

GYDE

Amendment Report

Crows Nest OSD (Site A) –Detailed SSDA
(as amended) | SSD-75660711

**Submitted to the Department of Planning, Housing and
Infrastructure
on behalf of Thirdi Crows Nest Commercial Developments Pty Ltd**

7 November 2025

Acknowledgment of Country

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.



Towards Harmony by Aboriginal Artist Adam Laws

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Disclaimer

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D	Clause 4.6 – Internal Areas	Gyde Consulting
E	Clause 4.6 – Ceiling Heights	Gyde Consulting
F	Alignment of Detailed SSD to Concept - Tabulated Response	Gyde Consulting
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H	Design Report	Woods Bagot
I	Housing SEPP Design Statement	Woods Bagot
J	Photomontage	Woods Bagot
K	Shadow Diagrams <i>(to support RPS View Loss and View Sharing Assessment Report (including Overshadowing Impact Assessment))</i>	Virtual Ideas
L	Operational Plan of Management	Gyde Consulting
M	Crime Prevention Through Environmental Design Report	Gyde Consulting
N	Planning Review – Unit Typologies	Franklin St
O	Landscaping Report and Plans	Arcadia
P	Aboriginal Cultural Heritage Assessment Statement & Archaeological Assessment	City Plan
Q	Statement of Heritage Impact	City Plan
R	Landscape and Visual Impact Assessment	RPS
S	View Loss and View Sharing Assessment Report	RPS
T	Visual Analysis – View Loss and View Sharing Report <i>(as supplement to RSP Consulting View Analysis & Visual Impact Assessment Report)</i>	Virtual Ideas
U	Visual Impact from the Public Domain Report <i>(as supplement to RSP Consulting View Analysis & Visual Impact Assessment Report)</i>	Virtual Ideas
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

Appendix	Document	Prepared by
BB	Aviation Impact Assessment	Aviation Projects
CC	BCA Assessment Report	Steve Watson & Partners
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

Executive Summary

This Amendment Report has been prepared on behalf of Thirdi Crows Nest Commercial Developments Pty Ltd (Thirdi/the Proponent) to support the revised scope of the amending Detailed State Significant Development Application (SSDA) (SSD-75660711) that was placed on public exhibition between 4 July 2025 and 4 August 2025. The proposed amendments to the detailed SSDA involve:

- Reduction in residential GFA and total GFA as a result of removal of Level 25 on Towers 1 and 2;
- Remove residential apartments on Level 24 of Towers 1 and 2 and provide internal communal open space for future residents in lieu;
- 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 (being a 4.85 metre increase from the originally proposed height for the amending 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;
- 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.

Background

The Crows Nest Metro Station was approved and constructed under a Concept State Significant Infrastructure (CSSI) Approval SSI-7400, which included a shared podium (metro box). The construction of the Crows Nest Station is now complete and operational. The original Concept Approval (SSD-9579) for the Crows Nest Over Station Development (OSD) was granted by the Minister for Planning and Public Spaces on 23 December 2020, which established the planning and assessment framework for all OSD in the Crows Nest Station precinct, including building envelopes, land use and gross floor area for a commercial tower above the metro station. There have been three modifications to the concept approval since its original granting.

Thirdi is now seeking development consent for the detailed design of OSD Site A, noting Site C has been constructed and the SSDA for the detailed design of Site B is under assessment separately. The proposal for the detailed design of Site A triggered a concurrent amending SSDA to the concept approval as it related to concept envelope of Site A. The amending concept and detailed SSDA were submitted by the Proponent in June 2025. The two applications were concurrently exhibited between 4 July 2025 and 4 August 2025. This Amendment Report supports the Response to Submission Report (RtS) for the detailed SSDA and has been prepared to capture the detailed structural and design having arisen from a buildability perspective. The changes also seek to address community/agency feedback raised during the submission process and set out to deliver a mix of housing which better reflects the market conditions of the locality.

Response to Submissions

This Amendment Report is accompanied by the detailed SSDA RtS Report that has been prepared to address submissions received on the concept SSDA while on public exhibition between 4 July 2025 and 4 August 2025.

Matters that were raised by public and agency submissions have been sufficiently addressed within the accompanying RtS Report.

Response to Other Matters

- **The amendments have minimal, if not negligible, environmental impact with respect to privacy, overshadowing, views, and traffic.'**

The proposed design changes do not introduce any new windows, balconies, or habitable spaces that would create opportunities for direct overlooking or loss of privacy to adjacent properties. The detailed proposal introduces privacy measures to address community concern and DPHI feedback. The height and design refinements sit comfortably within the (as amended) Concept building envelope and do not result in any additional view loss beyond what was assessed under the (as amended) Concept SSD. In terms of traffic, the amendments do not alter vehicle access arrangements, parking provision, or overall trip generation, and as such, there are no adverse transport or circulation impacts anticipated.

- **The amendments maintain the integrity of the original competition design.**

While the height of the detailed development is proposed to increase, the massing strategy, and material palette continue to respond to the surrounding context without compromising the intent, quality, or visual balance of the detailed proposal.

- **The amendments have been prepared to address the market demand for smaller units in the locality.**

This report is accompanied by market research undertaken by Franklin St (Appendix N) which undertook an analysis of the local demographic and housing needs and supply trends to provide a justification for the increase in studio and 1-bedroom houses that this amendment proposes.

The proposed re-cutting of the mix of units across the BTR market units (Tower 1 and 2) described at section 4.4 is driven by a convergence of demand and supply justifications, to meet local demand, support policy relating to housing diversity, maintain quality and financial viability through high-quality shared amenities and compact living and to provide a range of affordable rental options in an inner-city location.

By providing a variety of unit types that are better adapted to the accommodation of a range of renters, a similar living similar to that of a house is able to be achieved, but in less greenhouse intensive way (than, for example, the construction of a new free-standing dwelling house on greenfield land in a location more remote from amenities, employment and services).

- **Amendments to the height have been driven by structural and buildability requirements.**

Additional structural transfer beams at the lower levels to structurally accommodate the residential tower loads (compared to the originally contemplated commercial tower load) on top of the existing metro box. These structural transfer beams are essential in order to build the project.

Increased floor to floor heights from a minimum of 3.05 metres to a minimum 3.2 metres, which we have been advised is required from a buildability perspective having regard to the *Design and Building Practitioners Act 2020*. This involves + 0.15m per floor from level 4- 23 inclusive, decrease in level 24 (new COS level) from 3.7m to 3.5m and deletion of originally proposed level 25.

- **The amendments have been prepared to respond to DPHIs recommendation made relating to the need to provide future residents with improved shared facilities.**

This Amendment Report has been prepared to respond to DPHIs recommendation made relating to the need to provide future residents with improved shared facilities. Level 24 on Towers 1 and 2 has been converted to indoor communal open space, offering a diversity of spaces for residents to use, the space

benefits from great outlook and provision of solar access and the communal use of these space supports the BTR offering.

Additionally, the increase in floor-to-floor ceiling heights have been advised is required from a buildability perspective having regard to the *Design and Building Practitioners Act 2020*. Resultantly, this has improved the internal amenity of each unit for future residents, providing greater opportunity for daylight access and natural ventilation.

- **The amendments have not sought to add extra GFA**

GFA has in fact reduced by 925sqm through the deletion of level 25 and removal of residential apartments on Level 24 of Towers 1 and 2 to provide internal communal open space for future residents and the removal of Level 25.

Reference Material

The amendments to the detailed SSDA as listed on the page above and discussed in detailed in section 4 of this report are illustrated in the following documents:

- **Appendix D – Architectural Plans and Appendix H – Architectural Design Report**

The amendments to the detailed SSDA drawings and design report have been prepared by Woods Bagot in their package dated October 2025. The revisions made reflect the above amendments for the structural changes necessary to deliver the project.

- **Update to detailed SSDA documentation to reflect the changes:**

Refer to the appendices list at the beginning of this report for a comprehensive list of amended documents.

Statutory Context and Reporting Guidelines

The statutory context for this detailed SSDA Amendment Report is summarised as follows:

- **Section 37 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)**

This Report is submitted in accordance with section 37 within Division 2 of the EP&A Regulation to outline the revised scope of the detailed SSDA. It has been prepared to:

- Outline the proposed amendments to the scope of the amending detailed SSDA in simple terms.
- Provide an assessment of the revised scope for the amending detailed SSDA in accordance with section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).
- Address potential environmental impacts that could arise as a result of the amendments that are now sought.

- **Reporting Guideline**

This Report has been prepared in accordance with the State Significant Development Guidelines – Preparing an Amendment Report (October 2022).

1. Introduction

This amended Detailed State Significant Development Application (SSDA) has been prepared by Gyde Consulting on behalf of the Proponent, Third.i Crows Nest Commercial Developments Pty Ltd. This amended Detailed SSDA relates to the original Detailed SSDA (SSD-75660711) that was submitted to the Department of Planning, Housing and Infrastructure (DPHI) on 18 June 2025 for the construction and operation of a mixed-use residential led over station development (OSD), located above the new Crows Nest Metro Station (the project) in the North Sydney local government area (LGA).

The original Detailed SSDA (as submitted in June 2025) was exhibited between 4 July 2025 to 2 August 2025. DPHI carried out an assessment of the SSDA and issued their Request for Information (RFI) on 15 August 2025. During exhibition, other agencies and community members provided a response. A response to the matters raised during exhibition from all stakeholders has been provided within the Response to Submissions (RtS) Report (Appendix A), prepared by Gyde Consulting (Gyde) dated 7 November 2025.

This Amending Detailed SSDA has been prepared to respond to the submissions made during public exhibition and, also, as a result of changes arising during ongoing detailed design development. These changes are proposed 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 built-to-rent (BTR) apartment mix.

The proposed amendments, made in accordance with Section 37 of the *Environmental Planning and Assessment Regulation 2021* (the Regs) include the following:

- 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 (being a 4.85 metre increase from the originally proposed height for the amending concept envelope);
- Reduction in residential GFA and total GFA as a result of removal of Level 25 on Towers 1 and 2;
- 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.

These amendments are necessary to address design, environmental, and cultural considerations that have arisen during the assessment process, ensuring compliance with regulatory standards and improving the overall quality of the development.

This Detailed Amendment Report is to be read in conjunction with the concurrent concept SSDA Amendment Report and associated documents.

This Detailed Amendment Report is supported by updated technical reports as listed in the appendix list at the beginning of this Report.

2. Site Description

The site, located at 32 Hume Street, Crows Nest, comprises the entire block bounded by Pacific Highway, Oxley Street, Hume Street, and Clarke Lane. It is legally described as Lot 1, DP1296669 and sits directly above and adjacent to the operational Crows Nest Metro Station (Lot 2, DP1296669).

The current address and title were only recently created following completion of the Crows Nest Metro development. Site A, formerly known as 497–521 Pacific Highway, Crows Nest, was more formally described as Lot A and B of DP 374468, Lots 1–2 of DP 575046, Lot 3 of DP 655677, Lot 4 of DP 1096359, and Lot 10 of DP 1060663.

Site A is rectangular in form, with a total area of approximately 3,879m². It is bounded by Pacific Highway to the west, Hume Street to the south, Clarke Lane to the east, and Oxley Street to the north. The site is generally flat, with the construction of Sydney Metro infrastructure resulting in the complete alteration of its natural ground level. The proposed development will integrate with this infrastructure and deliver active frontages to both Pacific Highway and Hume Street, with Hume Street serving as a key connector between Sites A, B, and C. An aerial of the site (Site A) is provided below.



Figure 1 Aerial Image showing Site A (Source: Nearmap, taken Oct 5 2025)

For clarity:

- **Lot 1, DP1296669 (Lot 1):**
Relates to Crows Nest Metro Station.
- **Lot 2, DP1296669 (Lot 2):**
Located over and adjacent to Lot 1. Relates to Crows Nest OSD – Site A (subject to this Concept SSDA).
- **Lots 3 and 4, DP1296669:**
Crows Nest OSD Sites B and C (not subject to this amending Concept SSDA).
- **No Change to 'Site Area':**
The amended scope for the amending Concept SSDA does not include any change to the extent of the 'site area'.

3. Strategic Context

The revised scope for the amended Detailed SSDA is consistent with the strategic planning context:

- **Housing delivery:**

At the national level, the National Housing Accord (2024–2029) commits to delivering 1.2 million dwellings across Australia, with NSW responsible for 377,000 dwellings. Within this framework, the Department has set a five-year housing target of 5,900 dwellings for the North Sydney LGA, averaging 1,180 per year. Actual delivery has been significantly below target, with only ~260 dwellings per annum achieved since 2020–21, representing 22% of the required rate. The detailed proposal (as amended) continues to support the delivery of additional housing at the Crows Nest OSD site.

- **Reduced demand for commercial floor space:**

The original amending concept SSDA (as submitted in June 2025 and concurrent to this detailed SSDA) involves an amendment to the land use from commercial to residential led, this remains unchanged in the context of the amendments discussed herein. The project optimises the highest and best use of the land through the delivery of additional housing at an accelerated TOD site. The accommodation of alternative land uses, including commercial office floorspace, is less preferable. Crows Nest and St Leonards office markets are characterised by oversupply and record-high vacancy rates (30% – the highest ever recorded for the precinct, and among the highest nationally). Structural changes accelerated by the COVID-19 pandemic—such as remote and hybrid work, corporate restructuring, and a shift towards premium-grade office stock—have further reduced demand for traditional office spaces. Hence, the residential led use for Site A is appropriate in this context.

- **Access to High-Frequency Rapid Transit Services:**

At the regional and district level, the Greater Sydney Region Plan – A Metropolis of Three Cities and the North District Plan prioritises increased housing supply in well-connected locations. The detailed proposal (as amended) continues to support the delivery of additional housing at the Crows Nest OSD site.

- **Transit Oriented Development (TOD) Accelerated Precincts:**

The accelerated TOD precincts plays a significant role in boosting housing supply near major transport hub (in this case Crows Nest) while promoting walkable, vibrant areas. Crows Nest was identified as an accelerated precinct due its proximity to a metro station and its rezoning was finalised in November 2024. The rezoning amended the planning controls to provide capacity for 5,900 new homes, up to 2,500 new jobs, better connections to public transport and more trees to maintain the ‘leafy’ character of the locality.

The amended detailed SSDA continues to support housing supply directly above the metro box and the changes ensure the project will be deliverable.

- **St Leonards and Crows Nest 2036 Plan:**

The *St Leonards and Crows Nest 2036 Plan* remains the key guiding document for the precinct. By leveraging the Metro station, the Plan seeks to balance employment and residential growth. The amendments to the detailed design of the Site A OSD continue to be consistent with the Plan's principles of liveability, productivity, and sustainability.

- **North Sydney Local Strategic Planning Statement:**

The North Sydney Local Strategic Planning Statement identifies St Leonards and Crows Nest as critical for housing and infrastructure delivery. The amended Detailed SSDA will continue to advance these objectives by:

- Supporting the delivery of additional housing at an accessible location.
- Supporting a high-quality design outcome that does not result in unacceptable adverse environmental impacts.

- Supporting the precinct's vitality by growing the immediate local customer base with additional residential apartments.

4. Description of Amendments

4.1 Overview

The purpose of this Amendment Report is to describe in detail the proposed amendments to Detailed SSDA for Site A Crows Nest OSD. These changes have primarily arisen from ongoing detailed design development, notably structural input. These changes ensure the project is structurally viable to deliver and the changes to the BTR market apartment mix better reflects the market conditions, providing more studios and one-bedroom apartments. The changes also go-way to responding to the submissions, both agency and community, made during the exhibition period.

