applicable strategic planning framework. The following is noted in this regard:</p> <ul style="list-style-type: none"> <li>• <b>Permissibility:</b> <p>The proposed mix of land uses is permissible within the MU1 Zone and is therefore reasonable to anticipate under the NSLEP 2013, which is intended to reinforce the local strategic planning framework. There is no statutory precedent for the refusal of Mod 2 on land use grounds.</p> </li> <li>• <b>Housing Delivery:</b> <p>At the national level, the National Housing Accord (2024–2029) commits to delivering 1.2 million dwellings across Australia, with NSW responsible for 377,000 dwellings. Within this framework, the Department has set a five-year housing target of 5,900 dwellings for the North Sydney LGA, averaging 1,180 per year.</p> <p>Actual delivery has been significantly below target, with only ~260 dwellings per annum achieved since 2020–21, representing 22% of the required rate. Even when the pipeline of approved residential development in St Leonards and Crows Nest is factored in, the achievement of local housing delivery targets in line with the National Housing Accord is not projected.</p> </li> <li>• <b>Transport Oriented Development (TOD) Accelerated Precincts</b> <p>The accelerated TOD precinct will play a significant role in boosting housing supply near major transport hubs while promoting walkable, vibrant areas. Crows Nest was identified as an accelerated precinct due its close proximity to a metro station and its rezoning was finalised in November 2024. The rezoning amended the planning controls to</p> </li> </ul>

Matter	Response
	<p>provide capacity for 5,900 new homes, up to 2,500 new jobs (noting it removed the 1:1 non-residential floor space control for the site), affordable housing contributions, better connections to transport and more trees to maintain the leafy character of the locality.</p> <ul style="list-style-type: none"> <li>• <b>St Leonards and Crows Nest 2036 Plan:</b> The <i>St Leonards and Crows Nest 2036 Plan</i> remains the key guiding document for the precinct. By leveraging the future Metro station, the Plan seeks to balance employment and residential growth. The amendments, including additional dwellings and the reallocation of surplus commercial space to a hotel use, are consistent with the Plan's principles of liveability, productivity, and sustainability. On the contrary, the over-delivery of commercial floorspace that can be expected to remain at least partially vacant would not support these principles.</li> <li>• <b>North Sydney Local Strategic Planning Statement:</b> The <i>North Sydney Local Strategic Planning Statement</i> identifies St Leonards and Crows Nest as critical for housing and infrastructure delivery. The development (as amended) will continue to advance these objectives by: <ul style="list-style-type: none"> <li>- Delivering additional housing choice, including affordable housing choices.</li> <li>- Enhancing public domain and communal open space outcomes.</li> <li>- Supporting the precinct's vitality through mixed-use functions.</li> </ul> </li> <li>• <b>North Sydney Visitor Economy Strategy:</b> The availability of contemporary hotel accommodation in North Sydney is essential to maintaining a regionally competitive business environment. This aligns with the <i>North Sydney Visitor Economy Strategy</i> (Visitor Economy Strategy), which guides the growth of a sustainable visitor economy in North Sydney.</li> </ul>
<b>Affordable Housing</b>	Refer to section 4.2.2 for a detailed response.
<b>Local Infrastructure Contributions</b>	Local infrastructure contributions will be imposed in accordance with the <i>North Sydney Local Infrastructure Contributions Plan 2020</i> , which will be reviewed by the Proponent when draft conditions of consent are issued by the Department.

#### 4.2.1 'Substantially the Same Development' Test

Council state that the proposed modification so alters the mix of uses and the employment yield that it *"is clearly not the same development as was approved"*. Specifically, Council points to the removal of ~2,500 m<sup>2</sup> of office space, a ~3,587 m<sup>2</sup> reduction in retail area, the introduction of a 100-room hotel, and an increase in residential apartments from 188 to 212 units, which equates to 12.7% of the approved number of apartments.

Council contends these alterations do not satisfy the threshold test under section 4.55(2)(a) of the Act however we disagree with this view.

Section 4.2 of Gyde's original Planning Statement dated 7 July 2025 addressed in detail the substantially the same development test.

The modifications do not result in adverse environmental impacts beyond that originally approved in SSD66826207 as discussed in section 4.4.6 of the original Planning Statement and herein. The modified proposal:

- Improves the land use offering of the site being consistent with the mixed use zone;
- Delivers more housing and diverse (short term) accommodation in the form of hotel floor space;
- Improves the articulation of the podium which further reduces the visual bulk of the podium and delivers useable COS on the rooftop (as well as the podium).
- The integral aspects of the original proposal which included the activated ground floor retail offering, affordable housing provision and a high-quality design on a key site which acts as a key marker in Crows Nest is maintained in the modified proposal.
- The overshadowing impacts resulting from the revised lift overrun and fire stairs are negligible.

When considering whether a development as modified would remain substantially the same as the development as originally approved, it is important to assess the changes in the context of the whole of the originally approved development.

In *Canterbury-Bankstown Council v Realize Architecture Pty Ltd* [2024] NSWLEC 31, Preston CJ, has confirmed that the consent authority's discretion when assessing whether a development remains substantially the same is quite broad, and it is not confined to a rigid comparison of the quantitative and qualitative comparison of the differences.

