



Amendment Report

Crows Nest TOD State Significant Development (SSD-83076206)

402-420 Pacific Highway, Crows Nest

Prepared on behalf of X Quantum Pty Ltd

July 7, 2026

Document control

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Project summary

Prepared on behalf of	X Quantum Pty Ltd
Land to be developed	402-420 Pacific Highway, Crows Nest
Legal description	SP54033
Project description	38 storey mixed use development comprising a four-storey retail / commercial podium and 273 residential apartments, including affordable housing.

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Executive Summary

Introduction

This Amendment Report has been prepared by FPD Planning on behalf of X Quantum Pty Ltd in relation to the State Significant Development Application (SSDA) for a mixed use development at 402-420 Pacific Highway, Crows Nest (the site).

It has been prepared to outline and assess the changes to the proposed development which have been made to address issues raised through the public exhibition of the Environmental Impact Statement from 21 April 2026 to 5 May 2026.

In particular, the proposed amendments respond specifically to key issues raised by Department of Planning, Housing and Infrastructure (DPHI) following the public exhibition. DPHI requested the relocation of all above-ground car parking from the podium to the basement, including to maximise the use of podium levels for non-residential purposes and align the podium design with existing and approved development along Pacific Highway.

In response the applicant has relocated all above ground car parking to basement levels repurposing the podium for retail and commercial uses. This has resulted in significant design improvements including enhanced streetscape activation and increased retail / commercial floor space, alignment of the podium with future development, and enhanced pedestrian safety and amenity through reconfiguration of the basement access. The amended design also delivers an increase in housing supply with the total number of dwellings increasing from 254 to 273 dwellings.

DPHI also requested that the amended design ensure a sensitive interface to the western boundary in response to existing and future residential uses. As part of the preparation of the design changes the applicant has worked with the developer of 35-51 Nicholson Street, Wollstonecraft (Wee Hur) located to the west of the site to facilitate an integrated and orderly redevelopment outcome across both sites and a high level of amenity as outlined in this report.

A Submissions Report has also been prepared which addresses all issues raised in response to submissions and agency advice received in response to the public exhibition (Appendix B).

The Amendment Report has been prepared in accordance with the *State Significant Development Guidelines Appendix D - Preparing an amendment report*.

The site

The site is located adjacent to Crows Nest Metro Station and is within the Crows Nest Transport Oriented Development (TOD) Accelerated Precinct which has been identified by the NSW Government to support housing delivery. The Crows Nest TOD Precinct has been subject of recent amendments to the planning controls which came into effect in November 2024.

The site comprises 2,127.7sqm of land at 402-420 Pacific Highway, Crows Nest (SP54033) within North Sydney LGA and currently contains a four storey mixed use building comprising residential and commercial uses.

The site benefits from an easement granting access to the existing basement via a driveway on the adjacent land at 35-51 Nicholson Street which is proposed to be retained and used to access the proposed basement car parking.

The site is also affected by a basement substratum owned by the neighbouring property at 35-51 Nicholson Street, which limits further excavation in this part of the site. This substratum will need to

be extinguished before basement excavation, and it is anticipated this can be addressed as a condition of consent.

There is no change to the site area because of the proposed amendments. However, the applicant has been working with the developer of the adjacent land at 35-51 Nicholson Street (Wee Hur) to come to an agreement on building separation, a future realignment of the irregular shared boundary, and extinguishment of easements to facilitate an integrated and orderly redevelopment outcome across both sites. Wee Hur is progressing a separate SSD for student housing with the EIS currently being prepared.

The minor changes to the development site resulting from the realignment of the shared boundary are proposed to be addressed through future modification to the approval without any significant modification to the proposed design.

Overview of proposed changes

The proposed changes are summarised below:

- All above ground car parking has been relocated from the podium to the basement
- The podium has been reconfigured to provide four levels of predominantly non-residential floor space
- The revised four storey podium aligns with the scale and design of existing and approved development along Pacific Highway
- The interface to 35-51 Nicholson Street has been reviewed to setback the building to an agreed weighted average boundary line to accommodate an appropriate level of building separation to future proposed development
- The vehicular access has been reconfigured to prioritise pedestrian amenity and movement along Oxley Street by consolidating the basement access point, removing the two way access to the above ground car parking, limiting the second driveway a single lane loading dock access, reducing the width of driveway crossovers and providing a pedestrian refuge between the two driveways
- The loading dock has been reconfigured and expanded to maximise servicing efficiency
- All wintergarden balconies have been removed to minimise unnecessary building bulk and scale and enhance the façade design
- An end-of-trip facility has been incorporated within the podium for retail / commercial premises workers
- Podium level communal open space has been expanded and the primary communal open space relocated to the northern side of the building to maximise sunlight
- Car parking and bicycle parking has been refined to reflect the amended land uses mix with the overall car parking rates reduced compared to the maximum rates in the Crows Nest TOD Design Guide
- A separate commercial lobby from Pacific Highway has been introduced and the residential lobby expanded to maximise amenity and visibility from Pacific Highway

Amended project description

The Amended SSDA seeks approval for:

- Demolition of all existing structures on the site, tree removal, excavation and site preparation works
- Construction of a 38 storey mixed use building comprising:
 - Six levels of basement car parking

- A four storey podium comprising retail and commercial floor space
- Above podium resident communal open space and communal floor space
- 273 residential apartments including affordable housing
- Rooftop servicing.
- Retention of existing access from Oxley Street to basement car parking and construction of a new driveway from Oxley Street to access the ground floor loading dock
- Associated landscaping and public domain works.
- Infrastructure servicing.

Strategic Context

The strategic alignment of the proposal was outlined in detail in the exhibited EIS and is largely unchanged as a result of the proposed amendments. The amended development continues to be directly consistent with the strategic planning context for the site as it will facilitate development which delivers the NSW Government's vision for the Crows Nest TOD Precinct which has been identified as an accelerated precinct to support housing delivery.

Statutory Context

The amended development is consistent with the statutory planning framework, including the objects of the *Environmental Planning and Assessment Act 1979*, relevant SEPP's and the North Sydney LEP (subject to the variations outlined below), and the Crows Nest TOD Design Guide as outlined in the Statutory Compliance Table at Appendix C.

The relocation of above ground parking has resulted in an increase in overall floor space compared to the exhibited proposal which can be accommodated without any significant increased impacts. The amended development also has a minor height exceedance which has resulted from reconfiguration of land uses and the increased non-residential floor to floor heights. The height exceedance applies to part of the lift overrun only and has no additional overshadowing impacts and negligible additional visual impacts. These exceedances are fully justified in Clause 4.6 reports at Appendix E and Appendix F respectively.

The proposed development as amended is consistent with the principles of ecologically sustainable development in accordance with Clause 192 of the *Environmental Planning and Assessment Regulation 2021* and as addressed in the ESD Report which formed part of the EIS.

Further engagement

Since the exhibition of the EIS, the applicant has been in ongoing discussions with Wee Hur, the developer of the adjoining site at 35-51 Nicholson Street, to coordinate the design and delivery of both projects given the irregular boundary alignment and various easements. Wee Hur are currently progressing a separate SSD for student housing with the EIS currently being prepared.

The parties are working towards an agreement for a future realignment of the irregular shared boundary to facilitate an integrated and orderly redevelopment outcome across both sites as outlined in this Section 2 of this report.

Further consultation is being carried out with Sydney Metro on relevant geotechnical and structural documentation which is currently being prepared.

Environmental Impacts and Mitigation Measures

This Amendment Report provides a detailed assessment of the environmental impacts resulting from the proposed changes. This is supported by the amendment of many of the technical reports and preparation of additional reports where necessary including the following:

- Architectural Design Report, prepared by FJC Studio (Appendix G)
- Architectural Plans, prepared by FJC Studio (Appendix H)
- 3D Visualisations, prepared by FJC Architects (Appendix I)
- Landscape Report, prepared by Arcadia (Appendix J)
- Landscape Plans, prepared by Arcadia (Appendix K)
- Civil Plans, prepared by TTW (Appendix L)
- Pedestrian Wind Study, prepared by RWDI (Appendix M)
- Noise and Vibration Impact Assessment (Appendix N)
- Transport Impact Assessment and Preliminary Traffic Construction Management Plan, prepared by JMT Consulting (Appendix O)
- Integrated Water Management Plan (Appendix P)
- Geotechnical Assessment, prepared by Douglas Partners (Appendix R)
- Groundwater Impact Assessment, prepared by Douglas Partners (Appendix S)
- BASIX Report/BASIX Certificate, prepared by E-Lab Consulting (Appendix T)
- Section J Compliance Report, prepared by E-Lab Consulting (Appendix U)
- Operational Waste Management Plan, prepared by Elephants Foot Consulting (Appendix V)
- Construction and Demolition Waste Management Plan, prepared by Elephants Foot Consulting (Appendix W)
- Embodied Emissions Form prepared by Newton Fisher Group (Appendix X)

The assessment of environmental impacts concludes that impacts can be appropriately managed subject to the implementation of the Mitigation Measures outlined at Appendix D.

Conclusion and Justification

The proposed development is in the public interest as it will:

- Support the NSW Government's vision for the Crows Nest TOD Precinct
- Deliver a new mixed use building in a highly accessible location directly adjacent to the new Crows Nest Metro
- Deliver a high quality design in a strategic location enhancing the local streetscape and wider skyline of St Leonards / Crows Nest
- Provide a high level of street activation with retail and commercial tenancies within a four storey podium fronting Pacific Highway and Oxley Street
- Enhance the public domain through new street tree planting and footpath upgrades.
- Deliver 274 new dwellings supporting housing supply and diversity in a desirable location close to transport, services and jobs
- Include measures to ensure a high level of ecologically sustainable development.

This EIS demonstrates that proposal is consistent with the strategic planning framework subject to requested variations, will not result in any unacceptable environmental, social, or economic impacts, and is in the public interest.

There are no known site conditions that would prevent the proposed development from proceeding and all likely impacts can be appropriately mitigated. It is therefore recommended that the application is approved.

1 Introduction

1.1 Background

This Amendment Report has been prepared by FPD Planning on behalf of X Quantum Pty Ltd in relation to the State Significant Development Application (SSDA) for a mixed use development at 402-420 Pacific Highway, Crows Nest (the site).

The Environmental Impact Statement (EIS) was exhibited from 21 April 2026 to 5 May 2026 and sought approval for:

- Demolition of all existing structures on the site, tree removal, excavation and site preparation works
- Construction of a 39 storey mixed use building comprising:
 - Four levels of basement car parking accessed from Oxley Street.
 - A five storey podium with ground floor retail / servicing and four levels of above ground car parking.
 - Above podium resident communal open space and communal floor space along with two levels of commercial floor space.
 - 32 levels of residential floor space accommodating 254 dwellings including affordable housing.
 - Rooftop servicing and private roof terraces.
- Retention of existing access from Oxley Street to access basement car parking and construction of a new driveway from Oxley Street to access ground floor servicing and upper level car parking.
- Associated landscaping and public domain works.
- Infrastructure servicing.

In response to the exhibition 23 public submissions were received along with submissions from North Sydney Council and Lane Cove Council. Advice was also received from six Government agencies and authorities.

Department of Planning, Housing and Infrastructure (DPHI) also outlined key issues to be addressed in the response to submissions in its letter to the applicant dated 11 May 2026 (see Section 1.2 below).

This Amendment Report has been prepared to outline and assess the changes to the proposed development which have been made to address issues raised through the public exhibition. The Amendment Report has been prepared in accordance with the *State Significant Development Guidelines Appendix D - Preparing an amendment report*.

A Submissions Report has also been prepared which addresses all issues raised in the submissions and agency advice received in response to the public exhibition (Appendix B).

1.2 DPHI key issues letter

The proposed amendments respond specifically to key issues raised by DPHI following the public exhibition which are summarised below:

- Relocate above-ground car parking from the podium to the basement, including to maximise the use of podium levels for non-residential purposes and align the podium design with existing and approved development along Pacific Highway

- Ensure a sensitive interface to the western boundary in response to existing and future residential uses
- Prioritise pedestrian amenity and movement along Oxley Street by consolidating access points and reducing both the number and width of driveway crossovers
- Continue engagement with adjoining landowners to resolve basement and boundary constraints, with the aim of rationalising access arrangements and facilitating a more efficient and cohesive development footprint
- Consider a reduction in car parking spaces given the highly accessible location of the site opposite the Metro station and proximity to other public and active transport modes
- Assess and justify traffic impacts associated with any exceedance of floor space ratio
- Review and reconsider the extent of the proposed fully enclosable balconies to minimise unnecessary building floorspace and the associated increase in bulk and scale
- Incorporate end-of-trip facilities for commercial premises workers, as recommended in the Transport Impact Assessment
- Clarify the bicycle parking provision.

