



WILLOWTREE PLANNING

ENVIRONMENTAL IMPACT STATEMENT:

PROPOSED OVER STATION DEVELOPMENT AT CROWS NEST - SITE B

SSD-61400212

25 HUME STREET, CROWS NEST
LOT 3 DP 1296669

—
Prepared by Willowtree Planning Pty Ltd
on behalf of Third.i Crows Nest Residential Developments Pty Ltd
14 October 2024

In the spirit of reconciliation and recognition, Willowtree Planning acknowledges the Traditional Owners of this Country throughout Australia and their continuing and ongoing connections to land, waters and community. We show our respect to Elders – past and present. We acknowledge that we stand on this Country which was and always will be recognised as Aboriginal Land. We acknowledge the Traditional Owners of the Lands in this Local Government Area, belonging to the local Aboriginal People, where this proposal is located upon.

DOCUMENT CONTROL TABLE			
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Version and Date	Prepared by	Checked by	Approved by
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Version No. 0.1 – REVIEW (09/10/2024)	Andrew Pigott Director	Chris Wilson Managing Director	Chris Wilson Managing Director
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Disclaimer

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EIS DECLARATION

Declaration Form: Submission of EIS

Project Details

Project name	Crows Nest OSD Site B
Application number	SSD-61400212
Address of the land on which the development is to be carried out	25 Hume Street, Crows Nest

Proponent Details

Proponent name	Third.i Crows Nest Residential Developments Pty Ltd
Proponent address	53 Hume Street, Crows Nest NSW 2065

Prepared by

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Declaration by registered environmental assessment practitioner

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Declaration	<p>The undersigned declares that this EIS:</p> <ul style="list-style-type: none"> ▪ has been prepared in accordance with the <i>Environmental Planning and Assessment Regulation 2021</i>; ▪ contains all available information relevant to the environmental assessment of the development, activity or infrastructure to which the EIS relates; ▪ does not contain information that is false or misleading; ▪ addresses the Planning Secretary's environmental assessment requirements (SEARs) for the project; ▪ identifies and addresses the relevant statutory requirements for the project, including any relevant matters for consideration in environmental planning instruments; ▪ has been prepared having regard to the Department's <i>State Significant Development Guidelines - Preparing an Environmental Impact Statement</i>; ▪ contains a simple and easy to understand summary of the project as a whole, having regard to the economic, environmental and social impacts of the project and the principles of ecologically sustainable development; ▪ contains a consolidated description of the project in a single chapter of the EIS; ▪ contains an accurate summary of the findings of any community engagement; and ▪ contains an accurate summary of the detailed technical assessment of the impacts of the project as a whole.
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Signature



Date 14/10/24



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GLOSSARY OF KEY TERMS

TERM	MEANING
AHD	Australian Height Datum
BAM	Biodiversity Assessment Methodology
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCBHS	Building Code and Bushfire Hazard Solutions
BC Regulation	<i>Biodiversity Conservation Regulation 2017</i>
BDAR	Biodiversity Development Assessment Report
BOS	Biodiversity Offset Scheme
CBD	Central Business District
CEMP	Construction Environmental Management Plan
Concept Approval	SSD-9579
Council	North Sydney Council
CSSI	SSI 15_7400
CTMP	Construction Traffic Management Plan
DA	Development Application
DCP	Development Control Plan
DP	Deposited Plan
DPHI	Department of Planning, Environment, Housing and Infrastructure
EDC	Estimated Development Cost
EES	Environment, Energy and Science Group
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPA	Environment Protection Authority
EPBC Act	<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
EPL	Environmental Protection Licence
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
FSR	Floor Space Ratio
GFA	Gross Floor Area
GHG	Greenhouse Gas
GCC	Greater Cities Commission
LGA	Local Government Area
MNES	Matter of National Environmental Significance
MUSIC	Model for Urban Stormwater Improvement Conceptualisation
NCC	National Construction Code
NOR	Notice of Requirements
NSLEP2013	North Sydney Local Environmental Plan 2013
NSW RMS	NSW Roads and Maritime Services



ENVIRONMENTAL IMPACT STATEMENT

Proposed Over Station Development at Crows Nest – Site B
25 Hume Street, Crows Nest

SSD-61400212

OEH	NSW Office of Environment and Heritage
OSD	Over Station Development
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
RL	Reduced level
SDRP	State Design Review Panel
SEARs	Secretary's Environmental Assessment Requirements (SSD-61400212), dated 25/8/23
SEPP	State Environmental Planning Policy
SIDRA	Signalised & Unsignalised Intersection Design and Research Aid
Sqm or m²	Square metres
Subject site/site/study area/Site B	25 Hume Street, Crows Nest
TfNSW	Transport for NSW
VIA	Visual Impact Assessment
VPA	Voluntary Planning Agreement
Willowtree Planning	Willowtree Planning Pty Ltd
WM Act	<i>Water Management Act 2000</i>
WMP	Waste Management Plan
WSUD	Water Sensitive Urban Design



SUMMARY

This Environmental Impact Statement (EIS) has been prepared by Willowtree Planning Pty Ltd (Willowtree Planning), on behalf of Third.i Crows Nest Residential Developments Pty Ltd. The EIS is submitted to the New South Wales (NSW) Department of Planning, Housing and Infrastructure (DPHI), in support of an application for State Significant Development (SSD), for the construction and operation of an over station mixed use development including 130 residential units and ground floor/mezzanine retail and commercial floorspace at 25 Hume Street, Crows Nest more formally described as Lot 3 DP 1296669 (Site B).

It is noted that the above address and Title has only recently been created following the completion of the Crows Nest Metro development. Site B was formerly known as 447, 479 and 491-495 Pacific Highway, Crows Nest more formally described as Lot 100 DP747672, Lot 101 DP747672 and Lot A DP442804. Accordingly, any reference to the former address throughout this EIS and associated appendix shall be taken to be a reference to Site B.

Sydney Metro received planning approval for Critical State Significant Infrastructure (SSI 15_7400) (CSSI), approved on 9 January 2017 (and subsequent modifications), for the construction of the Sydney Metro City and Southwest Chatswood to Sydenham project. This approval included the Crows Nest Metro Station (which is one of seven new stations approved as part of this CSSI project). The Crows Nest Metro Station opened in August 2024.

A Concept State Significant Development Application (SSD-9579) (Concept Approval) was subsequently approved in December 2020 (**Appendix 2**), which provided for a mixed-use development across three sites (known as Site A, Site B and Site C) integrated with the Crows Nest Metro Station. The Concept Approval establishes the planning and assessment framework for all subsequent detailed applications to follow.

In short, the proposal involves the construction of an over station mixed use and residential development (identified as Crows Nest OSD Site B as per the Major Projects Portal), comprising:

- **Ground Level – Hume Street:** Includes the OSD tower lobby, retail, and back of house spaces.
- **Level 01:** Includes a commercial mezzanine, back of house, and a loading dock which is used for OSD garbage collection.
- **Level 02:** Contains plant rooms for the metro station.
- **Level 5 and 6:** The OSD car parking levels are located on level 5 and 6. These are naturally ventilated with 27 car spaces on level 5 and 28 car spaces on level 6. There is a total of 55 spaces.
- Apartments are located from Level 7 to 18. Level 19 and 20 contain penthouse apartments.
- A roof terrace on Level 21 includes communal gardens and pools, as well as private penthouse terraces.
- **Level 7-8:** 10 apartments per floor
- **Level 9-18:** 11 apartments per floor
- **Level 19:** 8 penthouse apartments (5 x two storey)
- **Level 20:** 3 penthouse apartments
- Total number of apartments: 130



- Public domain works around the site will be delivered as part of the CSSI approval. The proposed development will be designed to complement the station and activate the public domain.

Site B site is located within the North Sydney Local Government Area (LGA) and is zoned MU1 Mixed Use, pursuant to the *North Sydney Local Environmental Plan 2013* (NSLEP2013). The proposed development falls within the definition of ‘shop top housing’, which is permissible with consent in the MU1 Mixed Use zone of the NSLEP2013.

The proposal satisfies the definition of SSD pursuant to:

- Schedule 1, Section 19 of *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP), being development within a rail corridor for commercial premises or residential accommodation with an Estimated Development Cost (EDC) of more than \$30 million.

As such, this EIS must be prepared in accordance with the Secretary’s Environmental Assessment Requirements (SEARs).

Under the *Environmental Planning & Assessment Act 1979* (EP&A Act), it is required that a request for SEARs must be made prior to the lodgement of any application for SSD. SEARs were requested for the proposed development (reference: SSD-61400212) and later issued by the NSW DPHI on 25 August 2023 (refer to **Appendix 1**) in the form of industry-specific SEARs, through the Rapid Assessment Framework.

The SEARs for the proposal outline several Key Issues to be addressed as part of this EIS, including:

1. Statutory Context
2. Capital Investment Value and Employment
3. Design Quality
4. Built Form and Urban Design
5. Environmental Amenity
6. Visual Impact
7. Public Space
8. Trees and Landscaping
9. Ecologically Sustainable Development (ESD)
10. Traffic, Transport and Accessibility
11. Biodiversity
12. Noise and Vibration
13. Ground and Water Conditions
14. Water Management
15. Flooding Risk
16. Hazards and Risks
17. Contamination and Remediation
18. Waste Management
19. Aboriginal Cultural Heritage
20. Environmental Heritage
21. Social Impact
22. Infrastructure Requirements and Utilities
23. Bush Fire Risk
24. Aviation
25. Construction, Operation and Staging
26. Contributions and Public Benefit
27. Engagement



The findings of this EIS identify that the proposal can be accommodated, subject to suitable management and mitigation measures, without any adverse environmental impacts beyond that considered appropriate by the relevant legislation.

The proposal is suitable for the local context and shall not result in any significant environmental impact. As such, it is recommended that the proposal be supported by the NSW DPHI for approval, subject to reasonable and relevant conditions.

SITE CONTEXT

This following table identifies the land holdings associated with Site B.

TABLE 1. LAND HOLDINGS		
Address	Legal Description	Approximate Area
25 Hume Street, Crows Nest	Lot 3 DP 1296669	1,871 m ²

Site B is a generally rectangular shape with a total area of approximately 1,871m². Site B comprises a primary frontage to the Pacific Highway (due West) which connects to Hume Street along Site B's northern boundary and Clarke Lane along the eastern boundary. Site B is 63.83m in length and has a width that varies from approximately 28.3m to 29.3m.

Site B slopes from south to north however, the construction of Sydney Metro infrastructure on Site B has had the effect of completely altering the natural ground level on the Site. Notwithstanding this, the proposed development will integrate with the existing Sydney Metro infrastructure and create active street frontages on the Pacific Highway and Hume Street frontages.

The Site is located approximately 1km north of the North Sydney CBD and 5km north-west of the Sydney CBD in the suburb of Crows Nest, which forms part of the wider North Sydney LGA.

The immediate site context exhibits a varied character in terms of use, form, age, height and architectural design. A detailed site analysis is provided in **PART 2** of this EIS.



ENVIRONMENTAL IMPACT STATEMENT

Over Station Development at Crows Nest – Site B

477 Pacific Highway, Crows Nest (Lot 100 DP 747672), 479 Pacific Highway, Crows Nest (Lot 101 DP 747672) and 491-495 Pacific Highway, Crows Nest (Lot A DP 442804)

SSD-61400212

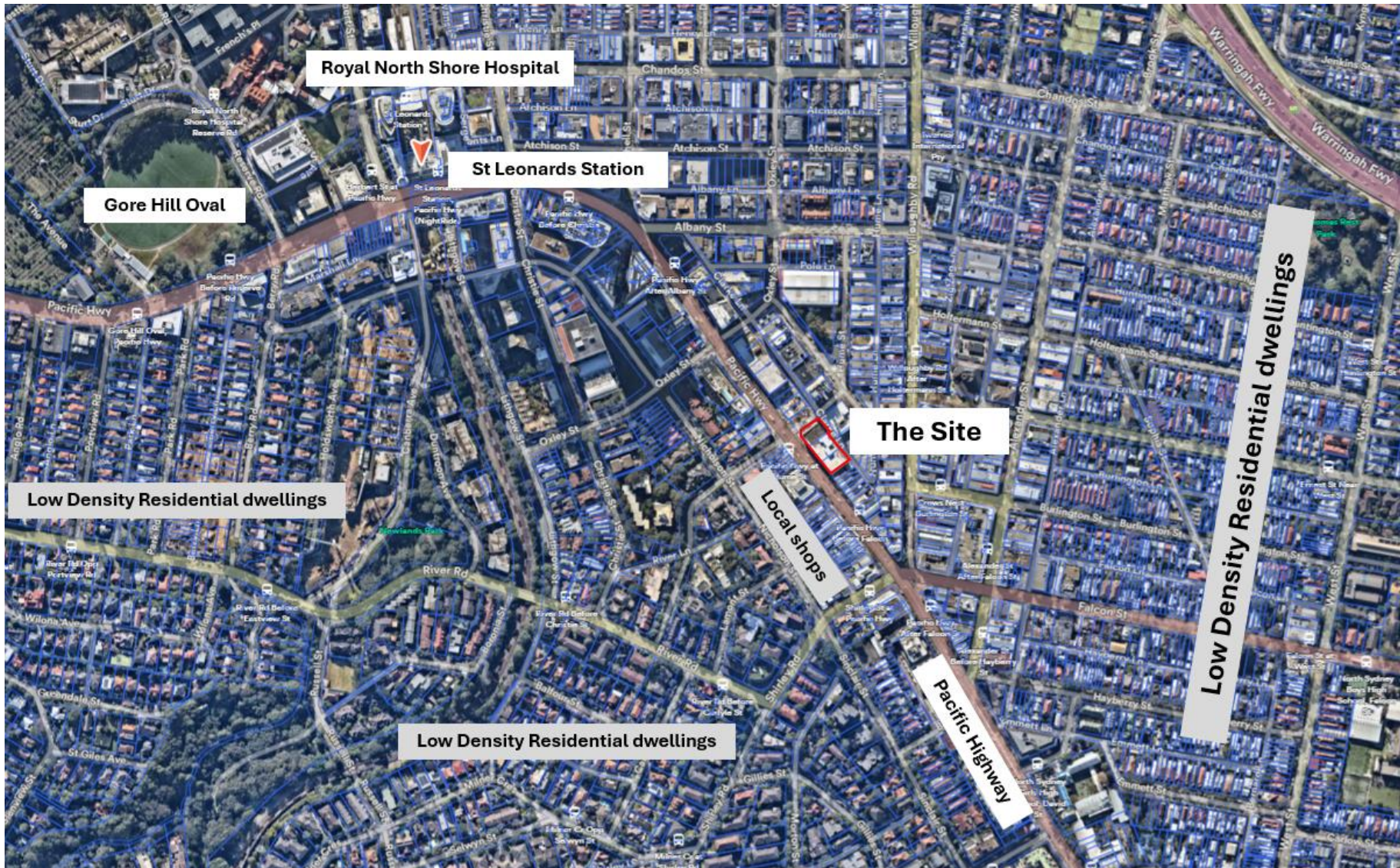


Figure 1. Site Context Map (Source: Nearmap 2024)



ENVIRONMENTAL IMPACT STATEMENT

Over Station Development at Crows Nest – Site B

477 Pacific Highway, Crows Nest (Lot 100 DP 747672), 479 Pacific Highway, Crows Nest (Lot 101 DP 747672) and

491-495 Pacific Highway, Crows Nest (Lot A DP 442804)

SSD-61400212

PROJECT DESCRIPTION

In keeping with the Concept Approval, Third.i Group is proposing to construct an over station mixed use and residential development at Site B including:

- **Ground Level – Hume Street:** Includes the OSD tower lobby, retail, and back of house spaces.
- **Level 01:** Includes a commercial mezzanine, back of house, and a loading dock which is used for OSD garbage collection.
- **Level 02:** Contains plant rooms for the metro station.
- **Level 5 and 6:** The OSD car parking levels are located on level 5 and 6. These are naturally ventilated with 27 car spaces on level 5 and 28 car spaces on level 6. There is a total of 55 spaces.
- Apartments are located from Level 7 to 18. Level 19 and 20 contain penthouse apartments.
- A roof terrace on Level 21 includes communal gardens and pools, as well as private penthouse terraces.
- **Level 7-8:** 10 apartments per floor
- **Level 9-18:** 11 apartments per floor
- **Level 19:** 8 penthouse apartments (5 x two storey)
- **Level 20:** 3 penthouse apartments
- Total number of apartments: 130
- Public domain works around the site will be delivered as part of the CSSI approval. The proposed development will be designed to complement the station and activate the public domain.