On balance and in holistically considering all the facts, the modified development as proposed remains substantially the same development as originally approved.

##### 4.2.1.1 Section 37 Amendment

The accompanying Amendment Report has been prepared to support the amended scope of Mod 2 in accordance with section 4.55(2) of the Act. The scope now includes replacement of the existing static sign, the hotel fit out and stratum and 1 strata lot subdivision of the affordable housing dwellings. The modified proposal continues to be substantially the same development taking these further, related amendments into account.

#### 4.2.2 Affordable Housing Component

Council has submitted that the addition of 24 residential apartments warrants a proportionate increase in affordable housing units. The modified proposal continues to provide 15% of the total floor space as affordable housing (in accordance with Chapter 2 of the Housing SEPP), with the total GFA for the development unchanged. Hence, the proposal satisfies the relevant statutory requirement. The increased supply, albeit minor, of market housing will also put downward pressure on house prices.

## 4.3 Response to Agency Advice

A response to agency advice that was received during the public exhibition period is detailed within Table 4 below.

Table 4 Response to Agency Advice

Matter	Response
<b>Sydney Water Corporation</b>	
Capacity of Existing Water and Wastewater Infrastructure	<p>Sydney Water reviewed the proposed modification and confirmed that water supply and wastewater services are available to support the development (as amended), although some local network amplification or minor extensions may be required to meet the increased demand.</p> <p>In line with standard industry practice, this matter will be resolved to Sydney Water's satisfaction before a Section 73 Certificate is granted. A Water Service Coordinator will engage with Sydney Water on behalf of the Applicant as required until such time a Section 73 Certificate is granted.</p> <p>Condition G20 of the original development consent provides for the above and does not need to be amended.</p>
Tree Planting and Sydney Water Asset Encroachment	<p>Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the SW Act specifies what can occur when there is interference or damage to Sydney Water assets caused by trees.</p> <p>This concern has been reviewed by the project Landscape Architect (Land and Form) and their response is as follows:</p> <ul style="list-style-type: none"> <li>• The nominated tree species, <i>Liriodendron tulipifera</i> (identified on Council's nominated street tree list), has been selected as it presents a significantly lower risk of invasiveness compared to the existing London Plane Trees (<i>Platanus orientalis</i> x <i>Platanus occidentalis</i>) at the site, which are common in the local area.</li> <li>• To further mitigate the potential for encroachments on Sydney Water assets, root barriers are proposed to the rear of each tree pit. In addition, all street trees along the Pacific Highway frontage will be installed within 500mm raised planters, further reducing the potential for asset encroachment.</li> </ul> <p>Accounting for the above, the proposed trees are not expected to encroach upon any Sydney Water asset, including in relation to subterranean root networks.</p>
<b>NSW State Emergency Services</b>	
Flood Conditions	<p>No material change is proposed to the building envelope or footprint. Accordingly, there will be no change to off-site flood conditions that have already been modelled and deemed to be acceptable.</p> <p>The SES confirmed that the development (as amended) will have limited to no impact on flood conditions at the site or the implementation of flood emergency management requirements.</p> <p>Condition B15 (requirement to ensure that the crest of the basement entrance is above the Probable Maximum Flood level) will continue to apply.</p>

Matter	Response
<b>Transport for New South Wales</b>	
Impact on Local Road Network	TfNSW did not raise any objections to Mod 2, noting the proposed amendments are expected to have a negligible impact on the surrounding state road network. The JMT Consulting traffic response reinforces this position.
Retention of Existing Conditions of Consent	TfNSW's response indicates support for the project subject to the retention of previously imposed conditions (from TfNSW's earlier advice on the original project, dated 18 October 2024). The conditions that are set out within TfNSW's prior correspondence remain agreeable in relation to the amended scope of works.
Coach Management Plan	<p>A Coach Management Plan will be submitted before an Occupation Certificate is issued, as requested by TfNSW in relation to the hotel component. Note:</p> <ul style="list-style-type: none"> <li>As detailed within Table 2, given the relatively small scale of the proposed hotel (100 rooms), bus and coach activity is anticipated to be minimal.</li> <li>Occasional use by tour operators employing vans, minivans, or minibuses (up to 30 passengers, approx. 7.5m in length and 3m in height, below the dimensions of a Medium Rigid Vehicle) can be accommodated within the site's loading dock.</li> <li>A hotel operator has not been confirmed, which is routine and acceptable in relation to this stage of the project lifecycle. Providing a Coach Management Plan before an Occupation Certificate is issued would be appropriately timed.</li> <li>The traffic response by JMT Consulting has confirmed that minivans / minibuses will be able to service the site without resulting in any disruptive impacts to the operation of the loading dock.</li> </ul>
GTP	<p>The preparation of a GTP was requested by TfNSW before an Occupation Certificate is issued. A condition of consent is deemed acceptable as already imposed in condition E30. Condition E30 of the development consent requires an amendment, as outlined in section 5.</p> <p>The initial Traffic Impact Assessment Report, which incorporated a preliminary GTP, does not need to be referenced by Condition E30, noting the final GTP will need to be endorsed by TfNSW in any case. The initial GTP, which provides an outline of mode share targets for residents and employees, does not account for hotel guests. The proposed amendment to Condition E30, as outlined within outlined in section 5, is necessary to remove the administrative requirement for the final GTP to be 'consistent' with the preliminary one.</p>
<b>Sydney Trains</b>	
Sydney Trains Corridor	Sydney Trains confirmed on 14 July 2025 that it did <i>"not have any comments regarding this application given the distance of the site from the Sydney Trains corridor"</i> . Accordingly, no further amendments or clarifications are required.
<b>Civil Aviation Authority</b>	
Amended Height Profile of Tower Form	CASA has assessed the proposed changes to the building's height profile and concluded that they present no new aviation safety concerns. CASA has confirmed it maintains no objections to the development as amended.

