

Response to Submissions Report – Detailed SSDA

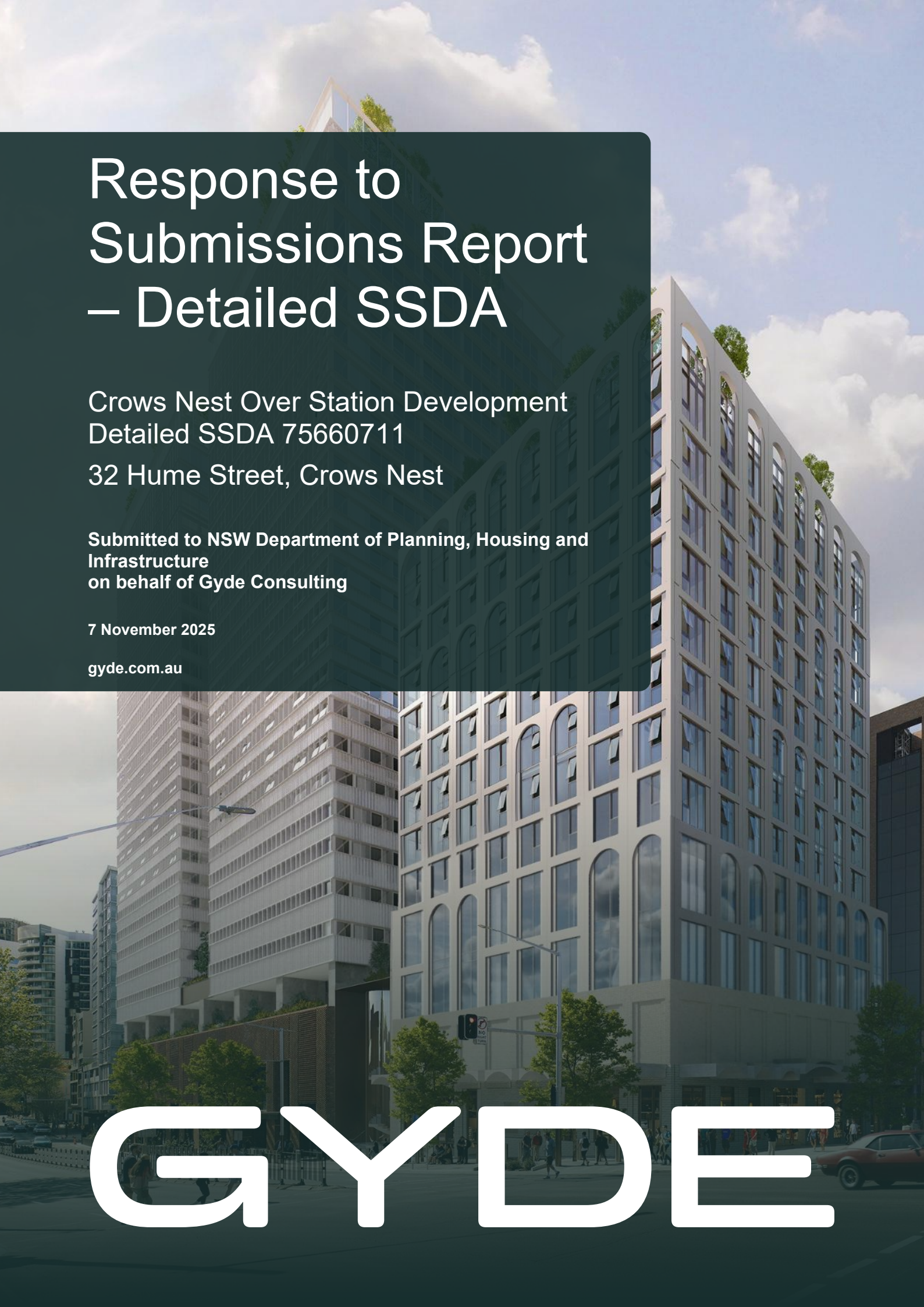
Crows Nest Over Station Development
Detailed SSDA 75660711

32 Hume Street, Crows Nest

Submitted to NSW Department of Planning, Housing and
Infrastructure
on behalf of Gyde Consulting

7 November 2025

gyde.com.au



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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.

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Project:	Crows Nest Over Station Development Detailed SSDA 75660711
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Disclaimer

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T	Visual Analysis – View Loss and View Sharing Report (<i>as supplement to RSP Consulting View Analysis & Visual Impact Assessment Report</i>)	Virtual Ideas
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V	Pedestrian Wind Environment Study	RWDI Australia
W	Operational Waste Management Plan	Elephants Foot Consulting
X	Construction and Demolition Waste Management Plan	Elephants Foot Consulting
Y	Noise and Vibration Impact Assessment	Pulse White Noise Acoustics
Z	Stormwater Management Report & Plans	S&G Consultants
AA	Water Management Plan & Utility Services Infrastructure Assessment Report	NDY
BB	Aviation Impact Assessment	Aviation Projects
CC	BCA Assessment Report	Steve Watson & Partners

Appendix	Document	Prepared by
DD	Accessibility Assessment Report	Steve Watson & Partners
EE	Vertical Transportation Report	ADP Consulting
FF	Ecologically Sustainable Design Report	Credwell Energy
GG	BASIX Certificate	Credwell Energy
HH	NatHERS Certificate	Credwell Energy
II	Structural Statement	Robert Bird Group
JJ	Traffic, Transport and Accessibility Impact Assessment	Transport Strategies Alliance
KK	Vehicular Servicing Management Plan	Transport Strategies Alliance
LL	Green Travel Plan	Transport Strategies Alliance
MM	Construction Traffic Management Plan	Transport Strategies Alliance
NN	Car Parking Strategy and Management Plan	Transport Strategies Alliance

1. Introduction

This Response to Submissions (RtS) Report has been prepared by Gyde Consulting on behalf of the Proponent, Third.i Crows Nest Commercial Developments Pty Ltd, to address community and agency submissions made to the Amending Detailed State Significant Development Application (SSDA) SSD-75660711 during public exhibition which occurred between 4 July 2025 to 2 August 2025.

The site is located within the North Sydney Local Government Area (LGA) and is legally described as Lot 1 of DP1296669 and located directly above and adjacent to the Crows Nest Metro Station (Lot 2 of DP1296669).

This Amending Detailed SSDA (SSD-75660711) relates to the approved Concept SSDA (SSDA 9579) for the Crows Nest Metro over station development (OSD) for the use and building envelope on Site A. An accompanying Amending Concept SSDA (SSD-75662958) was also submitted with the Department of Planning, Housing and Infrastructure (DPHI) for the amended use and concept building envelope design for Site A.

The proposed detailed development of Site A OSD, as originally submitted in June 2025, involved:

- Construction of 3 residential towers up to 25 storeys including a 3- 4 level podium with a mix of retail tenancies and commercial floor space, with residential apartments, comprising Build-to-Rent (BTR) market and affordable housing.
- Public domain works around the site to ensure safe and unobstructed access for pedestrians and cyclists.
- Augmentation and extension of utilities and service provision.

Key SSDA milestones thus far for the concurrent detailed and concept SSDAs include:

- A request for Industry Specific SEARs was made on 3 September 2024.
- SEARs for mixed use development were issued on 18 October 2024
- The SSDAs were submitted to DPHI on 18 June 2025
- The SSDA and associated documentation was placed on public exhibition from 4 July 2025 to 2 August 2025.

This RtS report is to be read in conjunction with the Amendment Report for the detailed SSDA. The following changes have arisen from ongoing detailed design development to ensure the structural design of the detailed development is adequate to ensure the delivery of the project and to reflect market conditions in terms of BTR apartment mix.

The changes, as captured in the concurrent Amendment Report, comprise:

- Reduction in residential GFA and total GFA as a result of removal of Level 25 on Towers 1 and 2.
- Increase in the height of towers 1 and 2 of +8.3m to accommodate an increase in the lift overrun, increase in floor to floors for residential to accommodate services, and height for the transfer structure and Levels 2- 3 required to align with the existing Metro box as-built condition;
- Increase in the height of tower 3 of +5.95m to accommodate structural transfers at Levels 2-3 and an increase in floor-to-floor height to accommodate services (this is a 4.85 metre increase from the approved concept envelope);
- Re-cutting of the BTR market mix in Towers 1 and 2 resulting + 94 BTR market units (418 BTR market units to 512 market units;
- Additional visual privacy treatment between towers and adjoining sites;
- Consolidation and reconfiguration of retail on ground floor at Pacific Highway and Oxley St corner;

- Improved vertical transport to rooftop spaces on Towers 1 and 2, to allow direct travel from Level 3 to the rooftop;
- Minor reconfiguration of amenity on Levels 2 and 3;
- Remove residential apartments on Level 24 of Towers 1 and 2 and provide additional internal communal open space for future residents in lieu;
- Marginal improvement in solar access for those units which receive solar at mid-winter; and
- Refinements of the external façade on Level 3 and 4 to carry the residential façade further down Towers 1 and 2 creating a congruous form. This has resulted in the enclosing of the originally proposed outdoor COS on Level 3 and recessing in of the Level 4 outdoor terrace separating Towers 1 and 2.

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 the Amending Detailed SSDA. 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 Amending Detailed SSDA in accordance with section 37 of the *Environmental Planning and Assessment Regulation 2021* (the Regulation).

The Amendment Report amends the proposed (modified) scope to capture those changes above.

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.

2. Analysis of Submissions

A total of 2 submissions were received from the public/community during the exhibition period. In addition, 8 submissions were received from various authorities, notably DPHI, North Sydney Council, amongst others.

Of this combined total of submissions for both SSDAs (inclusive of public and agency) received:

- 3 submissions (30%) objecting to the proposal.
- 3 submissions (30%) provided general comment on the proposal
- 4 submissions (40%) supporting the proposal (these were all agency submissions).