PLANNING AND LEGISLATIVE FRAMEWORK

All relevant Federal and State legislation, as well as Environmental Planning Instruments (EPIs), have been considered in the preparation of this EIS. The proposal is satisfactory in terms of its legislative context, on the basis that:

- The proposal is permissible in the zone;
- The objectives of the zone are satisfied;
- The range of applicable SEPPs have been considered;
- Strategic documents that apply to the locality and wider region have identified that the proposed use is consistent with the strategic context of the area;
- The proposed development can satisfy the relevant provisions of the National Construction Code (NCC) and applicable Australian Standards.

Refer to **PART 4** of this EIS.

PUBLIC NOTIFICATION AND CONSULTATION

A range of authorities have been consulted with during the preparation of this EIS. These include:

- North Sydney City Council
- NSW Fire and Rescue



- Transport for NSW (TfNSW)
- NSW Police Force

Having regard for the extensive community engagement undertaken across the history of the precinct, and the precedent associated with the approval of Site C, a specific engagement report prior to lodgement of the EIS is not required.

The consultation process is detailed in **PART C**.

ENVIRONMENTAL IMPACT ASSESSMENT

An assessment of environmental impact has been undertaken against the relevant planning controls and policies. Additionally, a number of expert consultants have been engaged to specifically consider relevant aspects of the proposal. The environmental impact assessment has found that the proposed development complies with the relevant controls and it is considered that appropriate mitigation measures can be put in place to minimise any identified risks.

The proposed development is considered acceptable in a legislative sense.

Based on the specialist studies and extensive investigations carried out for the proposed development, the following conclusions are made:

- **Statutory Context**

The proposal is entirely consistent with the Objects of the EP&A Act. The appropriateness of the proposed development is also demonstrated through compliance with the NSLEP2013, in that it achieves the residential and employment generating outcomes envisaged for the subject site, with minimal impact on surrounding uses and environments.

- **Estimated Development Cost**

The proposed development has an EDC of \$85.63M.

- **Design Quality**

The proposal responds to the requirements of the SDRP and Design Guidelines.

- **Built Form and Urban Design**

As clearly demonstrated in the various design plans and reports, the proposed development provides a high quality urban design outcome that responds to the emerging precinct surrounding the Crows Nest Metro station.

- **BCA**

It is considered that the proposal complies or is capable of complying with the BCA subject to the resolution of the items identified in the BCA report.

- **Access**

The review will ensure that ingress and egress, paths of travel, circulation areas, and sanitary facilities comply with relevant statutory guidelines, and in addition, compliance with a higher level of accessibility and inclusiveness benchmarks set by the project.



▪ Wind

Wind at all ground level locations pass the safety criterion in the existing and proposed configurations. From a comfort perspective, the majority of locations meet the walking criterion used for the study. There are minor exceedances of the comfort criterion along Pacific Highway in non-pedestrian areas, and along Hume Street, with areas of objective walking predicted however wind mitigation strategies including planting can address this issue.

All apartment balconies across Levels 7 to 20 are expected to meet the safety criterion and be suitable for sitting or standing from a wind comfort perspective. The rooftop terrace conditions will meet the safety criterion, and wind comfort conditions at the majority of locations are suitable for sitting, with some areas suitable for standing, due to the high level of articulation and shielding.

The proposal includes open corridors that will be fitted with automated operable louvers that will allow for the open corridors to be closed in times of extreme conditions to ensure the required standards are achieved.

▪ Visual Impact

The Visual Impact Assessment identified 14 viewpoints with potential for visual amenity impacts associated with the project and found that the majority of viewpoints would have lower than moderate visual amenity impacts with three viewpoints having moderate or high-moderate impacts. The proposal is found to respond to the North Sydney Council Planning scheme and the St Leonards and Crows Nest 2036 Plan built from principles, which serve as a reflection of the area's intended and desired character and values.

▪ Crime Prevention Through Environmental Design

The overall design follows good Crime Prevention Through Environmental Design (CPTED) practices, addressing the key principles and incorporating natural design elements to ameliorate potential issues.

▪ Traffic, Transport and Accessibility

The proposal will integrate with the new Metro station and have no material impact on the future operation of the external road network. The traffic generated by the development is expected to be minimal and have no adverse impact to the existing conditions of the surrounding road network. The proposal will provide no more than the maximum car parking spaces.

▪ Trees and Landscaping

Having regard for the existing Metro Station infrastructure, there is reduced opportunity for at grade landscaping. Notwithstanding this, the proposal offers a unique approach to include landscaping around the top of the Metro infrastructure at the interface with the residential tower and open air landscape gardens in the common residential foyers to create positive amenity and interaction opportunities for residents.

▪ ESD

Through the implementation of the initiatives noted within following subsections, the proposal clearly demonstrates the site's commitment to ESD principles throughout the



design, construction, and operation. Additionally, the project design team has worked to optimise the site's energy performance, address key climate related risks posed to the site, and align to the NSW Government's commitment to carbon neutrality by 2050.

Additionally, through the project's commitment to an outcomes focused approach to sustainability the project commitments exceed the required ESD measures required under the SEARs and demonstrate leadership in sustainability.

- **Biodiversity**

The subject site has been significantly altered, involving wholesale alterations to the landform and removal of any evidence of the natural environment that historically existed. The biodiversity assessment has determined that the proposal is not likely to have any significant impact on biodiversity values of the subject site. Therefore, given the land use history, current Metro Station infrastructure and limited ecological value within the study area, a BDAR waiver was issued on 11/12/23.

- **Noise and Vibration**

The Noise and Vibration Impact Assessment identifies that with the inclusion of appropriate noise management and mitigation measures, compliance with appropriate construction and operational noise and vibration criteria would be achieved. The mitigation recommendations will be incorporated in the design of the project to ensure internal noise levels and well as noise emitted from the development is appropriately controlled.

- **Integrated Water Management**

The Integrated Water Management Plan (IWMP) evaluates the quantity and quality of stormwater associated with the proposed development, establishing a robust stormwater management strategy for both the construction and operational phases. The design adheres to North Sydney Council's requirements for stormwater conveyance, ensuring minor flows are managed through piped drainage and major flows via controlled overland flow. An on-site detention tank has been proposed to restrict stormwater discharge rates to permissible levels for all design stormwater events, up to and including the 1% Annual Exceedance Probability (AEP) event. Additionally, the development incorporates various Stormwater Quality Improvement Devices (SQIDs), such as Ocean Protect Cartridge Filters and a 15kL rainwater tank, to meet pollutant reduction targets. The pollutant reduction model generated using the Model for Urban Stormwater Improvement Conceptualisation (MUSIC) software confirms that the required reductions for phosphorus, nitrogen, total suspended solids, and gross pollutants have been achieved.

- **Flooding Risk**

A detailed flood impact assessment ensures that the proposed development will not adversely affect flooding behaviour upstream or downstream of the site. Furthermore, erosion and sedimentation control measures are in place to prevent pollution and degradation of downstream watercourses during and after construction. The overall flood risk for the development, and from the development is considered low to negligible, and the proposed development meets current *North Sydney Council flood policy*.

- **Hazards and Risks**

The site is not identified as being subject to any hazards.



▪ Contamination and Remediation

A Preliminary Site Investigation and Detailed Site Investigation in accordance with the NSW EPA and legislative framework was undertaken in association with the Metro excavation area. Contamination risks in soil and groundwater within the Metro excavation area are considered to have been examined appropriately at that time and these documents have subsequently been reviewed by relevant experts. Given the outcome of remediation and validation at the Metro Crows Nest Station site, as also reviewed by the Site Auditor, the need for further contamination investigations, remediation, or validation of the sub-surface underlying the OSD development within the Metro excavated area, which includes an overlying commercial mezzanine, a 17-level high-density residential apartment building, is not warranted for the benefit of the OSD due to the extent of excavation undertaken for the Metro site.

▪ Waste Management

An Operational Waste Management Plan and Construction and Demolition Waste Management Plan accompanies the application, which considers construction and operational waste measures to be undertaken for the proposed development. The proposal has considered the provision for waste management areas to ensure the effective management and disposal of waste can occur and that operationally the development will operate sustainably and effectively.

▪ Aboriginal Cultural Heritage

Review of background information, including the work undertaken for the Metro Construction have established that no archaeological sites containing Aboriginal objects are known to exist within the boundaries of the proposal site. There are no further Aboriginal archaeological heritage constraints for the study area.

▪ European Heritage

The works associated with the Metro have resulted in a site that has been significantly altered, involving wholesale alterations to the landform and removal of any evidence of the natural environment that historically existed on the subject site. There is minimal potential for archaeological remains of interest to present.

Research has shown that no significant buildings or activities occurred within Site B and as such the site has limited heritage significance.

It is considered that the proposed OSD will have some visual impacts on the settings of heritage items in the vicinity of Site B, particularly those opposite the subject site. However, the 14-storey mixed-use tower will be in keeping with the emerging St Leonards high-rise skyline to the immediate north-west. This means that significant views and vistas to the heritage items will not be overwhelmed by the proposed 14-storey tower in the background. Some heritage items along the Pacific Highway will be partially overshadowed by the proposed tower, however this will only occur for a few hours of the day, with all heritage items still to receive adequate daylight hours. The tower has also been specifically designed to be non-bulky and well-articulated above the metro station podium. The tower utilises sympathetic materials that emulate the varied corrugated and terracotta roof forms of the surrounding areas, thereby complementing the character of nearby heritage items. The proposal demonstrates compliance with the existing heritage conservation provisions and design quality guidelines.

▪ Social Impact

Long term socio-economic impacts of the proposal are expected to be positive, with benefits to be felt by groups extending beyond the immediate locality.

There are no additional facilities needed, beyond those that have already been planned for, to service the precinct. These needs have been addressed through the Planning Agreement. The proposed development will include 130 apartments of which 5% are to be provided as affordable housing or an equivalent monetary contribution be made for affordable housing in the North Sydney LGA. The project will make an important contribution to increasing the supply housing which is generally acknowledged as being much needed in the Sydney Region at the present time. The delivery of affordable housing on the site or nearby will benefit key workers in the social locality

▪ **Infrastructure Requirements and Utilities**

The proposed development can be adequately serviced. As part of the Crows Nest Metro station construction, local infrastructure is undergoing upgrade works to cater for the needs of the proposed development.

▪ **Aviation**

Site B is located outside of controlled airspace but the building and cranes would infringe a Class C controlled area with a lower limit of 500 ft above mean sea level (AMSL) adjacent to the Sydney Control Zone. The proposal will not impact any aviation navigation facilities and will not impact Royal North Shore Hospital helicopter landing site (HLS) operation.

Sydney Airport advises that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct. An application for a controlled activity approval and approval to operate cranes during construction has been made and is under assessment.

▪ **Construction, Operation and Staging**

It is not proposed to stage the construction works.

▪ **Contributions and Public Benefit**

All contributions have already been paid as a requirement of the Concept Approval.

▪ **Engagement**

Community consultation and stakeholder engagement has played a key role in the design and form of the Crows Nest Station precinct. Sydney Metro has informed, consulted and involved the community and key stakeholders who are interested or affected by the Crows Nest integrated station development. This level of engagement has taken place at all stages of the project starting from early engagement in 2014.

DPHI have advised that, having regard for the extensive community engagement undertaken across the history of the precinct, and the precedent associated with the approval of Site C, that a specific engagement report prior to lodgement of the EIS is not required.



JUSTIFICATION FOR THE PROPOSED DEVELOPMENT

Thorough consideration of the environmental impacts of the proposal has been undertaken in the environmental impact assessment process and in the preparation of the EIS. In assessing the impacts of the proposed development, consideration has been given to social, economic and environmental matters. As identified in this EIS, proposed development is not considered to represent an environmental risk, or a development that might be out of context with the surrounding locality.

EIS FINDINGS

The findings of this EIS demonstrate that the proposed development can proceed with consent. All assessed impacts have been examined and deemed acceptable, in relation to all the relevant legislative requirements applicable to the subject site. Furthermore, the proposed over station development (OSD) aligns with the objectives of the *A Metropolis of Three Cities – Greater Sydney Region Plan*, the *North District Plan* and *North Sydney LSPS*.

The proposed development is deemed suitable for its intended purpose, having regard to its regional and local context and would not result in any significant environmental impacts. As such, it is requested that the proposed development be approved, subject to reasonable and relevant conditions.

Based on the findings of this EIS, it is concluded that the proposed development would support the continued and targeted growth of the St Leonards and Crows Nest precinct. The proposed development is therefore considered suitable from both a local and regional context and is considered orderly and appropriate, based on social, cultural, economic and environmental matters.

Given the above reasons and the satisfaction of both of the Objects of the EP&A Act and the aims of NSLEP2013, it is recommended that the proposed development, for the purposes of a shop top housing, be supported subject to relevant and reasonable conditions.

PART 1 INTRODUCTION

1.1 INTRODUCTION

This EIS has been prepared by Willowtree Planning, on behalf of Third.i Crows Nest Residential Developments Pty Ltd. The EIS is submitted to the NSW DPPI, in support of an application for SSD, for detailed design, construction and use of over station development (OSD) at Crows Nest on Site B of the Crows Nest Station Precinct. The application seeks consent for the construction and operation of an over station mixed use shop top housing development including 130 residential units and ground floor/mezzanine retail and commercial floorspace at 25 Hume Street, Crows Nest more formally described as Lot 3 in DP 1296669 (Site B).

Sydney Metro is Australia's biggest public transport project. Construction of the Sydney Metro presents a once in a generation transformative opportunity to leverage off this significant city shaping government investment to provide much needed housing supply in a location supported by transport and other services and facilities, revitalise the Crows Nest centre and facilitate urban renewal through the creation of a contemporary urban space.

This detailed SSD is the next step in the delivery of the Crows Nest Station precinct. Sydney Metro received planning approval for Critical State Significant Infrastructure (SSI 15_7400) (CSSI), approved on 9 January 2017 (and subsequent modifications), for the construction of the Sydney Metro City and Southwest Chatswood to Sydenham project. This approval included the Crows Nest Metro Station (which is one of seven new stations approved as part of this CSSI project).

