



September 2020

Crows Nest Over Station Development Submissions Report

Sydney Metro City & Southwest

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Executive Summary

Sydney Metro

Sydney Metro is Australia's biggest public transport project. Metro projects and the turn-up-and-go customer offering are at the heart of the NSW Government's *Future Transport 2056* vision for growing the public transport network and creating vibrant, integrated, and sustainable places.

Metro rail services started in May 2019 in the city's North West. The Sydney Metro City & Southwest project will extend metro rail into the CBD and beyond to Bankstown in 2024, when Sydney will have 31 metro railway stations and a 66 kilometre standalone railway system.

Planning is also underway for Sydney Metro West, a new underground railway connecting Greater Parramatta and the Sydney CBD, and Sydney Metro – Western Sydney Airport which will service Greater Western Sydney and the new Western Sydney International (Nancy-Bird Walton) Airport. The growing Sydney Metro network is illustrated in Figure 0.1.

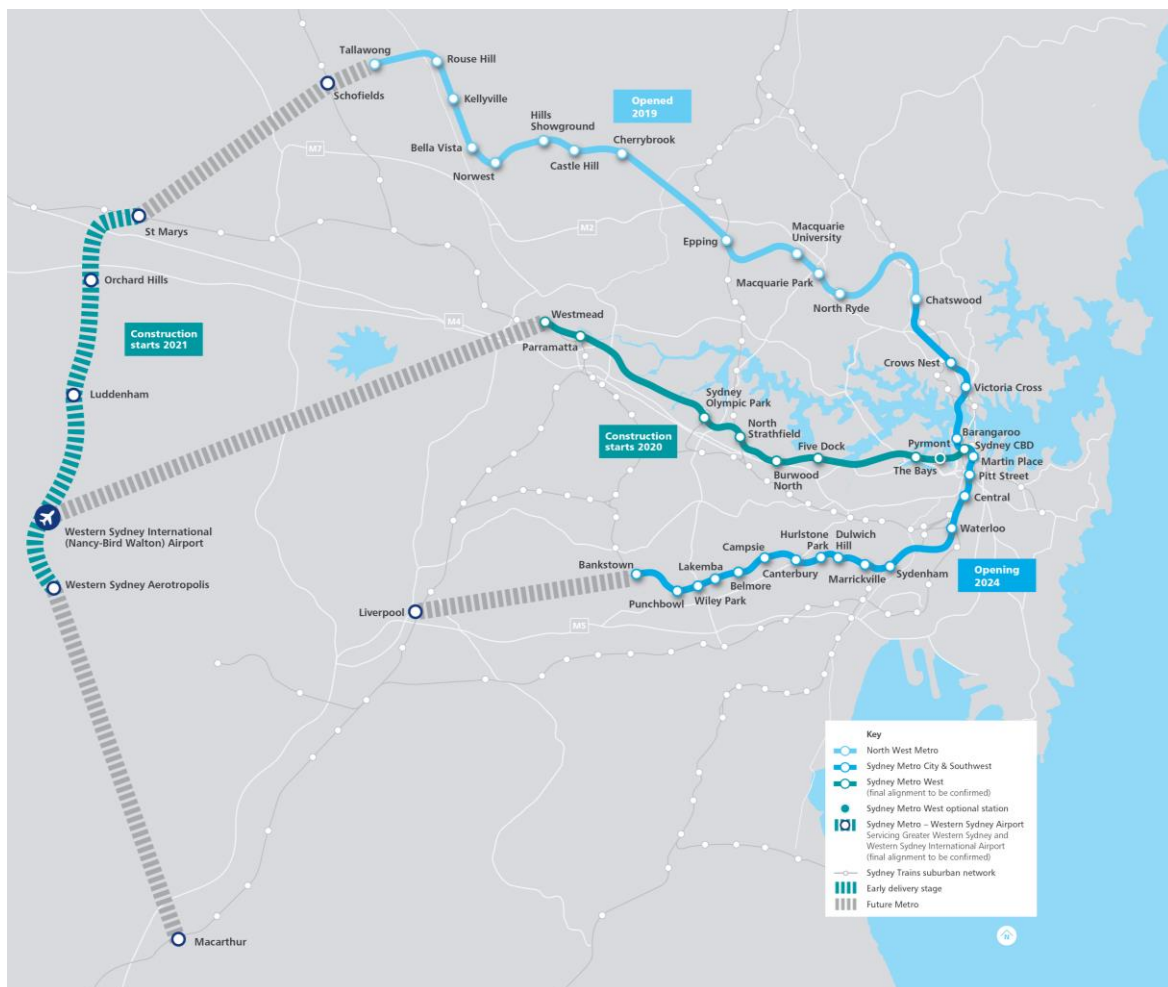


Figure 0.1 - Sydney Metro Network (Existing and Proposed)

Sydney Metro City & Southwest comprises two core components - the Chatswood to Sydenham project, and the Sydenham to Bankstown upgrade.

Planning approval for Chatswood to Sydenham was granted in January 2017, and construction has commenced under a Critical State Significant Infrastructure (CSSI) Approval. A number of metro stations along the Chatswood to Sydenham project are being constructed to make physical provisions for future over station developments (OSD) to be integrated with and sit above the station developments, including at Crows Nest Station.

Planning approval to construct and operate the Sydenham to Bankstown component of Sydney Metro City & Southwest was granted in December 2018, and construction under the CSSI Approval has commenced.

Crows Nest Rezoning Proposal and the 2036 Plan

In October 2018, the NSW Department of Planning, Industry and Environment (DPIE) released a draft Rezoning Proposal for the Crows Nest metro site. The Rezoning Proposal sought to increase the relevant planning controls applying to the site to be commensurate with the built form proposed in the concept SSD Application.

The release of the Rezoning Proposal was simultaneous to the release of other (then) draft strategic planning documents including the *St Leonards and Crows Nest 2036 Draft Plan (2036 Draft Plan)*. The *2036 Draft Plan* recommended significant changes to the planning controls for the immediate area surrounding the Crows Nest OSD site subject to consideration of community feedback to its exhibition.

The 2036 Plan and the associated Special Infrastructure Contribution (SIC) scheme, was finalised by DPIE on 29 August 2020. The Rezoning Proposal was also finalised, and new planning controls gazetted, on 31 August 2020 applying new planning controls to the Crows Nest metro site.

The Project as exhibited

The Crows Nest over station development (the Project) comprises a concept State Significant Development Application (concept SSD Application) for an OSD at Crows Nest Station (SSD 9579).

The concept proposal, as exhibited, included a building envelope and development parameters and strategies for a future development above the approved Crows Nest Station, and the use of the OSD spaces approved within the station under the CSSI Approval. No physical works are proposed under the concept SSD Application. Approval for the physical works and associated final building design will be the subject of future detailed SSD Applications.

The concept proposal would result in the OSD being fully integrated within the station development, the associated ground plane, and public domain works which will be delivered under the terms of the CSSI Approval.

The delineation of scope of works to be delivered under this concept SSD Application and the CSSI Approval is further discussed in Section 2.2 of this Response to Submissions Report (Submissions Report).

An Environmental Impact Statement (EIS) titled *Crows Nest Over Station Development - Concept State Significant Development Application* was prepared to support Sydney Metro's application for concept approval of the Project in accordance with the requirements of section 4.22 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Further information on the Project is provided in Chapter 1 (Introduction and Project overview) and Chapter 2 (Overview of the exhibited development) of this Submissions Report and in Chapter 4 of the exhibited EIS.

Consultation on the Environmental Impact Statement

The EIS supporting the concept SSD Application was placed on public exhibition by DPIE for a period of 85 days, from 16 November 2018 to 8 February 2019.

During the exhibition period, members of the community, relevant government agencies and key stakeholders were able to review the EIS and its accompanying studies online or at the static display locations at North Sydney Council and Stanton Library, North Sydney.

They were able to make a written submission to DPIE for consideration in its assessment of the Project. During the public exhibition period, the community was also able to participate in consultation and engagement activities undertaken by Sydney Metro.

Sydney Metro hosted two community information sessions, as well as attended two information sessions hosted by DPIE, where information about the concept proposal was made available:

- Wednesday 21 November, 4pm – 7pm at The Crows Nest Centre, 2 Ernest Place, Crows Nest
- Wednesday 28 November, 4pm-7pm at The Crows Nest Centre, 2 Ernest Place, Crows Nest
- Saturday 1 December, 12noon – 3pm at The Crows Nest Centre, 2 Ernest Place, Crows Nest
- Tuesday 11 December, 4pm – 7pm at the Lane Cove Community Hub, 1 Pottery Lane, Lane Cove.

Key stakeholders and government agencies were also briefed during the exhibition period.

During the preparation of the Submissions Report, further consultation has been undertaken with councils, community groups and DPIE.

Further information on consultation undertaken is provided in Chapter 3 (Community and stakeholder consultation) of this Submissions Report.

Overview of submissions

During public exhibition of the concept SSD Application, 677 submissions were received by DPIE. Of these submissions, 12 were from government agencies including councils, 10 were from local community/interest groups, and the remaining 655 were received from members of the community.

Key issues for government agencies and councils included:

- Built form and scale
- Land use and employment generation
- Overshadowing
- Accuracy of the environmental assessment
- Public benefits
- Concurrent strategic planning and rezoning processes
- Parking
- Open space.

Sydney Metro's response to issues raised in each government agency and council submission are provided in Chapter 5 (Response to government agency and council submissions) of this Submissions Report.

Key issues for the community included:

- Land use issues
- Overshadowing
- SSI related issues

- Overdevelopment
- Planning process
- Built form
- Public domain and open space
- Vehicular traffic and parking
- St Leonards and Crows Nest 2036 related issues
- Social issues.

Sydney Metro's response to the issues raised in the community submissions is provided in Chapter 6 (Responses to issues raised in community submissions) of this Submissions Report.

During preparation of this Submissions Report, meetings were held with North Sydney Council, DPIE, and the Sydney Metro Design Review Panel (DRP) to better understand their views on the concept proposal, and to inform Sydney Metro's response to the issues raised in each submission.

A number of issues raised in the submissions fall outside the scope of this concept SSD Application, and to this respect, clarification regarding the nature and extent of the proposal have been provided at Section 2.2 and Chapter 7. This report acknowledges the submissions that refer to elements of the existing CSSI Approval and changes to planning within the wider Crows Nest precinct.

The Amended Project

The term 'Amended Project' refers to the Crows Nest OSD with amendments to respond to issues raised in the submissions received.

In response to the submissions received, Sydney Metro has amended the Project in regards to the following:

- Amendments to the building envelopes and heights, including a 20 per cent reduction in the overall size of the building envelope
- Changes in proposed land use to increase employment opportunities
- Changes to the configuration and quantity of car parking
- Confirming commitment to affordable rental housing in line with the Greater Sydney Commission's target of 5% of new residential floor space, or an equivalent monetary contribution to a community housing provider to provide affordable rental housing in the local area
- Amended design guidelines.

The amended concept SSD Application (SSD-9579) seeks approval for the following:

- maximum building envelopes for Sites A, B and C, including street wall heights and setbacks as illustrated in the plans prepared by Crows Nest Design Consortium (CNDC) for Sydney Metro at Appendix A to the Submissions Report
- maximum building heights:
 - **Site A:** RL 175.60 metres or equivalent of 21 storeys (includes two station levels and conceptual OSD space in the podium approved under the CSSI Approval)
 - **Site B:** RL 155 metres or equivalent of 17 storeys (includes two station levels and conceptual OSD space approved under the CSSI Approval)

- **Site C:** RL 127 metres or 9 storeys (includes two station levels and conceptual OSD space approved under the CSSI Approval)
- Note 1:** the maximum building heights defined above are measured to the top of the roof slab and exclude building parapets which will be resolved as part of future detailed SSD Application(s)*
- maximum height for a building services zone on top of each building to accommodate lift overruns, rooftop plant and services:
 - **Site A:** RL 180 or 4.4 metres
 - **Site B:** RL 158 or 3 metres
 - **Site C:** RL 132 or 5 metres

***Note 1:** the use of the space within the building services zone is restricted to non-habitable floor space.*

***Note 2:** for the purposes of the concept SSD Application, the maximum height of the building envelope does not make provision for the following items, which will be resolved as part of the future detailed SSD Application(s):*

 - communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like, which are excluded from the calculation of building height pursuant to the standard definition in NSLEP 2013
 - architectural roof features, which are subject to compliance with the provisions in Clause 5.6 of NSLEP 2013, and may exceed the maximum building height, subject to development consent.
 - maximum gross floor area (GFA) of 56,400 square metres for the OSD comprising the following based on the proposed land uses:
 - **Site A:** Commercial premises - maximum 40,300 square metres
 - **Site B:** Residential accommodation - maximum of 13,000 square metres (of which 5 per cent could be provided as affordable rental housing)
 - **Site C:** Commercial premises - maximum of 3,100 square metres

***Note:** GFA figures exclude GFA attributed to the station and station retail space approved under the CSSI Approval*
 - a minimum non-residential floor space ratio (FSR) for the OSD across combined Sites A, B and C of 6.8:1 or the equivalent of 43,300 square metres
 - the use of approximate conceptual areas associated with the OSD which have been provisioned for in the Crows Nest station box (CSSI Approval) including areas above ground level (i.e. OSD lobbies and associated spaces)
 - a maximum of 101 car parking spaces on Sites A and B associated with the proposed commercial and residential uses
 - modulation and expression of built forms within an articulation zone extending to the property boundary
 - loading, vehicular and pedestrian access arrangements
 - strategies for utilities and services provision
 - strategies for managing stormwater and drainage
 - a strategy for the achievement of ecological sustainable development

- a public art strategy
- indicative signage zones
- an updated design excellence framework
- the future subdivision of parts of the OSD footprint, if required.

The indicative design of the Amended Scheme is shown in Figure 0.2.



Figure 0.2 - Photomontage of the Indicative Design of the Amended Scheme (Note: Site C not seen from this view) with proposed developments by others (grey)

Environmental impact assessment

Potential impacts resulting from the amended Project would generally be reduced or be consistent with impacts of the exhibited Project as described in the EIS. New impacts associated with the change in the indicative OSD design, such as overshadowing of neighbouring residential properties, has been assessed in detail in Chapter 8. The environmental impacts are considered in Chapter 8 (Additional information and assessment) and Chapter 9 (Environmental impact assessment of the amended Project) of this Submissions Report.

In order to provide an updated assessment in response to the amended project, this Submission Report also includes the following studies which supersede the environmental assessment undertaken in the EIS as exhibited:

- Architectural drawings of proposed OSD amended building envelope (Appendix A)
- Architectural drawings of indicative OSD design (Appendix B)
- Built Form and Urban Design Report (Appendix C)

- Updated Design Guidelines (Appendix D)
- Sydney Metro and OSD Demarcation Plans (Appendix E)
- OSD Concept Amended SSDA Area Schedule (Appendix F)
- Flood assessment and stormwater management plan (Appendix G)
- Waste strategy report (Appendix H)
- SEPP 65 Compliance Analysis Report – Indicative OSD Design (Appendix I)
- Solar Impact Analysis – Adjoining buildings (Appendix J)
- Wind Impact Assessment Report (Appendix K)
- Services and Utilities Infrastructure Report (Appendix L)
- Environmentally Sustainable Design Report (Appendix M)
- Transport Traffic and Pedestrian Assessment Report (Appendix N)
- Preliminary Construction Management Statement (Appendix O)
- View Impact Study – Key Vantage Points and Streetscape Locations (Appendix P)
- View Impact Study – Surrounding Residential Buildings (Appendix Q)
- Visual Impact Assessment Report (Appendix R)
- Shadow Diagrams – OSD Building Envelope (Appendix S)
- Issue categories and where to find responses to issues raised in submissions (Appendix T)
- Strategic Market Assessment addendum (Appendix U)
- Social and economic impact assessment report (Appendix V)
- Updated DCP assessment (Appendix W)
- Community information session material (Appendix X)
- Issues raised in community information sessions (Appendix Y).
- Clause 4.6 Variation Request for the maximum height of buildings as it applies to Site B (Appendix Z)

Next steps

This Submissions Report will be placed on public exhibition to allow the community and stakeholders to provide feedback on the Amended Project. On behalf of the Minister for Planning and Public Spaces, DPIE will review the EIS, submissions received and this Submissions Report. Once DPIE has completed its assessment, a draft assessment report will be prepared for the Secretary of DPIE.

The assessment report will then be provided to the Minister for Planning and Public Spaces for consideration and determination. The Minister for Planning and Public Spaces will then make a determination, with any conditions considered appropriate.

The Minister for Planning and Public Spaces' determination, including any conditions of approval and the Secretary's report, will be published on DPIE's website immediately after determination, together with a copy of this Submissions Report.

1. Introduction and Project Overview

This Chapter provides an overview of the concept State Significant Development Application and outlines the purpose and content of this Response to Submissions Report.

1.1. Introduction

Sydney Metro is Australia's biggest public transport program. A new standalone railway, this 21st century network will revolutionise the way Sydney travels.

There are four core components:

(a) **Sydney Metro Northwest (formerly the 36km North West Rail Link)**

This project is now complete and passenger services commenced in May 2019 between Rouse Hill and Chatswood, with a metro train every four minutes in the peak. The project was delivered on time and \$1 billion under budget.

(b) **Sydney Metro City & Southwest**

Sydney Metro City & Southwest project includes a new 30km metro line extending metro rail from the end of Metro Northwest at Chatswood, under Sydney Harbour, through new CBD stations and southwest to Bankstown. It is due to open in 2024 with the ultimate capacity to run a metro train every two minutes each way through the centre of Sydney.

Sydney Metro City & Southwest will deliver new metro stations at Crows Nest, Victoria Cross, Barangaroo, Martin Place, Pitt Street, Waterloo and new underground metro platforms at Central Station. In addition it will upgrade and convert all 11 stations between Sydenham and Bankstown to metro standards.

(c) **Sydney Metro West**

Sydney Metro West is a new underground railway connecting Greater Parramatta and the Sydney CBD. This once-in-a-century infrastructure investment will transform Sydney for generations to come, doubling rail capacity between these two areas, linking new communities to rail services and supporting employment growth and housing supply between the two CBDs.

The locations of seven proposed metro stations have been confirmed at Westmead, Parramatta, Sydney Olympic Park, North Strathfield, Burwood North, Five Dock and the Bays Precinct.

The NSW Government is assessing an optional station at Pyrmont and further planning is underway to determine the location of a new metro station in the Sydney CBD.

(d) **Sydney Metro - Western Sydney Airport**

Metro rail will also service Greater Western Sydney and the new Western Sydney International (Nancy-Bird Walton) Airport. The new railway line will become the transport spine for the Western Parkland City's growth for generations to come, connecting communities and travellers with the rest of Sydney's public transport system with a fast, safe and easy metro service. The Australian and NSW governments are equal partners in the delivery of this new railway.

Additional information can be obtained from the Sydney Metro website at www.sydneymetro.info.

The Sydney Metro network is illustrated in Figure 1.1.

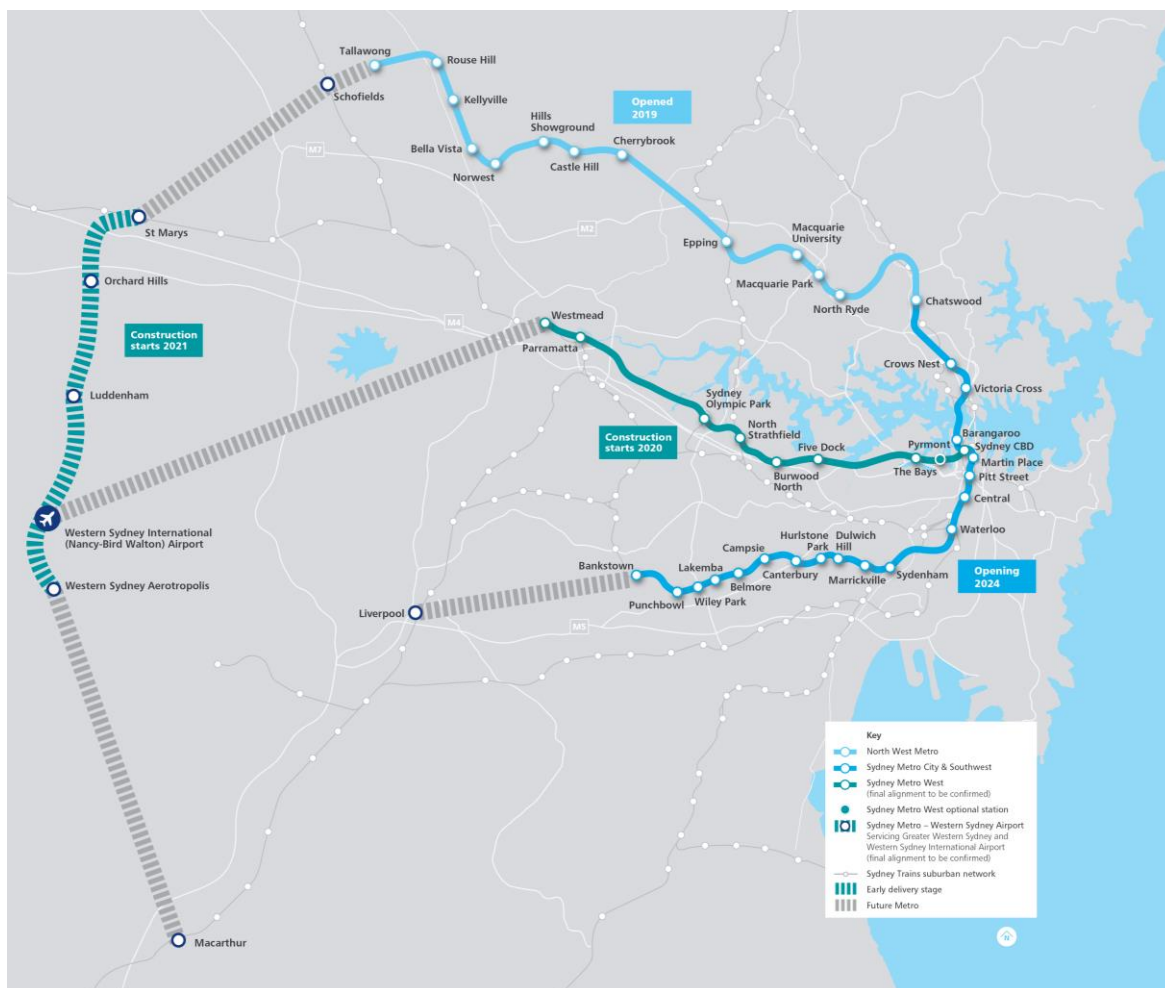


Figure 1.1 - Sydney Metro Network (Existing and Proposed)

The Crows Nest OSD Project (the Project) comprises a concept State Significant Development (SSD) Application for the construction of an OSD at Crows Nest Station.

The project includes a building envelope and development parameters and strategies for a future development above the approved Crows Nest Station, and the use of the OSD spaces approved within the station under the CSSI Approval. No physical works are proposed under the concept SSD Application. Approval for the physical works and associated final building design will be the subject of a future detailed SSD Application(s).

1.2. Planning context

While the Crows Nest Station and OSD will form a single integrated station development across three sites (A, B and C), the planning pathways defined under the *Environmental Planning and Assessment Act 1979* (EP&A Act) require separate assessment for each component of the development. The approved station works (CSSI Approval) are subject to the provisions of Division 5.2 of the EP&A Act. This concept SSD Application is being made under Part 4 of the EP&A Act and comprises a 'concept application' in accordance with section 4.22 of the EP&A Act. It forms the first stage of the Project and sets the planning framework against which a future detailed SSD application for the Crows Nest OSD will be assessed. The detailed SSD Applications will be lodged in the future for the final design and construction of the development.

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) identifies development considered to be State significant. Under the criteria in Clause 19(2) of Schedule 1 of the SRD SEPP, this concept application is SSD as it is within a rail corridor, is associated with railway infrastructure, is for the purpose of residential or commercial premises and has a capital investment

value which is over \$30 million. This development is therefore State significant development for the purposes of section 4.36 of the EP&A Act.

The EP&A Act requires that an Environmental Impact Statement (EIS) be prepared for SSD Applications, including particulars of the location, nature and scale of the development and an assessment of the development's environmental impacts under section 4.15 of the EP&A Act. The EIS must be prepared in accordance with the requirements referred to in the EP&A Act and the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) including the Secretary's Environmental Assessment Requirements (SEARs) for the preparation of the EIS.

The EIS associated with this application has been exhibited by DPIE and is now under assessment by DPIE. The concept SSD Application will be determined by the Minister for Planning and Public Spaces.

Due to engineering constraints, Site C is to be delivered concurrently with Crows Nest station, and a detailed SSD Application is to be submitted to the Minister following approval of the concept SSD Application. The later stages of the project, including detailed SSD Applications for Sites A and B, will be submitted at a later date.

A graphic illustrating the CSSI and SSD development process and the associated development applications is provided in Figure 1.2.

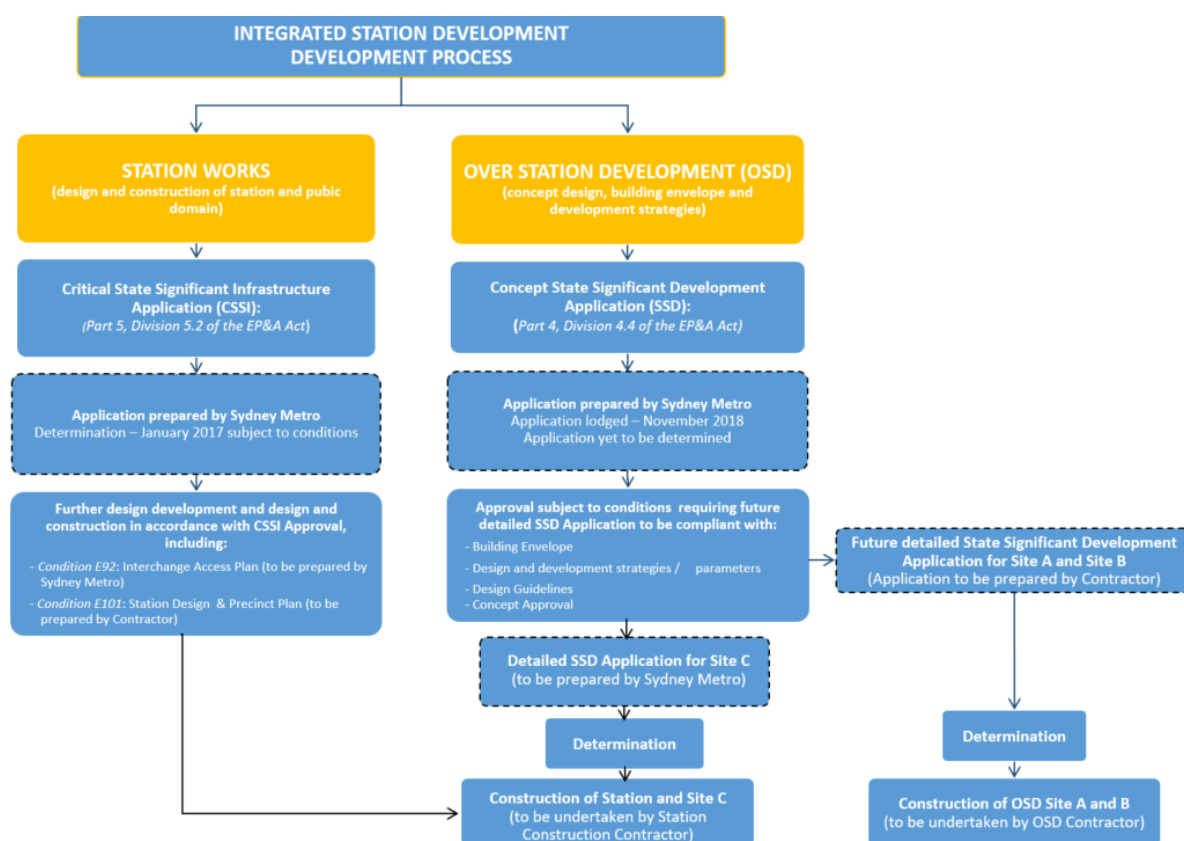


Figure 1.2 – CSSI and SSD development process

1.3. Overview of the Project as exhibited

The concept SSD Application for Crows Nest as exhibited sought approval for the following:

- maximum building envelopes for Sites A, B and C, including street wall heights and setbacks as illustrated in the plans prepared by Foster + Partners for Sydney Metro at Appendix D
- maximum building heights:

- **Site A:** RL 183 metres or equivalent of 27 storeys (includes two station levels and conceptual OSD space in the podium approved under the CSSI Approval)
- **Site B:** RL 155 metres or equivalent of 17 storeys (includes two station levels and conceptual OSD space approved under the CSSI Approval)
- **Site C:** RL 127 metres or 8 storeys (includes two station levels and conceptual OSD space approved under the CSSI Approval)

Note 1: the maximum building heights defined above are measured to the top of the roof slab and exclude building parapets which will be resolved as part of future detailed SSD Application(s)

- maximum height for a building services zone on top of each building to accommodate lift overruns, rooftop plant and services:
 - **Site A:** RL 188 or 5 metres
 - **Site B:** RL 158 or 3 metres
 - **Site C:** RL 132 or 5 metres

Note 1: the use of the space within the building services zone is restricted to non-habitable floor space.

Note 2: for the purposes of the concept SSD Application, the maximum height of the building envelope does not make provision for the following items, which will be resolved as part of the future detailed SSD Application(s):

- communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like, which are excluded from the calculation of building height pursuant to the standard definition in NSLEP 2013
- architectural roof features, which are subject to compliance with the provisions in Clause 5.6 of NSLEP 2013, and may exceed the maximum building height, subject to development consent

- maximum gross floor area (GFA) of 55,400sqm for the OSD comprising the following based on the proposed land uses:
 - **Site A:** Residential accommodation – maximum 37,500 square metres (approximately 350 apartments)
 - **Site B:** Hotel / tourist accommodation and associated conference facilities or commercial office premises GFA – maximum of 15,200 square metres (approximately 250 hotel rooms)
 - **Site C:** Commercial office premises GFA – maximum of 2,700 square metres
 - **Site A or C:** social infrastructure GFA inclusive of the GFA figures nominated above for each site, with provision optional as follows:
 - **Site A:** podium rooftop (approximately 2,700 square metres)
 - **Site C:** three floors and rooftop (approximately 1,400 square metres)
- Note:** GFA figures exclude GFA attributed to the station and station retail space approved under the CSSI Approval
- a minimum non-residential floor space ratio (FSR) for the OSD across combined Sites A, B and C of 2.81:1 or the equivalent of 17,900 square metres

- the use of approximate conceptual areas associated with the OSD which have been provisioned for in the Crows Nest station box (CSSI Approval) including areas above ground level (i.e. OSD lobbies and associated spaces)
- a maximum of 150 car parking spaces on Sites A and B associated with the proposed commercial, hotel and residential uses

Figure 1.3 illustrates the building envelopes identified in the exhibited concept SSD Application within the context of existing and proposed development in St Leonards. A photomontage of possible future development on the site within the proposed envelopes is shown in Figure 1.4.

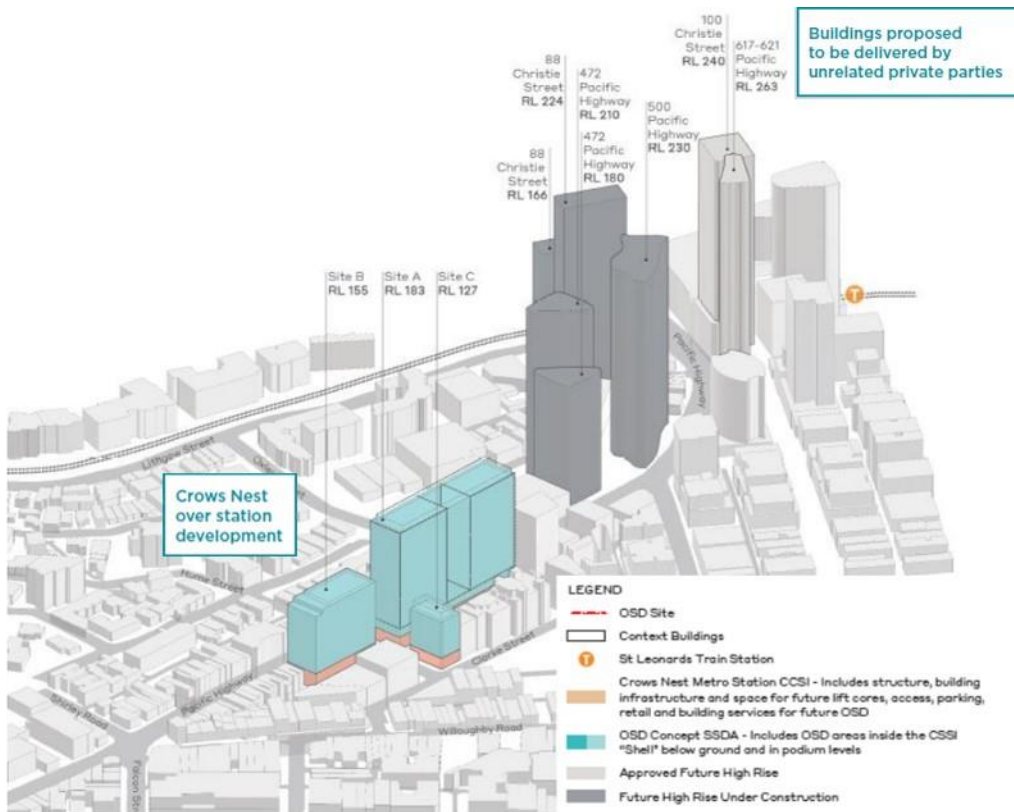


Figure 1.3 – The exhibited OSD building envelope



Figure 1.4 – Photomontage of the indicative exhibited OSD design (Note: Site C not seen from this view) with proposed developments by others (grey)

1.4. Changes to the Project as exhibited

In response to the submissions received, Sydney Metro has amended the Project to seek approval for the following:

- maximum building envelopes for Sites A, B and C, including street wall heights and setbacks as illustrated in the plans prepared by Crows Nest Design Consortium (CNDC) for Sydney Metro at Appendix A to the Submissions Report
- maximum building heights:
 - **Site A:** RL 175.60 metres or equivalent of 21 storeys (includes two station levels and conceptual OSD space in the podium approved under the CSSI Approval)
 - **Site B:** RL 155 metres or equivalent of 17 storeys (includes two station levels and conceptual OSD space approved under the CSSI Approval)
 - **Site C:** RL 127 metres or 9 storeys (includes two station levels and conceptual OSD space approved under the CSSI Approval)

Note 1: the maximum building heights defined above are measured to the top of the roof slab and exclude building parapets which will be resolved as part of future detailed SSD Application(s)

- maximum height for a building services zone on top of each building to accommodate lift overruns, rooftop plant and services:
 - **Site A:** RL 180 or 4.4 metres

- **Site B:** RL 158 or 3 metres
 - **Site C:** RL 132 or 5 metres
- Note 1:** *the use of the space within the building services zone is restricted to non-habitable floor space.*
- Note 2:** *for the purposes of the concept SSD Application, the maximum height of the building envelope does not make provision for the following items, which will be resolved as part of the future detailed SSD Application(s):*
- *communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like, which are excluded from the calculation of building height pursuant to the standard definition in NSLEP 2013*
 - *architectural roof features, which are subject to compliance with the provisions in Clause 5.6 of NSLEP 2013, and may exceed the maximum building height, subject to development consent.*
- maximum gross floor area (GFA) of 56,400 square metres for the OSD comprising the following based on the proposed land uses:
 - **Site A:** Commercial premises - maximum 40,300 square metres
 - **Site B:** Residential accommodation - maximum of 13,000 square metres (of which 5 per cent could be provided as affordable rental housing)
 - **Site C:** Commercial premises - maximum of 3,100 square metres

Note: *GFA figures exclude GFA attributed to the station and station retail space approved under the CSSI Approval*
 - a minimum non-residential floor space ratio (FSR) for the OSD across combined Sites A, B and C of 6.8:1 or the equivalent of 43,300 square metres
 - the use of conceptual areas associated with the OSD which have been provisioned for in the Crows Nest station box (CSSI Approval) including areas above ground level (i.e. OSD lobbies and associated spaces)
 - a maximum of 101 car parking spaces on Sites A and B associated with the proposed commercial and residential uses
 - modulation and expression of built forms within an articulation zone extending to the property boundary
 - loading, vehicular and pedestrian access arrangements
 - strategies for utilities and services provision
 - strategies for managing stormwater and drainage
 - a strategy for the achievement of ecological sustainable development
 - a public art strategy
 - indicative signage zones
 - a design excellence framework
 - the future subdivision of parts of the OSD footprint, if required.

The building envelope as exhibited and as amended is shown in Figure 1.5. A photomontage of the indicative design of the Amended Scheme is shown in Figure 1.6.

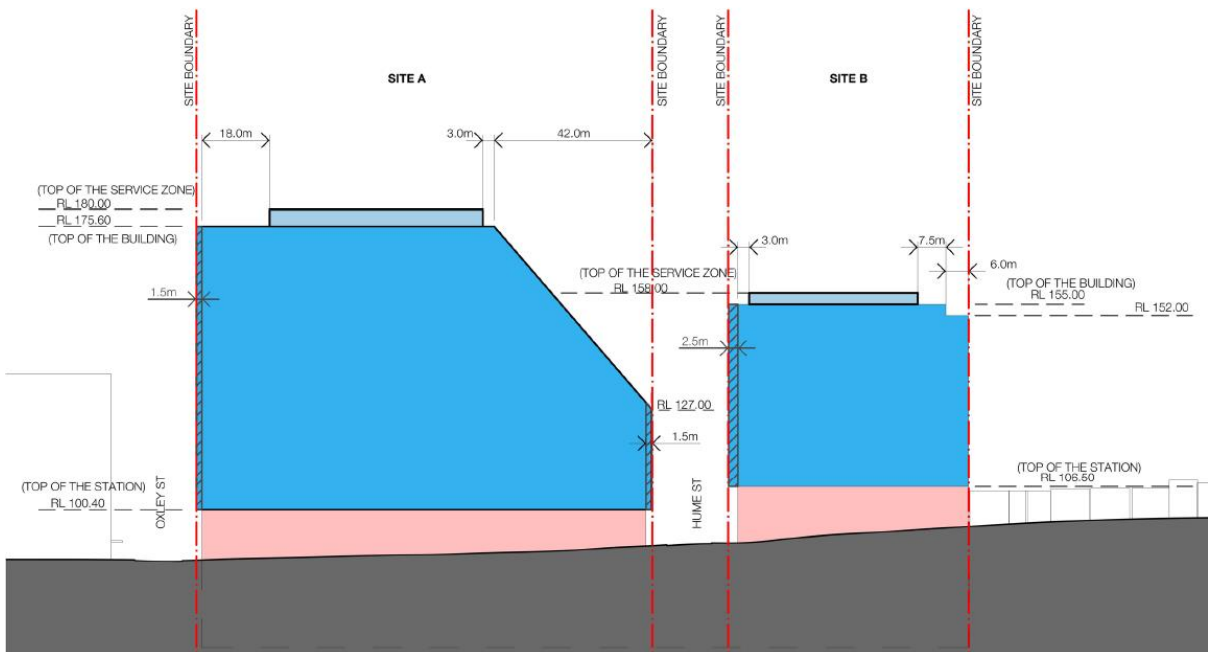
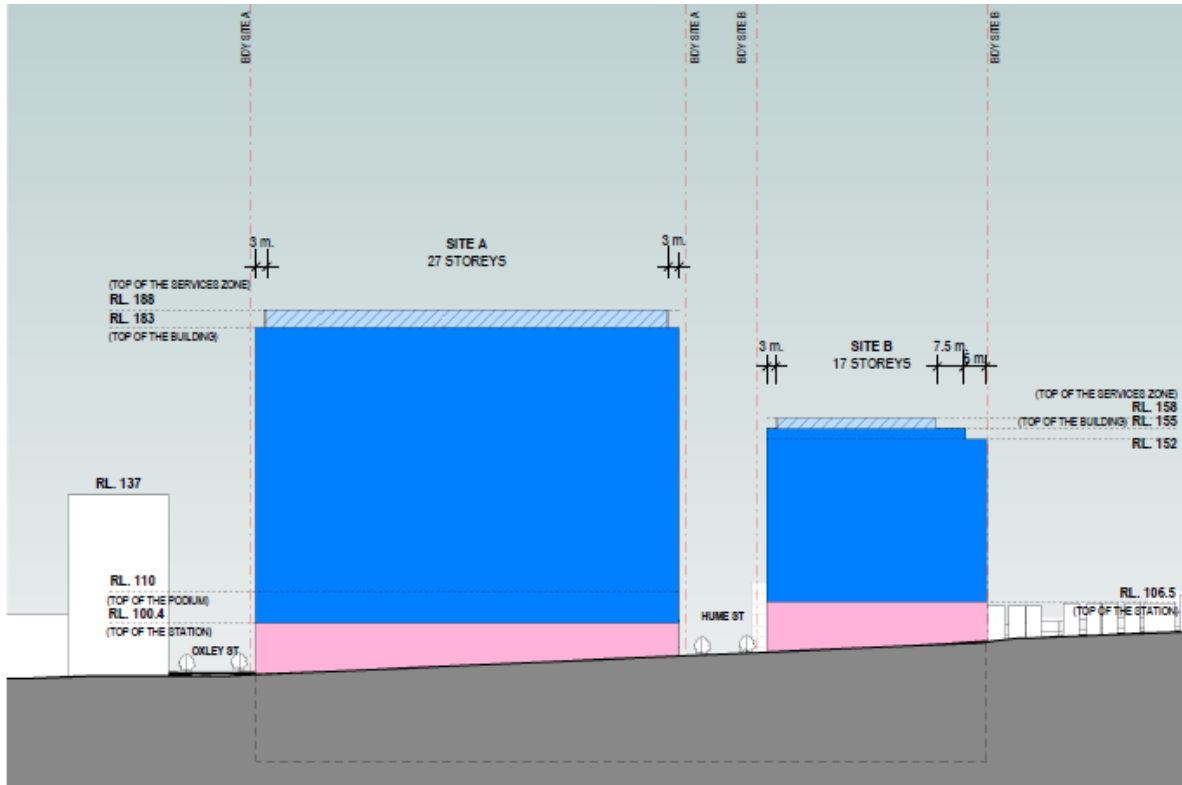


Figure 1.5 – Western elevation of building envelope as exhibited (top) and as amended (bottom)



Figure 1.6 - Photomontage of the Indicative Design of the Amended Scheme (Note: Site C not seen in this view) with proposed developments by others (grey)

Further information regarding the amended Project is provided in Chapter 7 (Amended Project) of this Submissions Report.