An overview of the Detailed SSDA amendments are as follows:

- Reduction in residential GFA and total GFA as a result of removal of Level 25 on Towers 1 and 2;
- Remove residential apartments on Level 24 of Towers 1 and 2 and provide internal communal open space for future residents in lieu;
- 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 (being a 4.85 metre increase from the originally proposed height for the amending 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;
- 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.

Table 1 below provides a comparison of the proposal as exhibited (original submission dated June 2025) and proposed to be amended (in November 2025).

Table 1 Key Project Statistics – As exhibited and as proposed to be amended (changes underlined)

Element	Original Submission	Proposed Amendments
Height	Tower 1 (BTR): <u>RL180m</u> Tower 2 (BTR): <u>RL180m</u> Tower 3 (Affordable housing): <u>RL134.75m</u>	Tower 1 (BTR): <u>RL188.3m</u> Tower 2 (BTR): <u>RL188.3m</u> Tower 3 (Affordable housing): <u>RL 140.7m</u>
Uses	Podium: • Ground and Lower Ground: Retail • L1 and L2: Gym • L2 and 3: Residential amenity and back of house Tower 1 and 2: • <u>L4 to L25: Residential</u>	Podium: • Ground and Lower Ground: Retail • L1 and L2: Gym • L2 and 3: Residential amenity and back of house Tower 1 and 2: • <u>L4 to L23: Residential</u>

Element	Original Submission	Proposed Amendments
	- Rooftop: Bar and Communal Open Space Tower 3: - L1: Commercial (Gym) - L2: Commercial (Gym) - L3 to L10: Residential - L11: Amenity	<u>L24: Internal communal amenity</u> Rooftop: Bar and Communal Open Space Tower 3: - L1: Commercial (Gym) - L2: Commercial (Gym) - L3 to L10: Residential - L11: Amenity
Affordable Housing	56	56
BTR Units	<u>418 BTR units</u>	<u>512 BTR units</u>
Communal Open Space	1,110sqm - across level 3, level 4, level 11 (AHT) and rooftop (BTR Tower 2)	External 1,110sqm - across level 3, level 4, level 11 (AHT) and rooftop (BTR Tower 2) <u>Internal</u> <u>1,380sqm at level 24 (BTR Tower 1 and 2)</u>
GFA	- Permissible GFA (per original Concept Approval): 40,300m² (10.4:1:1) - Permissible GFA (per Concept Approval – as amended under the Amending Concept SSDA): 44,608.50m² (11.5:1) - Available GFA (under NSLEP): 44,608.50m² (11.5:1) <u>Proposed: 44,608.5m² (11.5:1) comprising:</u> <u>Residential (BTR): 35,049m² *(9.03:1)</u> <u>Residential (Affordable housing – 15% of BTR – in perpetuity): 5,263m² *(1.36:1)</u> <u>Non-Residential: 4,296m² *(1:1)</u> *Note: All figures in the area schedule have been rounded to the nearest whole number for clarity. The resulting proposed Gross Floor Area (GFA) is 44,608.5m².	- Permissible GFA (per original Concept Approval): 40,300m² (10.4:1:1) <u>Permissible GFA (per Concept Approval – as amended under the Amending Concept SSDA): 43,317sqm (11.17:1)</u> - Available GFA (under NSLEP): 44,608.50m² (11.5:1) <u>Proposed: 43,683sqm (11.26:1) comprising:</u> <u>Residential (BTR): 32,000sqm *(8.25:1)</u> <u>Residential (Affordable housing – 15% of BTR – in perpetuity): 4,861sqm *(1.25:1)</u> <u>Non-Residential: 6,822sqm *(1.76:1)</u> <u>*Note: All figures in the area schedule have been rounded to the nearest whole number for clarity. The resulting proposed Gross Floor Area (GFA) is 43,683sqm</u>

4.2 Increase in height

As aforementioned, the primary driver of the increase in height is the requirement to accommodate the structural load of the proposal which was not originally anticipated to support a residential led land use (rather a commercial proposal).

Residential floorspace is associated with higher structural loads than commercial floorspace. Structural transfer beams have been widened to ensure that there is sufficient structural load bearing capacity for the residential led development. The amended design scheme also incorporates higher floor to floor heights to accommodate additional building services that are necessary to support residential occupation. The marginal

floor-to-floor height increases is necessary to ensure that the *Design and Building Practitioners Act 2020* can be satisfied before a Construction Certificate is issued.

As shown in Figure 2 below and the Design Report (Appendix H), the site is structurally constrained by the existing Metro Box which is fixed at a relative level (RL) of 88.74. The following constraints are also present as originally flagged in the June 2025 Design Report prepared by Woods Bagot:

- The as-built Metro slab (shown in green in at Figure 2 below) does not allow for lift pits at the required depths of 1650-1850mm.
- The as-built loading dock slab (shown in yellow at Figure 2 below) does not align with the metro slab (shown in green)
- Diagonal structural braces (shown in blue at Figure 2 be) are required from ground to level 4, but limit the location of the doors
- Given the ground floor access restrictions for Tower 1 and 2, no underground services can be provided and are required above ground which impacts the usable retail space

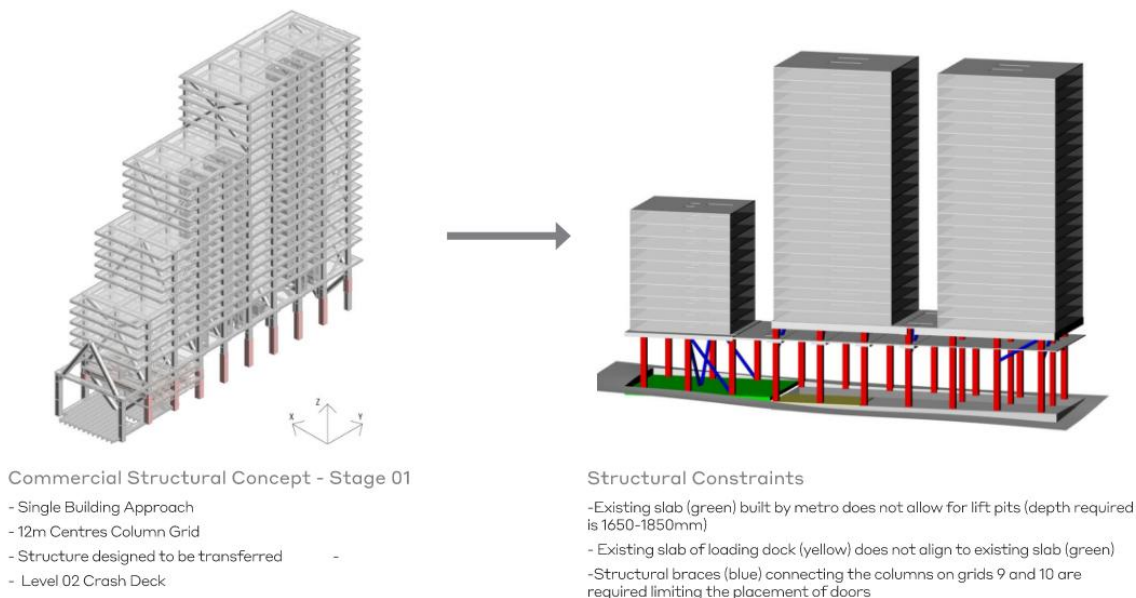


Figure 2 Commercial grid adaptation to residential (Source: Woods Bagot, Appendix H)

Since lodgement of the original detailed SSDA, the Proponent has undertaken detailed structural coordination to ensure the buildability of the project. Specifically, this has involved designing thicker transfer slab to accommodate the residential load of the buildings, compared with the originally approved commercial built form. This has resulted in the provision of a thicker transfer slab to take the residential load thereby driving up the height as follows:

Towers 1 and 2:

- Provision of a 2.675 metre transfer slab above the roof of level 3.
- Provision of a 3.225 metre transfer slab above the roof of level 2.

Tower 3:

- Provision of a 1.7 metre transfer slab above the roof of the mezzanine level
- Provision of a 1.5 metre transfer slab above the roof of the ground level

Increase in floor-to-floor heights

The following design changes have been incorporated in relation to the floor-to-floor heights:

- Increased floor-to-floor heights from a minimum of 3.05 metres to a minimum 3.2 metres, which we have been advised is required from a buildability perspective having regard to the *Design and Building Practitioners Act 2020*.
 - Levels 4- 23 (inclusive) Towers 1 and 2 - + 0.15m per floor, being a total of 3 metres across the entire 2 towers
 - Level 21 – increased floor-to-floor by 0.25m for services transfer between the lower and upper-level floorplates
 - Level 24 (previous level 25) – new internal communal open space level (rather than the originally proposed commercial) increasing by 0.2m (3.3m to 3.5m)

Noting – removal of one residential level with a typical floor-floor of 3.05m hence, equates to a reduction of 3.05m

- Rooftop level – increase in the height of the lift overrun by 2m as a result of technical lift feedback to service the rooftop (3.7m to 5.7m)

This increase is to accommodate building services to be located at each residential level to facilitate the delivery of the OSD. This change alone adds 5.2m to the change in height.

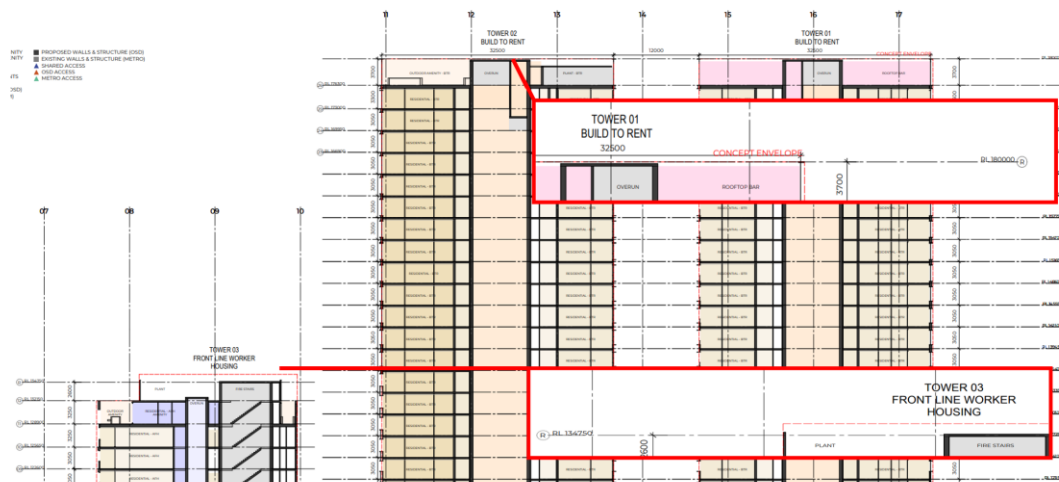


Figure 3 Long Section Exert showing height of buildings, as originally submitted (Source: Woods Bagot)

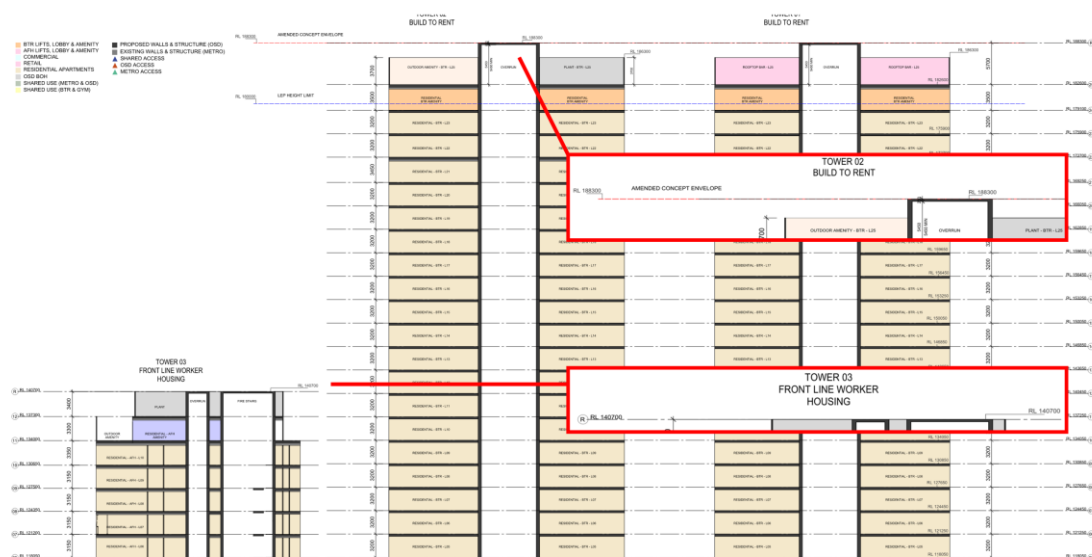


Figure 4 Long Section Exert showing height of buildings (Source: Woods Bagot)

Overall Height

The overall building heights have been amended as follows:

- Towers 1 and 2 have increased by 8.3m to RL188.3m to accommodate an increase in the lift overrun, increase in floor-to-floor heights for residential to accommodate services, and additional height for the transfer structures.
- Tower 2 detailed design has increased by 5.95m to accommodate structural transfers at Levels 2-3 and an increase in floor-to-floor height to accommodate services. This is 4.85 metre above the maximum allowable concept envelope.

As a result of the revised overall height, the built form will now exceed the maximum permitted building height control that applies to the site under Clause 4.3(2) of the North Sydney Local Environmental Plan 2013 (NSLEP). The maximum variation of 8.3m for Towers 1 and 2 is justified in a Detailed SSDA Clause 4.6 Written Request (Appendix C).

4.3 Reduction in residential and total GFA

The residential gross floor area (GFA) and total GFA for the proposal is reduced as a result of the deletion of Level 25 in Towers 1 and 2.

Level 25 has been removed to minimise the extent of the height exceedance and to respond to concerns during exhibition relating to amenity (refer to the Detailed RtS Report). Level 24 on both Towers 1 and 2 has been converted from residential to communal indoor space to improve amenity across the proposal and is detailed at section 4.8 of this report and illustrated in the following figures.

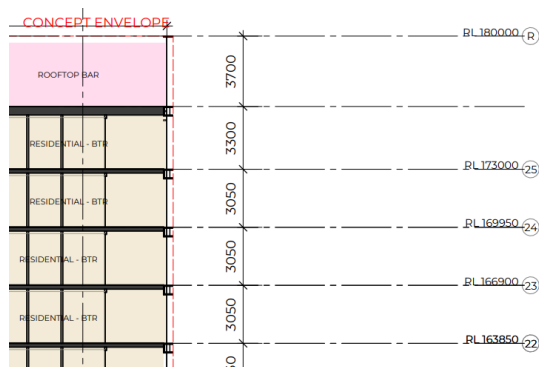


Figure 4 Originally lodged long section showing Level 25 for Tower 1 (Source: Woods Bagot)

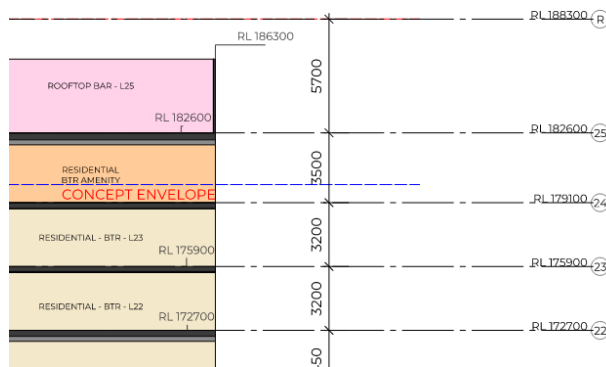


Figure 5 Current proposed long section highlighting removal of Level 25 for Tower 1 (Source: Woods Bagot)

The GFA for Site A has been reduced in the following manner:

Table 2 Reduction in GFA

Portion of GFA	Original Detailed SSDA	Proposed Amendments
Residential BTR units	35,049m ²	32,000m ²
Residential AF units	5,263m ²	4,861m ²
Commercial	4,296m ²	6,822m ²
Total	44,608.5m²	43,683m²

It should be noted that this reduction is consistent with the concurrent Amending Concept SSDA.