A Concept State Significant Development Application (SSD-9579) (Concept Approval) was subsequently approved in December 2020 (**Appendix 2**), which provided for a mixed-use development across three sites (known as Site A, Site B and Site C) integrated with the Crows Nest Metro Station. The Concept Approval establishes the planning and assessment framework for all subsequent detailed applications to follow.

This detailed SSD is consistent with the Concept Approval in accordance with the requirements of Division 4.4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The proposed development at Site B aligns with the strategic planning established by DPPI including in the *St Leonards and Crows Nest 2036 Plan* (2036 Plan) and the *Crows Nest Sydney Metro Site Rezoning Proposal* (Rezoning Proposal), and other strategic policies released by North Sydney Council (Council). The proposal is consistent with the principles of transport oriented development (TOD) to create compact, walkable, sustainable, mixed use communities around public transport nodes. Site B will also contribute to North Sydney Council's housing target established in the *North District Plan*.

The subject site is located within the North Sydney Local Government Area (LGA) and is zoned MUI Mixed Use, pursuant to the *North Sydney Local Environmental Plan 2013* (NSLEP2013). The proposed development falls within the definition of 'shop top housing', which is permissible with consent in the MUI Mixed Use zone of the NSLEP2013.

The proposal satisfies the definition of SSD pursuant to:

- Schedule 1, Section 19 of *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP), being development within a rail corridor for commercial premises or residential accommodation with an Estimated Development Cost (EDC) of more than \$30 million.

This EIS has been prepared in accordance with the requirements of Part 4 of the EP&A Act, Schedule 2 of the Environmental Planning & Assessment Regulations 2000 (EP&A Regulations), and the Secretary's Environmental Assessment Requirements (SEARs) for the preparation of the EIS. The EIS is based on the Architectural drawings prepared by Woods Bagot and should be read in conjunction with the technical supporting information and other plans appended to and accompanying this EIS.



The proposal would generate approximately 550 direct construction jobs and a total of approximately 70 operational jobs.

The particulars of this proposal are summarised below:

- **Ground Level – Hume Street:** Includes the OSD tower lobby, retail, and back of house spaces.
- **Level 01:** Includes a commercial mezzanine, back of house, and a loading dock which is used for OSD garbage collection and is a future easement for rail authority access.
- **Level 02:** Contains plant rooms for the metro station.
- **Level 5 and 6:** The OSD car parking levels are located on level 5 and 6. These are naturally ventilated with 27 car spaces on level 5 and 28 car spaces on level 6. There is a total of 55 spaces.
- Apartments are located from level 7 to 18. Level 19 and 20 contain penthouse apartments.
- A roof terrace on level 21 includes communal gardens and pools, as well as private penthouse terraces.
- **Level 7-8:** 10 apartments per floor
- **Level 9-18:** 11 apartments per floor
- **Level 19:** 8 penthouse apartments (5 x two storey)
- **Level 20:** 3 penthouse apartments
- Total number of apartments: 130
- Public domain works around the site will be delivered as part of the CSSI approval. The proposed development will be designed to complement the station and activate the public domain.

This EIS describes the subject site and proposed development. It also responds to the SEARs, Concept Approval and assesses the proposed development in terms of all relevant matters set out in legislation, EPIs and associated planning policies.

The structure of this EIS has been prepared in accordance with the NSW DPHI's *State Significant Development Guidelines – Preparing an Environmental Impact Statement* as follows:

- **PART 1 INTRODUCTION**
- **PART 2 STRATEGIC CONTEXT**
- **PART 3 PROJECT DESCRIPTION**
- **PART 4 STATUTORY CONTEXT**
- **PART 5 ENGAGEMENT**
- **PART 6 ASSESSMENT OF COMPLIANCE WITH THE CONCEPT APPROVAL**
- **PART 67 ASSESSMENT OF IMPACTS**
- **PART 88 PROJECT JUSTIFICATION**
- **PART 9 CONCLUSION**

1.2 STATUTORY REQUIREMENTS

The relevant statutory requirements of the proposal are suitably addressed in **PART 4** of this EIS.



1.3 MANDATORY CONSIDERATIONS

Mandatory matters for consideration by the consent authority are outlined in **Appendix B** of this EIS.

1.4 SUPPORTING PROJECT DOCUMENTATION

Documents provided in support of the proposal are outlined in **TABLE 2**.

TABLE 2: DOCUMENT SCHEDULE		
Appendix No.	Document Title	Consultant
Appendix 1	SEARs	DPHI
Appendix 2	Consolidated Concept Consent	DPHI
Appendix 3	Architectural Drawings	Woods Bagot
Appendix 4	Architectural Report	Woods Bagot
Appendix 5	Design Statement	Woods Bagot
Appendix 6	Estimated Development Cost Report	Northcroft
Appendix 7	Landscape Design Report	RPS
Appendix 8	BCA Report	Credwell
Appendix 9	Access Report	MGAC
Appendix 10	Survey	LTS
Appendix 11	Wind Report	ARUP
Appendix 12	Landscape and Visual Impact Assessment	RPS
Appendix 13	CPTED Report	Stantec
Appendix 14	Arborist Report	Urban Arbor
Appendix 15	Not Used	N/A
Appendix 16	ESD Report	Stantec
Appendix 17	Transport and Accessibility Impact Assessment	Stantec
Appendix 18	Carparking Strategy and Management Plan	Stantec
Appendix 19	Green Travel Plan	Stantec
Appendix 20	Construction Traffic Management Plan	Stantec
Appendix 21	Vehicle Servicing Management Plan	Stantec
Appendix 22	Noise and Vibration Impact Assessment	PWNA
Appendix 23	Geotechnical Report	Stantec
Appendix 24	Integrated Water Management Plan	Stantec
Appendix 25	Flood Impact Assessment	Stantec
Appendix 26	Aboriginal Heritage Assessment	City Plan
Appendix 27	Statement of Heritage Impact	City Plan
Appendix 28	Social Impact Assessment	Griffin Planning
Appendix 29	Utilities Service Infrastructure Assessment	NDY
Appendix 30	Aviation Report	Aviation Projects
Appendix 31	Public Art Strategy	Gillie and Marc
Appendix 32	Construction and Demolition Waste Management Plan	Elephants Foot Consulting
Appendix 33	Operational Waste Management Plan	Elephants Foot Consulting
Appendix 34	BDAR Waiver	DPHI



ENVIRONMENTAL IMPACT STATEMENT

Over Station Development at Crows Nest – Site B
25 Hume Street, Crows Nest

SSD-61400212

Appendix 35	Concept Approval Assessment	Willowtree Planning
Appendix 36	North Sydney Council Development Control Plan Assessment	Willowtree Planning
Appendix 37	Reflectivity Report	ARUP
Appendix 38	Public Benefit Offer	Third.i
Whole document	Environmental Impact Statement	Willowtree Planning

1.5 ESTIMATED DEVELOPMENT COST

The EDC of the proposed development, in accordance with the EDC definition under the *Environmental Planning & Assessment Regulation 2021* (EP&A Regulation), is estimated to be \$85.63M.

A Quantity Surveyors (QS) Cost Summary Report, prepared by Northcroft Pty Ltd, is included in **Appendix 6**.

1.6 EMPLOYMENT NUMBERS

The following employment numbers are estimated for the proposal.

1.6.1 Construction Jobs

An estimate of labour work force for the proposed development is calculated based on the following parameters:

Construction full time jobs are calculated based on building cost of \$85M and assume direct labour costs as a share of 45% and at an average remuneration of \$70,000, the total full-time jobs are estimated at 550.

1.6.2 Operational Jobs

As the building is mainly occupied by residents, operational jobs are limited to maintaining building common areas and operating retail areas. Full-time operational jobs are limited to cleaners, building managers, security guards and retail workers. The number of full-time operational jobs is estimated at 70.

1.7 THE PROPONENT

See **TABLE 3** below for contact details.

TABLE 3: PROPONENT CONTACT DETAILS	
Company Details	Third.i Crows Nest Residential Developments Pty Ltd (ABN:46663951335)
Address	53 Hume Street, Crows Nest NSW 2065
Contact Name	Anna Limnios
Position	Development Manager
Contact Number	0473 743 172
Email Address	a.limnios@thirdigroup.com.au



1.8 SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

An application requesting industry-specific SEARs was submitted to the NSW DPHI (reference: SSD-61400212). The SEARs were subsequently issued by NSW DPHI on 25 August 2023 and are addressed by this EIS.

For reference, the industry-specific SEARs, as issued, are annexed in **Appendix 1** of this EIS. An overview of how the SEARs have been satisfied are outlined in **Appendix A**.

This EIS is also consistent with the minimum requirements for an EIS, as set out in Part 8, Division 5 of the EP&A Regulation and has considered the *State significant development guidelines – preparing an environmental impact statement*.

It is confirmed that the development as described in the EIS is generally consistent with the development as was described in the request for SEARs. Please see below the Project Description for the SEARs request:

In keeping with the Concept Approval, Third.i Group is proposing to construct an over station mixed use and residential development at Site B including:

- *Hume Street – two retail tenancies 173m² and 44m² respectively, residential entry foyer 116m², residential car lifts, goods lift, waste room, loading dock, residential lobby and Metro Station infrastructure.*
- *Ground Level RL 95.0 – workplace 352m², retail tenancy fronting the Pacific Highway 33m², loading dock, and Metro Station infrastructure.*
- *Level 1 - Metro Station infrastructure.*
- *Level 2 – car parking concealed by landscape elements for 26 car spaces (including 6 accessible spaces), 2 motorbike spaces, bike parking.*
- *Level 3 – car parking concealed by landscape elements for 29 car spaces, end of trip facilities.*
- *Level 4-17 – 131 residential units (GFA 12,585m²) including:*
 - *one bed = 37*
 - *two bed = 78*
 - *three bed = 16*
- *Level 17 – upper penthouses, communal residential terrace, plant.*

The above description is consistent with the Project Description provided at Part 3 below. Minor design refinement has resulted in an increase in residential GFA from 12,585m² to 12,981m² and a reduction in the total number of residential units from 131 to 130 however, on balance, the development is in keeping with that described in the SEARs request.



PART 2 STRATEGIC CONTEXT

2.1 SITE LOCATION & EXISTING SITE CHARACTERISTICS

The identified portion of land, that is the subject of this EIS is located at 25 Hume Street, Crows Nest more formally described as Lot 3 DP 1296669 (Site B).

TABLE 4: SITE DETAILS	
Address	Lot/DP
25 Hume Street, Crows Nest	Lot 3 DP 1296669

Site B has a total area of approximately 1,871m². Site B is 63.83m in length and has a width that varies from approximately 28.3m to 29.3m.

Site B comprises a primary frontage to the Pacific Highway (due West) which connects to Hume Street along the Site B's northern boundary and Clarke Lane along the eastern boundary.

The land adjoining Site B generally slopes from south to north with the highest RL 95.94m AHD along the southern boundary and the lowest level adjacent to the northern boundary at RL 90.04m AHD. However, as noted above, the construction of the Sydney Metro infrastructure on Site B has had the effect of altering the natural ground level on Site B. Notwithstanding this, the proposed development will integrate with the existing Sydney Metro infrastructure and create active street frontages on the Pacific Highway and Hume Street frontages.

The Site is located approximately 1km north of the North Sydney CBD and 5km north-west of the Sydney CBD in the suburb of Crows Nest, which forms part of the wider North Sydney LGA (**Figure 1**).

The immediate site context exhibits a varied character in terms of use, form, age, height and architectural design.

Other land uses in the vicinity of Site B include:

- North: The entry/exist point to the Crows Nest Metro station is directly north of Site B across Hume Street. Site A sits above the Metro Station. Site A enjoys a concept approval for a 21 storey (RL 175.6m) 40,300m² commercial building. Beyond Site A across Oxley Street is a 16 storey residential apartment building and 5 storey commercial building. Further north of these properties is St Leonards which includes St Leonards train station and a variety of existing medium to high density development up to approximately 20 storeys.

Site C sits to the north east of Site B across the intersection formed by Hume Street and Clarke Lane. Site C also benefits from a Concept Approval for a 9 storey (RL 127m) 3,100m² commercial building. The Stage 2 detailed SSDA for the Crows Nest Site C over station development was approved by the DPHI in December 2021 (SSD 13852803) for a nine-storey commercial office building on the corner of Hume Street and Clarke Street, Crows Nest that is currently under construction.

- South: To the south of Site B is 473 Pacific Highway which contains a 2 storey mixed use building with retail on the ground floor and commercial/residential above. This built form typology is continued for several hundred metres in this direction along the Pacific Highway.
- East: Clarke Lane adjoins Site B on its eastern boundary. On the opposite side of Clarke Lane is a six storey commercial building (10-12 Clarke Street) and a 3 storey commercial building (6-8 Clarke Street). Beyond these properties is the Crows Nest village centre.



- West: The Pacific Highway adjoins the Site B's western boundary beyond which is a variety of 2-3 storey mixed use buildings with ground floor retail and commercial/residential uses on the upper floors. Beyond these properties the area transitions to a low/medium scale residential neighbourhood of Woolstonecraft.

The surrounding context is illustrated in **Figure 2** and **Figure 3** of this EIS.



Figure 2. Context Image (Source: Woods Bagot, 2024)



Figure 3. Site Aerial (Source: NearMap, 2023)



An overview of the site characteristics is included in **TABLE 5**, as follows.

TABLE 5: SITE CHARACTERISTICS	
Component	Description
Address and legal description	25 Hume Street, Crows Nest Lot 3 D1296669
Site area	1,871m ²
Current use	Site B is currently occupied by Sydney Metro infrastructure.
Topography	The Site historically graded down from south to north however, as outlined above, the construction of the Sydney Metro infrastructure on Site B has had the effect of completely altering the natural ground level on the Site.
Access	Vehicular access will be provided via Clarke Lane to both a loading dock and car park lift. Pedestrian access will be provided via Hume Street.
Vegetation	Site B is devoid of any vegetation having regard for the extensive works undertaken in relation to Sydney Metro.
Watercourses	There are no watercourses on Site B.
Wetlands	No mapped local or important wetlands occur within the subject site.
Biodiversity	No areas of outstanding biodiversity value lie within the study area. The NSW Biodiversity Values Map indicates no areas of biodiversity value are present within the study area.
Easements and encumbrances	A number of reservations and a caveats existing on Site B associated with the Metro Station infrastructure. Further details are included in Section 2.4 of this EIS.
Heritage	The study area has been subject to an Aboriginal Cultural Heritage Assessment. No sites were identified within the study area and given the extensively disturbed nature of the site, the potential for sites to be discovered is minimal. No further assessment in accordance with the <i>National Parks and Wildlife Act 1974</i> is warranted. The study area is not listed on the State Heritage Register (or subject to an interim heritage order) under the <i>NSW Heritage Act 1977</i> and is not identified as an item of environmental heritage or heritage item on any EPIs.

The location of the subject site and existing site development are depicted in **Figure 1** and **Figure 2**.