1.5. Additional information supporting this report

A number of additional studies have been prepared by Sydney Metro in order to provide an updated assessment of the Amended Scheme. Additional information is listed below:

- Architectural drawings of proposed OSD amended building envelope (Appendix A)
- Architectural drawings of indicative OSD design (Appendix B)
- Built Form and Urban Design Report (Appendix C)
- Updated Design Guidelines (Appendix D)
- Sydney Metro and OSD Demarcation Plans (Appendix E)
- OSD Concept Amended SSDA Area Schedule (Appendix F)
- Flood assessment and stormwater management plan (Appendix G)
- Waste strategy report (Appendix H)
- SEPP 65 Compliance Analysis Report – Indicative OSD Design (Appendix I)
- Solar Impact Analysis – Adjoining buildings (Appendix J)

- Wind Impact Assessment Report (Appendix K)
- Services and Utilities Infrastructure Report (Appendix L)
- Environmentally Sustainable Design Report (Appendix M)
- Transport Traffic and Pedestrian Assessment Report (Appendix N)
- Preliminary Construction Management Statement (Appendix O)
- View Impact Study – Key Vantage Points and Streetscape Locations (Appendix P)
- View Impact Study – Surrounding Residential Buildings (Appendix Q)
- Visual Impact Assessment Report (Appendix R)
- Shadow Diagrams – OSD Building Envelope (Appendix S)
- Issue categories and where to find responses to issues raised in submissions (Appendix T)
- Strategic Market Assessment addendum (Appendix U)
- Social and economic impact assessment report (Appendix V)
- Updated DCP assessment (Appendix W)
- Community information session material (Appendix X)
- Issues raised in community information sessions (Appendix Y)
- Clause 4.6 Variation Request for the maximum height of buildings as it applies to Site B (Appendix Z)

Further detail on the above additional information is provided in Chapter 8 (Additional information and assessment) and Chapter 9 (Environmental impact assessment of the amended project) of this Submissions Report.

1.6. Purpose and structure of the report

During public exhibition of the concept SSD Application, 677 submissions were received by DPIE. DPIE provided copies of the submissions to Sydney Metro with a formal request for a written response to the issues raised.

This Submissions Report responds to the issues raised during the exhibition period, proposes changes to the concept proposal as exhibited (Chapter 7), and provides an environmental assessment of the amended project (Chapter 8 and 9).

Sydney Metro has considered all submissions made pursuant to the requirements of the EP&A Act. This report provides Sydney Metro's formal Response to Submissions from the community, stakeholders and government agencies in accordance with clause 85A of the EP&A Regulation.

The structure and content of this Submissions Report are outlined in Table 1.

Table 1 – Structure and content of this Submissions Report

Chapter	Description
Chapter 1	Introduction and Project overview (this Chapter) Provides an overview of the concept SSD Application and outlines the purpose and content of this Submissions Report.

Chapter	Description
Chapter 2	Overview of the exhibited development Provides an overview of the Project as exhibited, including associated clarifications regarding the scope of the concept proposal and the Project elements approved under the terms of the CSSI Approval.
Chapter 3	Community and stakeholder consultation Provides details of the consultation, and community and stakeholder engagement activities carried out by Sydney Metro during the exhibition of the concept SSD Application.
Chapter 4	Submissions received Provides a summary of the submissions received during public exhibition of the concept SSD Application.
Chapter 5	Response to government agency and council submissions Identifies issues raised by government agencies and councils and provides responses to those submissions.
Chapter 6	Response to the issues raised in community submissions Identifies issues raised by the community, including businesses and other stakeholders, and provides responses to those submissions.
Chapter 7	Amended project Provides detail on the changes to the concept proposal as exhibited, including a description of the amended Project compared to the Project described in the exhibited EIS.
Chapter 8	Additional information and assessment Provides additional information in response to key issues raised in submissions with an assessment of environmental impacts.
Chapter 9	Environmental impact assessment of amended Project Provides an amended environmental risk rating and revised mitigation measures for the amended Project.
Chapter 10	Conclusion Provides concluding statements on Sydney Metro's response to submissions to the concept SSD Application.

Acronyms and Abbreviations

A full list of acronyms and abbreviations is provided after Chapter 10.

2. Overview of the exhibited project

This chapter provides an overview of the concept proposal as described in the EIS and provides an outline of key features of the proposed building envelope, supporting strategies, project objectives, and key potential environmental impacts identified in the EIS. It also provides clarification regarding information presented in the EIS and in particular, work which is already approved and will be delivered under the terms of the CSSI Approval.

2.1. Overview of the development proposal as described by the Environmental Impact Statement

2.1.1. Location of the site

The site is located between the Pacific Highway and Clarke Street (eastern side of the Pacific Highway) and Oxley Street and south of Hume Street, Crows Nest. It is located directly above the future Crows Nest Station as shown in the context map at Figure 2.1. The site is located within the North Sydney Local Government Area (LGA), however, is also near to the boundary of both the Willoughby and Lane Cove LGAs.

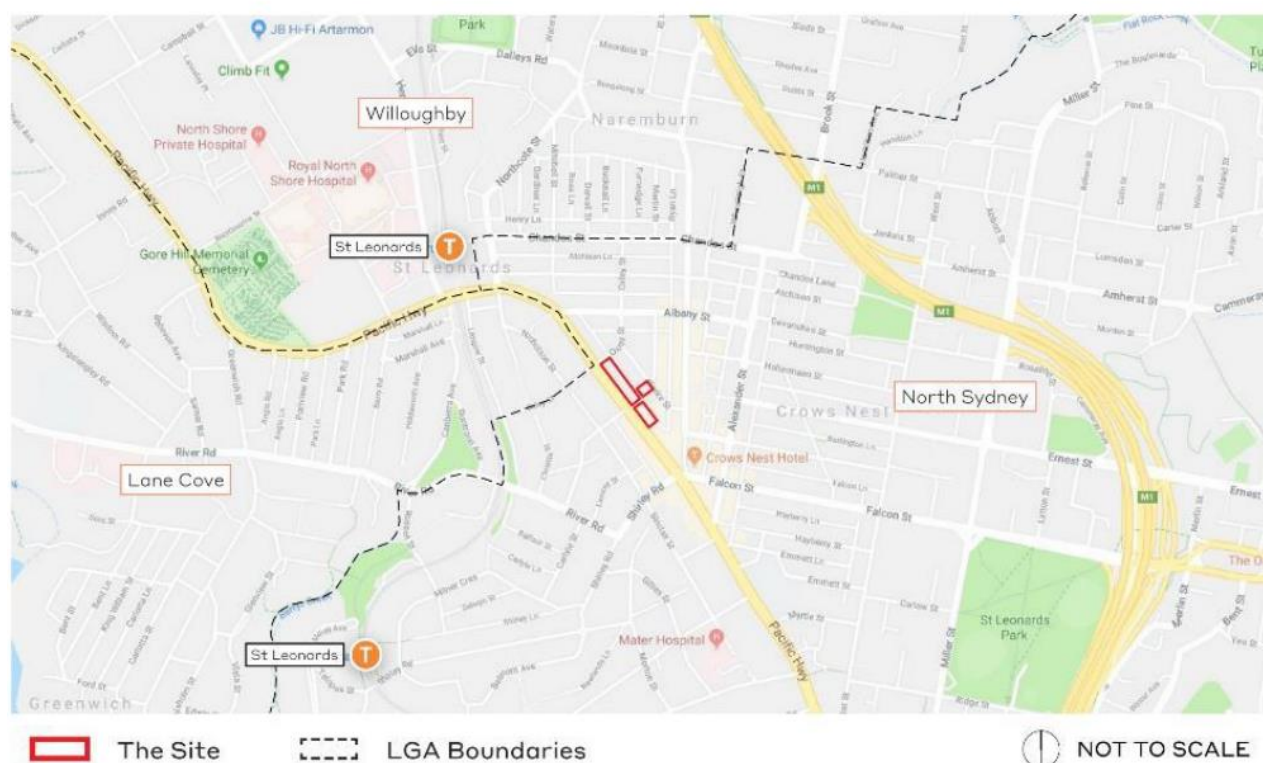


Figure 2.1 – Location Plan

The Crows Nest OSD has been divided into three separate sites as illustrated in Figure 2.2 and described below:

- **Site A:** The block bound by the Pacific Highway, Hume Street, Oxley Street, and Clarke Lane (497-521 Pacific Highway, Crows Nest). Site A has a consolidated site area of 3,879 square metres
- **Site B:** The block on the southern corner of Hume Street and the Pacific Highway (477-495 Pacific Highway, Crows Nest). Site B has a consolidated site area of 1,872 square metres
- **Site C:** One lot on the north-western corner of Hume Street and Clarke Street (14 Clarke Street, Crows Nest). Site C has a site area of 608 square metres.

Sites A, B and C have a combined site area of 6,359 square metres. The consolidated site has frontages of approximately 180 metres to the Pacific Highway, 25 metres to Hume Street and 25 metres to Clarke Street.



Figure 2.2 – Site aerial photograph

2.1.2. Description of the development as exhibited

The concept SSD Application seeks concept approval in accordance with section 4.22 of the EP&A Act for the OSD above the approved Crows Nest Station. The exhibited application establishes the planning framework and strategies to inform the detailed design of the future OSD and specifically sought planning approval for:

- maximum building envelopes for Sites A, B and C, including street wall heights and setbacks as illustrated in the plans prepared by Foster + Partners for Sydney Metro at Appendix D
- maximum building heights:

- **Site A:** RL 183 metres or equivalent of 27 storeys (includes two station levels and conceptual OSD space in the podium approved under the CSSI Approval)
- **Site B:** RL 155 metres or equivalent of 17 storeys (includes two station levels and conceptual OSD space approved under the CSSI Approval)
- **Site C:** RL 127 metres or 8 storeys (includes two station levels and conceptual OSD space approved under the CSSI Approval)

Note 1: the maximum building heights defined above are measured to the top of the roof slab and exclude building parapets which will be resolved as part of future detailed SSD Application(s)

- maximum height for a building services zone on top of each building to accommodate lift overruns, rooftop plant and services:
 - **Site A:** RL 188 or 5 metres

- **Site B:** RL 158 or 3 metres
- **Site C:** RL 132 or 5 metres

Note 1: the use of the space within the building services zone is restricted to non-habitable floor space.

Note 2: for the purposes of the concept SSD Application, the maximum height of the building envelope does not make provision for the following items, which will be resolved as part of the future detailed SSD Application(s):

- communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like, which are excluded from the calculation of building height pursuant to the standard definition in NSLEP 2013
- architectural roof features, which are subject to compliance with the provisions in Clause 5.6 of NSLEP 2013, and may exceed the maximum building height, subject to development consent
- maximum gross floor area (GFA) of 55,400sqm for the OSD comprising the following based on the proposed land uses:
 - **Site A:** Residential accommodation – maximum 37,500 square metres (approximately 350 apartments)
 - **Site B:** Hotel / tourist accommodation and associated conference facilities or commercial office premises GFA – maximum of 15,200 square metres (approximately 250 hotel rooms)
 - **Site C:** Commercial office premises GFA – maximum of 2,700 square metres
 - **Site A or C:** social infrastructure GFA inclusive of the GFA figures nominated above for each site, with provision optional as follows:
 - **Site A:** podium rooftop (approximately 2,700 square metres)
 - **Site C:** three floors and rooftop (approximately 1,400 square metres)

Note: GFA figures exclude GFA attributed to the station and station retail space approved under the CSSI Approval

- a minimum non-residential floor space ratio (FSR) for the OSD across combined Sites A, B and C of 2.81:1 or the equivalent of 17,900 square metres
- the use of approximate conceptual areas associated with the OSD which have been provisioned for in the Crows Nest station box (CSSI Approval) including areas above ground level (i.e. OSD lobbies and associated spaces)
- a maximum of 150 car parking spaces on Sites A and B associated with the proposed commercial, hotel and residential uses
- loading, vehicular and pedestrian access arrangements
- strategies for utilities and services provision
- strategies for managing stormwater and drainage
- a strategy for the achievement of ecological sustainable development
- a public art strategy
- indicative signage zones

- a design excellence framework
- the future subdivision of parts of the OSD footprint, if required.

As the concept SSD Application is a staged development pursuant to section 4.22 of the EP&A Act, future approval would be sought for detailed design and construction of the OSD.

Architectural drawings illustrating the exhibited proposed building envelope and OSD design were provided at Appendix C and D of the EIS respectively.

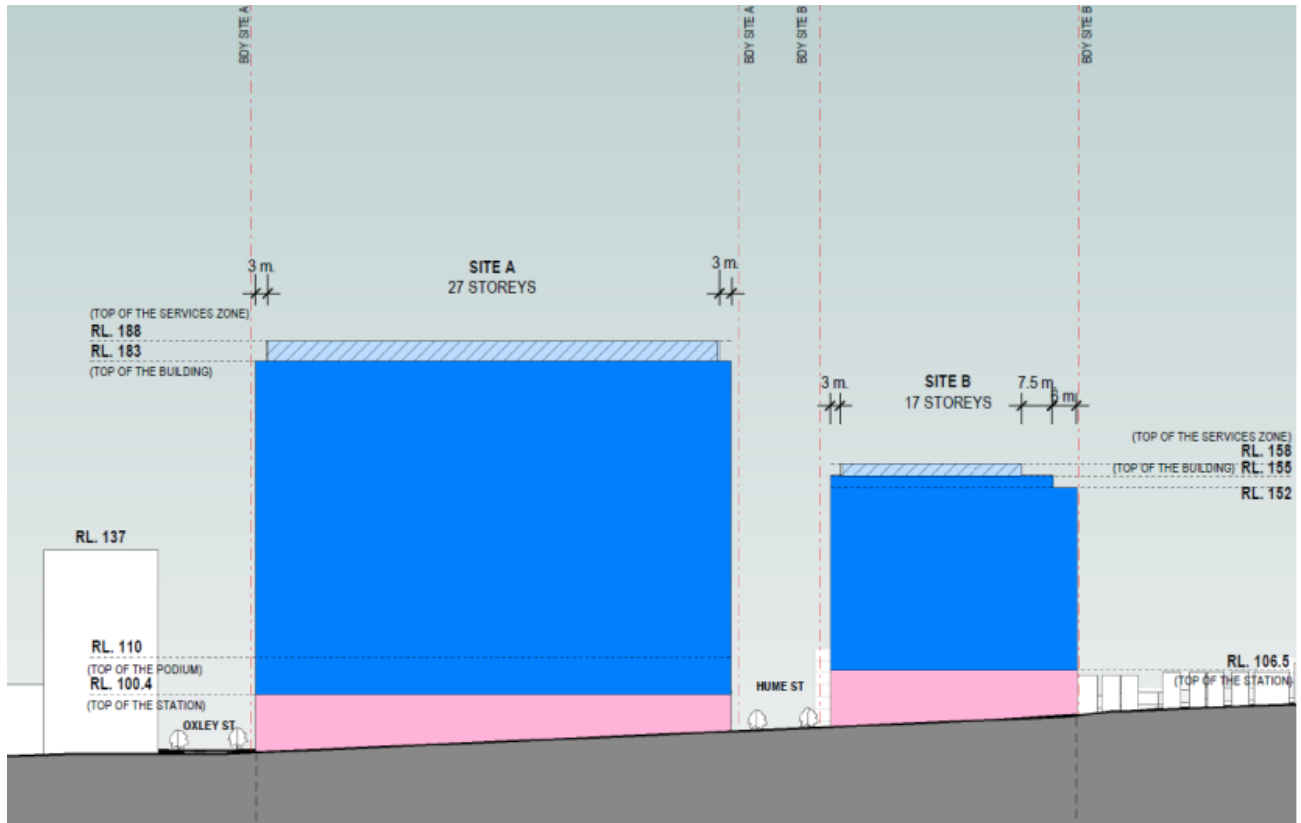


Figure 2.3 – Proposed Crows Nest OSD building envelope – West Elevation (Pacific Highway)

2.1.3. Summary of potential environmental impacts and mitigation measures as exhibited

The potential impacts identified in the EIS for the exhibited Project are summarised in Table 2. Relevant strategies and mitigation measures to address these potential impacts have been included at Chapter 9 (Assessment of environmental impacts), Section 9.1 (Framework for the management of design and environmental impacts) and Section 9.2 (Mitigation measures) of this Submissions Report.

An assessment of the environmental impacts of the Revised Scheme is undertaken in Chapter 9 and the various appendices to this Submissions Report.

Table 2 – Summary of environmental impacts of the exhibited project

Issue	Potential impact of the exhibited project	Mitigation measures
Visual and Views	<ul style="list-style-type: none"> • Visual/view impacts from surrounding streetscape and key vantage points • View impacts on neighbouring residential building 	Refer to Section 8.3 of EIS

Issue	Potential impact of the exhibited project	Mitigation measures
Public Domain Overshadowing	<ul style="list-style-type: none"> Increase in shadows to surrounding public domain including Hume Street Park and Willoughby Road, Ernest Place, Crows Nest Community Centre and Holtermann Street Car Park Rooftop 	Refer to Section 8.4 of EIS
Private Domain Overshadowing	<ul style="list-style-type: none"> Increase in shadows to surrounding residential properties 	Refer to Section 8.4 of EIS
Privacy	<ul style="list-style-type: none"> Privacy impact on neighbouring residential buildings 	Refer to Section 8.5 of EIS
Traffic and Transport	<ul style="list-style-type: none"> Increased traffic on local roads Conflict with normal pedestrian vehicle operations 	Refer to Section 8.9 of EIS
Aboriginal Heritage	<ul style="list-style-type: none"> Potential impacts on Aboriginal places of significance (assessed under the CSSI Approval) 	Refer to Section 8.8 of EIS
Noise and Vibration	<ul style="list-style-type: none"> Temporary increase in noise and vibration associated with construction including from vehicles and machinery 	Refer to Section 8.15 of EIS
Infrastructure and Utilities	<ul style="list-style-type: none"> Adequate connection to infrastructure and utilities Adequate capacity to service building 	Refer to Section 8.13 of EIS
Flooding	<ul style="list-style-type: none"> Potential flooding of development Adequate stormwater management for development 	Refer to Section 8.14 of EIS
Reflectivity	<ul style="list-style-type: none"> Adverse solar reflectivity glare to motorists, pedestrians and neighbouring properties 	Refer to Section 8.20 of EIS
Contamination	<ul style="list-style-type: none"> Temporary exposure of contamination or hazardous materials during construction (assessed under the CSSI Approval) 	Refer to Section 8.21 of EIS
Wind Impact	<ul style="list-style-type: none"> Adverse wind environment along surrounding streets and station entries Adverse wind environment to outdoor areas in the OSD including outdoor terrace levels, podiums and rooftops 	Refer to Section 8.12 of EIS
Crime and Public Safety	<ul style="list-style-type: none"> Anti-social and criminal behavior 	Refer to Section 8.22 of EIS
Environmental and Construction Management	<ul style="list-style-type: none"> Temporary noise, dust, air quality, waste management and traffic impacts 	Refer to Section 8.19 of EIS
Biodiversity	<ul style="list-style-type: none"> Impact on street trees 	Refer to Section 8.16 of EIS
Waste	<ul style="list-style-type: none"> Temporary waste production associated with construction activities 	Refer to Section 8.23 of EIS
Ecological Sustainable Design	<ul style="list-style-type: none"> Carbon emissions 	Refer to Section 8.10 of EIS

Issue	Potential impact of the exhibited project	Mitigation measures
	<ul style="list-style-type: none"> Energy consumption Thermal comfort of building occupants 	
Accessibility	<ul style="list-style-type: none"> Adequate access for people with a disability 	Refer to Section 8.24 of EIS
Social Impact	<ul style="list-style-type: none"> Temporary general disruption to community associated with large scale construction Potential anti-social behavior associated with operation of the buildings 	Refer to Section 9.1 of EIS
Property and Land Use	<ul style="list-style-type: none"> Acquisition of site for development (undertaken through the CSSI Approval) Compatibility between OSD uses and station/surrounding uses 	Refer to Section 8.6 of EIS
Water Quality	<ul style="list-style-type: none"> Potential erosion and sediment impacts on drainage system Impacts on quality of stormwater discharge into drainage system 	Refer to Section 8.14 of EIS
Air Quality	<ul style="list-style-type: none"> Temporary impacts from dust associated with construction activities Temporary emissions associated with construction vehicles Emissions associated with entering and existing vehicle traffic Plant and equipment emissions 	Refer to Section 8.19 of EIS
Cumulative Impacts	<ul style="list-style-type: none"> Temporary cumulative impacts (traffic, noise, dust etc.) associated with concurrent construction of station and OSD, and other development in the area 	Refer to Section 8.9 of EIS

2.2. Clarification of Project scope

A number of submissions indicated that the scope of the Project and its interface with the scope of the station works required further clarification. The following section provides this additional clarification.

2.2.1. Delineation between station and OSD

Since exhibition of the EIS, it has been identified that further discussion is required to detail the scope of the Project, specifically the statutory planning delineation between the approved metro station and OSD.

Section 4.10 of the EIS outlines the planning relationship between Crows Nest Station and the OSD. The CSSI Approval includes construction of below and above ground structures necessary for delivery of the station and also enabling work for an integrated OSD. Work approved under the CSSI Approval includes, but is not limited to the following:

- demolition of existing development
- excavation

- station structure including concourse and platforms
- lobbies
- public domain improvements
- access arrangements including vertical transport such as escalators and lifts
- structural and service elements and the relevant space provisioning necessary for construction OSD, such as columns and beams, space for lift cores, plant rooms, access, parking, retail and building services.

The proposed OSD building envelope, which is the subject of this concept SSD Application, is located entirely above the already approved station envelope. The base of the building envelope, including its alignment, allows for the appropriate integration of the station and OSD from an architectural, structural and operational perspective. The OSD is governed by the design of the station, in particular as to where primary structural elements, such as columns and lift cores, are located.

The delineation between the station works approved under the CSSI Approval and OSD (defined by the exhibited concept SSD Application) is generally defined by the 'transfer level', which is located approximately two to three storeys above the ground level. For Site A, the transfer level is located at RL 100.4, for Site B the transfer level is RL 106.5 and for Site C the transfer level is RL 98.4. The transfer level represents the designated areas for approval between the concept SSD Application and the CSSI. This is illustrated in Figure 2.4.

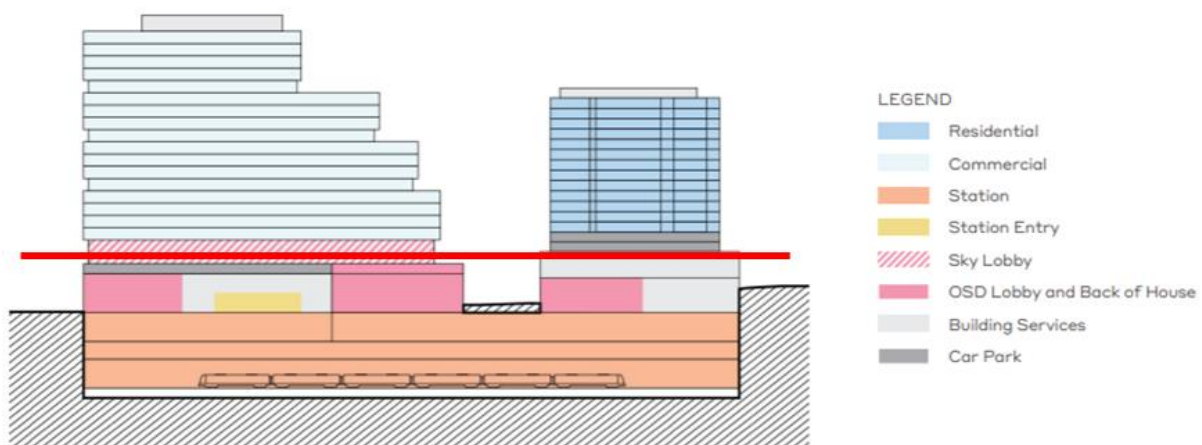


Figure 2.4 – Plan of proposal demonstrating location of transfer level (red line) in the exhibited scheme

The relationship between the CSSI Approval and the concept SSD Application was included in the EIS and is detailed at Table 3. This Table identifies what components of the overall Project would be undertaken as part of the SSD Application and the CSSI Approval.

Table 3 – Planning pathway relationship between concept SSD Application and CSSI Approval

Component	Concept SSD Application	CSSI Approval
Building envelope above station (i.e. above transfer slab)	X	
Uses within OSD envelope (i.e. residential apartments and commercial office premises)	X	
Use of OSD spaces conceptually approved within the station (below and above ground) including: <ul style="list-style-type: none"> • OSD lobby • OSD parking and loading 	X	

Component	Concept SSD Application	CSSI Approval
<ul style="list-style-type: none"> OSD end-of-trip facilities back-of-house facilities including building plant, waste and service rooms 		
Demolition and excavation		X
Station and OSD structure (i.e. structural elements, building grids, column loadings, building infrastructure and services up to the transfer level)		X
Non-OSD uses within the station including station retail		X
Public domain works and landscaping		X
Space for future lift cores, access, parking and building services for OSD		X
Provision for the connection of OSD utilities		X

2.2.2. Station design and public domain work

As identified in Table 3, all built form up to the transfer level - including the station design and public domain work - would be designed and delivered under the CSSI Approval. The design resolution of these station elements would be addressed through preparation of an Interchange Access Plan (IAP) and a Station Design and Precinct Plan (SDPP). These plans are required by Conditions E92 and E101 respectively under the CSSI Approval. Under the terms of these conditions, the final design of the public domain, building form (including footprint and architecture) and entries / access, station design and spatial arrangements for the OSD will be resolved and approved.

Conditions E92 and E101 require the following (as summarised):

- IAP - Condition E92:** the preparation of a IAP for the station to inform the design of transport and access facilities and services, including footpaths, cycleways, passenger facilities, parking, traffic and road changes, and integration of public domain and transport initiatives around and at each station. The IAP is required to be prepared in consultation with the Traffic Transport Liaison Group (comprising representatives from Transport for NSW – Roads and Maritime Services, Council, transport operators, emergency services) and the Sydney Metro Design Review Panel.

Given the station is only one component of the integrated station development at Crows Nest and all public domain and interchange access works would be delivered under the CSSI Approval, the IAP will need to demonstrate that it represents an appropriate end-state solution i.e. it satisfies the requirements of both the station and OSD.

- SDPP - Condition E101:** requires that the SDPP present an integrated urban and place-making outcome for each station / end-state element, including but not limited to: the identification of specific design objectives, principles and standards for the Project (including to maximise the amenity of public spaces and minimise the footprint of the Project); landscaping and building design; and opportunities for public art and interpretation. The SDPP is to be prepared in collaboration and consultation with relevant stakeholders including but not limited to Council, DPIE and the local community.

Sydney Metro will prepare the IAP, while the SDPP for Crows Nest Station will form part of the detailed design of the station development prepared by the Crows Nest Design Consortium (CNDC). Sydney Metro has developed reference designs for Crows Nest to determine the space planning, general layout and technical requirements for the structural integration of the OSD and station. The final design for the station and its integration with the OSD will be subject to further refinement in accordance with the terms of the CSSI Approval. The final design for the OSD will also be subject to a

future detailed SSD Application where its integration with the station and public domain will need to be demonstrated.

Accordingly, the concept SSD Application does not seek consent for any public domain works.

2.2.3. Relationship with the Draft Rezoning Proposal

The exhibition of the concept SSD Application was undertaken simultaneously to the exhibition of other important strategic planning documents released by DPIE. This included the (then) Draft Crows Nest Sydney Metro Station Site Rezoning Proposal (Draft Rezoning Proposal).

DPIE released the Draft Rezoning Proposal to amend the NSLEP 2013 as it applies to the site subject to this concept SSD Application. The former planning controls for the subject site were adopted in 2013, prior to any commitment by the NSW Government to deliver the Sydney Metro project, including a new station at Crows Nest. Consequently, these controls did not reflect opportunities for transit-oriented development at the Crows Nest Sydney metro station.

DPIE subsequently finalised the Rezoning Proposal, and gazetted new controls for the Crows Nest site, on 31 August 2020 as the *State Environmental Planning Policy Amendment (Crows Nest Metro Station) 2020*.

Table 4 illustrates the former controls under the NSLEP 2013 and the final controls gazetted for the site.

Table 4: Former controls under the NSLEP 2013 and new controls gazetted under the Rezoning Proposal

Control	Existing controls (NSLEP 2013)	Revised Controls (SEPP Crows Nest Metro Station)
Zoning	The site is zoned B4 Mixed Use.	No change to the existing B4 Mixed Use Zone
Height	The following maximum building heights apply to the sites: <ul style="list-style-type: none"> Blocks A and C: maximum height limit of 20 metres Block B: maximum height limit of 10 metres 	The following maximum building heights apply to the Sydney Metro sites: <ul style="list-style-type: none"> Block A – RL 180 metres Block B – RL 155 metres Block C – RL 127 metres* (<i>refer to exceptions to building height</i>)
Exceptions to building height	No site-specific control applies to the site.	The SEPP introduces a site-specific control enabling development on Site C to exceed the maximum building height for rooftop plant, equipment, and lift overruns up to a maximum height of 5m. All sites can continue to utilise Clause 4.6 of the NSLEP 2013.
Floor Space Ratio (FSR)	There is no FSR applicable to the sites	The following FSR controls apply to the Sydney metro sites: <ul style="list-style-type: none"> Block A – FSR of 11.5:1 Block B – FSR of 7.5:1 Block C – FSR of 6:1
Non-residential FSR	The following minimum non-residential FSRs apply to the sites: <ul style="list-style-type: none"> Block A: non-residential FSR of 1.5:1 Blocks B and C: non-residential FSR of 0.5:1 	The non-residential FSR controls have been increased for the Sydney Metro sites: <ul style="list-style-type: none"> Block A – minimum non-residential FSR of 10:1 Block B – minimum non-residential FSR of 0.5:1 Block C – minimum non-residential FSR of 5:1
Minimum lot size	There is no minimum lot size applicable to the sites	No changes were proposed or have been made.

Control	Existing controls (NSLEP 2013)	Revised Controls (SEPP Crows Nest Metro Station)
Exceptions to development standards	Exceptions are permitted to development standards through Clause 4.6 of the NSLEP 2013 which enables variations to a development standard in particular circumstances	No changes were proposed or have been made.
Heritage	There are no heritage items identified on site. It is noted that a local heritage item (I0141 – the St Leonards Centre) listed in the NSLEP 2013 is located at 28-34 Clarke Street on the corner of Oxley Street	No changes were proposed or have been made.
Design Excellence	No site-specific design excellence provisions currently relate to the subject site	A new clause was inserted into the NSLEP 2013 requiring any development on the Sydney Metro sites to demonstrate the highest standard of architectural, urban and landscape design.

3. Community and stakeholder consultation

This Chapter describes community and stakeholder consultation undertaken during and following the exhibition period, and future consultation proposed. A summary of key issues raised during consultation is also provided.

3.1. Overview

Sydney Metro has implemented a comprehensive community and stakeholder consultation program to engage proactively with local communities and key stakeholders. Stakeholder and community consultation for Sydney Metro is an ongoing process that commenced with the release of *Sydney's Rail Future* in 2012.

Sydney Metro City & Southwest has been consulting with the community and key stakeholders since June 2014. Feedback from consultation activities has played an important role in informing and scoping the design of the concept proposal for the Crows Nest OSD and the EIS.

Sydney Metro's approach to consultation is described in Chapter 5 of the EIS. Consultation activities undertaken prior to exhibition of the EIS are described in Section 5.1.2 (Consultation during preparation of this SSD Application) of the EIS.

The following sections describe consultation undertaken by Sydney Metro during public exhibition of the EIS, and consultation that would be undertaken during future project stages.

3.2. Consultation associated with the public exhibition of the EIS

The EIS was placed on public exhibition by DPIE for a period of 85 days from 16 November 2018 to 8 February 2019. The EIS and accompanying technical reports and plans were made available on DPIE's website at majorprojects.planning.nsw.gov.au and on the Sydney Metro project website at sydneymetro.info.

Hard copies of the EIS were available at the following locations:

- North Sydney Council, 200 Miller Street, North Sydney
- Stanton Library, 234 Miller Street, North Sydney.

Copies of the EIS were also available at the community information sessions, and a Project model was on display at North Sydney Council.

Submissions on the proposed concept were received by DPIE during the exhibition period and responses to them are presented in Chapters 5 and 6 of this Submissions Report.

3.2.1. Consultation activities

The following consultation activities were undertaken to support exhibition of the EIS:

- letterbox drop to properties within 500 metres of the site advising of the exhibition period and community information sessions
- four community information sessions
- email updates to Project database advising of the exhibition period, how to make a submission and community information sessions
- direct engagement with local communities by Sydney Metro Place Managers
- community contact and information points (Project phone and email).

Further details of the above activities are outlined below.

3.2.2. Community contact and information points

Table 4 - Community contact and information points

Activity	Detail
Community information line (toll free)	1800 171 386
Community email address	sydneymetro@transport.nsw.gov.au
Website	www.sydneymetro.info
Postal address	Sydney Metro City & Southwest: PO Box K659 Haymarket, NSW 1240

3.2.3. Community information sessions

The Project team hosted two community information sessions, as well as attended two information sessions hosted by DPIE, where information about the concept proposal was made available.

The community was invited to attend these events and meet expert members of the Project team and have their questions answered.

Table 5 outlines the date, time and location of the information sessions. A total of 196 visitors attended the four drop-in sessions.

Table 5 - Community information sessions

Date	Location	Attendance
Wednesday 21 November 2018, 4pm – 7pm	The Crows Nest Centre, 2 Ernest Place, Crows Nest	84
Wednesday 28 November 2018, 4pm – 7pm	The Crows Nest Centre, 2 Ernest Place, Crows Nest	34
Saturday 1 December 2018, 12noon – 3pm	The Crows Nest Centre, 2 Ernest Place, Crows Nest	55
Tuesday 11 December 2018, 4pm – 7pm	Lane Cove Community Hub, 1 Pottery Lane, Lane Cove	23

3.2.4. Engagement summary

A summary of the other engagement tools used is provided below:

- **Letterbox drops:** approximately 7,168 project flyers were distributed on 21 November 2018 to residents and businesses within a 500-metre radius of the Project site advising of the exhibition period and community information sessions
- **Email alerts to the Project mailing list:** an email was sent to the 6,576 community members on the Sydney Metro City & Southwest project database list on 15 November. The email advised of the EIS exhibition dates and encouraged recipients to have their say. Two follow-up emails were also sent to the more than 960 community members registered on the Crows Nest distribution list on 29 November and 13 December, encouraging recipients to have their say on the EIS

- **Project website update:** information about the EIS exhibition and associated consultation activities was made available on the Project website at sydneymetro.info and the Sydney Metro Facebook page. All documents on the Project website were made web accessible
- **Digital survey tool:** a digital survey tool called swipEngage was used during the exhibition to capture community values and opinions. This innovative approach uses images and basic symbols to obtain easy responses to questions and has proven successful in reaching culturally and linguistically diverse (CALD) groups and younger community members
- **Newspaper advertisements:** advertisements were placed in newspapers by Sydney Metro to advise the public of the exhibition and community information sessions:
 - Mosman Daily 22 November
 - North Shore Times 22 November
 - Australian Chinese Daily 22 November.

3.2.5. Display materials

A range of display materials were prepared and made available at the community information sessions. These included:

- information boards providing general information on Sydney Metro City & Southwest, the concept proposal including key features, the planning process and how to make a submission
- Sydney Metro video
- copies of the EIS
- various Sydney Metro newsletters and brochures
- project flyer
- an EIS overview document.

3.2.6. EIS overview document

A summary of the EIS was prepared to support the community information sessions. The EIS overview document included:

- information on the Project and Sydney Metro
- a summary of the EIS assessment
- a series of diagrams and artist's impressions for the Crows Nest OSD to provide an indication of the scope, scale and key features of the concept proposal and its integration with Crows Nest Station and the surrounding public domain.

A copy of the EIS overview document can be found at sydneymetro.info/documents and Appendix X of this Submissions Report.

3.3. Key issues raised at community information sessions

Issues or comments raised by visitors at information sessions are captured and summarised in Appendix Y of this Submissions Report.

Sentiments from the public provided a mix of feedback both in support and objection to various aspects of the proposal. The issues raised in objection generally reflect the sentiments documented in Chapter 6 of this Submission Report.

3.4. Consultation during the preparation of this report

During exhibition of the EIS and the preparation of this Submissions Report, Sydney Metro continued to undertake consultation with a number of stakeholders and community groups as described below:

- North Sydney Council was briefed a number of times between July and September 2019 regarding planning updates, precinct plan, Interchange Access Plan and construction logistics updates.
- Sydney Metro Traffic Control Group consisting of Roads and Maritime Services, North Sydney Council and the Sydney Coordination Office was briefed a number of times between June and August 2019 regarding planning updates and the station construction methodology and logistics.
- Sydney Metro Design Review Panel (DRP) was briefed a number of times between March 2019 and June 2020 regarding design excellence criteria applied to the OSD design, the amended OSD envelope, the inclusion of an articulation zone and updates to the Crows Nest OSD Design Guidelines.
- A community briefing was held on 10 September with DPIE representatives and the Member for North Shore. This meeting was setup to provide a general update on the planning process and what the community can expect going forward in terms of consultation.
- Member for North Shore was briefed on 7 August 2019 regarding the updated timelines for the project and what potential consultation the community could expect as part of the submissions process.

3.5. Ongoing consultation and engagement activities

Sydney Metro will continue to work with stakeholders and the community to ensure they are informed about the Project and have opportunities to provide feedback to the Project team.

A list of the proposed activities and timing is provided in Table 6.

Table 6 - Proposed engagement activities

Activity	Timing	Design	Delivery	Operation
Awareness and marketing campaign to engage future customers	Ongoing	●	●	●
Community events	Ongoing	●	●	
Community information sessions	As required	●		
Community communications strategy	Prior to construction	●	●	
Construction complaints management system	Prior to construction	●	●	
Construction notifications	Seven days prior to construction starting		●	
Doorknocks	As required	●	●	
Email updates	Relevant milestones	●	●	
Enquiries and complaints hotline	Ongoing	●	●	●
Fact sheets	As required	●	●	●

Activity	Timing	Design	Delivery	Operation
Engagement with stakeholders including government, peak bodies and local businesses	As required; relevant milestones	●	●	
Media releases	Relevant milestones	●	●	
Newsletter	Relevant milestones	●	●	
Newspaper advertising	Relevant milestones	●	●	
Operation communications plan	Prior to operation			●
Place managers	Ongoing	●	●	
Project briefings and presentations	Relevant milestones	●	●	
Project overview document	Relevant milestones	●	●	
Site signage	Prior to construction		●	
Social media updates	As required; relevant milestones	●	●	●
Website, animations and online forums	Ongoing	●	●	

3.6. Next steps

Sydney Metro will continue to engage with the community about the concept SSD Application including design development, staging of works and the integrated relationship between Crows Nest Station and the OSD. This Response to Submissions is to be made publicly available and re-exhibited to provide the opportunity for members of the public to view and comment.