1.3 The applicant

X Quantum Pty Ltd is the applicant for this SSD. The applicant's details are provided in Table 1 below.

Table 1 Applicant details

Applicant details	
Applicant name	X Quantum Pty Ltd
Applicant address	123-125 Willoughby Road, Crows Nest
ABN	71 686 443 149
Land owner	Owners of Stata Plan SP54033

2 Subject site

The site comprises 2,127.7sqm of land at 402-420 Pacific Highway, Crows Nest (SP54033) within North Sydney LGA (see Figure 1 below). It currently contains a four storey mixed use building comprising residential and commercial uses.

The site benefits from an easement granting access to the existing basement via a driveway on the adjacent land at 35-51 Nicholson Street, Wollstonecraft (SP719853). This easement is proposed to be retained and used to access the proposed basement car parking.

The site is also subject of a basement substratum whereby the neighbouring property (35-51 Nicholson Street) owns a portion of the land below the site's existing basement. The substratum limits any further excavation in this part of the site. Accordingly, this substratum will need to be extinguished prior to excavation of the basement. It is anticipated this can be addressed as a condition of consent.

There is no change to the site area because of the proposed amendments. However, the applicant has been working with the developer of the adjacent land at 35-51 Nicholson Street (Wee Hur) to come to an agreement on shared building separation, a future realignment of the irregular shared boundary, and extinguishment of easements to facilitate an integrated and orderly redevelopment outcome across both sites. Wee Hur is progressing a separate SSD for student housing with the EIS currently being prepared.

The minor changes to the development site resulting from the realignment of the shared boundary are proposed to be addressed through future modification to the approval without any significant modification to the proposed design.



Figure 1: Subject site (Source: Mecone Mosaic 2026)

3 Strategic context

The strategic alignment of the proposal was outlined in detail in the exhibited EIS and is largely unchanged as a result of the proposed amendments. The amended development continues to be directly consistent with the strategic planning context for the site as it will facilitate development which delivers the NSW Government's vision for the Crows Nest TOD Precinct which has been identified as an accelerated precinct to support housing delivery.

The amended development also responds directly to the National Housing Accord (and NSW housing targets) as it will deliver much needed housing, including affordable housing, in a well-located area serviced by public transport, jobs and facilities and will support the delivery of the North Sydney LGA Housing Target of 5,900 new homes to be completed by 2029.

The amended development is consistent with the draft Sydney Plan which was exhibited for public comment from 10 December 2025 to 27 February 2026 following the lodgement of the EIS for the subject site. The draft Sydney Plan states that it gives effect to the existing housing reforms to support growth including the Transport Oriented Development Program and it reflects the status of Crows Nest as a Transit Oriented Development Accelerated Precinct.

The amended development is also consistent with the local strategic planning context. In particular, North Sydney Council issued a supplement to their Local Housing Strategy in November 2024 which includes an action to: *Implement the State Government's TOD program (Crows Nest precinct) and low and mid-rise housing changes to zoning and planning controls.*

4 Description of amendments

4.1 Summary of proposed amendments

This Amendment Report has been prepared to outline and assess the changes to the proposed development which have been made to address issues raised through submissions and agency advice and in DPHI's key issues letter. The proposed changes are summarised below:

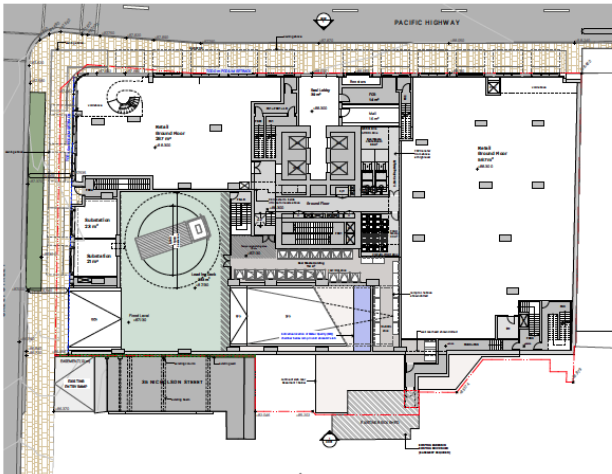
- All above ground car parking has been relocated from the podium to the basement
- The podium has been reconfigured to provide four levels of predominantly non-residential floor space
- The revised four storey podium aligns with the scale and design of existing and approved development along Pacific Highway
- The interface to 35-51 Nicholson Street has been reviewed to setback the building to an agreed weighted average boundary line to accommodate an appropriate level of building separation to future proposed development
- The vehicular access has been reconfigured to prioritise pedestrian amenity and movement along Oxley Street by consolidating the basement access point, removing the two way access to the above ground car parking, limiting the second driveway a single lane loading dock access, reducing the width of driveway crossovers and providing a pedestrian refuge between the two driveways
- The loading dock has been reconfigured and expanded to maximise servicing efficiency
- All wintergarden balconies have been removed to minimise unnecessary building bulk and scale and enhance the façade design
- An end-of-trip facility has been incorporated within the podium for retail / commercial premises workers
- Podium level communal open space has been expanded and the primary communal open space relocated to the northern side of the building to maximise sunlight
- Car parking and bicycle parking has been refined to reflect the amended land uses mix with the overall car parking rates reduced compared to the maximum rates in the Crows Nest TOD Design Guide
- A separate commercial lobby from Pacific Highway has been introduced and the residential lobby expanded to maximise amenity and visibility from Pacific Highway

The relocation of above ground car parking to basement levels has resulted in significant design improvements including enhanced streetscape activation and increased retail / commercial floor space, alignment of the podium with future development, and enhanced pedestrian safety and amenity through reconfiguration of the basement access.

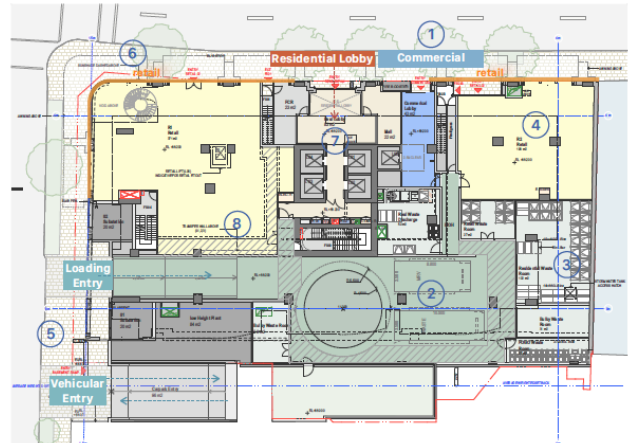
The relocation of above ground parking has resulted in an increase in overall floor space compared to the exhibited proposal which can be accommodated without any significant increased impacts. The amended development also has a minor height exceedance which has resulted from reconfiguration of land uses and the increased non-residential floor to floor heights. The height exceedance applies to part of the lift overrun only and has no additional overshadowing impacts and negligible additional visual impacts. These exceedances are fully justified in Clause 4.6 reports at Appendix E and Appendix F respectively.

Key aspects of the proposed changes are illustrated in Figure 2 to Figure 6 below. A detailed schedule of changes along with further comparison diagrams are included in the Architectural Design Report at Appendix G.

Submitted SSD



RTS Update

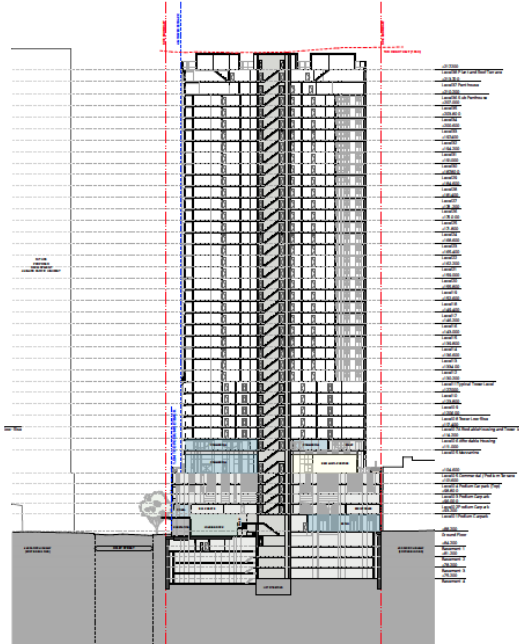


RTS Amendments to Ground plane

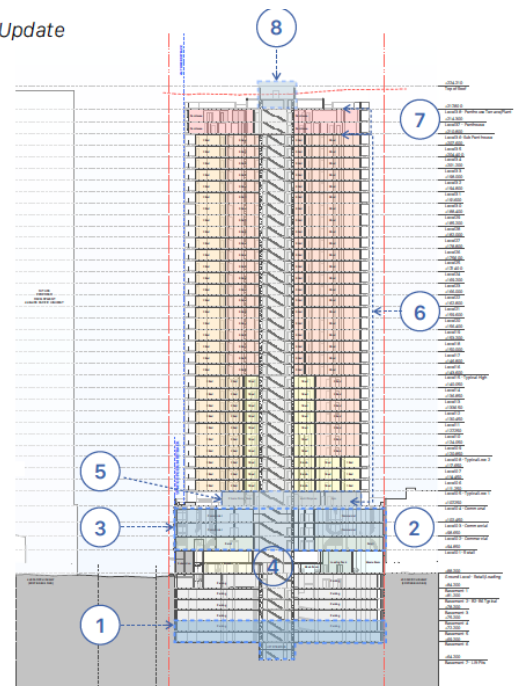
1. Inclusion of commercial lobby from Pacific Highway
2. Revised loading dock, loading vehicle bays
3. Revised waste storage, room split and arrangement
4. Revised retail tenancy - increase floor to floor for Ground to L01
5. Vehicular entries positioned between dual substations for pedestrian safety and urban arrangement
6. Active use and facade maximised, with reduction to services and loading on facades
7. Enlarged residential lobby and facade to street
8. Egress strategy refined with simplified egress points and discharge to streets

Figure 2: Ground floor plan – submitted and amended (Source: FJC Studio 2026)

Submitted SSD



RTS Update



RTS Amendments

1. Introduction of additional basement levels
2. Removal of all above ground podium parking
3. Increased mixed use in podium / retail at L01, & Commercial at L02 / L03
4. Double height retail ground floor
5. Residential communal open space relocated to L04
6. Revised mix and apartment distribution
7. Penthouses revised with no rooftop access
8. L39 Roof Plant only / slight height non-compliance for lift overrun only (Section 4.6 sought)

Figure 3: Cross section – submitted and amended (Source: FJC Studio 2026)

Submitted SSD



Eastern Elevation (Facing Pacific Highway)



Northern Elevation (Facing Oxley Street)

RTS Update



Eastern Elevation (Facing Pacific Highway)



Northern Elevation (Facing Oxley Street)

Northern Facade Amendments

1. Removal of podium car parking, active use Retail and commercial
2. Revised lobby proportion and arrival
3. Updated awning position and resolution
4. Revised arch proportions and breakup
5. Increased transparency and active facade
6. Revised podium height adjusted to suit commercial and retail uses

Eastern Facade Amendments

1. Revised loading and carpark entry locations
2. Substation relocated along Oxley Street to provide separation between loading and car vehicle
3. Revised facade articulation and breakup
4. Podium height adjusted to suit commercial and retail uses.