Matter	Response
	CASA did recommend appropriate obstacle lighting and marking for the temporary tower cranes, which are expected to exceed the height of the tower form. This recommendation can be enforced by a condition of consent if required.
<b>Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts</b>	
Prescribed Airspace Intrusion	The DITRDCSA submitted a letter (dated 18 March 2024), which confirmed that the proposed intrusion into prescribed airspace is supported, subject to routine conditions of consent in accordance with Regulation 14(1)(b) of the <i>Airports (Protection of Airspace) Regulations 2016</i> .
<b>Sydney Airport</b>	
Obstacle Limitations Surface (OLS)	Sydney Airport have no objection to the proposed modification, including in relation to the amended height profile of the tower form. The maximum height of the tower form (RL 177.9) will satisfy Condition A9 of the Development Consent, which does not need to be modified.

## 4.4 Response to Public Submissions

A response to concerns that were raised by public submissions, as outlined within section 2.1, is provided below in Table 5.

Table 5: Response to public submissions

Key Issue	Response
<b>Traffic and Parking Impacts</b>	
<b>Traffic Congestion</b>	<p>The JMT Consulting's traffic response to the concern raised with respect to additional traffic congestion arising from the proposed hotel land use is as follows:</p> <ul style="list-style-type: none"> <li>• The proposed development will continue to satisfy the applicable car park provision rate that applies under the Housing SEPP. Traffic generated by the proposed development (as amended), including the hotel component, is acceptable having regard to the statutory planning framework.</li> <li>• The development, as modified, does not propose to exceed maximum car parking rates that would otherwise apply under the NSDCP 2013 if Mod 2 did not modify an SSDA.</li> <li>• The <i>"modification would not impact the operation of the surrounding road network compared to that originally considered under the current approval"</i>.</li> <li>• This expert traffic opinion was formed on the basis that <i>"the proposal is expected to result in a negligible increase in traffic of less than 5 vehicles during peak hours"</i>.</li> </ul> <p>Based on the above, the proposed modification will not result in any unacceptable traffic-related impacts. Concerns that were raised by public submitters in relation to this matter have been sufficiently resolved.</p>
<b>On-Street Car Parking Supply</b>	<p>Concern was raised that available on-street parking would be further reduced as a result of the modified proposal:</p> <ul style="list-style-type: none"> <li>• As set out above, the modified development continues to satisfy the applicable car park provision rate under the Housing SEPP, and would satisfy the relevant car park provision control under the NSDCP 2013, should it apply. The modified development will not utilise on-street car parking in any manner that is not reasonable to anticipate under local or State-level planning controls.</li> <li>• Vehicle site access arrangements (via Alexander Street) remain consistent with the current approval. No additional vehicle crossovers are proposed.</li> </ul>
<b>Off-Street Car Parking Supply</b>	<p>One submitter expressed that the proposed number of car parking spaces at the site was considered to be excessive. With respect to the points above, it is emphasised in response to this concern that the number of car parking spaces at the site is consistent with that allowable under the planning regime.</p>
<b>Removal of Commercial Floorspace and Proposed Hotel Use</b>	
<b>Removal of Commercial Floorspace</b>	<p>The amended mix of land uses is permitted with development consent within the MU1 Zone and is therefore reasonable to anticipate under the NSLEP 2013.</p> <p>The removal of the commercial office floorspace component is necessary to facilitate the orderly and economic use of land at the site in light of structural shifts in commercial office market conditions. As noted within the accompanying Economic Analysis:</p>