4. Submissions received

This Chapter provides a summary of the submissions received, including a breakdown of respondent type, number of submissions received, and all issues raised in submissions.

4.1. Respondents

During the exhibition period, the community and stakeholders were invited to provide feedback in the form of submissions on the concept SSD Application. Submissions were coordinated and managed by DPIE and registered and uploaded onto the DPIE website. Submissions were accepted by electronic online submission or post and were forwarded to Sydney Metro for review and consideration. A total of 677 submissions were received. Of these, 580 (86 per cent) submissions were proforma submissions.

A breakdown of submissions by respondent type is provided at Table 7.

Table 7 - Submissions received by respondent type

Submitter type	Number of submissions
Government agencies and key stakeholders and Council	
NSW Government departments / agencies	4
Australian Government departments / agencies	1
North Sydney Council	1
Lane Cove Council	1
Utility groups	3
Emergency Services	2
Subtotal	12
Community	
Community members	655
Community interest groups	10
Businesses	0
Subtotal	665
Total submissions	677

4.2. Overview of submissions – government agencies and councils submissions

Twelve submissions were made by government agencies and councils during the exhibition period. These include:

- NSW Office of Environment and Heritage – Communities and Greater Sydney Division
- NSW Office of Environment and Heritage – Heritage Division
- Fire and Rescue NSW
- NSW Environment Protection Authority
- NSW Health

- NSW Police
- Civil Aviation Safety Authority
- Sydney Water
- Water NSW
- Ausgrid
- North Sydney Council
- Lane Cove Council.

Feedback included a range of issues relevant to their respective areas of interest and responsibility, including:

- ongoing consultation during design development
- noise mitigation
- Crime Prevention through Environmental Design
- Design Guidelines
- a Voluntary Planning Agreement (VPA) needs to be negotiated prior to any development application being considered and must include affordable housing, open space and community facilities
- overshadowing of Ernest Place, Willoughby Road and Hume Street Park
- provision of parking
- planning process
- land use and need for more commercial office floor space
- open space

A detailed response to each of these submissions is provided in Chapter 5.

4.3. Overview of submissions – community submissions

The community, including individuals, businesses and community groups, raised a range of issues. Detailed responses are provided in Chapter 5 of this Submissions Report.

Of the 665 community submissions received, four were raised in comment and 661 were objections. Five community interest groups made a total of 10 submissions (with the Association for the Committee for North Sydney and the Waverton Precinct both making three separate submissions, and the Naremburn Progress Association making two separate submissions), which are outlined below. Chapter 5 of this Report has been structured into three key sections to reflect the nature of the submission (i.e. comment, support or objection).

Of the 665 community submissions objecting to the proposal, 26 per cent were from Wollstonecraft and 23 per cent were from Crows Nest. The remaining submissions were primarily from surrounding suburbs including Naremburn, St Leonards, Waverton and Greenwich. Many submissions also did not state the suburb which they were from.

No submissions were received from local businesses or Members of Parliament.

4.3.1. Submissions Made by Community Interest Groups

Association for the Committee for North Sydney

The Association for the Committee for North Sydney (Committee for North Sydney) made a submission in relation to the SSD Application and the Rezoning Proposal. The submission outlines several key issues that need to be addressed.

The submission raised the following areas of concern or suggestions in relation to the proposal:

- not listening to the community, nor to North Sydney Council
- lack of high quality open space in the area
- abandon the commercial building on Site C and instead devote this area to open space
- against the height and scale of the buildings the Rezoning Proposal permits
- the height and scale of the proposed buildings have been retained irrespective of the objections made by Council and the community, thus indicating that public participation is not properly considered
- the Rezoning Proposal should be addressing job targets by facilitating development that aligns with the designation as a health and education precinct, rather than high density residential uses
- not enough space is allocated toward employment uses to capture more value
- overshadowing of Willoughby Road and Ernest Place in the afternoons during daylight saving hours and overshadowing on the western side of the Highway over Nicholson Street in the early mornings
- the provision of high-rise towers is strongly favoured in the drafting of the Heads of Consideration in the Rezoning Proposal and there is no regard for community benefit or public amenity
- the proposed street setbacks are inadequate.

Waverton Precinct

The Waverton Precinct made a submission in relation to the SSD Application and the Rezoning Proposal. The submission outlines that there are a number of key issues that need to be addressed.

The submission raised the following areas of concern or suggestions in relation to the proposal:

- not listening to the community, nor to North Sydney Council
- lack of high quality open space in the area
- abandon the commercial building on Site C and instead devote this area to open space
- against the height and scale of the buildings the Rezoning Proposal permits
- the height and scale of the proposed buildings have been retained irrespective of the objections made by Council and the community, thus indicating that public participation is not properly considered
- the Rezoning Proposal should be addressing job targets by facilitating development that aligns with the designation as a health and education precinct, rather than high density residential uses
- not enough space is allocated toward employment uses to capture more value

- overshadowing of Willoughby Road and Ernest Place in the afternoons during daylight saving hours and extensive overshadowing on the western side of the highway over Nicholson Street in the early mornings
- the provision of high-rise towers is strongly favoured and there is no regard for community benefit or public amenity
- the proposed street setbacks are inadequate.

Naremburn Progress Association

The Naremburn Progress Association has made a submission relating to the SSD Application and Rezoning Proposal. The submission outlines that there are several key issues that need to be addressed, and raised the following concerns and suggestions:

- the proposal for two 27 storey towers, a 17 storey hotel and an eight storey commercial tower completely ignores the requirements of the *Placemaking and Principles Study* that underpins the St Leonards and Crows Nest precinct
- the proposal is for value capture and ignores the community's preference to retain the Crows Nest village
- the proposal will encourage further overdevelopment
- there needs to be an alternative proposal that complies with existing North Sydney LEP 2013 planning controls
- the buildings above the metro station should align with the designation of Crows Nest as a health and education precinct and help bring more jobs to the area
- the proposed street level setbacks do not contribute to Crows Nest becoming a viable vibrant place
- residential uses should not be part of the proposal, instead the site must consist of employment and business generating uses that will bring jobs to the area
- a hotel should not be provided
- there should be no building on Site C, allowing for that space to be used for a pedestrian plaza
- there should be no car parking on the site
- buildings above the metro should be part of an education hub comprising of varied educational uses and contain uses that improve the health of the community
- the proposed buildings will cause major visual impact
- the proposal will lead to overshadowing of Nicholson Street, Hume Street Park, Willoughby Road, and Ernest Place
- inadequate street level setbacks are proposed and more generous setbacks should be provided to allow for the provision of tree lined streets.

Greenwich Community Association

The Greenwich Community Association made a submission comprising objections toward both the SSD Application and the Rezoning Proposal. It raised the following concerns and suggestions in relation to the Rezoning Proposal:

- the increased heights of the towers will cause overshadowing of residential areas to the west of the Pacific Highway
- the growth in population in the precinct is too significant

- the allocation for commercial uses is insufficient and should be increased
- the increase in height results in issues with bulk and scale
- there should be an independent design panel review, involving the community, to assess the compliance of the proposal's design excellence
- the community's views are not considered.

In relation to the SSD Application, the following suggestions and concerns were raised:

- the proponent pursuing two planning pathways (consistency with the Rezoning Proposal and a Clause 4.6 variation to North Sydney LEP 2013) and requiring community members to make submissions on both documents concurrently (the Rezoning Proposal and SSD Application), irrespective of the fact that the SSD Application is predicated on the Rezoning Proposal
- building heights are incompatible with the village character of Crows Nest
- overshadowing of residential areas
- the proposed FSR changes will result in a significant population increase
- there are inadequate non-residential FSR provisions
- justification for a hotel or tourist accommodation premises is not substantive without the inclusion of a business case or data in support of it
- the accuracy of relative building heights shown in Figure 2 of the EIS is questionable
- there is a surplus of residential accommodation under construction or already approved for construction in the precinct
- there is a lack of community infrastructure such as schools and green open space.

Northern Suburbs Basketball Association

The Northern Suburbs Basketball Association (NSBA) has objected to the 'apparent demolition' of the existing Crows Nest Indoor Sporting Facility in favour of green space. NSBA recommends two floors in the development be allocated toward an indoor stadium, addressing the demand for sporting facilities and providing community benefit.

4.3.2. Summary of issues raised in community submissions

Community submissions were coded into key issues (e.g. land use issues) and sub-issue categories (e.g. need higher employment outcomes). A total of 14 key issues and 61 sub-issues were identified during the review in relation to the 655 submissions.

Table 8 provides a breakdown of the key issues raised in the community submissions which objected to the proposal. Since most submissions raised more than one issue or raised the same issue more than once, the number of issues identified at Table 8 is greater than the total number of submissions received. Key issues were raised a total of 14,069 times. The top three most frequently raised key issues in the community submissions were:

- land use issues
- overshadowing
- SSI related issues

Table 8 - Summary of key issues raised in community submissions (objections only)

Key issue	Number of times key issue was raised	Percentage of total key issues
Land use issues, including: <ul style="list-style-type: none"> needing higher employment outcomes residential being an inappropriate use an education land use is more appropriate a health land use is more appropriate issues relating to the hotel use 	4,023	28.6 per cent
Overshadowing of: <ul style="list-style-type: none"> Willoughby Road, Hume Street Park, Ernest Place residential areas on the western side of the Pacific Highway general overshadowing 	2,231	15.9 per cent
SSI related issues, including: <ul style="list-style-type: none"> street level setbacks landscaping the site being the wrong location for the Metro loss of the Crows Nest Post Office above ground services/utilities 	1,862	13.2 per cent
Overdevelopment impacts, including: <ul style="list-style-type: none"> the development being contrary to the village atmosphere of Crows Nest the area has already accommodated enough growth the development being a precedent for further overdevelopment population growth not matching infrastructure provision 	1,628	11.6 per cent
Planning process issues, including: <ul style="list-style-type: none"> development not complying with LEP controls, placemaking study or strategic context improper use of SSD process, or State Government influence value capture related issues contributions related issues clause 4.6 related issues 	1,598	11.4 per cent
Built form issues, including: <ul style="list-style-type: none"> visual impact and view impact height bulk and scale upper level setbacks design excellence heritage building separation privacy 	753	5.4 per cent
Public domain and open space issues, including: <ul style="list-style-type: none"> it being a lost opportunity for public open space there being a general need for more public open space 	742	5.3 per cent
Vehicular traffic and parking issues, including: <ul style="list-style-type: none"> increase in parking traffic generation lack of public transport interchange there being not enough parking 	713	5.1 per cent
St Leonards and Crows Nest 2036 related issues, including: <ul style="list-style-type: none"> issues pertaining to the (then) St Leonards and Crows Nest 2036 Draft Plan matters relating to the Rezoning Proposal 	214	1.5 per cent
Communications and engagement issues, including: <ul style="list-style-type: none"> photomontages or diagrams being misleading poor community consultation not listening to the community 	198	1.4 per cent

Key issue	Number of times key issue was raised	Percentage of total key issues
Social issues, including: <ul style="list-style-type: none"> • lack of or inappropriate community facilities • loss of community • increased crime • lack of social housing 	85	0.6 per cent
Environment and pollution issues, including: <ul style="list-style-type: none"> • increase in pollution • increased heat • increased noise • increased wind 	14	0.1 per cent
Pedestrian circulation issues, including: <ul style="list-style-type: none"> • poor pedestrian connection across the Pacific Highway • providing higher priority for pedestrians and cyclists 	6	0.04 per cent
Other issues, including: <ul style="list-style-type: none"> • disruption due to construction • emergency services 	2	0.02 per cent
Total:	14,069	100 per cent

As detailed in Section 4.3.2 of this Submissions Report, a number of issues raised in the community submissions fall outside of the scope of this concept SSD Application – refer to Section 4.4 for further detail. This includes issues in relation to the following matters:

- (then) St Leonards and Crows Nest 2036 *Draft Plan* related issues
- Rezoning Proposal related issues
- SSI related issues.

Submissions that raised issues outside the scope of the EIS account for approximately 14.7 per cent of all issues raised in community submissions that lodged an objection.

Despite being outside the Project scope, these issues are captured in Table 8.

4.4. Issues raised falling outside of the scope of the concept SSD Application

4.4.1. Issues relevant from then (then) St Leonards and Crows Nest 2036 *Draft Plan* and Rezoning Proposal

DPIE has undertaken strategic planning investigations into revitalising the surrounds of St Leonards railway station and the metro station at Crows Nest. In August 2017, DPIE released the *St Leonards and Crows Nest Station Precinct Interim Statement (Interim Statement)* and in October 2018 released the *2036 Draft Plan* and supporting documents that detailed recommended changes to land use controls in the precinct in response to the additional development capacity enabled by metro infrastructure. These documents recommend increases in development density along the Pacific Highway corridor, on and around the Crows Nest metro station whilst protecting the amenity of Willoughby Road.

In October 2018, DPIE also placed on public exhibition the Rezoning Proposal. The Proposal outlined the State led rezoning of the subject site, on the basis that then planning controls in the NSLEP 2013 did not reflect the opportunities for improved accessibility associated with the new Sydney Metro station enabling people to live, work and spend time close to public transport. The Proposal recommended alignment of the planning controls commensurate with the built form proposed in the concept SSD Application.

The *2036 Draft Plan* and Rezoning Proposal were exhibited concurrently to the concept SSD Application in December 2018 to February 2019. Many submissions were made to the concept SSD

Application which relate to the *2036 Draft Plan* or Rezoning Proposal, as outlined below.

Many submissions explicitly referred to aspects of the *2036 Draft Plan* in their submission to the concept SSD Application. Such comments on the *2036 Draft Plan* included:

- objections to height and density of proposed development on other sites in the precinct
- comments on specific documentation released in support of the *2036 Draft Plan*, including the Strategic Transport Study prepared by Cardno
- comments regarding the separation and/or integration of the metro site with the *2036 Draft Plan* and Rezoning Proposal
- comments that development of the metro site should be put on hold until the *2036 Draft Plan* is further progressed.

The comments made with regard to the (then) *2036 Draft Plan* are not a relevant matter for consideration for this Response to Submissions regarding the concept SSD Application. DPIE has separately released the 2036 Plan Finalisation Report in August 2020 addressing the issues raised in the submissions regarding the 2036 Plan. The concept SSD Application was developed in consultation with DPIE in their built form analysis for the wider area.

Many submissions also explicitly referred to aspects of the Crows Nest Sydney Metro Site Rezoning Proposal in their submission to the concept SSD Application. Such comments on the Rezoning Proposal included:

- objections to changes in planning controls for the site
- comments that development of the metro site should be put on hold until the Rezoning Proposal is further progressed
- support for existing controls on the site
- comments that changes in the controls will set a negative precedent for further development
- comments and objections to the Heads of Consideration in the Rezoning Proposal
- comments and objections to the design excellence provisions of the Rezoning Proposal.

The Rezoning Proposal has also been finalised and the new controls gazetted for the site under the *State Environmental Planning Policy Amendment (Crows Nest Metro Station) 2020*. The Finalisation Report was released in July 2020 and responds to the issues raised in submissions including concerns associated with density, built form, height, affordable and social housing, land use, public open space, future capacity of the road network, upgrades needed to community facilities, and pedestrian and cyclist accessibility.

4.4.2. [Issues relevant to the CSSI Approval](#)

This section refers to issues raised in submissions that relate to matters that have been approved as part of the Sydney Metro City & Southwest Chatswood to Sydenham project. The Critical State Significant Infrastructure (CSSI) project (application number SSI 15_7400) was approved by the Minister for Planning on 9 January 2017 and has been amended on 18 October 2017 (Modification 1), 21 December 2017 (Modification 2), 22 March 2018 (Modification 3), 13 December 2017 (Modification 4), 2 November 2018 (Modification 5) and 21 February 2019 (Modification 6).

The station works under the CSSI Approval include the construction of below and above ground structures necessary for delivering the station and also enabling construction of the integrated OSD. This includes, but is not limited to:

- demolition of the existing development
- excavation

- station structure including concourse and platforms
- station entries and OSD lobbies
- retail spaces within the station services and metro systems
- public domain improvements
- transport interchange, including:
 - pedestrian through-site link
 - access arrangements including vertical transport such as escalators and lifts
- structural and service elements and relevant space provisioning necessary for constructing OSD, such as columns and beams, space for lift cores, plant rooms, access, parking and building services.

The vertical extent of the approved station works is defined by the 'transfer slab' level (which for Crows Nest is defined by RL 100.40 on Site A, RL 106.5 on Site B and RL 98.5 on Site C), above which would sit the OSD, as illustrated in Figure 4.1.

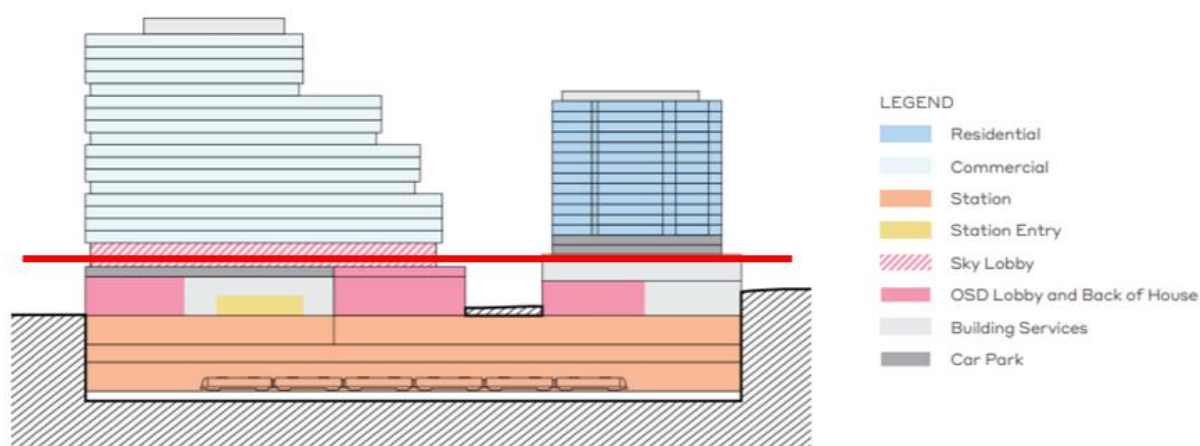


Figure 4.1: delineation between the Metro station and OSD (transfer slab level indicated by red line)

Issues relating to the CSSI Approval are not a relevant matter for consideration in the assessment of the concept SSD Application. Notwithstanding this, issues raised relating to the CSSI Approval are detailed below.

Street level setbacks

The submissions made suggestions in respect to wider street level setbacks to allow for wider footpaths and pedestrian circulation around the site. The submissions stated that wider setbacks would allow for greater opportunity to create a vibrant public space.

Response

The street level setbacks have been established by the CSSI Approval. These have been maintained by the OSD building envelope in the concept SSD Application.

Under the terms of the CSSI Approval, before commencement of permanent built surface works and/or landscaping, the Proponent must prepare a Station Design and Precinct Plan (SDPP) for Crows Nest Station, which is required to be approved by the Secretary following review by the Design Review Panel and before commencement of permanent aboveground work.

In summary, ground level setbacks and the amenity of the public domain at ground level are matters for consideration under the implementation of the CSSI Approval. The concept SSD Application will have no bearing on the ground level setbacks.

Landscaping

The submissions raised issues regarding landscaping (e.g. tree planting) in and around the site. This issue is intrinsically linked with the provision of wider setbacks at ground level as discussed in 'street level setbacks' above.

Response

Ground level setbacks have been established by the CSSI Approval. Detail regarding landscaping at ground level is to be included in the SDPP to be prepared by the CNDC in conjunction with Sydney Metro.

The site being the wrong location for a metro station

Submissions raised issues that Crows Nest is an inappropriate location for a metro station. Reasons given include the proximity to existing heavy rail infrastructure, that it would be more suited to other areas such as Lane Cove and that a desire to have a metro station at Crows Nest was not expressed by the community.

Response

The location of a metro station at Crows Nest was determined as part of the CSSI Approval process. The station options evaluation process used to determine preferred station locations involved a number of stages, each with an increasing level of detailed analysis and community engagement. The project objectives listed in relation to the CSSI Approval underpinned the evaluation criteria used in the options evaluation process.

An interchange with the existing heavy rail station at St Leonards was considered and was consistent with all the project objectives. However, further consideration indicated that, relative to a station at nearby Crows Nest, it would not extend the rail catchment and all future employment and dwelling growth would be within the existing rail catchment which is already well connected by public transport. In addition, construction of the station would cause disruption to existing customers during construction, and environmental and social issues were identified associated with a tunnel boring machine site located close to sensitive receivers including the hospital. Sporting teams that utilise Gore Hill Oval would also need to be relocated. Accordingly, St Leonards was not considered further as a preferred location for a metro station.

Based on further evaluation of options between Crows Nest or St Leonards and stakeholder and community feedback, the preferred station location was determined to be Crows Nest. It was deemed that the Crows Nest Station best met the needs of this area by ensuring the new metro station is as close as possible to the St Leonards centre whilst also extending the rail catchment.

Construction has begun on the underground works for Crows Nest Station. The concept SSD Application will have no bearing on the location of the metro station.

Loss of the Crows Nest Post Office

A small number of submissions called for a reinstatement of the Crows Nest Post Office.

Response

The previous post office that was located on the Crows Nest Metro site has been demolished under the terms of the CSSI Approval. The post office has been permanently relocated to 460 Pacific Highway, St Leonards – 250m from the previous site.

Above ground services/utilities

One submission was made in relation to services and that the station should be redesigned to allow for services to be underground.

Response

Services associated with the station are designed and constructed under the terms of the CSSI Approval. The option to locate services underground is constrained by the rail infrastructure.

5. Response to government agency, council and key stakeholder submissions

This chapter provides responses to the issues raised in submissions provided by government agencies, councils and key stakeholders.

5.1. Overview

Submissions were received from the following government agencies and councils:

- **NSW government departments / agencies**
 - NSW Office of Environment and Heritage – Communities and Greater Sydney Division
 - NSW Office of Environment and Heritage – Heritage Division (Heritage Council)
 - NSW Environment Protection Authority
 - NSW Health
- **Australian government departments / agencies**
 - Civil Aviation Safety Authority
- **utility providers**
 - Sydney Water
 - Water NSW
 - Ausgrid
- **emergency services**
 - NSW Police Force – North Shore Police Area Command
 - Fire and Rescue NSW
- **councils**
 - North Sydney Council
 - Lane Cove Council

The approach to processing and responding to submissions is described in Chapter 3 of this report. Government agency and council submissions are addressed individually below, and responses are provided in the following sections, where relevant.

The issues listed in each section below are a summary of all the issues raised in each submission. Further details of the issues raised are provided in the complete submissions available on DPIE's major projects website at planningportal.nsw.gov.au/major-projects (Application Number: 18_9579).

Unless otherwise indicated, the mitigation measures referred to in this section are the revised mitigation measures for the amended Project, provided in Section 9.2 of this Submissions Report.

5.2. **NSW Office of Environment and Heritage (OEH) – Communities and Greater Sydney Division**

Issue – Aboriginal Heritage

OEH is satisfied that no Aboriginal sites would be impacted by the proposed works.

Issue – biodiversity

OEH confirm that the Biodiversity Development Assessment Report (BDAR) waiver was submitted and approved on 17 October 2018.

The comments raised by OEH are noted and no further response is considered to be required.

5.3. **NSW Office of Environment and Heritage – Heritage Division (Heritage Council)**

Issue – impact on heritage items

Heritage Council of NSW advises that the concept SSD Application will not impact on any items listed on the State Heritage Register. The Heritage Council of NSW notes that the project footprint is near several locally heritage listed items.

Issue – Heritage Interpretation Strategy

Heritage Council of NSW considers that the use of the Heritage Interpretation Strategy developed for the Sydney Metro City and Southwest CSSI Approval meets the objectives of the SEARs requirement.

Response

There will be no direct impact on the nearby local heritage items. Indirect impacts would be considered further at the detailed SSD Application stage. The Heritage Interpretation Strategy approved as part of the CSSI Approval will continue to be applied as part of a future detailed SSD Application.

5.4. **Fire and Rescue NSW**

Issue – consultation

Fire and Rescue (FR) NSW requests that it should be consulted during the preliminary and final design phases of the project regarding the following:

- proposed fire and safety systems
- pedestrian connection interfaces are assessed using fire engineering analysis with respect to emergency occupant egress, fire and smoke compartmentation, smoke hazard management and firefighting intervention
- Fire and Rescue NSW are identified as a stakeholder during the design and construction phases of the project.

Response

FR NSW is identified as a stakeholder to be directly consulted during the design and construction phases of the project.

5.5. NSW Environment Protection Authority

Issue – Environment Protection License

The NSW Environment Protection Authority (EPA) advises that the development is unlikely to require an Environment Protection Licence under the POEO Act. In the event that the applicant for the detailed SSD Application is not a public authority the EPA would not be the appropriate regulatory authority regarding environmental performance.

Issue – noise and vibration limits

EPA advises that the consent should include acceptable noise and vibration limits based on nominated guidelines.

Response

The comments of the EPA are noted. Potential noise and vibration criteria are discussed in Section 8.15 (Noise and Vibration) of the EIS, which stated that the criteria were based on the *NSW Industrial Noise Policy* as this was the policy in force at the time of the CSSI EIS. In accordance with the EPA's submission, Sydney Metro recommend that these guidelines be used to provide noise and vibration limits in a future consent.

5.6. Civil Aviation Safety Authority

Issue – future approvals

The Civil Aviation Safety Authority (CASA) advises that a controlled activity approval will be required from the Commonwealth Department of Infrastructure, Regional Development and Cities (DIRDC), with an application made to Sydney Airport Corporation Limited (SACL). The impact of cranes may also require assessment and approval.

Issue – impact on Royal North Shore Hospital

CASA also advises that the proposal has the potential to impact on the helipad at the Royal North Shore Hospital. NSW Health, Infrastructure NSW and relevant emergency service helicopter operators should be consulted.

Response

The requirements of CASA are consistent with those identified, as outlined in Section 8.11 of the EIS (prescribed airspace for Sydney Airport). Further consultation and approvals will be undertaken at the detailed SSD Application stage. As detailed in the EIS, Sydney Metro's technical advisor examined the potential for Helicopter Emergency Management Services flights to need to pass near the Crows Nest OSD and determined that existing buildings and terrain made it unlikely that the Helicopter Landing Site would select a flight path in the vicinity of the OSD.

5.7. Sydney Water

Issue – water supply

The submission advises that, in general, there is capacity to service the OSD Proposal, however a number of water mains must be upgraded:

- Sites A and B: The existing 150mm main located in Pacific Highway fronting the site is to be upsized to a 200mm water main
- Site C: The existing 100mm main located in Hume Street fronting Site C must be upsized to a 200mm water main from the connection point to the existing 500mm water main in Clarke Street

Issue – sewerage

Sydney Water advises that the existing 225mm sewer in Clarke Lane has the capacity to service the development. Subject to the final design of the development, some sections of downstream sewers may need to be upsized.

Response

The location and extent of the amplification will be based on network modelling as part of the Section 73 application for this development, where a formal application will be lodged as part of a future detailed SSD Application. Ongoing consultation with Sydney Water will occur throughout future stages.

5.8. Water NSW

Issue

Water NSW advised that the site is not located on or near any Water NSW operational land or infrastructure.

The comments raised by Water NSW are noted and no further response is considered to be required.

5.9. Ausgrid

Issue

Ausgrid advises that consultation with Ausgrid has occurred and is ongoing.

Response

Consultation will continue with Ausgrid as part of the detailed SSD Application stage.

5.10. NSW Police Force – North Shore Police Area Command

Issue

The NSW Police Force – North Shore Police Area Command advises that the Crime Prevention Through Environmental Design (CPTED) treatment options should be considered to reduce the opportunities of crime.

Response

Section 8.22 (CPTED Assessment) and Appendix GG (CPTED Report) of the EIS consider CPTED principles and implementation for the concept OSD. The CPTED assessment will be further developed at the detailed SSD Application stage.

5.11. North Sydney Council

Issue – contributions

Council considers that the OSD should make contributions in excess of the Local Infrastructure Contribution under Section 7.11 of the EP&A Act and should not be exempt from any Special Infrastructure Contribution (SIC) under Section 7.24 of the EP&A Act. Council considers that there is a need for a Voluntary Planning Agreement (VPA) to be negotiated prior to any future development application.

Response

The concept SSD application identified the opportunity to provide social infrastructure as part of the development mix by entering into a Voluntary Planning Agreement (VPA) with Council. However, it was confirmed through post-lodgement discussions that Council did not support the dedication of

community use (social infrastructure) space on the site. Accordingly, the potential community use space has been removed from the concept SSD Application and monetary contributions will be paid in accordance with Council's development contributions plan.

The Sydney Metro project is a significant piece of State infrastructure, which will drive future development in the St Leonards and Crows Nest area and cause a value uplift to the surrounding areas, a portion of which would be captured by the proposed SIC. As the Sydney Metro project is providing significant public benefits through the delivery of public transport infrastructure, it is reasonable for the OSD to be exempted from the SIC.

Issue – Clause 4.6 Variation Requests – addressing objectives

The Clause 4.6 Variation Request - Height of Buildings does not satisfactorily address the objectives of the control, particularly with respect to items (b), (c), (e) and (f) of NSLEP 2013, clause 4.3(1).

Response

Sections 4.1.2, 4.1.3, 4.1.5 and 4.1.6 of the Clause 4.6 Variation Request – Height of Buildings addressed objectives (b), (c), (e) and (f) respectively of NSLEP, clause 4.3(1). The Variation Request made extensive reference to the analysis documented in the EIS. In particular, the Variation Request identified the transitional nature of the area as evidenced by various planning studies completed since 2010, including the Crows Nest Planning Study, meaning the appropriate reference point for the objectives should be the likely future character of the neighbourhood rather than the existing conditions.

Sydney Metro has been in close consultation with DPIE throughout the duration of the project to ensure alignment between the concept SSD Application and the Rezoning Proposal. The final NSLEP 2013 provisions gazetted for the site substantially enable the maximum heights of the proposed building envelopes. Each of the building envelopes comply with the maximum building heights to the roof, and the services zones for Sites A and C are also compliant with the NSLEP 2013 provisions. The building envelope for Site B, however, requires a 3m services zone to accommodate lift overruns, rooftop plant and services which will breach the maximum building height for this site. The Clause 4.6 Variation Request at Appendix Z has been updated to address this services zone only.

Issue – Clause 4.6 Variation Requests – abandoning of standards

Council has not abandoned its standards through the granting of consents, so the Clause 4.6 Variation Request - Height of Buildings cannot argue that adherence to the development standard is unreasonable.

Response

Section 4.2 of the Clause 4.6 Variation Request that accompanied the Exhibited Scheme noted that, under the terms of the CSSI Approval (SSI 15_7400), the Crows Nest Station itself would partially breach the height controls. While this approval was granted by the Minister for Planning and not Council, the Variation Request also identified that the (then) NSLEP 2013 controls predated the key decisions of State government, including the identification of the Crows Nest Station site and decisions to develop new planning controls for St Leonards and Crows Nest. This meant that it was unreasonable for the site to be developed in conformance with the controls that were considered inappropriate for the expected future character of the neighbourhood.

As noted above, Sydney Metro has been in close consultation with DPIE throughout the duration of the project to ensure alignment between the concept SSD Application and the Rezoning Proposal. The final NSLEP 2013 provisions gazetted for the site largely enable the proposed building envelopes, with the exception of the minor services zone on Site B. The scale of the proposed development is, therefore, substantially consistent with the planning controls applying to the Crows Nest metro site and are therefore reasonable and appropriate.

Issue – non-residential FSR

While the concept SSD Application exceeds the minimum non-residential Floor Space Ratio requirement in total, some sites do not comply in isolation and may be separately sold. The concept

SSD Application does not offer the certainty required for the consent authority to have the confidence of outcome required to uphold a Clause 4.6 request.

Response

Sydney Metro has been consulting with DPIE regarding the non-residential FSR controls stipulated in the Rezoning Proposal, and ensuring that non-residential floorspace will be provided as part of a future development.

Under the Amended Scheme, the quantity of non-residential floor space has been significantly increased, particularly on Site A. Sites A, B and C will each meet the minimum requirements for non-residential floor space specified under the new planning controls applying to this land taking into account the OSD and station components.

Issue – certainty or immanency of the (then) 2036 Draft Plan

The environmental planning grounds used in the Clause 4.6 Variation Request – Height of Buildings are based on the objectives of the *2036 Draft Plan*, which is neither certain nor imminent.

Response

Sydney Metro agrees that at the time of exhibition, the *2036 Draft Plan* was neither certain nor imminent, however, the document contained the most contemporary environmental planning analysis for the St Leonards-Crows Nest precinct. It was, therefore, appropriate to rely on its objectives as a basis for identifying the most appropriate environmental planning grounds for variation consistent with Clause 4.6(3)(b) of the NSLEP 2013.

As noted above, Sydney Metro has been in close consultation with DPIE throughout the duration of the project to ensure alignment between the concept SSD Application and the Rezoning Proposal. The final NSLEP 2013 provisions gazetted for the site largely enable the maximum heights of the proposed building envelopes, with the exception of the minor services zone on Site B. The scale of the proposed development is, therefore, substantially consistent with the planning controls applying to the Crows Nest metro site and are therefore reasonable and appropriate. The Clause 4.6 Variation Request provides further context to the services zone for Site B (Appendix Z).

The Finalisation Report for the 2036 Plan was also released in August 2020 detailing that increased density should be concentrated between the St Leonards Station and Crows Nest Metro Station as this presents opportunities for transit-oriented development and the accessibility of these locations is attractive to business. The final 2036 Plan allocates maximum building heights on previously identified significant sites to ensure the two-peak height concept is maintained and there is minimal overshadowing to key areas of public open space.

Issue – prematurity of the Concept SSD Application

Council submits that the application is premature in that the final consultation and assessment of feedback from the *2036 Draft Plan*, draft Rezoning Proposal for the site and the Special Infrastructure Contribution (SIC) for the site have not been finalised.

Response

The concurrent community consultation process allowed for the OSD Proposal to be considered in the context of broader proposals for land use and built form changes in the St Leonards-Crows Nest area. The OSD Proposal incorporated Clause 4.6 Variation Requests to ensure that approvals were not unreasonably hindered in the event of the (then) *2036 Draft Plan* process being delayed due to issues unrelated to the concept SSD Application. Notwithstanding, DPIE advised Sydney Metro that the finalisation of the *2036 Draft Plan* and Rezoning Proposal were required prior to the determination of the concept SSD Application.

As noted above, Sydney Metro has been in close consultation with DPIE throughout the duration of the project to ensure alignment between the concept SSD Application and the Rezoning Proposal. The planning controls for the site were gazetted under SEPP Crows Nest Metro Station, which largely

enables the proposed building envelope heights. The exception being a minor services zone on Site B to accommodate lift overruns, rooftop plant and services. An updated Clause 4.6 Variation Request at Appendix Z addresses this services zone, noting that the proposed development is substantially consistent with the planning controls applying to the Crows Nest metro site. Refer to Section 8.5 for further discussion.

It is Sydney Metro's preferred scenario that the OSD is constructed concurrently to the station component, and due to operational requirements, concurrent construction is a strict requirement for the delivery of Site C. The EIS identifies a number of benefits for this scenario, such as commonality in construction noise and vibration management (Section 8.15 – Noise and Vibration) and reduced conflicts between construction traffic, pedestrians and cyclists (Section 8.19 – Construction Management).

Sydney Metro is committed to continuing engagement with the community regarding the Amended Scheme and throughout the future detailed applications.

Issue – view and visual impacts

The submission from Council raises concerns regarding the accuracy of the visual impact montages provided in the EIS. Council has stated that the View Impact Study from Key Vantage Points and Streetscape Locations (Appendix L of the EIS) includes buildings annotated as 'approved' which are not yet approved.

Response

Sydney Metro has undertaken a further review of the accuracy of the visual impact montages provided in the EIS considering Council's comments. Sydney Metro agrees with Council's comments. Updated photomontages are provided in the revised View Impact Study from Key Vantage Points and Streetscape Locations provided at Appendix P of this Submissions Report. These photomontages have also been updated to reflect the Amended Scheme, which addresses issues raised in terms of retaining solar access to Ernest Place and reducing the built form and visual impact. For improved clarity in these photomontages, future high density developments in St Leonards have been appropriately annotated.

Issue – overshadowing

Council considers the overshadowing of Ernest Place and Willoughby Road to be unacceptable. Council policy (under the Crows Nest Placemaking and Principles Study) is for no overshadowing of Ernest Place and no overshadowing of Willoughby Road before 4pm year-round.

Response

Section 1.6 (Analysis of Alternatives) of the EIS outlines how the selection of design alternatives has extensively considered overshadowing impacts on surrounding areas, including the establishment of a sun access plane for Willoughby Road. The overshadowing impacts of the proposed option are extensively discussed in Section 8.4 (Overshadowing) and Appendices J (Shadow Diagrams – OSD Building Envelope) and K (Shadow Study – Key Public Domain Areas) of the EIS. The analysis is based on the maximum envelope permissible without overshadowing key areas (including Ernest Place, Willoughby Road and Hume Street Park) in accordance with the requirements of the (then) *2036 Draft Plan*.

The key issue raised in submissions received during the public exhibition regarding overshadowing of Ernest Place for the Exhibited Scheme related to the 21 September period around 3.45pm to 4pm. In response to these concerns, the building envelope has been revised. The Amended Scheme results in a 400sqm (around 80 per cent) reduction in impact of overshadowing to Ernest Place on 21 September at 4pm (from 10.5 per cent to 2.3 per cent). There is no overshadowing at 3.50pm.

The area of overshadowing impact at 4pm is located in the south-west corner of the site. The shadow only impacts on areas of transient activity (i.e. the footpath) and the shadow does not extend beyond the stairs or affect the green space areas of the park.

It is also noted that there are existing trees and awnings in this part of the site that may also provide shadows to Ernest Place.

Sydney Metro has reviewed the implications for no overshadowing to be provided to Ernest Place. The potential overshadowing impacts comply with current and draft overshadowing requirements. The *Crows Nest Place Making and Principles Study 2010* required no overshadowing of Ernest Place at any time and no overshadowing of Willoughby Road between 10am-4pm, however this document was not listed as a relevant matter for consideration under the SEARs. Sydney Metro has undertaken design investigation to determine what would be required to achieve no overshadowing. In short, achieving no overshadowing at Ernest Place would require the top two levels of the building to be reduced by half (around 700sqm of lettable space) at the northern end.

Sydney Metro considers this a sub-optimal outcome, when balanced against the potential overshadowing impacts of up to 2 per cent of the area of Ernest Place at 4pm during 21 September only, for the following reasons:

- there is a poor urban design outcome
- the building form is compromised
- the top two floors of office space are compromised
- the remaining floor plate size of the commercial space of the top two floors of the building is generally not attractive to the market, and the quality of this space would be significantly reduced as there is a need to remove one side of the glass which would back onto the adjacent rooftop plant and services.
- the efficient layout of services and plant on the roof plane is compromised.
- there is an impact to the architecture of the scheme, as it would affect the horizontal and vertical façade articulation
- the ability to achieve effective building transitions from St Leonards is also significantly affected, as there is a need to step down initially before then stepping back up again.

Considering the above, Sydney Metro do not recommend compromising these top two levels to provide for no overshadowing to Ernest Place. Refer to Section 6.4.2. for further detail.

Regarding Willoughby Road, no areas of Willoughby Road will be impacted by overshadowing prior to 2.30pm year-round. The majority of impacts are restricted to the southern portion of Willoughby Road. This is consistent with the provisions of the 2036 Plan. There are no existing overshadowing controls applying to Willoughby Road in the NSDCP 2013. The extent of impact at any time of the year is less than 500 square metres prior to sunset.

Issue – car parking

The submission questions the need for above ground parking spaces within the development, given its location above a metro station. Council argues that parking provided above ground at a metro location is neither good transport planning, nor a good architectural outcome.

Response

The concept SSD Application proposes a maximum number of parking spaces for the purposes of environmental assessment. It is not appropriate to finalise the number of car parking spaces at this stage. The final number of parking spaces will be determined as part of detailed design and subject to approval of a future detailed SSD Application.