Figure 4: Podium elevation – submitted and amended (Source: FJC Studio 2026)

Oxley Street Interface



Podium treatment along Oxley Street (RTS Submission)



RTS Amendments

1. Overall Podium height increase as a result of change in podium use (Parking > Commercial & Retail uses)
2. Revision of Oxley Street Arches adapted to new entries and substation positions.
3. Revised corner condition
4. Upper arches in podium shown as glazing to reflect commercial uses

Figure 5: Podium design – submitted and amended (Source: FJC Studio 2026)

Submitted SSD - L05

RTS Update - L04

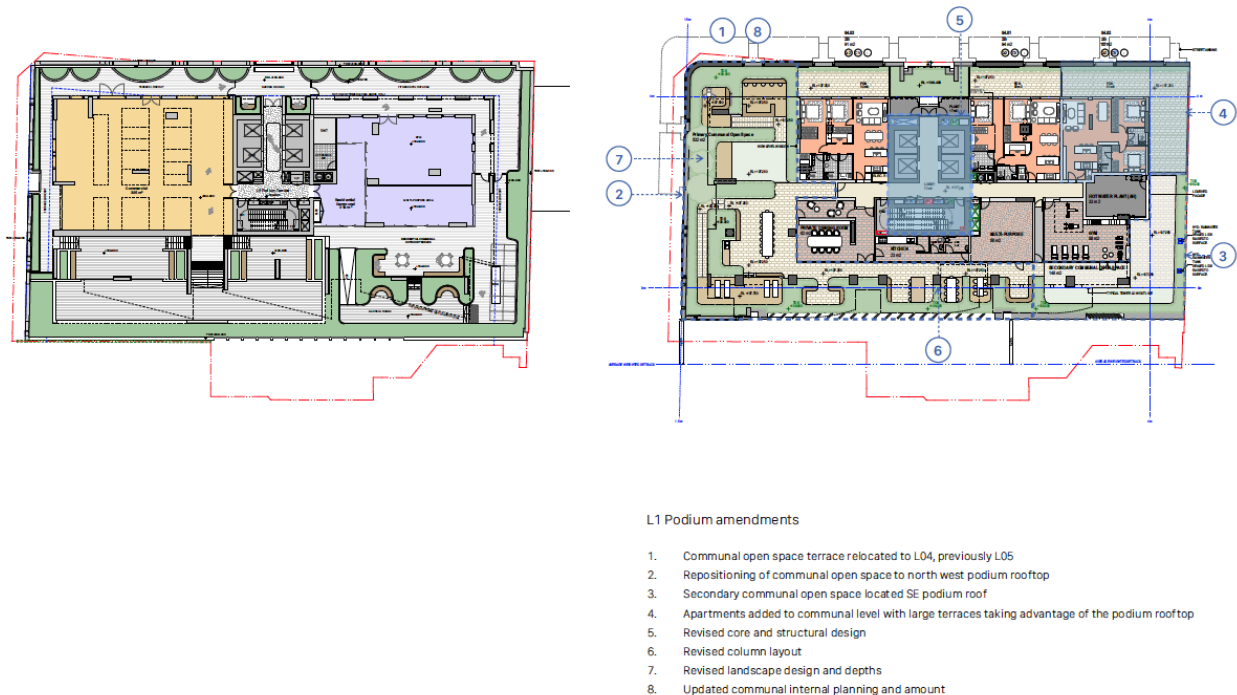


Figure 6: Communal open space – submitted and amended (Source: FJC Studio 2026)

4.2 Amended project overview

The Amended SSDA seeks approval for:

- Demolition of all existing structures on the site, tree removal, excavation and site preparation
- Construction of a 38 storey mixed use building comprising:
 - Six levels of basement car parking
 - A four storey podium comprising retail and commercial floor space
 - Above podium resident communal open space and communal floor space
 - 273 residential apartments including affordable housing
 - Rooftop servicing.
- Retention of existing access from Oxley Street to basement car parking and construction of a new driveway from Oxley Street to access the ground floor loading dock
- Associated landscaping and public domain works.
- Infrastructure servicing.

The proposal will deliver a 36,116sqm of GFA comprising:

- 4,107sqm of non-residential GFA within the podium 1,706sqm of retail floor space and 2,401sqm of commercial floor space.
- 32,009sqm of residential GFA delivering 273 dwellings.

A full amended project description is included at Appendix A.

4.3 Proposed changes

Table 2: Summary of amendments

Item	Exhibited Proposal	Amended Proposal
Site area	2,127.7sqm	2,127.7
Land Use	Shop top housing comprising residential apartments, ground floor retail and commercial uses.	Shop top housing comprising residential apartments, ground floor retail and commercial uses.
Total GFA	30,638sqm plus 2,817sqm for wintergarden balconies	36,116sqm
Total Floor Space Ratio (FSR)	15.72:1	16.97:1
Residential GFA	28,510sqm plus 2,817sqm for wintergarden balconies	32,009sqm
Non-residential GFA	2,128sqm comprising 834sqm retail at ground floor 1,294sqm of commercial at L1, L5 and L5 Mezzanine.	4,107sqm comprising: 1,706sqm of retail GFA at GF and L1 12,401sqm of commercial GFA at L2 and L3.
Non-residential FSR	1:1	1.93:1
Building height	133.28m	137.05m
Height in storeys	39 storeys comprising: - A five storey podium with ground floor retail and four levels of above ground car parking. - Above podium resident communal space along with two levels of commercial floor space 32 levels of residential floor space - Rooftop servicing and private roof terraces.	38 storeys comprising: - Four storey retail / commercial podium - Above podium resident communal space and dwellings 34 levels of residential floor space including above podium level - Rooftop servicing.
Apartments	254 dwellings	273 dwellings
Apartment mix (overall)	1 bedroom: 40 2 bedroom: 105 3 bedroom: 101 4 bedroom: 8	- Studio: 5 1 bedroom: 52 2 bedroom: 109 3 bedroom: 98 4 bedroom: 9
Vehicular access	Retention of existing access to the site from Oxley Street across the adjacent property by way of an easement to basement car parking. An additional access within the site adjacent to the existing access driveway to provide access to the ground floor loading dock and above ground car parking.	Retention of existing access to the site from Oxley Street across the adjacent property by way of an easement to basement car parking. An additional access from Oxley Street provide access to the ground floor loading dock.

Item	Exhibited Proposal	Amended Proposal
		Driveway widths have been reduced and a pedestrian refuge introduced between the driveways to maximise pedestrian safety and amenity.
Car parking	205 spaces (200 residential spaces and five non-residential spaces) - four service vehicle spaces.	202 spaces (192 residential spaces and 10 non-residential spaces) - five service vehicle bays.
Motorcycle parking	20 spaces	21 spaces
Bicycle parking	149 bike space (excluding cages)	45 resident bike spaces 228 resident bike space accommodated within storage cages 28 resident visitor spaces 27 employee spaces 10 retail / commercial visitor spaces
End of trip facilities	NA	End of trip facility comprising four shower cubicles and 40 lockers.
Communal open space (external)	524sqm (25%)	688sqm (32.3%)
Canopy cover	14sqm (0.7%)	20sqm (0.94%)
Operational jobs	85	164
Construction jobs	400	425
Estimated Development Cost	\$263,975,000 (excluding GST)	\$276,865,000 (excluding GST)

5 Statutory context

5.1 Summary of Planning Controls

Compliance of the amended proposal with key controls of the *North Sydney Local Environmental Plan 2013* (North Sydney LEP) is set out in Table 3 below.

Table 3: North Sydney LEP compliance summary

Relevant provision	Controls	Compliance
Land use zone / built form controls		
Land use and permissibility	MU1 Mixed Use: Shop top housing is permissible with consent	Permissible
Height of buildings	135m	The proposed development requests a minor exceedance of the permissible building height of 1.40m to 2.05m to accommodate the top of the lift overrun only. This is addressed in the Clause 4.6 variation request is included at Appendix F.
Floor space ratio (FSR)	14.4:1	The FSR allows a maximum GFA of 30,639sqm. The proposed GFA is 36,116sqm. An exceedance to the maximum permissible FSR is requested as part of the SSD application. The Clause 4.6 variation request is included at Appendix E.
Minimum Non-residential FSR	1:1	Complies. The non-residential FSR requires a minimum GFA 2,127.7sqm. 4,107sqm of non-residential floor space is proposed.
Part 7 Crows Nest TOD		
Section 7.3 Design Guide	Requires the consent authority to be satisfied that the development will be consistent with the <i>Crows Nest Transport Oriented Development Precinct Design Guide</i> .	Complies, as detailed in the Statutory Compliance Table at Appendix C.
Section 7.4 Design Excellence	Sets out heads of consideration which are required to be considered to determine whether development exhibits design excellence.	Complies as detailed in the Architectural Design Report (Appendix G).
Section 7.5 Affordable housing	16% of residential floor space to be dedicated to council or through a	The proponent is currently in discussions with DPHI regarding an appropriate affordable housing contribution noting there was an error

Relevant provision	Controls	Compliance
	monetary contribution of equivalent value.	in the feasibility analysis used to support the 16% contribution rate. A suitable quantify of affordable housing is subject to further consideration and will be nominated by DPHI.

5.2 Assessment against Section 4.15 of the EP&A Act

Table 4: Assessment against s4.15(1) of the EP&A Act

Section 4.51 matters	Consideration
The provisions of any environmental planning instrument	The original EIS provided a detailed assessment of the proposed development against the relevant planning instruments. An assessment of the amended project against the key provision of the North Sydney LEP is included in Section 5.1. The statutory compliance table which provides a detailed assessment against all relevant environmental planning instruments has also been updated (Appendix C).
The provisions of any proposed instrument that is or has been the subject of public consultation under this Act or that has been notified by the consent authority.	Not relevant.
The provisions of any Development Control Plan	Section 2.10 of the Planning Systems SEPP sets out that DCP's do not apply to SSD. Notwithstanding the Statutory Compliance table has been updated to consider the compliance of the amended project with the relevant provisions of the North Sydney DCP (Appendix C).
The provisions of any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F	Not applicable.
The provisions of the <i>Environmental Planning and Assessment Regulations 2000</i> (the Regulations), to the extent that they prescribe matters for the purposes of this paragraph	Relevant provisions of the Regulations are considered in the updated Statutory Compliance Table at Appendix C.
The provisions of any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)	Not applicable
The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The exhibited EIS (Section 6) provided a detailed assessment of the proposed development and concluded that proposal will not result in any significant adverse environmental impacts as outlined in Section 6.

Section 4.51 matters	Consideration
	Additional assessment of the revised proposal has been carried out as detailed at Section 7 of this report which concludes that there would be no significant adverse environmental impacts as a result of the proposed changes. The amended proposal has a number of benefits including: • Enhanced activation of surrounding streets through a four storey non-residential podium • Enhanced vehicular access arrangements and improved pedestrian amenity • Improved built form transition to proposed to future development of adjacent land • Removal of wintergarden balconies resulting in an enhanced built form outcome • Reduced car parking.
The suitability of the site for the development	The exhibited EIS (Section 6) detailed the suitability of the site for the proposed development. The proposed amendments do not alter this assessment.
Any submissions made in accordance with this Act or the regulations	All submissions received in response to the public exhibition have been considered and addressed in the Submissions Report (Appendix B).
The public interest	The exhibited EIS (Section 7) detailed the reasons for the proposal being in the public interest. The proposed changes to the proposal enhance the public interest as detailed in Section 8 of this report.

6 Engagement

6.1 Submissions response

The Environmental Impact Statement (EIS) for the project was exhibited from 21 April 2026 to 5 May 2026.

In response to the exhibition 23 public submissions were received along with submissions from North Sydney Council and Lane Cove Council. Advice was received from six Government agencies and authorities.

Department of Planning, Housing and Infrastructure (DPHI) also outlined key issues to be addressed in the response to submissions in its letter to the applicant dated 11 May 2026.

A number of changes have been made to the proposed development in response to issues raised as outlined in this Amendment Report.

A Submissions Report has also prepared which address all matters raised in submissions from local councils and members of the public as well as advice from state government agencies and authorities which were received in response to the exhibition of the EIS.

6.2 Further consultation

6.2.1 Wee Hur – 35-51 Nicholson Street

Since mid-March 2026 the applicant has been in ongoing discussions with Wee Hur, the developer of the adjoining site at 35-51 Nicholson Street, to coordinate the design and delivery of both projects given the irregular boundary alignment and various easements. Wee Hur are currently progressing a separate SSD for student housing with the EIS currently being prepared.

The consultation has included a number of meetings and regular email correspondence, with a focus on resolving boundary and interface matters between the two sites. The parties first met in mid March 2026 to introduce their respective proposals and identify key considerations arising from the shared boundary. As the designs progressed, both parties have reviewed the schemes with particular focus on setbacks, massing and the interface condition.

The parties working towards an agreement on shared building separation, future realignment of the irregular shared boundary, and extinguishment of easements to facilitate an integrated and orderly redevelopment outcome across both sites.

The minor changes to the development site resulting from the realignment of the shared boundary are proposed to be addressed through future modification to the approval without any significant modification to the proposed design.

Overall, this process has resulted in a coordinated and well resolved outcome, particularly in relation to setbacks and building separation, entry configuration and delivery approach, with no unreasonable impacts anticipated between the two developments.

6.2.2 Sydney Metro

Further consultation is also being carried out with Sydney Metro on relevant geotechnical and structural documentation which is currently being prepared.

7 Assessment of impacts

7.1 Built Form and Urban Design

An updated Architectural Design Report (Appendix G) and updated Architectural Drawings (Appendix H) have been prepared to support this Amendment Report. Key urban design and built form changes are assessed below.

7.1.1 Setbacks and built form transitions

The amended development continues to meet the built form requirements of the Crows Nest TOD Design Guide including as follows:

- Zero setback to Pacific Highway.
- 1.5m setback to Oxley Street.
- A four storey retail / commercial podium
- 4m tower setbacks to the surrounding streets which generally aligns with the 3m above podium setback requirement of the North Sydney DCP (as referenced by the Crows Nest TOD Design Guide).