Submissions were received from the following locations:

Table 1: Summary of submissions

Locality	Number of submissions
Objections	
St Leonards	1
Macquarie Park	1
Total	2
Authority	
Various	8

In addition to submissions received from the community, submissions were received from the following authorities:

Table 2: Agencies

Authority
Department of Planning, Housing and Infrastructure
North Sydney Council
Civil Aviation Safety Authority
Transport for NSW
Sydney Metro
Ausgrid
Sydney Airport
Airservices Australia

2.1 Key Issues Raised by the Community

2.1.1 Summary of Key Issues

Out of the 2 submissions received from the community objecting to the proposal, the key issues raised include:

- ADG non-compliance:
 - Solar and daylight access
- Social Impact Assessment (SIA)
- Building setbacks

- Natural ventilation
- Apartment sizes/ numbers
- Community consultation
- Rooftop Bar Use
- Lodging the applications together
- Traffic, Transport and Accessibility Assessment (TTAA)
- Connecting with Country Framework
- Development at 28- 34 Clarke Street

2.1.2 Breakdown of Community Submissions

The key issues raised by the local community in response to the detailed SSDA at Crows Nest predominantly centre around the amenity of apartments, community consultation, Social Impact Assessment, building setbacks, and the Traffic, Transport and Accessibility Assessment, amongst other items.

The most frequently mentioned issue was the non-compliance with the solar and daylight access provisions of the Apartment Design Guide (ADG). A key concern was the impact on the amenity of the apartments and lack of consideration for the impact of a potential future development at 28- 34 Clarke Street in terms of privacy and solar access.

The quality of the community consultation was criticised with only 2 survey responses received there seemed to be a lack of effort put into engagement. This low response rate was seen to delegitimise the Social Impact Assessment which was also criticised for failing to address the negative impacts of a high-density build-to-rent development.

One submission was concerned that the Amending Concept and Detailed SSDA were lodged at the same time and therefore the Detailed SSDA relied on the Amending Concept being approved.

Some responses were concerned that the Traffic, Transport and Accessibility Assessment (TTAA) underestimated the true traffic and parking impact of the development, particularly regarding the impact on on-street parking.

The compatibility between the commercial bar use and the residential uses was also highlighted as an issue with submissions concerned that the acoustic impacts from the rooftop and ground floor bars would be an amenity issue to the apartments.

One submission was made on behalf of the owners of the property known as 28- 34 Clarke Street. They were concerned that the Environmental Impact Statement (EIS) had not taken into account a potential future development at their site in terms of height, setbacks, privacy, and solar access requirements.

2.2 Breakdown of Agency Submissions

Agency feedback and advice has been received from:

2.2.1 The Department of Planning, Housing and Infrastructure

DPHI has reviewed the application and provided the following advisory comments:

1. Amenity

- Review and reconsider the proposed building separation between the BTR towers to:
 - maintain a reasonable level of privacy between the proposed apartments
 - improve solar access to the proposed apartments
 - reduce reliance on mitigating measures such as fixed windows and tinted glass, which are likely to compromise other amenity aspects, including light, outlook, and ventilation.
- Review and revise the proposal to maximise solar access to the proposed apartments and;
- Submit solar eye diagrams with heat maps or equivalent, identifying maximum solar access available to the proposal, with considerations of its development context

- Consider changes to the proposed density, distribution and layout of the proposed apartments to maximise solar access.
- Review and correct any inconsistencies regarding the proposal's performance against the criteria of the Apartment Design Guidelines (ADG), including but not limited to solar access and ventilation.
- Identify how the recommendations of the submitted Pedestrian Wind Assessment will be implemented, including:
 - submit revised architectural and landscape drawings, including and illustrating the recommended amendments
 - review the proposed recommendations, which include changes to station structure, street trees, and public domain treatments, and require further consideration regarding agreement with the relevant authorities and impacts on the public domain
 - propose alternative solutions where recommendations cannot be implemented.
- Provide details of the proposed acoustically treated fresh air systems for apartments impacted by high road noise and demonstrate how they integrate with the proposed façade design.

2. Landscaping

- Provide a complete set of Landscape Plans, including details and specifications.
- Demonstrate that soil depths shown in the Landscape Report are achieved through section plans or landscape sections/details to enable mature trees, which are integral to wind mitigation.

3. Proposed amendments to original Concept Approval

- Submit a draft notice of modifications clearly identifying the proposed changes to the original Concept Approval.
- Provide a tabulated response detailing how the proposed Detailed Design SSD aligns with the Amending Concept, including how the proposal meets the conditions proposed to be amended in (a) above.
- Identify changes required to the Crows Nest Over Station Development Design Quality Guidelines to reflect the proposed land use change from commercial to residential. This may include revised diagrams, building efficiency measures, project benchmarks, and other relevant aspects.

2.2.2 North Sydney Council

Council lodged two submissions, an initial placeholder objection (4 August 2025) and a subsequent detailed submission (13 August 2025) which collectively set out the following:

Consideration of the Crows Nest TOD precinct design guide and other planning controls

- A review of the Crows Nest TOD Precinct Design Guide should be undertaken, to include those provisions of the North Sydney DCP 2013 that should apply to state significant and/or local development.

Affordable Housing

- Council and DPHI were engaged collaboratively to assess and determine the most effective way forward for calculating the appropriate affordable housing monetary contribution to give effect to the need for affordable housing and ensuring a clear and transparent inter-governmental process.
- Whether the quantum of affordable housing will be sufficient to arrest the high numbers and distances of commuter trips of the present and recent past will be reduced as anticipated, is unknown. This should be regularly monitored and the plan adjusted to amend the proportions of affordable housing to be delivered, if required.

Landscape Design

- As included with other recommended conditions, awnings proposed under this proposal shall include cut-outs that allow unimpeded future canopy growth for all future street tree plantings.

- None of the site offers deep soil, which is typical in localities transforming into high density, mixed-use locations with limitations caused by site conditions. Whether adequate provision of public open space is provided at the precinct level via acquisition or other means has not been addressed (and should have been), except for the small park (relative to likely demand) proposed in the in the “Lithgow Street block”, the area bounded by Lithgow Street, River Road, Christie Street and Oxley Street.

Development and Infrastructure Engineering

- At least 6 accessible parking spaces be provided.
- No more than 24 motorcycle spaces be provided.
- Bicycle and end-of-trip facilities should be provided in accordance with the North Sydney DCP 2013.
- Off-street bicycle parking should be made available for workers of retail and business premises in the development.
- Regarding construction traffic management:
 - The use of vehicles greater than 12.5m HRV on Council’s road network due to public safety risks is not supported. It is recommended that vehicles be restricted to a maximum of 12.5m HRV. Any larger vehicles proposed must be justified to demonstrate why they are required and how it is the safest feasible option.
 - Please insert “Construction vehicles MUST AVOID travelling through school zones during school peak hours to minimise safety risks and congestion.”
 - Intersections that form the haulage route in North Sydney’s LGA should be reviewed to confirm the largest proposed construction vehicle can safely negotiate through the road network without impacting on parked cars or Council’s infrastructure

Heritage

- Recommended the following conditions to be included
 - Implement a monitoring programme for structural damage to the St Leonards Centre.
 - Develop a temporary protection plan that identifies the potential risks and outlines measures to reduce the potential for damage to heritage fabric of the adjacent St Leonards Centre building during the works.
 - The temporary protection plan should include a monitoring regime that will allow for ongoing crack monitoring of the adjacent heritage building by the built heritage specialist in association with a heritage engineer during the construction period.

Waste Management

- Recommended conditions require the operational waste management plan and facilities for the proposed development to satisfy Council’s DCP regarding waste management.

Environment and Health

- Standard conditions are recommended to address matters relevant to the proposal, primarily concerned with noise and vibration during and after construction.

Statutory Evaluation

- The Precinct Design Guide be amended to include other provisions of Council’s DCP, in collaboration with Council, to address the anomaly introduced with the PDG.
- Built Form and Scale
 - Given significant variation of the Apartment Design Guide’s building separation provisions the development should be refused, or amended to have better regard for the setback and building separation objectives of the ADG. The option of developing two residential towers instead of three and integrating the affordable rental apartments with the build-to-rent apartments, would be preferred.

- The revised design approach as recommended, would result in the development being consistent with clause 15 (g) of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) and clause 7.5 (1) (e) in Part 7, being the LEP's TOD controls, provides Affordable Housing Principles.
- Sustainability
 - The proposal's design should be revisited to improve solar access performance to at least the minimum guidelines of the Apartment Design Guide. As suggested, a two-tower development would likely improve solar access performance.

Housing Diversity and social interaction

- Based on Council's recent experience with build-to-rent projects that incorporate affordable rental housing, a common design objective is to separate the 'market' housing from the 'affordable' housing, providing the former with a higher standard of architecture and services, compared with the latter. The apparent rationale for the separation, is to allow separate management of each type of housing, to satisfy the requirement for affordable housing to be managed by community housing provider.

Crows Nest TOD Precinct Design Guide (PDG)

- **3.3 Land use** - Monitoring of the effects of the precinct's development against established objectives for the TOD should be undertaken, with regard to:
 - a. Defining and achieving an appropriate balance of jobs and housing,
 - b. Suitability of land use mix to optimise the investment made in public transport,
 - c. Adequacy of public spaces, in terms of size, type and location, and
 - d. Sufficiency of the affordable housing to be delivered, to satisfy community demand for affordable housing, and reduce travel demand,
 while also considering longer term impacts on the community, and local infrastructure.
- **3.6.1 Public spaces** - In an apparent lack of analysis to inform an adequate provision of the type, size and suitable location of additional open space required, such analysis should be provided, or a study should be undertaken as outlined above for the entire St Leonards-Crows Nest 2036 defined area, in a sub-regional (Lower North Shore) context, and the design guide and other planning controls be amended or introduced accordingly, to acquire land and embellish the land to provide for the long-term needs of existing and future residents and workers of the district, based on the findings of such a study.

2.2.3 Civil Aviation Safety Authority

Civil Aviation Safety Authority (CASA) confirmed on 2 July 2025 that it *"has no issues with the Aviation Impact Assessment and CASA agrees with the Conclusions at Section 7... CASA has no objections to the development proposal."*

2.2.4 Transport for NSW

Transport for NSW (TfNSW) has reviewed the application and has provided the following advisory comments:

Civil Works on Classified Road

TfNSW would provide concurrence to the proposed civil works on Pacific Highway under Section 138 of the *Roads Act* 1993, subject to the following requirements being included in any consent issued by DPHI:

- All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are to be wholly within the freehold property unlimited in height or depth along the Pacific Highway boundary. Any proposed awning shall be setback a minimum distance of 0.6 metres from the face of kerb on Pacific Highway to protect against the overhang of large vehicles.
- Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact upon the Pacific Highway are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any works.

