

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development modification
Application number and project name	SSD-66826207-Mod-5 Mixed use development including in-fill affordable housing - Five Ways, Crows Nest-Mod-5
Applicant	The Trustee for The Deicorp Projects (Crows Nest) Unit Trust
Consent Authority	Minister for Planning and Public Spaces

Decision

The Acting Director, Housing and Key Sites Assessments, under delegation from the Minister for Planning and Public Spaces, under 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (the Act) modified the consent subject to the recommended conditions.

A copy of the instrument of modification is available [here](#).

A copy of the Department of Planning, Housing and Infrastructure's assessment report is available at [here](#).

Date of decision

30 July 2026

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's assessment report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2021;
- the reasons given by the consent authority for the grant of the original consent;
- the objects of the Act;
- the considerations under 7.17(2) of the *Biodiversity Conservation Act 2016* (NSW);
- all information submitted with the modification application during the assessment and information considered in the Department's assessment report;
- the findings and recommendations in the Department's assessment report;
- the submissions made concerning the modification; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's assessment report were accepted and adopted as the reasons for making this decision.

The decision maker was satisfied that the modification is of minimal environmental impact and that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted was modified.

The key reasons for granting the modification are as follows:

- the modification is permissible with consent, and is consistent with NSW Government policies including the National Housing Accord
 - Greater Sydney Region Plan: A Metropolis of Three Cities
 - Our Greater Sydney Plan: North District Plan
 - North Sydney Local Strategic Planning Statement
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards; and
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent. Engagement on the project is considered to be in line with the *Undertaking Engagement Guidelines for State Significant Projects*, including the community participation objectives outlined in these guidelines.
- weighing all relevant considerations, the modification is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification application from 29 May 2026 until 11 June 2026 (14 days) and received seven submissions, including four objections, one in support and two provided comments. North Sydney Council provided comments on the modification application.

The key issues raised by the community and considered in the department's assessment report and by the decision maker include building height, scale, traffic, parking, green travel plan and overshadowing. Other issues are addressed in detail in the department's assessment report.

<i>Issue</i>	<i>Consideration</i>
Building height The increase in building height results in unacceptable scale and overshadowing impacts	Assessment - The additional 1.32 m height relates to plant and lift overrun structures and do not include any additional habitable floor space. - The minor increase in building height would not be perceptible from the surrounding public domain. - The proposed increase in building height will not result in unreasonable amenity impacts in terms of overshadowing. Conditions No recommended conditions required.
Bulk and scale The built form is not compatible with the surrounding context	Assessment - The proposed change in GFA arises from the reduction in size of the atrium. The changes will not affect the visual bulk or external built form of the approved building. - The increase in GFA is related to the non-residential use, does not impact the mix of residential apartments provided, and does not impact the provision of residential floor space or the provision of affordable housing. Conditions No recommended conditions required.
Overshadowing Unacceptable shadow impacts on surrounding residential areas.	Assessment - The additional shadow cast by the minor increase in building height is limited in extent. The Department notes that the nearby residential areas, including the Holtermann Estate, would still maintain 2 hours of solar access between 9 am and 3 pm in midwinter. - The additional overshadowing impacts on North Sydney Girls High School are limited to a small area (189 m²) of the eastern courtyard at 3pm. Conditions No recommended conditions required.
Traffic and parking Increased traffic volumes resulting in congestion of surrounding road network	Assessment - The number of hotel rooms will be increased by 1 room under this modification. This minor increase would have a negligible impact on traffic generation, parking demand, or access arrangements. - The application retains the requirement for a green travel plan (GTP) to support mode share targets and improve sustainable transport usage in the future at this accessible location. Conditions No recommended conditions required.
Green travel plan The Developer should be responsible for the Green Travel Plan (GTP)	Assessment - The standard requirements for GTPs that are applied to SSD residential developments have been included as an amended condition of consent. - The standard condition requires details to be provided to the Secretary regarding the methodology and monitoring/review program to measure the effectiveness of the plan. Conditions - Prior to the commencement of operation, a Green Travel Plan must be submitted to the Planning Secretary for information to promote the use of active and sustainable transport modes.