Side and rear setbacks are not established in the Crows Nest TOD Design Guide and have been designed with consideration of the site constraints and the existing and future amenity of surrounding development to achieve the objectives of the Apartment Design Guide (ADG).

A zero metre side setback is proposed to 398 Pacific Highway Crows Nest to provide for a continuous podium along the Pacific Highway. The tower placement provides for a 24m separation to the proposed tower at 378-398 Pacific Highway which meets the requirements of the Apartment Design Guide.

As part of the refinement of the proposed development the applicant has consulted with the developer of 35-51 Nicholson Street to ensure provision of suitable building separation between the respective proposed developments to maintain an appropriate level of privacy and amenity. This includes an in-principle agreement for building setbacks applicable to each development to be determined by reference to a weighted average boundary line.

The amended development provides for the following setbacks and buildings separation to future development of 35-51 Nicholson Street (see Figure 7 to Figure 9).

- 6m setback to the weighted average boundary line at the podium level to accommodate at least a 12m ADG compliant habitable to habitable separation distance. This has resulted from an increased setback of the podium by 2.8m from the exhibited scheme.
- 9m setback to the weighted average boundary line for the lower levels of the residential tower (level 4 to 14) to accommodate at least 18m separation distance. This provides for an ADG compliant habitable to habitable separation distance for the 5th to 8th storey. The proposed 12th storey of the student housing development aligns with the 10th storey of the proposed development. Up to the 10th storey of the proposed development screening is proposed to enhance amenity and allow for an ADG compliant habitable to non-habitable separation the 9th and 10th storey adjacent to the upper two levels of the student housing.
- 6m-9m setback to the weighted average boundary line for the upper levels of the tower (level 16 and above) which are above the height of the adjacent future development (the high rise tower with reduced setback commences four levels higher than exhibited SSDA).

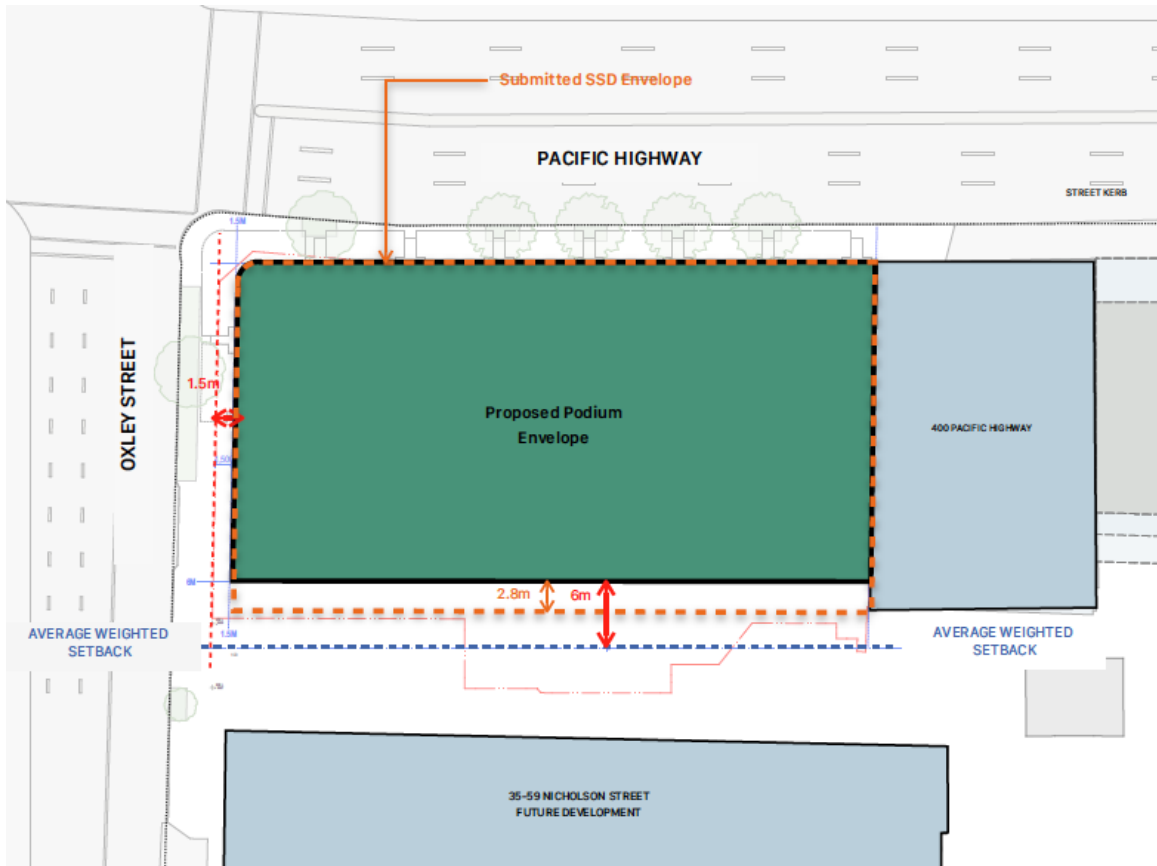


Figure 7 Proposed podium setbacks (Source: FJC Studio 2026)

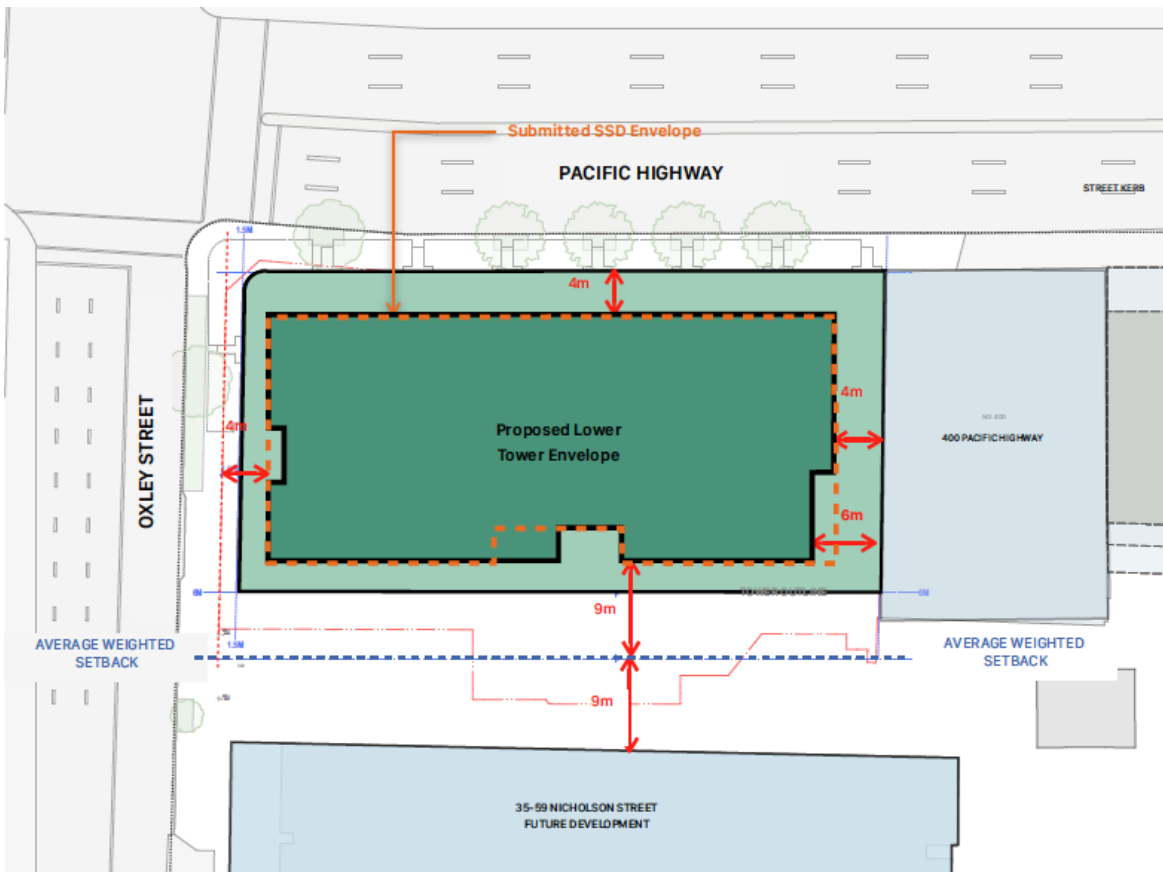


Figure 8 Proposed lower tower setbacks (Source: FJC Studio 2026)

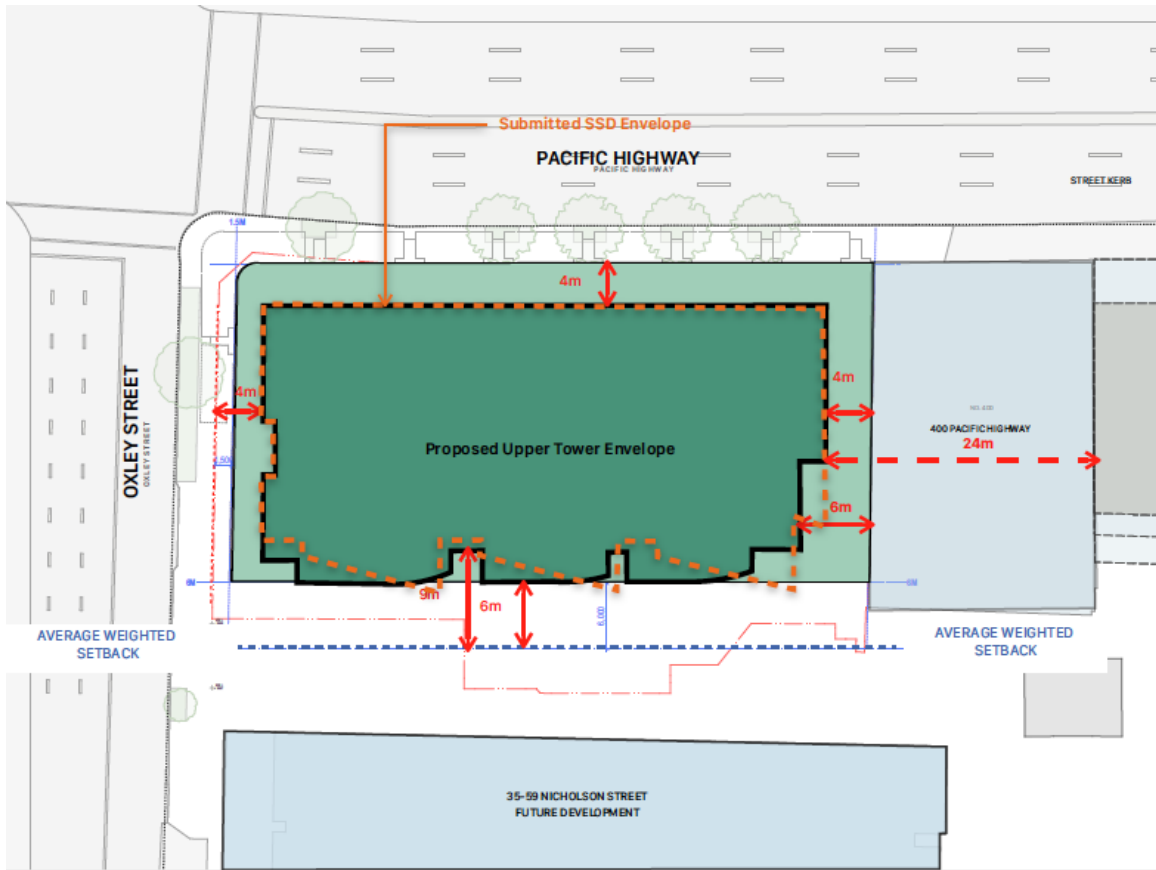


Figure 9 Proposed upper tower setbacks (Source: FJC Studio 2026)

7.1.2 Building Height

The amended development seeks a minor exceedance of the maximum height of buildings control of 135m to accommodate the upper component of the lift overrun of 1.40m-2.05m (up to 1.5%) as shown at Figure 10 below.