Under the Amended Scheme, the car parking numbers have been reduced from the Exhibited Scheme to a maximum of 101 spaces. This represents 49 less car parking spaces than the Exhibited Scheme, and 37 less car parking spaces than was located on the site pre-demolition. A maximum of 157 parking spaces are permissible under the NSDCP 2013 and hence the Amended Scheme represents 67 per cent of the maximum number of spaces allowable. This reduction is commensurate with the site's location above a Metro station.

The changes to the car parking do not alter the access and service vehicle arrangements off Clarke Lane. The increase in car parking on Site B has required an additional parking level on Level 3 of the indicative OSD design, which was previously dedicated to hotel amenities under the Exhibited Scheme. Car parking on Site A is now dedicated to Level 2, which has reduced from the previous occupation of Levels 3-5 under the Exhibited Scheme.

Issue – heritage

Council has raised concerns regarding impacts on heritage items at 20 Clarke Street and 28 Clarke Street. Council argues that the proposed buildings on Sites A and B will over sail the heritage item at 20 Clarke Street and is considered not to appropriately address the issue. Council further argues the disparity in scale and form between the heritage item at 28 Clarke Street and the OSD is of particular concern.

Response

Under the Amended Scheme, the building heights of all sites have been reduced and the building envelope has been reduced by up to 20 per cent. Section 8.7 (Non-Aboriginal Heritage) and Appendix Y (Statement of Heritage Impact Report) of the EIS considers the building envelope of Site C has been configured to respond to the bulk and scale of the St Leonards Centre (28 Clarke Street) and other development along Clarke Street. The proposal would not result in any direct impacts to the St Leonards Centre and its curtilage. Further mitigation measures including considered use of materials or articulation will be further explored as part of a future detailed SSD Application.

Furthermore, 20 Clarke Street is not a locally listed heritage item under the NSLEP or any other relevant environmental planning instrument.

Issue – built form

Council is concerned about the built form massing of the concept SSD Application. The submission states that while the proposal may be responsive of the emerging context of the site, the bulk and massing of the building form is of particular concern given the tall slender tower forms currently under construction.

Response

The building envelopes have been developed in careful consideration of the existing CSSI Approval for station works and to ensure surrounding key public areas are not significantly impacted by issues including overshadowing and visual impact. The upper level setbacks proposed retain solar access to the surrounding area.

As a concept SSD Application, the OSD Proposal only provides for the maximum building envelope, which cannot be fully built out in any event due to the other recommended controls to be approved such as the maximum floor space ratio. The building envelopes have been configured to provide for a high level of innovation and flexibility at the future detailed design stage, which are to be guided by the Design Quality Guidelines prepared for the site amended as part of the Amended Scheme and further discussed at Section 7.6.

In response to the issues raised during the exhibition of the concept SSD Application, further amendments have been made to the building envelope, including:

- gradual decline in the height of the southern portion of the Site A envelope, from a height of RL 175.60 at 42m to the roofline within the southern site boundary to a height of RL 127.00 to a position near to but within the southern site boundary
- reduction in the top of building on Site A from RL 183 to RL 175.60
- reduction in the top of services zone on Site A from RL 188 to RL 180

The Amended Scheme is shown in the figure below.

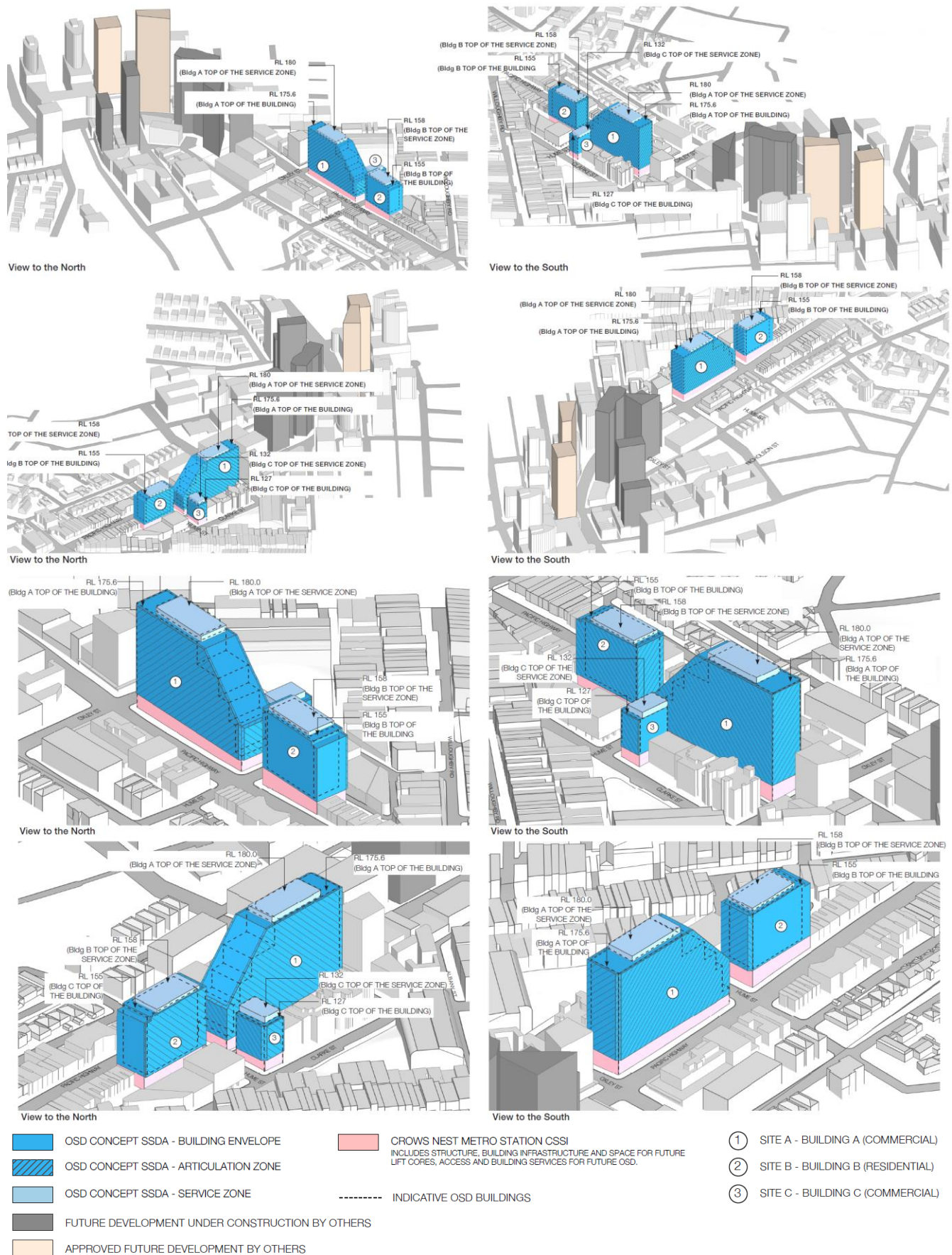


Figure 5.1 - The amended scheme envelope shown in emerging context (above) and in detail (below)

Issue – land use to meet employment targets

Council acknowledges that the OSD would provide a range of different economic benefits such as the provision of hotel accommodation that would increase the visitor accommodation capacity in the locality. Council's preference is for more office space to be included in the development to assist in meeting employment targets.

Response

The Exhibition Scheme proposed land uses which could be subject to change due to market conditions, with the final land uses to be determined during the detailed SSD Application stage.

Under the Amended Scheme, the proposed land use on Site A has been amended from residential to commercial. Site B, which was previously a tourist and visitor accommodation (hotel) is now proposed to be residential. These changes significantly increase the proposed non-residential floor space across the total site, which has increased from 17,900m² under the exhibited scheme to a minimum 43,300m² under the Amended Scheme. This represents up to a 142 per cent increase.

Issue – affordable housing

Council's submission commented on the provision of affordable housing within new apartments. Council submits that this should be clearly identified as part of a VPA negotiated with Council.

Response

Sydney Metro is committed to providing affordable rental housing in line with the Greater Sydney Commission's target of 5% of new residential floor space, or an equivalent monetary contribution to a community housing provider to provide affordable rental housing in the local area. Any affordable housing provided on the site will be managed by an appropriate registered community housing provider and will be used for the purposes of affordable housing for a minimum of 10 years.

As standard practice, a restriction would be registered against the title of the property before an occupation certificate is issued for any affordable housing, ensuring that a registered community housing provider is engaged and the affordable housing is retained for a number of years. This will occur as part of the detailed design and delivery of OSD on the site, which is the subject of separate and future applications.

Issue – collaboration on the finalisation of the (then) 2036 Draft Plan and associated documents

Council considers that further collaboration is required to refine the St Leonards and Crows Nest 2036 Draft Plan, the SIC, and Rezoning Proposal so that the growth of the area is well managed and supported by appropriate open space, recreation and social infrastructure.

Response

The 2036 Plan, the SIC and the Rezoning Proposal have been finalised. The process was led by DPIE and involved consultation with Sydney Metro and local councils to ensure new development and growth in the area is adequately supported by infrastructure. Sydney Metro originally intended to support the delivery of community use space by entering into a VPA with Council. However, it was confirmed through post-lodgement discussions that Council did not support the dedication of community use space on the site. Accordingly, the potential community use space has been removed from the concept SSD Application. Monetary contributions will be provided in accordance with Council's policies under Section 7.11 of the EP&A Act.

5.12. Lane Cove Council

Issue – pedestrian movement

Lane Cove Council submits that pedestrian movement should be considered throughout the site and to the surrounding areas, including providing for underground connections, or the capacity to provide an underground connection to the metro station from the south-western corner of Pacific Highway and Oxley Street.

Response

Pedestrian movement around the site is primarily a matter for consideration under the terms of the CSSI Approval. Further consideration will be given to maximising the permeability around entrances to stations as part of the development of a Station Design and Precinct Plan (SDPP), which is a conditional requirement of the CSSI Approval. Furthermore, the CSSI Approval also requires the maintenance or improvement of pedestrian and cyclist level of service within a justified proximity to stations as part of the development of an Interchange Access Plan (IAP).

The Chatswood to Sydenham Submissions and Preferred Infrastructure Report (SSI 15_7400) noted that further work is being conducted by Sydney Metro to determine the feasibility of safeguarding an underground pedestrian link to the western side of the Pacific Highway. There are a number of constraints which are being investigated including:

- the link would be into the paid side of the station and would require an extra gateline
- the shallow station depth constrains opportunities for an underground pedestrian link
- there is a high likelihood of services underneath the Pacific Highway needing to be relocated
- there is potential conflict with underground car parks associated with adjacent buildings
- the customer catchment on the western side of the Pacific Highway is limited by steep grades and easy access to Wollstonecraft Station.

Sydney Metro will continue to liaise with DPIE and local councils regarding this issue and the outcomes of this investigation separate to the concept SSD Application.

Notwithstanding, Section 8.9.3 (Traffic Generation) of the EIS considers pedestrian movement patterns into, out of and around the site. The EIS demonstrates that the 2036 level of service for footpaths around the OSD site, including the crossing of the Pacific Highway at Oxley Street, is expected to remain good to excellent. This has been based on methods in the *RMS Guide to Traffic Generating Developments*. This outcome will continue to be achieved under the Amended Scheme.

Issue – transport interchange

Lane Cove Council notes that the nearby St Leonards train station upgrade will incorporate a bus interchange and that an appropriate interchange access plan has not been considered for the Crows Nest Metro site. Lane Cove Council considers the detailed consideration and incorporation of a transport interchange for Crows Nest Metro to be necessary prior to a detailed SSD Application.

Response

Condition E92 of the CSSI Approval requires the applicant to prepare an Interchange Access Plan (IAP) which will detail the integrated transport offering to promote interchange between modes of transport at Crows Nest Metro Station.

This concept SSD Application takes into consideration the above ground level construction of the OSD and has been based upon the approved building footprints of the previously approved CSSI of Crows Nest Metro Station. Any ground level works that include transport connections to nearby bus stops would need to be considered as part of the approved CSSI and associated public domain works. Pedestrian access to and from the site(s) will be considered in more detail as part of the future

detailed SSD Application(s).

Issue – commercial office space

Lane Cove Council submits that additional commercial office floor space should be incorporated to meet commercial demand.

Response

The Exhibited Scheme proposed land uses which could be subject to change due to market conditions. The final land use was to be determined during the detailed SSD Application stage.

Under the Amended Scheme, the proposed land use on Site A has been amended from residential to commercial. Site B, which was previously a tourist and visitor accommodation (hotel) is now proposed to be residential. These changes significantly increase the proposed non-residential floor space across the total site, which has increased from 17,900m² under the Exhibited Scheme to a minimum 43,300m² under the Amended Scheme. This represents up to a 142 per cent increase.

Issue – hotel use

The submission questions the justification for a hotel at Site B given the current level of demand for commercial office space in the North Shore Office Market.

Response

Under the Amended Scheme, Site B is no longer being considered for a hotel use, and is now being proposed for a residential use. Site A and Site C will be utilised as commercial premises under the Amended Scheme to ensure that minimum non-residential FSR requirements continue to be exceeded. These changes significantly increase the proposed non-residential floor space across the total site, which has increased from 17,900m² under the exhibited scheme to a minimum 43,300m² under the Amended Scheme. This represents up to a 142% increase.

Issue – community facilities

The submission recommends that a library branch is incorporated within the development to support the provision of additional social infrastructure within the precinct.

Response

The concept SSD Application as exhibited sought approval for up to 2,700m² of community use space to be located on Site A or Site C. It was envisaged that this could be used as a library space, community facility, recreation area, co-working space or the like, and be dedicated to North Sydney Council. Sydney Metro originally intended to support the delivery of community use space by entering into a VPA with Council. However, it was confirmed through post-lodgement discussions that Council did not support the dedication of community use space on the site. Accordingly, the potential community use space has been removed from the concept SSD Application.

Development contributions will be provided in accordance with Council's Section 7.11 Contributions Plan to fund additional community use space off-site.

Issue – upper level setbacks

Lane Cove Council requests that the Design Quality Guidelines and Design Excellence clause are updated to increase upper level setbacks at Site A and to ensure best planning outcomes that emphasise and resolve any transition issues.

Response

The setbacks detailed in the concept SSD Application have taken into consideration the potential overshadowing impacts, including ensuring compliance with the proposed overshadowing controls in the 2036 Plan. The setbacks have been developed to ensure the height and size of the residential tower meet the necessary overshadowing requirements.

The height and scale of the proposed building envelopes in the Amended Scheme have been designed to allow for appropriate transition from lower density to higher density areas, including through the siting of smaller development on Site C in the foreground of larger developments on Site A. Further resolution of the building design for Site A will be responded to as part of the detailed Development Application and will be subject to a Design Excellence process.

The Amended Scheme also includes a 20 per cent reduction in the size of the building envelope primarily associated with a tapering height at the southern end of Site A. This significantly increases the separation between the indicative schemes for Site A and Site B. This amendment also further visually reinforces the notion of the transition from low density development to the south to the future high-density development of St Leonards.

The Amended Scheme also includes an articulation zone, which does not contribute to floor space, but rather is a mechanism to articulate the building to address bulk of the future built form. Articulation demonstrated in future detailed design will need to ensure view and visual impacts are minimised, compliance with overshadowing requirements and minimised overshadowing impacts to key public areas including Hume Street Park, Ernest Place and Willoughby Road.

Issue – Local Infrastructure Contributions

Lane Cove Council submits that a VPA is considered necessary and the OSD should not be exempt from local contributions.

Response

A determination of this concept SSD Application will not trigger a contribution as the determination does not authorise the carrying out of development without further consent (EP&A Act Section 4.22(4)). Future development will be subject to Section 7.11 contributions payable to North Sydney Council. The value of the contributions will be determined in the future applications once the final development mix and floor space is confirmed.

Issue – Special Infrastructure Contributions

Lane Cove Council submits that the site should not be exempted from any SIC on the basis that the site was selected after the declaration of St Leonards-Crows Nest being a future Special Contributions Area.

Response

The Sydney Metro project is a significant piece of State infrastructure, which provides significant public benefits and will support future growth and development in the St Leonards and Crows Nest area and therefore the OSD should be exempted from the SIC.

5.13. Government Architect of NSW

Issue – evidence of engagement with and response from Design Review Panel

The Government Architect has requested that evidence has been provided of engagement with and a response from the Design Review Panel.

Response

Sydney Metro met with the DRP on Tuesday 15th October 2019 to discuss the amended OSD envelope and subsequent update to the Crows Nest OSD Design Guidelines.

A complete list of issues raised by the DRP and the design response from Sydney Metro is provided in Section 5.2.6 (Summary of stakeholder feedback – Design Review Panel) of the EIS. Sydney Metro will continue to consult with the DRP and the Government Architect as required throughout the remainder of the SSD process. This details that the DRP has been consulted on the Amended

Scheme and they have supported the amended OSD envelope, the inclusion of the articulation zone and the revised design guidelines.

6. Response to the issues raised in community submissions

This chapter provides responses to the issues raised in submissions from the community, including community members, local businesses and community/interest groups.

6.1. Overview

The approach to processing and responding to community submissions is described in Chapter 3. Community submissions raised in comment, in objection and in support to the concept SSD Application are addressed separately below.

Issues listed in each section are a summary of all issues raised in community submissions. Full details of the issues raised are provided in the complete submissions, available on DPIE's major projects' website at planningportal.nsw.gov.au/major-projects (Application Number: 18_9579). A summary of issue categories and where to find responses to issues raised in submissions are detailed in Appendix T.

Unless otherwise indicated, the mitigation measures referred to in this section are the revised mitigation measures for the Amended Scheme, provided in Chapter 9 of this Submissions Report.

6.2. Submissions making comment

This section addresses key comments made in community submissions. As detailed in Section 4.3, two submissions were registered with DPIE as making a comment on the application.

6.2.1. Issues raised in 'comment'

Issue – pedestrian connectivity

A suggestion for the inclusion of a pedestrian tunnel under the Pacific Highway.

Response

This concept SSD Application is for works above the approved station infrastructure (refer to Figure 4.1 of this Submission Report which demonstrates the demarcation between CSSI and OSD). Any inclusion of a pedestrian tunnel under the Pacific Highway would not directly connect with the OSD, rather, it would connect with the approved Crows Nest Metro Station.

The Chatswood to Sydenham Submissions and Preferred Infrastructure Report (SSI 15_7400) noted that further work is being conducted by Sydney Metro to determine the feasibility of safeguarding an underground pedestrian link to the western side of the Pacific Highway. There are a number of constraints which are being investigated including:

- the link would be into the paid side of the station and would require an extra gateline
- the shallow station depth constrains opportunities for an underground pedestrian link
- there is a high likelihood of services underneath the Pacific Highway needing to be relocated
- there is potential conflict with underground car parks associated with adjacent buildings
- the customer catchment on the western side of the Pacific Highway is limited by steep grades and easy access to Wollstonecraft Station.

Sydney Metro will continue to liaise with DPIE and local councils regarding this issue and the outcomes of this investigation separate to the concept SSD Application.

Issue – further retail

A suggestion for an indoor air-conditioned shopping centre or department store within the OSD was made.

Response

For the purposes of the indicative OSD design, an indicative land use mix has been documented which does not currently include retail to the extent suggested in the submission. No changes were proposed or have been made to the existing B4 Mixed Use Zone under the Rezoning Proposal, which will continue to allow retail premises to operate on the site. The final land use for the OSD will be confirmed as part of a detailed SSD Application.

6.3. Submissions in support

This section addresses key comments made in support of the concept SSD Application.

Issue

The provision of additional quality commercial premises, and the construction of attractive hotel accommodation in the vicinity of the Crows Nest/St Leonards area are supported.

Response

The submission of support is noted. One of the key objectives of the concept SSD Application is to enable the development of mixed-use buildings at the site which cater to various uses and work to create a fully integrated station precinct within the heart of Sydney's North Shore. Under the revised scheme, additional quality commercial premises are provided to ensure that appropriate employment outcomes are achieved at the site.

6.4. Submissions in objection

This section provides responses to the issues raised by objectors. As detailed in Section 4.3, 660 submissions were registered with DPIE as objecting to the concept OSD proposal. The issues raised in these submissions relate to the following general matters:

- land use
- overshadowing
- CSSI related issues (refer to Section 4.4.2 of this report)
- overdevelopment
- planning process
- built form
- public domain and open space
- vehicular traffic and parking
- St Leonards and Crows Nest 2036 related issues (refer to Section 4.4.1 of this report)
- communications and engagement
- environment and pollution
- social issues
- fire hazard
- pedestrian circulation

- construction issues.

These issues are addressed in further detail below.

6.4.1. Land use

Issue – employment outcomes

The submissions noted that the development needs to produce higher employment outcomes. Reference was made in many of the submissions to the Greater Sydney Commission's vision for the area to become a Health and Education Precinct.

Response

This concept SSD Application seeks approval for building envelopes and includes uses which have been proposed to assess environmental impacts.

The concept SSD Application, as exhibited, indicatively proposed 17,900 square metres of non-residential development as part of the OSD component. In response to issues raised in submissions, this has been increased to a minimum non-residential GFA of 43,300m².

Concerns regarding the perceived low employment outcomes for the site have been noted. Under the Amended Scheme, the proposed land use on Site A has been amended from residential to commercial. Site B, which was previously a tourist and visitor accommodation (hotel) land use under the Exhibited Scheme is now proposed to be residential.

The amendments to the land use configuration have resulted in the following non-residential floor space ratios per site (including OSD, and station and station retail GFA which may be subject to change):

- Site A – 11.1:1 (or 43,130 square metres)
- Site B – 0.6:1 (or 1,024 square metres)
- Site C – 5.7:1 (or 3,482 square metres)

These changes significantly increase the proposed non-residential floor space across the total site, and in-turn increased the number of expected jobs on the site from 550-930 ongoing jobs under the scheme as exhibited, to an expected 2,225 direct ongoing jobs under the scheme as amended. The significant increase is associated with the increase of commercial floorspace under the Amended Scheme.

Issue – residential use

The submissions argue that residential uses are not appropriate for the site. The primary basis for many of the submissions to argue that residential uses are not appropriate are similar to issues raised above (in 'Employment Outcomes'), in that a residential land use will not attract people, businesses and jobs to the area.

Response

The quantity of residential floor space has decreased from the scheme as exhibited. Although the proportion of residential floorspace has been significantly reduced under the Amended Scheme, as described above, Sydney Metro strongly believes that some residential development is appropriate for the site for the following reasons:

- the Strategic Market Assessment Report submitted with the EIS (Appendix R) found that whilst a continued moderation in residential market conditions is likely in the short-term, the medium to long-term outlook for residential development at Crows Nest remains positive.

- the revised Social and Economic Impact Assessment (Appendix V) estimates that residents of apartments within the OSD will spend \$2.4 million per annum (in 2018 dollars) in spending at local businesses in the Crows Nest area.
- residential development will activate the Crows Nest area outside of traditional non-residential standard business hours, contributing to a more vibrant precinct in the day and night.
- under the *North District Plan 2018*, in the 20 years to 2036, the District's population is expected to grow by 196,350 people to reach 1,082,900 – for which the subject site can assist in meeting dwelling targets for the area.
- the concept SSD Application is capable of being consistent with the amenity requirements of the *Apartment Design Guide 2015*.
- the Crows Nest Metro Station will connect the site with other key employment hubs including the Sydney CBD, North Sydney CBD and Chatswood CBD. Connecting residential development to key job markets is a key driver of meeting the Greater Sydney Commission's objective of a '30-minute city'.
- the concept SSD Application is consistent with Section 34 of the *North District Plan 2018*, which outlines specific actions to strengthen the St Leonards Strategic Centre, as outlined in Table 21 of the EIS.

Issue – educational land use or number of schools in the Area

The submissions raised that the development should be an educational land use, or there should be more schools in the area. Options raised included that the site should become an education hub (including high school, drama school, film school, culinary school etc), a technology park or a TAFE.

Response

The 2036 Plan has identified that educational facilities with additional capacity need to be provided in the area. There are currently 25 education facilities within close proximity to the plan area, and the Finalisation Report for the 2036 Plan identifies that the NSW Department of Education is actively investigating new early childhood, schools and tertiary education facilities in the precinct. The recommended criteria identified in the 2036 Plan when identifying new education facilities in the area comprises:

- walkable distance from the Crows Nest Sydney Metro station and/or St Leonards station
- accessible from surrounding residential areas by bicycle or walking
- co-located with new or existing open space
- capable of accommodating multi-use community facilities
- implementation of the NSW Government Architect's Design for Schools to promote quality design.

No representation has been made to Sydney Metro that the subject site is being considered for an educational use. Given that investigations are being undertaken to identify a suitable site for education facilities elsewhere within the precinct, the opportunity for an educational use on the subject site is not being pursued at this time.

Issue – health land use

The submissions raised that the development should be a health land use, or a land use that will improve the health of the community (including medical services, alternative health care, recreational spaces, childcare etc).

Response

The subject site is within 800m of the Royal North Shore Hospital, which is one of Sydney's premier health institutions. It provides a multitude of state-wide services with a particular focus on severe burns injury, spinal cord injury, neonatal intensive care and interventional neuroradiology. Given the proximity to this facility, the provision of additional health facilities at the subject site is not considered to be required. The provision of childcare facilities has been explored on the site through consultation with Council and has been deemed to not be suitable.

Issue – hotel land use

The submissions stated that a hotel land use is inappropriate. They cited the failure of other hotel schemes in the area and raised concern that a hotel could be converted to residential apartments at a future time.

Response

Under the Amended Scheme, hotel uses are no longer being considered.

6.4.2. Overshadowing

Issue – overshadowing of Ernest Place

The submissions objected to the overshadowing of Ernest Place at any time of the day or year.

Response

The 2036 Plan seeks to retain solar access to public open space, streetscapes and residential areas and proposes solar access controls that prevent additional overshadowing of Ernest Place between 10.00am and 3.00pm at mid-winter (21 June) and with consideration for impacts at the March and September equinox periods (21 March, 21 September).

Under the Exhibited Scheme, no areas of Ernest Place, the Holtermann Street Car Park or the Crows Nest Community Centre (referred to collectively below as the 'Ernest Place Precinct') were to be affected by overshadowing caused by the OSD prior to 3.45pm at any time of year in accordance with the provisions of the 2036 Plan. After this time, the impact, as listed per certain times of the year (solstices and equinoxes), includes:

- **21 March:** There is no impact on the Ernest Place Precinct prior to 5.00pm. From this time, the shadow caused by the OSD extends across the public space, reaching the Community Centre by 5.30pm. The Holtermann Street Car Park is not affected by shadows caused by the OSD on 21 March.
- **21 June:** There is no impact on the Ernest Place Precinct at the winter solstice.
- **21 September:** There is no impact on the Ernest Place Precinct prior to 3.45pm. From this time, the shadow caused by the OSD extends across the public space, reaching the Community Centre by 4.15pm. The Holtermann Street Car Park is not affected by shadow caused by the OSD on 21 September.
- **21 December:** There is no impact on the Ernest Place Precinct prior to 5.00pm. From 5.15pm, the northern edge (72 square metres) of Ernest Place adjacent the Northside Baptist Church is in shadow caused by Site A. From 6.00pm, portions of the southern edge of Ernest Place are impacted by Site B, whilst the shadow cast from Site A has reached the Community Centre and the Holtermann Street Car Park. The shadows described above extend across these areas up until sunset.

The key issue raised regarding overshadowing for the Exhibited Scheme relates to the 21 September period around 3.45pm to 4pm. Notwithstanding these times are outside of the control periods, the building envelope has been revised. A comparison of the overshadowing impacts at Ernest Place of

the proposed envelopes of the Exhibited Scheme (shown in pink) and Amended Scheme (shown in black) at 3.50pm and 4pm during 21 September is shown below.

The assessment concludes that there has been a 400sqm (around 80 per cent) reduction in impact of overshadowing to Ernest Place on 21 September at 4pm as a result of the Amended Scheme (from 10.5 per cent to 2.3 per cent). There is no overshadowing at 3.50pm and the area of overshadowing of Ernest Place from 3.52pm to 4pm is shown below.

Total area of shadow cast by OSD on Ernest Place, Crows Nest Centre & Holtermann Street Carpark on September 21st		
Time of day	Square metres (overall area is 4846m ²)	Percentage
3:52pm	0.14m ²	0.0028
3:53pm	2.55m ²	0.0526
3:54pm	7.6m ²	0.1568
3:55pm	17.75m ²	0.3662
3:56pm	34.27m ²	0.7071
3:57pm	50.4m ²	1.04
3:58pm	69.96m ²	1.4436
3:59pm	91.32m ²	1.8844
4:00pm	114.93m ²	2.3716

Figure 6.1: areas of Ernest Place to be overshadowed by the Amended Scheme



Figure 6.2: 21 September 3.50pm, overshadowing impact of Exhibited Scheme (pink) and Amended Scheme (black)

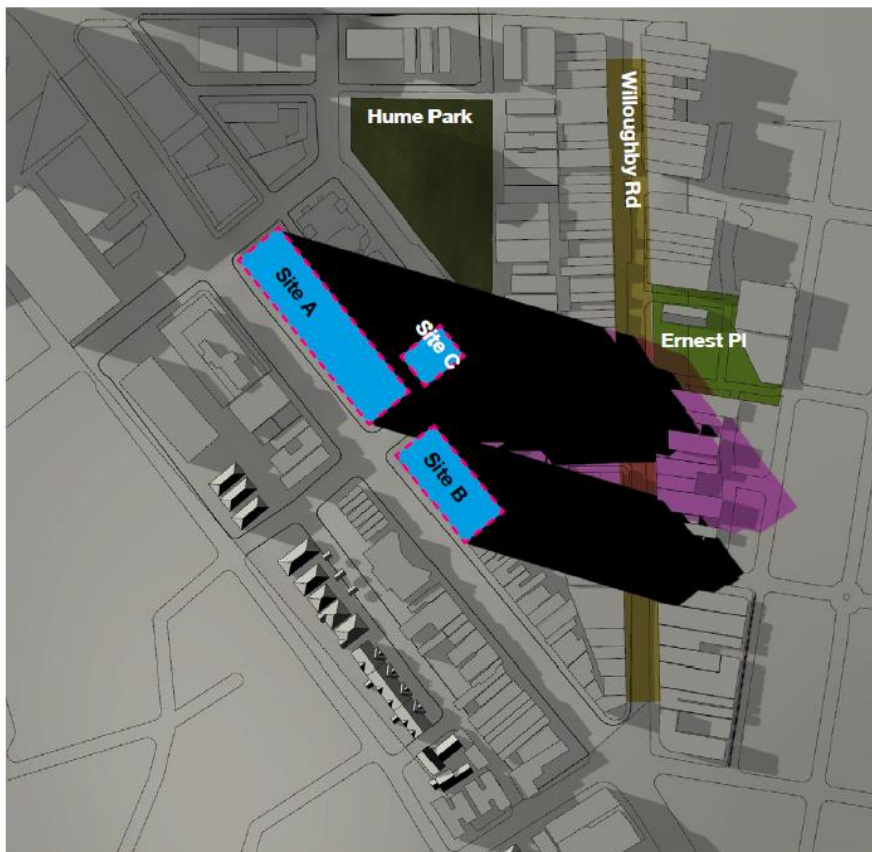


Figure 6.3: 21 September 4.00pm, overshadowing impact of Exhibited Scheme (pink) and Amended Scheme (black)

The area of overshadowing impact at 4pm is located in the south-west corner of the site. The shadow only impacts on areas of transient activity (i.e. the footpath) and the shadow does not extend beyond the stairs (as shown in the photo below) or affect the green space areas of the park.

It is also noted that there are existing trees and awnings in this part of the site that may also provide shadows to Ernest Place.

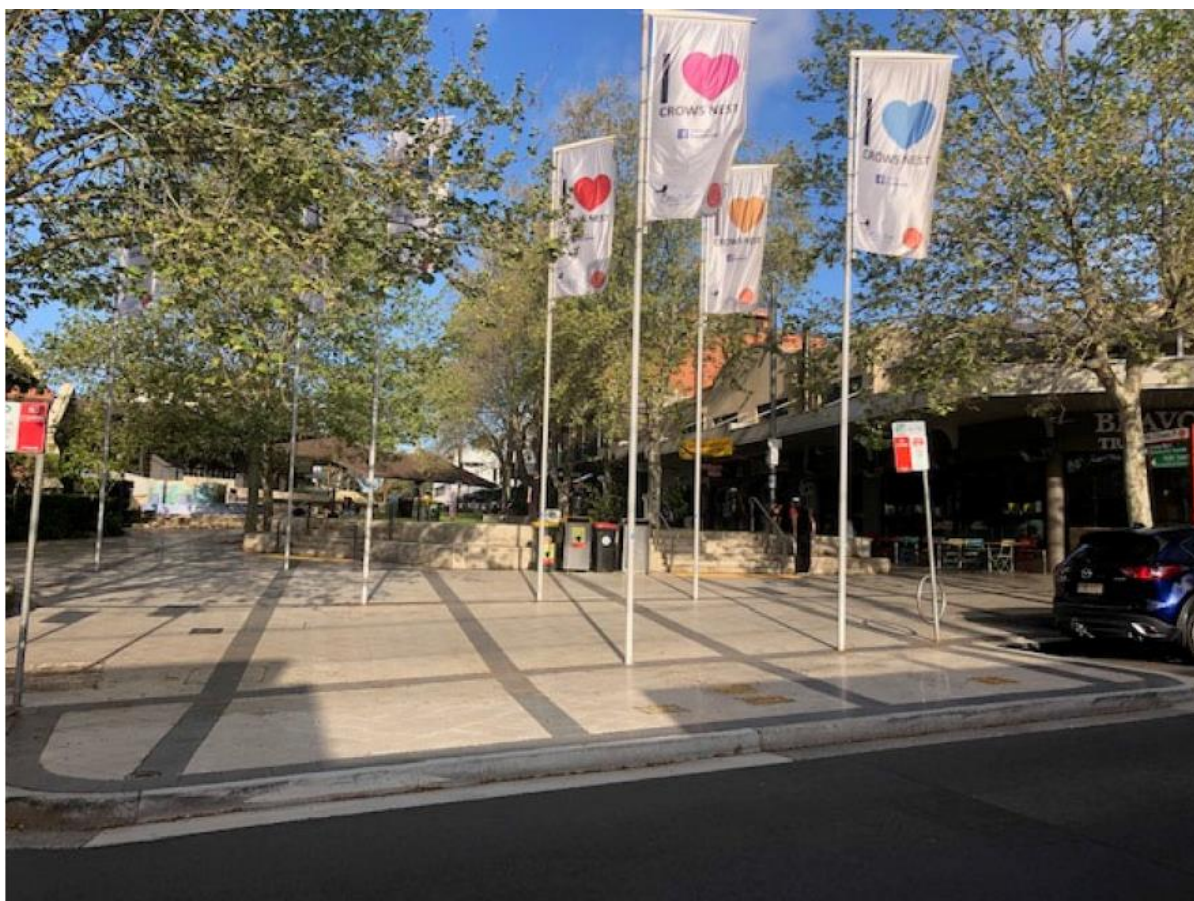


Figure 6.4: photo taken of Ernest Place, 4pm, 19 September 2019

It is noted that some stakeholders are seeking no overshadowing of Ernest Place at all. Sydney Metro has undertaken design investigation to determine what would be required to achieve this outcome. In short, achieving no overshadowing at Ernest Place would require the top two levels of the building to be reduced by half (around 700sqm of lettable space) at the northern end.

Sydney Metro considers this a sub-optimal outcome, when balanced against the potential overshadowing impacts of up to 2 per cent of the area of Ernest Place at 4pm during 21 September only, for the following reasons:

- there is a poor urban design outcome
- the building form is compromised
- the top two floors of office space are compromised
- the remaining floor plate size of the commercial space of the top two floors of the building is generally not attractive to the market, and the quality of this space would be significantly reduced as there is a need to remove one side of the glass which would back onto the adjacent rooftop plant and services
- the efficient layout of services and plant on the roof plane is compromised
- there is an impact to the architecture of the scheme, as it would affect the horizontal and vertical façade articulation
- the ability to achieve effective building transitions from St Leonards is also significantly affected, as there is a need to step down initially before then stepping back up again.

Considering the above, Sydney Metro do not recommend compromising these top two levels to provide for no overshadowing to Ernest Place.

Issue – overshadowing of residential areas west of the Pacific Highway

The submissions objected to the overshadowing of residential areas west of the Pacific Highway at any time of the day or year.

Response

The overshadowing of neighbouring residential properties has been quantified to determine the period of impact for each affected property in the vicinity. This has been assessed against the principle of maintaining a minimum of two hours solar access to key living areas at midwinter.

This analysis has been provided in Appendix I of the Submissions Report, which has undertaken a detailed solar impact analysis for the following key residential buildings:

- 400 Pacific Highway
- 402-420 Pacific Highway
- 545 Pacific Highway
- 22-26 Clark Street
- 29-31 Oxley Street

The analysis has demonstrated that all of the above properties are capable of achieving at least two hours of solar access at midwinter, with the exception of 400 Pacific Highway. Under the Exhibited Scheme, 400 Pacific Highway received adequate solar access due to the gap between buildings on Site A. As noted, the change in land use from residential to commercial on Site A has resulted in a change to the indicative scheme from a two-building solution to a one-building solution on Site A. As a result of this, solar access to 400 Pacific Highway is reduced to approximately 1-2 hours on the north east façade and 1-3 hours on the roof of the building. This is shown in Figure 6.5 below.

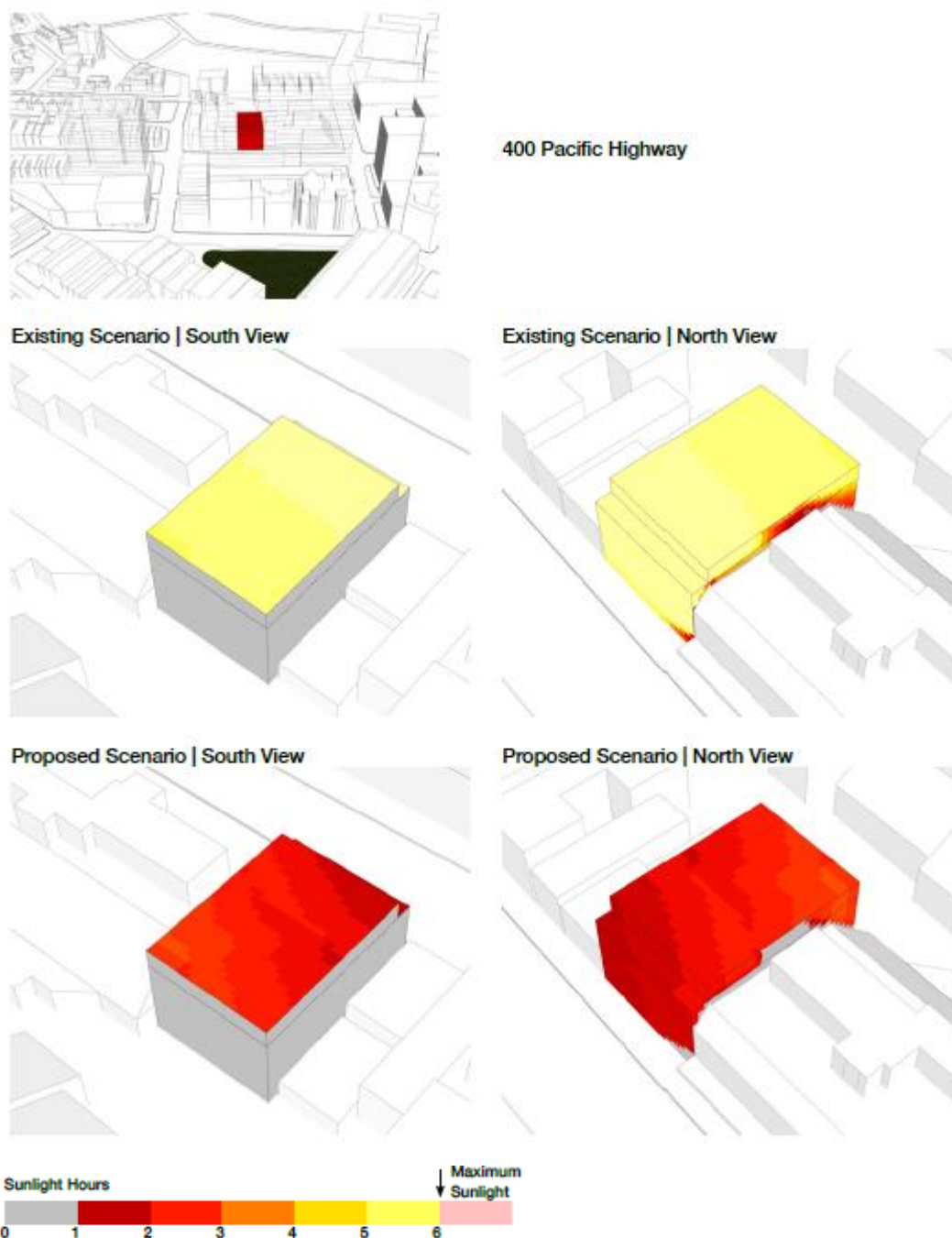


Figure 6.5: 400 Pacific Highway Solar Access under the Amended Scheme

As is detailed in Section 8.4.2 of the EIS, it is anticipated that up to 98 lots/addresses have some degree of shadowing impact between 9.00am and 3.00pm mid winter. The analysis includes a number of properties that are 'shop top housing', for which a residential use within these buildings has not been confirmed. No submission was received during the exhibition of the EIS to confirm the land use of these buildings.