4.4 Re-cutting of BTR market mix and configuration

To respond to submissions relating to improved amenity and the requirements to accommodate the structural transfer beams, the apartment mix and composition has been amended.

The mix of market build to rent (BTR) units in Towers 1 and 2 has been amended to increase the number of BTR units from 418 to 512. In Tower 3, the number of affordable units to be delivered remains unchanged. The change to the mix has been driven by the Unit Typology Planning Review undertaken by Franklin Street (Appendix N) which found the locality was calling for greater provision of studios and one-bedroom units to deliver greater apartment diversity in the Crows Nest/St Leonards area.

The additional 94 units in Towers 1 and 2 are accommodated through changes to the internal layout of each floor, not an increase in GFA, in fact the proposal delivers overall less GFA than that originally contemplated in June 2025. The additional units are supported by the conversion of the Towers 1 and 2 Level 24 internal communal open space which benefits from great outlook and solar access provision.

It should be noted that the floorplates of Tower 1 and 2 have been mirrored to ensure the future timely construction and delivery of the project by capitalising on procurement efficiencies through uniform design.

A summary of the original and proposed unit mix for Tower 1 and 2 is provided at Table 3 below.

Table 3 Unit Mix Original and Amendments Comparison

Beds	Tower 1	Tower 2	Tower 1	Tower 2
	Original		Amendment	
Studio	22 (10%)	Nil	100 (39%)	100 (39%)

Beds	Tower 1	Tower 2	Tower 1	Tower 2
1 Bed	110 (50%)	88 (44%)	132 (52%)	132 (52%)
2 Bed	88 (40%)	88 (40%)	22 (9%)	22 (9%)
3 Bed	Nil	22 (12%)	2 (1%)	2 (1%)
Sub-Total	220	198	256	256
Total	418		512	

4.5 Visual Privacy

Given the building separation as the site is constrained by the metro-box, additional visual privacy treatment have been included to improve amenity outcomes. Screening on the eastern façade of Tower 1 and 2 has been included from Level 4 to Level 13 to improve privacy to a future permissible development at the adjoining site 28- 34 Clarke Street. Perforated metal screening is also proposed between Tower 1 and 2 to help control outlooking and provide privacy from other units given the 12m separation all the way up the building (Figure 5 overleaf).

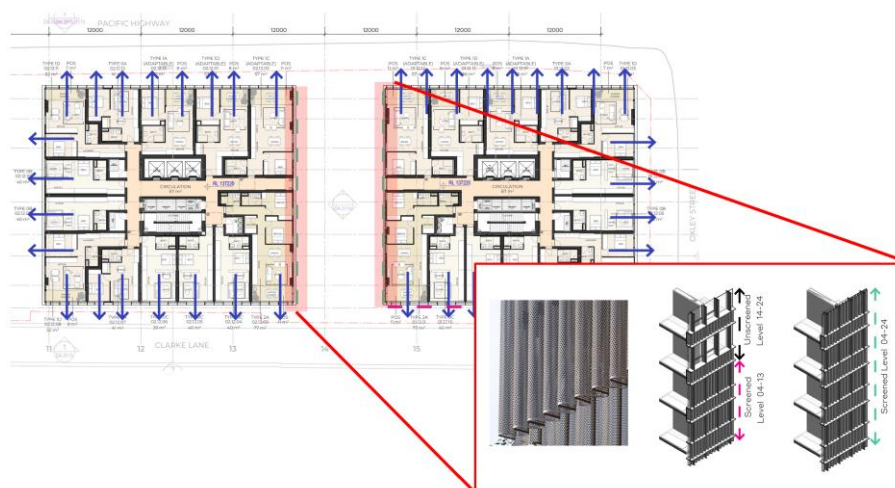


Figure 5 Proposed perforated metal screening for apartments facing the opposite tower, shown in red (Source: Woods Bagot)

4.6 Solar Access and Cross Ventilation

The design has been amended to reconfigure the residential apartment layout in Towers 1 and 2 and has resulted in an overall improved solar access outcome for the proposal. The now mirrored floorplates for Tower 1 and 2 have resulted in a re-cutting and redistribution of the mix of units, increasing the number of studio and 1-bedroom units. North and south-facing apartments have been maximised and where possible, dual-aspect units have been retained. Overall, the proportion of apartments achieving solar access has increased from 55% to 56%, with Tower 1 increasing from 8 to 9 compliant units and Tower 2 from 5 to 6 compliant units.

It is observed that the number of units receiving no solar access at mid-winter has increased from 16% to 38%. This calculation is a result of the constraints of the site including its orientation and the 12 metre separation distances driven by the existing metro box forming the base of Towers 1 and 2.



1. SOLAR ACCESS - LEVEL 03



2. SOLAR ACCESS -LEVEL 04-07

Figure 6 Solar Access diagrams Level 3-7 (Woods Bagot)



Figure 7 Solar access diagrams Level 8-22 (Source: Woods Bagot)

4.7 Ground Floor Retail Reconfiguration and Vertical Articulation

The lower ground level has been reconfigured to provide an improved internal layout and design that allows for retail spill-out and greater opportunities for activation through a continuous street frontage, encouraging social interaction and enhancing the overall precinct feel. Previously Retail 01 and 02 (Figure 8) have been consolidated into Retail 01 (Figure 9) to improve the functionality and flexibility of the tenancy layout, supporting a more practical use of the area. This reconfiguration also improves the access for residents, providing a clear and identifiable entry point that is separate to the retail use.



Figure 8 Lower Ground Level, northern portion, as originally submitted (Source: Woods Bagot)

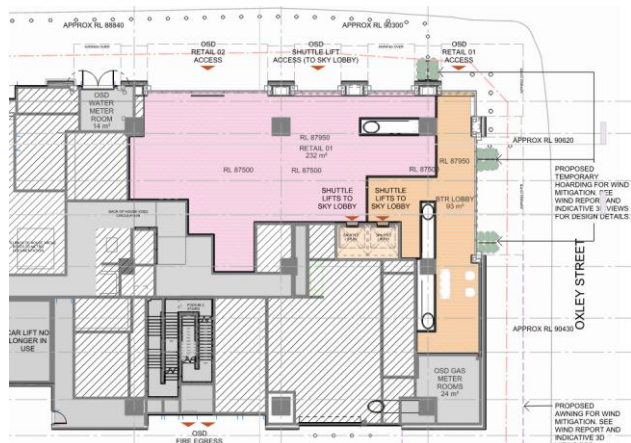


Figure 9 Lower Ground Level, northern portion, proposed (Source: Woods Bagot)

Retail 01 (formerly Retail 01 and 02) will be retained as a bar and connected to the rooftop bar located on Tower 1. The vertical articulation has been improved to enable direct travel from Level 3 to the rooftop.

For patrons of the rooftop bar, they will access Shuttle Lift 02, located at the rear of Retail 01 which will transport them to the Level 3 lift transfer space before connecting to the tower lifts servicing the rooftop. Shuttle Lift 02 opens to the Bar Lobby at Level 3 which will have security to direct bar patrons to Lift 1 which has direct access to the Rooftop.

This amendment restricts access for Lift 1- 3 to open only to the Bar Lobby at Level 3. Residents accessing the Sky Lobby or residential levels will require access cards to prevent bar patrons entering the residential areas (Figure 12). Furthermore, using an advanced control system (DCS) will enable Lift 1 to be allocated to the rooftop bar only when required from Level 3. The purpose of this is to maintain separation between bar patrons and residential users, ensuring that the rooftop bar lobby operates independently from the residential entry and circulation areas. This separation provides a clear distinction between public and private uses, enhancing security, privacy, and amenity for future residents.

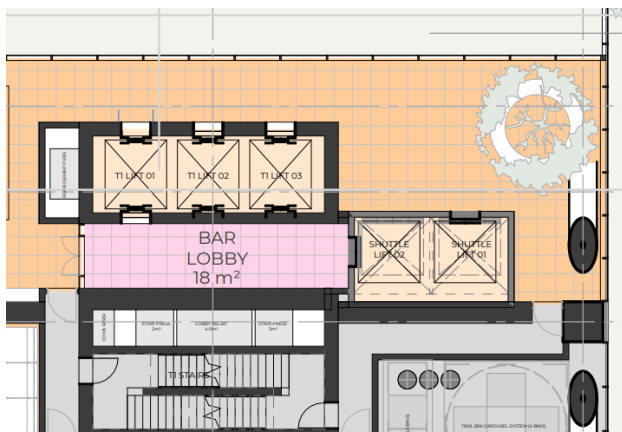


Figure 10 Originally submitted Level 3 Bar Lobby Space (Source: Woods Bagot)

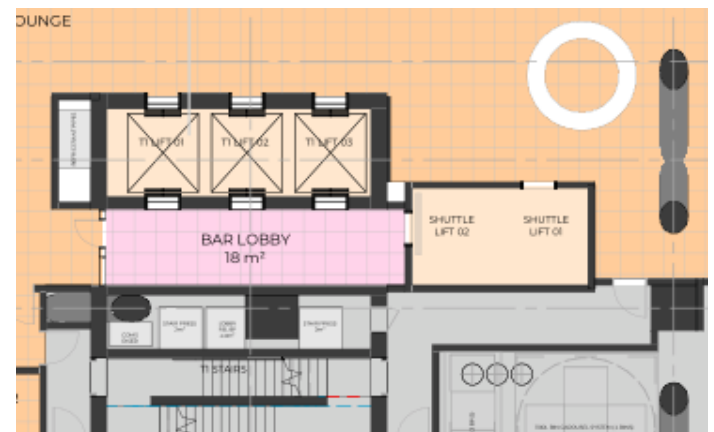


Figure 11 Amended Level 3 Bar Lobby Space (Source: Woods Bagot)

The Design Report (Appendix H) has been amended to include details of the access route to the rooftop bar, as shown in Figure 12 below.

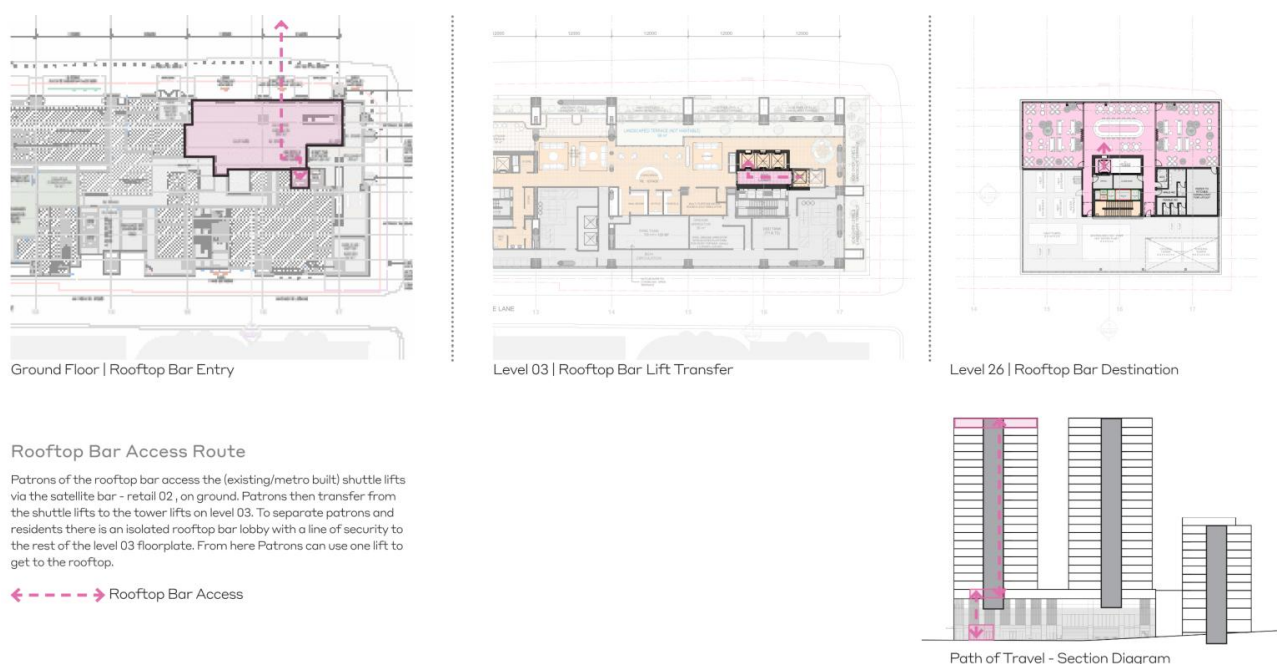


Figure 12 Rooftop Bar Access Route (Source: Woods Bagot)

The ground floor was also reconfigured to allow retail and business premises workers access to the off-street bicycle parking located on Level 2 and the Mezzanine. As per Council's recommendation (refer to the RtS Report), workers will be able to access the bicycle parking via the goods lifts located towards Clarke Lane.

4.8 Amenity and Services reconfiguration

There have been minor reconfigurations of the amenities and services on each level to improve functionality and meet the requirements to deliver the project. The following changes are proposed:

- Level 3 Sky Lobby (Figure 13 and Figure 14)
 - The parcel room has been reduced to accommodate the inclusion of an Office
 - The Cinema room has been converted into a Multipurpose Room
 - The bathroom and fire egress stairs have been reconfigured to improve functionality
 - Increase of storage spaces
 - Increase in internal area to improve circulation
- Level 3 AFH Tower 3 (Figure 15 and Figure 16)
 - The provision of space for services near the lobby (i.e. mechanical risers and exhaust system) as a result of final design development and re-cutting the mix of units and their entry points
- Level 4 - 23 BTR Tower 1 and 2 (Figure 17 and Figure 18)

- Reconfiguration of the services provided at each floors lobby including waste chute rooms, electrical and mechanical rooms as a result of final design development and re-cutting the mix of units and their entry points

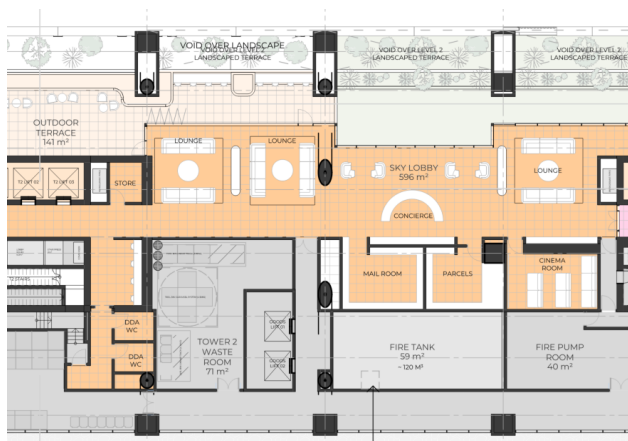


Figure 13 Originally submitted Level 3 Plan (Source: Woods Bagot)



Figure 14 Amended Level 3 Plan (Source: Woods Bagot)