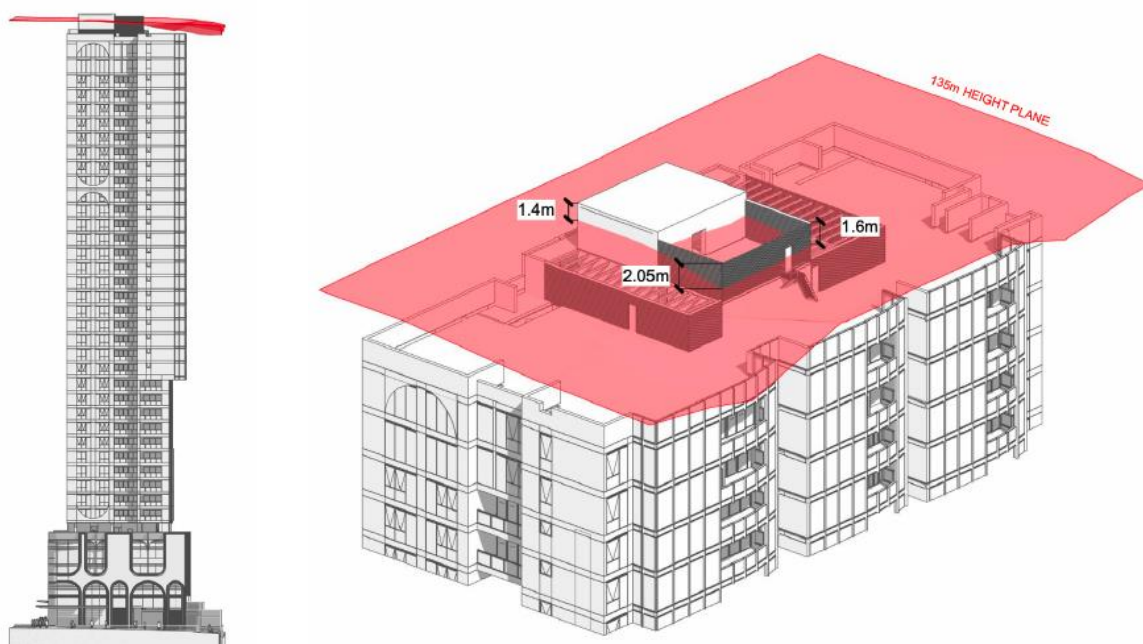


Figure 10: Height plane diagram (Source: FJC Studio 2026)

The additional height does not result in any significant environmental impacts compared to a compliant scheme as summarised below:

- It does not generate any additional overshadowing
- It would not be visible from most viewpoints in the surrounding area and where visible it has no significant additional impact.

Further, the exceedance enables the building envelope to more closely align with the 40 storeys envisaged by the Crows Nest TOD and is lower than exceedances of a number of other recently approved SSD applications in the Crows Nest TOD.

The variation to the height of buildings control is further discussed and justified in the Clause 4.6 Variation Request at Appendix F.

7.1.3 Floor Space Ratio

The North Sydney LEP applies an FSR of 14.4:1 to the site which allows 30,639sqm of permissible GFA across the 2,127.7sqm site.

The amended development seeks a variation of the FSR control as outlined in Table 5 noting that the development comprises a largely compliant building envelope and the additional GFA would not result in any significant impacts.

The proposed development is consistent with the desired future character for the Crows Nest TOD Precinct as established in the Crows Nest TOD Design Guide through compliance the objectives and principles as well as the height in storeys and relevant building envelope controls.

The proposed envelope is also compliant with the objectives of the ADG including through identification of suitable building separation distances.

Further the requested FSR exceedance does not result in any significant environmental impacts compared to a compliant scheme as summarised below:

- The FSR exceedance does not generate any significant additional overshadowing
- The FSR exceedance does not generate any significant additional visual impact
- The traffic impacts associated with the FSR exceedance would be minimal.

Accordingly, it is considered that the proposed development aligns with the desired future character and appropriately limits the bulk and scale of development.

The variation to the FSR control is further discussed and justified in the Clause 4.6 Variation Request at Appendix E.

Table 5: Proposed GFA exceedance

Relevant GFA	Permissible	Proposed	Exceedance
FSR	14.4:1	16.97	+2.57:1
Total GFA	30,639sqm	36,116	5,477sqm (17.87%)
Residential GFA	Maximum 28,511sqm	32,009sqm	+3,498sqm
Non-residential GFA	Minimum 2,128sqm	4,107sqm	+1,979sqm

7.1.4 Non-Residential FSR

The North Sydney LEP sets out a minimum non-residential FSR of 1:1 requiring at least 2,127.7sqm of non-residential GFA.

The amended development exceeds the required minimum non-residential floor space with 4,107sqm (FSR 1.93:1) proposed within the four storey podium comprising:

- 1,706sqm of retail floor space
- 2,401sqm of commercial floor space.

7.2 Environmental Amenity

7.2.1 Apartment Design Guide Compliance

An updated detailed assessment of the proposal against the Apartment Design Guide (ADG) forms part of the Architectural Design Report at Appendix G. The amended development has been designed to achieve a high level of amenity for residents and generally achieves the objectives and recommended design criteria in the Apartment Design Guide (ADG).

Refer to the detailed assessment of the proposal's consistency with the ADG at Appendix G.

7.2.2 Solar Access

The exhibited development sought to balance solar access to apartments whilst taking advantage of significant views towards Sydney Harbour and the Sydney CBD to the south reducing the level of solar access which can be achieved.

The amended development aligns with this principle whilst maximising solar access to apartments to the extent possible. As illustrated in Table 6 below the number of apartments which achieve greater than 2 hours of solar access has increased from 53.5% to 60.1%.

Table 6: Solar compliance midwinter

	ADG requirement	Exhibited proposal	Amended proposal
> 2 hours	70%	53.5%	60%
15mins - 2hours	-	34.6%	1%
< 15mins	No more than 15%	11.8%	39%
< 15mins (9am – 4pm)	-	-	22%

The ADG sets out that achieving the design criteria for solar may not be possible on some sites where greater residential amenity can be achieved by orienting apartments away from busy roads and where significant views are oriented away from the desired aspect for solar.

The proposed development prioritises the orientation of apartments towards the exceptionally significant views to Sydney Harbour Bridge and the City to the south, resulting in a proportion of apartments that do not achieve full compliance with the recommended criteria for solar access in the ADG. However, the proposed orientation provides excellent amenity through expansive views and outlook directed away from the Pacific Highway. The proposed development minimises single aspect apartments and provides dual aspect corner apartments to maximise views, amenity and cross ventilation.

The proposed development is also in area of significant urban development and renewal, which limits the ability of the proposed development, and other neighbouring developments in the Crows

Nest TOD precinct, to achieve full compliance with the recommended solar access requirements in the ADG. The planned buildings to the north of the site will impact solar access to site once developed, and therefore, orientating apartments towards significant Harbour and City views will provide the greatest level of amenity for future residents, consistent with the objectives of the ADG.

The proposed solar access is considered acceptable due to the level of amenity provided through the significant Harbour and City views and locating apartments away from noise and surrounding high density development on the Pacific Highway.

On balance, the level of solar access is considered to be acceptable when considered against the high level of amenity achieved through the design and orientation of apartments which maximises significant views and outlook.

7.2.3 Cross Ventilation

The amended development has been carefully designed to achieve the cross-ventilation requirements in the ADG. Within the first nine residential levels 62% of apartments are naturally cross-ventilated, exceeding the ADG benchmark of 60%.

This outcome has been achieved through the considered design, strategic placement of dual-aspect dwellings, and the use of recessed balconies to optimise airflow. The result is a building that reduces reliance on mechanical cooling, improves indoor environmental quality, and ensures a higher standard of residential amenity for future occupants.

7.2.4 Overshadowing

The overshadowing impact of the proposed amendments to the scheme are negligible and maintains compliance with relevant provisions of the Crows Nest TOD Design Guide.

The amended development does not result in overshadowing impacts beyond those associated with the approved envelopes for buildings along the Pacific Highway, deemed acceptable as part of the Crows Nest TOD rezoning. Further, amended development will not result in any additional overshadowing to public open space, including Newlands Park, between 10am and 3pm mid-winter and does not result in any overshadowing to the potential park on the corner of Oxley Street and Christie Street.

The amended development will result in minor overshadowing to low density areas outside the Crows Nest TOD boundary at 9am mid-winter; however, the shadow is cast for only 15mins and there is no overshadowing to low density housing outside the TOD boundary after 9.16am mid-winter (see Figure 11). There are no low density areas within the precinct boundary impacted by shadows from the development.

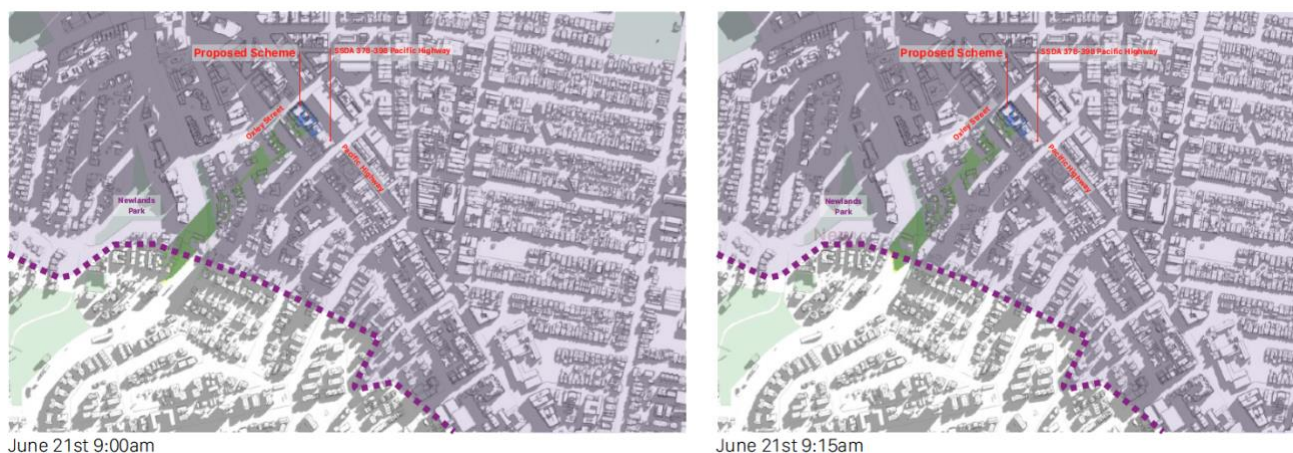


Figure 11: 9am-9.15am midwinter shadow diagram (Source: FJC Studio 2026)

7.2.5 Wind Impact

A Pedestrian Wind Study prepared by RWDI was exhibited with the EIS which considered pedestrian level wind conditions within and around the proposed development using the results from a wind tunnel test combined with historical meteorological wind records for the region.

An updated Pedestrian Wind Study has been prepared to assess the implications of the proposed amendments (Appendix M) which recommends a number of conceptual wind mitigation measures which can be refined at the detailed design stage as summarised below.

- Ground level mitigation measures:
 - Extension of the awning along Oxley Street to the north western corner of the building (see Figure 12)
 - Consider further modifications to the form of the podium at the corners and articulation of the façade
 - Consider reducing the wind exposure of the R1 retail entrance through flanking raised planter boxes/screening or recessing the entrance into the building form.\
- Podium level mitigation measures (see Figure 13):
 - 2-3 m deep impermeable awning over the southern end of the rooftop terrace wrapping around the eastern corner
 - Inclusion of 2-3 m tall screening at the northern and southern ends of the rooftop terrace areas with a maximum porosity of 50%
 - Proposed raised planters and vegetation are recommended to be retained and planted with densely foliating, evergreen and with a minimum total height of 1.5 m.
- Balcony mitigation measures:
 - Corner screening at the upper-level corner balcony.

The updated Pedestrian Wind Study concludes that wind impacts are expected to be acceptable subject to the recommended design changes.

RWDI also recommends that the conceptual wind control measures be further refined through wind tunnel testing and/or computational fluid dynamics (CFD). This can be addressed through the detailed design and is included as a requirement of the mitigation measures at Appendix D.

A letter has also been prepared by RWDI to further consider the implications of the removal of wintergardens from the proposed development and address issues raised by DPHI in its key issues letter (Appendix Y). The letter sets out that:

- Based on the results of the wind tunnel study, it is expected that the changes to balconies to remove wintergardens for the upper level will increase wind exposure for the occupants.
- For the upper-level recessed balconies, these are expected to remain safe and suitable for passive use (sitting and standing) with the inclusion of impermeable balustrades.
- For the upper-level corner balconies, comfortable and safe conditions can be achieved by incorporating design features such as corner screens which are anticipated to be sufficient to mitigate the various wind effects on balconies to comfortable and safe levels.
- These mitigation strategies can be further refined through wind tunnel testing at a more detailed design stage.