Key Issue	Response
	<p><i>A conversion of commercial office floorspace to hotel accommodation is a pragmatic response to the new reality of office demand especially so in a market like Crows Nest.</i></p> <p>The amended technical documents that accompany this Report have demonstrated that the amended mix of land uses at the site will not result in any environmental impacts, in fact is a positive outcome in addressing a need for hotel accommodation in Crows Nest.</p>
<p><b>Proposed Hotel Component</b></p>	<p>Public submitters raised concerns over traffic and parking impacts, acoustic amenity and neighbourhood character in association with the proposed hotel.</p> <ul style="list-style-type: none"> <li>• <b>Acoustic management measures:</b> <p>The hotel will be managed to minimise the potential of causing a nuisance, or an offensive noise as defined in the <i>Protection of the Environment Operations Act 1997</i> to adjoining properties or the public. Further reference should be made to the updated Hotel Plan of Management that accompanies this report.</p> <p>Operational noise considerations for the hotel component have been further addressed within the updated Acoustic Assessment that accompanies this report.</p> </li> <li>• <b>Traffic congestion and on-street parking:</b> <p>Refer to the responses above.</p> </li> <li>• <b>Sale of alcohol:</b> <p>The updated CPTED Report includes a review of data that has been published by Liquor &amp; Gaming NSW. This data indicates that whilst there are a number of licensed venues within the locality, there is not an oversaturation of licensed hotels.</p> <p>Appropriate recommendations have been provided within the updated CPTED Report to minimise and discourage incidence of alcohol-related assault. While these are capable of being enforced as conditions of consent, it is noted that liquor licencing is separate statutory process that occurs (and is mandated for venues that serve alcohol) under the <i>Liquor Act 2007</i>.</p> <p>The Hotel POM will be developed in further detail post condition to set out management processes for the hotel bar.</p> </li> <li>• <b>Neighbourhood character:</b> <p>The removal of commercial floorspace was a focal point for public submissions with respect to neighbourhood character and supporting local business.</p> <ul style="list-style-type: none"> <li>- The amended mix of land uses presents a permitted land use outcome under the NSLEP 2013 that is reasonable to anticipate with respect to neighbourhood character.</li> <li>- The proposed hotel component will support the after-hours activation of the local area, providing (alongside the principle residential component) a permanent (24-hour) customer base for local businesses. Conversely, office floorspace would only contribute towards the local base of customers within regular weekday trading hours.</li> </ul> </li> </ul>
<p><b>Affordable Housing Component</b></p>	
<p><b>Proportionality</b></p>	<p>Public submitters raised that, given the addition of 24 extra residential apartments proposed, a proportionate increase in infill affordable housing apartments on the site is warranted. This is not required under the infill affordable housing provisions of the Housing SEPP, noting the development (as amended) will satisfy the required 15% of the total floor space as affordable housing.</p>

Key Issue	Response
	<p>As there is no statutory mandate for an increased contribution towards the delivery of affordable housing, the nomination that is proposed under Mod 2 is acceptable.</p> <p>Due to the downtrend in demand for commercial office floorspace (refer to the accompanying Economic Analysis prepared by Atlas Economics), the delivery of additional market-rate apartments at the site is considered to present an orderly and economic land use outcome that is in the public interest.</p>
<p><b>Application of Infill Affordable Housing Provisions</b></p>	<p>Public submitters queried whether the application of the bonus provisions that apply under the infill affordable housing provisions of the Housing SEPP is lawful in relation to the amended design scheme.</p> <p>The proposal satisfies the 15% infill affordable housing provision under Chapter 2 of the Housing SEPP.</p>
<p><b>Capacity of Public Infrastructure</b></p>	
<p><b>Social and Transport Infrastructure</b></p>	<p>Concerns were raised on the capacity of social and transport infrastructure in the local area to support the increase in apartments/people:</p> <ul style="list-style-type: none"> <li>The GFA of the proposed development remains unchanged. The intensity of development at the site will not result in any impacts on the carrying capacity of social and transport infrastructure that have not already been assessed and deemed to be acceptable.</li> <li>The proposed 100-room hotel component would, as stated within the accompanying Traffic Response, “<i>generate in the order of 15 vehicle movements during the commuter peak hours – commensurate with that expected from a commercial use of the building</i>”. This change, as noted within the JMT Consulting traffic response, is considered to be negligible. The development (as amended) will not result in any impacts to transport infrastructure that are not already anticipated.</li> <li>The original SSD was supported by a comprehensive Social Impact Assessment (SIA), dated 7 March 2024, which included an inventory of schools, childcare centres, healthcare facilities and parks that are located within walking distance from the site. It was demonstrated that the development (as approved) would not result in any unacceptable social impacts. The addition of 24 apartments (12.7% of the number initially approved) is an immaterial amendment that will not change this conclusion.</li> </ul> <p>The proposed development (as amended) will not result in any unacceptable impacts to the capacity of surrounding social infrastructure.</p>
<p><b>Utility Network Infrastructure</b></p>	<p>The floorspace yield (GFA) of the development is not proposed to change, however submitters noted concerns regarding the capacity of utility network infrastructure.</p> <ul style="list-style-type: none"> <li>All required permissions will be sought from utility network providers in due course.</li> <li>The proposed development (as amended) will not result in any disproportionate or unacceptable strain on utility networks that are not capable of being resolved through ongoing agency consultation and/or detailed design development.</li> </ul> <p>Submitters also expressed concerns regarding the capacity of water infrastructure, with one submitter noting that “<i>the existing water pressure in the area is already relatively low</i>”.</p> <p>As noted within section 2.2 of this RTS Report, Sydney Water reviewed the proposed modification and confirmed that water supply and wastewater services are available to support the development (as amended), although some local network amplification or minor extensions may be required to meet the increased demand. This is resolvable through the Section 73 Certificate process.</p>

