

Notice of decision

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

Application type	State significant development
Application number and project name	SSD-84416958 Shop top housing with infill affordable housing, 253-265 Pacific Highway, North Sydney
Applicant	Legpro 45 Proprietary Limited as trustee for Legpro 45 Unit Trust
Consent Authority	Minister for Planning and Public Spaces

Decision

The Director, Key Sites and TOD Assessments, under delegation from the Minister for Planning and Public Spaces has, under section 4.38 of the *Environmental Planning and Assessment Act 1979* (**the Act**) granted consent to the development application subject to conditions.

A copy of the development consent and conditions is available [here](#).

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

Date of decision

9 April 2026

Reasons for decision

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

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the department's assessment report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2021
- the objects of the Act;
- the considerations under s 7.14(2) and 7.16(3) of the *Biodiversity Conservation Act 2016* (NSW);
- all information submitted to the department during the assessment of the development application and any additional information considered in the department's assessment report;
- the findings and recommendations in the department's assessment report; and
- the views of the community about the project (see Attachment 1).

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

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole.
- the project is permissible with development consent and is consistent with NSW Government policies.
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards.
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the conditions of consent. Engagement on the project is considered to be in line with *Undertaking Engagement Guidelines for State Significant Projects*, including the community participation objectives outlined in these guidelines.
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Applicant engaged with the community during the preparation of the environmental impact statement (EIS) as a requirement of the Secretary's environmental assessment requirements. The EIS detailed the findings of the engagement and how it influenced the scope and design of the project.

Once the EIS was submitted to the Department it was placed on exhibition from 7 August 2025 until 3 September 2025. The Department received advice from 4 government agencies, Sydney Water and energy provider Ausgrid, an objection from North Sydney Council, and 14 public submissions, which 8 submissions objected to the project, 3 provided comments and 3 submissions in support. A submission made outside of the exhibition period, considered as feedback was also received.

The key issues raised by the community (including in submissions) and considered in the Department's assessment report and by the decision maker include built form, height, overshadowing impacts, heritage impacts, traffic and noise impacts. Other issues are addressed in detail in the department's assessment report.

Issue	Consideration
Built form and height (Council and public issue)	<p>Assessment</p> <ul style="list-style-type: none"> • The Department has considered the built form and design in detail in Section 5 of the Department's assessment report. • The Department considers the built form and design is acceptable as: <ul style="list-style-type: none"> – apart from minor variations, the scale and height of the proposal generally complies with the density and height controls of the Housing SEPP and will deliver much-needed housing at this accessible location, including 15% affordable housing – the bulk and scale of the proposal is compatible with existing surrounding development – the 2-storey podium provides an appropriate scale at its interface with 6-8 McLaren Street and with the existing heritage item – the location/placement of the tower is generally consistent with that anticipated under the North Sydney Civic Precinct Planning Study and reference scheme of the planning proposal – the built form will allow for a 6 m widening of Church Lane inclusive of footpaths to improve neighbourhood amenity and passive surveillance to the public domain – the amenity impacts on surrounding properties, particularly overshadowing, are acceptable. <p>Recommended conditions:</p> <ul style="list-style-type: none"> • No conditions are recommended.
Heritage impacts (Council and public issue)	<p>Assessment</p> <ul style="list-style-type: none"> • The Department considers the proposal would not result in adverse heritage impacts as considered in detail in Section 5 of the Department's assessment report, noting: <ul style="list-style-type: none"> – proposed changes to the heritage listed building at 265 Pacific Highway are limited to the rear and interior, remaining largely unseen from the main streetscape – the podium element of the building appropriately responds to the context, scale, and massing of the heritage item at 265 Pacific Highway, as well as to the buildings at 6-8 McLaren Street and the heritage conservation area – the site is distant from other heritage items <p>Recommended conditions:</p> <ul style="list-style-type: none"> • Recommended conditions include the appointment of a heritage architect to oversee works, with plans detailing all heritage fabric to be demolished, replaced or retained, a certified schedule of compatible materials and finishes, steel palisade balustrades to the rear addition of the heritage item, and a heritage induction for all site personnel by a qualified heritage consultant.
Overshadowing impacts (public issue)	<p>Assessment:</p> <ul style="list-style-type: none"> • The Department considers the proposal would not result in adverse overshadowing impacts as considered in detail in Section 5 of the Department's assessment report, noting the shadow impact is proportional to the level of development expected under the North Sydney LEP 2013, together with the 30% FSR and height bonus permitted under the Housing SEPP.