2.2 DEVELOPMENT HISTORY

Sydney Metro received planning approval for Critical State Significant Infrastructure (SSI 15_7400) (CSSI), approved on 9 January 2017 (and subsequent modifications), for the construction of the Sydney Metro City and Southwest Chatswood to Sydenham project. This approval included the Crows Nest Metro Station (which is one of seven new stations approved as part of this CSSI project).



A Concept State Significant Development Application (SSD-9579) (Concept Approval) was subsequently approved in December 2020 (**Appendix 2**), which provided for a mixed-use development across three sites (known as Site A, Site B and Site C) integrated with the Crows Nest Metro Station. The Concept Approval establishes the planning and assessment framework for all subsequent detailed applications to follow, including the application the subject of this EIS for Site B. See further discussion in **2.5.1** below.

2.3 LAND OWNERSHIP

The land that is the subject of this application, is owned by the following entities.

TABLE 6: REGISTERED LAND OWNERS	
Lot/DP	Registered Land Owner
Lot 3 DP 1296669	Sydney Metro

Landowner’s consent has been obtained.

2.4 EASEMENTS AND ENCUMBRANCES

Having regard for the Metro Infrastructure existing on site, a stratum subdivision has been created to clearly define the boundaries of the Metro infrastructure. The encumbrances noted within the Certificate of Title and Title Diagram of the lot described in **Section 2.3** above are summarised in **TABLE 6**, and a copy of the relevant documents included in **Appendix 10**.

TABLE 6: ENCUMBRANCES ON TITLE	
Reference	Description and Location
Lot 3 DP 1296669	
1	RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S) WITHIN THE PART(S) SHOWN SO INDICATED IN THE TITLE DIAGRAM
2	THE LAND ABOVE DESCRIBED IS LIMITED IN STRATUM IN THE MANNER DESCRIBED IN THE TITLE DIAGRAM
3	EASEMENT FOR SUBJACENT AND LATERAL SUPPORT AND EASEMENT FOR SHELTER IMPLIED BY SECTION 196K CONVEYANCING ACT 1919
4	ATTENTION IS DIRECTED TO THE BUILDING MANAGEMENT STATEMENT FILED WITH DPI296669
5	AN125048 CAVEAT BY ALPHA DISTRIBUTION MINISTERIAL HOLDING CORPORATION OF THE PART FORMERLY IN A/442804
6	EASEMENT FOR SUPPORT AND SHELTER AFFECTING THE WHOLE OF THE LAND ABOVE DESCRIBED
7	EASEMENT FOR SUPPORT AND SHELTER APPURTENANT TO THE LAND ABOVE DESCRIBED
8	EASEMENT FOR SERVICES AFFECTING THE WHOLE OF THE LAND ABOVE DESCRIBED
9	EASEMENT FOR SERVICES VARIABLE WIDTH (LIMITED IN STRATUM) APPURTENANT TO THE LAND ABOVE DESCRIBED
10	EASEMENT FOR EMERGENCY EGRESS AFFECTING THE WHOLE OF THE LAND ABOVE DESCRIBED
11	EASEMENT TO ACCESS SHARED FACILITIES AFFECTING THE WHOLE OF THE LAND ABOVE DESCRIBED



TABLE 6: ENCUMBRANCES ON TITLE

Reference	Description and Location
12	EASEMENT TO ACCESS SHARED FACILITIES APPURTENANT TO THE LAND ABOVE DESCRIBED
13	EASEMENT FOR VIBRATION, NOISE AND ELECTROLYSIS AFFECTING THE WHOLE OF THE LAND ABOVE DESCRIBED
14	EASEMENT FOR ACCESS AND USE OF LOADING DOCK VARIABLE WIDTH (LIMITED IN STRATUM) AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
15	EASEMENT FOR MAINTENANCE AND ACCESS VARIABLE WIDTH (LIMITED IN STRATUM) AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
16	EASEMENT FOR METRO SIGNAGE AND WAYFINDING VARIABLE WIDTH (LIMITED IN STRATUM) AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
17	EASEMENT TO ACCESS DELIVERY HATCH AND LANDING VARIABLE WIDTH (LIMITED IN STRATUM) AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
18	EASEMENT FOR ACCESS VARIABLE WIDTH (LIMITED IN STRATUM) AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM

2.5 SITE CONTEXT

The Site is located approximately 1km north of the North Sydney CBD and 5km north-west of the Sydney CBD in the suburb of Crows Nest, which forms part of the wider North Sydney LGA (**Figure 1**).

The immediate site context exhibits a varied character in terms of use, form, age, height and architectural design.

Other land uses in the vicinity of Site B include:

- North: The entry/exist point to the Crows Nest Metro station is directly north of Site B across Hume Street. Site A sits immediately to the north of Site B across Hume Street. Site A enjoys a concept approval for a 21 storey (RL 175.6m) 40,300m² commercial building. Beyond Site A across Oxley Street is a 16 storey residential apartment building and 5 storey commercial building. Further north of these properties is St Leonards which includes St Leonards train station and a variety of existing medium to high density development up to approximately 20 storeys.

Site C sits to the north east of Site B across the intersection formed by Hume Street and Clarke Lane. Site C also benefits from a Concept Approval for a 9 storey (RL 127m) 3,100m² commercial building. The Stage 2 detailed SSDA for the Crows Nest Site C over station development was approved by the DPHI in December 2021 (SSD 13852803) for a nine-storey commercial office building on the corner of Hume Street and Clarke Street, Crows Nest that is currently under construction.

- South: To the south of Site B is 473 Pacific Highway which contains a 2 storey mixed use building with retail on the ground floor and commercial/residential above. This built form typology is continued for several hundred metres in this direction along the Pacific Highway.



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- East: Clarke Lane adjoins Site B on its eastern boundary. On the opposite side of Clarke Lane is a six storey commercial building (10-12 Clarke Street) and a 3 storey commercial building (6-8 Clarke Street). Beyond these properties is the Crows Nest village centre.
- West: The Pacific Highway adjoins the Site B's western boundary beyond which is a variety of 2-3 storey mixed use buildings with ground floor retail and commercial/residential uses on the upper floors. Beyond these properties the area transitions to a low/medium scale residential neighborhood of Woolstonecraft.

Site photographs are provided in **Figure 4 – Figure 9** below.



Figure 4. View from Pacific Highway looking South to Site B (July 2024)





Figure 5. View from the intersection of Hume Street and the Pacific Highway looking South-East to Site B (July 2024)



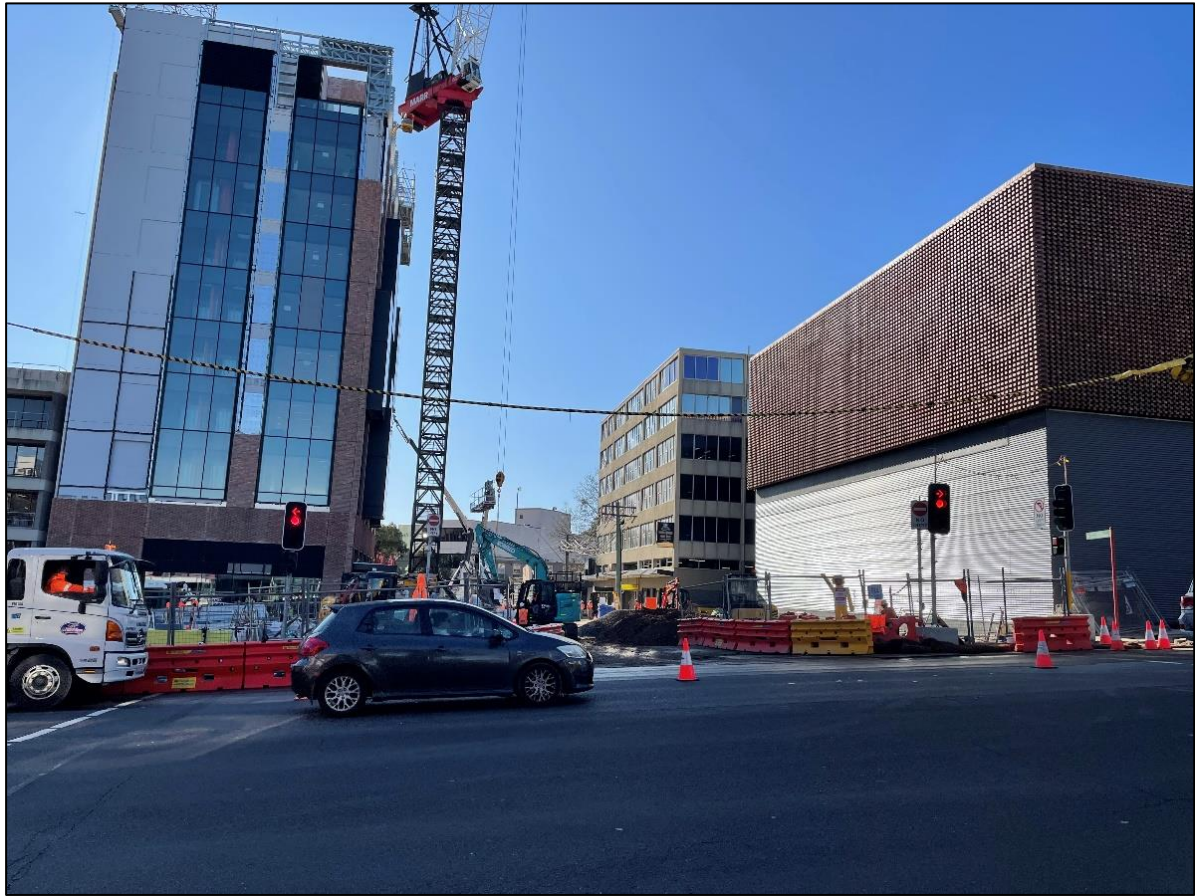


Figure 6. View from the corner of Hume Street and Pacific Highway looking East to Site B (July 2024)





Figure 7. View from the Pacific Highway looking North-East to Site B (July 2024)

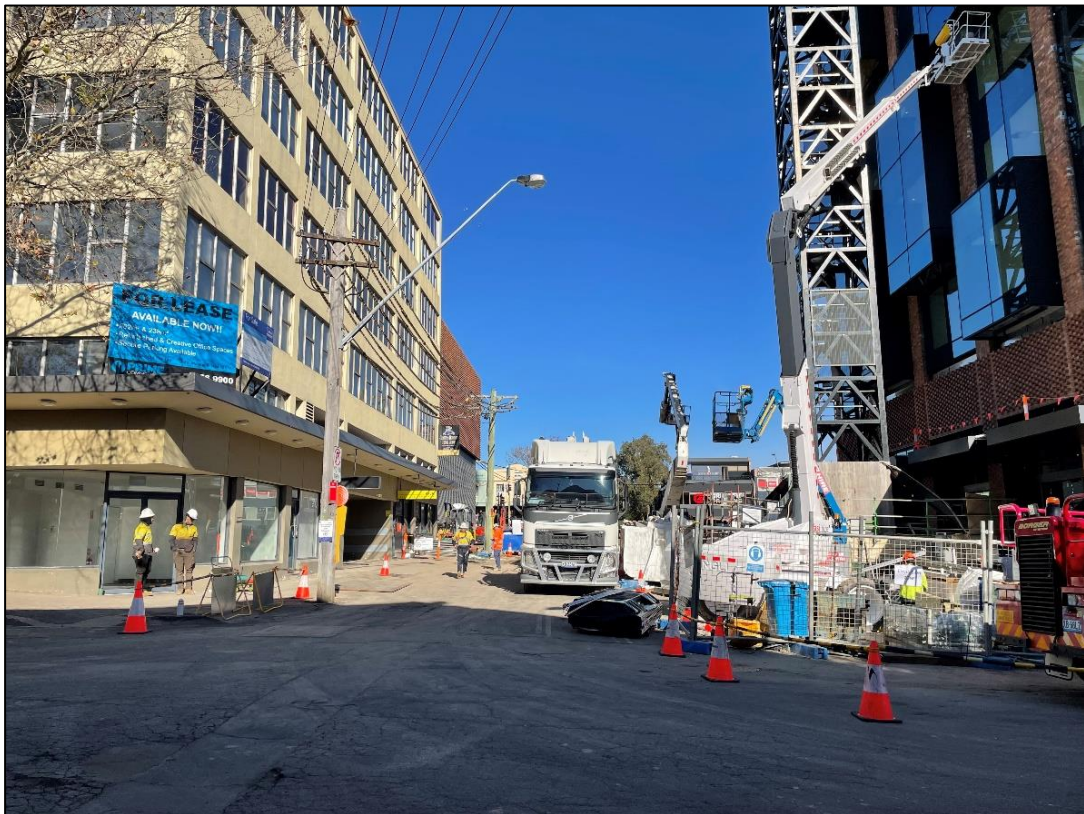


Figure 8. View from the corner of Hume Street and Clarke Street looking West to Site B (July 2024)



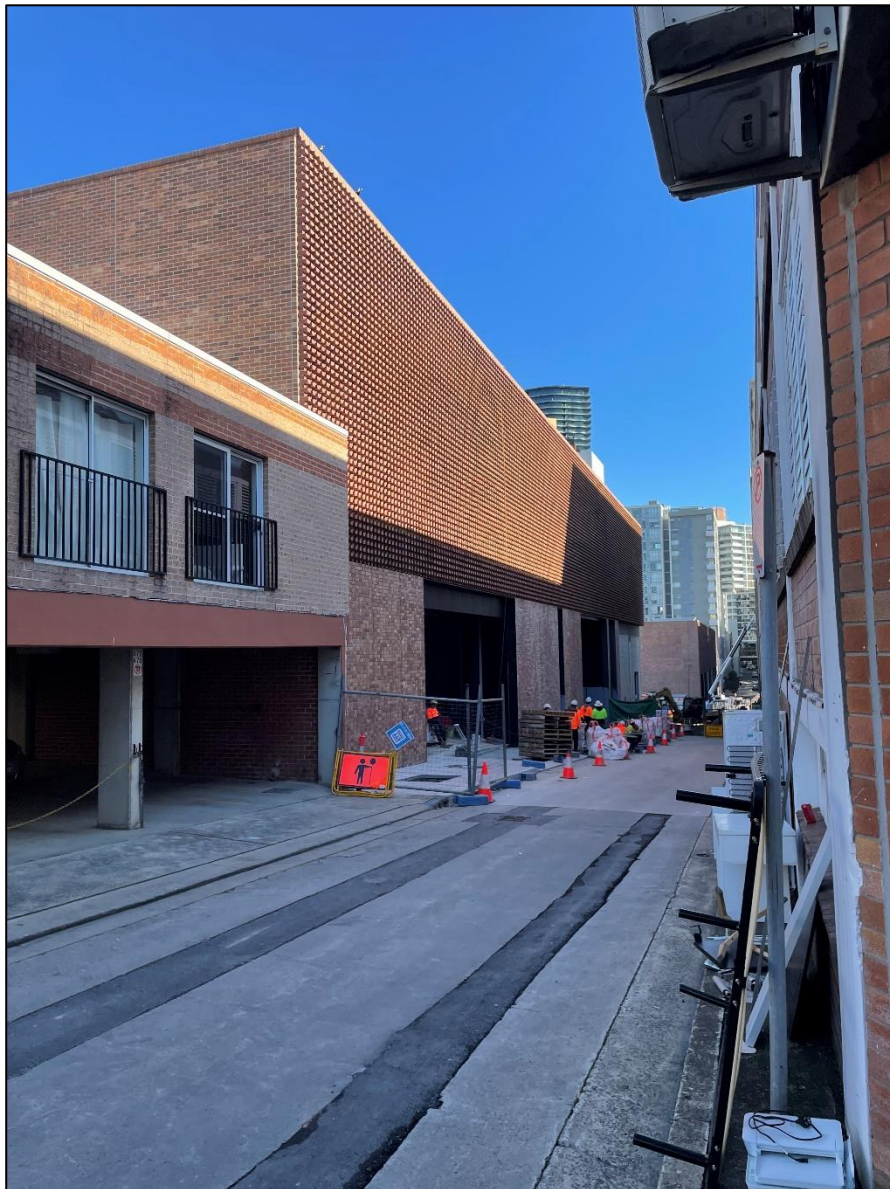


Figure 9. View from Clarke Lane looking North to Site B (July 2024)

2.5.1 Relevant Future Projects

The following relevant future projects have been identified within close proximity of the subject site.