- Any public utility adjustment/relocation works on the State road network will require detailed civil design plans for road opening/underboring to be submitted to TfNSW for review and acceptance prior to the issue of a Construction Certificate and the commencement of any works. The developer must also obtain any necessary approvals from the various public utility authorities and/or their agents.
 - A Road Occupancy Licence (ROL) shall be obtained from the Transport Management Centre for any works that may impact on traffic flows on the Pacific Highway during construction activities.

Construction Pedestrian and Traffic Management Plan

- A Construction Pedestrian and Traffic Management Plan (CPTMP) shall be prepared in consultation with TfNSW and a copy of the final CPTMP shall be submitted to TfNSW. The CPTMP should include the details provided in TfNSW Agency Submission.

Delivery and Servicing

- The proposed development will share the existing loading dock with Sydney Metro. All new developments should be self-sufficient and cater for all loading and servicing on-site. The applicant should not rely on the kerbside restrictions being available for site operations. A Delivery and Servicing Plan is required to be prepared and submitted to TfNSW for endorsement.

2.2.5 Sydney Metro

Sydney Metro did not raise any objections to the detailed SSDA but requested conditions to be included in the event of an approval, to ensure the appropriate management and mitigation of the proposed impacts. The conditions relate to a confirmation letter to be issued prior to construction to confirm structural capabilities, accompanied by the relevant certificates, approvals and documents.

2.2.6 Ausgrid

Ausgrid did not raise any objections to the detailed SSDA but recommend the following.

Ausgrid Underground Cables are in the vicinity of the development.

- Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.
- It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Before You Dig Australia

Ausgrid Kiosk Substation in the vicinity of the development

- The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations
- Substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres

2.2.7 Sydney Airport

Sydney Airport note that the site lies within Sydney Airport's Obstacle Limitation Surface (OLS), which at this location has a height of 156m AHD and therefore the proposed development would fall under the *Federal Airports (Protection of Airspace) Regulations 1996*.

Sydney Airport advises that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.

2.2.8 Airservices Australia

Airspace Development Protection confirmed on 7 July 2025 that it “*has no comments on this referral*”. It was recommended that any future proposals, including crane operations directly to the nearest airport operator.

2.3 Categorising issues

The issues (received by the community and agencies / authority) are grouped into the categories adopted from the ‘*State Significant Development Guidelines – Preparing a submissions report*’ (October 2022).

2.3.1 The project (e.g. the site, the project area, the physical layout and design, key uses and activities, timing)

Building setbacks: The plans do not specify the setback onto Clark Lane, though it was estimated to be insufficient at approximately 2.5m. This non-compliance is seen as potentially impacting a future development at 28- 34 Clarke Street (further investigation below) which could have significant adverse impacts on visual privacy, solar access, and natural ventilation.

Development at 28-34 Clarke Street: A potential future development at 28- 34 Clarke Street, Crows Nest will be negatively impacted by this development due to its insufficient setbacks as they will be expected to provide a greater setback on Clark Lane.

Traffic, Transport and Accessibility Assessment: Concerns that the TTAA is based on aspirational targets of 97% public and active transport uses and only 3% for private vehicles (as passengers) rather than evidence-based predictions of travel behaviour. Failure to address on-street parking spillover was also mentioned as the elimination of parking minimums could impact on-street parking access nearby. Agency submissions also note the parking spaces required and makes reference to Council’s traffic management requirements.

Bar use compatibility: Concern that the bar uses have the potential for noise and amenity impacts on the residential uses in the building. The Noise and Vibration Impact Assessment was seen as insufficiently addressing these concerns.

2.3.2 Procedural Matters (e.g. level or quality of engagement, compliance with the SEARs, identification of relevant statutory requirements)

Community consultation: The timeline of the Engagement Outcomes Report and the Community and Stakeholder Engagement Strategy suggest a “tick-a-box” process undermining the credibility of the engagement. The feedback rate of only 2 responses for the 2,500 residences that received a flyer contradicts the claim that a “comprehensive engagement approach” was used.

Lodgement of applications together: The lodgement of the amending Concept SSDA and the Detailed SSDA together was criticised for contravening the sequence of the staged development provisions under the EP&A Act. Including the need to assess the detailed application against the concept. If the amending concept were to be refused, it was considered that the detailed SSDA would be rendered invalid.

Justification of ADG non-compliance: The ADG compliance was mentioned as needing further justification for the flexibility allowed by the Housing SEPP to ensure that the overall design quality and amenity are maintained.

Connecting with Country framework: Concern around the process of Connecting with Country and overall design of the project, noting a failure to embed First Nations knowledge and narratives into the very fabric of the building’s architecture. Recommendations to embed cultural elements into the building, structure and landscape as intended by the Connecting with Country Framework and enhance the social and cultural value.

2.3.3 Economic, environmental, and social impacts (e.g. amenity, air, biodiversity, heritage)

Social Impact Assessment: Concerns that the SIA assumes the housing will provide a universally positive social impact. The use of only two responses to represent the entire community was criticised as not representative of the community. The social Impacts of alcohol and licensed premises was downplayed with the potential amenity impacts of a 250-patron rooftop bar and a 60-patron ground floor bar on the residents.

Impact on local amenity:

- i. **Solar and daylight access:** The non-compliance with the solar and daylight access controls was criticised for “weak” justification based on the Housing SEPP BTR flexibility and the lack of consideration of a potential future development at 28- 34 Clarke Street on the solar access.
- ii. **Natural ventilation:** There was inconsistency identified between various documents regarding natural ventilation compliance. Similar to solar access, the Housing SEPP BTR flexibility justification was not seen as substantial enough to warrant the non-compliance.
- iii. **Apartment sizes/mix:** It was calculated that 17% of the units were below the minimum internal area requirements due to the inclusion of an additional bathroom. The justification of this using the BTR Housing SEPP flexibility was considered weak, the additional bathrooms as a design choice rather than planning necessity. The apartment mix was also mentioned only including 6% 3-bedroom apartments was not justified based on the North Sydney DCP control of 10-20%.

3. Actions Taken Since Exhibition

3.1 Project Refinement

Since public exhibition, the following project refinements have been undertaken:

1. Further design development with the structural engineering team to ensure the proposal accommodates the required structural engineering transfer beams to support the residential land use. This has been the primary driver of the proposed amendments to the detailed SSDA, including minor increases in floor-to-floor heights across all towers to accommodate required services and satisfy the *Buildings Practitioners Act 2020*.
2. Continued engagement with DPHI and the adjoining landowner at 28- 34 Clarke Street. Various meetings were held with both stakeholders to discuss feedback and consider how amendments would go a way to addressing key concerns, relating to apartment amenity, privacy and solar access.
3. A re-cutting of the BTR apartment mix in Towers 1 and 2 to increase in the number of units provided, primarily studios and one-bedroom units driven by market research undertaken by Franklin St. The findings concluded that there was demand for smaller housing types in the area which were currently undersupplied. The mix of units have been recut and resulted in an increase in the number of BTR units provided overall, helping to support the National Housing Accord.

As a result of the submissions made and the above engagement, this RtS, alongside the Amendment Report captures the following changes to the proposal:

- Reduction in residential GFA and total GFA as a result of removal of Level 25 on Towers 1 and 2;
- Increase in the height of towers 1 and 2 of +8.3m to accommodate an increase in the lift overrun, increase in floor to floors for residential to accommodate services, and height for the transfer structure and Levels 2- 3 required to align with the existing Metro box as-built condition;
- Increase in the height of tower 3 of +5.95m to accommodate structural transfers at Levels 2-3 and an increase in floor-to-floor height to accommodate services (this is a 4.85 metre increase from the approved concept envelope);
- Re-cutting of the BTR market mix in Towers 1 and 2 resulting + 94 BTR market units (418 BTR market units to 512 market units)
- Additional visual privacy treatment between towers and adjoining sites;
- Consolidation and reconfiguration of retail on ground floor at Pacific Highway and Oxley St corner;
- Improved vertical transport to rooftop spaces on Towers 1 and 2, to allow direct travel from Level 3 to the rooftop;
- Minor reconfiguration of amenity on Levels 2 and 3;
- Remove residential apartments on Level 24 of Towers 1 and 2 and provide internal communal open space for future residents in lieu;
- Marginal improvement in solar access for those units which receive solar at mid-winter; and
- Refinements of the external façade on Level 3 and 4 to carry the residential façade further down Towers 1 and 2 creating a congruous form. This has resulted in the enclosing of the originally proposed outdoor COS on Level 3 and recessing in of the Level 4 outdoor terrace separating Towers 1 and 2.

3.2 Further Assessment of Project Impacts

The accompanying Amendment Report prepared by Gyde provides a detailed assessment of environmental impacts that has been coordinated with the amended scope of development that is proposed under this amendment. 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):

- EP&A Act
- *Environmental Planning and Assessment Regulation 2021* (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 North Sydney Local Environmental Plan 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 3 which addresses matters that were raised by DPHI.
- Table 4 which addresses matters that were raised by Council.
- Table 5 which addresses matters that were raised by advice that was received from agencies.
- Table 6 which addresses matters that were raised by public submissions.

To support the further impact assessment, additional or updated technical reports and/or addendum letters are provided as part of the revised detailed SSDA package as detailed in the Appendices List.

The environmental impact assessment undertaken for the project as part of the original EIS and the concurrent Detailed SSDA Amendment Report has determined that the project would not result in any significant adverse impacts to environmental, cultural, social and economic values. The majority of the remaining impacts have been concluded as being generally consistent with those previously presented in the EIS. Any potential residual impacts can be suitably controlled with the management and mitigation measures proposed.

Therefore, notwithstanding the scheme being amended, the proposal, being a for a new mixed-use development, residential led BTR development remains the same as the original proposal.