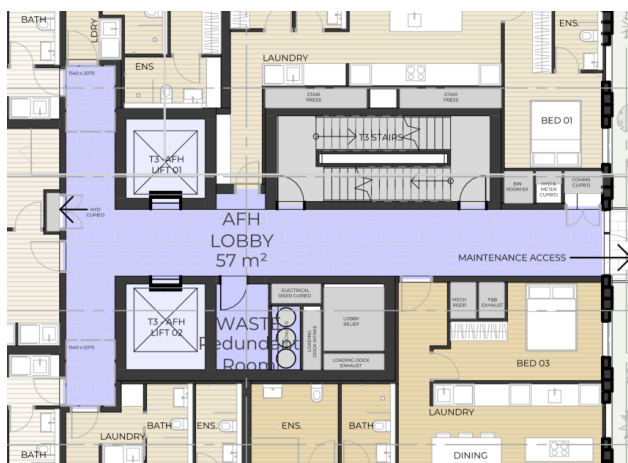


Figure 15 Originally submitted Level 3 AFH Lobby (Tower 3) (Source: Woods Bagot)

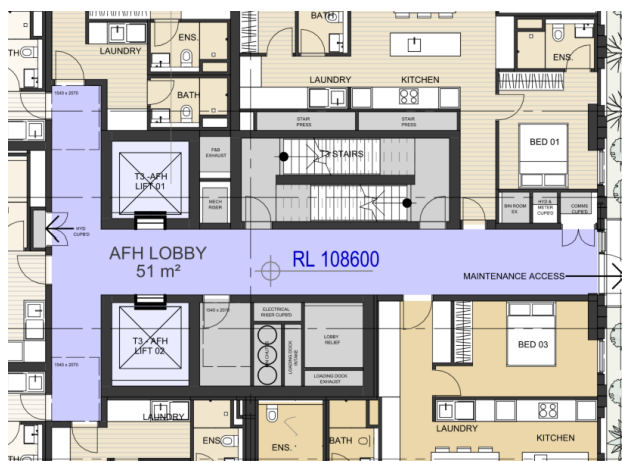


Figure 16 Amended Level 3 AFH Lobby (Tower 3) (Source: Woods Bagot)



Figure 17 Originally submitted indicative layout for Level 4-24 of BTR Towers (Source: Woods Bagot)

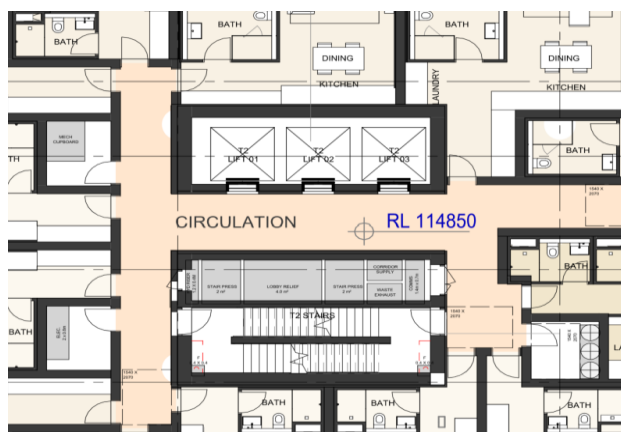


Figure 18 Layout for Level 4-24 of BTR Towers (Source: Woods Bagot)

Level 24 on Towers 1 and 2 has also been converted to indoor communal open space, offering a diversity of spaces for residents to use, the space benefits from great outlook and provision of solar access and the communal use of these space supports the BTR offering. Across the two towers, the spaces feature multipurpose lounge areas, private dining, media rooms and co-working spaces. The increase in amenity space responds to DPHIs recommendation (refer to the RtS Report) to provide future residents with improved shared facilities. This high-quality communal indoor space has ample solar access and creates a diverse range of weather-protected and environmentally controlled amenities to support social interaction, recreation, and relaxation.



Figure 19 Originally submitted Level 24 Plan (Source: Woods Bagot)



Figure 20 Amended Level 24 Plan (Source Woods Bagot)

As a result of the façade treatment changes detailed at section 4.10 below, the terraces located on Level 3 and Level 4 have been, respectively, converted into the sky lobby and reduced in size. The Level 3 outdoor terraces located on the Pacific Highway frontage has been converted to GFA forming part of the sky lobby. This change has been made to design a more coherent façade treatment, fronting Pacific Highway. The Level 4 outdoor terrace has been recessed in to create a greater visual separation between Towers 1 and 2 and maintain proportions of the originally submitted scheme. While there has been a reduction in the provision of outdoor COS as a result of this change, the quantum of COS on merit (internal and external) is still greater than that originally proposed and delivers a greater diversity of spaces. This is shown in the figures below.

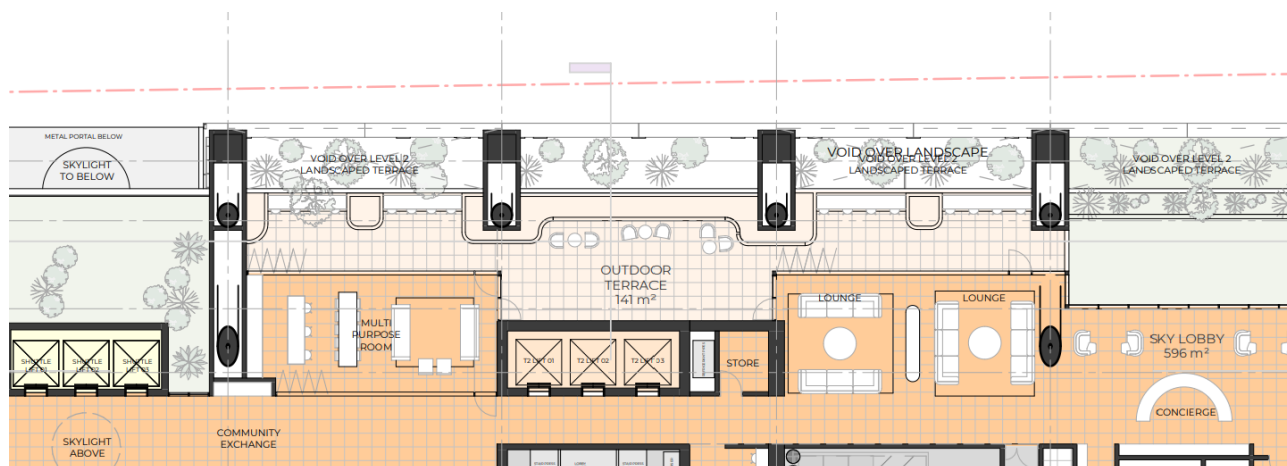


Figure 21 Originally submitted Level 3 outdoor terraces (Source: Woods Bagot)

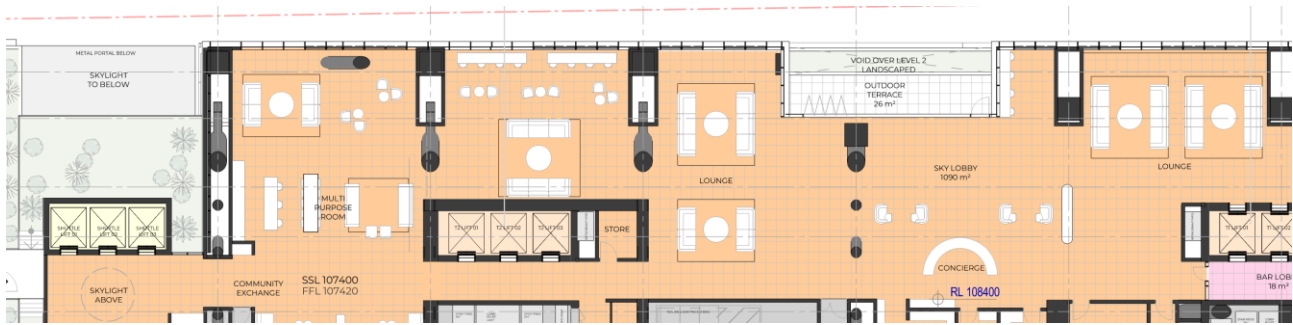


Figure 22 Amended Level 3 outdoor terraces (Source: Woods Bagot)



Figure 23 Originally submitted Level 4 terrace (Source: Woods Bagot)

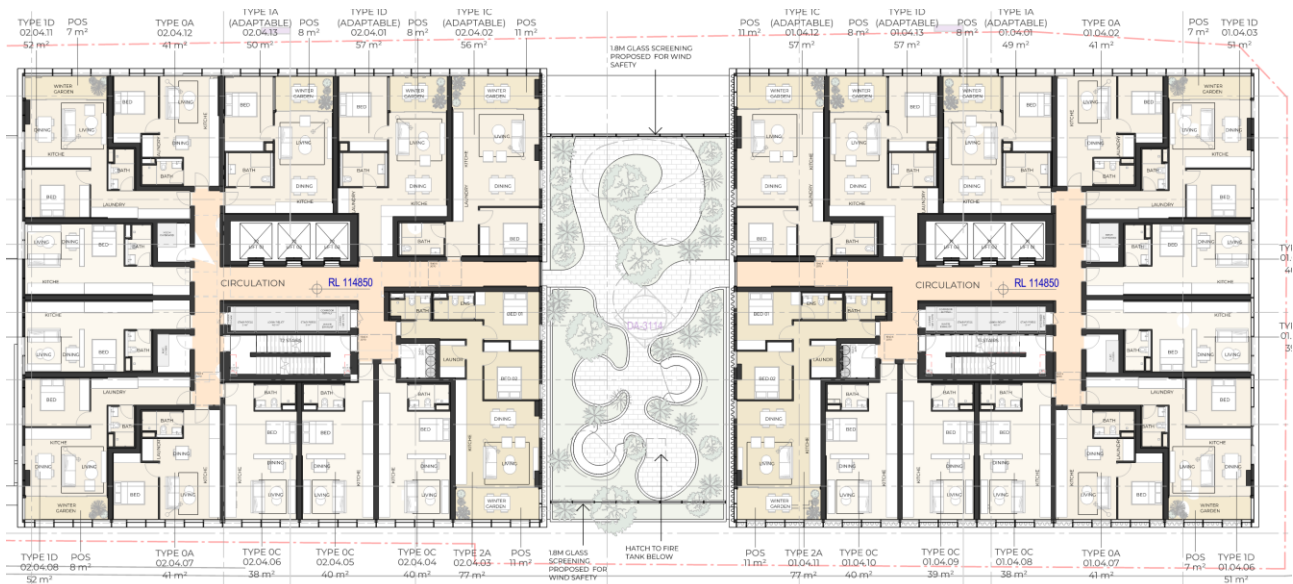


Figure 24 Amended Level 3 outdoor terraces (Source: Woods Bagot)

4.9 Wind Safety Treatment

In response to the DPHI's request to identify and implement the recommendations in the Pedestrian Wind Assessment (Appendix V), the architectural and landscape design teams have updated the relevant reports and plans to include the following:

- Ground Level (Figure 25 below):
 - Continuation of the awning along Oxley Street, wrapping around to Clarke Lane to mitigate the north-easterly winds impacting the local exceedance at the corner of Oxley Street and Clarke Lane.
 - Inclusion of 3 temporary planter boxes and hoarding along Oxley Street to mitigation wind.
- Level 4 Terrace (Figure 26 below)
 - 2 x 1.8m high glass screens along the eastern and western perimeters to mitigate wind.
 - In addition to the glass screen, changes to the planting schedule along the eastern and western perimeters to improve wind mitigation through natural screening. The lilly pilly's proposed to be planted are capable of growing to 5, to provide additional shelter to the winds.

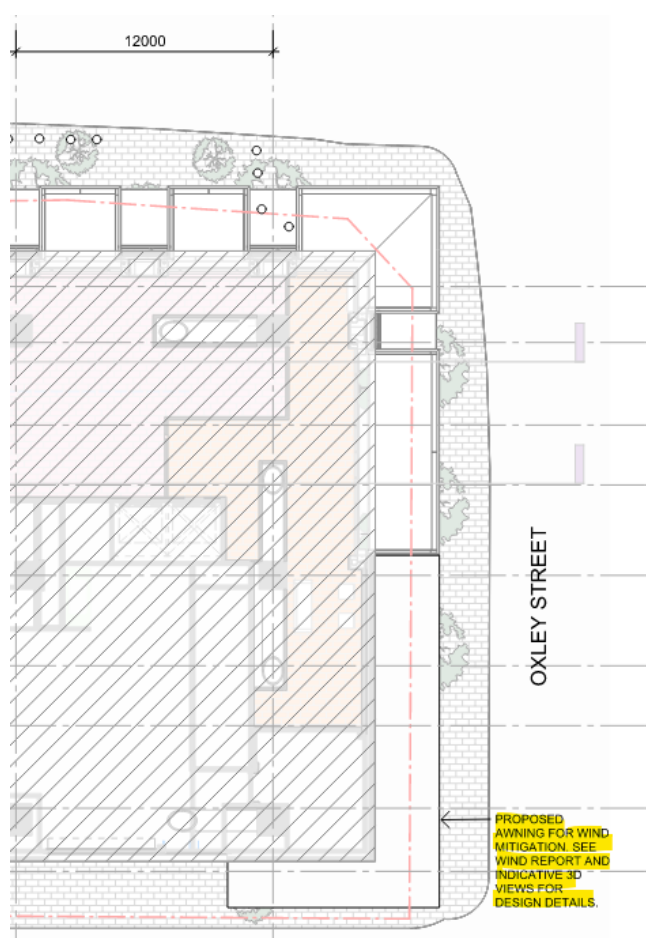


Figure 25 Ground Floor Plan, annotated showing proposed awning (Source: Woods Bagot)

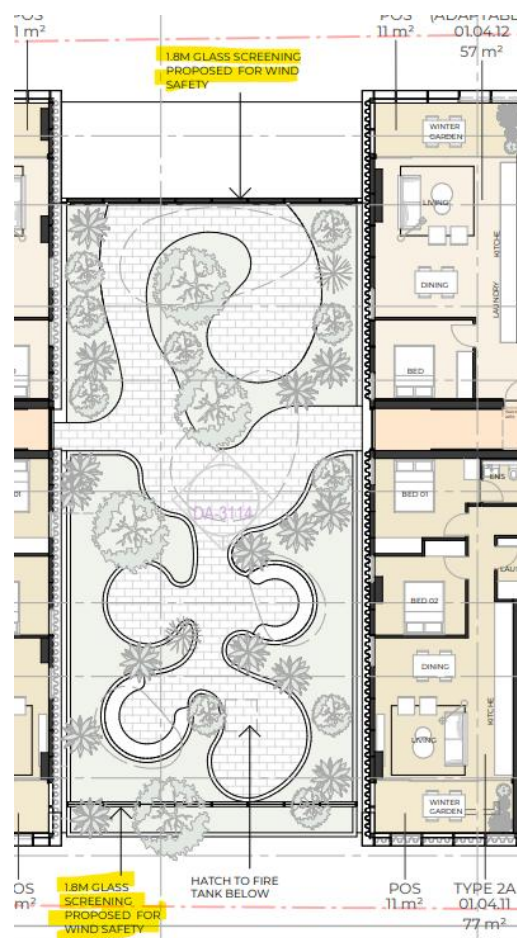


Figure 26 Level 4 Terrace Plan, annotated showing 1.8m high glass screening (Source: Woods Bagot)

4.10 Façade refinements

The façade of the proposal has been amended as a result of ongoing detailed design development undertaken, responding to the structural changes required to facilitate the residential led land use. 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.

This has resulted in a change to the overall visual balance and proportions of the lower levels shown at Figure 27 below.

As detailed in the Design Report (Appendix H) and Photomontages (Appendix J), Woods Bagot have undertaken a detailed review of the façade treatment to ensure a robust and cohesive design is proposed. The review has focused on ensuring an appropriate sense of scale, articulation and visual hierarchy is maintained and consistent with the projects overall design intent and surrounding context.