TABLE 7: RELEVANT FUTURE PROJECTS	
Category	Project Description
Approved projects	<p>Sydney Metro received planning approval for Critical State Significant Infrastructure (SSI 15_7400) (CSSI), approved on 9 January 2017 (and subsequent modifications), for the construction of the Sydney Metro City and Southwest Chatswood to Sydenham project. This approval included the Crows Nest Metro Station (which is one of seven new stations approved as part of this CSSI project). The Crows Nest Metro Station opened in August 2024.</p> <p>A Concept State Significant Development Application (SSD-9579) (Concept Approval) was subsequently approved in on 23 December 2020 (Appendix 2), which provided for</p>



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a mixed-use development across three sites (known as Site A, Site B and Site C) integrated with the Crows Nest Metro Station including:

- three building envelopes, comprising maximum building envelope heights:
 - Building A: RL 175.6m
 - Building B: RL 155m
 - Building C: RL 127m
- maximum gross floor area (GFA) of 56,400m² including:
 - 43,400m² commercial GFA
 - 13,000m² residential GFA
- maximum 101 car parking spaces

The Concept Approval establishes the planning and assessment framework for all subsequent detailed applications to follow.

An SSD for an 8 storey commercial office building was approved on Site C on 17 December 2021 (last modified by SSD-13852803-Mod-2). The proposal was identified as being consistent with the strategic planning frameworks adopted for the site and would support integrated land use and public transport planning by providing employment opportunities and 180 ongoing operational jobs above the Crows Nest Metro Station.

See **Figure 10 – 12** below:

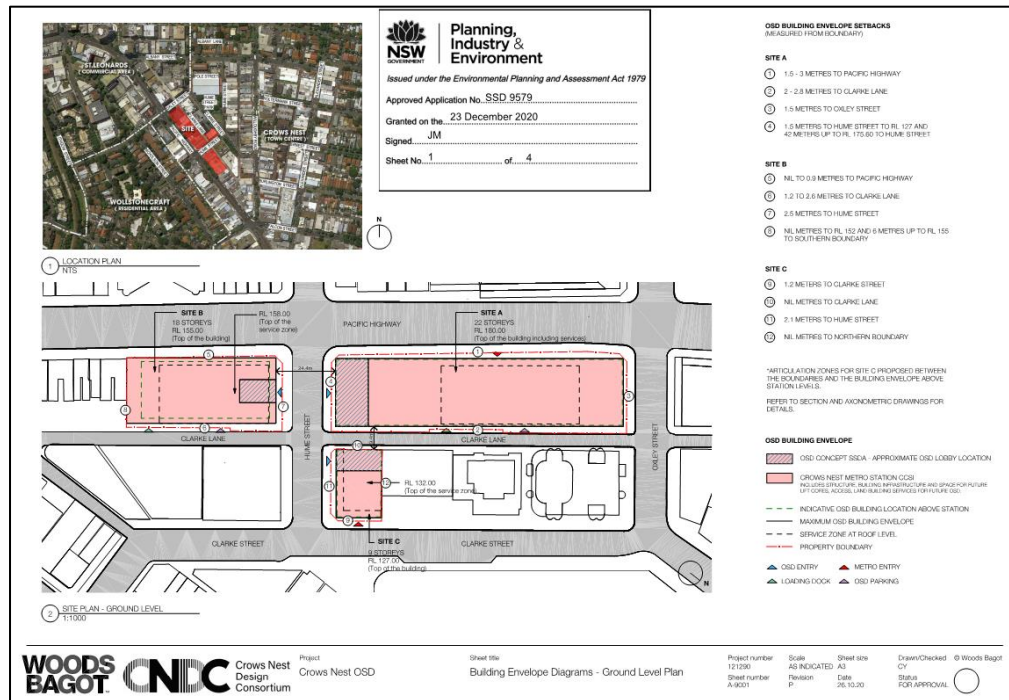


Figure 10. Approved Building Envelope Diagrams (Source: Woods Bagot)

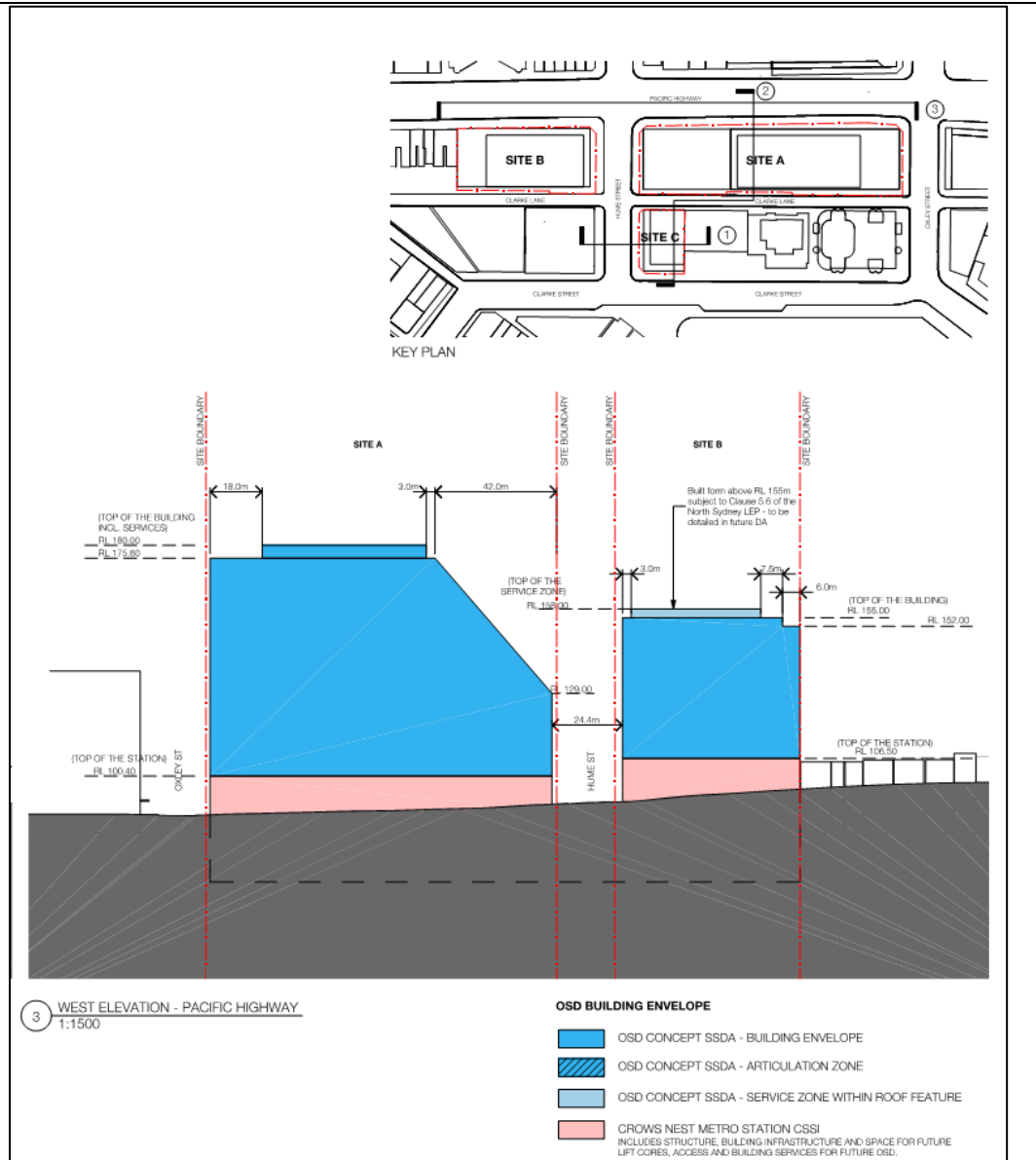


Figure 11. Approved West Elevation (Source: Woods Bagot)



A number of sites (including Site A, Site B and Site C) within the Precinct have already been rezoned through site specific planning proposals achieving the recommendations of the St Leonards and Crows Nest 2036 Plan. These sites have not been revisited as part of the Crows Nest TOD Accelerated Precinct. Notwithstanding that there are no changes proposed to Site B, it is noted that significant changes are proposed to the built form controls of adjoining and nearby properties as shown in **Figure 13 – 15** below.



Figure 13. Crows Nest Transport Oriented Development Precinct (Source: DPHI, July 2024)





Figure 14. Crows Nest Transport Oriented Development Precinct Height Map (Source: DPHI, July 2024)

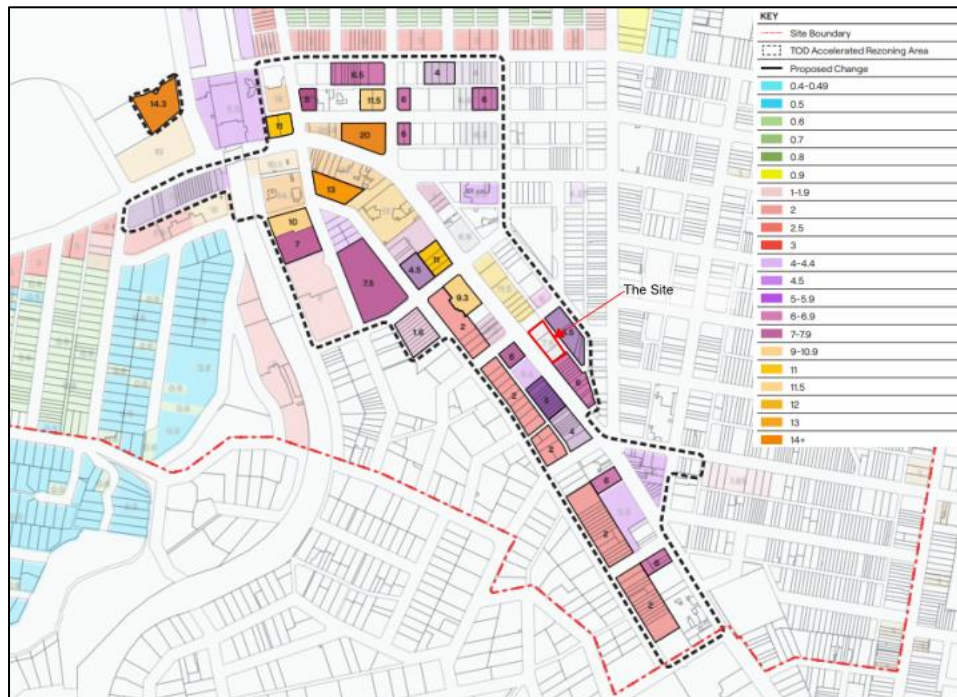


Figure 15. Crows Nest Transport Oriented Development Precinct Floor Space Ratio Map (Source: DPHI, July 2024)

In accordance with the above, it is evident that significant uplift is proposed on properties to the east, south and west of Site B. With increased height up to 31m on the adjoining site to the east, 59m on the adjoining site to the south and 60m on the site to the west across the Pacific Highway (with a potential affordable housing bonus of up to 86m).



	The above changes will ensure that the size and scale of development at Site B will appropriately relate to the future built form on adjoining and nearby sites.
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The potential cumulative impacts of the project are addressed in **Section 7.2** of the EIS in accordance with the *Cumulative Impact Assessment Guidelines for State Significant Projects*.

2.6 STRATEGIC PLANNING CONTEXT

This section of the EIS identifies the key issues that are relevant to the proposal's locational and strategic context and provides a justification for the proposal based on the key strategic themes and directions that are relevant to the proposed development.

Housing is the NSW Government's top priority.

- NSW Government, December 2023

In recent times, the State has released a series of reforms to boost housing supply and reduce the pressure of the current housing affordability and supply crisis in NSW. The proposed development is directly aligned with numerous government initiatives relating to the delivery of additional housing supply in a location within an inclusive built environment that is directly above a new multi-billion-dollar transport investment in the Sydney Metro.

Further, it is recognised that the Concept SSD Application addressed the strategic context of the OSD as part of the Crows Nest Station precinct. The proposal at Site B remains consistent with the strategic context established and explored in the Concept Approval.

A summary of the proposal's consistency with the relevant strategic context, as established by government plans, policies, and guidelines, is discussed below.

2.6.1 Greater Sydney Region Plan – A Metropolis of Three Cities

The *Greater Sydney Region Plan – A Metropolis of Three Cities* divides the Sydney Region into three (3) Cities, with a vision of growth until 2056. The Plan aims to anticipate the housing and employment needs of a growing and vastly changing population. The overall vision pursues an objective of transforming 'Greater Sydney' into a Metropolis of Three Cities, including:

- The Western Parkland City;
- The Central River City; and
- The Eastern Harbour City.

The division into three cities puts workers and the wider community closer to an array of characteristics such as, intensive jobs, 'city-scale' infrastructure and services, entertainment and cultural facilities.

Site B is located within the Eastern Harbour City. The proposed development supports the following objectives:

- **Objective 4: Infrastructure use is optimised**

The development at Site B will provide new residential housing directly above new transport infrastructure in a location that enables the convenient use of the Metro and other public transport options within close proximity to Site B.



- **Objective 5: Benefits of growth realised by collaboration of governments, community and business**

Extensive public consultation has occurred throughout the approvals process of the Concept SSD Application, including with regards to built form and urban design. Further engagement with government agencies and stakeholders within the local community, including businesses and individuals will occur during the exhibition period.

- **Objective 7: Communities are healthy, resilient and socially connected**

The proposal has been designed with regard to transit-oriented development principles and users will predominantly utilise public transport, and/or walking and cycling when travelling to and from the site, thereby enhancing the health and activation of the locality.

- **Objective 10: Greater housing supply**

Sydney is currently experiencing a housing supply crisis. The proposal will ensure the provision of 130 new residential apartments concurrently with the creation of a liveable neighbourhood, close to employment opportunities, public transport, walking and cycling options for a diverse, inclusive multi-generational and cohesive community. The proposal will contribute to urban renewal along a key transport corridor and contribute to the achievement of North Sydney Council's housing targets.

- **Objective 11: Housing is more affordable**

The proposal will provide a financial contribution of an equivalent value of 5% of on-site affordable housing (a contribution in lieu) towards the provision of affordable housing in North Sydney.

- **Objective 12: Great places that bring people together**

Site B will play an important role in creating a high-quality new place at Crows Nest Metro Station for the North Sydney community.