3.3 Review and Analysis of Submissions

The broader project team, including the Proponent, Gyde Consulting, Woods Bagot Architecture, RWDI Consulting Engineers, Pulse White Noise Acoustics, Robert Bird Group, Arcadia Landscape, convened on August 21, 2025, to systematically review and analyse the submissions received. This collaborative approach has informed the project's refinement, ensuring that community and agency feedback is incorporated into the amended detailed SSDA design.

3.4 Instruction of Technical Consultants

Technical consultants were instructed to provide specialised advice on several key issues, including architectural, landscaping, traffic, arborist, solar access, acoustic, and other matters as detailed further in Section 3.6.1. Their expertise will guide the project team in making informed decisions that enhance the development's functionality and its integration with the surrounding community.

3.5 Further Engagement

3.5.1 Community

It is understood that community consultation and public exhibition was carried out in strict accordance with DPHI policies and guidelines. All adjoining properties were notified per DPHI policies, ensuring that the community was adequately informed and had the opportunity to provide feedback.

In summary, the applicant has taken significant steps to address the concerns raised during the public exhibition, including refining the project design, conducting additional impact assessments, and engaging with technical consultants. These actions demonstrate the applicant's commitment to delivering a development that is responsive to community needs while maintaining the project's overall viability.

3.6 Post-Exhibition Consultation

3.6.1 Department of Planning, Housing and Infrastructure

The Proponent and Gyde met with DPHI on three separate occasions (25 July 2025, 17 September 2025 and 8 October 2025) since the receipt of the Request for Further Information and submissions following the exhibition period. The purpose of these meetings was to:

- i. Advise DPHI at an early stage that the Proponent had identified the need for additional structural support to accommodate the load of the residential towers and therefore was undertaking detailed structural coordination. This necessitated amendments to both the Concept and the Detailed SSDAs.
- ii. As the technical requirements became more clearly defined, the project team re-grouped with the Department Planners to illustrate and talk through the changes in further detail.
- iii. These meetings provided a valuable forum for understanding key considerations from DPHI's perspective to inform the preparation of this RtS and the accompanying RtS for the Concept SSDA, the two Amendment Reports, Clause 4.6s written Requests (Height) and associated amended SSDA documentation. DPHI's key feedback related primarily to the amenity afforded to the subject units and how this would be achieved in light of the proposed re-cutting of the mix, in parallel to the structural coordination changes, including the height increase.
- iv. Discuss the re-exhibition process prior to Christmas closure period and clarification was provided that the project would be subject to the recently established 14-day exhibition period.

3.6.2 Landowner of 28-34 Clarke Street

The landowner of 28- 34 Clarke Street prepared a submission to the detailed SSDA. The Proponent reached out to the adjoining landowner to arrange an in-person meeting to discuss their concerns and provide clarification.

On 9 September 2025, Gyde and the Proponent met with the adjoining landowner, their planner and architect to listen to their concerns raised in the submission.

The adjoining landowner took the project team through their letter, and it was communicated that their primary concern related to how privacy would be afforded at the subject site and to a future development on their land. The adjoining landowner acknowledged the built form and structural constraints of the OSD site.

In response to their queries, Woods Bagot have introduced a perforated metal screen on the eastern elevation (Clarke Street) across level 04 to level 13 façade Tower 1 at Site A. Levels 4- 13 consider a permissible future development outcome at the adjoining site 28- 34 Clarke Street, see the below figures which are extracts of pages 80 and 81 of Woods Bagot's Design Report (Appendix H).

03.04 BTR Towers
Building Separation

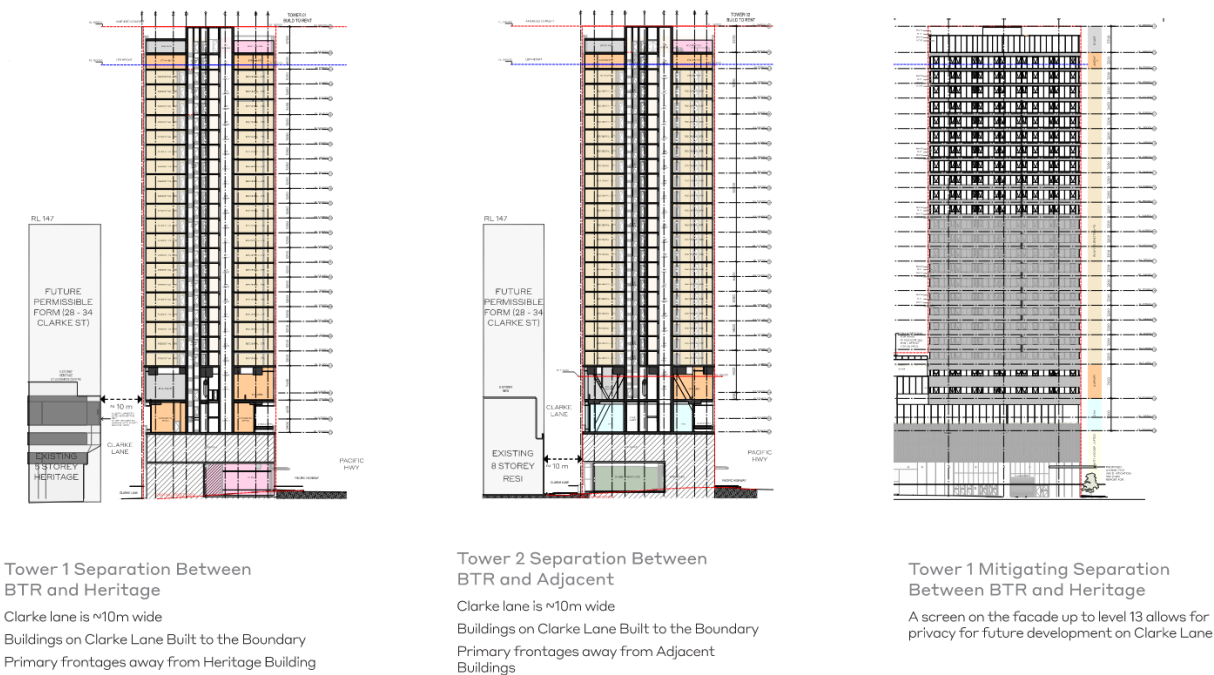


Figure 1 Page 80 Design Report (Appendix H) (Source: Woods Bagot)

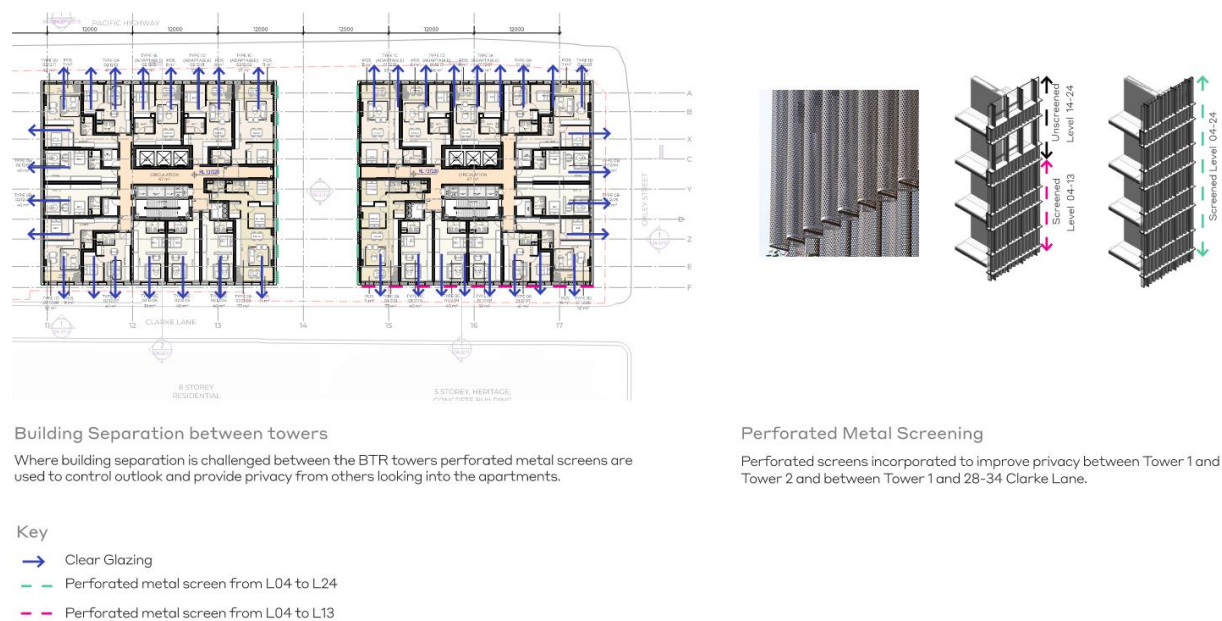


Figure 2 Page 81 Design Report (Appendix H) (Source: Woods Bagot)

4. Response to Submissions

4.1 Response to the Department's Key Issues

Table 3 below provides a response to the key issues raised by the Department.

Table 3: Response to the Departments Key Issues

Issue	Response	Relevant Report(s) / Plan
1 Amenity		
a) Review and reconsider the proposed building separation between the BTR towers to: i. maintain a reasonable level of privacy between the proposed apartments	i. As will be appreciated, the proposed detailed built form has been located and designed on top of the existing Metro Box, with the towers distributed to correspond directly to structural advice. This has been a primary driver in establishing the building separation between the towers on the site and with future towers on surrounding sites. The initial residential envelope followed by proposed detailed building form was the by-product of the feedback provided during the initial and subsequent State Design Review Panel (SDRP) meetings with Government Architect NSW (GANSW). Multiple massing schemes were developed by Woods Bagot during the pre SSDA submission design development stage with GANSW to determine the most appropriate distribution of height and mass for the BTR towers given the constraints of the site being atop the Metro Box. As noted in the SDRP Minutes provided in the original Detailed SSDA (Appendix 23), it is shown that the proposed built form was supported during all three meetings with the SDRP. In light of the concurrently proposed amendments, the building separation distances which afford privacy, have been maintained. The revised detailed design of Towers 1 and 2 mean the residential floor plates are now mirrors of one another. Crucially, the primary living rooms and private open space (wintergardens) are oriented north and south—facing outward (to Pacific Highway or Clarke Lane) rather than toward each other. Where towers do face internally, interfaces consist only	Architectural Plan Set – Appendix G

Issue	Response	Relevant Report(s) / Plan
ii. improve solar access to the proposed apartments	of secondary living room windows and bedroom windows. These windows are proposed to be treated with perforated metal screen from level 4 to level 24, see the green dash below.  Building Separation between towers Where building separation is challenged between the BTR towers perforated metal screens are used to control outlook and provide privacy from others looking into the apartments. Key → Clear Glazing — Perforated metal screen from L04 to L24 — Perforated metal screen from L04 to L13 The landowner of 28- 34 Clarke Street reasonably raised a particular concern regarding the separation distances on the Clarke Lane elevation and a future proposal on their site. In a meeting with the adjoining landowner, they recognised the constraints of the metro-box and how this has driven the separation distances. They were comfortable with the introduction of privacy mitigation measures to aid in ameliorating privacy impacts. The privacy measures detailed on page 80 and 81 of Woods Bagot's Design Report (Appendix H) have been implemented on the architectural plans to achieve reasonable levels of privacy. Refer to section 3.6.2 of this RtS Report.	