<b>Key Issue</b>	<b>Response</b>
<b>Solar Amenity</b>	
<b>Direct Solar Access</b>	<p>Submitters raised concerns regarding direct solar access to surrounding residential dwellings with respect to the minor increase in maximum building height that is proposed (0.4m). This increase, which relates to a lift overrun, does not result in any material change to the height profile of the approved tower form.</p> <p>A submitter raised concern on the regarding solar access impact to residential dwellings due to the change in the height of the tower at the rooftop level. This submitter withheld their address. Turner has prepared shadow analysis in Appendix 3 which demonstrates the changes result in negligible/minor shadow impact. The tower's shadow is fast moving.</p>
<b>Pedestrian Wind Comfort</b>	
<b>Wind Tunnelling</b>	As outlined throughout this report, the development (as amended) does not present any material departure from the approved massing strategy. Refer to Windtech letter dated 27 June 2025 and Gyde's original Mod 2 Planning Statement dated July 2025 for discussion.
<b>Community Facilities</b>	
<b>Proposed Hotel Component</b>	<p>The proposed hotel component was considered to present less value to the local community than the approved quantum of retail floorspace and office floorspace.</p> <p>As outlined above, the hotel component will support the activation of a robust 24-hour economy in lieu of office floorspace that would only operate during corporate trading hours. The hotel will tourist and visitor economy and deliver much needed accommodation of this nature within the North Sydney LGA.</p>
<b>Communal Open Space</b>	The development (as amended) continue to provide compliant COS, albeit re-locates it, for future residents in accordance with the applicable provisions of the ADG. As noted in Table 2, the proposed modification will improve the level of solar amenity that is afforded to communal open spaces compared to the initial approval.
<b>Community Consultation</b>	
<b>Inadequate Community Consultation</b>	Concerns were raised regarding the procedural fairness of public consultation that has been undertaken in relation to Mod 2. In this regard, it is noted that all public consultation that has been undertaken to date has satisfied the applicable statutory requirements and relevant industry guidelines.

## 5. Consolidated List of Modified Conditions

A consolidated list of modified conditions is provided below. Italicised ~~strike through~~ is used for proposed deletions. Proposed additions are *colourised* in italic text.

### TERMS OF CONSENT

A1 The Development must be carried out:

- (a) In compliance with the conditions of this consent;
- (b) In accordance with the EIS and *the latest* Amendment Report, the Applicant’s response to submission and the Applicant’s response to requests for further information; and
- (c) In accordance with the approved plans in the table below, as modified by conditions of this consent.

<b>Architectural drawings prepared by Turner (Project No.19073)</b>					
<b>Drawing/Sheet No.</b>	<b>Rev</b>		<b>Name of Plan</b>	<b>Date</b>	
DA-110-002	<del>P</del>	<b>Q</b>	GA Plans – Basement 06	<del>17.10.24</del>	<b>12.09.25</b>
DA-110-003	<del>N</del>	<b>R</b>	GA Plans – Basement 05	<del>17.10.24</del>	<b>12.09.25</b>
DA-110-004	<del>P</del>	<b>T</b>	GA Plans – Basement 04	<del>17.10.24</del>	<b>12.09.25</b>
DA-110-005	<del>P</del>	<b>T</b>	GA Plans – Basement 03	<del>17.10.24</del>	<b>12.09.25</b>
DA-110-006	<del>P</del>	<b>U</b>	GA Plans – Basement 02	<del>17.10.24</del>	<b>12.09.25</b>
DA-110-007	<del>Q</del>	<b>T</b>	GA Plans – Basement 01	<del>17.10.24</del>	<b>12.09.25</b>
DA-110-008	<del>N</del>	<b>P</b>	GA Plans – Ground Level	<del>30.08.24</del>	<b>13.06.25</b>
DA-110-009	<del>L</del>	<b>N</b>	GA Plans – Mezzanine	<del>30.08.24</del>	<b>13.06.25</b>
DA-110-010	<del>L</del>	<b>N</b>	GA Plans – Level 01	<del>30.08.24</del>	<b>13.06.25</b>
DA-110-020	<del>L</del>	<b>P</b>	GA Plans – Level 02	<del>30.08.24</del>	<b>22.08.25</b>
DA-110-030	<del>L</del>	<b>R</b>	GA Plans – Level 02	<del>30.08.24</del>	<b>22.08.25</b>
DA-110-220	<del>L</del>	<b>O</b>	GA Plans – Roof Level & Upper Roof Level	<del>30.08.24</del>	<b>22.08.25</b>
DA-210-101	<del>G</del>	<b>H</b>	Context Elevations – North Elevation – Falcon Street	<del>03.07.25</del>	<b>22.08.25</b>
DA-210-201	<del>G</del>	<b>H</b>	Context Elevations – East Elevation – Alexander Street	<del>03.07.25</del>	<b>22.08.25</b>
DA-210-301	<del>G</del>	<b>H</b>	Context Elevations – South Elevation – Pacific Highway	<del>03.07.25</del>	<b>22.08.25</b>
DA-220-101	<del>L</del>	<b>Q</b>	GA Plans – North Elevation – Falcon Street	<del>29.08.24</del>	<b>12.09.25</b>
DA-220-201	<del>M</del>	<b>R</b>	GA Plans – East Elevation – Alexander Street	<del>29.08.24</del>	<b>12.09.25</b>
DA-220-301	<del>L</del>	<b>Q</b>	GA Plans – South Elevation – Pacific Highway	<del>29.08.24</del>	<b>12.09.25</b>