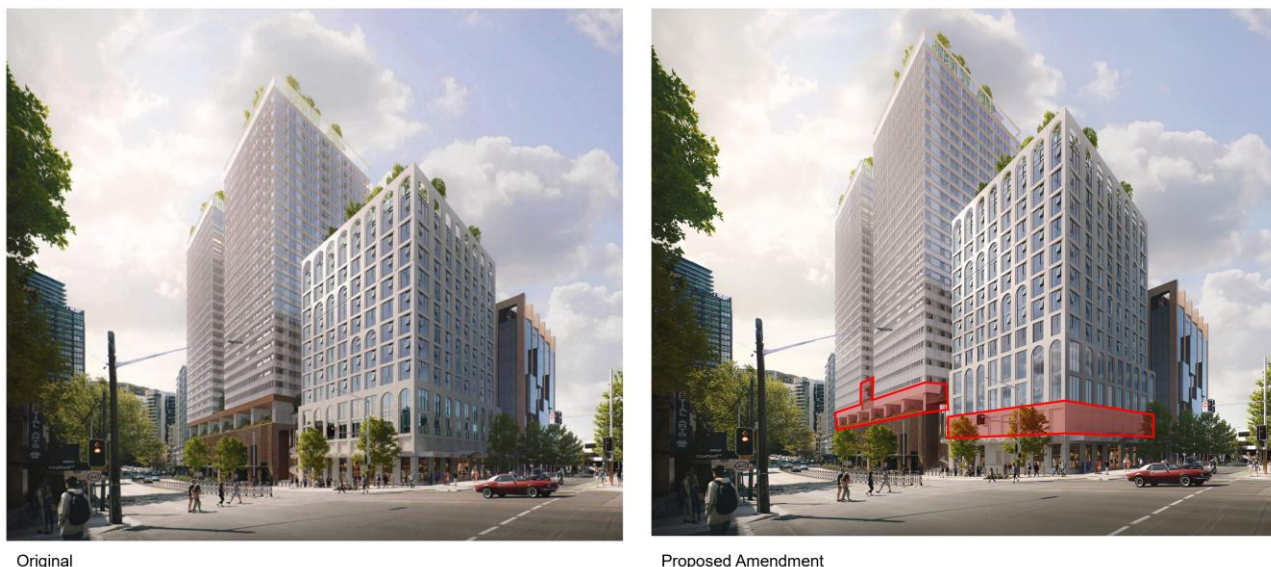


Figure 27 Render Comparison of Façade changes shown in red (Source: Woods Bagot)

Refer to Appendix J.

5. Statutory Context

The statutory context governing this Detailed SSDA remains consistent with that which was applicable at the time of the original lodgement, and none of the proposed amendments change the statutory context.

As relevant to the proposed amendments to the detailed SSDA, the statutory assessment undertaken in this Amendment Report supersedes that undertaken in the original EIS dated 17 June 2025 and the accompanying statutory compliance table (Appendix 3).

However, the need to accommodate additional and thicker structural transfer beams and marginal changes in floor to floor heights to accommodate necessary residential services has increased the overall building height of Towers 1 and 2 8.3m over the standard of RL180m; thereby triggering the preparation of both a Detailed (and Concept) Clause 4.6 Variation Request. The originally submitted Clause 4.6 Variation Requests to Ceiling Height and Internal Area have also been amended to reflect the changes proposed.

It should be noted that, with the exception of the building height, ceiling height and internal areas which exceed the respective development standard and non-discretionary development standard, the amended proposal complies with all relevant statutory provisions, as detailed below.

This section provides an assessment against the applicable Environmental Planning Instruments (EPIs) and legislation that is based on the revised scope for the amended Detailed SSDA, and notably corresponding to the revised Amending Concept SSDA. The following assessment addresses:

- **Relevant Acts and Regulations:**
 - *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*
 - *Biodiversity Conservation Act 2016*
 - *Environmental Planning and Assessment Act 1979*
 - *Environmental Planning and Assessment Regulation 2021*
 - *Airports Act 1996*
 - *Airports (Protection of Airspace) Regulations 1996*
 - *Protection of the Environment Operations Act 1979*
- **Relevant EPIs:**
 - *State Environmental Planning Policy (Planning Systems) 2021*
 - *State Environmental Planning Policy (Transport and Infrastructure) 2021*
 - *State Environmental Planning Policy (Resilience and Hazards) 2021*
 - *State Environmental Planning Policy (Housing) 2021*
 - *State Environmental Planning Policy (Sustainable Buildings) 2022*
 - *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
 - *State Environmental Planning Policy (Industry and Employment) 2021*
 - *North Sydney Local Environmental Plan 2013*

5.1 Statutory Overview

Foundational statutory requirements are addressed within Table 4.

Table 4 Statutory Context – Power to Grant Approval, Permissibility and Other Approvals

Category	Action
Declaration	
Declaration of SSD	<i>Environmental Planning & Assessment Act 1979 (EP&A Act)</i> Division 4.7 of the EP&A Act establishes the statutory framework for SSD. SSD is development declared to be of State significance due to its scale, value, or strategic importance. Section 4.36(2) of the EP&A Act provides that a SEPP may declare any development, or class of development, to be SSD. <i>State Environmental Planning Policy (Planning Systems) 2021 (Systems SEPP)</i> Under Schedule 1, Clause 19(2) of the Systems SEPP, the revised scope for the amending Concept SSDA enables mixed-use development (residential and commercial) within a rail corridor, with an Estimated Development Cost exceeding \$30,000,000.
Permissibility	
<i>North Sydney Local Environmental Plan 2013 (NSLEP 2013)</i>	Zone MU1 – Mixed Use The site is zoned MU1 Mixed Use under the NSLEP 2013. The Applicant seeks to amend the Concept Approval to permit residential mixed-use development in place of the previously approved commercial use on Site A. The development is for the purpose of a residential mixed-use development (including commercial/retail components). ‘Residential flat buildings’, ‘commercial premises’ (of which retail premises are a sub-category) are permissible with consent.
Other Approvals	
Section 4.41 of the EP&A Act	EP&A Act Section 4.41 of the EP&A Act provides that certain authorisations are not required for SSD. Section 4.42 provides that certain authorisations, if required, cannot be refused where necessary to carry out SSD. The approvals required for the project, as set out in Table 13 of the EIS (originally submitted dated 17 June 2025), remain unchanged notwithstanding the proposed amendments.
<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)</i>	EPBC Act Approval The Concept SSDA (as amended) relates to a highly disturbed site that does not feature any existing vegetation. There are no potential impacts in relation to any Matter of National Environmental Significance (MNES). As initially assessed, this amending Concept SSDA does not need to be referred to the Federal Department of the Environment for approval under the EPBC Act.

5.2 Pre-Conditions

Pre-conditions to approval are addressed within Table 5.

Table 5 Pre-Conditions to Approval

EPI / Clause	Relevance	Assessment
Acts		
<i>Biodiversity Conservation Act 2016 (BC Act)</i>	Section 7.9 of the BC Act requires SSDAs to be accompanied by a Biodiversity Development Assessment Report (BDAR), unless the Planning Agency Head and Environment Agency Head determine that the development is unlikely to significantly impact biodiversity values.	The site is heavily modified, devoid of vegetation, and contains no biodiversity values. Demolition and excavation were undertaken under the CSSI Approval for Crows Nest Metro Station. A BDAR Waiver was issued on 22 November 2024. There is no change to this Waiver as a result of the amended concept proposal.
<i>Airports Act 1996 and Airports (Protection of Airspace) Regulations 1996</i>	Part 12 establishes a framework for protecting airspace in the vicinity of airports. Condition A19 of the initial Development Consent requires Commonwealth approval for controlled activities within Sydney Airport's protected airspace.	The Sydney Airport Obstacle Limitation Surface (OLS) height over the site is 156m AHD. The amended built form will extend the approved maximum height up to RL 188.3m AHD. While this constitutes a controlled activity, consultation with Airservices Australia (Oct 2024) confirmed no adverse operational impacts. Construction cranes may exceed OLS limits and require separate Commonwealth approval. Please refer to the accompanying RtS Report (Appendix A) for submissions made by the relevant authorities and how these matters have been addressed.
EP&A Act	Section 4.24 requires that determination of any further DA in respect of the site cannot be inconsistent with the consent for the concept proposal for the development site.	The amending Concept SSDA (Site A) ensures that this Detailed SSDA remains consistent with the amended Concept Approval. Reference should be made to the accompanying Amendment Report that has been prepared for the detailed SSDA and Appendix CC and DD of the concept SSDA attached to this Amendment Report.
State Environmental Planning Policies		
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)</i>	Division 15, Section 2.98 requires notice to the rail authority where cranes operate above a rail corridor.	Cranes will be required during Site A construction and notice will be given to the relevant rail authority.
	Division 17, Section 2.121 - requires the consent authority to provide Transport for NSW (TfNSW) with written notice of the development application for 'traffic generating development' within the meaning of the SEPP, as set out in Schedule 3 of the SEPP.	The Pacific Highway frontage is a "Classified Road". As the proposal is located along a "Classified Road". The revised concept envelope massing will be able to accommodate for residential floorspace for 568 apartments (512 BTR and 56 affordable apartments are proposed), it is traffic-generating development and requires referral to

EPI / Clause	Relevance	Assessment
		TfNSW. Refer to the amended concept Traffic, Transport and Accessibility Impact Assessment in Appendix JJ for detailed discussion.
	Division 17, Section 2.122 requires 'Traffic Generating Development' to be referred to Transport for New South Wales (TfNSW).	The Pacific Highway frontage is a Classified Road, and the revised scope for the amending Detailed SSDA will deliver 568 apartments, therefore surpassing the applicable threshold for 'Traffic Generating Development'.
	Division 17, Section 2.122A relates to traffic generating development and exemptions given to Accelerated TOD precincts.	Site A is also identified as an Accelerated TOD Precinct under the Housing SEPP, exempting it from s.2.122 requirements. Refer to the amended concept Traffic, Transport and Accessibility Impact Assessment in Appendix JJ for detailed discussion.
State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP)	Chapter 4, Section 7 - requires that a consent authority is not to consent to the carrying out of development unless it is satisfied that the land is suitable, or can be made suitable, for its future intended use.	A Preliminary Site Investigation (Appendix 51 of the originally submitted EIS) confirms the site's suitability from a contamination perspective. The findings of the Preliminary Site Investigation remain unchanged in light of the proposed concept changes, Conditions at the site will be suitable for the accommodation of residential dwellings.
State Environmental Planning Policy (Housing) 2021 (Housing SEPP)	Chapter 3, Part 4 sets standards for Build-to-Rent (BTR) housing in NSW. The revised scope for the amending Concept SSDA continues to provide for the delivery of BTR housing, which is a permitted land use at the site.	Key provisions of the Housing SEPP are addressed in relation to the revised scope for this amending Concept SSDA in Section 5.3 of this report and Appendix I.
State Environmental Planning Policy (Sustainable Buildings) 2022 (SB SEPP)	Chapter 2, Part 2.1(5) requires quantified embodied emissions and an assessment against the Building Sustainability Index (BASIX).	Credwell Energy has advised there is no change to the NABERS Embodied Emissions Materials Form or Net Zero Statement as a result of the amendments to the concept envelope. Refer to the updated BASIX Certificate in Appendix GG.
North Sydney Local Environmental Plan 2013 (NSLEP 2013)		
4.3 Height of Buildings	The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. The mapped height for the site is RL180m.	The amendments to the detailed proposal results in a maximum 8.3m variation of the height standard. Refer to the accompanying cl4.6 variation request (Appendix C).

EPI / Clause	Relevance	Assessment
4.4A – Non Residential Floor Space Ratio	Development Consent must not be granted unless the consent authority is satisfied that an active street frontage will be provided.	As illustrated in Appendix G, the Hume Street and Pacific Highway frontages continue to provide an active frontage.
5.6 – Architectural Roof Features	Relates to height minor exceedances that are attributed to building mass that is consistent with the meaning of 'Architectural Roof Feature'.	The detailed proposal for Site A which is proposed to project above the permissible height limit does not relate to an architectural roof feature.
6.19B – Design Excellence – Adjacent to Crows Nest OSD	Development Consent must not be granted unless the consent authority is satisfied that the Concept SSDA (as amended) will support an outcome that achieves Design Excellence.	The proposed amendments do not alter the achievement of cl6.19(B) of the NSLEP as originally detailed in the EIS and accompanying documentation dated June 2025.

5.3 Mandatory Considerations

Matters that the consent authority is required to consider in determining this amending Detailed SSDA are addressed within Table 6 below.

Table 6 Mandatory Considerations

EPI / Clause	Relevance	Assessment
Acts		
EPBC Act	Under the EPBC Act, an applicant must not proceed with a controlled action without referral to the Minister for the Environment, who determines whether the action is controlled. A controlled action is one that has, will have, or is likely to have a significant impact on MNES. Under bilateral agreements, the Commonwealth Minister may rely on the NSW environmental assessment process when assessing such actions.	As noted in Table 4: - The Detailed SSDA (as amended) relates to a highly disturbed site that does not feature any existing vegetation. - There are no potential impacts in relation to any Matter of National Environmental Significance (MNES). - As initially assessed, this Detailed SSDA does not need to be referred to the Federal Department of the Environment for approval under the EPBC Act.
EP&A Act	<u>Section 1.3 – Objectives of the EP&A Act</u> The consent authority is required to consider whether the Concept SSDA (as amended) is consistent with the objectives of the EP&A Act.	The Detailed SSDA (as amended) advances social and economic welfare by providing for an integrated, transport-oriented development above Crows Nest Metro that will increase the supply of rental housing. It has been demonstrated that the detailed proposal (as amended) will not result in any unacceptable adverse environmental impacts.
	<u>Section 4.15 – Evaluation</u> The consent authority is required to consider:	The Detailed SSDA (as amended) is supportable with respect to the provisions of Section 4.15, noting:

EPI / Clause	Relevance	Assessment
	• The applicable EPIs. • Any draft EPIs. • The applicable Development Control Plans (DCPs). • The relevant Planning Agreement(s), whether or not in draft form. • The EP&A Regulation. • Potential environmental impacts. • The suitability of the site. • Submissions made in accordance with the EP&A Act. • The public interest.	• The relevant provisions of each applicable EPI have been satisfied. • No draft EPIs apply. • DCPs do not apply to SSD. • The Concept Approval included a requirement that a VPA between Sydney Metro and Noth Sydney Council be entered into. It is confirmed that this VPA was entered into on 16 June 2021 which enabled payment of all applicable developer contributions plus \$2M for public domain improvements, at the beginning of the development process, rather than at the end. The agreement establishes a monetary contribution of \$2,265,601.63 which has been paid • The Detailed SSDA (as amended) will not result in any unacceptable adverse environmental impacts. • The Detailed SSDA (as amended) supports permitted land uses, including additional housing, as part of the Crows Nest OSD. It is therefore considered to be suitable for the site and in the public interest. • Any submissions will be considered in accordance with legislative requirements and industry best-practice.
	<u>Section 4.17 – Imposition of Conditions</u> Clause 4.17(1)(b) permits a condition of consent to modify an existing approval.	This amending Concept SSDA seeks to modify the existing Concept Development Consent for Site A within the Crows Nest OSD precinct.
	<u>Section 4.24 – Status of Concept SSDAs</u> Clause 4.24(3) allows modification of a consent granted to a Concept SSDA.	The concurrent amending Concept SSDA seeks to modify the approved concept development consent, as it relates to Site A Crows Nest OSD precinct. Refer to the Amendment Report and Draft Notice of Modifications (Appendix CC) of the concurrent revised Amending Concept SSDA.