Issue	Response	Relevant Report(s) / Plan
	ii. A key site constraint is the building's southwest-facing façade which extends approximately 116m in length. Given the requirement to situate the built form above the confines of the Metro Box envelope, strict adherence to the solar access targets is not feasible as the buildings orientation limits direct sunlight penetration. Notwithstanding the above, the amendments to the layout of apartments within the typical floorplates of Towers 1 and 2 has sought to maximise the number of north-facing and dual-aspect units to optimise daylight access and ventilation. In light of the amendments as detailed in the Amendment Report, the overall solar calculation has marginally improved from the original 55% to 56% of apartments. This has eventuated from creating mirrored floorplates of Towers 1 and 2 and providing additional studio and 1-bedroom units. These amendments have enabled the increase of units receiving solar access across the development. In Tower 1, the number of units receiving solar access has increased from 8 to 9 units. In Tower 2, this has increased from 5 to 6 units. The justification for re-cutting the mix of units was driven by research undertaken by Franklin St (Appendix N) that identified a shortfall in the market for studios and 1-bedroom rental units in the area, inconsistent with demand. This is detailed in the Amendment Report. Furthermore, the development aligns with DPHI's BTR Housing and Flexibility Design Guidelines (BTR Guidelines), which recognise that achieving full solar compliance in high-density settings can be challenging. The BTR Guidelines note that developers can provide more communal outdoor spaces or sunny areas throughout the development to provide the solar and daylight benefits. Consistent with the DPHI methodology of applying flexibility, the amendment has sought to increase the amenity for all units, where the buildings orientation precludes greater individual solar access. This has been achieved by the provision of 1,380sqm (2 x whole floors – one in BTR tower 1 and one in BTR tower 2) dedicated to residential amenity through	

Issue	Response	Relevant Report(s) / Plan
iii. reduce reliance on mitigating measures such as fixed windows and tinted glass, which are likely to compromise other amenity aspects, including light, outlook, and ventilation.	converting level 24 on both towers from residential to communal indoor space (and deleting previously proposed level 25). The level 24 amenity spaces will feature multi-purpose programming including media, lounge, private dining and co-working spaces. These spaces are attractive for resident renters who may prioritise location and smaller private space for compensatory features, such as shared facilities (Appendix N). The delivery of high-quality communal indoor space at level 24 and the rooftop communal open space, creates a diverse range of weather-protected and environmentally controlled amenities to support social interaction, recreation, and relaxation. An additional site constraint limiting solar access is that the north-facing frontage (Oxley Street) is only 29m long, while the southwest-facing Pacific Highway frontage is nearly four times longer. To counteract this attribute, the towers are broken into 3 distinct masses, creating slots between them that allow sunlight to filter through. Despite these efforts, the site's constraints remain a limiting factor in achieving full compliance. However, the design prioritises solar access wherever possible while maintaining a high level of residential amenity through a combination of orientation strategies, dual-aspect apartments, and high-quality communal spaces and suitable apartment size and mix for the BTR and affordable housing market. Majority of the Tower 1 and Tower 2 façade do not require privacy measures. Perforated metal screens are proposed as privacy measures on the following facades: - On the internal façade of Towers 1 and 2 on level 4-24 inclusive - On the eastern elevation (Clarke Street) of Tower 1 on level 4 to 13 – corresponding to a future permissible built form on the adjoining site of 28- 34 Clarke Street Refer to pages 80 and 81 of the Design Report (Appendix H) for further detail.	

Issue	Response	Relevant Report(s) / Plan
b) Review and revise the proposal to maximise solar access to the proposed apartments and: i. submit solar eye diagrams with heat maps or equivalent, identifying maximum solar access available to the proposal, with considerations of its development context	As detailed above at (a), the proposal has sought to optimise solar access as much as reasonably practical in the context of the site's orientation and Metro Box constraints. The mirrored floorplates of Towers 1 and 2 and concurrent re-cutting of the mix improves solar access by 1% (55% to 56%). The solar improvements by Woods Bagot responds to part 4A of the ADG whereby solar has sought to be optimised and concurrently relies on the flexibility afforded to BTR development in respect of solar. In addition, level 25 (originally comprising apartments has been removed) and level 24 converted to indoor communal open space, offering a variety of amenity outcomes. Refer to Woods Bagot revised solar access diagrams on drawing DA-2310 in Appendix G. It is noted that the number of apartments achieving no solar access at mid-winter has increased from 16% to 38%. This is the result of the orientation of the proposal and constraints to locate the built form above the existing metro box. It should be noted that some of the additional non-compliant units are dual aspect and benefit from improved internal amenity outcomes, including enhanced natural ventilation and outlook. Across the development, the amended design and floorplate has improved performance for a larger proportion of units while maintaining suitable amenity for those that are non-compliant, given the constraints of the site. The amended proposal represents a net quantitative improvement in overall solar access, despite the numerical increase in non-compliant apartments. As previously stated, it is recognised that BTR developments are given flexibility in their design given that they are structured to optimise long-term rental viability, shared facilities and more communal space for each apartment. Given their distinct purpose, these developments allow for greater flexibility in applying the ADG, ensuring that design outcomes are better suited to the rental market rather than being constrained by traditional ownership-driven housing models. As such, the design has optimised solar access across the site in conjunction with improved amenity features to contribute to a more desirable rental product for the market.	Refer to Woods Bagot justification + updated solar analysis in Appendix G, H and K

Issue	Response	Relevant Report(s) / Plan
ii. consider changes to the proposed density, distribution and layout of the proposed apartments to maximise solar access.	Prior to the preparation of the original detailed SSDA, the proposed density, distribution and layout of the apartments was discussed at the three SDRP meetings. It was determined that given the limitations of the built form, as a result of the development being atop the Metro Box, it was not feasible to create any more additional corners than those proposed. In light of the proposed changes, the quantum of floor space is consistent with that established on the accompanying amendment concept SSDA and in fact is marginally less. The additional height proposed (and justified in the accompanying 2 x clause 4.6 requests) is a result of accommodating additional structural transfers which are necessitated by the need to deliver this project in the context of the existing site conditions. This RtS Report is supported by an Amendment Report which details the proposed changes to the detailed SSDA development. These changes respond to several items raised during exhibition including necessitating improved amenity and solar access. The number of apartments achieving solar access across the site has improved. To provide those apartments with no solar access at mid winter, level 24 (1,380sqm) has been reconfigured to communal indoor space with strong solar access, enhancing shared amenity for future residents. These amendments have been informed by applying the flexibility of the BTR Guidelines, ensuring the design achieves a balanced outcome consistent with the intent of the controls.	Amendment Report
c) Review and correct any inconsistencies regarding the proposal's performance against the criteria of the Apartment Design Guidelines, including but not limited to solar access and ventilation.	The concurrent Amendment Report for the detailed SSDA undertakes a revised assessment against the ADG provisions in light of the revised detailed design. The Amended Architectural Plan Set at Appendix G (previously Appendix 19) has also been amended to show the correct performance indicators as per the ADG. Reference is also to be made to Appendix H Design Report.	Amendment Report Architectural Plans – Appendix G Design Report – Appendix H
d) Identify how the recommendations of the submitted Pedestrian Wind Assessment will be implemented, including:	The Pedestrian Wind Assessment has been reviewed, and the proposed recommendations have been addressed through the following:	Architectural Plan DA-DA2200 (Rev B)

Issue	Response	Relevant Report(s) / Plan
i. submit revised architectural and landscape drawings, including and illustrating the recommended amendments ii. review the proposed recommendations, which include changes to station structure, street trees, and public domain treatments, and require further consideration regarding agreement with the relevant authorities and impacts on the public domain iii. propose alternative solutions where recommendations cannot be implemented.	• The lower ground level architectural plan has been amended to highlight the implementation of the awning extension along Oxley Street and Clarke Lane. • The Level 4 terrace architectural plan notes the presence of a 1.8m high glass perimeter screen for wind safety as per the Pedestrian Wind Assessment. The landscaping scheme has also been amended to provide additional natural screening and wind protection through planting additional lily pillies, which will mature to up to 5m in height. • This is demonstrated in the revised architectural and landscape plan sets submitted to accompany the Amendment Detailed SSDA.	Architectural Plan DA-DA-2214 (Rev B) Landscape Plans (Appendix O)
e) Provide details of the proposed acoustically treated fresh air systems for apartments impacted by high road noise and demonstrate how they integrate with the proposed façade design.	The Detailed SSDA Noise and Vibration Impact Assessment (Appendix Y) includes discussion on the acoustically treated fresh air systems for apartments. As part of the proposed development, the provision for an alternative outside air source to all residential dwellings is required in accordance with Australian Standard (AS) 1668. This can include a number of potential options which are outlined in Section 5.2.5 of the assessment in Appendix Y. To deliver a coordinated development approach, discussions between the Noise and Vibration consultant and the Engineering consultant have confirmed that the mechanical design drawings (to be prepared post SSDA in the construction drawing stage) will be designed to ensure compliance with AS 1668.	Detailed SSDA Noise and Vibration Impact Assessment – Appendix Y
2 Landscaping		
a) Provide a complete set of Landscape Plans, including details and specifications.	Detailed landscape plans have been provided. To address the wind consultants' recommendations to improve pedestrian wind safety, the recommendations have been implemented as detailed above.	Landscape Plans (Appendix O)
b) Demonstrate that soil depths shown in the Landscape Report are achieved through section	Detailed soil depth plans have been included in the landscape set. Soil depths for the planter boxes on the Ground Floor at Oxley Street have also been included in the Landscape Report.	Landscape Plans (Appendix O)