<b>Architectural drawings prepared by Turner (Project No.19073)</b>					
DA-310-101	J	P	GA Sections- Section AA	<del>29.08.24</del>	22.08.25
DA-310-301	G	M	GA Sections- Section CC	<del>29.08.24</del>	22.08.25
DA-320-104	E	G	Façade Sections – Façade Section FT02	<del>16.10.24</del>	22.08.25
DA-320-105	E	G	Façade Sections – Façade Section FT03	<del>16.10.24</del>	22.08.25
DA-801-001		I	Signage		03.07.25
DA-801-010		D	Signage 3D Views		03.07.25
DA-801-030		E	Signage Sections		03.07.25

<b>Subdivision <i>Stratum</i> plans prepared by Daw &amp; Walton Consulting Surveyors (Job NO. 19073)</b>						
1		7	16	Site plan	14.10.2024	11/09/25
2		7		Basement 7 & below	14.10.2024	
3		7		Basement 6	14.10.2024	
4		7		Basement 5	14.10.2024	
5		7		Basement 4	14.10.2024	
6 2		7	16	Basement 3 & Below	14.10.2024	11/09/25
7 3		7	16	Basement 2	14.10.2024	11/09/25
8 4		7	16	Basement 1	14.10.2024	11/09/25
9 5		7	16	Ground Floor	14.10.2024	11/09/25
10 6		7	16	Mezzanine	14.10.2024	11/09/25
11 7		7	16	Level 1	14.10.2024	11/09/25
12 8		7	16	Level 2	14.10.2024	11/09/25
13 9		7	16	Level 3	14.10.2024	11/09/25
14 10		7	16	Level 4 to 5	14.10.2024	11/09/25
15 11			16	Level 6		11/09/25
16 12			16	Level 7 to 21		11/09/25
17 13		7	16	Level 22 Communal Terrace		11/09/25
18 14		7	16	Upper Roof and Roof	14.10.2024	11/09/25

### Limits on Consent

- A5. ~~This consent does not include approval for any external signage.~~ **This consent does not include approval for any external signage except for the static sign identified on drawing ref. DA-801-001 Rev I.**

A6 – ~~This consent does not approve fit-out of any commercial/retail premises or use of any commercial premise as a wellness area.~~ **This consent approves the fit-out of the hotel however does not approve the fit-out of any retail premises.**

## **Design Amendment**

B1 – Prior to the issue of the first Construction Certificate for above ground works, the Applicant must provide evidence to the Certifier that the revised plans detailing the following revisions have been submitted to and approved by the Secretary:

- (a) at least ~~38~~ **42** adaptable units identified within the building;
- (b) include fully openable windows above or adjoining the entry to apartments facing the central breezeway;
- (c) **the** following design amendments added/revised as recommended in section 5.2.4 of the **S4.55** Acoustic Assessment Report Rev **42** prepared by Acoustic Logic dated ~~31 July 2024~~ **19 August 2025**.
  - (I) the proposed trickle ventilation system deleted from all effected apartments;
  - (II) awning windows to the living rooms and bedrooms with direct connection to balconies for all apartments on levels 4 to 13 facing **the** Pacific Highway;
  - (III) awning windows to the following rooms with direct connection to balconies:
    - bedrooms of all apartments on levels 4 to 13 facing Falcon Street; and
    - Living rooms for all apartments on levels 4 to 11 facing Falcon Street;
  - (IV) ~~plenums (or alternate solution) with acoustically attenuated louvres to all living room and~~ **alternative air ventilation strategy for** bedroom windows with NO direct connection to balconies for all apartments on levels ~~43~~ to ~~13~~**14** facing **the** Pacific Highway;
  - (V) ~~vertical plenums (or alternate solution) with acoustically attenuated louvres to the~~ alternative air ventilation strategy for the following rooms with NO direct connection to balconies:
    - bedrooms for all apartments on levels ~~43~~ to ~~13~~**11** facing Falcon Street; and
    - ~~— living rooms for all apartments on levels 4 to 11 facing Falcon Street;~~
- (d) the proposed awnings over the footway of the Pacific Highway and Falcon Street setback a minimum distance of 0.6 metres from the face of **the** kerb to protect against the overhang of large vehicles.

## **Ecologically Sustainable Development**

B4. Prior to the issue of the first Construction Certificate (excluding demolition and excavation works), the applicant must submit to the Certifier a Report demonstrating the development incorporates all design, construction and operation measures, or equivalent, as identified in the Fiveways Crows nest ESD Report, prepared by E-Lab Consulting, dated ~~12 March 2024~~ **24 June 2025**.