Issue – overshadowing of Willoughby Road

The submissions objected to the overshadowing of Willoughby Road at any time of the day or year.

Response

The 2036 Plan seeks to prevent additional overshadowing of Willoughby Road between 11.30am and 2.30pm mid-winter (21 June), and with consideration for impacts at the March and September equinox periods (21 March, 21 September).

No areas of Willoughby Road will be affected by overshadowing caused by the OSD prior to 2.30pm at any time of the year in accordance with the provisions in the 2036 Plan. In order to comply with this control, a minor amendment was required to the building envelope and building services zone on Site B, with increased upper level setbacks. After 2.30pm, the impact, as listed per certain times of the year (solstices and equinoxes), includes:

- **21 March:** There is no impact on Willoughby Road prior to 4.30pm. At 4.30pm a small area (158 square metres) of the public domain is affected between Clarke Street and Burlington Street. However, the impact is less than the shadows cast by existing buildings onto the street in this area. From 4.30pm onwards, the shadow cast by the OSD buildings generally stays north of Burlington Street and covers the entire street up to and including Ernest Place (from 5.15pm) until sunset.
- **21 June:** There is no impact on Willoughby Road prior to 2.30pm. At 2.45pm, the footpath adjacent to the Crows Nest Hotel and neighbouring bottle shop is affected by shadow caused by the OSD (65 square metres). By 3.30pm, this shadow generally extends along the eastern footpath between the Crows Nest Hotel and Burlington Street up until sunset.
- **21 September:** There is no impact on Willoughby Road prior to 3.00pm. From 3.15pm, parts of the public domain (147 square metres) are impacted by shadow caused by the OSD between Clarke Street and Burlington Street. This shadow generally extends northwards to include Ernest Place (from 4.00pm) and a couple of properties north of this up until sunset. South of Burlington Street, the public domain adjacent to the one property at the corner of Willoughby Road and Burlington Street is also affected during this time.
- **21 December:** There is no impact on Willoughby Road prior to 5.00pm. From 5.15pm, a shadow cast from Site B affects parts of the public domain (494 square metres) around the intersection of Clarke Street and Willoughby Road. Shadow cast from Site A impacts Willoughby Road at Ernest Place. Between 5.15pm and sunset, much of Willoughby Road is affected by shadow from Clarke Lane up and north past Holtermann Street.

In summary, the above shadow impacts to Willoughby Road comply with all relevant provisions, with the exception of the *Crows Nest Placemaking and Principles Study*, which recommends no additional overshadowing to Willoughby Road prior to 4.00pm at any time of year. The proposed changes under the Amended Scheme continues this compliance. It is noted that the *Crows Nest Placemaking and Principles Study* is not a relevant matter for consideration under the SEARs for the Crows Nest OSD.

As with Ernest Place, the objections which propose no overshadowing at any time of the year in accordance with the *Crows Nest Placemaking and Principles Study* are noted. Sydney Metro has proposed a built form which provides a balance between concentrating development near the improved accessibility offered by the metro station, whilst simultaneously protecting valued areas of public space such as Willoughby Road. When taking these competing interests into consideration, the impacts are deemed reasonable, particularly considering the length of Willoughby Road and the minor extent of cumulative impact in the instances identified.

Issue – overshadowing of Hume Street Park

The submissions objected to the overshadowing of Hume Street Park at any time of the day or year.

Response

The 2036 Plan states that planning controls are to be amended to prevent additional overshadowing of Hume Street Park between 10.00am and 3.00pm mid-winter (21 June).

No areas of Hume Street Park will be affected by overshadowing caused by the OSD prior to 3.00pm at any time of the year in accordance with the provisions in the 2036 Plan. This is also in accordance with provisions listed in the NSDCP 2013 and the *Crows Nest Placemaking and Principles Study*. After this time, the impact as listed per certain times of the year (solstices and equinoxes) includes:

- **21 March:** There is no impact on Hume Street Park prior to 4.00pm. From 4.15pm, the area of the accessible green roof above the Childcare Centre near the intersection of Clarke Street and Hume Street is in shadow generated by Site C (32 square metres), increasing sequentially up to the Childcare Centre by 5pm (418 square metres). Between 5.00pm and sunset, the areas of the Park impacted by shadow caused by the OSD is generally also affected by shadows cast by other adjoining developments.
- **21 June:** There is no impact on Hume Street Park at the winter solstice.
- **21 September:** There is no impact on Hume Street Park prior to 3.00pm. At 3.00pm, a small (19 square metres) section of the accessible green roof above the Childcare Centre near the intersection of Clarke Street and Hume Street is in shadow generated by Site C. However, there is limited impact on the Park north of the existing Childcare Centre up until sunset.
- **21 December:** There is no impact on Hume Street Park prior to 3.00pm. At 3.15pm, a very small (8 square metres) section of the accessible green roof above the Childcare Centre near the intersection of Clarke Street and Hume Street is in shadow generated by Site C. A larger portion of shadow caused by Site A begins to impact the park from 3.45pm, affecting areas north of the Childcare Centre. By 5.45pm, almost the entire park is in shadow up to the existing Indoor Sports Centre.

In summary, all provisions relating to the overshadowing to Hume Street Park are complied with. This includes compliance with the *Crows Nest Placemaking and Principles Study*, which requires no overshadowing year round to Hume Street Park between 10am-2pm. The proposed changes under the Amended Scheme continues this compliance.

The concerns of objections regarding the overshadowing of Hume Street Park are noted. Given the direct proximity of the site to Hume Street Park, a degree of overshadowing of the park is likely for any OSD built form on the site. The degree of impact is limited by the siting of the OSD generally to the south-west of the park, meaning that any impact associated with the built form will occur later in the afternoon or evening and is outside of the periods of protection in all strategic and statutory planning documents.

Issue – overshadowing in general

A number of submissions objected to the overshadowing in general, without specifying particular locations. The submissions reference that the buildings will obstruct light and sky, which is a valued part of living in Crows Nest which is being threatened by the cumulative impact of development.

Response

The overshadowing impact of specific areas in and around Crows Nest has been analysed in Section 8.4 ('Overshadowing') of the EIS as well as in the sections above. This has been assessed with particular regard to compliance with the relevant statutory and strategic planning controls. This assessment included consideration of the cumulative shadow impact from existing and proposed development in Crows Nest and St Leonards.

It concluded that the concept SSD Application complies with the relevant provisions of the (then) *Draft 2036 Plan* with regard to solar access and overshadowing, with the exception of a small number of residential properties west of the Pacific Highway that receive more than 3 hours additional overshadowing (refer to 'overshadowing of residential areas west of the Pacific Highway' above). This non-compliance is limited to less than 30 minutes and may possibly be resolved through design amendments as part of future detailed SSD Applications.

This assessment remains applicable as the Amended Scheme has reduced the building envelopes and heights, including a 20 per cent reduction in the overall size of the building envelope, and the finalised 2036 Plan does not further restrict overshadowing and solar access beyond those assessed.

6.4.3. Overdevelopment

Issue – proposed development is contrary to the ‘village atmosphere’

The submissions raised that the proposed development is contrary to the ‘village atmosphere’.

Response

The value and protection of the Crows Nest Village atmosphere has been a key consideration throughout the development of concept SSD Application. As detailed in the revised Design Quality Guidelines (available at Appendix D), the Crows Nest OSD will mark a vibrant new gateway to the Crows Nest village centre and reinforce the established St Leonards strategic centre. This will be enabled through specific guidelines which will support the vision for the Crows Nest Vision. The Design Guidelines will also include vertical and horizontal articulation of the façade to break down the bulk of the future built form.

The impact that the proposed OSD will have on the area is considered within the context of cumulative change within the wider area, including an increase of residential dwellings approved or under construction within the precinct. The two primary amenity impacts of the proposed development that could be enabled by the concept SSD Application include overshadowing and visual impact. The impacts are a result of the proposed height, bulk and scale of the building envelopes of the concept SSD Application.

The proposed height, bulk and scale of the building envelopes of the concept SSD Application have been determined following an extensive options analysis of possible built forms, in addition to community consultation undertaken as part of the exhibition process.

Whilst the protection of the Crows Nest village was a significant factor in this, equally the built form needed to respond to the emerging character of St Leonards within the context of new mass transit infrastructure being located on the site. To align the Crows Nest OSD with the existing low density built form of Crows Nest carries a significant opportunity cost, which include the multitude of benefits which would be foregone if no OSD is pursued, including:

- job creation, including 265 jobs during the construction phase and an additional 2,225 jobs directly and a further 1,355 indirect jobs during the ongoing operation of the site
- businesses in the completed building are estimated to generate industry value-add of \$284 million per annum
- residential and employee spending at local retail stores and service centres is proposed to generate almost \$7.8 million annually in local expenditure
- commitment to providing affordable rental housing in line with the Greater Sydney Commission’s target of 5% of new residential floor space, for a minimum of 10 years or an equivalent monetary contribution to a community housing provider to provide affordable rental housing in the local area.
- a rigorous design excellence strategy is proposed in order to achieve high quality architectural, urban and landscape design as well as a structured process to support the high quality design
- the Crows Nest Village will be supported through scaling the station entry to reflect the local fine grained character of the area and accommodate new and existing active transport links (refer to the revised Design Quality Guidelines at Appendix D).
- maximisation of integrated land use and transport planning and transit-oriented development principles.

Following periods of extensive community consultation undertaken by DPIE and Sydney Metro, the value of Willoughby Road and the Crows Nest ‘village character’ has been clearly articulated by the

community. DPIE and Sydney Metro are aligned in their objective to retain and enhance the village atmosphere in and around Crows Nest, particularly along Willoughby Road. The framework for the retention and enhancement of the village atmosphere includes the following controls for the area as outlined in the 2036 Plan:

- amend planning controls to introduce solar height planes to prevent additional overshadowing of specific areas in winter at the times stipulated below:
 - public open space 10.00am – 3.00pm: Christie Park, Newlands Park, St Leonards South, Propsting Park, Hume Street Park, Ernest Place, Gore Hill Oval, Talus Reserve.
 - streetscape 11.30am – 2.30pm: Mitchell Street and Oxley Streets, Willoughby Road
 - residential areas 9.00am – 3.00pm: residential areas inside the boundary for at least 2 hours, conservation areas inside the boundary for at least 3 hours, residential outside boundary for the whole time between 9.00am and 3.00pm.
- amend planning controls to provide transitions in height from the lower scale development at Willoughby Road, Crows Nest to tall buildings in the St Leonards Core (refer to proposed amended building heights in the issue ‘the proposed development may provide high-density precedent’ below)
- retain existing character of Willoughby Road (i.e. no changes to built form controls along Willoughby Road)
- further expand Hume Street Park with new shops, cafes and restaurants to the rear of Willoughby Road shops.

The concept SSD Application, including as amended, is consistent with the directions of the 2036 Plan that contribute to retaining and enhancing the village atmosphere in and around Crows Nest and liability.

Issue – the proposed development may provide high-density precedent

The submissions raised concern with the proposed development as it may provide precedent to allow for further high-density development in the area.

Response

The decision to locate a metro station at Crows Nest was made on the basis of consistency with the project objectives for the Chatswood to Sydenham metro corridor, as outlined in the CSSI Approval (SSI 15_7400). One of the objectives is to serve and stimulate urban development. From a strategic planning perspective, locating development near to metro stations supports the function of the wider city by encouraging use of public transport and accommodating population growth whilst mitigating against the environmental impacts of additional sprawl on the urban fringe.

The lodgement of a multitude of site-specific planning proposals in the area demonstrated the lack of a more comprehensive strategic planning approach to allow for increased development to meet the high demand in the area, whilst also responding to the community’s desire to protect key areas of value. This was a key reason behind the designation of Crows Nest / St Leonards as a ‘Planned Precinct’ in June 2017. This designation allowed the State government to coordinate growth within the area, whilst simultaneously planning for delivery of infrastructure such as schools, parks, community facilities and road upgrades to match the growth in development.

DPIE commenced a significant period of community consultation to determine how to balance this growth with the interests of the community. With regard to built form, DPIE received the following directions from the community, as outlined in the (then) *2036 Draft Plan*:

- mixed views about density, but general agreement that the St Leonards Core should remain the densest part of the area

- a strong sense of connection to Willoughby Road and Crows Nest village and concern that development could change its character
- a desire for more building setbacks at the street level in St Leonards Core to provide more space on footpaths
- a desire for new development to incorporate best practice design
- mixed views about the future of St Leonards South Planning Proposal, but general agreement that transitions are required from high density areas to low rise areas.

On the basis of this community direction, DPIE has undertaken a detailed review of the built form controls for the area and recommended built form height changes. These changes are shown in the figure below and capture the proposed height of the concept SSD Application for the metro site. As a general strategy, DPIE has aimed to focus height and density along the Pacific Highway between St Leonards heavy rail station and the Crows Nest Metro station.

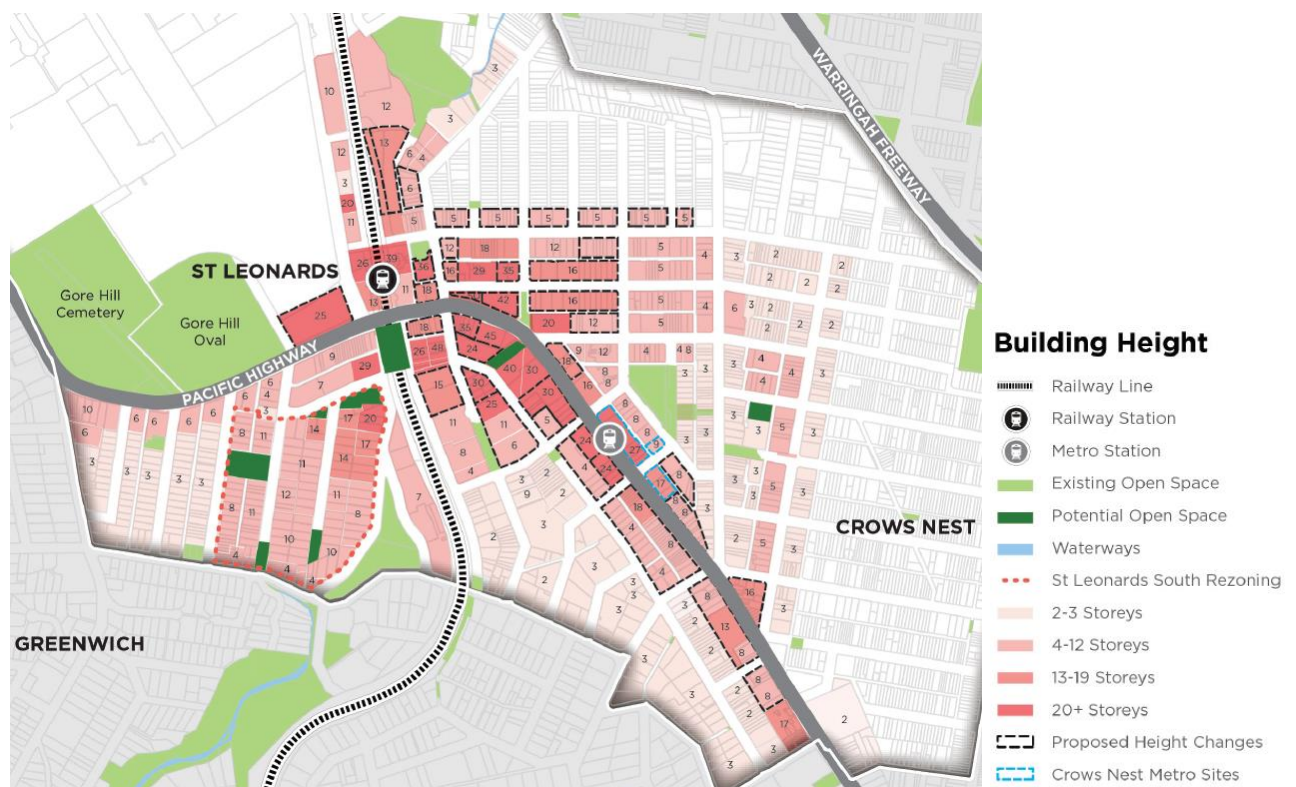


Figure 6.6: proposed height of buildings (storeys) under the 2036 Plan

Therefore, the concept SSD Application does not set a precedent to allow for future high-rise development in the area, as it is consistent with the proposed built form height changes in the 2036 Plan that relate to the wider precinct.

Issue – misalignment of infrastructure and population growth

The submissions raised concern that there was not a suitable amount of infrastructure in the area to match the population growth.

Response

Matching infrastructure with the anticipated growth in the precinct through the delivery of a new metro station is a key reason why the State government declared St Leonards / Crows Nest as a 'Planned Precinct' in June 2017. Delivery of the infrastructure is to be funded by a Special Infrastructure Contribution (SIC) imposed as part of the 2036 Plan. The 2036 Plan provides a detailed list of infrastructure upgrades proposed in the precinct. This includes open space and improvements, pedestrian and cycling connections, road crossing improvements, and education facilities.

No physical works are proposed in this application. A detailed SSD Application(s) will be submitted subsequent to the approval of this concept SSD Application for the physical construction of any building works.

Issue – area has accommodated enough people

The submissions contested that the area has already accommodated enough people, and as such, further development is not required.

Response

The Amended Scheme has reduced the provision of residential floorspace at the site in favour of increased commercial uses. Under the proposed changes, both Site A and Site C are to be utilised for commercial office premises, with only Site B to provide residential floorspace.

Furthermore, under the terms of the District Plans (including the *North District Plan 2018*), all areas of Sydney are required to accommodate more people as the city's population grows. The five-year housing supply target under the *North District Plan 2018* includes varying targets for each local government area, including a target of 3,000 dwellings for the North Sydney LGA. In the 20 years to 2036, the District's population is expected to grow by 196,350 people to reach 1,082,900. To locate density on or near public transport infrastructure is strategically justified to a greater extent in comparison to locating density in suburban residential streets that do not have a walking catchment to public transport or retail. The concept SSD Application is consistent with the strategic intent of the 2036 Plan in terms of meeting the demand for population growth within the precinct.

6.4.4. Planning process

Issue – value capture

The submissions are critical of the value capture process and the need to secure development approval above the stations to fund metro infrastructure.

Response

The funding mechanism(s) for Sydney Metro infrastructure is not a relevant matter for consideration in the assessment of this concept SSD Application. It is appropriate to locate densities above metro stations to utilise improved accessibility and access to job markets, as well as local activation including for the improved and expanded Hume St Park.

Issue – non-compliance with existing controls

The submissions note that the concept SSD Application is inconsistent with the existing controls under the NSLEP 2013. Many submissions recommend that development should proceed within the existing controls.

Response

An option which complied with then (then) NSLEP 2013 and NSDCP 2013 would not be feasible. The NSLEP 2013 provided the following height standards for the three sites:

- Site A: 20 metres
- Site B: 10 metres
- Site C: 20 metres.

The station infrastructure approved under the CSSI Approval already partially exceeded these height controls, rendering any meaningful OSD impossible.

DPIE has undertaken a detailed precinct-wide approach to future development within Crows Nest as part of the 2036 Plan. This document details uplift for sites within the precinct predicated on improved accessibility provided by the metro line. Concurrently to this, DPIE has finalised the rezoning of the subject site to increase the controls consistent with what is proposed under this concept SSD Application.

The Rezoning Proposal was finalised on 31 August 2020, enabling the concept SSD Application to progress. The Amended Scheme complies with the gazetted NSLEP 2013 controls for the site with the exception of the services zone on Site B which exceeds the building control controls by 3 metres. This is discussed further in Section 8.5.

It is appropriate to locate densities above metro stations to utilise improved accessibility and access to job markets, as well as local activation including for the improved and expanded Hume St Park.

Issue – non-compliance with Placemaking and Principles Study

The submissions note that the concept SSD Application does not comply with North Sydney Council's *Crows Nest Placemaking and Principles Study*. In particular, the submissions note that the concept SSD Application does not comply with overshadowing controls as they relate to key areas of open space.

Response

The *Crows Nest Placemaking and Principles Study* is not a formal requirement for compliance under the SEARs for the concept SSD Application.

Notwithstanding this, the concept SSD Application, including as amended, is consistent with the principles of the *Crows Nest Placemaking and Principles Study*, as detailed in Section 6.5.2 of the EIS.

The proposed built form will be non-compliant with certain overshadowing requirements of the *Crows Nest Placemaking and Principles Study*. These include:

- no additional overshadowing year-round to Willoughby Road between 10am – 4pm
- no additional overshadowing year round to Ernest Place at any time.

The concept SSD Application is consistent with the overshadowing requirements of the 2036 Plan in that no areas of Willoughby Road will be affected by overshadowing caused by the OSD prior to 2.30pm at any time of the year, and that no areas of Ernest Place will be affected by overshadowing caused by the OSD prior to 3.45pm.

Sydney Metro has reviewed the implications for no overshadowing to be provided to Ernest Place. The potential overshadowing impacts comply with current and draft overshadowing requirements. The *Crows Nest Place Making and Principles Study 2010* required no overshadowing of Ernest Place at any time and no overshadowing of Willoughby Road between 10am-4pm, however this document was not listed as a relevant matter for consideration under the SEARs. Sydney Metro has undertaken design investigation to determine what would be required to achieve no overshadowing. In short, achieving no overshadowing at Ernest Place would require the top two levels of the building to be reduced by half (around 700sqm of lettable space) at the northern end.

Sydney Metro considers this a sub-optimal outcome, when balanced against the potential overshadowing impacts of up to 2 per cent of the area of Ernest Place at 4pm during 21 September only, for the following reasons:

- there is a poor urban design outcome
- the building form is compromised
- the top two floors of office space are compromised
- the remaining floor plate size of the commercial space of the top two floors of the building is generally not attractive to the market, and the quality of this space would be significantly reduced as there is a need to remove one side of the glass which would back onto the adjacent rooftop plant and services.
- the efficient layout of services and plant on the roof plane is compromised.
- there is an impact to the architecture of the scheme, as it would affect the horizontal and vertical façade articulation

- the ability to achieve effective building transitions from St Leonards is also significantly affected, as there is a need to step down initially before then stepping back up again.

Considering the above, Sydney Metro do not recommend compromising these top two levels to provide for no overshadowing to Ernest Place.

Issue – non-compliance with strategic plans

The submissions argue that the concept SSD Application does not comply with the strategic context, including directions in the *North District Plan 2018*.

Response

The concept SSD Application, including as amended, is consistent with the relevant strategic plans as outlined in Chapter 6 (Assessment of compliance with strategic plans) of the EIS – in particular, it is consistent with the directions of the *North District Plan 2018* as outlined in Section 6.3.3 of the EIS. This includes consistency with the ten overarching directions for the District, as well as the specific actions identified to strengthen the St Leonards Strategic Centre, such as leveraging the new Sydney Metro station at Crows Nest to deliver additional employment capacity.

Issue – improper use of State Significant Development Process

The submissions argue that the concept SSD Application is an improper use of the State significant development process and that the State Government is taking planning control away from local government.

Response

Division 4.7 of the EP&A Act sets out certain requirements for State significant development. The concept proposal for the Crows Nest OSD is consistent with this Division for the following reasons:

- the development is of State significance as it relates to residential accommodation and/or commercial premises within a rail corridor associated with railway infrastructure and has a capital investment value of more than \$30 million as required by clause 19(2) of the SRD SEPP
- the development is not prohibited by an environmental planning instrument
- the development has been evaluated against the relevant heads of consideration at section 4.15 of the EP&A Act
- by virtue of clause 8(2) of the SRD SEPP, the entire concept SSD Application is State Significant Development if a single proposed development the subject of one development application comprises development that is only partly State significant development declared under subclause (1).

Therefore, the progression of the application as SSD is entirely within the legal framework set by the EP&A Act and is a proper use of this process.

Issue – contributions

The submissions argue that the concept SSD Application should be subject to the payment of developer contributions.

Response

A determination of this concept SSD Application will not trigger a contribution as the determination does not authorise the carrying out of development without further consent (EP&A Act section 4.22(4)). Future development on the site will be subject to North Sydney Council's development contributions policies in accordance with Section 7.11 of the EP&A Act.

Sydney Metro originally intended to support the delivery of community use space by entering into a VPA with Council. However, it was confirmed through post-lodgement discussions that Council did not

support the dedication of community use space on the site. Accordingly, the potential community use space has been removed from the concept SSD Application.

Issue – Clause 4.6 Variation Request

The submissions question the application of a Clause 4.6 variation request, as submitted with the concept SSD Application, to justify the breach in height and non-residential floor space.

Response

The concept SSD Application relied on the Rezoning Proposal in relation to maximum height and floor space ratio, minimum non-residential floor space ratio, and “Design Excellence” provisions. The Rezoning Proposal was finalised on 31 August 2020 as SEPP Crows Nest Metro Station.

Sydney Metro has been in close consultation with DPIE throughout the duration of the project to ensure alignment between the concept SSD Application and the Rezoning Proposal. The final NSLEP 2013 provisions gazetted for the site largely enable the maximum heights of the proposed building envelopes, with the exception of the minor services zone on Site B. The scale of the proposed development is, therefore, substantially consistent with the planning controls applying to the Crows Nest metro site. The Clause 4.6 Variation Request (Appendix Z) has been updated to address this services zone only, and is discussed further in Section 8.5.

No Clause 4.6 Variation Request is required for the provision of non-residential floor space. Each of the sites comply with the new NSLEP 2013 controls, and significantly increase the amount of non-residential floor space from the Exhibited Scheme.

6.4.5. Built form

Issue – visual impact

The submissions object to the visual impact of the proposal in that it is incompatible with the low-rise nature of the suburb.

Response

The concerns of the community with regard to the visual impact of the proposal are noted. The visual impact of the concept SSD Application has been detailed extensively in Section 8.3 (View and Visual Impacts) of the EIS and in the Visual Impact Assessment at Appendix N of the EIS. The Visual Impact Assessment has been supported by a number of additional photomontages at Appendix L (View Impact Study – Key Vantage Points and Streetscape Locations) and M (View Impact Study – Surrounding Residential Buildings) of the EIS.

The photomontages have been updated based on the Amended Scheme and have been provided at Appendix P (View Impact Study – Key Vantage Points and Streetscape Locations) and Appendix Q (View Impact Study – Surrounding Residential Buildings) to this Submissions Report, in addition to an update to the Visual Impact Assessment Report at Appendix R. The Amended Scheme represents a 20 per cent reduction in the size of the building envelope. With regard to long range views of any future development on the site from the public domain, the visual impact of the scheme will be reduced commensurate with this reduction in size of the building envelope. In particular, the tapering height at the southern end of Site A significantly increases the separation between the indicative schemes of Site A and Site B, increasing the amount of sky view between the two built forms. This amendment also further visually reinforces the notion of the transition from low density development to the south to the future high-density development of St Leonards.

Under the indicative scheme as exhibited, the view to sky that was achieved by the space between the two residential buildings on Site A. Given the change to commercial use on this site, there is no longer any view provided in this space, which is now occupied by one commercial building. Notwithstanding, the visual impact assessment for the Exhibited Scheme was undertaken based on the building envelope and not the indicative scheme. The impact of this is most clearly seen from close range at Hume Street Park.

The proposal continues to achieve an appropriate balance between providing additional floorspace above a key new metro station and reducing visual impact on areas of amenity through design measures such as height transition. On this basis, it is determined that overall, the concept proposal in its amended form has an acceptable visual impact.

Issue – building height

The submissions object to the height of the proposed concept SSD Application building envelope. Many of the submissions are linked to the increase in height for the buildings under DPIE's Rezoning Proposal.

Response

The proposed heights for the site under the new planning NSLEP 2013 controls applying to the site and the building envelopes under this concept SSD Application are consistent with the exception of the services zone on Site B (which is discussed in Section 8.5). Hence, whilst submissions made in relation to the DPIE's Rezoning Proposal are not a relevant matter for consideration under this concept SSD Application, these submissions are intrinsically linked to the outcomes proposed under this concept SSD Application.

The former height controls for the site were not appropriate and did not reflect the significant investment in transport infrastructure and the opportunities offered by the new Crows Nest Metro Station. The CSSI Approval for station works would have already partially exceeded the former maximum building height on the site under the NSLEP 2013.

The gazetted height controls provides are an appropriate balance between focusing taller buildings at St Leonards and providing for an appropriate transition in height to the 3 storey scale of Willoughby Road. The proposal is consistent with the principles of the 2036 Plan, which concluded that height at the Crows Nest Metro Station is strategically justified. In particular, the height of the building ensures that overshadowing to key areas of public space including Willoughby Road and Ernest Place are reduced to the highest extent possible to ensure continuation of the amenity of the area.

Issue – bulk and scale

The submissions object to the bulk and scale of the proposed concept SSD Application building envelope. In particular, the submissions raised concern with the bulk and scale when compared to the relatively low-density scale of Willoughby Road and the Crows Nest village.

Response

Multiple strategic planning studies undertaken by North Sydney Council have identified that the most appropriate location for this density is on or nearby transport infrastructure along the Pacific Highway Corridor and away from areas such as Willoughby Road. This is further reinforced by the 2036 Plan. This concept SSD Application is consistent with these studies, providing suitable justification for increased density on the site.

The concept SSD Application is directly consistent with the findings of multiple strategic planning documents in that it supports the provision of a mixed-use development above the metro corridor as a way of increasing use of existing public transport, reducing car usage and encouraging connectivity within the area. These factors have been taken into consideration throughout the development of the bulk and scale of the proposed building envelopes.

Furthermore, the building envelopes have been developed in careful consideration of the existing CSSI Approval for station works and to ensure surrounding key public areas are not significantly impacted by issues including overshadowing and visual impact. The proposed upper level setbacks retain solar access to the surrounding area and allow for tapering down of the building from north to south, to provide articulation and reduce impacts of bulk and scale.

As a concept SSD Application, the OSD Proposal only provides for the maximum building envelope, which cannot be fully built out in any event due to the other recommended controls to be approved such as the maximum floor space ratio. The building envelopes have been configured to provide for a high level of innovation and flexibility at the future detailed design stage, which is to be guided by the Design

Quality Guidelines prepared for the site (refer to the updated Design Quality Guidelines at Appendix D of this Submissions Report).

The Amended Scheme includes a 20 per cent reduction in the size of the building envelope primarily associated with a tapering height at the southern end of Site A. This significantly increases the separation between the indicative schemes for Site A and Site B. This amendment also further visually reinforces the notion of the transition from low density development to the south to the future high-density development of St Leonards.

The Amended Scheme also includes an articulation zone, which does not contribute to floor space, but rather is a mechanism to articulate the building to address bulk of the future built form. Articulation demonstrated in future detailed design will need to ensure view and visual impacts are minimised, compliance with overshadowing requirements and minimised overshadowing impacts to key public areas including Hume Street Park, Ernest Place and Willoughby Road. Refer to the updated Design Quality Guidelines at Appendix D of this Submissions Report for further information regarding the articulation zone.

Issue – podium setbacks

The submissions stated that there should be generous setbacks at podium level. Many of the submissions requested additional setbacks at ground level.

Response

The setbacks for the ground level have already been approved under the terms of the CSSI Approval (SSI 15_7400). All three building envelopes for Sites A, B and C result in the provision of the following street setbacks:

- approximately 1.5 – 3 metres on Site A and 0 – 0.9 metres on Site B along the Pacific Highway in alignment with adjacent development.
- approximately 2 – 2.8 metres on Site A and 1.2 – 2.6 metres on Site B along Clarke Lane to allow for future street widening.
- approximately 1.5 metres along Oxley Road to align with the St Leonards Centre building across Clarke Lane.

The articulation of the proposed design at Site A seeks to demarcate between the station level and the building above and relates to the existing scale of Crows Nest, which preserves the street character along the Pacific Highway.

The Amended Scheme includes an articulation zone, which does not contribute to floor space, but rather is a mechanism to articulate the building to address and break down the bulk of the future built form. Articulation demonstrated in future detailed design will need to ensure view and visual impacts are minimised, compliance with overshadowing requirements and minimised overshadowing impacts to key public areas including Hume Street Park, Ernest Place and Willoughby Road. Refer to the updated Design Quality Guidelines at Appendix D of this Submissions Report for further information regarding the articulation zone.

There is no podium element on Site B. However, there is proposed to be, as illustrated in the indicative scheme, distinct articulation of materiality to relate to the streetscape of the Pacific Highway heights. The first three levels are proposed to be a more solid element in comparison to the levels above, providing a lower built form which reads similar to a traditional podium.

Issue – design excellence

The submissions raised issues regarding design excellence. In particular, submissions stated that above ground parking does not meet the design excellence intent of the development, or that design excellence could be achieved from a building of smaller scale and height.

Response

The design excellence of the future OSD would be ensured through adherence to the Design Excellence Strategy and updated Design Guidelines (Appendix D). These provide an objective and structured process to ensure that design excellence is maintained throughout the design, procurement and delivery process of the integrated station development.

The detailed building design for each site will be further refined with input from Sydney Metro's DRP to ensure design excellence is achieved.

Issue – heritage impact on 20 Clarke Street

One comment raised that the heritage item at 20 Clarke Street is inadequately protected from the size and proximity of the concept SSD Application's proposed building envelope.

Response

20 Clarke Street is not listed as a heritage item under any environmental planning instrument. The impact on nearby heritage items has been assessed in Section 8.7 (Non-Aboriginal Heritage) and Section 8.8 (Aboriginal Heritage) of the EIS and has been determined to be acceptable.

Issue – separation distances

A submission raised that the separation distance between the buildings is insufficient.

Response

The built form on Site A now consists of a single tower, and therefore separation between towers on Site A is no longer considered an issue. Residential uses at Site B will achieve the required separation distances in the Apartment Design Guide (ADG). Further information has been provided in the amended SEPP 65 Compliance Analysis Report attached at Appendix I of this report. This will be further demonstrated as part of a detailed SSD Application.

Issue – privacy

A submission raised that the building envelope of the concept SSD Application will lead to a loss of privacy to nearby residential buildings.

Response

The indicative design in the concept SSD Application has been assessed to ensure adequate building separation distances are provided to achieve reasonable levels of external and internal visual privacy in accordance with the provisions of the *Apartment Design Guide 2015*. The indicative design achieves the required 24m separation between the facing facades and balconies. All other windows do not look towards neighbouring units. The majority of the proposed balconies are at adequate distances from each other, and privacy screens will be installed where necessary to achieve privacy.

Future detailed SSD Application(s) will also be required to address the relevant provisions of the ADG to demonstrate that appropriate levels of visual privacy are achieved for existing and future residential dwellings.

6.4.6. Public domain and open space

Issue – public space on the subject site

The submissions raised that the concept SSD Application was a lost opportunity to create more public open space in the precinct. Particular reference was made to Site C and how this could be the site of a future plaza or park.

Response

Under the terms of the CSSI Approval, a degree of development is already approved to cover the full extent of the station infrastructure at the site. This includes Site C, which is an important portal entry to the station oriented east towards Willoughby Road. The vertical extent of the approved station works is

defined by the 'transfer slab' level (which for Crows Nest is defined by RL 100.40 on Site A, RL 106.5 on Site B and RL 98.4 on Site C), above which would sit the OSD (refer to Figure 4.1 of this report).

Sydney Metro originally intended to support the delivery of community use space by entering into a VPA with Council. However, it was confirmed through post-lodgement discussions that Council did not support the dedication of community use space on the site. Accordingly, the potential community use space has been removed from the concept SSD Application.

The subject site is also located immediately adjacent to one of the largest areas of open space in Crows Nest, being Hume Street Park. North Sydney Council has endorsed a Master Plan to redevelop and expand the existing Hume Street Park to provide improved facilities for the surrounding urban areas as they develop. Council's plan will provide 3,518 square metres of new public space and extension of footpaths, totalling 8,242 square metres. It also includes a sport centre, underground car park, commercial space, mixed use buildings and streetscape enhancements. The expansion of Hume Street Park is further acknowledged in the 2036 Plan. An artist's impression of the expanded park prepared by North Sydney Council is shown in Figure 6.7 below.



Figure 6.7: Artist's impression of the proposed Hume Street Park Expansion from North Sydney Council

Issue – public space in Crows Nest / St Leonards more generally

More generally, submissions raised a desire to provide more public open space in the Crows Nest / St Leonards area, considering the amount of development taking place.

Response

Other than the options considered to provide for open space on the subject site as addressed in the issue ('public space on the subject site') above, the provision of further public open space in the precinct is not a matter for consideration under this concept SSD Application. Expansion and improvements to

areas of open space in the precinct has been identified in the 2036 Plan. Future development on the site will be offset by Section 7.11 Contributions to be paid to North Sydney Council.

Issue – demolition of the Crows Nest Basketball Stadium

A submission recommends two floors in the development be allocated toward an indoor stadium, addressing the demand for sporting facilities and providing community benefit due to a perceived demolition of the existing stadium in Hume Street Park.

Response

A meeting was held with the General Manager of the Northern Suburbs Basketball Association and North Sydney Council to discuss a potential relocation of the basketball courts from Hume Street Park to the Crows Nest OSD site. It was noted that the Crows Nest OSD site is not of sufficient size to allow for the provision of a new basketball stadium and that North Sydney Council would continue to work with the Northern Suburbs Basketball Association to identify an alternative location.

6.4.7. Vehicular traffic and parking

Issue – too much car parking

The submissions object to the proposal in the concept SSD Application to provide car parking above the Metro Station and some argue for a reduction to the proposed car parking, or provision of no car parking.

Response

The concept SSD Application will result in a net decrease in parking spaces compared to what was available at the site prior to the commencement of station excavation works. The approach for car parking as part of the OSD has intended to balance the need and demand for car parking with the location above the metro infrastructure. This balance intends to ensure that there is no adverse impact on additional street parking, whilst simultaneously ensuring that residents and visitors of a future OSD are encouraged to use the metro station given its highly strategic location.

The amended SSD Application includes a maximum of 101 car parking spaces to accommodate the commercial and residential uses. This is a maximum, and a lesser amount can be proposed for the site by the future developer. Therefore, the quantity of car parking spaces is therefore considered to be appropriate as it is well below the 157 car parking spaces maximum applicable to the site under the NSDCP 2013. Further information is provided in the Transport, Traffic and Pedestrian Assessment Report at Appendix N.

Issue – increase in vehicular traffic

The submissions argue that the exhibited concept SSD Proposal will culminate in increased vehicular traffic.

Response

The traffic generation estimates for the development are expected to be less than the land uses at the site prior to the commencement of station excavation works. It is also expected that due to the high level of public transport connectivity from the site, week day peak period car trips will be minimised, with residents expected to take advantage of the public transport options available on or near the site.

The cumulative traffic impact was also assessed at a high level under the CSSI Approval (Appendix AA) within the EIS for Sydney Metro Chatswood to Sydenham. This assessment predicted AM Peak access mode share of 7 per cent Kiss and Ride (a total of 4,600 forecasted access trips in year 2036), which would have a negligible impact on traffic congestion. Furthermore, under the conditions of the CSSI Approval, the proponent is required to develop an Interchange Access Plan (IAP) which will inform the final design of transport and access facilities and services, including footpaths, cycleways, passenger facilities, parking, traffic and road changes, and integration of public domain and transport initiatives around the station. The IAP will identify necessary infrastructure, amenities and access strategies according to the TfNSW Modal Hierarchy (which prioritises walking, cyclist and public

transport modes). This will be provided through an approved delivery and implementation program prior to commencement of aboveground facilities at Crows Nest station.

As detailed in the Transport, Traffic and Pedestrian Assessment at Appendix N, The impact of trip generation associated with the Amended Scheme on intersection performance within the vicinity of the site is negligible (total 23 vehicles per hour during peak hours) compared to the growth of background traffic, and would have a minimal impact on the performance of the surrounding intersections.