	<p>Recommended conditions:</p> <ul style="list-style-type: none"> No conditions are recommended.
Traffic (public issue)	<p>Assessment:</p> <ul style="list-style-type: none"> The Department considers the traffic impacts of the proposal on the surrounding road network is minor and acceptable as considered in detail in Section 5 of the Department's assessment report. <p>Recommended conditions:</p> <ul style="list-style-type: none"> No conditions are recommended.
Parking (public issue)	<p>Assessment:</p> <ul style="list-style-type: none"> The Department considers the proposed parking to be acceptable as the proposal meets the non-discretionary development standards for car parking under the Housing SEPP for residential development and is consistent with Council's Development Control Plan, as considered in detail in Section 5 of the Department's assessment report. <p>Recommended conditions:</p> <ul style="list-style-type: none"> Recommended conditions include maximum car parking provision and preparation of a Transport Access Guide prior to occupation of the development.
Operational noise impacts (public issue)	<p>Assessment:</p> <ul style="list-style-type: none"> The Department is satisfied that the proposal can achieve acceptable internal acoustic amenity for residents and can be designed to mitigate any noise impacts on surrounding properties as considered in detail in detail in Section 5 of the Department's assessment report. <p>Recommended conditions:</p> <ul style="list-style-type: none"> Recommended conditions include the requirement to implement the recommendations of the Acoustic Assessment report, and operational conditions, including regulating noise emissions from building plant and equipment.
Reflectivity (public issue)	<p>Assessment:</p> <ul style="list-style-type: none"> The Department has recommended conditions to ensure materials do not cause excessive glare that could cause discomfort or hazards to drivers, pedestrians and residents. <p>Recommended conditions:</p> <ul style="list-style-type: none"> Recommended conditions include requiring materials to be of low glare and reflectivity properties.
Demand on local infrastructure and services (public issue)	<p>Assessment:</p> <ul style="list-style-type: none"> The Department considers the proposal would not result in any adverse impacts on local infrastructure and services, as the proposal is permissible within the zone, and consistent with NSW Government's priority to deliver affordable housing in accessible areas that are close to public transport, jobs, and services. <p>Recommended conditions:</p> <ul style="list-style-type: none"> Recommended conditions include requiring the payment of local section 7.11 development contributions for the provision of local amenities and the payment of Housing and Productivity Contributions towards the cost of providing regional amenities.
Affordable Housing (Council issue)	<p>Assessment:</p> <ul style="list-style-type: none"> Council requested affordable housing dwellings remain as affordable housing in perpetuity. The proposal complies with the Housing SEPP, which requires the provision of 15% of the total gross floor area (10 dwellings with a combined area of 974 m²) to be managed as affordable housing by a registered Community Housing Provider for a minimum of 15 years only from the issue of the Occupation Certificate. <p>Recommended conditions:</p>

	<ul style="list-style-type: none"> Recommended conditions securing the 10 affordable housing units for a minimum of 15 years in accordance with Housing SEPP.
Apartment Design Guidelines (Council issue)	<p>Assessment:</p> <ul style="list-style-type: none"> The Department has considered the Apartment Design Guidelines, and considers the proposal achieves an acceptable level of residential amenity as detailed in Section 5 and Appendix C of the Department's assessment report. <p>Recommended conditions:</p> <ul style="list-style-type: none"> No conditions are recommended.
Construction impacts (public issue)	<p>Assessment:</p> <ul style="list-style-type: none"> The Department has recommended conditions to ensure the construction of the development does not have an unreasonable impact on the amenity (traffic, noise, vibration, air quality) of nearby residents and North Sydney Public School or result in any damage to neighbouring development and public domain. <p>Recommended conditions:</p> <ul style="list-style-type: none"> Recommended conditions include the preparation of dilapidation survey for adjoining buildings, geotechnical report for excavation works, and a detailed construction environmental management plan, including sub-plans for the management of noise, air quality, traffic, water and waste.