EPI / Clause	Relevance	Assessment
EP&A Regulation	<u>Section 61(1) – Demolition of Structures</u> All demolition works are to be undertaken in accordance with AS 2601- 1991.	This Detailed SSDA (as amended) does not propose any demolition works, as it resides above the existing Crows Nest metro box.
	<u>Section 69 – Compliance of Building Code of Australia and Insurance Requirements under the <i>Home Building Act 1989</i></u> All building work must be undertaken in accordance with the applicable provisions of the Building Code of Australia (BCA).	Steve Watson and Partners has undertaken a BCA Assessment in Appendix CC. This demonstrates: • The detailed design scheme is capable of satisfying the BCA. • That compliance with the applicable provisions of the BCA will be achievable.
	<u>Section 193 – Principles of Ecologically Sustainable Development</u> The consent authority must consider principles of ecological development, as listed under Clause 193 of the EP&A Regulation.	The submitted documentation, which has been revised where necessary in relation to the updated scope of this amending Detailed SSDA, has demonstrated that: • The proposal (as amended) will not result in an outcome that creates unacceptable adverse environmental impacts that cannot be appropriately mitigated. • As such, the proposal (as amended) is consistent with the following principles: - The 'precautionary principle', noting the proposal does not enable serious or irreversible damage to the environment. - The 'principle of inter-generational equity', noting the proposed development does not contribute towards conditions that will adversely affect future generations. On the contrary, the delivery of additional housing has a complementary association with this principle. - The 'principle of the conservation of biological diversity and ecological integrity' is upheld, noting the proposal will not adversely affect biodiversity values.

EPI / Clause	Relevance	Assessment
		- The 'principle of improved valuation, pricing and incentive mechanisms' has been appropriately upheld with reference to the points above.
Biodiversity Conservation Act 2016	Section 7.9 of the BC Act requires SSDAs to be accompanied by a Biodiversity Development Assessment Report (BDAR), unless the Planning Agency Head and Environment Agency Head determine that the development is unlikely to significantly impact biodiversity values.	The site is heavily modified, devoid of vegetation, and contains no biodiversity values. Demolition and excavation were undertaken under the CSSI Approval for Crows Nest Metro Station. A BDAR Waiver was issued on 22 November 2024.
Protection of the Environment Operations Act 1979 Schedule 1	Schedule 1 of the POEO Act contains a core list of 'scheduled activities that require an environmental protection licence before they may be undertaken or carried out.	The proposal does not trigger the requirement for an environmental protection licence.
State Environmental Planning Policies		
State Environmental Planning Policy (Housing) 2021		
Chapter 2 - Affordable Housing	Chapter 2 contains the standards for affordable housing development.	• Clause 13A: Complies • Clause 15: Noted – the proposal includes 15% affordable housing in perpetuity. • Clause 16: Not applicable as per Clause 15C(2A). Notwithstanding this, no additional height or FSR is sought for under the Housing SEPP in this DA. Clause 18: Not applicable per Clause 15C(2A). Further reference should be made to the accompanying Clause 4.6 Variation Request.
Chapter 3 – Diverse housing (Part 4 – Build-to-rent housing)	Chapter 3, Part 4 of the Housing SEPP contains the standards for development for the purposes of BTR housing in NSW.	• Clause 72: Complies. BTR housing will be accommodated. • Clause 73: Complies • Clause 74: The FSR (as amended) is compliant with the NSLEP. The height of the proposal has been addressed within the accompanying Clause 4.6 Variation Request (Appendix C). • Clause 75: Chapter 4 of the Housing SEPP applies. Refer to the assessment in Section 6 of this Report and Woods Bagot's documentation in Appendix G, H and I.

EPI / Clause	Relevance	Assessment
		- Clause 76: Complies. This detailed SSDA design (as amended) provides for active frontages where required. - Clause 77: Complies. Appropriate design provision for affordable housing (physical asset) has been made. Clause 78: Complies. Subdivision is not proposed as part of the proposed development.
Chapter 4 - Design of residential apartment development	Chapter 4, of the Housing SEPP contains the standards for development for the design of residential apartment development.	Chapter 4 of the Housing SEPP applies. Refer to the assessment in Section 6 of this Report and Woods Bagot's documentation in Appendix G, H and I.
State Environmental Planning Policy (Transport and Infrastructure) 2021		
Section 2.48 - Development likely to affect an electricity transmission or distribution network	The consent authority must consider any response to a written notice issued to electricity supply authority for the area that is received within 21 days.	Noted. Refer to the updated Water Management Plan and Utility Services Infrastructure Assessment Report (Appendix A) that has been prepared by NDY to capture the refined scope of this amending Concept SSDA.
Section 2.94 - Development permitted with consent wholly or partly above a railway station	Section 2.94 makes provision for residential accommodation and commercial premises to be carried out wholly or partly above a railway station.	The proposed land uses (as amended) are permissible under Section 2.94 if carried out wholly or partly above a railway station.
Section 2.100 - Impact of rail noise or vibration on non-rail development	Section 2.100 applies to residential accommodation as it is likely to be adversely affected by rail noise or vibration. It requires that before determining a development application the consent authority must consider any guidelines issued by the Planning Secretary and that appropriate measures be taken to ensure noise levels are not exceeded in the future residences.	The Noise and Vibration Impact Assessment (NVIA) that was prepared by PWNA has been updated to capture the revised scope of this amending Detailed SSDA (Appendix Y). The revised NVIA concluded that external noise emissions from the site can be acoustically treated to ensure all noise emissions from the site comply with the project noise trigger levels. Further, it concluded that provided the recommended constructions detailed in the reports are implemented in the construction of the project the required internal noise levels will be achieved. ground-borne noise and vibration generated by the Sydney Metro rail network, is unlikely to impact future development under the concurrent Detailed SSDA.

EPI / Clause	Relevance	Assessment
Section 2.119 -Development with frontage to classified road	Requires vehicular access to the land is provided by a road other than the classified road.	Most vehicles are expected to approach the site from the north via Oxley Street and Clarke Lane, facilitating convenient access to the taxi ranks and Kiss-and-Ride facilities along the site's frontage. The Traffic, Transport and Accessibility Assessment that was initially submitted has been updated to capture the revised scope for this amending Detailed SSDA (Appendix JJ).
Section 2.120 -Impact of road noise or vibration on non-road development	Applies to residential accommodation on land adjacent to a road with an annual average daily traffic volume of more than 20,000 vehicles (this applies to the Pacific Highway at Crows Nest). Requires the consent authority to be satisfied that appropriate measures will be taken to ensure noise levels are not breached.	The Pacific Highway frontage is a "classified road". As the proposal is located along a "classified road" and will provide for residential floorspace equivalent to more than 75 dwellings, it is traffic-generating development and require referral to TfNSW. The updated NVIA (Appendix Y) which assess the required maximum apartment internal noise levels prescribed under this clause and recommend mitigation measures to comply with the noise criteria.
Section 2.122 -Traffic generating development	Applies to residential accommodation for 75 or more dwellings with direct vehicular or pedestrian access to a classified road. Requires notice being given to TfNSW and taking into consideration any comments received.	The detailed proposal delivers residential dwellings that adjoin Pacific Highway, which is a classified State Road. Therefore, the revised scope for this Detailed SSDA will be referred to TfNSW (Roads Division) for consideration. TfNSW will be notified as an agency as part of the re-exhibition process.
State Environmental Planning Policy (Sustainable Buildings) 2022		
Refer to the updated BASIX Report and Certificate (Appendix GG) and the revised ESD Report (Appendix FF). These documents have all been revised to capture the revised scope for this amending Detailed SSDA.		
State Environmental Planning Policy (Resilience and Hazards) 2021		
Section 4.6 - Contamination and remediation to be considered in determining development application	A consent authority must consider whether the site is contaminated. If the land is contaminated, further investigation(s) may be required.	The Preliminary Site Investigation (PSI) that was initially submitted in relation to the Detailed SSDA confirms that the site is suitable for the proposed mix of land uses. This document does not need to be updated to support the revised scope for this amending Detailed SSDA.
North Sydney Local Environmental Plan 2013		
Clause 2.1 - Land Use Zone	Zone MU1 – Mixed Use applies to the site.	Complies The proposed mix of land uses (as amended) are permitted with consent in Zone MU1 – Mixed Use.

EPI / Clause	Relevance	Assessment
Clause 4.3 - Height of buildings	Maximum 180m (RL).	Variation Sought The accompanying Clause 4.6 Variation Request establishes environmental planning grounds for the amended height of the detailed built form (RL 188.3m at the top of Towers 1 and 2). Further reference should be made to the Clause 4.6 Variation Request (Appendix C). The numerical extent of the proposed height variation (4.6%) is proportionately minor, and it has been demonstrated within the Clause 4.6 Variation Request (Appendix C) that the objectives of Clause 4.3 have been achieved, notwithstanding the proposed height variation.
Clause 4.4 - Floor space ratio	Maximum 11.5:1.	Complies The total GFA of the revised detailed Architectural Design (Appendix G) for this amending Detailed SSDA has reduced from 44,608.5sqm (11.5:1) to 43,683sqm (11.26:1). This minor reduction is discussed in section 4.3 of this report.
Clause 4.4A – Non-residential floor space ratios	Minimum 1:1.	Complies The total FSR of the revised detailed Architectural Design (Appendix G) for this amending Detailed SSDA is 1.76:1.
Clause 5.10 – Heritage Conservation	The consent authority may require a Heritage Impact Statement to be prepared for an application for works that would affect heritage items on the site or within the vicinity of the site.	Complies Site A is not identified as a local or State heritage item, nor is it located within a heritage conservation area. Notwithstanding, the Heritage Impact Statement (HIS) that was initially prepared by City Plan has been updated to capture the revised scope for this amended Detailed SSDA (Appendix Q). The proposal (as amended) does not provide for an outcome that will impact historic values that are associated with the local area or surrounding heritage items.
Clause 6.15 - Airspace operations	Provide for the effective and on-going operation of the Sydney (Kingsford Smith) Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport.	Complies Refer to Appendix BB.

6. Assessment of Impacts

6.1 Built Form

6.1.1 Height, Scale, Overshadowing and Visual Impact

The amended proposal increases the detailed proposal building height by a maximum of 8.3m for Towers 1 and 2 and 5.95m for Tower 3 (noting in relation to Tower 3 it is a 4.95 metre increase from the allowable Tower 3 concept envelope as originally approved). Hence, the resulting maximum building height exceeds the maximum permissible height under the NSLEP by 8.3m at the top of the lift overrun at Towers 1 and 2. The proposed height variation relates to a minor proportion of the overall Crows Nest OSD built form. Detailed justification of the exceedance is provided in a Clause 4.6 Variation Request provided with the amended application (Appendix C).

The requirement to vary the height of building (HOB) standard arises from the following key factors:

- The requirement to accommodate the structural load of the residential led land use, which was not originally anticipated. Residential floorspace is associated with higher structural loads than commercial floorspace.
- The amended design scheme incorporates higher floor to floor heights to accommodate additional building services that are necessary to support residential occupation. Structural transfer beams have been widened to ensure that there is sufficient structural load bearing capacity for this purpose. This design refinement is necessary to ensure that the *Design and Building Practitioners Act 2020* can be satisfied before a Construction Certificate is issued.

Overshadowing

The proposed amended development has been subject to a revised overshadowing impact assessment prepared by Virtual Ideas (Appendix K) to understand how the additional height will impact the surrounding context. The shadow diagrams provided at Appendix K demonstrate that:

- Due to the orientation and rectangular shape of the site, the proposed development will cast a shadow footprint that is long and fast moving. Due to this, shadowing that is cast by the non-compliant portion of the development onto surrounding buildings during Winter Solstice will be isolated to very short periods that are not unreasonable to anticipate in the context of high-rise development within a dense urban area.
- The shadowing of surrounding buildings in association with the height variation is limited to several isolated hours during Winter Solstice, which represents the 'worst case' scenario in terms of solar equinox dates. The shadow from the detailed building (including its non-compliant portion) is in fact less than the amended concept envelope given the lift overrun is the highest point in the detailed proposal. Specifically, the non-compliant portion of detailed building will only:
 - Result in minor shadowing to buildings on the opposite side of the Pacific Highway at 12:00 PM and 1:00 PM during Winter Solstice.
 - Result in minor shadowing to buildings within the street block to the south of Site B that is bound by Falcon Street, Willoughby Lane and Willoughby Road at 3:00 PM during Winter Solstice.
- The proposed extent of overshadowing that is attributed to the height variation will only result in a minor change to the extent of the shadow footprint that would otherwise be cast in relation to a height-compliant scenario.
- The proposed height variation will not compromise the level of solar amenity that is afforded to public open spaces.
- The proposed amended development has been subject to revised view loss and view sharing assessments (Appendix S and T) to respond to the increase in height and the request for additional information from both the DPHI and Council.

Extracts from the shadow diagrams that were generated in relation to 9:00 AM, 12:00 PM, 1:00 PM and 3:00 PM during Winter Solstice are provided overleaf.

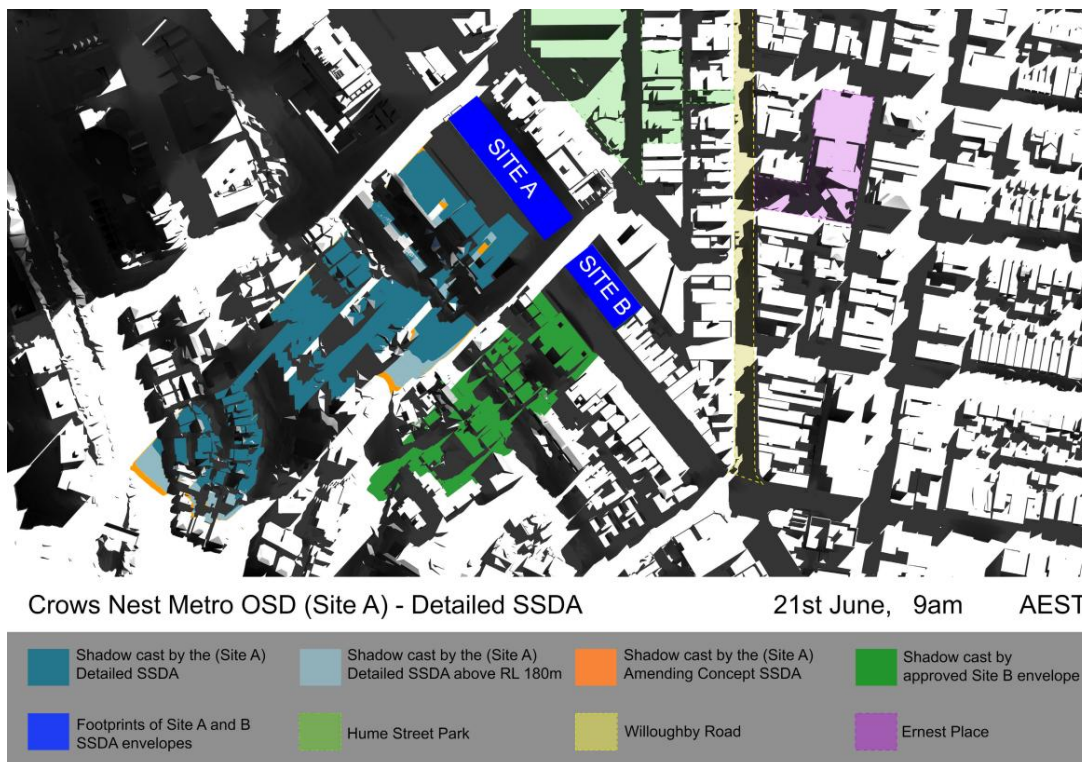


Figure 28 Extract: Shadow Diagram – 9:00AM mid-winter (Source: Virtual Ideas)