- **Objective 14: A Metropolis of three cities – integrated land use and transport creates walkable and 30 minute cities**

The proposed development at Site B is a best practice example of integrated land use and transport via the provision of 130 new residential apartments directly above the Sydney Metro, directly contributing to associated liveability, productivity and sustainability benefits.

- **Objective 15: The Eastern, Greater Parramatta and the Olympic Peninsula and Western Economic Corridors are better connected and more competitive.**

The proposal at Site B will contribute to the provision of a 30-minute Eastern City, locating residential floorspace at a site that directly benefits from very strong access to services and employment, seven days a week.

The proposed development will support the delivery of the Greater Sydney Region Plan objectives through providing an integrated, transit-oriented development that leverages the Government's investment in the Sydney Metro network and assists with providing much needed new housing opportunities, close to high frequency public transport, services and facilities.

2.6.2 North District Plan



The subject site forms part of the North District, as identified in **Figure 16** below and is subject to the provisions of the *North District Plan*.

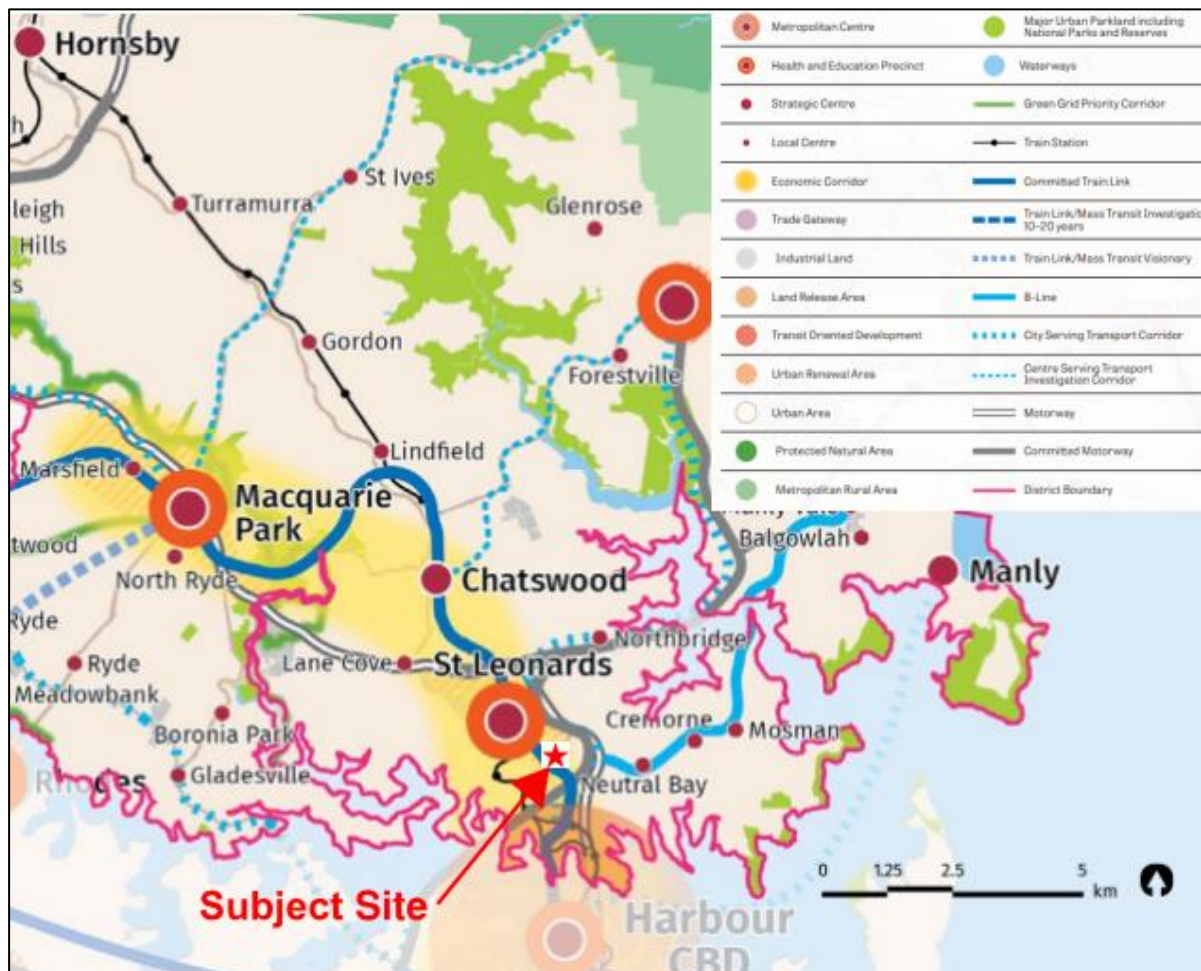


Figure 16. North District Plan Structure Plan (Source: Greater Sydney Commission, 2020)

The North District Plan covers the Crows Nest area, including the North Sydney LGA in which Site B is located. The Plan sets out a twenty-year vision to help achieve the goals contained in A Metropolis of Three Cities vision for developing Sydney as a world-class future city. The Plan agglomerates City, Regional and Local planning. Site B is situated within the North District, which falls within the Eastern Harbour City.

The North District Plan establishes a number of priorities and actions to guide growth, development and change. It also emphasises connectivity to infrastructure, collaboration, liveability, productivity and sustainability. The proposed development supports the following objectives:

- **Objective N1: Planning of a city supported by infrastructure**

Site B will deliver residential development in a key location that will optimise the use of the Sydney Metro investment and thus provide a transport oriented development outcome.

- **Objective N5: Providing housing supply, choice and affordability with access to jobs, services and public transport**

As discussed above, the proposal will deliver 130 new residential apartments directly above the Crows Nest Metro Station and make a financial contribution towards the provision of affordable housing.



- **Objective N6: Creating and renewing great places and local centres and respecting the District's heritage**

The proposal will contribute to urban renewal along a key transport corridor and contribute to the achievement of a vibrant and active precinct. Site B will be in keeping with the emerging St Leonards high-rise skyline to the immediate north-west of the subject site. This means that significant views and vistas to the heritage items will not be overwhelmed by the proposed development.

- **Objective N8: Eastern Economic Corridor is better connected and more competitive**

The proposal will increase the size of the labour market which can access the corridor by public transport thereby contributing to a boost in productivity.

- **Objective N9: Growing and investing in health and education precincts**

The proposal will contribute to the renewal and activation of Crows Nest which will in turn strengthen the role of St Leonards as a Health and Education Precinct through the provision of new housing and contributing to affordable housing provision.

- **Objective N12: Delivering integrated land use and transport planning and a 30-minute city**

As identified above, the proposed development at Site B is a best practice example of integrated land use and transport via the provision of 130 new residential apartments directly above the Sydney Metro, directly contributing to associated liveability, productivity and sustainability benefits.

The proposed development will support the delivery of the above objectives.

2.6.3 St Leonards and Crows Nest 2036 Plan

The St Leonards and Crows Nest 2036 Plan (the 2036 Plan) was adopted in August 2020. The 2036 Plan was developed as a strategic land use and infrastructure plan to guide future development in the precinct and contribute to the required more detailed site specific planning investigations. The 2036 Plan recognises that St Leonards and Crows Nest is identified as a Strategic Centre through a suite of high-level planning documents, including the Greater Sydney Region Plan and the North District Plan and that the introduction of the new Crows Nest Metro Station as part of the Sydney Metro City & Southwest – Chatswood to Sydenham project presents an opportunity for renewal and activation in the area.

The approved Concept SSD Application was consistent with the 2036 Plan and the planning controls for Site B as amended via *State Environmental Planning Policy Amendment (Crows Nest Metro Station) 2020* which implemented the outcomes of the 2036 Plan.

The Vision Map for the 2036 Plan is provided at **Figure 17** below.





Figure 17. St Leonards and Crows Nest Vision Map (Source: DPPI, 2020)

Consideration of the relevant objectives of the 2036 Plan is provided below.

Infrastructure and Collaboration

- ***Deliver key State and regional infrastructure to support long-term growth.***

Site B OSD will provide new housing and support Sydney Metro as a city shaping project that contributes to the long-term growth of the key Strategic Centre.

Liveability

- ***Ensure new development retains and enhances important heritage elements by using sympathetic building materials and preserving key views and vistas.***

As identified above, the proposal will contribute to urban renewal along a key transport corridor and contribute to the achievement of a vibrant and active precinct. Site B will be in keeping with the emerging St Leonards high-rise skyline to the immediate north-west of the subject site. This means that significant views and vistas to the heritage items will not be overwhelmed by the proposed development.

- ***Apply casual surveillance and universal access principles to new development to create a safe, inclusive and comfortable environment.***



The overall design follows good CPTED practices, addressing the key principles and incorporating natural design elements to ameliorate potential issues. A CPTED report is provided at **Appendix 13**.

- ***New development should have consideration to wind impacts demonstrated through a wind assessment.***

Wind at all ground level locations pass the safety criterion in the existing and proposed configurations. From a comfort perspective, the majority of locations meet the walking criterion used for the study. There are minor exceedances of the comfort criterion along Pacific Highway in non-pedestrian areas, and along Hume Street, with areas of objective walking predicted. A detailed wind assessment is provided at **Appendix 11**.

- ***Consider cumulative impacts of new developments on existing areas, including overshadowing, wind impacts and view loss.***

Having regard for the orientation of Site B, the proposal will achieve compliance as shown in the shadow diagrams provided at **Appendix 4**. Wind impacts are demonstrated to be acceptable is identified in **Appendix 11**. View loss and the visual impact of the proposal are documented in **Appendix 12** and shown to be acceptable.

- ***In transition areas between low and high-rise developments, new development should consider the prevailing scale and existing character in the design of their interfaces.***

The proposed development at Site B has had regard for the adjoining and nearby built form. It is recognised that Site B sits within a precinct undergoing transition and renewal. Further, in accordance with the documentation placed on public exhibition in relation to the Crows Nest TOD Accelerated precinct (see **Figure 13 – 15** above), it is evident that significant uplift is proposed on properties to the east, south and west of Site B. With increased height up to 31m on the adjoining site to the east, 59m on the adjoining site to the south and 60m on the site to the west across the Pacific Highway (with a potential affordable housing bonus of up to 86m).

The above changes will ensure that the size and scale of development at Site B will appropriately relate to the future built form on adjoining and nearby sites.

- ***New building design should provide high on-site amenity and consider street width and character by providing ground and upper level setbacks and awnings to achieve a human scale at street level.***

The existing Metro development has established the built form at street level.

- ***Ensure new development contributes to a range of dwelling types in the area to cater for all life cycles.***

The proposed development will include a diverse range of 1, 2 and 3 bedroom dwellings to cater for different life cycles and needs in the housing market as follows:

- 1 bedroom = 44
- 2 bedroom = 63
- 3 bedroom = 23

Productivity

- ***New development in mixed-use areas should contribute to the delivery of active streets by providing a range of uses at ground floor.***



Although somewhat constrained by the existing Sydney Metro built form, Site B will provide retail activation to the Hume Street and Pacific Highway frontages.

2.6.4 St Leonards & Crows Nest Local Character Statement

The 2036 Plan is informed and supported by the *St Leonards and Crows Nest Local Character Statement* which provides consideration of the local character in St Leonards and Crows Nest and establishes objectives that will guide future plans for the area. The document identifies five themes to guide future development. Consideration of the proposed development at Site B against these five themes is provided below:

- **Place – The essential characteristics of St Leonards and Crows Nest**

In keeping with the established planning framework, Site B contributes to the Crows Nest station precinct and will deliver a mixed-use development that will make a positive contribution to the centre and leverage off the new Crows Nest Metro station.

- **Landscape – The lay of the land in St Leonards and Crows Nest**

Having regard for the existing Metro infrastructure on Site B there is a reduced opportunity to provide extensive landscaping. Notwithstanding this, as illustrated in the landscape plan at **Appendix 7**, street tree planting is proposed at street level, large planters accommodating native flowering and pollinator friendly species, and provide screening to the carpark while allowing for natural ventilation are provided at the podium level. Extensive garden bed planters are proposed at all residential levels and substantial planting is proposed at rooftop level.

Public domain improvements in the Crows Nest station precinct are being delivered as part of the separate CSSI Approval. This will complement the improved permeability and access to Hume Street Park and Willoughby Road in the process of being delivered by Council.

- **Built Form**

The proposed building is consistent with the approved building envelope as part of the approved Concept SSD Application, and consistent with the NSLEP 2013 controls, which were developed to provide a high standard of amenity and integration into the future desired character of Crows Nest. The building incorporates landscaped elements and articulation zones to minimise perceived bulk and scale and provide a high standard of amenity.

- **Land Use**

In keeping with the established planning controls, Site B will provide a mixed use development with retail on the ground floor to activate the street level and 130 residential apartments above.

- **Movement**

The new development at Site B will leverage of the new Crows Nest Metro Station and provide a transport oriented development outcome in accordance with the established planning framework.

2.6.5 Future Transport Strategy 2056



The Future Transport Strategy 2056 (2056 Strategy) is a 40 year strategy, supported by plans for regional NSW and for Greater Sydney. The strategy and plans focus on the role of transport in delivering movement and place outcomes that support the character of the places and communities we want for the future.

The proposed development aligns with the 2056 Strategy on the following basis:

- Site B has access to regular public transport services;
- Site B is accessible by active transport;
- a travel demand management approach is proposed through implementation of a work place travel plan;
- parking provision is appropriate;
- access, servicing and internal layout will be provided in accordance with Australian Standards AS2890.1-2004 and AS2890.2-2018;
- the surrounding road network and intersections will be able to cater for the proposed development traffic.

The proposed development aligns strongly with the key transportation outcomes by integrating over station development with new transport infrastructure.

2.6.6 North Sydney Local Strategy Planning Statement

The North Sydney Local Strategic Planning Statement (LSPS) applies to the subject site and aims to deliver on key planning priorities. The following planning priorities are considered relevant to the proposed development:

- ***Planning Priority I2: Collaborate with State Government Agencies and the community to deliver new housing, jobs, infrastructure and great places***

Extensive public consultation has occurred throughout the design and assessment process for the CSSI Approval and Concept SSD Application. The Site B OSD assessment process will enable further engagement with government agencies and stakeholders within the local community.

- ***Planning Priority L1: Diverse housing options that meet the needs of the North Sydney community***

Site B will provide 130 new residential apartments with a breakdown as follows:

- 1 bedroom = 44
- 2 bedroom = 63
- 3 bedroom = 23

It is also proposed to make a significant financial contribution towards affordable housing provision in the North Sydney LGA. The proposal epitomises new housing in the right location with good access to public transport, services and amenity.

- ***Planning Priority L3: Create great places that recognise and preserve North Sydney's distinct local character and heritage***

As identified above, the proposal will contribute to urban renewal along a key transport corridor and contribute to the achievement of a vibrant and active precinct. Site B will be in keeping with the emerging St Leonards high-rise skyline to the immediate north-west of the subject site. This means that significant views and vistas to the heritage items will not be overwhelmed by the proposed development.

- ***Planning Priority P6: Support walkable centres and a connected, vibrant and sustainable North Sydney***



Site B is transport oriented development that will support walking, cycling and public transport use.