Figure 12: Podium level wind impact mitigation measures (Source: RWDI 2026)

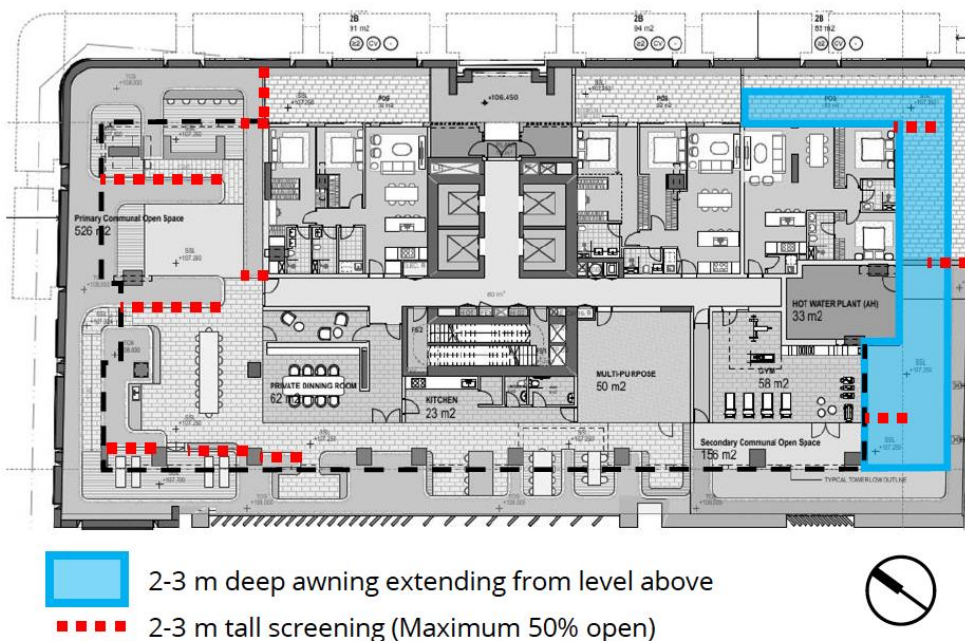


Figure 13: Above podium level wind mitigation measures (Source: RWDI 2026)

7.3 Visual Impact

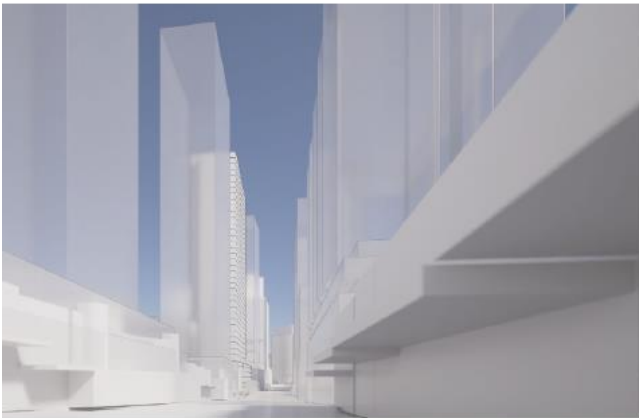
A visual analysis was submitted as part of the EIS which demonstrated that the proposal would have acceptable visual impacts noting consistency with the planned heights and densities for the surrounding area in accordance with the Crows Nest TOD rezoning.

An updated visual analysis has been prepared which demonstrated that proposed amendments do not result in any significant change in visual impact compared to the exhibited scheme.

It is also noted that the requested exceedance of the permissible height of buildings is limited to the upper part of the lift overrun which is centrally located within the building form and would not be visible from most viewpoints and where visible the additional impact would be negligible.

The exhibited and amended visual analysis diagrams are shown at Figure 14 to Figure 17 below.

Submitted SSD



RTS Update

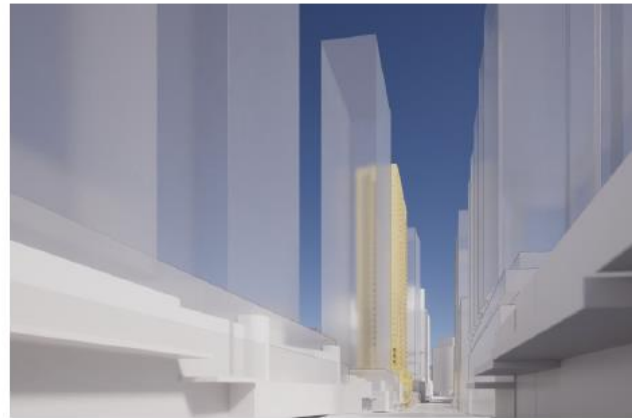


Figure 14 View looking south on Pacific Highway (Source: FJC Studio 2026)

Submitted SSD



RTS Update

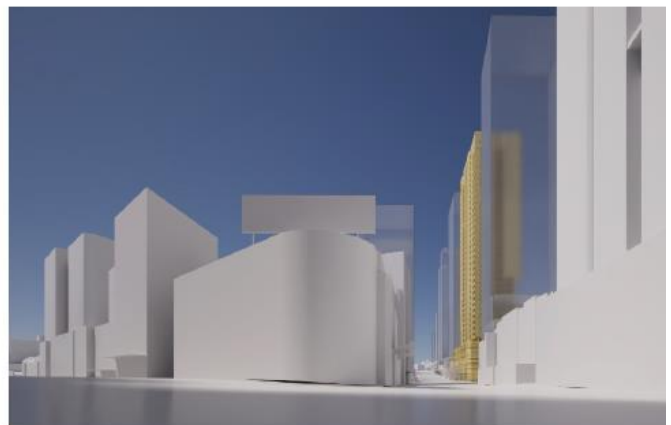


Figure 15 View looking north on Pacific Highway (Source: FJC Studio 2026)

Submitted SSD



RTS Update



Figure 16 View looking south-west from Willoughby Rd (Source: FJC Studio 2026)

Submitted SSD



RTS Update



Figure 17 View looking north-east from Balfour St (Source: FJC Studio 2026)

7.4 Tree Canopy, Communal Open Space and Landscaping

7.4.1 Trees

An Arboricultural Impact Assessment (AIA) was exhibited alongside the EIS which set out that three trees will be removed as a result of the proposal (see Figure 18) as summarised below:

- One tree within the site boundary near Oxley Street (Tree 3) which is identified as low significance and an exempt species under the North Sydney DCP which can be removed without approval.
- Two street trees fronting Oxley Street (Tree 2 and Tree 4) to accommodate the substation and driveway access which are identified as low and moderate significance respectively.

All other street trees (Tree 1, 5 and 6) adjacent to the site were identified to be retained and protected.

The amended development does not make any changes to the street setbacks and accordingly, there would be no change to the impact on adjacent street trees.

The AIA set out tree protection measures and recommended preparation of a Tree Protection Plan prior to commencement of any works on site to identify how the retained trees will be protected during demolition and construction works. This is reflected in the Mitigation Measures at Appendix D.

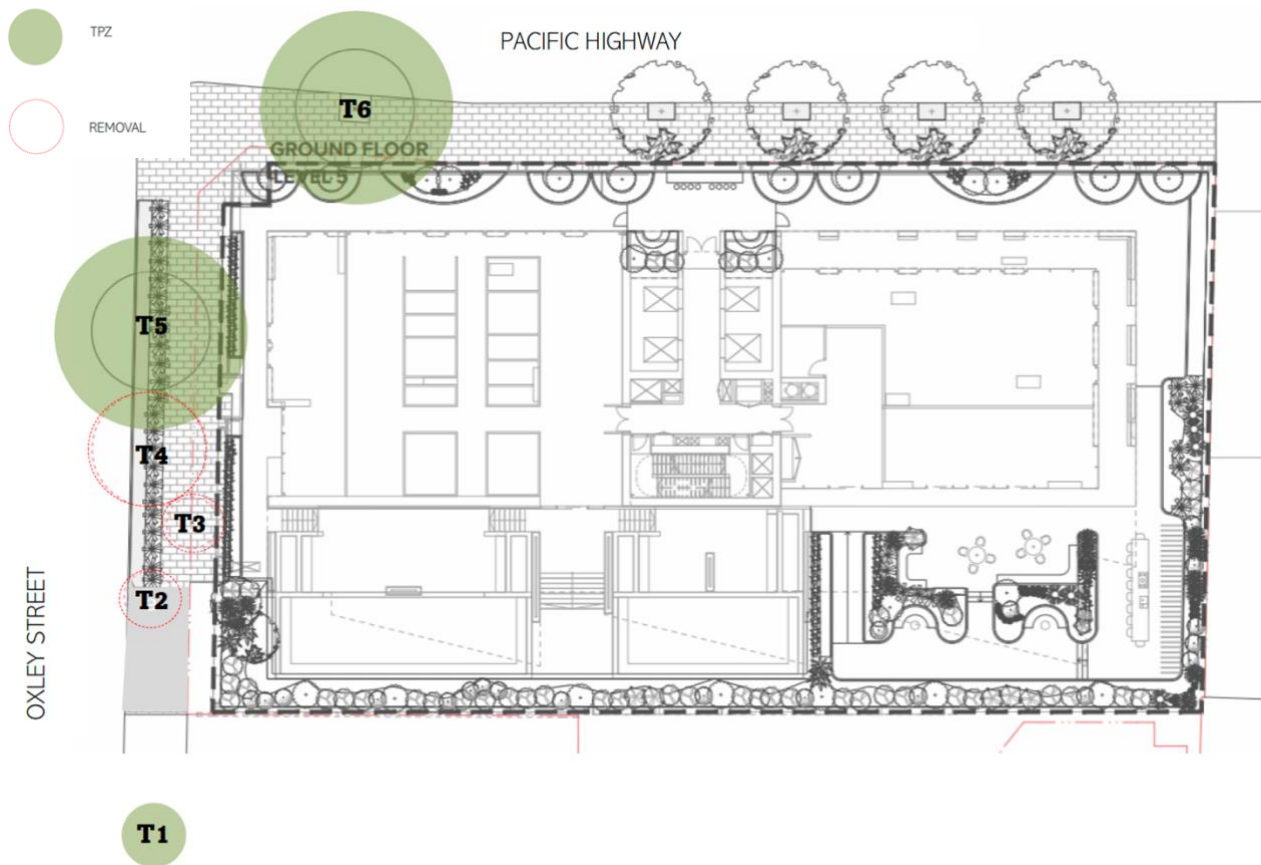


Figure 18: Tree removal and retention (Source: NSW Trees 2025)

7.4.2 Landscaping and Canopy Cover

The amended development maintains the proposal to provide four new street trees along Pacific Highway and increases the number of podium trees from two to three (see Figure 19). The podium level landscaping and embellishments have been redesigned to reflect the amended configuration of communal open space (see Figure 20).

The amended development increases canopy cover within the site boundaries from 14sqm (0.7%) as exhibited to 20sqm (0.94%). This also represents an increase in canopy cover under the current site conditions and is an acceptable outcome for a high-density mixed-use site.

Refer to the Landscape Report at Appendix J and Landscape Plans at Appendix K for further details.

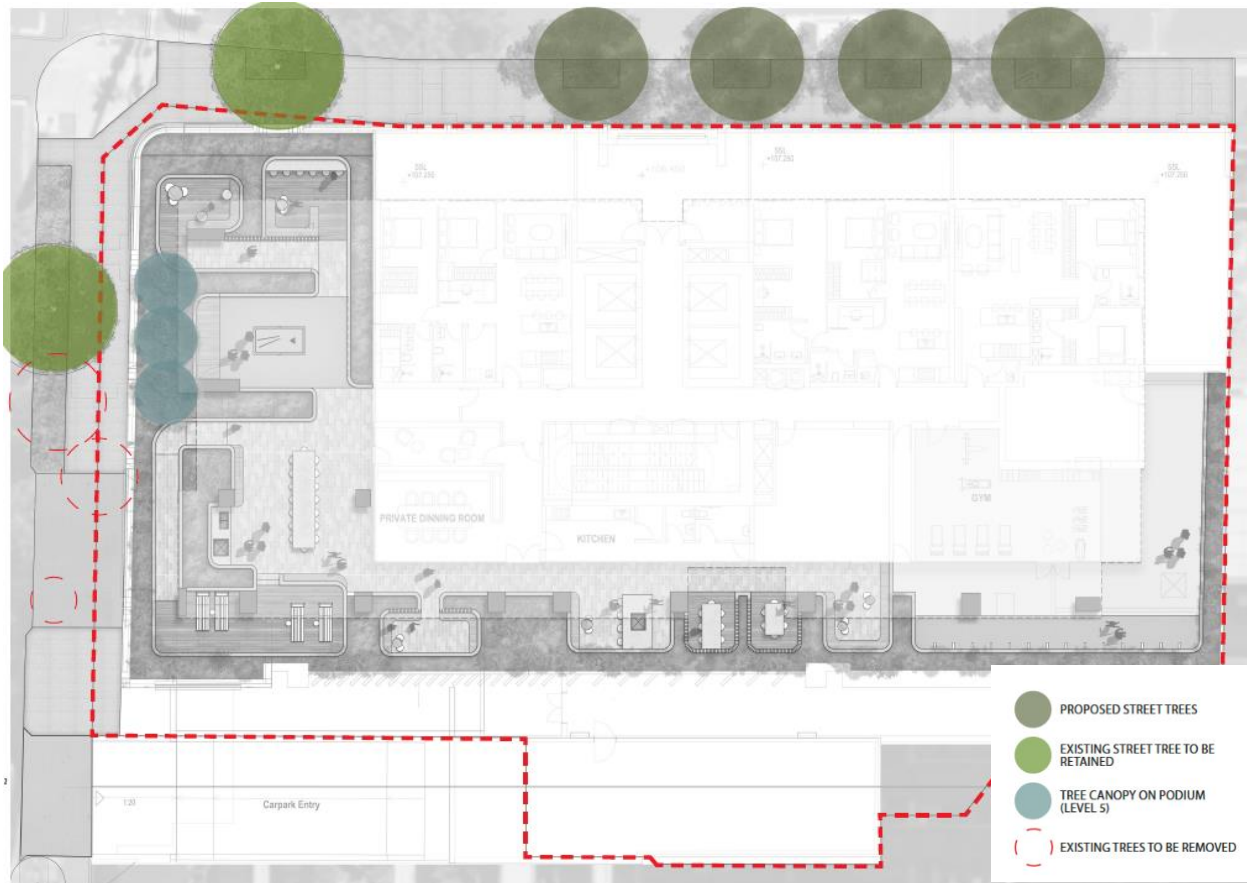


Figure 19 Proposed tree retention and tree planting (Source: Arcadia 2026)



Figure 20 Podium level landscaping (Source: Arcadia 2026)

7.4.3 Communal open space

The amended development continues to locate communal open space on the podium however the primary communal open space has been relocated to the northern frontage of the building to maximise solar access and minimise overlooking of the adjacent future development at 35-51 Nicholson Street.