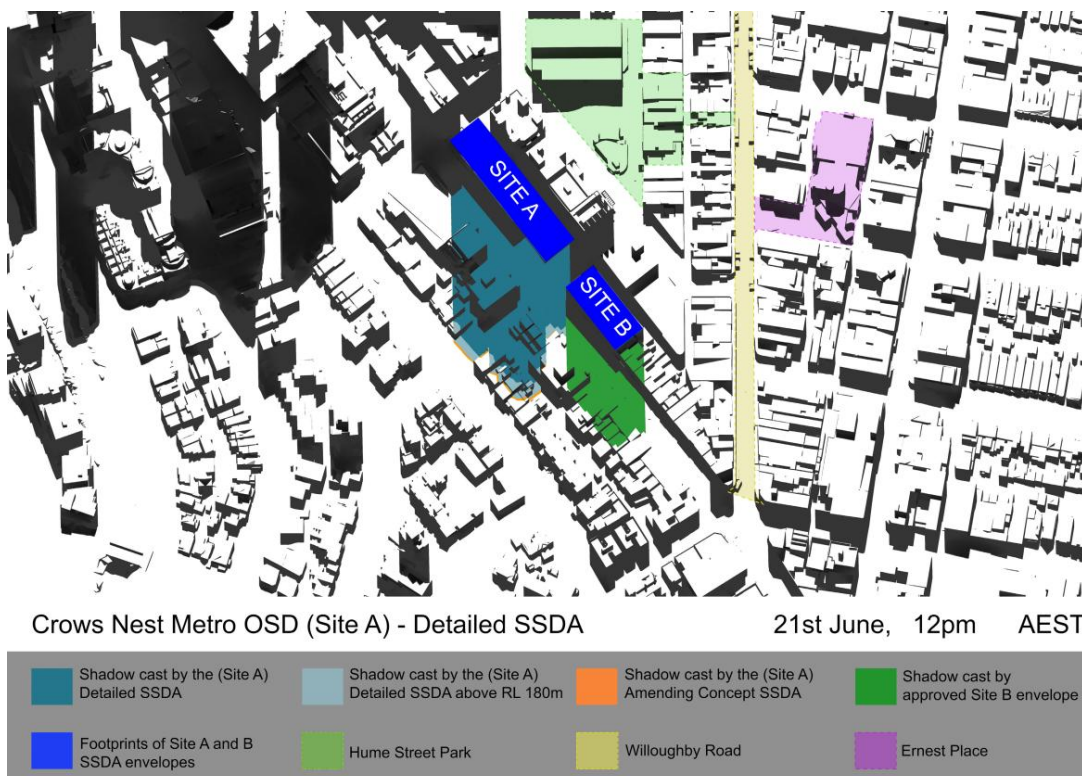


Figure 29 Extract: Shadow Diagram – 12:00PM mid-winter (Source: Virtual Ideas)

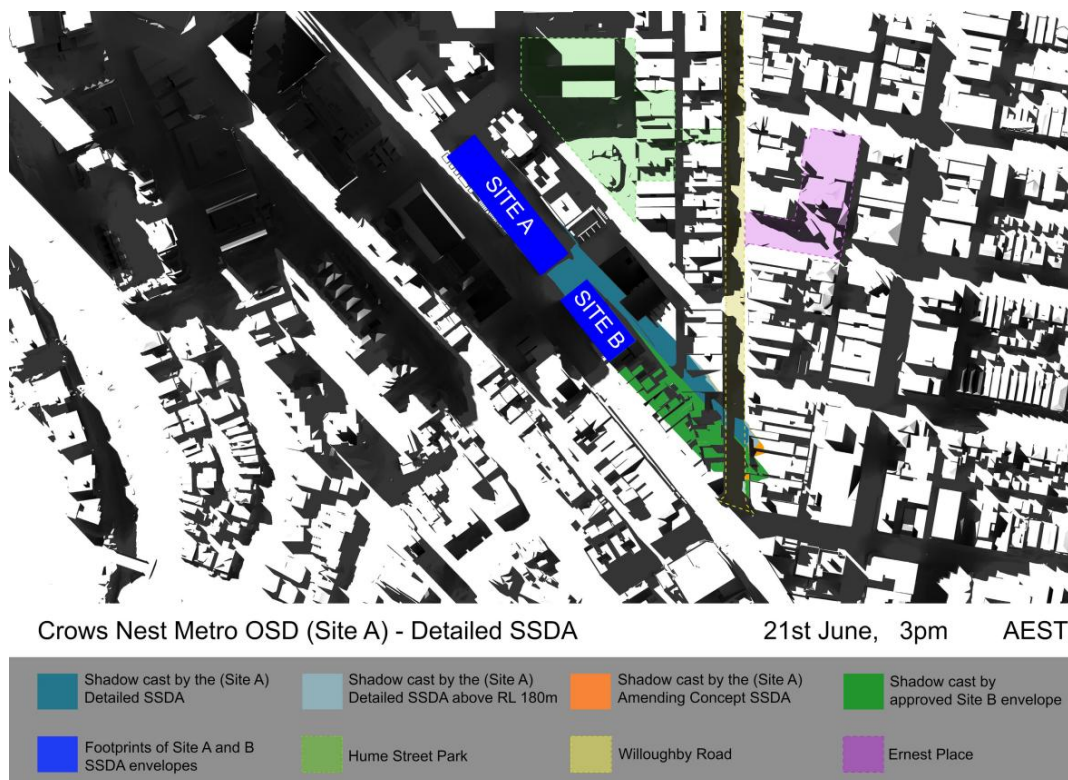


Figure 30 Shadow diagrams extracted at 3:00PM mid-winter (Source: Virtual Ideas)

View Loss and View Sharing

A Detailed View Loss and View Sharing Report that has been prepared by RPS and Virtual Ideas (Appendix S and T) to assess the impact of the proposal, including the proposed increase in height in relation to the sight lines. The accompanying assessments demonstrates that the proposed detailed building design exceeding the maximum permissible HOB control will not result in any additional view loss beyond what was already assessed and determined acceptable under the originally proposed detailed proposal and approved concept approval building envelope (now as amended). The proposed height increase is confined within the visual parameters established by the (as concurrently amended) Amending Concept SSD envelope.

The sight lines from the following surrounding buildings will not be compromised by the proposed height variation, as these buildings are situated below the (as concurrently amended) Concept approved building envelope and therefore remain unaffected by the minor increase in built form height:

- 400 Pacific Highway (5 storeys)
 - The existing view foreground is occupied by the Metro station and associated built form. Visibility to the sky is impacted by the proposal however is consistent with the approved (as concurrently amended) Amending Concept SSD envelope. No further sightlines will be compromised and the building separation and vegetation podium aids in reducing the overall bulk and form of the proposal to this site.
- 420 Pacific Highway (4 storeys)
 - The existing view foreground is occupied by the Metro station and associated built form. Visibility to the sky is impacted by the proposal however is consistent with the approved (as concurrently amended) Amending Concept SSD envelope. No further sightlines will be compromised and the building separation and vegetation podium aids in reducing the overall bulk and form of the proposal to this site.
- 545 Pacific Highway (15-16 storeys)

- The existing view does not have any significant landmarks and is dominated in the foreground by the Metro station and associated built form. The proposal sits within the centre top of the view and while there is a view loss impact, the visual amenity is increased due to the additional of vegetation to the podium of Site The extent of potential impact is consistent with the approved (as concurrently amended) Amending Concept SSD envelope.
- 26 Clarke Street (6-8 storeys)
 - The existing view foreground is occupied by the Metro station and associated built form. The background extends to the horizon, increasing viewpoint sensitivity. The building separation increases depth of the view and reduces overall bulk and form of proposal, lowering impact. Extent of potential impact is consistent with the approved (as concurrently amended) Amending Concept SSD envelope.

The height non-compliance is not anticipated to be adversely perceivable in the context of the wider OSD development.

Public Domain Visual Impact

To supplement the above report, the visual impact assessment from the public domain was also revised to review the increase in height (Appendix U). This report demonstrates that the proposed detailed building exceeding the maximum permissible HOB control will not result in any additional view impacts to the public domain beyond what was already assessed and determined acceptable under the original Concept approval building envelope.

The sight lines from the following public domain spaces will not be compromised by the proposed height variation and therefore remain unaffected by the minor increase in built form height:

- Darling Harbour
- The Sydney Opera House
- Any items that are of State or local heritage significance
- Scenic landscapes

At each of public domain viewpoints there were assessed, the proposed height variation will only result in a negligible reduction to the observable open sky vista.

Overall

The increase in height proposed will not result in any additional adverse impacts to overshadowing, view loss or sightlines. The increase in height remains within the built form envelope of the Amending Concept SSDA (as amended concurrently). Any additional view loss impacts beyond what has been previously assessed are deemed acceptable given the area's planned transformation, somewhat mitigating the increase in height through surrounding structures and topography. While the building may appear prominent in certain views, such as from the Pacific Highway approaches, in other perspectives it will be screened or appear as a minor element within expansive vistas.

The increase in height is necessary to deliver the project given the design refinements that were identified post exhibition relating to the structural load and building service requirements. The additional height primarily relates to the transfer beam widths and structural elements located above the metro-box and the increase floor-to-floor heights in accordance with the *Design and Building Practitioners Act 2020*. These changes are imperative to the delivery of the project.

The height and massing of the amendment are consistent with the Amending Concept SSDA (as amended concurrently to this amendment), the *St Leonards and Crows Nest 2036 Plan* and the *Crows Nest Over Station Development Design Quality Guidelines* (including the Addendum Memo).

6.1.2 Façade treatment and relationship to surrounding context

The amendments façade as detailed in section 4.10 earlier in this Report are to create an appropriate sense of scale and articulation for the built form. The massing and materiality have been adjusted to create a more

cohesive built form and reduce the perceived bulk and scale. Through careful design, the lower levels of Tower 1 and 2 have been redesigned to align with the upper residential levels, providing a more consistent visual balance. Similarly, the lower levels of Tower 3 are now continuous in materiality with the upper levels.

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

By reducing the perceived bulk and scale of the structural beams as originally designed, the overall design is more cohesive and proportionate to its context. The refinements enhance the visual relationship between the podium and the tower elements, achieving a more balanced built form that integrates seamlessly with the approved Concept (as amended concurrently), surrounding streetscape and emerging character of the area. The amendment façade treatment responds appropriately to the context and overall design intent of the proposal.



Proposed Amendment

Figure 31 Proposed façade treatment changes shown in red (Source: Woods Bagot)

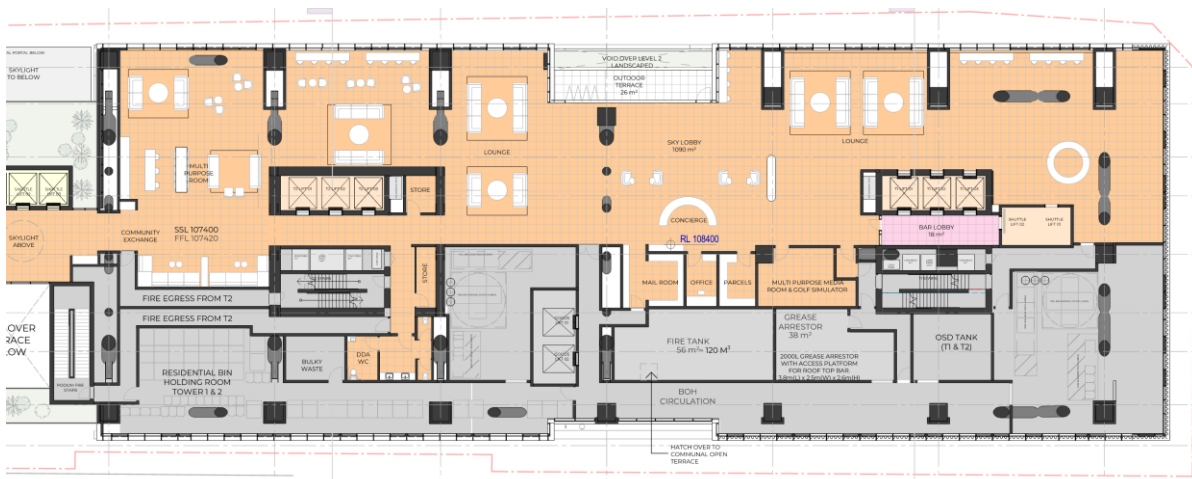


Figure 32 Exert of proposed amendment to Level 3 Plan (Source: Woods Bagot)

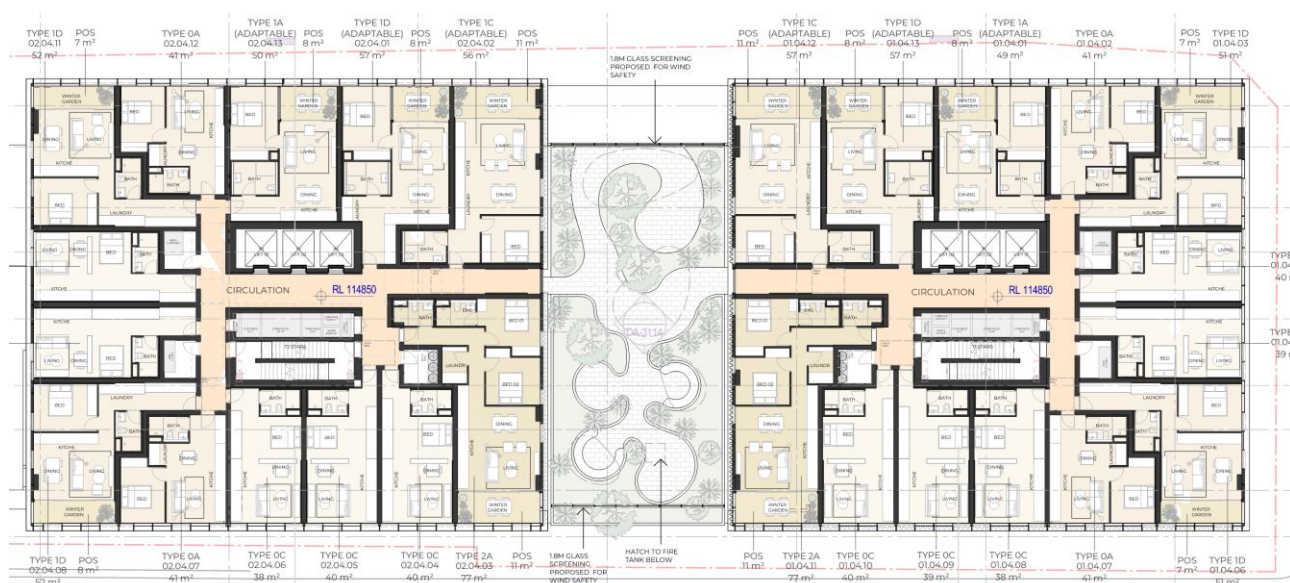


Figure 33 Exert of proposed amendment to Level 4 Plan (Source: Woods Bagot)

6.1.3 Unit Mix and Layout

The proposed re-cutting of the mix of units across the BTR market units (Tower 1 and 2) described at section 4.4 was driven by market research undertaken by Franklin St (Appendix N). This planning review undertook an analysis of the local demographic and housing needs and supply trends to provide a justification for the increase in studio and 1-bedroom houses that this amendment proposes. The review found the following:

Demand

- A current mismatch between household sizes and dwelling stock with 43% of households in Crows Nest being either single persons or share-house groups contrasted with only 32% of housing stock consisting of studio or 1-bedrooms
- Rental market indicators: The popularity of inner-north areas (i.e. Crows Nest) among renters is extremely high given its proximity to the CBD and strong transport links
- Alignment with Council Housing Strategy: Council's Housing Strategy acknowledges that a balanced mix of apartments is essential for affordability and choice in the LGA, especially in precincts near transport where high density living is suitable
- Market Affordability Factors: There is increasing competition between prospective tenants one-bedroom rents in inner Sydney combined with the fast-growing trend of single-person households. This is further compounded by the cost-of-living and housing affordability crises.
- Precedent for smaller apartments as a solution: Evidence shows that compact apartments paired with high-quality shared amenities provide more affordable options without sacrificing liveability

Supply

- Undersupply of studios: According to 2021 Census data, out of ~2,345 occupied dwellings in Crows Nest, only 76 were studios (no bedroom) – that is just 3% of the housing stock.
- Financing and buyer constraints: Minimum thresholds imposed for apartment mortgages and other financing constraints restrict the pool of potential buyers. Developing BTR units minimise these restrictions
- Market Preferences: Studios are often viewed as less attractive for owner-occupiers and investors due to concerns around resale value, and future flexibility.
- There is a trend towards BTR which respond to renters who need lower-cost options and help to tackle the housing crisis.