## **Stormwater Management System**

- B6. Prior to the issue of the first Construction certificate (excluding demolition and excavation works), the Applicant must submit to the Certifier details of an operational stormwater management system for the Development designed by a suitably qualified and experienced person(s):
- (a) Generally in accordance with the conceptual design in the EIS (as refined by the Amendment Report **and Mod 2**) and any Council stormwater requirements and specifications which are consistent with that conceptual design;

## **Car Parking**

B9. Prior to the issue of the first Construction certificate (excluding demolition and excavation works), the Applicant must submit to the Certifier a Report demonstrating that the development will provide for the following traffic flow and car parking requirements:

(g) submit to the Certifier a Report demonstrating compliance with the following:

- (i) provision of ~~190~~ **215** residential car parking spaces including ~~38~~ **43** adaptable car parking spaces within the basement;
- (ii) provision of ~~six~~ **three** car share spaces within the basement;
- (iii) provision of four service vehicle spaces within the basement;
- (iv) provision of ~~20~~ **8** car spaces within the basement dedicated for ~~commercial/retail~~ **and hotel** use including two adaptable car spaces;
- (v) compliance with Australian Standards for the layout, design and security of car parking spaces and bicycle facilities;
- (vi) provision of electric vehicle charging infrastructure in accordance with the NCC
- (vii) provision of ~~207~~ **212** bicycle parking spaces for residential use, including a minimum of ~~19~~ **21** residential visitor spaces;
- (viii) provision of ~~95~~ **37** bicycle parking spaces for ~~commercial~~ **retail and hotel** use; and
- (ix) provision of end-of-trip facilities identified in the approved plans listed in condition A1(c);

## Compliance with Acoustic Assessment

B12. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit a report to the Certifier from an Acoustic Engineer demonstrating that the design of the development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the **S4.55** Acoustic Assessment Report Rev **42** prepared by Acoustic Logic dated ~~31 July 2024~~ **19 August 2025**, including (but not limited to):

- (a) additional acoustic treatments, **as set out within** (section 5.2.4 of the report.) ~~to the soffits of all balconies (levels 4-13) facing Pacific Highway and Falcon Street.~~

## BASIX Certificate

B14. Prior to issue of the Construction Certificate for above ground works, BASIX Certificate No. No. ~~4738270M\_03~~ **1738270M\_05** must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

## Road, Footpath and Infrastructure Works

B19. Prior to the issue of the Construction Certificate for works outside the site boundary (excluding removal of street trees), the Applicant must submit engineering design plans and specifications prepared by qualified civil design engineer for the following infrastructure works to Council to endorsement:

- (a) new footpath across all site frontages, placed on a single straight grade of ~~3% rising from the top of the kerb~~ in accordance with Council's public domain requirements.
- (b) new kerb and gutter across all site frontages in accordance with Council and TfNSW requirements.
- (c) Reconstructed carriageway shoulder on Pacific Highway and Falcon Street in accordance with TfNSW requirements;
- (d) Vehicular crossing on Alexander Street;

- (e) Vehicular access way in accordance with Australian Standards and Council's guidelines and specifications, so that a B55 vehicle will not scrape/strike the surface of the carriageway, layback or vehicular crossing;
- (f) Reconstructed existing stormwater pits (to align with new kerb and gutter) along Alexander Street consistent with Council's specifications;
- (g) Streetscape design, treatment and pedestrian management of the footpath and public domain in accordance with Council's requirements.
- (h) All civil and drainage works in accordance with Council's specifications.

## Sydney Metro Conditions

### Engineering

B20. Prior to the issue of the Construction Certificate for excavation and construction works (excluding demolition), the Applicant must ensure that all works are undertaken in accordance with the details, methodology, advice, undertakings, measures and recommendations detailed in the following documents:

(a) Architectural Drawings:

i. ~~Basement 07 plan, Dwg no. DA-110-001, Revision N, prepared by Turner, dated 17 October 2024;~~

ii. ~~Basement 06 plan, Dwg no. DA-110-002, Revision P Q, prepared by Turner, dated 17 October 2024~~ **12 September 2025;**

iii. ~~Basement 05 plan, Dwg no. DA-110-003, Revision N Q, prepared by Turner, dated 17 October 2024~~ **12 September 2025;**

iv. ~~Basement 04 plan, Dwg no. DA-110-004, Revision P S, prepared by Turner, dated 17 October 2024~~ **12 September 2025;**

v. ~~Basement 03 plan, Dwg no. DA-110-005, Revision P S, prepared by Turner, dated 17 October 2024~~ **12 September 2025;**

vi. ~~Basement 02 plan, Dwg no. DA-110-006, Revision P S, prepared by Turner, dated 17 October 2024~~ **12 September 2025;**

vii. ~~Basement 01 plan, Dwg no. DA-110-007, Revision Q T, prepared by Turner, dated 17 October 2024~~ **12 September 2025;**

viii. ~~Ground level plan, Dwg no. DA-110-001, Revision N P, prepared by Turner, dated 17 October 2024~~ **13 June 2025;**

ix. ~~Section AA plan, Dwg no. DA-310-101, Revision J N, prepared by Turner, dated 29 August 2024~~ **28 August 2025**

x. ~~Section BB plan, Dwg no. DA-310-201, Revision I M, prepared by Turner, dated 29 August 2024~~ **13 June 2025;**

xi. ~~Section CC plan, Dwg no. DA-310-301, Revision G M, prepared by Turner, 29 August 2024~~ **28 August 2025;**

Note – point (i) and (ii) are subject of the Mod 1 changes under assessment.