Overall, there has been a reduction in the number of parking spaces provided on the OSD sites, when compared to the number of parking spaces provided across all lots prior to the station construction commencing. There is also a change in nature of the use of the parking spaces. For example, it is anticipated that the previously existing spaces were likely used primarily for car trips to work at Crows Nest, whilst the proposed OSD car spaces will be used for residents travelling from home at Crows Nest. It is also expected that due to the high level of public transport connectivity from the site, week day peak period car trips will be minimised, with residents expected to take advantage of the public transport options available on and near the site.

A maximum of 101 spaces is compliant with the North Sydney DCP requirements for all the potential scenarios proposed as part of the concept SSD Application. This figure is also flexible given that the development is at the concept stage and may be reduced subject to detailed SSD Application(s) which will involve the detailed design of the development. In addition, contrary to claims made in the submissions, the car parking that is to be provided will not encourage park and ride, given that it will be secure access parking that is not accessible to the general public. The car parking will be for OSD use only.

On-street parking is not an issue that will cause an increase in vehicular traffic. Section 8.9 ('Transport, Traffic and Parking') of the EIS explores the nature of on-street parking surrounding the site and specifies that the on-street parking is short-term and metered parking which will not culminate in traffic generation. The on-street parking in the immediate vicinity of the site requires a permit for parking, and therefore is restrictive. This is compounded by the fact that there is a limitation on the number of on-street car parking spaces available. The abovementioned factors hinder people working in Crows Nest from travelling via motor vehicle and incentivise public transport use. Public transport usage will be further incentivised after the introduction of the Metro services. Sydney Metro will continue to work with local councils to manage the impacts of parking on nearby streets.

Modelling was undertaken during peak hour for the CSSI Approval, demonstrating that two street entrances to the Crows Nest Metro site is sufficient. Therefore, the provision of two street entrances will result in negligible traffic generation.

The proposed provision of bus services in the concept SSD Application is consistent with the CSSI Approval and is not a matter relevant to this Application.

Issue – lack of public transport interchange

The submissions argue that the concept SSD Application lacks a public transport interchange.

Response

Pursuant to condition E92 of the CSSI Approval, an Interchange Access Plan will be prepared for the Crows Nest metro station. This is to be developed as part of the CSSI Approval, which is to progress separately to this concept SSD Application for the OSD. Notwithstanding, the OSD is integrated with this transport infrastructure.

Issue – not enough car parking

The submissions object to the lack of parking proposed in the concept SSD Application.

Response

The concept SSD Application as exhibited provided for a maximum of 150 car parking spaces, which is considered appropriate for the proposed land uses.

The introduction of metro services will encourage people to travel by public transport to the precinct rather than drive, therefore negating the requirement for increased amount of car parking spaces. Moreover, there have been 11 submissions made arguing that there is a lack of car parking, and 593 arguing the contrary. Hence, the number of car spaces has been reduced further under the Amended Scheme, to a maximum of 101 spaces.

The constrained nature of the site means that it is not possible for car parking to be provided at or below ground level. Under the CSSI Approval, the ground floor is strictly allocated to the metro railway infrastructure and there is no additional space for car parking. The Traffic, Transport and Pedestrian Assessment at Appendix N found that the proposed car lifts that are proposed to access Site A and Site B under the Amended Scheme will operate at least as well as the Exhibited Scheme, and that the car park and car lift operations and Clarke Lane traffic flow would benefit from an electronic car parking booking system to smooth out any peaks in arrivals at the car lifts. It is also noted that there is no change proposed to the service vehicle provisions under the Amended Scheme.

Further assessment on the provision of car parking is provided at Appendix N of this Submissions Report.

Issue – reopening of Christie Street

A submission objected to Christie Street being reopened to vehicular traffic.

Response

The reopening of Christie Street is not proposed as part of the concept SSD Application. Rather, Figure 32 in the EIS illustrates all the open space in the vicinity of the site and highlights that Christie Street Reserve will remain as one of the open space areas servicing the surrounding area.

6.4.8. Communications and engagement

Issue – photomontages and/or diagrams misleading

The submissions argued that diagrams or photomontages used by Sydney Metro are misleading or distorted. Two specific images have been referenced including the initial artist's impression of the Metro Station and Figure 2 on Page 25 of the EIS.

Response

The initial artist's impression of the Crows Nest Metro Station displays a two storey building on the subject site. This impression was developed prior to extensive work on the suitability of over station development being undertaken.

The axonometric diagram at Figure 2 on page 25 of the EIS is showing accurate information. Due to the nature of the drawing being an axonometric, this may explain why submissions are questioning its accuracy. An axonometric projection is a type of orthographic projection and shows three-dimensional objects in two dimensions. It does not consider perspective.

Some of the submissions which question the accuracy of this image simultaneously state that Figure 38 on page 98 of the EIS shows a more accurate depiction of the scale of the development. Both figures have been generated using the same software and model and have rotated the viewing perspective to produce these figures.

Issue – poor community consultation

The submissions criticised the community consultation process associated with the development of the concept SSD Application.

Response

Details of the extensive community consultation process undertaken since 2012 are included in Section 5.1 (Community Consultation) of the EIS. Chapter 3 of this Submissions Report also includes the consultation undertaken during the exhibition of this SSD Application. The community consultation

process is ongoing and is being delivered in excess of the legislative requirements of the SSD process. This includes the Response to Submissions process and this report.

Issue – lack of responsiveness to community consultation outcomes

The submissions criticised the outcomes of the community consultation process and have stated that Sydney Metro has disregarded or not acknowledged community feedback.

Response

The proposal has given significant consideration to the concerns of the community throughout an extensive community consultation process that has been ongoing since 2012. This includes consultation with the community undertaken by Sydney Metro in addition to consultation undertaken by DPIE throughout the development of the 2036 Plan, with which the concept SSD Application is generally consistent. Feedback from the community has had a significant bearing on the built form proposed in the concept SSD Application which, for reasons outlined in this report in addition to the EIS, has been required to balance competing interests associated with meeting demand for development within the precinct and also ensuring that the benefits associated with the provision of metro infrastructure are fully realised.

Issues raised at community information sessions are appended to this Submissions Report (Appendix Y) outlining the concerns of community that have been addressed in the assessment of this SSDA.

In response to community and stakeholder feedback, an amended scheme has been developed which responds to issues raised including overshadowing, height, bulk and scale. This Response to Submissions will be placed on public exhibition for further comment from key stakeholders and the community.

6.4.9. Social Issues

Issue – community facilities

The submissions contend that there is a lack of community facilities in the precinct and that more facilities should be included on the subject site.

Response

Sydney Metro originally intended to support the delivery of community use space by entering into a VPA with Council. However, it was confirmed through post-lodgement discussions that Council did not support the dedication of community use space on the site. Accordingly, the potential community use space has been removed from the concept SSD Application. Development contributions will be provided in lieu of the provision of community use space, to fund additional community use space off-site in accordance with Council's policies.

Issue – loss of community spirit

The submissions note that the concept SSD Application will result in a loss of community feeling or spirit.

Response

Community feeling or spirit is fostered by a multitude of factors, including to a degree, elements of the built environment. Community spirit can also be generated from a sense of activation and vitality which increased density can bring to the precinct – particularly along Willoughby Road. The Revised Social and Economic Impact Assessment for the Amended Scheme estimates a total household expenditure at local retail and service providers of \$2.4 million, which will assist in making cafes and restaurants in the area continually viable.

Issue – crime

The submissions state that the proposal will result in increased crime in the local area.

Response

The future detailed SSD Application(s) will be required to demonstrate consistency with Crime Prevention Through Environmental Design (CPTED) principles. A CPTED Report has been provided at Appendix GG to the EIS and concluded that the concept SSD Application provides adequate opportunity for the implementation of CPTED principles in the future design. It includes a recommended mitigation measures for consideration as part of the future detailed SSD Application(s).

Issue – social housing

The submissions are critical of the low social housing outcomes of the proposed development.

Response

Sydney Metro is committed to providing affordable rental housing at Crows Nest in line with the Greater Sydney Commission's target of 5% of new residential floor space, or an equivalent monetary contribution to a community housing provider to provide affordable rental housing in the local area.

6.4.10. Environment and pollution

Issue – wind

The submissions raised that the proposal will result in increased wind conditions in the public domain of the surrounding precinct.

Response

The Wind Impact Assessment (Appendix U of the EIS) found that the wind conditions at most locations around the site based on the concept proposal would be expected to be similar to or marginally stronger than the existing wind conditions. Several locations are expected to experience higher wind speeds, namely along Clarke Lane and at ground level around Site B, with amelioration of impacts to be achieved through standard design measures such as awnings and tree plantings.

The wind conditions at most locations around the proposed development site are expected to be suitable for pedestrian standing/walking activities under the Lawson criterion.

Issue – pollution

The submissions raised that the proposal will result in increased pollution in the precinct.

Response

The future detailed SSD Application(s) will be subject to the framework outlined in the Ecological Sustainability Development (ESD) Report at Appendix X of the EIS. The ESD framework summary combines all applicable initiatives and targets set within the following categories:

- energy efficiency
- water
- waste
- materials
- indoor environmental quality
- transport
- ecology, biodiversity, land use
- emissions
- climate change resilience

Appendix M of this submissions report is an updated ESD report which addresses the Amended Scheme including recommendations regarding sustainability rating targets to be demonstrated given the revised land use allocations of the OSD. This includes details around Green Star ratings for both

residential and commercial development, BASIX energy and BASIX water consumption reduction for residential developments and NABERS Energy and Water.

Issue – noise

The submissions raised that the proposal will result in increased noise in the precinct.

Response

A Noise and Vibration Impact Report has been prepared (Appendix V of the EIS) to assess the potential noise and vibration impacts associated with the future OSD during construction and operation, and also to consider the amenity of future occupants of the building.

Specialist modelling indicates that there are a number of locations where Noise Management Levels would be exceeded, triggering the need for mitigation measures, and active consideration during the design process. These include particularly sensitive nearby receivers including medical practices, a day surgery, an eye surgery and recording studios.

The assessment of noise during the operational phase of the Integrated Station Development considered noise from building services and noise generation from roads, emergency operations (e.g. generators), car parks and loading docks. Impacts were considered for the various uses proposed for the concept SSD Application. The assessment found that it would be possible for an OSD to meet operational noise criteria provided that the recommended treatments were incorporated, particularly in relation to above ground car parks. Noise impacts are to be further considered at the detailed SSD Application(s) stage.

Issue – heat

One submission raised that the proposal will result in increased heat in the precinct.

Response

Heat emission has been a relevant matter for consideration in the ESD Report at Appendix X of the EIS.

6.4.11. Fire hazard

Issue – fire hazard risk

One submission raised that the proposal will result in an increased fire hazard risk in the precinct.

Response

The future detailed SSD Application(s) will be subject to Australian Standards relating to fire risk under the *Building Code of Australia*.

6.4.12. Pedestrian Circulation

Issue – pedestrian and cyclist priority

The submissions argue that there is a need for greater priority to be given to pedestrians and cyclists than what is proposed in the concept SSD Application.

Response

Pedestrian and cyclist priority and access was well considered in the preparation of the Application and analysed in Section 3.6 ('Transport and Accessibility') of the EIS. It is noted that Council exhibited plans to purchase several properties on Hume Street. This will facilitate improved pedestrian and cyclist access via Hume Street, which will be the primary access point for pedestrians and cyclists, to Willoughby Road. Furthermore, it was ensured that key interchange facilities and station entrances were separated from vehicle access points to afford priority to pedestrians and cyclists.

The Transport, Traffic and Pedestrian Assessment Report at Appendix N has assessed the pedestrian movement conditions under the Amended Scheme. It found that the change in proposed land uses under the Amended Scheme will alter the volume of pedestrians moving in and around the site. This will result in more workers travelling by non-car modes towards Site A during the morning peak hours. Current pedestrian modelling is expected to demonstrate that a Fruin (i.e. a measure of crowd density and flow) Level of Service C or between will be achieved for the Amended Scheme, which is considered acceptable.

Additionally, Sydney Metro are exploring the possibility of constructing a separated cycleway on Hume Street, connecting the existing cycle routes at Clarke Street and Nicholson Street, thereby delivering added priority to cyclists. The CSSI Approval also includes zebra crossings for pedestrians to facilitate their safety and priority within the area surrounding the site. The Interchange Access Plan (a requirement of the CSSI Approval) will further explore outcomes for all transport modes.

6.4.13. Construction issues

Issue – construction duration

A submission raised that the construction of the OSD will result in a lengthy construction period, for which the impact and disruption on the local community will be too great.

Response

Sydney Metro are committed to ensuring that any construction scenario will have minimised impact to the local community to the greatest possible extent. Because of engineering factors, Site C must be constructed concurrently to that of the station. Mitigation measures to address potential construction impacts will be detailed in future development applications.

7. Amended Project

The term 'Amended Scheme' or 'amended project' refers to the Crows Nest OSD with amendments as a result of the submissions received. This chapter provides detail on the changes to the concept proposal as exhibited, including a description of the amended Project compared to the Project described in the exhibited EIS.

7.1. Building Envelope

The concept SSD Application seeks approval for a building envelope capable of supporting an integrated station development above the Crows Nest Station. The building envelope defines the three-dimensional volume within which the future OSD can occur.

The west elevation of the building envelope as exhibited in the EIS is provided in Figure 7.1.

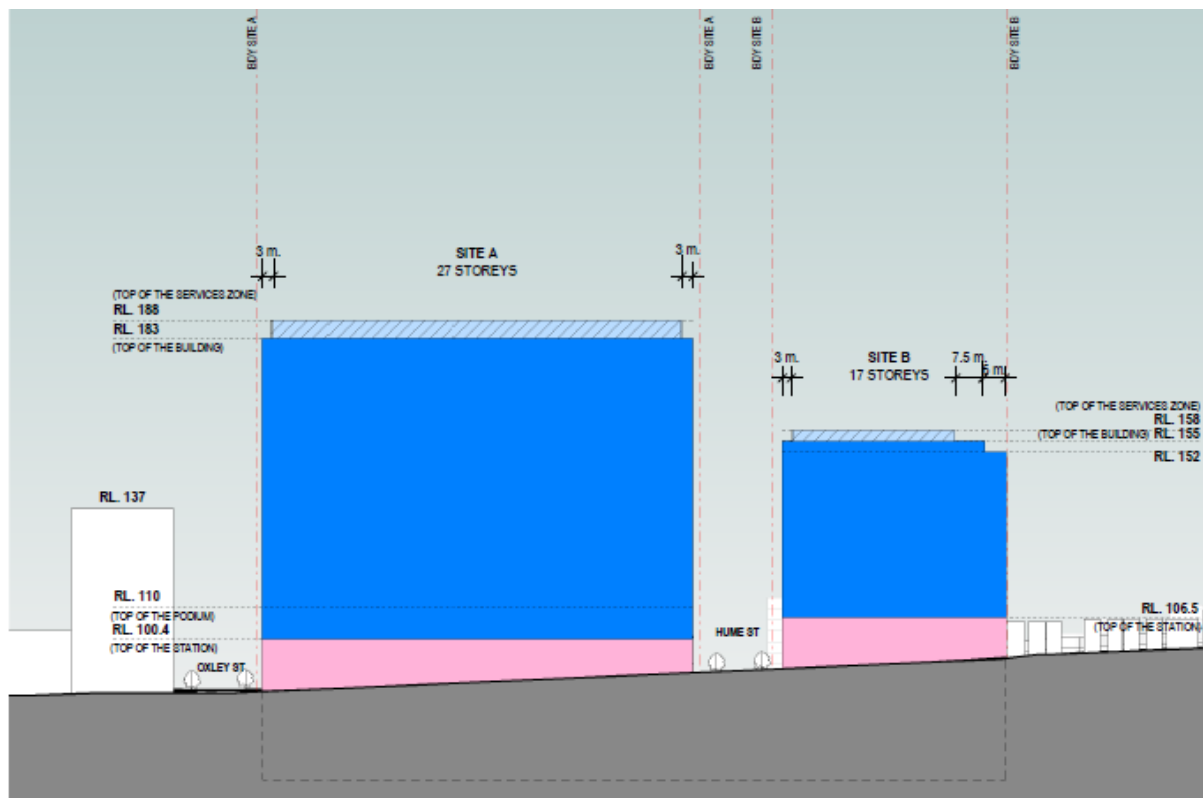


Figure 7.1 – West elevation of the Exhibited Scheme building envelope

The design rationale informing the exhibited building envelope is detailed in Section 8.2 of the EIS and is supported by the Built Form and Urban Design Report at Appendix F of the EIS. In summary, the building envelope has been informed by the intention to provide a balance between creating a transit-oriented development focussing density above the metro station (consistent with the pattern of density identified in the 2036 Plan), whilst simultaneously minimising the impact on key areas of public domain including Willoughby Road and Ernest Place.

A key element in the reduction of impact on Willoughby Road is the desire to retain solar access to the public domain at certain times of the year. This informed the building envelope as exhibited as per the sun access plane at Figure 7.2, which required a southern upper level setback to Site B. This setback and reduction of the building services zone ensured a retention of solar access to Willoughby Road before 2.30pm at mid-winter, in accordance with the requirements of the 2036 Plan.

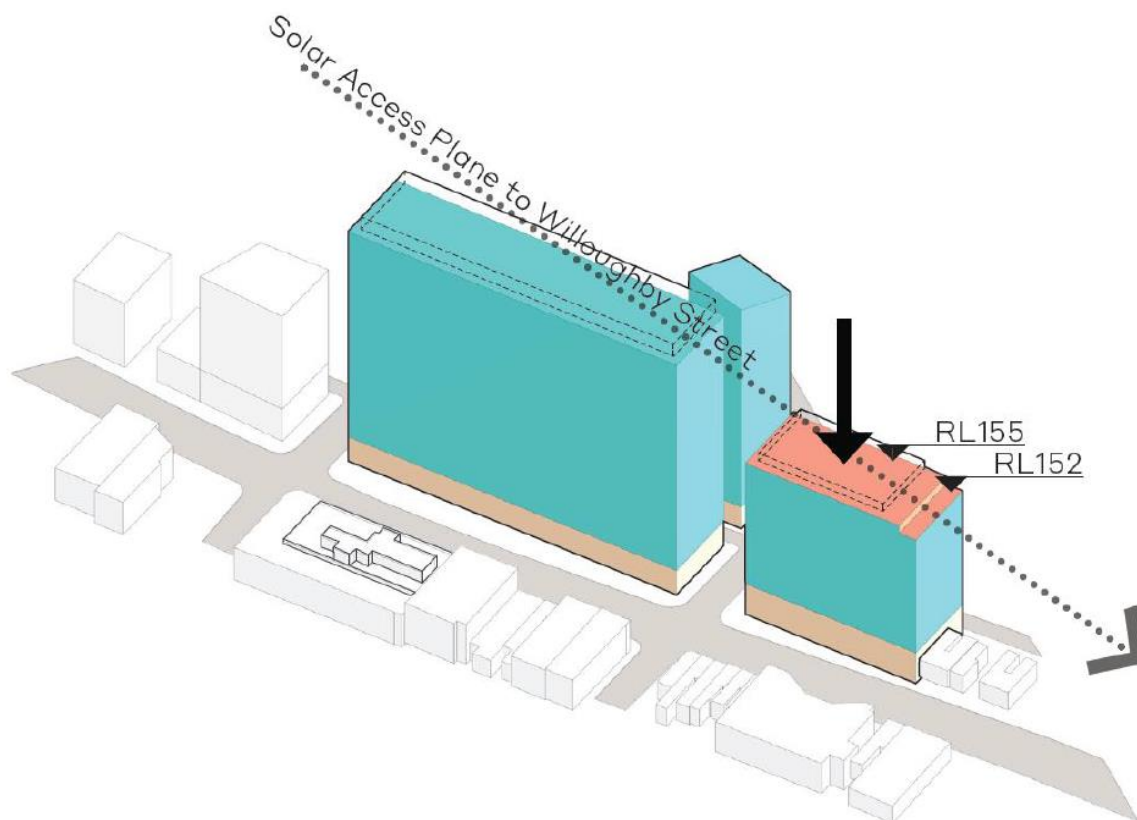


Figure 7.2 – Sun access plane to Willoughby Road affecting the southern upper level setback to Site B under the Exhibited Scheme

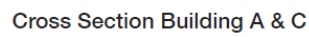
Around 16 per cent of all objections received related to overshadowing, including objections to overshadowing of key areas of public space including Willoughby Road and Ernest Place. Additional submissions objected to perceived overdevelopment and issues pertaining to the height, bulk and scale of the proposed building envelopes.

As a result of this, further amendments have been made to the building envelope, including:

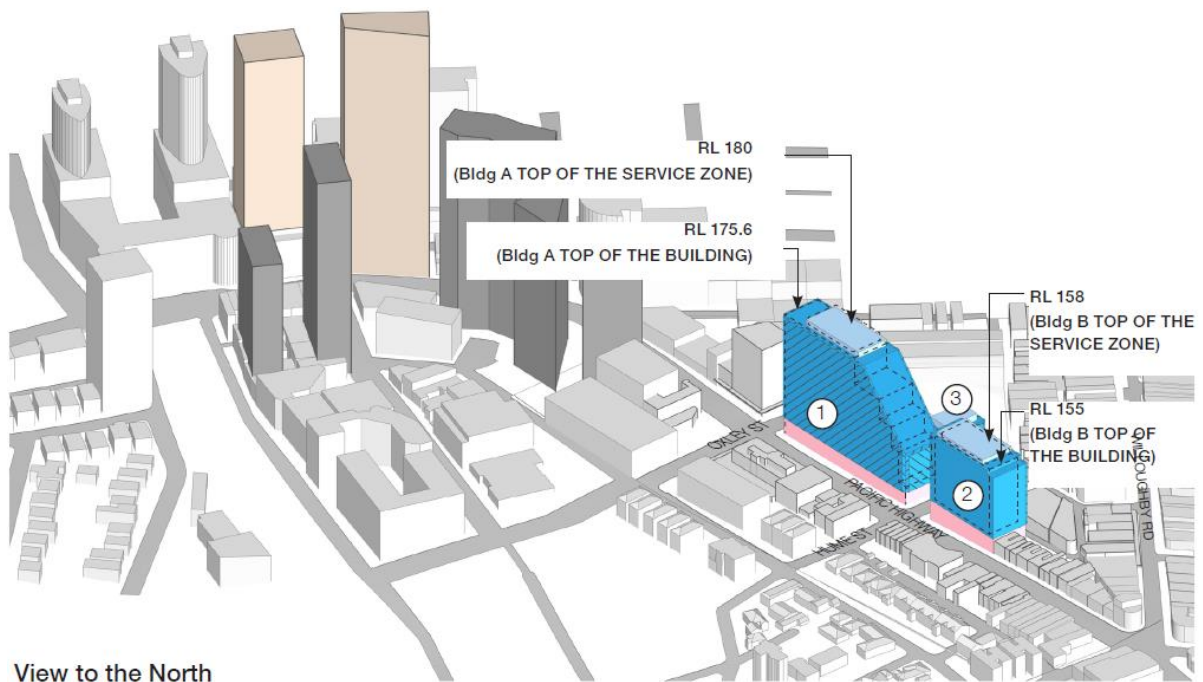
- gradual decline in the height of the southern portion of the Site A envelope, from a height of RL 175.60 at 42m within the southern site boundary to a height of RL 127.00 at the southern site boundary
- reduction in the top of building on Site A from RL 183 to RL 175.60 metres
- reduction in the top of services zone on Site A from RL 188 to RL 180 metres

The amended building envelope is shown below in Figure 7.3 and is detailed further in the drawings at Appendix A (Architectural drawings of proposed OSD amended building envelope) of this Submissions Report, which supersede those submitted with the EIS. The Submissions Report is also accompanied by a Shadow Study for key public domain areas at Appendix S (Shadow study – key public domain areas). The revised impact on overshadowing and other benefits as a result of the amended building envelope are assessed in further detail at Section 8 of this Submissions Report.

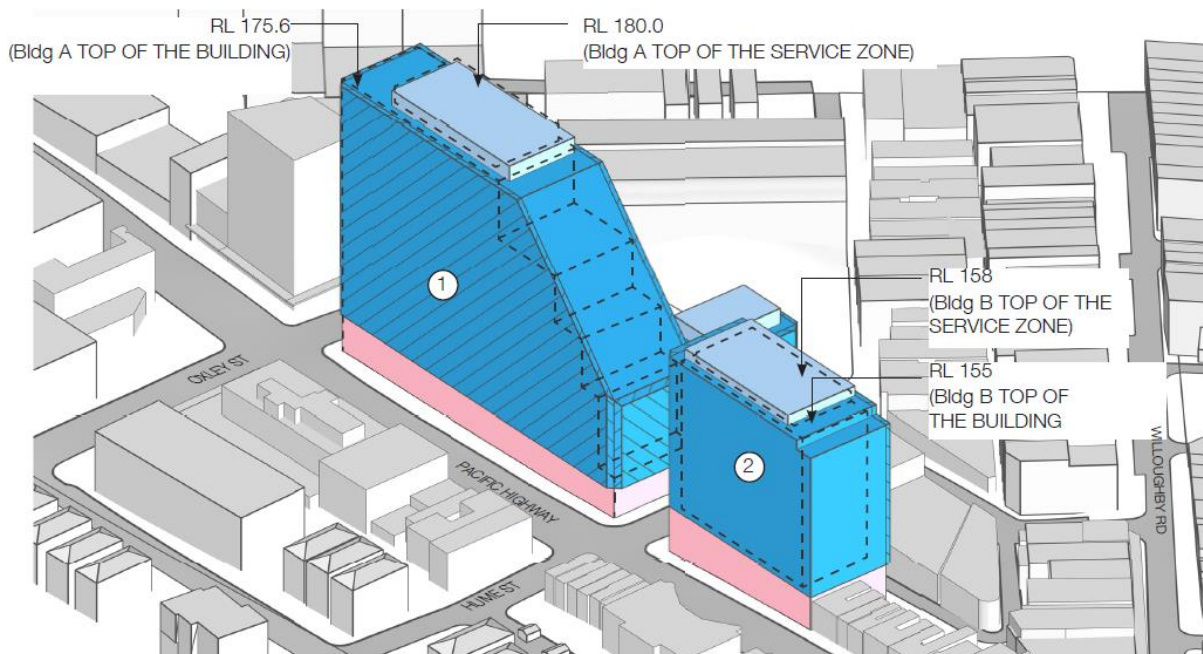
The amended project represents a 20 per cent reduction in the size of the building envelope. The indicative OSD design within the amended building envelope is shown in Figure 7.4.



Sydney Metro | Crows Nest Over Station Development Submissions Report



View to the North



OSD BUILDING ENVELOPE

	OSD CONCEPT SSDA - BUILDING ENVELOPE		CROWS NEST METRO STATION CSSI INCLUDES STRUCTURE, BUILDING INFRASTRUCTURE AND SPACE FOR FUTURE LIFT CORES, ACCESS AND BUILDING SERVICES FOR FUTURE OSD.	①	SITE A - BUILDING A (COMMERCIAL)
	OSD CONCEPT SSDA - ARTICULATION ZONE		INDICATIVE OSD BUILDINGS	②	SITE B - BUILDING B (RESIDENTIAL)
	OSD CONCEPT SSDA - SERVICE ZONE			③	SITE C - BUILDING C (COMMERCIAL)
	FUTURE DEVELOPMENT UNDER CONSTRUCTION BY OTHERS				
	APPROVED FUTURE DEVELOPMENT BY OTHERS				

Figure 7.4 - Indicative OSD design within amended building envelope shown in emerging context (above) and in detail (below)

7.1.1. Changes to the Indicative OSD Design

For the purposes of providing an accurate environmental assessment, an indicative design has been prepared for the site within the proposed building envelopes. The architectural drawings of the indicative OSD design can be seen at Appendix B to this Submissions Report.

Due to the change in land use on Site A from residential to commercial (as described further below in Section 7.2), the floor to floor heights have increased from 3.2m to 3.8m. This has resulted in a reduction in the number of storeys from 27 storeys under the Exhibited Scheme to 21 storeys under the Amended Scheme.

Under the Amended Scheme, the indicative design of Site C has been revised with an increase in the number of storeys within the building from 8 to 9 above-ground storeys (including both Metro and OSD levels) to further maximise the potential for the provision of commercial floorspace at the site. The provision of this additional level is associated with the utilisation of all available height within the building envelope under the Amended Scheme. The indicative built form under the Exhibited Scheme reached a maximum height of RL121.2, despite the building envelope allowing a built form to the top of the building to reach RL 127.

7.2. Land Use

A number of submissions related to the proposed land uses under the exhibited concept SSD Application, with an identified need to ensure higher employment outcomes on the site.

As a result, the proposal has been amended to provide additional commercial floor space. The changes to the land use per site are shown in Table 7.2. This has also been in response to the changes to the building envelope as described in Section 7.1.

Table 7.2 – Changes to the land uses per site under the Exhibited Scheme and Amended Scheme

	Exhibited Scheme	Amended Scheme
Site A		
Land Use	Residential	Commercial
GFA	37,500m ²	40,207m ²
FSR - OSD	9.67:1	10.4:1
Non-residential FSR	0.7:1	11.12:1 ¹
Total FSR Integrated station development *	-	11.12:1
Car parking	125	46
Site B		
Land Use	Tourist / visitor accommodation	Residential and opportunity for affordable housing ²
GFA	15,200m ²	12,846m ²
FSR - OSD	8.12:1	6.9:1
Non-residential FSR	8.12:1	0.55:1 ¹
Total FSR Integrated station development *	-	7.27:1
Car parking	25	55
Site C		
Land Use	Commercial and opportunity for social infrastructure ³	Commercial
GFA	2,700m ²	3,031m ²
FSR – OSD	4.44:1	5:1
Non-residential FSR	4.44:1	5.73:1 ¹
Total FSR Integrated station development *	-	5.73:1
Car parking	0	0

¹ The non-residential floor space has been calculated in accordance with the definition of the NSLEP 2013, which applies to any gross floor area that is not used for residential accommodation, serviced apartments, a car park, or a telecommunication facility. Commercial and retail uses, as well as areas associated with the station on the site, are defined as non-residential floor space.

² The Amended Scheme proposes to include 5 per cent affordable housing, or an appropriate monetary contribution.

3 The exhibited concept SSD Application identified the potential opportunity to provide social infrastructure on Sites A or C, which were to be subject to further discussions with North Sydney Council. However, it has been confirmed through discussions after the lodgement and exhibition of the EIS that Council does not support the dedication of social infrastructure on the site at this time. Future OSD will continue to contribute to infrastructure in the local area via monetary contributions in accordance with North Sydney Council's standard policies.

* Integrated station GFA may be subject to change.

As the land use on Site A has changed from residential to commercial, this site no longer needs to adhere to relevant provisions of the Apartment Design Guide. Under the Exhibited Scheme, a residential land use required a two-building solution within the proposed building envelope to allow for a suitable floorplate that meets solar access and cross-ventilation requirements. A commercial scheme can allow for larger floorplates within one building, which sequentially reduces in height towards the southern site boundary. This one-building solution for Site A increases the floor space within this site, despite the 20 per cent reduction in building envelope.

Site B has changed from tourist / visitor accommodation under the Exhibited Scheme to residential under the Amended Scheme. An assessment of Site B against the provisions of the Apartment Design (and SEPP 65) Guide is provided in Section 8.1.2.

As a result of the amendments made, the total non-residential floor space ratio across the three sites has increased from a minimum of 2.81:1 (or 17,900 square metres) under the Exhibited Scheme, to a minimum of 6.8:1 (or 43,300 square metres) under the Amended Scheme. This represents a 142 per cent increase in the quantity of non-residential floorspace.

7.3. Car Parking

The change in configuration of land uses, in addition to a response to the submissions received has led the design team to reconsider the configuration of car parking under the Amended Scheme. Whilst there was a small number of submissions which stated that there was not enough car parking provided on site, most submissions relating to car parking questioned the need to provide for parking above a metro station.

The revision in car parking numbers per site is shown in Table 7.3. This shows that the Amended Scheme proposes 49 less car parking spaces than the Exhibited Scheme, and 37 less car parking spaces than was located on the site pre-demolition.

Table 7.3 – Changes to the car parking per site under pre-demolition conditions, the Exhibited Scheme and the Amended Scheme

Site	Pre-demolition	Exhibited Scheme	Amended Scheme
A	115	125	46
B	17	25	55
C	6	0	0
Total	138	150	101

The changes to the car parking do not alter the access and service vehicle arrangements off Clarke Lane. The increase in car parking on Site B has required an additional parking level on Level 3 of the indicative OSD design, which was previously dedicated to hotel amenities under the Exhibited Scheme. Car parking on Site A is now dedicated to Level 2, which has reduced from the previous occupation of Levels 3-5 under the Exhibited Scheme.

A revised Transport, Traffic and Pedestrian Assessment Report is provided at Appendix N.

7.4. Articulation Zone

The amended concept SSD Application seeks approval for a building envelope capable of supporting an integrated station development on Sites A (commercial office), B (residential with the potential for affordable housing) and C (commercial office) above the Crows Nest Station. The building envelope defines the three-dimensional volume within which the future OSD can occur across the three sites.

The exhibited building envelope is detailed in Section 7.1 of the Submissions Report and is supported by the amended *Built Form and Urban Design Report* at Appendix C of the Submissions Report. In summary, the building envelope has been informed by consideration of relevant strategic plans and statutory planning provisions which apply to the site. The amended building envelope has also been informed by submissions received on the Exhibited Scheme, a detailed consideration of the site context, overshadowing to key public spaces and the significant change in scale of development in the vicinity and that anticipated by the 2036 Plan.

A key feature of Site A of under the Amended Scheme is the stepped height transitioning from Oxley Street to Hume Street, which ranges from RL 175 to RL 127. This allows the building envelope to demonstrate a transition in height from St Leonards towards the fine grain nature of Crows Nest, particularly along Willoughby Road. The stepped envelope also minimises overshadowing impacts to key public spaces including Ernest Place, Hume Street Park and Willoughby Road. The bulk of the envelope has also been significantly reduced on Site A as well. Currently the building envelopes are setback from the property boundary line on the Pacific Highway, Clarke Lane, Oxley Street and Hume Street which demonstrates compliance with setbacks that were set out in the Rezoning Proposal. This setback is to enable ground level activation through appropriate ground floor uses.

As the building envelope represents the maximum volume of the future building form, the *Crows Nest Amended Design Guidelines* (Appendix D of the Submissions Report) were prepared by Sydney Metro to specifically provide direction on the architectural resolution of the future OSD, including to ensure that the final built forms are compatible in the streetscape and to minimise overshadowing impacts to neighbouring public open space. Furthermore, the amended *Design Excellence Strategy* (Appendix AA) sets out the process whereby the DRP would provide advice on the attainment of design excellence through the detailed evaluation of the future building forms during its design development phase. In combination, the guidelines and strategy ensure a well-considered future building form that would ultimately achieve design excellence, including the highest standard of architecture and urban design, in accordance with Clause 6.19B of the NSLEP 2013.

In responding to submissions raised regarding the bulk of the buildings, horizontal and vertical articulation has been incorporated within the *Crows Nest Amended Design Guidelines* (Appendix D of the Submissions Report) to ameliorate the perceived bulk of the future built form. However, to allow for greater design flexibility of the future built form, Sydney Metro has amended the building envelope form as illustrated in Figure 7.3. This amendment includes a maximum projection of 2.5 metres from the OSD envelope towards the property boundary (where applicable) to be referred to as an 'articulation zone' across Sites A, B and C. The development within the articulation zone is not to be constrained by numerical requirements (i.e. that the building form within the articulation zone not be constrained by a defined quantum of floor space or percentage of the volume within the zone). Instead, it is recommended that the future building design be considered on its merits and be assessed against the specified design and environmental consideration.

The capacity of the built form to be accommodated within the amended building envelope will however remain within the maximum GFA for which approval is sought. No area of the future built form that extends into the articulation zone is to contribute towards usable floor space.

In this regard, the extent of the future building form within the articulation zone is to be determined by its design excellence based on an evaluation and assessment of the following:

- Ensure view and visual impacts are minimised
- Compliance with overshadowing requirements as per NSLEP 2013
- Minimised overshadowing impacts to key public areas including Hume Street Park, Ernest Place and Willoughby Road.

Drawings illustrating the amended building envelope are included at Appendix A of this Submissions Report and supersede those submitted with the exhibited EIS. The articulation zones are also shown below in Figure 7.5.

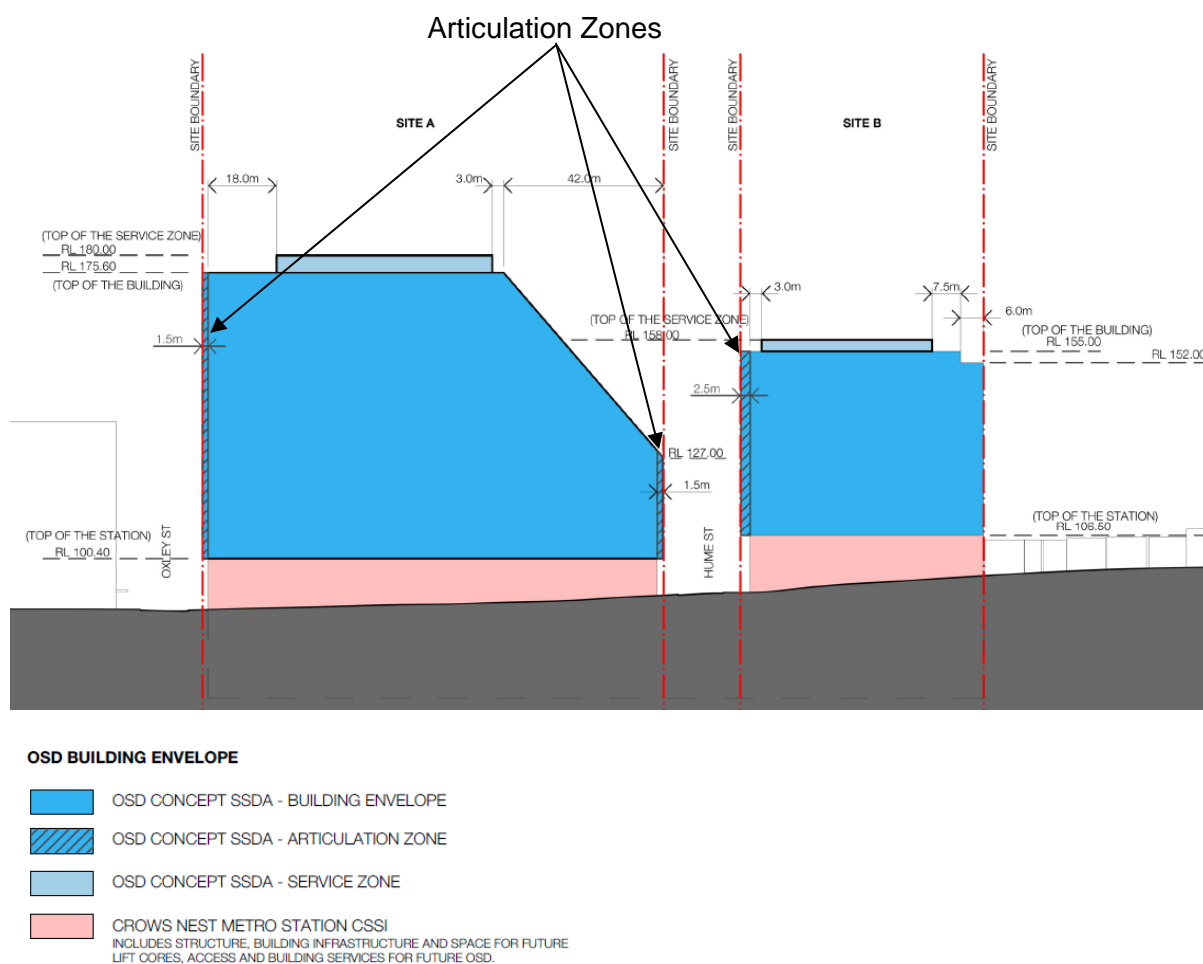


Figure 7.5 West elevation of Amended Building Envelope showing Articulation Zones

7.5. Community use space (social infrastructure)

The Exhibited Scheme included provision for community use space (social infrastructure), noting that the final land use and location for the community use space (social infrastructure) would be subject to ongoing consultation with relevant stakeholders. The Exhibited Scheme identified that there was the potential for the community use space (social infrastructure) to be located on either the podium of Site A or within Site C.

Sydney Metro originally intended to support the delivery of community use space by entering into a VPA with Council. However, it was confirmed through post-lodgement discussions that Council did not support the dedication of community use space on the site. Accordingly, the potential community use space has been removed from the concept SSD Application. Development contributions will be provided in lieu of the provision of community use space (social infrastructure), to fund additional community use space (social infrastructure) off-site.