Issue	Response	Relevant Report(s) / Plan
plans or landscape sections/details to enable mature trees, which are integral to wind mitigation.		
3 Proposed amendments to the original Concept Approval		
a) Submit a draft notice of modifications clearly identifying the proposed changes to the original Concept Approval.	Refer to Appendix CC of the concept SSDA..	Draft Notice of Modifications in Appendix CC
b) Provide a tabulated response detailing how the proposed Detailed Design SSD aligns with the Amending Concept, including how the proposal meets the conditions proposed to be amended in (a) above.	Refer to Appendix F of the detailed SSDA.	Alignment of Detailed SSD to Concept: Tabulated Response in Appendix F of Detailed SSD
c) Identify changes required to the Crows Nest Over Station Development Design Quality Guidelines to reflect the proposed land use change from commercial to residential. This may include revised diagrams, building efficiency measures, project benchmarks, and other relevant aspects	The <i>Crows Nest Over Station Development Design Quality Guidelines</i> (Design Quality Guidelines) have been reviewed and an addendum memo has been prepared to reflect the proposed land use change from commercial to residential.	Addendum memo Crows Nest Over Station Development Design Quality Guidelines – Appendix BB of the Concept SSDA

4.2 Response to North Sydney Council

Table 4 below provides a response to North Sydney Council.

Table 4 Response to North Sydney Council

Issue	Council's Recommendation	Response	Relevant Report(s) / Plan
Consideration of the Crows Nest TOD precinct design guide and other planning controls	1. A review of the Crows Nest TOD Precinct Design Guide should be undertaken, to include those provisions of the North Sydney DCP 2013 that should apply to state significant and/or local development.	It is noted that DCPs do not apply to SSDs (section 2.10 of the Planning Systems SEPP) and in an inconsistency, SEPPs shall prevail. The Design Quality Guidelines were prepared in consultation with Council as part of the Station Design and Precinct Plan, broadly. The Design Quality Guidelines have been reviewed to reflect the proposed land use change (residential rather than commercial) and an addendum memo has been prepared (Appendix BB concept SSDA). It should be noted that these guidelines are intended to be applied flexibly across the entire precinct. Any major changes would not be appropriate as the guidelines apply to the entire precinct rather than being site-specific to Site A.	<i>Crows Nest Over Station Development Design Quality Guidelines – Appendix BB concept SSDA</i>
Monetary contributions towards affordable housing in the precinct	2. Council and the Department engage collaboratively to assess and determine the most effective way forward for calculating the appropriate affordable housing monetary contribution to give effect to the need for affordable housing and ensuring a clear and transparent inter-governmental process.	Noted.	N/A
Landscape Design	3. As included with other recommended conditions, awnings proposed under this proposal shall include	The awning proposed at the corner of Oxley Street and Clarke Lane to address concerns regarding to pedestrian wind safety is not proposed to change as part of this amendment.	Landscape Report page 29 and 31.

Issue	Council's Recommendation	Response	Relevant Report(s) / Plan
	cut-outs that allow unimpeded future canopy growth for all future street tree plantings.	Given the site's slope towards the north-eastern and the need to maximise pedestrian wind safety, no further awning cut-outs are proposed. Three temporary planter boxes with lilly pilli's will not exceed 5m in height and are proposed along Oxley Street frontage to assist with mitigating wind impacts. These plantings are below the existing awning height. The new awning will align with the existing structure, maintaining a consistent height.	Architectural Plan DA-2201 – Appendix G
Transport and traffic engineering	4. No more than 24 motorcycle spaces be provided.	In accordance with Condition B16 of SSD-9579 (Concept SSDA), Site A is required to provide a maximum of 24 motorcycle car parking spaces. Notwithstanding Condition B18, Condition B19 states that “the maximum car parking limit (Condition B18), further development application(s) shall explore opportunities to future reduce the total number of car parking spaces below the total permitted maximum limit with the objective to reduce private car ownership and promote use of active and public transport.” As such, the proposal remains unchanged in this regard and does not propose any off-street motorcycle parking spaces in accordance with the Conditions of Consent.	Traffic, Transport and Accessibility – Appendix 47 of the original submission.
	5. Bicycle and end-of-trip facilities should be provided in accordance with the North Sydney DCP 2013.	In accordance with the North Sydney DCP, an additional 306 bicycle parking spaces have been provided to accommodate the increase in unit numbers. The project provides 316 bicycle spaces on Level 1 of Tower 3, 92 spaces on Level 2 of Tower 1/2 and 206 spaces on Level 3 of Tower 1/2. Woods Bagot has clarified access to the bicycle storage areas in the two respective towers.	Architectural Plan DA-2211 and DA-2212 (Rev B) – Appendix G

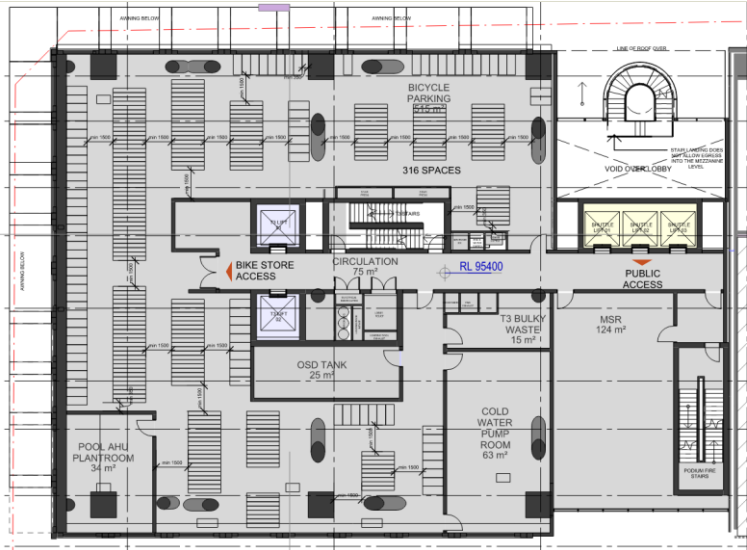


Figure 3 Amended level 3 bicycle storage (Source: Woods Bagot)

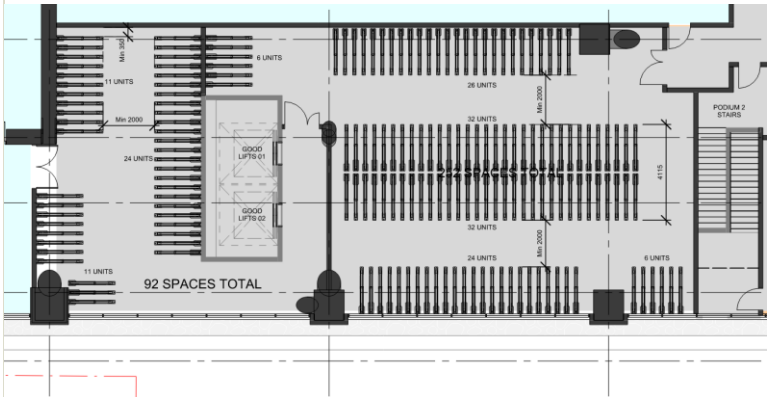
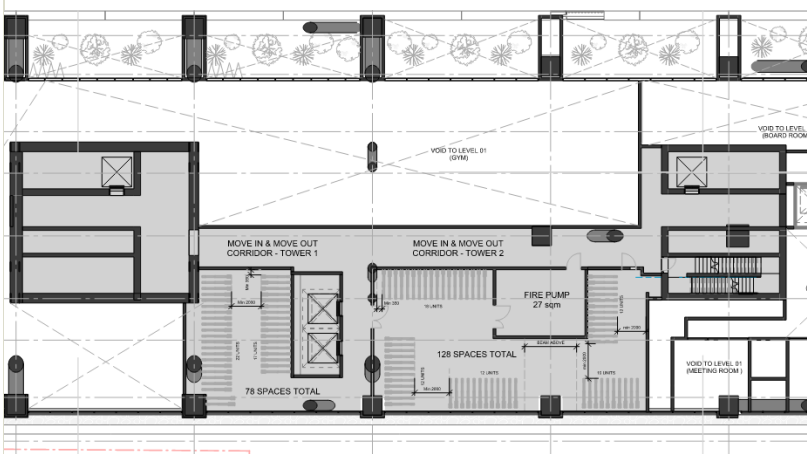


Figure 4 Amended Level 2 GA Plan illustrating bicycle parking spaces (Source: Woods Bagot)

Issue	Council's Recommendation	Response	Relevant Report(s) / Plan
		 Figure 5 Amended Mezzanine GA Plan illustrating additional bicycle parking spaces (Source: Woods Bagot)	
	6. Off-street bicycle parking should be made available for workers of retail and business premises in the development.	Off-street bicycle parking has been made available for workers of retail and business premises. The Level 2 and mezzanine bicycle parking show in Figure 4 and Figure 5 above is accessible to via the Goods Lifts, accessible from Clarke Lane and the Building 3 lobby.	Architectural Plan DA-2200, DA-2211 and DA-2212 (Rev B) – Appendix G
	7. Regarding construction traffic management: a. The use of vehicles greater than 12.5m HRV on Council's road network due to public safety risks is not supported. It is recommended that vehicles be restricted to a maximum of 12.5m HRV. Any larger vehicles proposed	The Proponent acknowledges that a condition of consent will be imposed requiring the preparation of a detailed construction traffic management prior to the issue of the construction certificate. We suggest regard be had to the Vehicular Servicing Management Plan provided in the original submission (Appendix 49).	Vehicular Servicing Management Plan – Appendix 49 (of the original submission)