This level has been designed to create a series of flexible, high-quality communal spaces surrounded by landscaped gardens and canopy planting.

In total, 688sqm of outdoor communal open space is provided equating to 32.3% of the site area. This provision achieves the ADG requirement of 25% communal open space.

The proposal achieves at least 2 hours solar access to 63% of the principal communal open space between 9am and 3pm mid-winter.

The integration of green planting, shade structures, and hardscape elements within the communal open enhances resident amenity and contributes to broader urban design and sustainability outcomes.

7.5 Access and Transport

An updated Transport Impact Assessment (Appendix O) has been prepared by JMT to support the amended development, with key findings summarised under the relevant headings below.

7.5.1 Access

The proposed development includes two access driveways from Oxley Street that will be utilised by residents, visitors and service vehicles. The existing driveway through the adjacent property (utilising an existing easement) will be retained to facilitate access to basement level car parking. A new driveway to the east will accommodate dedicated loading dock access.

While the amended development retains two crossovers on Oxley Street, these are required to accommodate access to the basement and loading dock respectively. A number of improvements have been made to maximise access for pedestrians along Oxley Street including:

- Reduction in overall width of these crossovers in comparison to the originally submitted proposal, with the widths minimised to reflect the swept paths of the design vehicles
- For the loading dock reduction to a single lane driveway which will reduce the extent of public domain impacted
- The provision of a break between the driveways of approximately 5m in width providing a pedestrian refuge between the two driveways.

In contrast the original proposal included a continuous crossover totalling over 15m in width.

Further, to emphasise pedestrian priority along Oxley Street the driveway entries are to be fully integrated with the adjoining footpath, at one continuous level. The treatment provides for an area which is designed for pedestrians, across which vehicles can pass slowly. Drivers of vehicles will be guided and encouraged to give way to pedestrians on the footpath as required by law. These crossings would also be designed with consistent pavement material.

The changes maintain safe and effective access to the site whilst providing pedestrian safety and amenity along Oxley Street.

7.5.2 Traffic generation and cumulative impacts

Considering the various uses envisaged within the proposal, along with the traffic movements generated by the existing site uses, it is anticipated that the site may generate an additional 43 vehicle movements in the AM peak hour and 24 vehicle movements in the PM peak hour – equivalent to less than one vehicle every minute in a worst case scenario.

Traffic modelling has been undertaken which confirms that the Pacific Highway / Oxley Street intersection would continue to operate with spare capacity (level of service B) when taking into consideration the increased traffic as a result of the proposal.

The proposed development results in minimal traffic generation, and spare capacity available at Pacific Highway/ Oxley Street intersection confirms the proposed development will not impact the operation of nearby intersections or the surrounding road network.

It is noted that the transport studies and modelling undertaken by the DPHI as part of the Crows Nest Accelerated TOD Precinct Rezoning considered potential traffic movements arising from the precinct rezoning, including the subject site. Therefore, the cumulative traffic impacts of the future development, as envisaged under the Crows Nest TOD controls, have already been considered as part of the Crows Nest TOD rezoning.

It is acknowledged that the amended development seeks a greater density in comparison to that assumed under the Crows Nest TOD controls, with the proposed FSR of 16.97:1 exceeding the 14.4:1 assumed for the site under the Crows Nest TOD. However, this increased density equates to a very minor increase in traffic movements. The increased density sought on the site is equivalent to approximately 55 additional residential apartments. An additional 55 apartments may generate between 4 to 8 traffic movements in the busiest hour of the day which is negligible in the context of existing and future traffic movements through the area. Further, the proposal seeks to mitigate traffic impacts by providing car parking below the already constrained maximum parking rates noted in the Crows Nest TOD Design Guide.

7.5.3 Car parking

Car parking is provided in accordance with the maximum rates in the Crows Nest TOD Design Guide for residential uses and the North Sydney DCP for non-residential uses as detailed in Table 7 below.

The proposed resident car parking provision is below the maximum rates in the Crows Nest TOD Design Guide. The commercial car parking aligns with the maximum rates in the North Sydney DCP.

The proposed development also provides 55 accessible parking spaces, consistent with the requirements of the North Sydney DCP, being:

- 1 accessible space for every adaptable unit, and
- 1-2% of non-residential parking bays.

Table 7 Car parking provision

Rate	No of units / GFA	Maximum number of spaces	Spaces provided
Residential			
1 bed: 0.4	57	23	192
2 bed: 0.7	109	76	
3+ bed: 1.0	107	107	
TOTAL	173	206	
Non-residential			
1 space / 400sqm	4,107sqm	10	10

7.5.4 Motorcycle Parking

The proposed development provides 21 motorcycle parking spaces, which meets the requirements of the North Sydney DCP for one space per 10 regular car parking spaces.

7.5.5 Bike parking

The bicycle parking provision included within the proposal meets the minimum number of spaces required by the North Sydney DCP as presented in Table 8 below.

Table 8 Bike parking provision

User type	No. of units / GFA	Rate	Required bike parking	Proposed bike parking
Residential				
Residents	273 apartments	1/unit	273	273
Visitors		1/10 units	28	28
Commercial / retail				
Staff	4,017sqm	1 space / 150sqm	27	27
Visitors		1 space / 400sqm	10	10
TOTAL			338	338

7.5.6 End of trip facilities

The proposed development includes end of trip facilities to meet the requirements of the North Sydney DCP comprising four shower cubicles and 40 lockers.

7.5.7 Loading and servicing

The amended development includes a loading dock at ground level accessed from Oxley Street with a space for a 10.5m long North Sydney Council waste truck as well as an 8.8m long Medium Rigid Vehicle (MRV). In addition, three parking spaces are provided in the basement which will be dedicated for service vehicles and smaller deliveries which can be used by contractors, maintenance staff or vans servicing the commercial / retail tenancies. This total loading provision of five spaces aligns with the requirements of the TfNSW Urban Freight Forecasting Model for this scale of development.

7.5.8 Green travel plan

The exhibited Traffic and Transport Report included a Preliminary Green Travel Plan (GTP) which outlined sustainable travel initiatives and recommended that a more detailed GTP be prepared prior to occupancy. No changes are required to the Preliminary GTP as a result of the amended development.

The relevant requirement for preparation and implementation of a GTP are included in the Mitigation Measures at Appendix D.

7.5.9 Construction traffic

The exhibited Traffic and Transport Report included a Preliminary Construction Traffic Management Plan (CTMP). No changes are required to the Preliminary CTMP as a result of the amended development.

This relevant requirements for preparation of the CTMP are included in the Mitigation Measures at Appendix D.

7.6 Stormwater and Flooding

7.6.1 Stormwater management

Existing drainage on the site is via inter-allotment stormwater at the southern corner of the site which is accommodated within an existing easement.

An updated Integrated Water Management Plan (Appendix P) has been prepared by TTW which sets out the following arrangements for stormwater management which are unchanged from the exhibited scheme:

- Retention of existing stormwater discharge point to Council's inter-allotment drainage to the south of the site via the existing easement
- Stormwater treatment to include Ocean Protect OceanGuards or equivalent, Ocean Protect StormFilters or equivalent and a 20kL rainwater tank to reduce the pollutant target through the site.

The Integrated Water Management Plan notes that on-site detention (OSD) is not required for the proposed development as there is no increase in impervious area on the site from existing to proposed conditions. Hence, there will be no increase in pre to post-development site discharge.

The Integrated Water Management Plan also recommends implementation of Erosion and Sediment Control measures during construction to mitigate downstream impacts on water quality and quantity. An Erosion and Sediment Control Plan forms part of the Civil Plans at Appendix L.

These recommendations are reflected in the Mitigation Measures at Appendix D.

7.6.2 Flooding

The updated Integrated Water Management Plan out that the site is not subject of Council's flood related development controls and accordingly preparation of a flood impact and risk assessment is not required.

The Crows Nest TOD Design Guide sets out that for development outside of the potentially flood-affected lots the Flood Planning Level (FPL) is 0.3 m above the surrounding ground levels. The Integrated Water Management Plan notes that proposed basement entry into the site is at 0.3m above the existing RL on Oxley Street.

7.7 Geotechnical Conditions and Ground Water

7.7.1 Contamination

A Preliminary Site Investigation prepared by Douglas Partners was exhibited alongside the EIS which determined that the site is suitable for the proposed development from a contamination standpoint subject to the implementation standard requirements during the construction phase which are included in the Mitigation Measures at Appendix D.

No change is required to the Preliminary Site Investigation as a result of the proposed amendments.

7.7.2 Geotechnical

A Preliminary Geotechnical Assessment prepared by Douglas Partners was exhibited alongside the EIS which recommended further geotechnical investigations as part of the detailed design.

Douglas Partners has now progressed geotechnical investigations including the drilling of three boreholes, installation of three groundwater monitoring wells and laboratory testing of selected samples. The details of the field work are presented in a Geotechnical Report (Appendix R) together with comments and recommendations on the geotechnical aspects of the project.

The Geotechnical Report concludes that the proposed mixed-use development is considered feasible from a geotechnical perspective, subject to the implementation of the comments and recommendations outlined in the report including relating to:

- Preparation of dilapidation surveys
- A site-specific vibration monitoring trial to determine vibration attenuation once excavation plant and methods have been finalised
- Suitable design of excavation support
- Monitoring of ground movement during excavation
- Excavation monitoring adjacent to Transport for NSW and Sydney Water assets
- Appropriate design of foundations
- Appropriate design to accommodate soil aggressivity and seismic conditions.

The mitigation measures at Appendix D includes a requirement for the recommendations of the Geotechnical Report to be implemented prior to commencement of excavation.

7.7.3 Groundwater

Douglas Partners has also prepared a Groundwater Impact Assessment (Appendix S) since the exhibition of the EIS.

The Groundwater Impact Assessment sets out that:

- The proposed works will intercept the groundwater table

- Groundwater levels on site have been observed between RL 72.7 mAHD and RL 81.9 mAHD
- The depth of the proposed basement level 6 finished floor level is RL 69.2 mAHD
- The basement is intended to be drained
- The proposed method of dewatering is sump and pump
- The extracted groundwater is proposed to be disposed of via stormwater drainage system.

The Groundwater Impact Assessment states that the results of the analysis indicate that the predicted annual inflows for long-term dewatering into the drained basement is 1.2ML. As the predicted inflow rate is less than 3 ML per year, a Water Access Licence will not be required. Records of actual inflow volumes during construction should be maintained and reported to DCCEEW.

The Groundwater Impact Assessment concluded that from a hydrogeological viewpoint, it is considered that a drained basement is feasible without significant impacts on surrounding groundwater systems or property, subject to review and approval from DCCEEW and other relevant authorities.

It further notes that the Groundwater Impact Assessment will be superseded by a detailed Groundwater Impact Assessment that includes water treatment and discharge schematics, monitoring plans, and triggers to be implemented during construction and operation for long term dewatering, when further details are available.

This is included as a requirement of the mitigation measures at Appendix D.

7.7.4 Sydney Metro Tunnel

The subject site is located adjacent to the Crows Nest Metro Station and Sydney Metro rail corridor tunnel.