## Part E Commencement of Occupation and Use

### Management Plans, Guides and Miscellaneous

#### **Bicycle Parking, End of Trip Facilities and Green Travel Plan**

E30 – Prior to the commencement of use of the Development, the Applicant must:

- (a) Prepare a final Green Travel Plan in consultation with TfNSW, ~~consistent with the Traffic Impact Assessment Report prepared by JMT Consulting dated 17 October 2024,~~ which includes:
  - (i) A mechanism to monitor the effectiveness of the Plan; and
  - (ii) An implementation strategy for the Green Travel Plan that commits to specific management actions and operational procedures, and timeframes for implementation;
- (b) Submit a copy of the final Green Travel Plan to [development.sco.transport.nsw.gov.au](http://development.sco.transport.nsw.gov.au) for the endorsement of TfNSW; and
- (c) Provide a copy of the approved Green Travel Plan to the Planning Secretary.

#### **Operational Waste Management**

E36. Prior to the occupation or commencement of use of the Development, the Applicant must prepare an Operational Waste Management Plan for the Development and submit it to the Certifier. The Operational Waste Management Plan must:

- (b) Be consistent with the Operational Waste Management Plan Revisions E prepared by Elephants Foot dated ~~14 August 2024~~ **20 June 2025**;

## Part F Occupation and Ongoing Use

### **BASIX Certification**

F11. The Development must be implemented, and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. ~~4738270M\_03~~ **1738270M\_05** and any updated certificate issued if amendments are made.

### **Hotel Use**

**F16 – The hotel hours of operation will be limited as follows:**

- **The hotel will operate 24 hours a day, seven days a week; and**
- **The hotel bar will operate between 10am and 12am (midnight), seven days a week.**

## 6. Updated Project Justification

Consistent with the initial Environmental Impact Statement, dated 6 May 2024, the development (as amended) will deliver a permissible mix of land uses within a high-rise tower form. Residential apartments ('shop top housing') continue to be the primary land use component. This will deliver a land use outcome that will respond to market conditions and support the reactivation of the Crows Nest TOD Precinct.

The introduction of a hotel component alongside additional residential apartments will support the establishment of a robust local customer base outside of regular daylight trading hours. This has a complementary association with local and State-level aspirations for a vibrant 24-hour economy.

The development (as amended) will positively contribute to the socio-economic landscape of Crows Nest and support the long-term renewal of the accelerated TOD Precinct. Several factors underpin the proposal's evolution from its original approved state:

- **Economic and market conditions** – the decline in the office demand and high vacancy rates in Crows Nest and St Leonards mean a hotel use and its fit-out are a more appropriate use.
- **Strategic planning alignment** – the TOD rezoning promotes residential development and associated tourist/visitor accommodation in proximity to metro stations, with targets for new homes and reduced commercial floor space.
- **Housing supply prioritisation** – the modified proposal continues to prioritise housing diversity through market and affordable dwelling, aligning with broader housing supply goals.
- **Design efficiency and amenity** – the design development modifications, fit-out of the hotel is of a high quality, the stratum/strata layout of the affordable units is logical and has been informed by advice from the CHP and the static sign is a replacement of the existing static sign, albeit on a smaller scale.
- **Policy response** – the modified SSD continues to support the planning objectives under the National Housing Accord and the NSW Government housing supply strategies.

The development (as amended) is supportable in accordance with section 4.55(2) of the Act. Matters that were raised by public and agency submissions have been sufficiently addressed by mostly clarifications and modest amendments.

This RTS Report and the accompanying Amendment Report have demonstrated that the development (as amended) is suitable for the site and in the public interest.

## **7. Conclusion**

This RTS Report has been prepared by Gyde Consulting on behalf of Deicorp to address submissions that were made to a Mod 2 for the Fiveways, Crows Nest SSD project (SSD-66826207).

Following the conclusion of the exhibition period at the end of July 2025, the Proponent and their consultant team has addressed in detail the feedback from Department, Council, various State agencies and the local community. This feedback has informed modest refinements to the scope of Mod 2 that should be considered alongside in the accompanying Amendment Report. It has been demonstrated that no unacceptable adverse environmental, social or economic impacts will arise as a result of the development (as amended)

This RTS Report and the appended material has provided an exhaustive assessment of, and response to, the submissions, that should suffice to facilitate Department's finalised assessment and timely determination of Mod 2. Draft conditions of consent are kindly requested for our review before Mod 2 is determined.



GYDE