7.6. Affordable housing

Sydney Metro is committed to providing affordable rental housing at Crows Nest in line with the Greater Sydney Commission's target of 5% of new residential floor space, or an equivalent monetary contribution to a community housing provider to provide affordable rental housing in the local area. Any affordable rental housing provided on the site will be managed by a registered community housing provider and will be used for the purposes of affordable housing for a minimum of 10 years.

A restriction would be registered against the title of the property before an occupation certificate is issued for any affordable rental housing, ensuring that a registered community housing provider is engaged and the affordable rental housing is retained for a period of 10 years. This will occur as part of the detailed design and delivery of OSD on the site, which is the subject of separate and future applications.

7.7. Design Guidelines

The Crows Nest Over Station Development Design Guidelines were submitted with the EIS and have been prepared to provide guidance on the future design of the OSD including in respect to built form, its composition and relationship to the station, the public domain and neighbouring development.

Specifically, these guidelines reflect the desired future character for the area having considered the relevant provisions of the NSLEP 2013 (as amended by the Rezoning Proposal), the Sydney Metro Planning Study and NSDCP 2013. In particular, the design guidelines seek to respond to the principle transport, public domain, land use and built form provisions in these documents which collectively encourage a significant range of uses (including commercial and residential) on this site above the metro station, helping bring about a vibrant new gateway to the Crows Nest village centre and reinforcing the strategic value of the St Leonards commercial area, as well as taking advantage of the accessibility provided by existing and planned public transport infrastructure.

The Amended Scheme which has been prepared in response to the submissions received, has resulted in subsequent amendments to the *Crows Nest Over Station Development Design Guidelines* relating to:

- Built form and scale
- Land use and employment generation
- Overshadowing.

The revised Design Guidelines have been presented to the Sydney Metro Design Review Panel (which includes North Sydney Council representatives) who have commented and supported the changes based on the amended scheme. No further issues were raised by the DRP in relation to the revised Design Guidelines. The relevant amendments incorporated into the Updated Design Guidelines (Appendix D) have been summarised below.

7.7.1. Articulation Zone

In response to concerns raised regarding the bulk, scale and overshadowing impacts of the proposed building envelope, an 'articulation zone' has been introduced with a new 'Built Form above the Podium' guideline drafted (Guideline 10). Guideline 10 specifically includes reference to the articulation zone, including the achievement of design excellence as required by the Sydney Metro DRP. The new guideline is provided below:

10. The building form within the 'articulation zone' (Figure 9) of the building envelope on the site (Pacific Highway, Clarke Street, Clarke Lane, Hume Street and Oxley Street frontages) may utilise some (not all) of the nominated zone. The future built form within this articulation zone is to achieve design excellence and be justified through assessment of the following:

- a) Minimising overshadowing impacts to general areas.**
- b) Minimising view and visual impacts to adjacent buildings**
- c) Minimising overshadowing impacts to key public areas including Hume Street Park, Ernest Place and Willoughby Road.**

The articulation zone under the Amended Scheme is shown below in Figure 7.6.

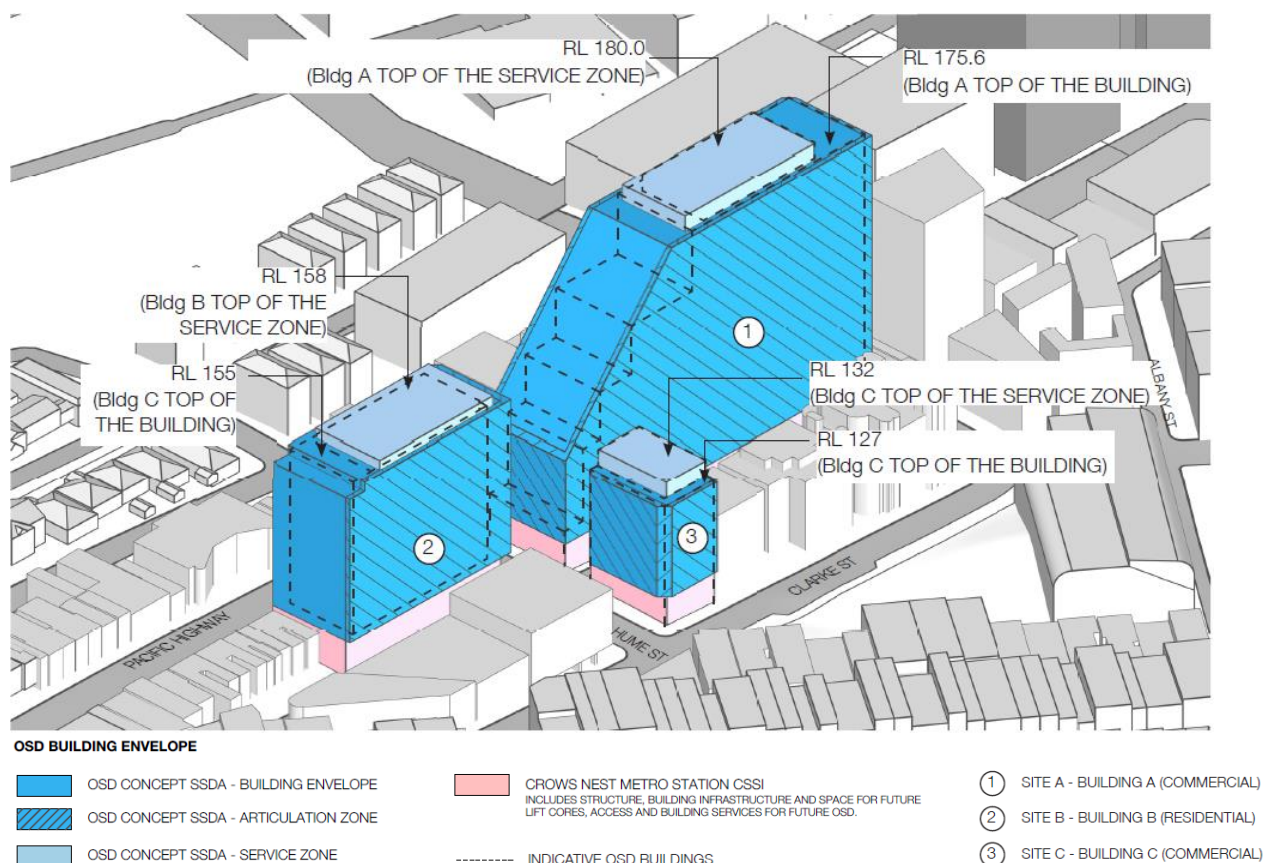


Figure 7.6 South East Axonometric Showing Articulation Zone under the Amended Scheme

7.7.2. Amenity of Neighbouring Buildings

In response to concerns raised about the overall amenity and built form design of the proposed envelopes as submitted, amendments have been made to 'Podium and Street Wall' Guideline 2 to ensure a higher standard of amenity and bulk reduction is facilitated across the site. Guideline 2 has been amended thus:

2. Minimising bulk and scale through **horizontal and vertical** articulation and choice of materials.

Furthermore, to further improve amenity at the site and increase the visual interest of the built form, the following amendments have been made to 'Built Form above the Podium' Guidelines 1 and 3; new Guidelines 2 and 5 have also been drafted:

1. An innovative, high quality and articulated design that successfully breaks up the mass of the buildings **by exploring varied heights and stepped forms to create transition between the scales of St Leonards and Crows Nest.**
2. **Providing high quality amenities and opportunities for inter-floor connections throughout the building to provide relief to the overall composition.**
3. **A building design that respond to the surrounding public domain elements and heritage buildings.**
5. **Exploring opportunities to incorporate 'vertical gardens' into the design to create soft edges to the building form.**

7.7.3. Public Domain and Place

In response to concerns raised about active public domain opportunities and the opportunity for the provision of community facilities on the site, new 'Public Domain and Place' Guidelines 3, 4, and 6 have been drafted to ensure the development exhibits a high level of connectivity with a diverse range of uses is facilitated at Crows Nest.

3. Creating a dedicated shared zone on Clarke Lane and southern end of Hume Street.

4. Creating destination opportunities to engage the public with the development on a day-to-day basis.

6. Creation of identity and transparency of community facilities uses on Site C if opportunity progressed with North Sydney Council.

7.8. Revised Description of Development

The revised concept SSD Application (SSD-9579) seeks approval for the following:

- maximum building envelopes for Sites A, B and C, including street wall heights and setbacks as illustrated in the plans prepared by Crows Nest Design Consortium for Sydney Metro at Appendix A to the Submissions Report
- maximum building heights:
 - **Site A:** RL 175.60 metres or equivalent of 21 storeys (includes two station levels and conceptual OSD space in the podium approved under the CSSI Approval)
 - **Site B:** RL 155 metres or equivalent of 17 storeys (includes two station levels and conceptual OSD space approved under the CSSI Approval)
 - **Site C:** RL 127 metres or 9 storeys (includes two station levels and conceptual OSD space approved under the CSSI Approval)

Note 1: the maximum building heights defined above are measured to the top of the roof slab and exclude building parapets which will be resolved as part of future detailed SSD Application(s)

- maximum height for a building services zone on top of each building to accommodate lift overruns, rooftop plant and services:
 - **Site A:** RL 180 or 4.4 metres
 - **Site B:** RL 158 or 3 metres
 - **Site C:** RL 132 or 5 metres

Note 1: the use of the space within the building services zone is restricted to non-habitable floor space.

Note 2: for the purposes of the concept SSD Application, the maximum height of the building envelope does not make provision for the following items, which will be resolved as part of the future detailed SSD Application(s):

- communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like, which are excluded from the calculation of building height pursuant to the standard definition in NSLEP 2013
 - architectural roof features, which are subject to compliance with the provisions in Clause 5.6 of NSLEP 2013, and may exceed the maximum building height, subject to development consent.
- maximum gross floor area (GFA) of 56,400 square metres for the OSD comprising the following based on the proposed land uses:

- **Site A:** Commercial premises - maximum 40,300 square metres
- **Site B:** Residential accommodation - maximum of 13,000 square metres (of which 5 per cent could be provided as affordable rental housing)
- **Site C:** Commercial premises - maximum of 3,100 square metres

Note: *GFA figures exclude GFA attributed to the station and station retail space approved under the CSSI Approval*

- a minimum non-residential floor space ratio (FSR) for the OSD across combined Sites A, B and C of 6.8:1 or the equivalent of 43,300 square metres
- the use of approximate conceptual areas associated with the OSD which have been provisioned for in the Crows Nest station box (CSSI Approval) including areas above ground level (i.e. OSD lobbies and associated spaces)
- a maximum of 101 car parking spaces on Sites A and B associated with the proposed commercial and residential uses
- modulation and expression of built forms within an articulation zone extending to the property boundary
- loading, vehicular and pedestrian access arrangements
- strategies for utilities and services provision
- strategies for managing stormwater and drainage
- a strategy for the achievement of ecological sustainable development
- a public art strategy
- indicative signage zones
- a design excellence framework
- the future subdivision of parts of the OSD footprint, if required.

8. Additional information and assessment

Sydney Metro has prepared additional information and a number of additional studies to specifically support this Response to Submissions Report. This additional information and studies have been prepared to provide an environmental assessment of the Amended Scheme. The assessment has also been prepared to respond to key issues which have been raised in the submissions in relation to:

- changes in land use
- overshadowing and solar access
- amenity and visual impacts of the development
- vehicular traffic and parking
- other issues.

This Chapter assesses the environmental impacts of the Amended Scheme and details how this differs from the Exhibited Scheme. Detail regarding each submission and how the Amended Scheme responds to the issues raised in the submissions is provided in Chapter 6 and Chapter 7 respectively.

8.1. Changes in land use

This Section will outline the assessment associated by changes with the proposed land uses between the Exhibited Scheme and the Amended Scheme. This includes:

- Site A: Change in land use from residential to commercial
- Site B: Change in land use from tourist/visitor accommodation to residential, with potential affordable housing.
- Site C: No change.

8.1.1. Market Assessment

A review of the Strategic Market Assessment Report and Social and Economic Impact Assessment as exhibited has been undertaken by Macropian to reflect the Amended Scheme (refer to Appendix U and Appendix V respectively).

The review has commented on the revised reallocation of floorspace between different land uses under the Amended Scheme. The review has concluded that population growth will continue to be a critical driver of demand for housing in Crows Nest in the short and long term. The commercial market in the Sydney CBD and North Sydney is tightening with low vacancy rates and increasing rental levels likely to continue, meaning there will be strong tenant demand in alternative commercial precincts and future stations (such as Crows Nest). The OSD's significant resident and worker population coupled with future commuter foot traffic is expected to make retail floorspace particularly attractive for renters and investors. Hence, the OSD has the potential to respond to demand from a range of different uses which capitalise on the existing strengths of Crows Nest as well as its future strengths stemming from the development of the Sydney Metro.

The table below outlines the changes to the economic benefits anticipated under the Amended Scheme and how they relate to those proposed under the Exhibited Scheme. The decrease in construction jobs and local expenditure are associated with the reduced quantum of development, with the total size of the building envelope having reduced by up to 20 per cent under the Amended Scheme in addition to the reduction of residential floorspace. However, the anticipated operational jobs have significantly increased commensurate with the increase in commercial floorspace under the Amended Scheme.

Table 8.1 Changes in economic benefit between the Exhibited and Amended Scheme

	Exhibited Scheme	Amended Scheme
Direct Construction jobs	280	265
Indirect construction jobs	445	419
Direct Operational jobs	550-930	2,225
Indirect Operational Jobs	180-300	1,355
Total household expenditure at local retail and service providers	\$5.7 million	\$2.4 million

Other social and economic benefits of the proposal remain largely consistent with the assessment as exhibited.

8.1.2. Internal residential amenity of Site B

The Exhibited Scheme demonstrated that Site A could provide appropriate internal residential amenity under a two-building solution. As Site A is no longer being considered for a residential use, this assessment no longer remains relevant. However, no information has been provided to date regarding the ability for Site B to provide for adequate internal residential amenity under the terms of *State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development* (SEPP 65) and the associated Apartment Design Guide (ADG).

Appendix I to this Submissions Report provides a SEPP 65 Analysis for the proposed residential development on Site B. The Analysis has determined that the indicative design for Site B:

- achieves compliance with separation distances between neighbouring sites to achieve reasonable levels of external and internal visual privacy
- achieves compliance with the minimum amount of sunlight that should be received in habitable rooms and private open space – with 73% of apartments receiving more than 2 hours of sunlight (above the minimum control of 70%) and 13% of the apartments receiving no sunlight (below the maximum control of 15%)
- achieves compliance regarding the number of apartments with natural cross ventilation (63% of apartments proposed to be naturally cross-ventilated compared to the minimum control of 60%) to create a comfortable indoor environment for residents
- achieves compliance regarding adequate ceiling height to achieve sufficient natural ventilation and daylight access
- achieves compliance with minimum internal areas for apartments, balcony size and habitable room depth to ensure they are functional, well organised and provide a high standard of amenity
- achieves compliance with providing an adequate area of communal open space to enhance residential amenity and to provide opportunities for landscaping, with the indicative design showing roof level communal space with an area equal to 38% of the building footprint area
- achieves compliance with the ability to provide adequate, well designed storage in each apartment

An aspect of the ADG which the Analysis demonstrates is not fully complied with is in relation to common circulation spaces in order to achieve good amenity and properly service the number of apartments.

The control requires that the maximum number of apartments off a circulation core on a single level is eight (8). The indicative design has two lifts which can be accessed from the Hume Street entrance. The speed and capacity of the lifts will be designed to provide an adequate level of service. The lift lobbies at each level have access to natural light and views. While each level has 11 dwellings serviced by one core, the corridors are provided with ample common space, natural light from three directions and possible access to natural air. Due to the amenity of the circulation cores and compliance with the objectives of the ADG, the proposed design is considered acceptable with respect to common circulation spaces.

Furthermore, the Apartment Design Guide requires the overshadowing of neighbouring properties to be minimised at mid-winter. This is assessed in further detail in Section 8.2.2 below.

8.1.3. Affordable housing

State Environmental Planning Policy (Affordable Rental Housing) 2009 (the ARH SEPP) sets out the standard for the development and maintenance of affordable rental housing in NSW. Division 1 of the ARH SEPP applies to development that is permitted with consent under an environmental planning instrument, is located on a site that does not contain a heritage item and where all or part of the development is within an accessible area. The proposed development is permissible with consent under the NSLEP 2013 in the B4 Mixed Use zone, is not affected by a heritage item, and is located above the Crows Nest metro station.

Sydney Metro is committed to providing affordable rental housing in line with the Greater Sydney Commission's target of 5% of new residential floor space, or an equivalent monetary contribution to a community housing provider to provide affordable rental housing in the local area.

8.2. Overshadowing and solar access

An assessment of the overshadowing of the Exhibited Scheme was provided in the Environmental Impact Statement (Section 8.4). The reduction in size of the building envelope has reduced the extent of the overshadowing. Notwithstanding, the change in land use on Site A from residential to commercial has altered the indicative scheme from a two-building scheme to a one-building scheme on this site. This has altered the overshadowing caused by the development, and has obstructed any sunlight that would have been accessed via the separation between buildings. Whilst the Amended Scheme only seeks consent for building envelopes and not physical development under the indicative scheme, the impact of the indicative scheme in relation to overshadowing and solar access is described in further detail below.

8.2.1. Overshadowing to Public Open Space

The key open spaces in the vicinity of the OSD, as listed by the SEARs, include Willoughby Road, Hume Street Park, Ernest Place, the Crows Nest Community Centre and Holtermann Street Car Park. Holtermann Street Car Park has been identified by Council as being a suitable location for future open space.

The impact of the Amended Scheme on these key areas of public space is addressed below.

Willoughby Road

Consistent with the Exhibited Scheme, no areas of Willoughby Road will be affected by overshadowing caused by the OSD prior to 2.30pm at any time of the year in accordance with the provisions in the 2036 Plan and the Rezoning Proposal. No amendments have been made to the building envelope for Site B, which causes the earliest obstruction of solar access to Willoughby Road at midwinter, just after 2.30pm.

The reduction in the size of the building envelope on Site A will see a minor reduction in overshadowing impact from 3.45pm in September. The majority of improved solar access associated with the Amended Scheme is focussed on the area around Ernest Place, as described below. The difference between the indicative design for Site A under the Exhibited Scheme and the Amended Scheme is not anticipated to have a significant change in impact on Willoughby Road, as the time at which the scheme impacts

Willoughby Road (after 4pm) coincides with shadows cast by existing awnings and built form along Willoughby Road.

The Amended Scheme remains compliant with all relevant provisions under the 2036 Plan. This is with the exception of the *Crows Nest Placemaking and Principles Study*, which recommends no additional overshadowing to Willoughby Road prior to 4.00pm at any time of the year, with Site B causing some overshadowing from 2.30pm at midwinter. However, this is not a relevant requirement for assessment under the SEARs.

Hume Street Park

Consistent with the Exhibited Scheme, no areas of Hume Street Park will be affected by overshadowing caused by the OSD prior to 3.00pm at any time of the year in accordance with the provisions in the 2036 Plan. This is also in accordance with the provisions listed in the *NSDCP 2013* and the *Crows Nest Placemaking and Principles Study*.

The most significant change in impact on Hume Street Park between the Exhibited Scheme and the Amended Scheme is seen in December between 4-4.30pm. As discussed above, the indicative scheme has been amended as a result of the change in land use on Site A from residential to commercial and hence, the indicative scheme has changed from a two-building solution on Site A to a one-building solution. The previous two-building solution allowed for solar access to reach the southern portion of Hume Street Park (south of the existing childcare centre) between 4pm and sunset. The one-building solution does not retain this small area of solar access (approximately 130 square metres). This is shown in the figure below.

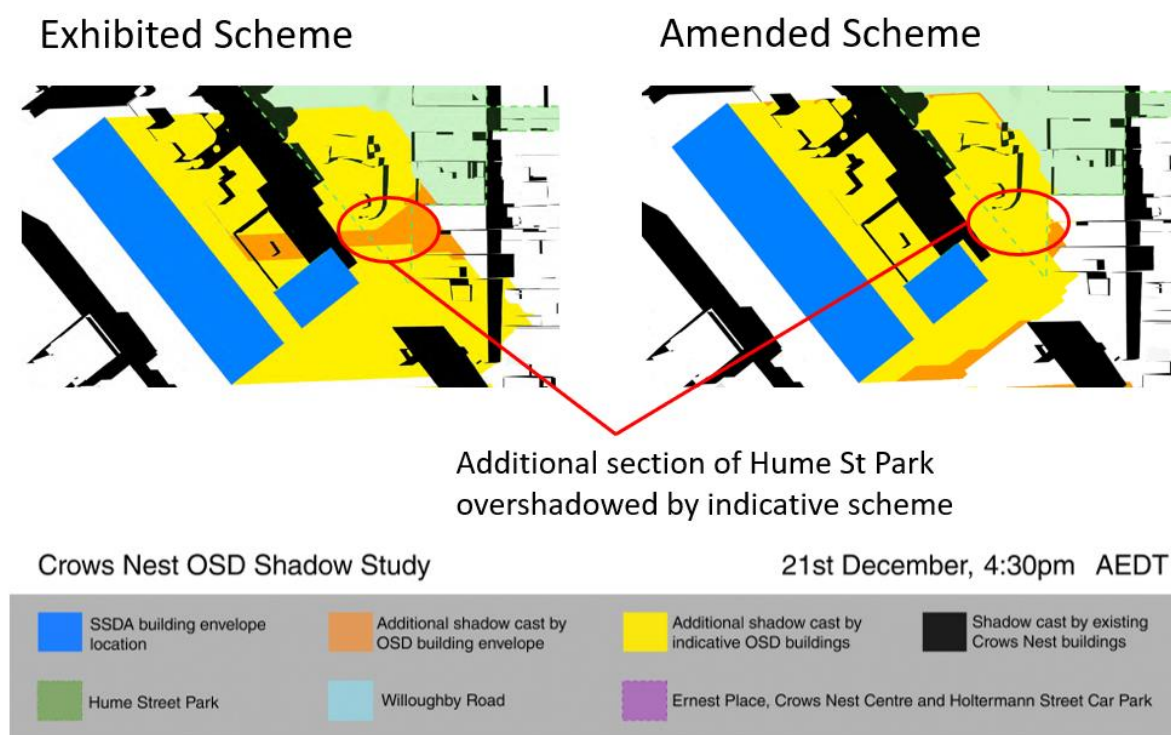


Figure 8.1: Hume Street Park Shadow Analysis, 21 December, 4.30pm

This additional area is only impacted after the relevant solar access protections for Hume Street Park are concluded. Furthermore, the impact is associated with a time of year (December) where shade is valued. As noted above, the concept SSD Application only seeks approval for building envelopes. The indicative scheme has been provided for the purposes of environmental assessment and may be subject to change upon the lodgement of a future detailed SSD Application(s). Therefore, the proposed additional impact is considered justified, particularly considering ongoing compliance with the relevant provisions of the 2036 Plan.

Ernest Place, Holtermann Street Car Park and the Crows Nest Community Centre

Solar access to the Ernest Place Precinct will be improved by the Amended Scheme when compared to the Exhibited Scheme. As discussed throughout this Response to Submissions Report, solar access to Ernest Place has been the primary reason behind changes to the building envelope, including an overall 20 per cent reduction in its size and decrease in height at the southern portion of Site A.

The key time of year when the overshadowing impact has been reduced relates to the 21 September period around 3.45pm to 4pm.

A comparison of the overshadowing impacts at Ernest Place between the proposed envelopes under the Exhibited Scheme (shown in pink) and the Amended Scheme (shown in black) at 3.50pm and 4pm on 21 September is shown below.

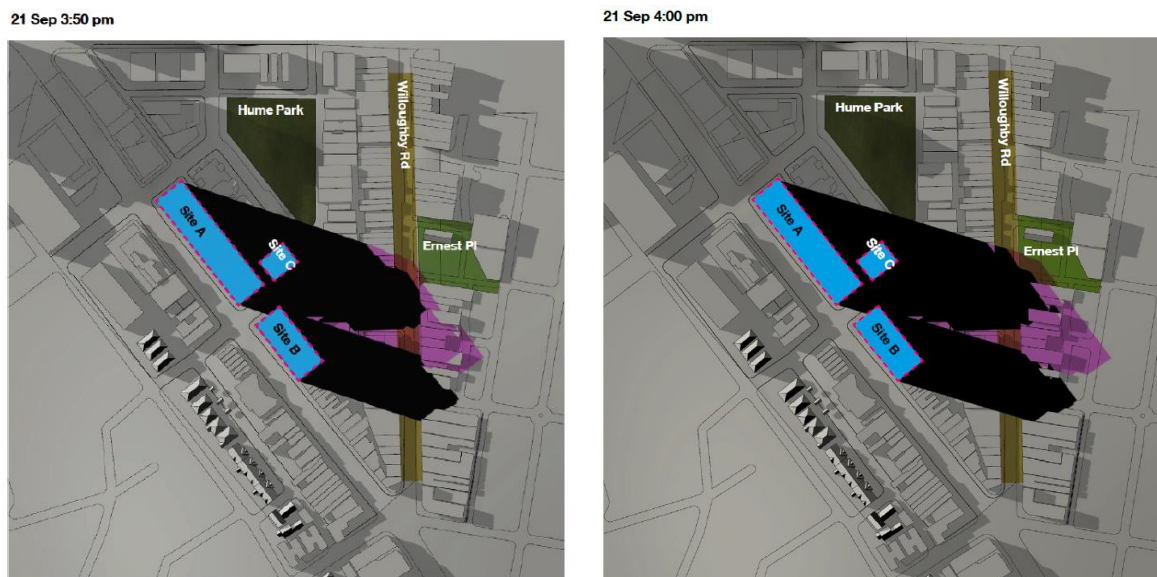


Figure 8,2: Ernest Place Shadow Analysis, 21 September, 3.50pm – 4.00pm

The assessment concludes that there has been a 400 square metre (around 80 per cent) reduction in impact of overshadowing to Ernest Place on 21 September at 4pm as a result of the Amended Scheme (from 10.5 per cent of Ernest Place being overshadowed to 2.3 per cent). There is no overshadowing at 3.50pm and the area of overshadowing of Ernest Place from 3.52pm to 4pm is shown below.

Total area of shadow cast by OSD on Ernest Place, Crows Nest Centre & Holtermann Street Carpark on September 21st		
Time of day	Square metres (overall area is 4846m ²)	Percentage
3:52pm	0.14m ²	0.0028
3:53pm	2.55m ²	0.0526
3:54pm	7.6m ²	0.1568
3:55pm	17.75m ²	0.3662
3:56pm	34.27m ²	0.7071
3:57pm	50.4m ²	1.04
3:58pm	69.96m ²	1.4436
3:59pm	91.32m ²	1.8844
4:00pm	114.93m ²	2.3716

Figure 8.3: Areas of Ernest Place to be overshadowed by the Amended Scheme

The area of overshadowing impact at 4pm is located in the south-west corner of Ernest Place. The shadow only impacts on areas of transient activity (i.e. the footpath) and the shadow does not extend beyond the stairs or affect the green space areas of the park.

The above shadow impacts to the Ernest Place Precinct comply with all relevant provisions, with the exception of the *Crows Nest Placemaking and Principles Study* (which is not a relevant requirement under the SEARs), which recommends no additional overshadowing at any time of the year. The period around September is the primary time of the year which these amendments have effect.

8.2.2. Overshadowing to neighbouring residential development

The overshadowing of neighbouring residential properties has been quantified to determine the period of impact for each affected property in the vicinity of the OSD. This has been assessed against the principle of maintaining a minimum of two hours of solar access to key living areas at midwinter.

This analysis has been provided in Appendix J of the Submissions Report, which has undertaken a detailed solar impact analysis for the following key residential buildings:

- 400 Pacific Highway
- 402-420 Pacific Highway
- 545 Pacific Highway
- 22-26 Clark Street
- 29-31 Oxley Street.

The analysis has demonstrated that all of the above properties are capable of achieving at least two hours of solar access at midwinter, with the exception of 400 Pacific Highway.

Under the Exhibited Scheme, 400 Pacific Highway received adequate solar access due to the separation between buildings on Site A. As noted, the change in land use from residential to commercial on Site A has resulted in a change to the indicative scheme from a two-building solution to a one-building solution. As a result of this, solar access to 400 Pacific Highway is reduced to approximately 1-2 hours on the north-east façade and 1-3 hours on the roof of the building. This is shown in Figure 8.4 below compared to the existing (i.e. no OSD) scenario.

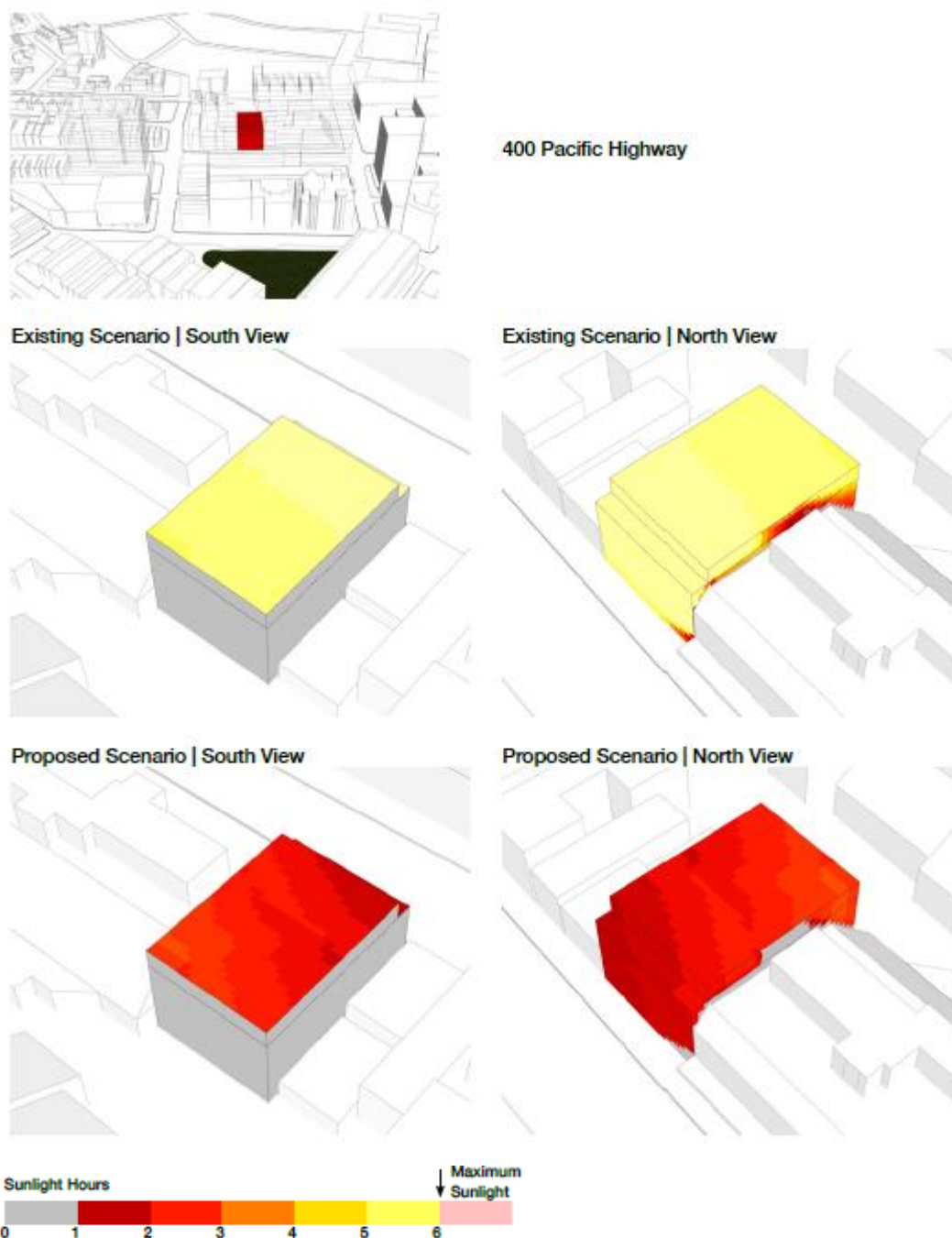


Figure 8.4: 400 Pacific Highway Solar Access under the Amended Scheme

As detailed in Section 8.4.2 of the Exhibited EIS, it is anticipated that up to 98 lots/addresses have some degree of shadowing impact between 9.00am and 3.00pm midwinter. The analysis includes a number of properties that are 'shop top housing', for which a residential use within these buildings has not been confirmed. No submission was received during the exhibition of the EIS to confirm the land use of these buildings.

8.3. Amenity and visual impacts of the development

A Visual Impact Assessment of the Amended Scheme (Appendix R of this Submissions Report) has been prepared to assess the building envelope's visual effect on views from key vantage points and streetscape locations and the impact on neighbouring residential properties.

It is noted that a review has been undertaken regarding the accuracy of photomontages provided at Appendix P following comments raised in submissions. The future built form context of high density development in St Leonards is an important matter for consideration when considering the visual impact of the proposed building envelope under the Amended Scheme. Hence, all proposed developments within the vicinity have been reviewed for accuracy, with the location of these developments annotated on the photomontages for the purposes of legibility and clarity.

8.3.1. Key vantage points from the public domain

An assessment of the Exhibited Scheme found that the overall visual impact of the proposal was acceptable on a balance of considerations. This conclusion was made on the basis that the proposal achieves an appropriate balance between providing additional floorspace above a key new metro station and reduces visual impact on areas of amenity through design measures such as height transitions.

The Amended Scheme represents a 20 per cent reduction in the size of the building envelope on Site A. With regard to long range views of any future development on the site from the public domain, the visual impact of the scheme will be reduced commensurate with this reduction in size of the building envelope. In particular, the tapering height at the southern end of Site A significantly increases the separation between the indicative schemes of Site A and Site B, increasing the amount of sky view between the two built forms. This amendment also further visually reinforces the notion of the transition from low density development to the south to the future high-density development of St Leonards. This is shown in the figure below.



Figure 8.5: Indicative scheme under the Amended Proposal (shown in blue) from Ernest St, Cammeray within the context of future proposed development (shown in yellow)

Under the indicative scheme as exhibited, sky views were available in the space between the two residential buildings on Site A. Given the change to commercial use on this site, there is no longer any view provided in this space, which is now occupied by one commercial building. Notwithstanding, the visual impact assessment for the Exhibited Scheme was based on the building envelope and not the indicative scheme. The impact of change in indicative built form on Site A is most clearly seen from close range at Hume Street Park. The figure below demonstrates this view and includes the indicative

scheme within the building envelope. Even from this range, the transitional view from the lower density developments to the south to the higher-density developments in St Leonards can be followed along the tapering of the southern end of Site A.



Figure 8.6: Indicative scheme under the Amended Crows Nest OSD Proposal (shown in blue) from Hume St Park within the context of future proposed development by others (shown in yellow and green)

As was raised in the submissions received and in the design response detailed in Chapter 7, the tapering of the building envelope at the southern end of Site A has been driven by the need to maintain adequate amenity to Ernest Place through the retention of solar access at key times of the year (particularly around September). The figure below shows the development as seen from Ernest Place and demonstrates the extent of additional sky and solar access that is obtained from the tapering of the building envelope on Site A. This is a key feature and public benefit of the Amended Scheme.



Figure 8.7: Indicative scheme of Crows Nest OSD (shown in blue) under the Exhibited Proposal (top) compared to the Amended Proposal (bottom) from Ernest Place within the context of future proposed development by others (shown in yellow)

The views shown above represent the most significant visual impact of the scheme, being from the west (with a similar impact to the east). The proposal would have a low visual impact when viewed from the south for medium and long range views given the physical absorption capacity in the context of existing and proposed developments of a greater scale in the St Leonards CBD.

On the basis of this assessment, the proposal continues to achieve an appropriate balance between providing additional floorspace above a key new metro station and reducing visual impact on areas of amenity through design measures such as height transition. On this basis, it is determined that overall, the concept proposal in its amended form has an acceptable visual impact.

8.3.2. View impacts on neighbouring residential properties

The view impacts on neighbouring residential properties for the Exhibited Scheme was assessed in Section 8.3.2 of the EIS. This assessment concluded that the proposal is highly appropriate in its design, satisfying the fourth step prescribed under Tenacity, and therefore is acceptable in the proposed form. The strategic context for increasing density in the 2036 Plan will result in a built form that will inevitably impact on views within the locality.

A comparison of the visual impact between the Exhibited Scheme and Amended Scheme demonstrates that there is will not be any significant change in the view impact to neighbouring residential properties due to the close range of the views. At this scale, the benefits of the tapering of the building envelope at the southern end of Site A are not discernible, considering that the taper meets the property boundary at a height of RL 127. Furthermore, the assessment undertaken in the Exhibited Scheme was made on the basis of the building envelope and not the indicative scheme. A comparison of the Exhibited Scheme and Amended Scheme (which superimposes the indicative scheme) as seen from the balcony of 400 Pacific Highway is shown in the figure below.

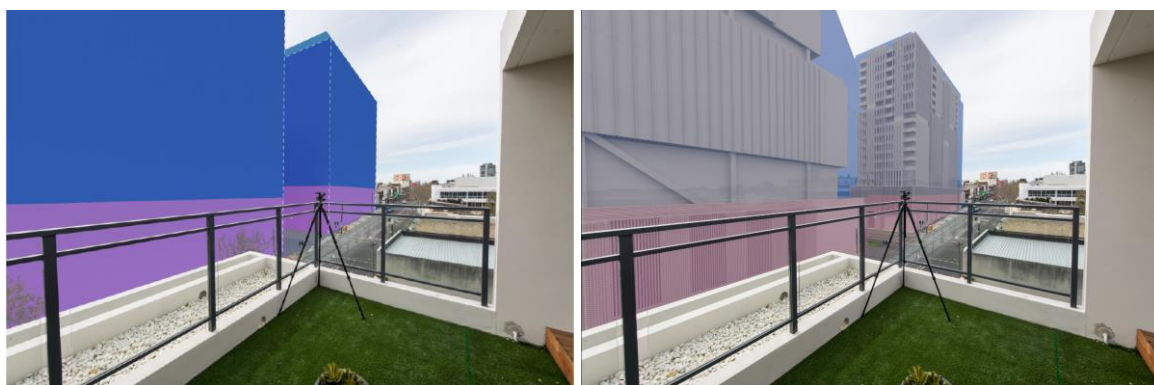


Figure 8.8: Building envelope of the Exhibited Scheme (left) and Amended Scheme (with indicative development) right as viewed from the top level southeast view of 400 Pacific Highway

This conclusion is consistent with views from other neighbouring residential properties including 420 Pacific Highway and 545 Pacific Highway.

On the basis that no discernible difference can be appreciated from this viewpoint between the Exhibited Scheme and Amended Scheme, the analysis provided in the exhibited EIS remains substantially relevant. As noted above, this assessment concluded that the proposal is highly reasonable in its design, satisfying the fourth step prescribed under Tenacity, and therefore is acceptable in the proposed form. The strategic context for increasing density in the 2036 Plan will result in a built form that will inevitably impact on views within the locality.

8.4. Vehicular access and parking

A Transport, Traffic and Pedestrian Assessment Report has been undertaken in relation to the Amended Scheme (Appendix N).

The major changes between the Exhibited Scheme and the Amended Scheme from the perspective of vehicular access and parking include:

- Changes in land use, which impacts the calculation of trip generation (vehicular and pedestrian)
- A decrease in car parking numbers from a maximum of 150, as exhibited, to 101 as amended

The changes in land use include an increase in commercial floorspace and a subsequent decrease in residential accommodation. The traffic generation rate for commercial floorspace (0.0017 trips per

square metre of floorspace) are typically higher than the traffic generation rates for residential apartments (0.14 trips per apartment). Hence, the vehicular traffic generation under the Revised Scheme (641 total daily trips) is expected to be higher than that of the Exhibited Scheme (140 total daily trips). This is shown in the tables below.