The site's location in relation to the Sydney Metro first and second reserve is illustrated at Figure 21 and Figure 22 along with the indicative metro tunnel anchoring zone. This indicates a minor encroachment of the site on the Sydney Metro second reserve.

Sydney Metro provided advice in response to the exhibition of the EIS which requested:

- Detailed survey plans and sections verified by an NSW registered surveyor, clearly showing the proposed development in relation to First and Second Reserves including details of any proposed excavation retention system
- An updated Structural Impact Statement including structural drawings that show shoring design and foundation layouts (types and depths) in accordance with the Sydney Metro Underground Corridor Protection Guidelines.
- A preliminary Risk Assessment, with all known design information, prepared in accordance with Section 7.3 'Risk Assessment' of the Sydney Metro Underground Corridor Protection Guidelines.
- A preliminary Engineering Impact Assessment, with all known design information, prepared in accordance with Section 7.2.2 'Engineering Impact Assessment Report' of the Sydney Metro Underground Corridor Protection Guidelines.
- For anchors installed within the Second Reserve a Geotechnical Impact Assessment prepared in accordance with the Sydney Metro Underground Corridor Protection Guidelines.

Sydney Metro also requested it be further consulted on the structural design and requested documentation.

The applicant is currently coordinating the preparation of the information requested by Sydney Metro including as follows:

- Geotechnical Impact Assessment prepared by Douglas Partners
- Structural Drawings, Structural Impact Statement, Preliminary Risk Assessment, Preliminary Engineering Impact Assessment prepared by Xavier Knight.

This documentation is being provided to Sydney Metro for further consultation as part of the Response to Submissions.



Figure 21: Sydney Metro second reserve plan (Source: FJC Studio 2025)

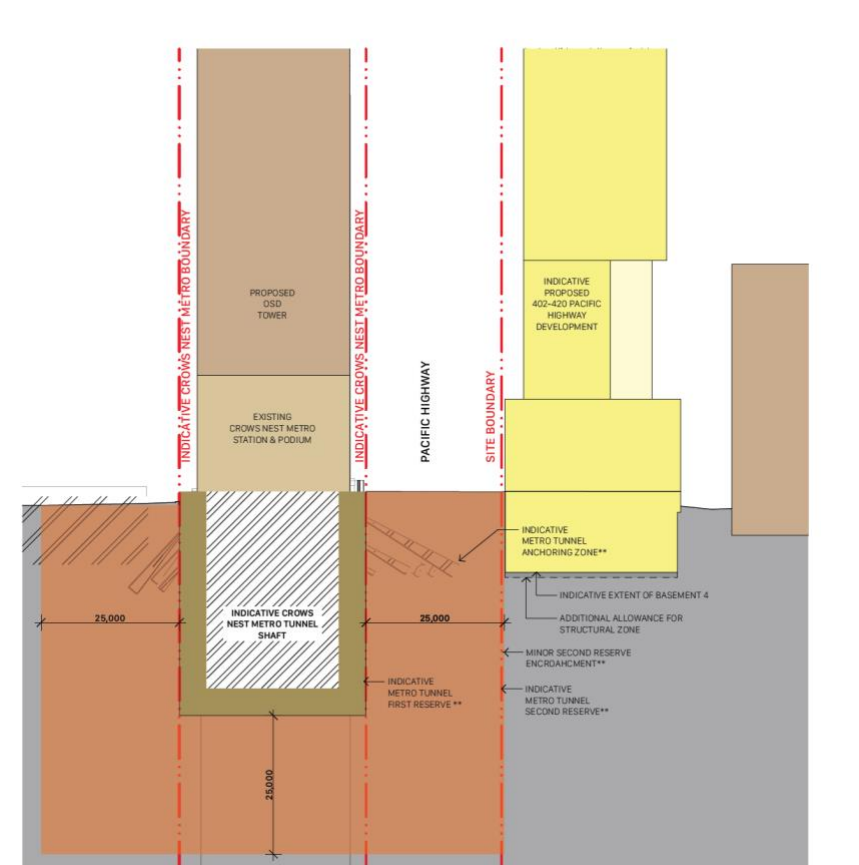


Figure 22: Metro tunnel cross section (Source: FJC Studio 2025)

7.8 Noise and Vibration

An updated Noise and Vibration Impact Assessment has been prepared (Appendix N) to support the Amendment Report.

The noise intrusion assessment was updated to acknowledge the removal of wintergardens from the proposed development. This confirms the relevant noise criteria can continue to be met through the identified noise attenuation measures including acoustically rated windows and doors and mechanical ventilation where internal noise levels with windows and doors open are more than the 10dB(A) higher than the specified criteria.

The updated Noise and Vibration Impact Assessment did not outline changes in relation to the noise emissions from mechanical plant and loading dock or the assessment of noise and vibration emissions from construction activities.

Relevant recommendations from the updated Noise and Vibration Impact Assessment are included in the Mitigations Measures at Appendix D.

7.9 Aeronautical Impacts

The *Airports Act 1996* defines certain activities resulting in an intrusion into an airport's protected airspace to be a "controlled activity" and requires that controlled activities cannot be carried out without approval.

The proposed development is located within the PANS-OPS of RL335.2m AHD and an Obstacle Limitation Surface (OLS) of RL156m AHD.

The proposed building height at RL224.210 is well below the PANS-OPS. However, it would exceed the OLS which would require a controlled activity approval which would be sought prior to construction. Relevant consultation will be undertaken as part of the notification of the EIS.

7.10 Biodiversity

A biodiversity development assessment report (BDAR) Waiver was issued by DPHI on 6 August 2025 confirming that a BDAR is not required as the proposed development is not likely to have any significant impacts on biodiversity values. No change to the BDAR Waiver is required as a result of the amended development as the extent of the building footprint and proposed tree removal is unchanged.

7.11 Aboriginal Cultural Heritage

An Aboriginal Heritage Due Diligence Assessment was exhibited alongside the EIS which highlights that the site has been highly modified by previous construction works and that accordingly Aboriginal objects are considered unlikely to be present and the proposed works will not impact sites and objects. As such, no further assessment and mitigation measures are recommended, subject to the implementation of an unexpected finds protocol during the excavation works. This is included in the Mitigation Measures at Appendix D.

7.12 Ecological Sustainable Development

The exhibited proposed development incorporated Environmentally Sustainable Development (ESD) strategies and principles as provided in the ESD Report which formed part of the EIS.

As part of the amended development no changes are proposed to the ESD commitments which comprise the following:

- For the residential part of the proposed development compliance with BASIX energy, water and thermal comfort targets as follows:
 - 63% Energy
 - 40% Water
 - Individual apartment NatHERS rating no less than 6 Stars
 - Average apartment NatHERS rating of 7 Stars
 - Provision of a 20kW solar PV system to be further rationalised through BASIX modelling
 - Provision of a 20KL rainwater tank for landscape irrigation
- For the retail and commercial components:
 - Compliance with the Sustainable Buildings SEPP requirements including general sustainability and reporting of embodied emissions
 - Exceeding compliance requirements for NCC/BCA Section J 2022, including a performance façade and shading devices.

7.13 Waste Management

7.13.1 Construction and demolition waste management

An updated Construction and Demolition Waste Management Plan (Appendix W) has been prepared by Elephants Foot Consulting to estimate volumes of waste materials associated with the demolition and construction phases and outline measures to manage storage and removal of waste and to divert waste from landfill where possible.

The Construction and Demolition Waste Management Plan is to be implemented on site during construction and will be subject of review as part of the preparation of the Construction Management Plan. This is reflected in the Mitigation Measures at Appendix D.

7.13.2 Operational waste management

An Operational Waste Management Plan prepared by Elephants Foot Consulting was exhibited with the EIS which calculated expected waste streams in accordance with relevant policies and provided advice on the management, storage and collection of waste for both the residential and non-residential components of the development.

The Operational Waste Management Plan has been updated to support this Amendment Report (Appendix V).

Consistent with the recommendations of the Operational Waste Management Plan the amended development includes the following waste management and storage areas.

Table 9: Waste management areas

Level	Room type	Recommended requirement	Proposed allocation
GF	Residential Bulky Waste Room	57sqm	60sqm
GF	Retail Bin Room	27sqm	27sqm
GF	Residential Chute Discharge Room	23sqm	52sqm
GF	Residential Bin Holding Room	91sqm	102sqm
GF	Residential FOGO Bin Room	25sqm	27sqm

The Operational Waste Management Plan assumes the following collection arrangements:

- Residential waste: Collection by a council waste vehicle with general waste, organic waste and recycling collected weekly.
- Retail waste: General waste and recycling 5 times weekly collection by a private waste contractor.

The waste provision and loading arrangements provided on site ensure suitable provision for management and removal of waste from the proposed development, subject to implementation of the Operational Waste Management Plan throughout the operational phase.

7.14 Construction Impacts

A Comprehensive Construction Management Plan will be developed prior to commencement of works and implemented throughout the demolition and construction phases. This is included in the Mitigation Measures at Appendix D.

8 Justification for amended project

The proposal is consistent with the strategic framework

The strategic alignment of the proposal was outlined in detail in the exhibited EIS and is largely unchanged as a result of the proposed amendments. The proposal continues to be directly consistent with the strategic planning context for the site as it will facilitate development which delivers the NSW Government's vision for the Crows Nest TOD Precinct which has been identified as an accelerated precinct to support housing delivery.

The Proposal also responds directly to the National Housing Accord (and NSW housing targets) as it will deliver much needed housing, including affordable housing, in a well-located area serviced by public transport, jobs and facilities and will support the delivery of the North Sydney LGA Housing Target of 5,900 new homes to be completed by 2029.

The proposal is also consistent with the draft Sydney Plan which was exhibited for public comment from 10 December 2025 to 27 February 2026 following the lodgement of the EIS for the subject site. The draft Sydney Plan states that it gives effect to the existing housing reforms to support growth including the Transport Oriented Development Program and it reflects the status of Crows Nest as a Transit Oriented Development Accelerated Precinct.

The proposed development is also consistent with the local strategic planning context. In particular, North Sydney Council issued a supplement to their Local Housing Strategy in November 2024 which includes an action to: *Implement the State Government's TOD program (Crows Nest precinct) and low and mid-rise housing changes to zoning and planning controls.*

The proposal is generally consistent with the statutory planning framework

The proposed development, as amended is consistent with the statutory planning framework, including the objects of the *Environmental Planning and Assessment Act 1979*, relevant SEPP's and the North Sydney LEP (subject to the variations outlined below), and the Crows Nest TOD Design Guide as outlined in the Statutory Compliance Table at Appendix C.

The relocation of above ground parking has resulted in an increase in overall floor space compared to the exhibited proposal which can be accommodated without any significant increased impacts. The amended development also has a minor height exceedance which has resulted from reconfiguration of land uses and the increased non-residential floor to floor heights. The height exceedance applies to part of the lift overrun only and has no additional overshadowing impacts and negligible additional visual impacts. These exceedances are fully justified in Clause 4.6 reports at Appendix E and Appendix F respectively.

The relocation of car parking has resulted in significant design improvements including enhanced streetscape activation and increased retail / commercial floor space, alignment of the podium with future development, and enhanced pedestrian safety and amenity through reconfiguration of the basement access. The amended design also delivers an increase in housing supply with the total number of dwellings increasing from 254 to 273 dwellings.

The proposed development as amended is consistent with the principles of ecologically sustainable development in accordance with Clause 192 of the *Environmental Planning and Assessment Regulation 2021* and as addressed in the ESD Report which formed part of the EIS.

The site is suitable for the proposal, and all likely impacts can be appropriately mitigated

The proposed built form is consistent with the existing and desired future character for the area and will not result in any unacceptable amenity impacts to surrounding properties or the public domain. The proposal will not result in any unacceptable impacts in relation to overshadowing, views, privacy or solar access.

The proposal is in the public interest

The proposed development is in the public interest as it will:

- Support the NSW Government's vision for the Crows Nest TOD Precinct
- Deliver a new mixed use building in a highly accessible location directly adjacent to the new Crows Nest Metro
- Deliver a high quality design in a strategic location enhancing the local streetscape and wider skyline of St Leonards / Crows Nest
- Provide a high level of street activation with retail and commercial tenancies within a four storey podium fronting Pacific Highway and Oxley Street
- Enhance the public domain through new street tree planting and footpath upgrades.
- Deliver 274 new dwellings supporting housing supply and diversity in a desirable location close to transport, services and jobs
- Include measures to ensure a high level of ecologically sustainable development.

Conclusion

This Amendment Report demonstrates that proposal is consistent with the strategic planning framework subject to requested variations, will not result in any unacceptable environmental, social, or economic impacts, and is in the public interest.

There are no known site conditions that would prevent the proposed development from proceeding and all likely impacts can be appropriately mitigated. It is therefore recommended that the application is approved.