Issue	Council's Recommendation	Response	Relevant Report(s) / Plan
	must be justified to demonstrate why they are required and how it is the safest feasible option.		
	b. Please insert "Construction vehicles MUST AVOID travelling through school zones during school peak hours to minimise safety risks and congestion."	As per response to 7a.	N/A
	c. Intersections that form the haulage route in North Sydney's LGA should be reviewed to confirm the largest proposed construction vehicle can safely negotiate through the road network without impacting on parked cars or Council's infrastructure	The existing intersections are not proposed to be changed as part of this proposal. The intersections were finalised at the Precinct Planning stage and any future construction was considered and resolved.	N/A
Evaluation: Section 4.15 EP&A Act	8. The Precinct Design Guide be amended to include other provisions of Council's DCP, in collaboration with Council, to address the anomaly introduced with the PDG.	As outlined above, the Design Quality Guidelines have been updated and necessary amendments captured in an Addendum Memo. No major amendments have been made, ensuring the guidelines remain applicable to the entire precinct.	Addendum memo Crows Nest Over Station Development Design Quality Guidelines – Appendix BB of concept SSDA

Issue	Council's Recommendation	Response	Relevant Report(s) / Plan
Housing SEPP- Design Principles Setbacks	9. Given significant variation of the Apartment Design Guide's building separation provisions the development should be refused or amended to have better regard for the setback and building separation objectives of the ADG. The option of developing two residential towers instead of three and integrating the affordable rental apartments with the build-to-rent apartments, would be preferred. The revised design approach as recommended, would result in the development being consistent with clause 15 (g) of the Housing SEPP, which states: <i>(g) affordable housing must consist of dwellings constructed to a standard that, in the opinion of the consent authority, is consistent with other dwellings in the area.</i>	The proposed built form and massing has evolved having regard to the approved Concept SSDA envelope and, as the concept approval is concurrently amended to this detailed SSDA. The primary change from the originally concept SSDA was the conversion of the primary land use from commercial to residential, consistent with the TOD precinct planning. The revised envelope and detailed design was then subject to SDRP feedback. The breaking down of the mass into 3 distinct towers and their distribution of mass/scale has been the byproduct of these collaborative discussions between Woods Bagot and the SDRP prior to the SSDA(s) submission. The three distinct towers have been deliberately designed to create a transition from the taller market Towers 1 and 2, to the lower Tower 3 creating a more compatible relationship to Site B and C. As the proposal is located above the Metro Box, the building separation is inherently defined by the existing structural and engineering requirements of the over-station development. While the proposal has non-compliances with the numerical ADG provisions, the design achieves the objectives of the ADG. This is achieved through providing visual and acoustic privacy through screening, natural ventilation, sun and daylight access. Furthermore, the proposal relies on the flexibility afforded to BTR developments given the site is well-located near transport and has adequate shared facilities and amenity spaces. Please refer to the response above at Section 4.1 and the reasons set out in the accompanying Amendment Report. Notwithstanding the above, as stated in the clause, the consent authority is the determining body with regard to this matter.	Amendment Report
	And clause 7.5 (1) (e) in Part 7, being the LEP's TOD controls, provides Affordable Housing Principles, which include, inter alia:	The proposed affordable housing units comprise a mix of apartment types that are intended to be constructed to the same standard as the BTR units. Notwithstanding the above, as stated in the clause, the consent authority is the determining body with regard to this matter.	N/A

Issue	Council's Recommendation	Response	Relevant Report(s) / Plan
	<i>(e) affordable housing must consist of dwellings constructed to a standard that, in the opinion of the consent authority, is consistent with the same type of dwellings forming part of the proposed development that are not intended to be used as affordable housing, particularly in relation to internal fittings and finishes, solar access and privacy.</i>		
	Clause 7.5 (4) gives weight to the principles, as follows: <i>(4) Development consent must not be granted to development to which this clause applies unless the consent authority has considered the following—</i> <i>(a) the Crows Nest Transport Oriented Development Precinct Affordable Housing Principles,</i>	<i>The Crows Nest Transport Oriented Development Precinct Affordable Housing Principles outlined under C17.5(1) of the NSLEP has been considered and previously addressed under the originally submitted EIS for this development.</i> No changes are proposed to the number of AFH units provided as part of this amendment and therefore no further assessment is required. Notwithstanding, the determination is at the discretion of the consent authority.	N/A
	<i>(b) the impact of the development on the existing mix and likely future</i>	The impact of the development on the existing residential mix was considered during the design stage and has been previously addressed under the originally submitted EIS for this development.	Planning Review – Appendix N

Issue	Council's Recommendation	Response	Relevant Report(s) / Plan
	<i>mix of residential accommodation in North Sydney.</i>	As part of the amendment package, the research piece conducted by Franklin St (Appendix N) notes demand for smaller housing types (i.e. studio and 1-bedroom) in the area, amongst further local demographic and supply trends. This piece has informed the amendment to re-cut the mix of the number of BTR market units for the development. This also means addition BTR housing addressing the National Housing Accord agenda and responding to the accelerated TOD provision.	
Sustainability	10. The proposal's design should be revisited to improve solar access performance to at least the minimum guidelines of the Apartment Design Guide. As suggested, a two-tower development would likely improve solar access performance.	The proposed built form and massing has been designed and contained within the existing envelope of the approved and constructed Metro Box and the Concept SSDA. The distinct three tower massing strategy evolved from engagement with GANSW during multiple SDRP meetings and has been intentionally designed to optimise solar access and cross ventilation as practical. As stated above at Section 4.1 and above at Point 9, the numerical ADG non-compliances have been mitigated through the provision of additional shared amenity spaces. The proposal relies on the flexibility afforded to BTR developments given the site is well-located near transport and has adequate shared facilities and amenity spaces. Please refer to the response above at Section 4.1 and the reasons set out in the accompanying Amendment Report.	Amendment Report
Part 7 North Sydney LEP 2013 Objectives	11. Whether the quantum of affordable housing will be sufficient to arrest the high numbers and distances of commuter trips of the present and recent past will be reduced as anticipated, is unknown. This should be regularly monitored and the plan adjusted to amend the proportions of affordable housing to be delivered, if required.	Noted. Monitoring of the affordable housing outcomes is not required under the SSDA process.	N/A

Issue	Council's Recommendation	Response	Relevant Report(s) / Plan
Land use	12. Monitoring of the effects of the precinct's development against established objectives for the TOD should be undertaken, with regard to: a. Defining and achieving an appropriate balance of jobs and housing, b. Suitability of land use mix to optimise the investment made in public transport, c. Adequacy of public spaces, in terms of size, type and location, and d. Sufficiency of the affordable housing to be delivered, to satisfy community demand for affordable housing, and reduce travel demand, while also considering longer term impacts on the community, and local infrastructure.	Noted, this recommendation applies to the entire precinct.	N/A
Public spaces	13. In an apparent lack of analysis to inform an adequate provision of the type, size and suitable location of additional open space required, such analysis should be provided,	During the Precinct Planning stage, masterplan testing conducted by DPHI identified potential areas that could be considered for future open space. As per the Finalisation Report of the Crows Nest State-led rezoning, these matters were resolved and finalised. Further studies are not required by the landowner to be undertaken as part of the SSDA process.	Amendment Report

Issue	Council's Recommendation	Response	Relevant Report(s) / Plan
	or a study should be undertaken as outlined above for the entire St Leonards-Crows Nest 2036 defined area, in a subregional (Lower North Shore) context, and the design guide and other planning controls be amended or introduced accordingly, to acquire land and embellish the land to provide for the long-term needs of existing and future residents and workers of the district, based on the findings of such a study.	Notwithstanding the above, communal open space and indoor space across the development has been maximised. This includes the addition of the amenity on level 24 as discussed in the accompanying Amendment Report.	

4.3 Response to Other Agencies

A response to commentary for the relevant agencies has been provided in Table 5 below.

Table 5 Response to Agency Submissions

Comment	Response
Airservices Australia	
Airspace Development Protection has no comments on this referral. We recommend submitting any future proposals, including crane operations directly to the nearest airport operator. If required, the operator will refer the proposal to Airservices Australia for further assessment on any potential impacts on Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) and Communication, Navigation, and Surveillance (CNS) systems.	Noted.
Ausgrid	
Ausgrid Underground Cables are in the vicinity of the development. Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways. It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Before You Dig Australia (BYDA).	Noted.
Ausgrid Kiosk Substation in the vicinity of the development The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.	Noted.
Civil Aviation Safety Authority (CASA)	
CASA has no issues with the Aviation Impact Assessment and CASA agrees with the Conclusions at Section 7. At 180m above AHD the proposed building will infringe the Obstacle Limitation Surface (Outer Horizontal Surface at 156m above AHD) for Sydney Airport and will need to be assessed under the Airports (Protection of Airspace) Regulations 1996 ('Airspace Regulations'). The crane(s) will also need to be assessed under the Airspace Regulations.	Noted.
Sydney Airport	
Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.	Noted.

Comment	Response
Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.	
Sydney Metro	
Section 4.13(2A) of the Environmental Planning and Assessment Act 1979 excludes concurrence or consultation requirements from applying to development applications for SSD, unless an environmental planning instrument requires concurrence or consultation to SSD. As section 2.99 of the T&ISEPP does not require concurrence to be provided in the context of a development application for SSD, concurrence is not required for the SSD. 1. Prior to issue of a Construction Certificate The Applicant must provide Sydney Metro a summary of all Over Station Development (OSD) design loads that will be transferred to the corresponding station support elements and so demonstrate that these loads remain within the specified limits for all load cases. This confirmation must be submitted for Sydney Metro review, prior to the commencement of any works. This is required to ensure that the station structure remains capable of supporting the OSD developments on Site A, without adverse impact on the station or its operations. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied. Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Department of Planning, Housing and Infrastructure for its records prior to the issue of any Construction Certificate.	Noted.
Transport for NSW	
1. Civil Works on Classified Road Any proposed civil works on state classified road (i.e. Pacific Highway) would require concurrence from TfNSW under Section 138 of the Roads Act 1993.	Noted.
2. Construction Pedestrian and Traffic Management Plan Construction vehicle movements need to be managed to mitigate transport network issues and to coordinate with other nearby developments which could create significant cumulative effects.	Noted.
3. Delivery and Servicing The proposed development will share the existing loading dock with Sydney Metro. All new developments should be self-sufficient and cater for all loading and servicing on-site. The applicant should not rely on the kerbside restrictions being available for site operations.	Noted.