Table 8.2 Estimated traffic generated in the AM and PM peak hours for the Exhibited Scheme based on land-use and scale

Site	Land Use	Scale (unit, sqm GFA)	Rate	AM			Rate	PM			Rate	Daily		
				Total	In	Out		Total	In	Out		Total	In	Out
A North	Residential	174	0.14	24	5	19	0.07	12	10	2	0.77	134	67	67
A South	Residential	174	0.14	24	22	2	0.07	12	1	11	0.77	134	67	67
B	Hotel	250	0.05	13	6	6	0.05	13	6	6	0.05	13	6	6
C	Commercial	2700	0.0017	5	4	0	0.0014	4	0	3	0.0123	33	17	17
Total				61	33	28	Total	37	17	20	Total	280	140	140

Source: Transport, Traffic and Parking Assessment Report, EIS 2018

Table 8.3 Estimated vehicle trip generation from the Amended Scheme land-uses, based on land use scale

Site	Land Use	Scale (unit, sqm GFA)	Rate	AM			Rate	PM			Rate	Daily		
				Total	In	Out		Total	In	Out		Total	In	Out
A	Commercial	40,207 sqm	0.0017	68	54	14	0.0014	56	14	42	0.0123	494	247	247
B	Residential	143 unit	0.14	20	4	16	0.07	10	8	2	0.77	110	55	55
C	Commercial	3,031 sqm	0.0017	5	4	1	0.0014	4	1	3	0.0123	37	18	18
Total				93	62	30	Total	70	23	47	Total	641	320	320

However, given the highly accessible location of the OSD directly above Crows Nest Station, it is anticipated that the majority of the AM and PM peak hour trips will not be undertaken by car. As such, vehicle trips generated from the Amended Scheme is estimated based on the proposed number of car parking spaces as shown in the table below.

Table 8.4 Estimated vehicle trip generation from the Amended Scheme, based on number of parking spaces

Site	Proposed Parking Spaces	Peak 1 Hr Generation	AM			PM			Daily		
			Total	In	Out	Total	In	Out	Total	In	Out
A	46	17.5	18	16	2	18	2	16	131	66	66
B	55	5.5	5	1	4	5	4	1	27	14	14
Total			23	17	6	23	6	17	158	80	80

The impact of trip generation associated with the Amended Scheme on intersection performance within the vicinity of the site is negligible (total 23 vehicles per hour during peak hours) compared to the growth of background traffic, and would have a minimal impact on the performance of the surrounding intersections.

With regard to car parking, the reduction provided in the Amended Scheme is still within the maximum number of parking spaces allowed under the DCP. An assessment of the proposed car lifts that are proposed to access Site A and Site B under the Amended Scheme concluded that the Amended Scheme will operate at least as well as the Exhibited Scheme, and that the car park and car lift operations and Clarke Lane traffic flow would benefit from an electronic car parking booking system to smooth out any peaks in arrivals at the car lifts. It is also noted that there is no change proposed to the service vehicle provisions under the Amended Scheme.

The change in proposed land uses under the Amended Scheme will alter the volume of pedestrians moving in and around the site. This will result in more workers travelling by non-car modes towards Site A during the morning peak hours. Current pedestrian modelling is expected to demonstrate that a Fruin (i.e. a measure of crowd density and flow) Level of Service C or between will be achieved for the Amended Scheme, which is considered acceptable.

Considering the assessment provided above, the Transport, Traffic and Pedestrian Assessment makes the following recommendations:

- To ensure that the impact to on-street parking is minimised, and assuming that Crows Nest OSD will have car ownership rates similar to Sydney and Haymarket, car share spaces should be provided as part of the residential building on Site B of the Amended Scheme
- A separate Construction Traffic Management Plan should be prepared which would address construction traffic
- Travel plans should be prepared for each site, held by Council, and provided to owners/tenants.

The analysis indicates that the transport impacts of the Amended Scheme have not changed significantly from the Exhibited Scheme and can be accommodated within the multi-modal transport and traffic controls outlined in the “Transport, Traffic and Parking Assessment Report” prepared for Sydney Metro (EIS Appendix AA version P08 Dated November 2018).

8.5. Consistency with the Crows Nest Metro Site Draft Rezoning Proposal

DPIE finalised the Rezoning Proposal, and gazetted new controls for the Crows Nest site, on 31 August 2020 as the *State Environmental Planning Policy Amendment (Crows Nest Metro Station) 2020*.

The table below demonstrates the numeric consistency of the Exhibited and Amended Scheme compared to the SEPP Crows Nest Metro Station.

Table 8.5 Numeric consistency with the Crows Nest Metro Site Rezoning Proposal as Exhibited and Amended

	Site A	Site B	Site C
Maximum Floor Space Ratio			
Revised Controls (SEPP Crows Nest Metro Station)	11.5:1	7.5:1	6:1
Exhibited Scheme	9.67:1	8.12:1	4.44:1
Amended Scheme	11.12:1 ¹	7.27:1 ¹	5.73:1 ¹
Minimum Non-Residential Floor Space Ratio ¹			
Revised Controls (SEPP Crows Nest Metro Station)	10:1	0.5:1	5:1
Exhibited Scheme	0.7:1	8.12:1	4.44:1
Amended Scheme	11.12:1	0.55:1	5.73:1
Maximum Building Heights			
Revised Controls (SEPP Crows Nest Metro Station)	RL 180m	RL 155m	RL 127m + 5m services zone
Exhibited Scheme	RL 183m + 5m services zone	RL 155m + 3m services zone	RL 127m + 5m services zone

Amended Scheme	RL 175.6m + 4.4m services zone	RL 155m + 3m services zone	RL 127m + 5m services zone
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1 All figures for the Exhibited and Amended Scheme include station (CSSI) GFA, which may be subject to change

As shown in the table, the Exhibited Scheme (including the station GFA) did not meet the minimum non-residential FSR requirements on Site A. However, the overall provision of non-residential FSR in the Exhibited Scheme far exceeded that anticipated by the Rezoning Proposal. Therefore, the Exhibited Scheme had the potential to deliver significantly more employment opportunities on the site than was anticipated in the (then) *2036 Draft Plan*.

The Amended Scheme complies with both the FSR and non-residential FSR controls nominated for the sites. It is also noted that the Amended Scheme will increase the proposed commercial use of the sites and, therefore, has the potential to deliver even more employment opportunities on the site than anticipated in the Exhibited Scheme.

Each of the building envelopes in the Amended Scheme also comply with the maximum building heights to the roof slab, and the services zones for Sites A and C are also compliant with the NSLEP 2013 provisions. The building envelope for Site B, however, requires a 3m services zone to accommodate lift overruns, rooftop plant and services which will breach the maximum building height for this site. The Clause 4.6 Variation Request at Appendix Z has been updated to address this services zone only.

This Variation Request addresses this minor proposed variation and confirms that strict compliance would be unreasonable and unnecessary in the circumstances. The proposed building envelope notwithstanding the minor non-compliance with the maximum height of buildings development standard does not result in any significant or adverse impacts in terms of overshadowing, visual impacts or view loss.

8.6. Other issues

This section will detail the changes in environmental assessment between the Exhibited Scheme and the Amended Scheme for a range of issues which were not frequently raised during public exhibition.

8.6.1. Flooding

A Flood Assessment and Stormwater Management Plan for the Amended Scheme is provided at Attachment G of this Submissions Report, which includes a Revised Flood Statement.

The Flood Assessment for the Amended Scheme is generally consistent with that provided under the Exhibited EIS, in that:

- The Crows Nest Station site is potentially susceptible to the 100-year average recurrence interval (ARI) and probably maximum flood (PMF) flooding and therefore the proposed thresholds servicing the OSD and Metro Station must be designed to avoid any potential adverse flood impacts.
- Due to the permissible stormwater discharge and detention requirements provided by Council, the proposed new development will require detention tanks which will be located within each of the OSD buildings.
- Water quality targets are to be achieved through the installation of Gross Pollutant Traps, roof gardens, rainwater harvesting tanks and other suitable treatment measures prior to discharging to the Council network.

8.6.2. Utilities

A Services and Utilities Infrastructure Report for the Amended Scheme is provided at Attachment L of this Submissions Report. The Assessment remains largely consistent with the Exhibited EIS, with the following exceptions:

- Changes in the stormwater connections to Site A (including a 225mm pipe from the OSD to the Council system and a separate 300mm pipe to carry emergency flows from the OSD to the

Council system) and Site B (including a 225mm pipe from the OSD to the Council system and a separate 225mm pipe to carry emergency flows from the OSD to the Council system)

- Amended performance criteria for On Site Detention, with maximum Permissible Site Discharges of 151 for Site A, 73 for Site B and 24 for Site C.

8.6.3. Wind

An updated Wind Assessment provided in Appendix K provides an assessment of impacts to the buildings and public domain. These impacts propose no change to the mitigation measures as exhibited in the EIS.

8.6.4. Prescribed airspace for Sydney Airport

As there is no increase to the heights of the building envelopes (rather a reduction is proposed), there will be no change to the assessment undertaken in the Exhibited EIS.

8.6.5. Environmental Sustainability

An Environmentally Sustainable Design (ESD) Report for the Amended Scheme is provided at Appendix M of this Submissions Report. The assessment remains largely consistent with that of the Exhibited EIS, with the exception of an updated assessment against the requirements of the Building Code of Australia 2019, which came into force (replacing the 2016 scheme) on 1 July 2019.

8.6.6. Waste Management

An updated Waste strategy report provided in Appendix H provides an assessment of impacts to the buildings. These impacts propose no change to the mitigation measures as exhibited in the EIS.

8.6.7. Design Excellence

A Design Excellence Strategy (the Strategy) has been prepared to establish a consistent framework for how Sydney Metro will deliver design excellence to all its integrated station developments. The Strategy builds on Sydney Metro's existing design development and review processes and has been developed in consultation with the NSW Government Architect and will utilise the Sydney Metro's Design Review Panel (DRP) to ensure design excellence is achieved.

The strategy draws from the NSW Government Architect's *Better Placed* and is consistent with the underlying principles of the NSW Government Architect's draft *Design Excellence Competition Guidelines*.

It provides an objective and structured design process that will ensure high quality architectural, urban and landscape designs are achieved in SSD applications. The process is tailored to respond to the complexity of integrated station development projects and assures that design excellence expectations are upheld in each stage of the design process.

Future detailed SSD applications will also need to address the site-specific criteria for design excellence in Clause 6.19B of the NSLEP 2013.

9. Environmental impact assessment of the amended Project

This Chapter provides an environmental risk rating of the Project proposed under this concept SSD Application, as amended by this Submissions Report. It also provides revised mitigation measures.

9.1. Revised environmental ratings

The Environmental Risk Assessment (ERA) identifies all potential impacts, the significance of each impact, the manageability of each impact and any potential residual impacts following mitigation. The revisions to the ERA are identified in **bold** text and are limited to an increase in the significance of private domain overshadowing (associated with the impact on 400 Pacific Highway), otherwise the ERA remains consistent with the ERA contained in Chapter 14 of the Exhibited EIS. It should be noted, however, that the ERA represents a summary of the overall impact and not a comparison of the Exhibited and Amended Scheme unless a revision is provided, such as the revision representing an increase in employment outcomes under the Amended Scheme.

A full list of updated mitigation measures is presented in Section 9.2 of this Submissions Report.

As detailed in Chapter 14 of the EIS, the significance of impact is assigned a value between 1 and 5 based on the:

- the receiving environment
- the level of understanding of the type and extent of impacts
- the likely community response to the environmental consequence of the Project.

The manageability of environmental impacts is assigned a value of between one and five based on:

- the complexity of mitigation measures
- the known level of performance of the safeguards proposed
- the opportunity for adaptive management.

The sum of the significance and manageability values provides an indicative rating (between 1 and 10) of the potential residual impacts after the mitigation measures are implemented, in accordance with the risk assessment matrix in Table 9.1.

The ERA has been adapted from Australian Standard AS4369:1999 Risk Management and Environmental Risk Tools.

Table 9.1 – Risk assessment matrix

Significance of impact	Manageability of impact				
	5 – Complex	4 – Substantial	3 – Elementary	2 – Standard	1 – Simple
1 – Low	6 – Medium	5 – Low/Med.	4 – Low/Med.	3 – Low	2 – Low
2 – Minor	7 – High/Med.	6 – Medium	5 – Low/Med.	4 – Low/Med.	3 – Low
3 – Moderate	8 – High/Med.	7 – High/Med.	6 – Medium	5 – Low/Med.	4 – Low/Med.
4 – High	9 – High	8 – High/Med.	7 – High/Med.	6 – Medium	5 – Low/Med.
5 – Extreme	10 – High	9 – High	8 – High/Med.	7 – High/Med.	6 – Medium

Table 9.2 – Environmental Risk Assessment

Item	Phase	Potential Environmental Impact	Significance of impact	Manageability of impact	Residual impact
Visual and views	Operation	Visual/view impacts from surrounding streetscape and key vantage points View impacts on neighbouring residential building	4	2	6 Medium
Public domain overshadowing	Operation	Increase in shadows to surrounding public domain including Hume Street Park and Willoughby Road, Ernest Place, Crows Nest Community Centre and Holtermann Street Car Park Rooftop	2	2	4 Low / Medium
Private domain overshadowing	Operation	Increase in shadows to surrounding residential properties	2 3	2	4 5 Low / Medium
Privacy	Operation	Privacy impacts on neighbouring residential buildings	2	2	4 Low / Medium
Traffic and transport	Construction	Potential temporary increased traffic on local roads Potential temporary conflict with normal pedestrian vehicle operations	2	2	4 Low / Medium
	Operation	Increased traffic on local roads	2	2	4 Low / Medium
Aboriginal Heritage	Construction	Potential impacts on Aboriginal places of significance (assessed under the CSSI Approval)	N/A	N/A	N/A
Non-Indigenous heritage	Operation	Impact on the significance of heritage items in the vicinity, including St Leonards Centre	2	2	4 Low / Medium
Noise and vibration	Construction	Potential temporary increase in noise and vibration associated with construction including from vehicles and machinery	3	2	5 Low / Medium

Item	Phase	Potential Environmental Impact	Significance of impact	Manageability of impact	Residual impact
	Operation	Increase in noise and vibration associated with emissions from building plant and services Increase in noise associated with vehicle movements	2	2	4 Low / Medium
Infrastructure and utilities	Operation	Adequate connection to infrastructure and utilities Adequate capacity to service building	2	1	3 Low
Flooding	Operation	Potential flooding of development Adequate stormwater management for development	2	2	4 Low / Medium
Reflectivity	Operation	Adverse solar reflectivity glare to motorists, pedestrians and neighbouring properties	2	2	4 Low / Medium
Contamination	Construction	Potential exposure of contamination or hazardous materials during construction (assessed under the CSSI Approval)	N/A	N/A	N/A
Wind impact	Operation	Adverse wind environment along surrounding streets and station entries Adverse wind environment to outdoor areas in the OSD including outdoor terrace levels, podiums and rooftops	2	2	4 Low / Medium
Crime and public safety	Operation	Anti-social and criminal behavior	2	2	4 Low / Medium
Environmental and construction management	Construction	Potential temporary noise, dust, air quality, waste management and traffic impacts	3	2	5 Low / Medium
Biodiversity	Construction	Impact on street trees	1	1	2 (Low)

Item	Phase	Potential Environmental Impact	Significance of impact	Manageability of impact	Residual impact
Waste	Construction	Potential temporary waste production associated with construction activities	2	2	4 Low / Medium
	Operation	Waste production associated with operation of the buildings	2	2	4 Low / Medium
ESD	Operation	Carbon emissions Energy consumption Thermal comfort of building occupants	2	2	4 Low / Medium
Accessibility	Operation	Adequate access for people with a disability	2	1	3 Low
Social Impact	Construction	Potential temporary general disruption to community associated with large scale construction	3	2	5 Low / Medium
	Operation	Potential anti-social behavior associated with operation of the buildings	1	2	3 Low
	Operation	Suitable employment outcomes are achieved on site	2	2	4 Low / Medium
Property and land use	Construction	Acquisition of site for development (undertaken through CSSI Approval)	N/A	N/A	N/A
	Operation	Compatibility between OSD uses and station/surrounding uses	1	1	2 Low
Water quality	Construction	Potential erosion and sediment impacts on drainage system	1	1	2 Low
	Operation	Impacts on quality of stormwater discharge into drainage system	1	2	3 Low
Air Quality	Construction	Potential temporary dust associated with construction activities	2	2	4 Low / Medium

Item	Phase	Potential Environmental Impact	Significance of impact	Manageability of impact	Residual impact
		Potential temporary emissions associated with construction vehicles			
	Operation	Emissions associated with entering and exiting vehicle traffic Plant and equipment emissions	1	2	3 Low
Cumulative Impacts	Construction	Potential temporary cumulative impacts (traffic, noise, dust etc.) associated with concurrent construction of station and OSD, and other development in the area	3	2	5 Low / Medium
	Operation	Cumulative impacts (traffic, noise, emissions, etc.) during concurrent operation of station and OSD, and other development in the area	1	2	3 Low

9.2. Revised mitigation measures

The list of mitigation measures presented in Chapter 12 of the Exhibited EIS has been revised based on submissions.

A full list of revised measures to mitigate the potential impacts associated with the concept proposal is provided at Table 9.3. The revisions to the mitigation measures respond to a number of key issues raised in submissions as detailed in Chapter 7 (Amended Project) and Chapter 8 (Additional information and assessment) of this Submissions Report. In addition, the revisions address (where relevant):

- amendments to the building envelopes, including a 20 per cent reduction in the volume of the building envelope with associated height reductions including the tapering of the southern end of Site A
- changes to the proposed land uses on Site A (from residential to commercial) and Site B (from tourist/visitor accommodation to residential)
- clarification on the provision of social infrastructure
- changes to the nature of the FSR sought, such that GFA is specifically allocated to either residential or commercial uses
- a number of minor corrections and additions to the content to reference either the EIS or the Submissions Report (as relevant), including where the technical reports are mentioned
- reduction in parking numbers
- reference to the updated version of the Crows Nest Design Guidelines.

The revisions to the mitigation measures are shown in **bold** text, with deletions shown with a ~~strike through~~, otherwise mitigation measures remain consistent with the exhibited mitigation measures contained in Chapter 12 of the Exhibited EIS.

Table 9.3 – Revised mitigation measures

	Proposed OSD-specific measure	OSD Interface issue with CSSI Approval
Operation (detailed design) measures		
Built form and urban design	<p>The detailed design of the OSD is to be undertaken in accordance with the updated Design Quality Guidelines included at Appendix D of the Submissions Report at Appendix C including to demonstrate that the design is architecturally and structurally integrated. The future detailed SSD Application(s) must address the manner in which the design/proposal has responded to the detail within this concept SSD Application and the Design Quality Guidelines.</p> <p>The future detailed SSD Application must implement the process outlined in the Design Excellence Strategy provided at Appendix CC Appendix AA of the EIS of the Submissions Report.</p>	<p>The detailed design of the OSD and its integration with the design of Crows Nest Station is to be reviewed by the Design Review Panel established under Condition of Approval E100 of the CSSI Approval.</p> <p>The design of the OSD is to be prepared having regard to the Station Design Precinct Plan required by Condition of Approval E101 of the CSSI Approval.</p>
Overshadowing	<p>The future development is to demonstrate consistency with the proposed maximum building envelope for each site (as detailed in Appendix C Appendix A of this Submissions Report) so as to ensure that the overshadowing impacts are minimised. Opportunities to articulate the built form to minimise overshadowing impacts, including to neighbouring residential premises, should be investigated.</p> <p>Any rooftop structures within the building service zones are to be designed to minimise overshadowing impacts to key public domain area including Willoughby Road, Ernest Place and Hume Street Park.</p> <p>Details are to be demonstrated in the detailed SSD Application(s).</p>	N/A
Solar access	<p>The future detailed SSD Application(s) is to demonstrate consistency with the proposed maximum building envelope for each site (as detailed in Appendix C Appendix A of this Submissions Report) and should seek to optimise solar access to the development and neighbouring residential premises.</p> <p>The future detailed SSD Application(s) is to be accompanied by a detailed solar access analysis and demonstrate compliance with SEPP 65 and the ADG.</p>	N/A
Visual and view impacts	<p>The future detailed SSD Application is to demonstrate consistency with the proposed maximum building envelope for each site (as detailed in Appendix C Appendix A of this Submissions Report) so as to ensure that the visual and view impacts are consistent</p>	N/A

	Proposed OSD-specific measure	OSD Interface issue with CSSI Approval
	<p>with the assessment provided in this concept SSD Application.</p> <p>Opportunities to articulate the built form to minimise view impacts to neighbouring residential premises should be investigated.</p> <p>The future detailed SSD Application is to be accompanied by a detailed View Impact Study and a Visual Impact Assessment Report.</p>	
Privacy	The future detailed SSD Application(s) is to address the relevant provisions of the ADG to demonstrate that appropriate levels of visual privacy are achieved for existing and future residential dwellings.	N/A
Heritage	<p>The future detailed SSD Application(s) is to address how the recommendations made in the Statement of Heritage Impact (Appendix Y of the EIS) have been addressed to ensure the development achieves a positive heritage outcome for the site.</p> <p>The detailed design of the OSD should consider:</p> <ul style="list-style-type: none"> • how the form and scale of Site A can sensitively relate to the St Leonards Centre • the distinctiveness of built form in relation to the heritage items, particularly Site C • the selection of material and finishes to ensure sympathy with the local built character. 	N/A
Traffic, transport access	<p>The future detailed SSD Application(s) must adopt the recommendations of the Transport, Traffic and Pedestrian Impact Assessment provided at Appendix AA Appendix N of this Submissions Report, including:</p> <ul style="list-style-type: none"> • preparation of Travel Plans for residents, employees and guests • provision of car parking is not to exceed the maximum provided for in this concept SSD application • dedication of the nominated number of parking spaces for car share services • provision of at least the rate of bicycle parking spaces nominated in this concept SSD application, with any shortfall in provision offset through a contribution arrangement • provide bicycle end of trip facilities design consistent with North Sydney DCP 2013 and AS2890.3 • establish an on-site dock management system managed by a loading dock manager or concierge 	<p>The detailed design of the OSD should be in conjunction with the Interchange Access Plan required to be prepared in accordance with Condition of Approval E92 of CSSI Approval No. 15_7400 for the Sydney Metro City & Southwest Chatswood to Sydenham project.</p> <p>The detailed design of the OSD and assessment of its impact is to be undertaken in consultation with the Traffic and Transport Liaison Group(s) established under Condition of Approval E77 of CSSI Approval No. 15_7400 for the Sydney Metro City & Southwest Chatswood to Sydenham project. Beyond completion of Crows Nest Station, the detailed design of the OSD and its traffic, parking, pedestrian and cycle accessibility impacts would require</p>

	Proposed OSD-specific measure	OSD Interface issue with CSSI Approval
	<ul style="list-style-type: none"> provide rolled kerb format loading areas in Clarke Lane to manage low frequency overloading of the internal loading docks provide separate parking for trades vehicles. <p>The future detailed SSD Application(s) is to demonstrate compliance with the above and be accompanied by a Transport, Traffic and Pedestrian Assessment Report.</p>	consultation with and the approval of the relevant roads authority in accordance with the terms of the relevant approval.
ESD	<p>The detailed SSD Application(s) must include a detailed ESD Report which outlines the best practice sustainability initiatives which will be implemented during design and construction of the development.</p> <p>The ESD Report must be generally consistent with the proposed targets and indicative features in the ESD Report (Appendix X Appendix M of this Submissions Report), including:</p> <ul style="list-style-type: none"> Residential component: <ul style="list-style-type: none"> 40% greenhouse gas emission reduction according to BASIX, 6 stars NatHERS rating 40% water consumption reduction according to BASIX 5 star Green Star As Built v1.2 Hotel component: <ul style="list-style-type: none"> 4.5 stars NABERS Energy 4 stars NABERS Water 5 star Green Star As Built v1.2 Commercial component: <ul style="list-style-type: none"> 5 stars NABERS Energy 4 stars NABERS Water 5 star Green Star As Built v1.2 Indicative features <ul style="list-style-type: none"> energy efficient lighting including lighting control systems passive design measures to minimise energy consumption energy efficient heating, ventilation and cooling systems extensive energy and water metering and monitoring systems water efficient fixtures and sensor operated taps 	N/A

	Proposed OSD-specific measure	OSD Interface issue with CSSI Approval
	<ul style="list-style-type: none"> ○ fire protection system provided with a closed loop for testing ○ rainwater harvesting ○ roof design to minimise heat island effects and manage water demand ○ minimising waste generation during construction and operation ○ maximise recycling of waste generated ○ materials selection to consider life cycle impacts, energy, sustainable/responsible supply, emissions ○ provision of active transport opportunities ○ Resilience to climate change. 	
Prescribed airspace	The detailed SSD Application(s) will need to comply with any requirements set by Sydney Airports Corporation Limited, the Civil Aviation Authority and the Commonwealth Department of Infrastructure, Regional Development and Cities. Details are to be submitted with the detailed SSD Application(s).	N/A
Utilities, infrastructure and services	<p>In accordance to the specific requirements of the individual utility service providers, the developer of the OSD must undertake detailed enquiries and arrange for final connections and associated approvals based on the final design.</p> <p>A water servicing coordinator must be engaged to make application for section 73 Notice of Requirements (NOR) and confirm specific connection requirements.</p>	<p>The provision of all utility services to the Integrated Station Developed are to be assessed and undertaken (including all approvals and reconfiguration of trunk infrastructure) as part of the station works under Condition of Approval E2 of the CSSI Approval.</p> <p>Where practicable and having regard to the timing for the delivery of the OSD, permanent utility connections are to be provided to the OSD and capped off within the site. Where this is not practicable, suitable provision of connection pits and conduits shall be provided to avoid the need for future disruption to roadways and pavements as a result of these works.</p>
Flooding and stormwater	<p>Stormwater</p> <p>Council and Sydney Water must be consulted as part of the future detailed SSD Application(s) in order to finalise the OSD stormwater management plan for the development.</p>	<p>All flood modelling, impact assessment and mitigation measures for the site are to be undertaken as part of the station works under the CSSI Approval.</p> <p>The detailed design of the OSD should be developed having</p>

	Proposed OSD-specific measure	OSD Interface issue with CSSI Approval
	<p>Permissible site discharge rates must be confirmed with Council and Sydney Water as part of the future detailed SSD Application</p> <p>The future detailed SSD Application is to demonstrate compliance with Council's water quality targets.</p> <p>Flooding</p> <p>The detailed design must be undertaken to ensure that OSD entrances must be set to a minimum of 300mm above ground level at the street boundary or the nominated Flood Planning Level shown in the Flood Assessment and Stormwater Management Plan at Appendix W Appendix G of this Submissions Report.</p>	<p>regard to the flooding requirements in Conditions of Approval E8 and E9 of the CSSI Approval.</p>
Noise and vibration	<p>The detailed design of the OSD is to be undertaken in accordance with the Noise and Vibration Impact Report included as Appendix V of the EIS.</p> <p>The future detailed SSD Application(s) must address the manner in which the design/proposal has responded to the criteria established in the Noise and Vibration Impact Report.</p>	<p>The detailed design of the OSD is to consider cumulative impacts having regard to the noise and vibration requirements under Condition of Approval E41 and E42 of the CSSI Approval.</p>
Wind impacts	<p>The detailed SSD Application(s) is to document the results of wind tunnel testing of the detailed design. Detailed computational analysis must be undertaken as part of the detailed SSD Application(s) in order to quantify expected wind speeds and inform mitigation measures.</p> <p>The recommendations of the Wind Impact Assessment Report (Appendix U Appendix K of this Submissions Report) should be considered when developing the detailed OSD design with respect to the potential inclusion of a street-level awnings and/or other design elements to mitigate wind and ensure conditions remained largely similar to or improved from existing wind levels.</p> <p>Measures that to ameliorate impacts at ground level and to ensure pedestrian comfort levels are met are to be implemented.</p>	N/A
CPTED	<p>The detailed SSD Application(s) must incorporate CPTED principles relating to natural surveillance, access control, territorial reinforcement and space management.</p> <p>The future design of the OSD is to have regard to the recommendations contained at section 5.0 of the CPTED Assessment Report (Appendix GG of the EIS), with particular attention to the design of entry points, corridors and areas overlooking the public domain.</p> <p>A CPTED Assessment Report is to be submitted with the detailed SSD Application(s).</p>	N/A

	Proposed OSD-specific measure	OSD Interface issue with CSSI Approval
Waste management	<p>A Waste Management Plan (WMP) is to be submitted as part of the detailed SSD Application(s) addressing the following:</p> <ul style="list-style-type: none"> • relevant legislative and Council requirements • type of waste to be generated • expected volumes of waste per week • proposed on-site storage and treatment facilities • destination of waste • information about the ongoing management of waste on-site <p>The WMP must address the objectives, principles and strategies outlined in the Waste Strategy Report (Appendix EE Appendix H of this Submissions Report) to deliver effective waste management.</p>	N/A
Accessibility and DDA Impact Assessment	<p>The detailed SSD Application is to consider:</p> <ul style="list-style-type: none"> • Australian Standards, • Building Code of Australia, • <i>Disability Discrimination Act 1992</i> (DDA) (Cwlth); • <i>Disability (Access to Premises – Buildings) Standards 2010</i>, and <p>Conform to the recommendations of the Accessibility and DDA Impact Statement (Appendix Z of the EIS).</p> <p>An Accessibility and DDA Impact Statement is to be submitted with the detailed SSD Application.</p>	N/A
Reflectivity	<p>The detailed design of the OSD must confirm that the building design and materials selection will not have an adverse impact in terms of solar reflectivity glare to motorists, pedestrians and neighbouring properties. A Reflectivity Report analysing potential glare is to be submitted with the detailed SSD Application(s). A maximum 20% reflectivity should be achieved.</p>	N/A
Construction Measures		
General	<p>The detailed SSD application(s) is to provide information regarding the management of impacts during the construction phase.</p> <p>For construction concurrent with the construction of Crows Nest Station, Construction Environment Management Plan(s) must be prepared in accordance with the Sydney Metro Construction Environmental Management Framework.</p> <p>For construction subsequent to the completion of Crows Nest Station, Construction Environmental</p>	

	Proposed OSD-specific measure	OSD Interface issue with CSSI Approval
	Management Plan(s) must be prepared in accordance with best practice guidelines applicable at the time.	
Transport, traffic, parking and access	<p>The future SSD Application must adopt the recommendations of the Transport, Traffic and Pedestrian Assessment Report at Appendix AA Appendix N of this Submissions Report.</p> <p>Construction Traffic Management Plans (CTMPs) are to be prepared to address the potential traffic and transport related impacts associated with construction and how these impacts will be managed.</p> <p>In the event that construction activities for the OSD occur beyond the practical completion of Crows Nest Station, a detailed Construction Pedestrian and Traffic Management Plan is to be developed by the proponent in consultation with the relevant roads authority and Council during the detailed design stage and details are to be submitted with the detailed SSD Application.</p> <p>Preparation of the Construction Traffic Management Plan(s) or Construction Pedestrian and Traffic Management Plan(s) is to take into consideration the mitigation measure identified in the Preliminary Construction Management Statement (Appendix BB of the EIS).</p>	<p>The detailed design of the OSD and assessment of its impact is to be undertaken in consultation with the Traffic and Transport Liaison Group(s) established under Condition of Approval E77 of the CSSI Approval.</p> <p>In the event that OSD occurs after construction of the Crows Nest Station is complete, detailed design of the OSD and its traffic, parking, pedestrian and cycle accessibility impacts would require consultation with and the approval of the relevant roads authority in accordance with the terms of the relevant approval.</p>
Noise and vibration	<p>Any construction work occurring at the same time as the construction of the Crows Nest Station is to:</p> <ul style="list-style-type: none"> utilise the Construction Noise and Vibration Strategy (CNVS) to ensure the noise management levels/ criteria established within this concept SSD Application are addressed, including the Noise and Vibration Assessment Report at Appendix V of the EIS. be subject to the preparation of Construction Noise Impact Statement(s) to address the potential noise impacts associated with construction and how these impacts will be managed. <p>If construction activities for the OSD are proposed to occur after the station is completed, the detailed SSD Application is to include a separate Construction Noise and Vibration Management Plan (CNVMP). The CNVMP must be developed by an acoustic engineer in consultation with the stakeholders in accordance with ICNG or applicable guidelines in force at the time.</p>	Construction Noise and Vibration Impact Statements prepared for the OSD must consider cumulative impacts having regard to the Construction Noise and Vibration Impact Statements prepared under Condition of Approval E33 of the CSSI Approval.
Waste	A Waste Management Plan must be prepared as part of the Construction Environment Management Plan, having regard to the provisions included in the Sydney Metro Construction Environmental Management Framework up until completion of Crows Nest Station. Beyond that time, a Construction Waste Management	N/A

	Proposed OSD-specific measure	OSD Interface issue with CSSI Approval
	<p>Plan must be prepared in accordance with best practice guidelines and conditions of approval.</p> <p>Details regarding impacts to be managed during construction are to be submitted as part of the detailed SSD Application and should include:</p> <ul style="list-style-type: none"> the waste management and recycling mitigation measures as detailed in the Waste Management Strategy (Appendix EE Appendix H of the Submissions Report) the responsibility of key project personnel with regard to implementation of the plan waste management and recycling monitoring requirements procedures for the assessment, classification, management and disposal of waste in accordance with the NSW EPA Waste Classification Guidelines (EPA, 2014) compliance record generation and management 	

10. Conclusion

This Chapter provides concluding statements on Sydney Metro's response to submissions and amendments to the concept SSD Application.

Sydney Metro has considered submissions made in relation to the public exhibition of the concept SSD Application for Crows Nest OSD. This Submissions Report represents a considered and documented response to all submissions received from members of the community, relevant government agencies and all key stakeholders.

In response to the issues raised in submissions, Sydney Metro has amended the Project as follows:

- Amendments to the building envelopes and heights, including a 20 per cent reduction in the overall size of the building envelope
- Changes in proposed land use to increase employment opportunities
- Changes to the configuration and quantity of car parking
- Commitment to providing 5% of new residential floor space as affordable housing to be managed by a Community Housing Provider (CHP) for 10 years, or an equivalent monetary contribution to a CHP
- Amended design guidelines.

Further to the above, Sydney Metro has made minor updates to the mitigation measures to ensure that they relevantly address the cumulative impacts of the amended project.

On balance, the EIS and this Submissions Report collectively demonstrate that the concept proposal is consistent with State, regional and local strategies and policies which apply to the site, and that the future integrated station development will provide significant social and economic benefits to the surrounding CBD context.

This concept SSD Application comprises the first stage in the planning process for the Crows Nest OSD Project. Through the implementation of the Sydney Metro Design Excellence Strategy, appropriate consideration and scrutiny of the future building form within the constraints of the building envelope and in accordance with the strategies proposed in the concept SSD Application would occur. Sydney Metro is confident that this process would achieve highest standard of architecture and urban design befitting the site's location and its context and that associated environmental impacts can be appropriately mitigated and minimised through this design development process.

It is considered that this concept SSD Application for OSD above the future Crows Nest Station, as amended by this Submissions Report, warrants approval, consistent with the following reasons stated in the exhibited EIS:

- a full assessment has been undertaken of the environmental impacts of the concept proposal and relevant strategies are proposed to manage and mitigate impacts. On this basis, the proposed envelopes, which represent a maximum potential building form, have been demonstrated to be appropriate within the St Leonards / Crows Nest Strategic Centre context and the specific circumstances of the site
- the building envelopes, coordinated over three separate sites, have been developed to enable a degree of flexibility in the future detailed building design to allow a range of potential design outcomes that will facilitate a high quality development
- the Amended Scheme significantly increases employment outcomes on the site, with the total non-residential floor space ratio across the three sites having increased from a minimum of 2.81:1 (or 17,900 square metres) under the Exhibited Scheme, to a minimum of 6.8:1 (or

43,300 square metres) under the Amended Scheme, representing a 142 per cent increase in the quantity of non-residential floorspace

- the proposal directly responds to the demand for provision of additional housing in locations close to jobs, consistent with the '30-minute city' concept, which will provide greater residential amenity and contribute to reduced congestion associated with longer commutes
- the built form is substantively consistent with that outlined in the now finalised Rezoning Proposal for the Crows Nest Sydney Metro site and the 2036 Plan more broadly
- potential impacts of any future buildings on surrounding public domain areas have been a central consideration of the development of the concept SSD Application, including the minimisation of overshadowing to Hume Street Park, Willoughby Road and Ernest Place Precinct ensuring that potential impacts are appropriately mitigated
- an extensive program of consultation has contributed to the formation of this application, which has led to the provision of a development form which reflects the comments of relevant stakeholders
- it would provide additional employment and residential capacity in the context of the St Leonards / Crows Nest Strategic Centre as targeted in the *North District Plan*, ensuring that jobs and dwellings are co-located in a manner which reduces commute times and improves the level of access to facilities, services, transport options and public open space
- the building envelopes allow for a density appropriate for a transit orientated development and consistent with the finalised 2036 Plan and other Government policy to place density above major transport infrastructure
- the proposal includes a robust framework for the attainment of design excellence
- the concept proposal would not result in any adverse social or economic impacts, and would result in a number of significant benefits including during construction, approximately 265 jobs would be generated per annum, in addition to 2,225 ongoing jobs directly and a further 1,355 jobs indirectly created during the operation of the development depending on the final land use mix
- the site is suitable for the proposed development.

10.1. Next steps

DPIE on behalf of the Minister for Planning and Public Spaces will review the EIS, submissions received, and this Submissions Report. This Response to Submissions from key stakeholders and the community will be placed on public exhibition. A further Response to Submissions to this process may be undertaken.

Following ongoing review and once DPIE has completed its assessment, a draft assessment report will be prepared for the Secretary of DPIE.

The assessment report will then be provided to the Minister for Planning and Public Spaces for consideration and determination. The Minister for Planning and Public Spaces will then make a determination, with any conditions considered appropriate.

The Minister for Planning and Public Spaces' determination, including any conditions of approval and the Secretary's report, will be published on DPIE's website immediately after determination, together with a copy of the Submissions Report.

Glossary and Abbreviations

Term	Definition
ADG	Apartment Design Guide
AHD	Australian Height Datum
CASA	Civil Aviation Safety Authority
CBD	Central business district
Concept SSD Application	Concept State Significant Development Application
Council	North Sydney Council
CPTED	Crime Prevention Through Environmental Design
CSSI	Critical State Significant Infrastructure
CTMF	Construction Traffic Management Framework
CTMP	Construction Traffic Management Plan
DDA	Disability Discrimination Act 1992
DEEP	Design Excellence Evaluation Panel
DIRDC	NSW Department of Infrastructure Regional Development and Cities
DPIE	NSW Department of Planning, Industry and Environment
DRP	Design Review Panel
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
ERA	Environmental Risk Assessment
ESD	Environmentally sustainable development
GANSW	Government Architect NSW
GFA	Gross floor area
HIA	Heritage Impact Assessment
IAP	Interchange Access Plan (i.e. Condition 92 of CSSI Approval)
ICNG	Interim Construction Noise Guideline
LED	Light emitting diode
LEP	Local Environmental Plan

Term	Definition
LGA	Local government area
NABERS	National Australian Built Environment Rating System
NML	Noise management levels
NSDCP 2013	North Sydney Development Control Plan 2013
NSLEP 2013	North Sydney Local Environmental Plan 2013
NSW EPA	NSW Environment Protection Authority
NSW OEH	NSW Office of Environment and Heritage
OLS	Obstacle Limitation Surface
OSD	Over station development
Project	The Crows Nest over station development as presented in the EIS
RL	Reduced level
Roads and Maritime	Roads and Maritime Services
SACL	Sydney Airport Corporation Limited
SCO	Sydney Coordination Office
SDPP	Station Design and Precinct Plan (i.e. Condition 101 of the CSSI Approval)
SEARs	Secretary's Environmental Assessment Requirements
SEPP 64	State Environmental Planning Policy 64 — Advertising and Signage
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
Submissions Report	Response to Submissions Report (this report)
Sydney Metro DRP	Sydney Metro Design Review Panel
Tenacity	Tenacity Consulting Pty Ltd v Warringah Council [2004] NSWLEC 140
WMP	Waste Management Plan

Appendices

- A. Architectural drawings of proposed OSD amended building envelope
- B. Architectural drawings of indicative OSD design
- C. Built Form and Urban Design Report
- D. Updated Design Guidelines
- E. Sydney Metro and OSD Demarcation Plans
- F. OSD Concept Amended SSDA Area Schedule
- G. Flood assessment and stormwater management plan
- H. Waste strategy report
- I. SEPP 65 Compliance Analysis Report – Indicative OSD Design
- J. Solar Impact Analysis – Adjoining buildings
- K. Wind Impact Assessment Report
- L. Services and Utilities Infrastructure Report
- M. Environmentally Sustainable Design Report
- N. Transport Traffic and Pedestrian Assessment Report
- O. Preliminary Construction Management Statement
- P. View Impact Study – Key Vantage Points and Streetscape Locations
- Q. View Impact Study – Surrounding Residential Buildings
- R. Visual Impact Assessment Report
- S. Shadow Diagrams – OSD Building Envelope
- T. Issue categories and where to find responses to issues raised in submissions
- U. Strategic Market Assessment addendum

- V. Social and economic impact assessment report**
- W. Updated DCP assessment**
- X. Community information sessions material**
- Y. Issues raised in community information sessions**
- Z. Clause 4.6 Variation Request – maximum height of buildings as it applies to Site B**