In addition to the above Planning Priorities, the North Sydney LSPS specifically identifies the below actions:

- *Action 12.1: Continue to collaborate with TfNSW on Sydney Metro to ensure over-station development and surrounding public domain works at Victoria Cross and Crows Nest have a strong place focus, whilst achieving regional jobs growth objectives.*
- *Action 12.6 – Continue to seek opportunities to collaborate with Willoughby and Lane Cove Councils, the DPIE and other relevant State government agencies to further refine and finalise the Draft St Leonards and Crows Nest 2036 Plan, State levy and Metro rezoning proposal to ensure the delivery of new housing, jobs, infrastructure and services within the Planned Precinct are well managed and development phased, drawing on the place-based studies and community consultation carried out by Council.*

The proposed development will contribute to the realisation of the Planning Priorities and Actions identified in the North Sydney LSPS.

2.6.7 North Sydney Local Housing Strategy

The North Sydney Local Housing Strategy (NSLHS) sets out the strategic direction for housing in the North Sydney Local Government Area (LGA) over the next 20 years. It is a mandated strategy which aligns with the hierarchy of Regional and District Plans directions, objectives and actions for housing in Metropolitan Sydney.

The stated housing vision for North Sydney LGA is as follows:

“Carefully managed expected levels of growth in population through planning for housing in North Sydney which is supported by good access to infrastructure, services and amenity; provides housing diversity and affordability choices and respects the unique character of our built and natural environment to ensure that North Sydney continues to enjoy high levels of amenity and liveability.”

At the time of the finalisation of the NSLHS (October 2019) the St Leonards and Crows Nest 2036 Plan was still in draft. The LHS recognised the need to identify planning controls to support the delivery of a potential additional 3,515 dwellings within the parts of the precinct located in the North Sydney LGA. The proposed development of Site B will directly contribute to the delivery of 130 new residential apartments at a key site within Crows Nest in keeping with the vision of the LHS.

The manner in which the proposed development at Site B addresses the relevant NSLHS objectives is discussed below:

1. Achieve the directions, objectives and actions identified in A Metropolis of Three Cities (GSC, 2018) and the North District Plan (GSC, 2018).

As outlined at **Section 2.6.1** and **Section 2.6.2** above, the proposed development of Site B will contribute to the achievement of the directions, objectives and actions within A Metropolis of Three Cities and the North District Plan.

2. Delivery of 0-5 and 6-10 year housing supply targets and identify capacity to contribute to the District's 20 year strategic housing target.



As identified above, the provision of 130 new residential apartments at Site B will directly respond to the housing targets established in A Metropolis of Three Cities and the North District Plan.

3. Inform housing diversity and affordability issues in North Sydney.

As identified above, Site B will provide housing as follows:

- 1 bedroom = 44
- 2 bedroom = 63
- 3 bedroom = 23

The range of apartments will ensure a diversity of product is available for different segments of the housing market and residents at different stages of the housing cycle. Site B will make a financial contribution towards the provision of affordable housing within North Sydney as required by the Concept Approval.

4. Identify the right locations for mandated housing growth, including an understanding of areas that are unsuitable for significant change in the short to medium term and support the role of centres.

Objective 4 of the NSLHS identifies that “*the extensive level of Council led planning studies and more recently by the State Government undertaken in the St Leonards / Crows Nest area, provide the foundations towards delivering well managed residential growth and these principles need to be carried forward into the finalisation of the Draft St Leonards and Crows Nest 2036 Plan.*” The provision of 130 new residential is directly in keeping with the direction established in the now adopted St Leonards and Crows Nest 2036 Plan as identified in **Section 2.6.3**.

5. Coordinate growth with the planning and delivery of local and State infrastructure and planned precincts.

Objective 5 recognises the extensive work undertaken in relation to the Planned Precinct at St Leonards and Crows Nest and subsequent St Leonards and Crows Nest 2036 Plan. The proposed development is directly in keeping with the direction established in these planning documents.

The NSLHS includes identified planning approaches to achieve the abovementioned Objectives. Of relevance, Planning Approach 2 is to “*Manage housing delivery in the St Leonards Crows Nest Planned Precinct*”. This approach identifies the need for changes to land use zones including amendment to height, FSR and set-back controls for mixed use buildings along the Pacific Highway to allow for greater density development in close proximity to the new Crows Nest Metro Station in accordance with the final 2036 Plan, as agreed with Council. There is also recognition that building typologies will be “predominately multi-unit apartment blocks in mixed use buildings, mid to high rise”. These changes have now been implemented and new planning controls are included within the NSLEP2013 to reflect this Planning Approach. The proposed development at Site B is directly aligned with the planning framework established by these key strategic documents.

2.7 CUMULATIVE IMPACTS

The site is located within the Crows Nest Precinct, which is undergoing redevelopment. **Table 7** identifies relevant approved and likely future projects. In accordance with the Department's *Cumulative Impact Assessment Guidelines for State Significant Projects*, these projects have been considered in the potential cumulative impacts of the project addressed in **Section 7.2** of the EIS. It is concluded that no cumulative impacts will create barriers to future development at the site.



2.8 PLANNING AGREEMENTS

Conditions A13 and A14 of the Concept Approval, require the entering into of a Planning Agreement in relation to the provision of affordable housing as per the below:

A13. *Prior to the determination of the first Future Development Application for residential development (i.e. Building B), the Applicant or its successors must enter into a Planning Agreement and/or other legally binding agreement to the satisfaction of the Planning Secretary securing the provision of a minimum 5% of approved residential gross floor area for affordable housing for a minimum period of 10 years to be managed by Registered Community Housing Provider. The affordable housing must be provided before the issue of the first Occupation Certificate for the residential GFA.*

A14. *The 5% affordable housing shall be constructed on-site, within Building B, or alternatively the Applicant may pay a monetary contribution to Council or a Community Housing Provider equivalent to the development value of the 5% on-site affordable housing (a contribution in lieu). In the event the Applicant makes a contribution in lieu:*

(a) the contribution must be independently verified to confirm it is consistent with the predicted equivalent development value of the 5% on-site affordable housing

(b) the resulting off-site affordable housing provision shall be located within North Sydney Local Government Area and shall contain a mixture of unit sizes.

In accordance with the above, a Public Benefit Offer accompanies this SSDA and is provided at **Appendix 38**. The Letter of Offer will subsequently be formalised into a Voluntary Planning Agreement between the Proponent and the Council, and as such, discussions with the Council will be ongoing throughout the assessment of the SSDA.

2.9 CONSIDERATION OF ALTERNATIVES

The purpose of the proposed development is to construct an over station, mixed use development at Site B, consistent with the Concept Approval, whilst contributing towards the intended character and nature of the MUI Mixed Use zone; providing a mixed use building that delivers employment opportunities and residential accommodation and promotes the economic development of the Crows Nest area. The proposed development seeks to ensure:

- It supports the NSW Government's planning strategies and objectives, including the *Greater Sydney Region Plan (2018)* and the *North District Plan (2018)*
- It fully integrates with the Crows Nest Metro station precinct
- It is compatible with surrounding development and the local context;
- It would result in minimal impact on the environment;
- It would allow for the implementation of suitable mitigation measures, where required; and
- It would respond to the principles of transport oriented development.

Overall, the scale of the proposed development is considered consistent with the development typology envisaged via the Concept Approval. The site design and layout of the built form proposed also seeks to maintain consistency with the zone objectives under NSLEP 2013 and enhance the underlying character intended for the precinct, which is zoned for such permissible land uses.

The options considered and subsequently dismissed, in arriving to the current proposal with regard to the proposed development included:

(a) 'Do Nothing' Scenario



This option was dismissed as the objectives of the proposal would not be met, including the objective of achieving the Government's aspirations for a fully integrated mixed use, transport oriented development precinct at Crows Nest, facilitating employment and residential growth. If the proposed development was not to proceed, the site would forego a strategic opportunity to create a new integrated precinct in the St Leonards / Crows Nest precinct.

Accordingly, the 'do nothing' scenario is dismissed.

(b) Development on an Alternative Site

Having regard for the approved Concept Approval, development on an alternative site was not considered a realistic proposition to enable the achievement of the objectives for Site B and the wider Crows Nest Metro precinct.

Consideration of alternative sites were made, however these were dismissed as Site B resulted in the most beneficial outcomes for the proposal as:

- it is located in an area with an existing Concept Approval
- the proposed use is permitted within the zone;
- the site has appropriate proximity from sensitive land activities;
- all potential environmental impacts of the proposal can be suitably mitigated within the site;
- the site has employment generating potential, during both the construction and operational phase;
- the proposal does not adversely affect any area of heritage or archaeological significance; and
- the proposal can be developed with appropriate visual amenity given its surrounding context.

The proposal is justified on the basis it is compatible with the locality in which it is proposed while having no unacceptable economic, environmental or social impact.

(c) Different Site Configuration

Consideration of alternative built form options was explored as part of the assessment process for the Concept Approval. Options considered included the following:

- North Sydney LEP and DCP compliant OSD (it is noted that the controls in the North Sydney LEP have now been amended to reflect the Concept Approval)
- St Leonards / Crows Nest Planning Study compliant OSD
- Alternate land uses
- Alternate building envelope designs

Having explored the above options, it was considered that the scale and scope of development approved as part of the Concept Approval is the most appropriate and suitable approach to facilitate the achievement of the objectives for Site B. As discussed elsewhere in this report, the proposed development is generally consistent with the Concept Approval.

The configuration of the proposed development has, in part, also been dictated by the Metro Station infrastructure, with the proposed built form responding to this structure.

Notwithstanding, the proposed development is justified on the basis that it is compatible with the locality in which it is proposed, resulting in positive social and economic benefits, whilst appropriately managing and mitigating any potential environmental impacts requiring consideration.



ENVIRONMENTAL IMPACT STATEMENT

Over Station Development at Crows Nest – Site B
25 Hume Street, Crows Nest

SSD-61400212

It is noted, that if the proposed development did not proceed, Site B would not be able to provide employment and residential opportunities for the wider area as envisaged in the Greater Sydney Region Plan, North District Plan, St Leonards and Crows Nest 2036 Plan, St Leonards and Crows Nest Local Character Study, North Sydney Local Strategic Planning Statement and North Sydney Local Housing Strategy.

In light of the above information, the proposal for the purpose of an over station mixed use development at Site B will allow for the delivery of much needed residential housing and employment space and facilitate the achievement of the objectives for the Crows Nest Metro station precinct.



PART 3 PROJECT DESCRIPTION

3.1 OBJECTIVES OF THE PROPOSAL

The aim of the proposed development is to facilitate in the delivery of the broader planning process established to achieve the objectives and vision of the Crows Nest Station Precinct. Objectives for the Site B OSD include:

- To support the NSW Government’s planning strategies and objectives, including the Greater Sydney Region Plan (2018) and the North District Plan (2018).
- To enable the development of a mixed-use building at the site which assist in the creation of a fully integrated station precinct.
- To enable built form that responds to the emerging character of St Leonards and provides a transition to Crows Nest, aligning with the 2036 Plan.
- To enhance the experience of Metro customers through the development of an integrated design that delivers a high quality public domain with strong connections to the surrounding area.
- To respond to the principles of transport oriented development.
- To support the growth and transformation of the Crows Nest area;
- To generate employment during construction and once the development is operational;
- To demonstrate architectural excellence, through siting and design.
- To provide suitable mitigation measures where required, to minimise any unforeseen impacts arising in the future.
- To provide much needed residential housing supply.

3.2 PROJECT OVERVIEW

Development consent is sought for the construction of a new shop top housing development including the following scope of works:

- **Ground Level – Hume Street:** Includes the OSD tower lobby, retail, and back of house spaces.
- **Level 01:** Includes a commercial mezzanine, back of house, and a loading dock which is used for OSD garbage collection.
- **Level 02:** Contains plant rooms for the metro station.
- **Level 5 and 6:** The OSD car parking levels are located on Level 5 and 6. These are naturally ventilated with 27 car spaces on level 5 and 28 car spaces on level 6. There is a total of 55 spaces.
- Apartments are located from Level 7 to 18. Level 19 and 20 contain penthouse apartments.
- A roof terrace on Level 21 includes communal gardens and pools, as well as private penthouse terraces.
- **Level 7-8:** 10 apartments per floor
- **Level 9-18:** 11 apartments per floor
- **Level 19:** 8 penthouse apartments (5 x two storey)
- **Level 20:** 3 penthouse apartments
- Total number of apartments: 130



- o 1 bedroom = 44
 - o 2 bedroom = 63
 - o 3 bedroom = 23
- Public domain works around the site will be delivered as part of the CSSI approval. The proposed development will be designed to complement the station and activate the public domain.

Consent is sought to develop the subject site in accordance with the following provisions.

TABLE 8: PROPOSED DEVELOPMENT PARTICULARS									
Project Element	Development Particular								
Site Area	1,871m ²								
General	The proposed development is considered SSD, pursuant to Schedule 1, Section 19 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> (Planning Systems SEPP), being development within a rail corridor for commercial premises or residential accommodation with a EDC of more than \$30 million.								
Primary Land Use	Mixed Use								
Operation	Mixed Use								
GFA*	<table border="1"> <tr> <td>Retail / Commercial GFA</td> <td>360m²</td> </tr> <tr> <td>Metro GFA</td> <td>575m²</td> </tr> <tr> <td>Total Non-Resi GFA</td> <td>935 m²</td> </tr> <tr> <td>Residential GFA*</td> <td>12,981m²</td> </tr> </table>	Retail / Commercial GFA	360m ²	Metro GFA	575m ²	Total Non-Resi GFA	935 m²	Residential GFA*	12,981m²
Retail / Commercial GFA	360m ²								
Metro GFA	575m ²								
Total Non-Resi GFA	935 m²								
Residential GFA*	12,981m²								
Floor Space Ratio	Residential – 6.93:1 Non-residential – 0.5:1 Total – 7.43:1								
Building Height	Top of residential apartments - RL 154m Top of building / roof balustrade – RL 155m Top of plant roof / roof feature – RL 157.7m								
Number of Stories	17 storeys								
Setbacks	Pacific Highway (West) – 0m-0.9m Hume Street (North) – 2.5m Clarke Lane (East) – 1.2m-2.6m South – 0m to RL 108.01, 0.8m to RL 113.7, 4.8m to RL 147.8, 6.63m to RL 155, 13.6m to RL 158								
Tree Removal	No trees to be removed								
Landscaping	Landscaping has been incorporated into the design								
Earthworks	No earthworks are proposed as part of this development								
Car parking	55 car parking spaces								
Motorcycle Parking	0 spaces								
Bike Parking	100 bike parking spaces								
Infrastructure and Services	All infrastructure and services to support the proposed development are available.								
EDC	\$85.63M								
Construction Jobs	Approximately 550 direct construction jobs								



Operational Jobs	Approximately 70 ongoing jobs
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*Advice has been sought from Mills Oakley in relation to the calculation of GFA for the OSD at Site B. Mills Oakley have provided, inter alia, as follows:

“The Concept DA Condition B2 clearly states that GFA is to be measured in accordance with the definitions in the NSLEP. The NSLEP defines “gross floor area” as follows:

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes—

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement—
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

The definition of GFA therefore has a very specific list of items which are excluded from GFA calculations.

We have been informed that the internal movement corridors on the residential levels will be open corridors and, as such, they have been excluded from GFA calculations for the SSDA.