The review concludes that the increase in studio and one-bedroom BTR units is suitable and advantageous for delivering the proposal as it overcomes the financing and market barriers that have historically prevented studios, and it directly targets the demographic need present in Crows Nest. There is a convergence of demand and supply justifications for this proposal, to meet local demand, support policy relating to housing diversity, maintain quality and financial viability through high-quality shared amenities and compact living and to provide a range of affordable rental options in an inner-city location.

6.2 Environmental Amenity

The proposed detailed development has undergone design refinements to enhance both internal and external amenity, ensuring that the project meets key performance standards for daylight access, ventilation, and overall liveability.

6.2.1 Solar Access

The proposed built form and massing is consistent with the (as concurrently amended) Amending Concept SSDA. The 3 distinct tower form and building separation maintain the previously established building separation while optimising, as much as practical, solar access through the layout reconfiguration of the residential levels.

A key site constraint is the building's southwest-facing façade which extends approximately 116m in length along the Pacific Highway. The orientation restricts the capacity of the site to achieve optimal mid-winter solar access to all the units. Consequently, strict compliance with the ADG target of 70% of units receiving a minimum of two hours of solar access between 9 am and 3 pm at mid-winter is unachievable.

Notwithstanding the above, the design changes retain the appropriate separation distances but have altered the floor layout for Tower 1 and 2 to improve solar performance (and privacy). The overall improvement in solar access across the development is proposed to increase 55% to 56% being predominantly due to a greater number of unit's habitable rooms facing north and south, outward to optimise daylight access and reduce internal overlooking. Windows located between buildings towards one another have been offset and treated with perforated metal screens to mitigate potential privacy impacts.

It is noted that the proportion of apartments receiving no solar access at mid-winter has increased (16% to 38%) but represents a quantitative increase in non-compliance. The qualitative impacts on residential amenity across the site are improved through the increase in shared spaces and provision of units with dual-aspect or north/south facing windows. The design prioritises optimised performance across the development rather than strict numerical compliance, ensuring that all apartments achieve equitable and acceptable levels of internal amenity.

The proposal adopts a flexible approach to the solar access compliance in accordance with the DPHIs *Build-to-Rent Housing and Flexibility Design Factsheet*, recognising the site is constraints. Furthermore, the conversion of Level 24 on both Towers 1 and 2 to internal communal area with a diverse mix of amenity space for residents aligns with the BTR Review in Appendix N. These spaces are shared for residents of Towers 1 and 2, expand the entire floor, offering generous solar access and great outlook, and aid in compensating for the reduced solar access in some units by providing shared, sunlit areas for social and recreational use.

The proposal achieves a net improvement in solar access and amenity across the development. A practical balance has been upheld between design excellence, residential amenity, and site-specific structural constraints, consistent with the flexibility provisions applicable to BTR developments and the broader intent of the precinct.

6.2.2 Cross Ventilation

Woods Bagot have prepared amended cross ventilation calculations which are provided at DA-2320 of Appendix G. The analysis has resulted in the increase in the number of units receiving cross ventilation across the proposal.

The cross-ventilation numbers have been calculated for the first nine storeys of the proposed, taken from the ground level at Hume Street up to Level 06 of Tower 3 and Level 05 of Towers 1 and 2. Given that the first four floors are designated for commercial and retail purposes, only two BTR and four AFH residential floors are impacted. The figures are broken down as follows:

Table 7 Cross-Ventilation compliance

Level	No. Units	Compliant with Cross Vent (No. Units)	Total Compliant
Affordable Housing Units (Tower 1)			
3	7	4	
4	7	4	
5	7	4	
6	7	4	
Total	21	12	57%
Built to Rent Units (Tower 1 and 2)			
4	26	8	
5	26	8	
Total	52	16	30%

The above compliance table demonstrates that 30% (16 out of 512 BTR units and 12 out of 56 AFH units) of these apartments perform at or above the ADG guidelines.

6.2.3 Communal Open Space

The design of the communal open space on Level 3 and 4 has resulted in a 93sqm reduction in the overall COS but this has on balance increased due to the conversion of Level 24 to internal COS. The Level 4 COS has been positioned to maximise solar access throughout the year and the additional planting along both edges has been proposed to improve usability through reduce wind impacts. This also helps to enhance the environmental quality of the COS. The slight reduction is due to recessing and creating separation between Towers 1 and 2 to create a balanced façade.

The COS on the rooftop of Tower 2 is to be maintained, consistent with the (as concurrently amended) Detailed SSDA and provides a dedicated space for residents of Towers 1 and 2, catering for a range of ages, needs and demographics.

To ensure a high-quality COS for residents, the amendments improve the usability of the space (i.e. Level 4 terrace) while adhering to the ADG requirements. The requirement of 25% of the site area being dedicated to COS, or 970sqm, is exceeded with a proposed 1,017sqm of COS across all three towers.

It should also be noted that the Level 24 amenity space accounts for a total of 1,380sqm of communal indoor space which has increased the overall provision of COS across the site.

Table 8 External Communal Open Space provision comparison

Level	Originally Proposed		Total Area (sqm)	Proposed Amendment		Total Area (sqm)
	Planting	Paved		Planting	Paved	

Level	Originally Proposed		Total Area (sqm)	Proposed Amendment		Total Area (sqm)
02 (Tower 1 and 2)	-	-	-	15	48	63
03 (Tower 1 and 2)	27	112	139	14	25	39
04 (Tower 1 and 2)	196	128	324	127	115	242
11 (Tower 3)	69	189	258	70	189	259
Rooftop (Tower 2)	149	240	389	125	248	373
Total (excl. L24)	441	669	1110	351	625	976
Total (incl. L24)	-	-	-	1380 (indoor)		2,356

6.2.4 Privacy measures

The amended proposal includes design changes to improve the privacy measures for both future residents and surrounding buildings. The building separation distances are not proposed to be amended but additional design features have been included to mitigate potential overlooking between residential units and adjoining sites.

Perforated metal screening is proposed between Tower 1 and 2 to help control outlook and provide privacy from other units. Additionally, screening on the eastern façade of Tower 1 and 2 has been included up to Level 13 to improve privacy for future residents and surrounding buildings, notably 28-34 Clarke Street.

The proposed amendments help to balance privacy mitigation while ensuring the units have high internal amenity and solar access. The proposed achieves a high level of visual privacy with regard to the existing site constraints relating to building separation. The façade treatment and existing architectural design (i.e. offset windows) demonstrate an acceptable privacy outcome for the site.

6.2.5 Wind

RWDI's Pedestrian Wind Study (Appendix V) evaluates wind comfort and safety with regard to the existing site, proposed configuration and cumulative configuration with future surrounding buildings. The wind conditions at pedestrian level on and around the site were predicted using boundary-layer wind-tunnel tests and historical wind data. The report found the following expected wind conditions based on the assessment:

Pedestrian Wind Safety

- Wind speeds at all assessed locations were within acceptable limits for pedestrian safety, except at the corner of Clarke Lane and Hume Street.
- Proposed Configuration: Safety exceedances were observed at three ground level areas located near the north-western and northern corners of the Proposed Development. Winds exceeding the safety limit were also observed at an amenity area within Level 2 terrace to the north and at an amenity area and a seating area at the Level 4 terrace. Wind mitigation measures would be required to alleviate these conditions.
- Cumulative Impact Assessment Configuration: Safety exceedances were observed at three ground level footpath areas near north-western and northern corners of the Proposed Development and two off-Site thoroughfares near the northern and north-western corner of the Crows Nest Site B future building to the south-east of the Proposed Development. Winds exceeding the safety limit were also observed at a seating area at the Level 4 terrace between the northern and central wing of the Proposed Development. Wind mitigation measures would be required to alleviate these conditions.

Pedestrian Wind Comfort

- **Existing Configuration:** Most areas experience calm wind conditions suitable for sitting and standing use, with slightly higher winds suitable for active strolling observed to the north along Oxley Street.
- **Proposed Configuration:** The Proposed Development experiences mixed wind conditions generally ranging between standing and walking use. On the ground plane conditions range between Sitting and Standing at the Metro entrance and Retail fronts along the Pacific Highway. Uncomfortable wind conditions occur at a localized area at the corner of Oxley Street and the Pacific Highway. With the inclusion of the proposed landscaping and tree planting it is expected that the wind conditions along the ground plane will improve. Localised mitigation measures would be beneficial at areas which would have higher levels of windiness such as the areas on Level 2 and 4 terrace.
- **Cumulative Configuration:** With the inclusion of potential future buildings around the development, wind conditions remain relatively the same on the elevated levels, however the wind conditions increase on the ground level along Hume Street.

As a result of these findings and the recommendations provided, the proposed was amended, as detailed at Section 4.9 of Appendix V. The recommendation to continue the awning along Oxley Street to mitigate north-easterly winds impacting the local exceedance at the corner of Oxley Street and Clarke Lane is proposed to be installed. Temporary planter boxes are also proposed with screening to help provide shelter from winds. At the Level 4 terrace, the recommended balustrade and plant screening are proposed to provide additional shelter from the winds. Furthermore, the façade treatment change to 'push in' the terraced area also helps to improve the pedestrian wind safety.

7. Consultation

7.1 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.

7.2 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).

8. Amended Project Description and Justification

8.1 Amended Project Description

Section 3.3.1 of the EIS that was originally submitted on 17 June 2025 provides a description of the proposal in list form. The following updates to the amending detailed proposal description are outlined in **bold** with deleted text in ~~strikethrough~~, are necessary:

- **Lower podium levels (integrated with the Crows Nest Metro) (from RL88.44m to **RL 114.85m (Tower 1 and 2) and RL108.6m (Tower 3) RL 104.10m**) (6,822sqm GFA 4357m2 GFA):**
 - **Lower Ground, Ground level and Mezzanine levels: 780sqm 1,014m2** GFA comprising retail tenancies (including internal reconfigurations to facilitate BTR lobby), shared loading zone, BTR, affordable housing, sky and shared lobbies, ~~316 bike parking spaces~~ as well as associated services and amenities (including waste rooms, fire egress and stairs, fire control room, WCs, lift pits, goods lifts, OSD meter rooms, substation, MSR, cold water pump room, plants, OSD tank, rainwater). Inclusion of a temporary hording on the Oxley Street and Pacific Highway Corner and planter boxes to mitigate wind impacts.
 - **Level 1: 15sqm 777m2** GFA comprising **316 bicycle parking spaces, cold water pump room, pool plant room, OSD tank, bulk waste storage, MSR, fire egress and stairs and lift pits.** ~~commercial gym amenities (including pool, sauna, steam room, pool plant, male and female change room and cleaners' room).~~
 - **Level 2: 1,733sqm 1,540m2** GFA comprising commercial gym (including pool, sauna, steam room, pool plant, male and female change room and cleaners' room) and communal indoor space (including co-working space, boardrooms, meeting rooms and accessible WC) ~~ancillary uses (such as multipurpose rooms, gym store, accessible WC), golf stimulator, working space, private dining, lobby, 332 439 bike parking spaces and outdoor terraces.~~
 - **Mezzanine Level: 452sqm GFA comprising commercial gym, 306 bike parking spaces and a fire pump.**
 - **Level 3: 1,417sqm 1,016m2** GFA comprising sky lobby (including mail room, concierge, lounge, community exchange and multi-purpose room, cinema room) **and bar lobby**, waste rooms, fire pump room and fire protection tank, holding room (moving strategy), DDA WC, outdoor terrace~~s~~, (refer to Tower 3 below for affordable housing on level 3).
- **Residential towers located above the existing Crows Nest Metro Station and podium levels:**
 - **Tower 1 (BTR) (from **RL 114.85 to RL188.3 to top of envelope RL 108.95 to 180.00 to parapet**):** **16,000sqm 17,614m2** GFA comprising **256 220** BTR apartments (comprised of studio, 1, ~~and 2 and 3~~ bed configurations) from Level 4 to Level ~~23 25~~ and **level 24 indoor COS**, rooftop bar, Tower 1 amenities and services (including heat exchangers, heat pump, cooling tower and water treatment).
 - **Tower 2 (BTR) (from **RL 114.85 to RL188.3 to top of envelope RL 108.95 to 180.00 to parapet**):** **16,000sqm 17,434m2** GFA comprising **256 198** BTR apartments (comprised of **studio**, 1, 2 and 3 bed configurations) from Level 4 to Level ~~23 25~~ and **level 24 indoor COS**, rooftop bar, Tower 1 amenities and services (including heat exchangers, heat pump, cooling tower and water treatment).
 - **Tower 3 (ARH) (from **RL 108.6m to RL140.7 to top of plant RL 104.30 to RL131.15 to parapet**):** **4,861qm 5,212m2** GFA comprising 56 affordable housing apartments (comprised of studio, 1, 2 and 3 bed configurations) and rooftop communal amenities over Levels 3 to 11 (roof)
- Augmentation and extension of utilities and service provision.
- Public domain works around the site will be delivered as part of the CSSI Approval.

8.2 Justification of the Amended Project

The amended proposal seeks to construct and operate a mixed-use residential development OSD, located above the new Crows Nest Metro Station. The project description is consistent with the concurrent Amending Concept SSDA and the submitted Detailed SSDA (to which this amendment relates). With an increase in build-to-rent units provided increasing by 94 units and the retained 56 affordable housing units, the proposal aligns with the NSW Government's priorities to increase housing supply in well-located areas. The proposal continues to support the planning objectives under the National Housing Accord and the NSW Government housing supply strategies.

The project aligns with the *St Leonards and Crows Nest Plan 2036*, helping to deliver the precincts vision. The site is strategically located above the Crows Nest Metro Station, providing a unique opportunity to address the housing supply prioritisation and respond to economic and market conditions.

The amended proposal increases the building height to ensure the delivery of the project through ensuring the required structural transfer loads are accommodated while maintaining a high-quality proposal. The additional units are optimised with an increased in shared amenities, balancing market preferences for BTR and the demand in the local area.

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 Response to Submissions Report (Appendix A) further demonstrates the proposal's suitability for the site. It addresses concerns and illustrates how the development aligns with the area's needs and urban development goals. By introducing increased BTR housing options, enhancing the amenity, and prioritising thoughtful architectural design, the development will foster vibrant communities and positively contribute to Crows Nest's socio-economic landscape, leaving a lasting impact on the area's future.

9. Conclusion

This Amendment Report has been prepared by Gyde Consulting on behalf of the Proponent to describe and assess the proposed amendments 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 one submission from the local community. This feedback alongside essential structural and market conditions changes (outlined in this 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 Detailed Amendment Report and the appended material has provided an exhaustive assessment of the proposed changes (and 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.