4.4 Response to Community Concerns

Table 6 below contains a response to the issues raised in the submission.

Table 6 Response to Community Submission Table

Issue	Response	Relevant Report(s)
Project		
Building Setbacks Concerns relate to an insufficient eastern setback to Clark Lane which will result in inadequate separation.	Please refer to the response provided at Section 4.1 and discussion in 3.6.2 of this RtS Report. In the meeting with the landowner of 28- 34 Clarke Street, the adjoining landowner acknowledged (like the Proponent/their team) that the proposal is working within the constraints of the metro box structure below. Hence the building separation has been derived from this. To mitigate privacy to/from Tower 1 to a future permissible development at 28- 34 Clarke Street, Woods Bagot has introduced perforated privacy screen on the eastern façade of Tower 1 from level 4 to 13 (inclusive). This will mitigate looking to / from the proposal.	Architectural Plan Set – Appendix G
Development at 28-34 Clarke Street Concerns relate to insufficient setbacks and overlooking/privacy concerns for any proposed development at 28-34 Clarke Street. It is recommended to redesign the windows and wintergardens to look north or south.	Please refer to the response in section 3.6.1 and 4.1 of this RTS report. Woods Bagot has adjusted their Design Report to acknowledge a future built form at the adjoining site.	Meeting Summary Section 3.6.2 of this RTS Report Architectural Plans (Appendix G)
Traffic, Transport and Accessibility Assessment Concerns that the TTAA is based on aspirational targets of 97% public and active transport uses and only 3% for private vehicles (as passengers) rather than evidence-based predictions of travel behaviour.	The TTAA was prepared with consideration to the following reports prepared for the Crows Nest Precinct: • Sydney Metro City & South West Crows Nest Over Station Development Transport, Traffic and Pedestrian Assessment Report (prepared by Metron, dated November 2018) • Sydney Metro City & Southwest: Crows Nest Over Station Development (Amended), Transport, traffic and	Traffic, Transport and Accessibility Assessment – Appendix LL Amendment Report

Issue	Response	Relevant Report(s)
Failure to address on-street parking spillover was also mentioned as the elimination of parking minimums could impact on-street parking access nearby.	parking assessment report, Ref: NWRLSRT-MET-SCN-TI-REP-000008, Version 1, July 2020). Broadly, the report is also consistent with the NSW Government's objectives under the Future Transport 2056 Strategy, particularly to encourage active travel (walking and cycling) and using public transport. Furthermore, the amendment includes an increase in the provision of off-street bicycle parking (refer to Amendment Report), available to both residents and workers of the commercial premises. This improvement to the shared active transport facilities aligns reinforces the site-s strategic locational advantage above a Metro station and supports alignment with the strategic policy direction of the NSW Government. No car parking minimums were prescribed under the Concept SSDA, for which this Detailed SSDA is compliant with. As such, the quantity of car parking provided is zero, given the site constraints and location above a key transport node. Furthermore, the proposal is compliant with Council's Development Control Plan which denotes a maximum car parking space.	
Bar use compatibility Concern that the bar uses have the potential for noise and amenity impacts on the residential uses in the building. The Noise and Vibration Impact Assessment was seen as insufficiently addressing these concerns.	The Noise and Vibration Impact Assessment has assessed the lower ground and rooftop bar in accordance with the relevant noise criteria under Liquor and Gaming NSW. The noise and amenity impacts on the residential uses was considered and the following mitigation measures were provided: • Amplified music is permitted within the roof top bar, however, must be limited such that there is a Sound Pressure Level of no greater than 70dB(A) @3m from any speaker.	Noise and Vibration Impact Assessment – Appendix Y

Issue	Response	Relevant Report(s)
	- Operational hours of the roof top bar is not operational after 12 midnight on any given night of the week. - A minimum 3m height solid perimeter parapet is required to be around the bar. - Any noise generating equipment such as speakers and the like are to be vibration isolated from the building structure. - A contact number must be displayed for the purposes of receiving any complaints if they arrive.	
Procedural Matters		
Community consultation The timeline of the Engagement Outcomes Report and the Community and Stakeholder Engagement Strategy suggest a “tick-a-box” process undermining the credibility of the engagement. The feedback rate of only 2 responses for the 2,500 residences that received a flyer contradicts the claim that a “comprehensive engagement approach” was used.	It is noted that all public consultation that has been undertaken to date has satisfied the applicable statutory requirements and relevant industry guidelines.	N/A
Lodgement of applications together One submission was concerned that the Amending Concept and Detailed SSDA were lodged at the same time and therefore the Detailed SSDA relied on the Amending Concept being approved.	It is acknowledged that the Amending Concept SSDA and the Detailed SSDA were lodged concurrently. This approach was undertaken to ensure a coordinated assessment process and to provide clarity on the intended built form outcomes. The Detailed Amending SSDA has been prepared with consideration of the Concept SSDA and should any modifications be required to the concept subject to determination, the detailed SSDA would be updated accordingly to maintain consistency.	N/A
Justification of ADG non-compliance The ADG compliance was mentioned as needing further justification for the flexibility allowed by the Housing SEPP to ensure that the overall design quality and amenity are maintained.	ADG compliance has been addressed in the accompanying Amendment Report.	Amendment Report Detailed SSDA

Issue	Response	Relevant Report(s)
Connecting with Country framework Concern around the process of Connecting with Country and overall design of the project, noting a failure to embed First Nations knowledge and narratives into the very fabric of the building's architecture. Recommendations to embed cultural elements into the building, structure and landscape as intended by the Connecting with Country Framework and enhance the social and cultural value.	A Connecting with Country Report was prepared and submitted with the original submission. This report included a Walk on Country which derived themes to inform the design of the site. The design ideas generated during this phase included celebrating Country and telling stories through viewpoints and shared spaces. This report helped to inform the design choices to be implemented for the development, in accordance with the Concept SSDA (as amended).	Connecting with Country Report – originally submitted Appendix 27
Economic, Environmental and Social Impacts		
Social Impact Assessment Concerns that the SIA assumes the housing will provide a universally positive social impact. The use of only two responses to represent the entire community was criticised as not representative of the community. The social Impacts of alcohol and licensed premises was downplayed with the potential amenity impacts of a 250-patron rooftop bar and a 60-patron ground floor bar on the residents.	The Social Impact Assessment methodology was informed by the NSW Department of Planning and Environment's Social Impact Assessment and Guideline 2021. The methodology included: • A review of the proposal and its social locality • Review of technical reports • Conducting a social baseline analysis • Literature review • Conducting community and stakeholder engagement The conclusions drawn in this report are based off the research mentioned above and was determined to be adequate by DPHI.	Social Impact Assessment – Appendix 08 of original SSDA
Solar and daylight access The non-compliance with the solar and daylight access controls was criticised for “weak” justification based on the Housing SEPP BTR flexibility and the lack of consideration for the potential development at 28-34 Clarke Street on the solar access.	Solar and daylight access have been addressed in the accompanying Amendment Report, Architectural Plan Set and above at Section 4.1.	Amendment Report Architectural Plan Set – Appendix G
Natural ventilation There was inconsistency identified between various documents regarding natural ventilation compliance. Similar to solar access, the Housing SEPP BTR flexibility justification	Please refer to the Architectural Plan DA2320 for the cross ventilation compliance. The solar access has also been amended and provided at Architectural Plan DA2310.	Architectural Plan DA2320 (Rev B) – Appendix G Amendment Report

Issue	Response	Relevant Report(s)
was not seen as substantial enough to warrant the non-compliance.	All figures included in the submitted EIS have been reviewed and updated in the Amendment Report. All non-compliances have been addressed in the accompanying Amendment Report and detailed above at Section 4.1.	
Apartment sizes/mix It is noted that there were insufficient justifications for the ADG non-compliance for the apartment sizes.	The apartment sizes and mix have been re-cut as part of the amendment. This is shown in the Architectural Plan Set, described in the Detailed Amendment Report and Appendix D Internal Areas Clause 4.6. The ADG non-compliances are addressed in the Amendment Report.	Architectural Plan DA2320 (Rev B) – Appendix G Amendment Report

5. Updated Project Justification

Consistent with the originally submitted EIS, dated 11 June 2025, the development (as amended) will deliver a high-quality mixed-use development which contains activated retail tenancies and high-quality residential BTR apartments, and which contributes to the transformation of the Crows Nest Metro Station Precinct. Residential apartments continue to be the primary land use component, delivering a land use outcome that responds to market conditions.

The amendments outlined in the accompanying Amendment Report will help to deliver a high-quality development with a focus on increased housing delivery in an accelerated TOD precinct, essential structural and services coordination and more communal space.

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 concept / originally proposed detailed state:

- **Economic and market conditions** – the demand for smaller housing typologies (studios and one bedrooms) in the local area as a result of several demand factors and a current under supply in the locality.
- **Strategic planning alignment** – the TOD rezoning promotes residential development 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 the provision of an entire affordable housing tower and an increase in market housing, aligning with broader housing supply goals in accordance with the National Housing Accord.
- **Design efficiency and amenity** – the design development modifications seek to optimise amenity for the future residents balancing apartment amenity with communal amenity. The increase in the building height has been driven by necessary structural input given the site's existing condition with the Metro Box underneath.
- **Policy response** – the modified SSD continues to support the planning objectives under the National Housing Accord and the NSW Government housing supply strategies.

The additional information provided in the RtS and Amendment Report further demonstrates the proposal's suitability for the site, addressing community concerns and illustrating how the (as amended) development aligns with desired outcome for accelerated TOD precincts.

Matters that were raised by public and agency submissions have been sufficiently addressed above through clarification and amendments to the design.

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.

6. Conclusion

This RtS Report has been prepared by Gyde Consulting on behalf of the Proponent to address community and public submissions that were made to the Crows Nest OSD Site A - Detailed SSD project (SSD-75660711).

Following the conclusion of the exhibition period at the start of August 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 alongside essential structural and market conditions changes (outlined in the Amendment Report) have informed the modifications to the detailed proposal.

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. Draft conditions of consent are kindly requested for our review before determination.