As you know, the definition of GFA clearly states that it relates to the floor area measured “from the internal face of external walls...”. In this case, the movement corridors are open to the air at each end, save for a safety barricade. Furthermore, the corridors are outside of the apartments and we presume the walls of the corridor would be weatherproofed, external walls....

In our view, the movement corridors should be excluded from GFA and this approach is supported by most recent case law.

In *GGD Danks Street P/L and CR Danks Street P/L v Council of the City of Sydney [2015] NSWLEC 1521* (GGD Danks) the Court held that the floor area inside corridors should be excluded from GFA where the corridor was:

- Open at both ends (with a wall of fixed open louvres still constituting an open



end); and

- Exposed to the elements such a rain during inclement weather (see at [31]).

This approach has been confirmed in more recent cases.

In *MGT 6 Pty Ltd v The Council of the City of Sydney [2017] NSWLEC 1211*, the Court expressly applied GGD Danks and found that the floor area inside landings and a foyer which was behind battens was excluded because it was exposed and open to the elements. The Court in this case rejected Council's argument that the open battens were enclosed walls, as they were open to the weather.

In *Parker Logan Property Ltd Ltd v Bayside Council [2017] NSWLEC 1709*, the Court applied GGD Danks and MGT 6 and found that unenclosed external circulation corridors were excluded from GFA.

More recently, in *HPG Mosman Projects Pty Ltd v Mosman Council [2021] NSWLEC 1243* (HPG Mosman), the Court considered whether internal corridors should be excluded from GFA where the "corridors are long, each with an opening on one side less than half the length of the corridor, which includes a planter 1m high as a barrier". The corridors were covered by the levels of the building above. In this case the court found that the corridors should be excluded from GFA. Your architectural plans seem similar to the situation in HPG Mosman, where it was found the GFA of such corridors should be excluded.

This approach was later confirmed in *Emag Apartments Pty Ltd v Inner West Council [2022] NSWLEC 1042*.

We note that there is some case law which suggests that internal but open ended corridors should be included in GFA. These include *Landmark Group Australia Pty Ltd v Sutherland Shire Council [2016] NSWLEC* (Landmark) and *Australex Group Pty Ltd v Fairfield City Council [2022] NSWLEC 1685*, which are both cases which Councils often like to cite. However, in our view, the better approach is that adopted in GGD Danks and this approach has been most consistently applied by the Courts.

Importantly, in the recent case of HPG Mosman, the Court explicitly disagreed with the findings in Landmark in relation to the inclusion of corridors and breezeways in GFA. In HPG Mosman the Court stated:

"I understand the Council's cynicism in relation to the practice of creating horizontal circulation spaces in multi-residential developments which are external spaces by dint of the deletion of a window in an opening or an open ended corridor, in order that the spaces do not contribute to the calculation of the GFA, however, the calculation of GFA has to be consistent with the LEP definition" (at [38]): and

"I respectfully disagree with the finding in Landmark Group because the corridor was unenclosed and was an external space. The test is not the "prospect of rain entering the breezeway" or whether the external space is identified as a breezeway or a corridor (at [36]). For the units adjoining the corridor to each be a dwelling, they must be enclosed on all sides by external walls or common walls. As the corridor was open at each end, the side walls of the corridor had to be external walls to the units on either side of the corridor (at [37])."

In our opinion, the Landmark case should be given little weight and the approach adopted by the Court in most cases should be applied so that the open ended corridors are excluded from GFA for your SSDA. Importantly, we note that in your case the corridors appear to be open ended in both an east-west and north-south direction, meaning that the internal corridors



are more open to the elements than in some cases where such corridors simply have an opening at two elevations of the building. Here, the corridors will be exposed to whether entering them from all directions.”

In accordance with the above, the GFA for the corridors has been excluded.

3.3 DEVELOPMENT DESCRIPTION

3.3.1 Project Area

In keeping with the Concept Approval, Third.i Group is proposing to construct an over station mixed use development at Site B including:

- **Ground Level – Hume Street:** Includes the OSD tower lobby, retail, and back of house spaces.
- **Level 01:** Includes a commercial mezzanine, back of house, and a loading dock which is used for OSD garbage collection.
- **Level 02:** Contains plant rooms for the metro station.
- **Level 5 and 6:** The OSD car parking levels are located on level 5 and 6. These are naturally ventilated with 27 car spaces on level 5 and 28 car spaces on level 6. There is a total of 55 spaces.
- Apartments are located from level 7 to 18. Level 19 and 20 contain penthouse apartments.
- A roof terrace on level 21 includes communal gardens and pools, as well as private penthouse terraces.
- **Level 7-8:** 10 apartments per floor
- **Level 9-18:** 11 apartments per floor
- **Level 19:** 8 penthouse apartments (5 x two storey)
- **Level 20:** 3 penthouse apartments
- Total number of apartments: 130
 - 1 bedroom = 44
 - 2 bedroom = 63
 - 3 bedroom = 23
- Public domain works around the site will be delivered as part of the CSSI approval. The proposed development will be designed to complement the station and activate the public domain.

3.3.2 Relationship of the proposal to the CSSI Approval

The station works under the CSSI Approval included the construction of below and above ground structures necessary for the delivery of the Metro Station and also enabling the construction of the integrated OSD.

There is an important delineation between elements approved and constructed via the CSSI approval and approval for the built form sought via this detailed SSD Application for Site B OSD. Demarcation Diagrams are provided at **Appendix 3**.



The CSSI Approval provides consent for all structural elements to support the future OSD and space to accommodate various OSD elements within the station building footprint.

The station works approved via the CSSI Approval reach up the 'transfer slab' level. For Site B this is at RL 108.01. The OSD sits above this level but also includes spaces below this level for retail tenancies, vehicular and pedestrian access, waste and lifts etc.

3.3.3 Physical Layout and Design

3.3.3.1 Site Preparation Works

Having regard for the extent of works undertaken to deliver the Metro Station infrastructure on Site B, minimal site preparation works are required.

3.3.3.2 Built Form

The proposed development is detailed in the Architectural Plans, Architectural Design Report and Design Integrity Report included at **Appendix 03**, **Appendix 04** and **Appendix 05** and is discussed below.

The overall design has had regard for the Crows Nest Over Station Development Design Quality Guidelines and Concept Approval design objectives, the design review process and the Design Excellence Strategy as discussed in more detail in Section 7.1.3 below. The proposed development responds positively to the built form expression sought in these documents.

Figure 18 illustrates the modulating of the vertical built form to create a rhythm which is sympathetic to the contextual fabric.

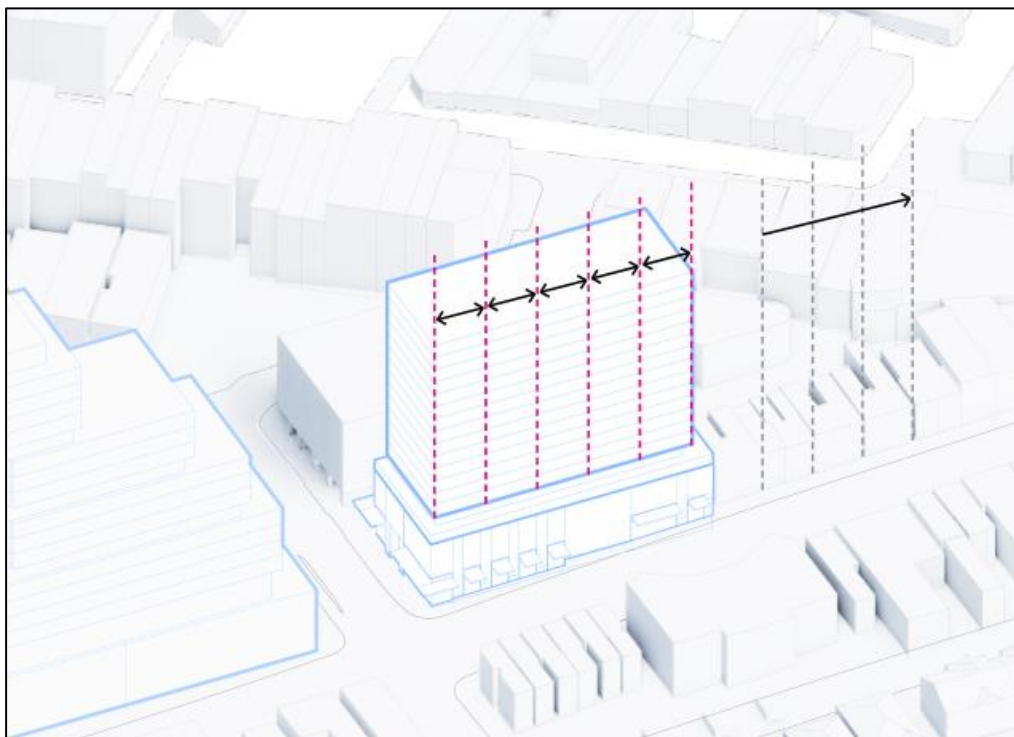


Figure 18. Modulating Vertical Built Form (Source: Woods Bagot, 2024)



Through the design review process, the horizontal datum between the station and OSD was seen as critical. Accordingly, additional horizontal articulation has been avoided to maintain the clarity of the proposal as shown in **Figure 19**.

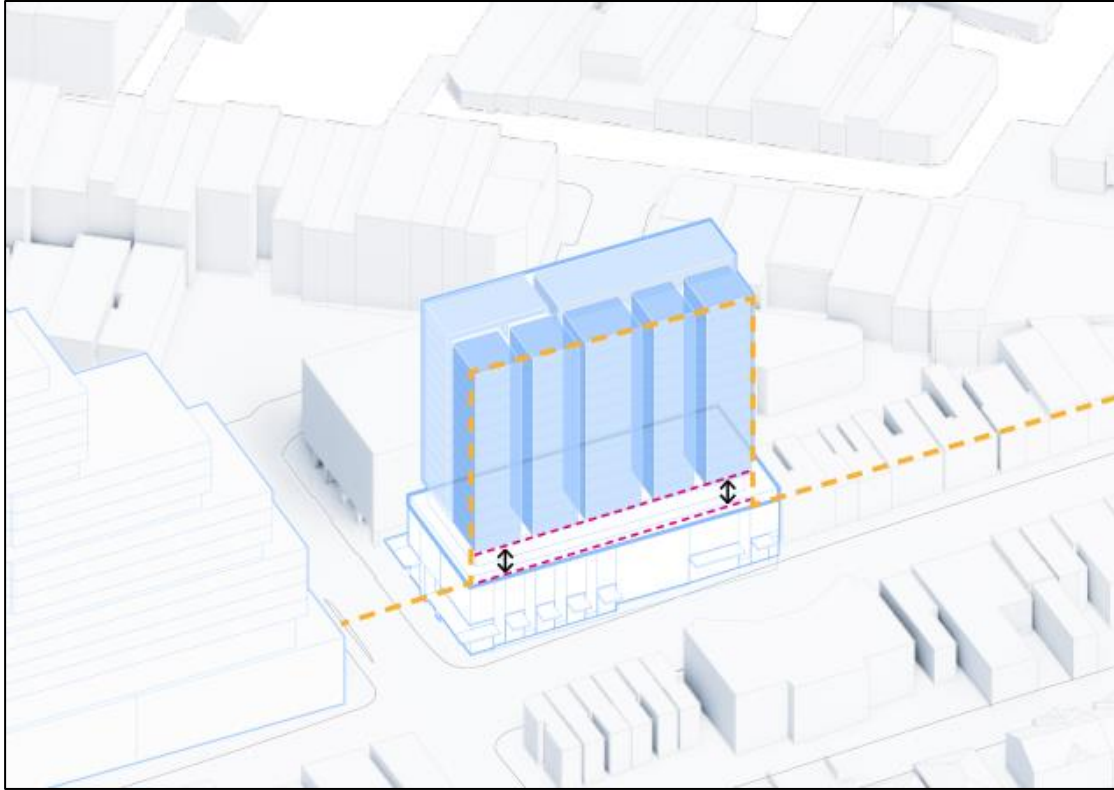


Figure 19. Horizontal Modulation (Source: Woods Bagot, 2024)

Depth and relief have been incorporated by rotating faces to respond to context while incorporating dimensionality as shown in **Figure 20**.



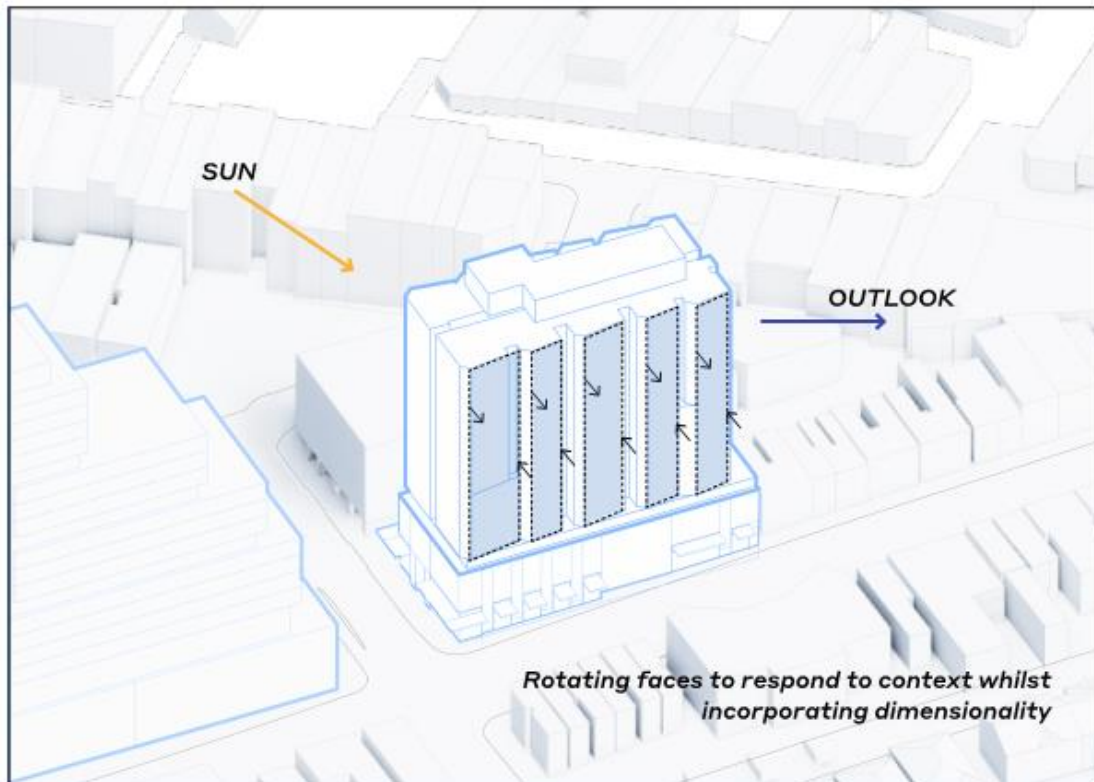


Figure 20. Rotating Faces (Source: Woods Bagot, 2024)

Ground Level – Hume Street

An active frontage to Hume Street is proposed with a retail tenancy at the corner with the Pacific Highway and the main residential lobby integrated with the existing Metro built form as shown in **Figure 21** below. Hume Street is a pedestrian focused space activated by retail frontages, street trees, and landscaping. It aims to connect to the Site A frontage as well as Hume Park in order to create a vibrant, pedestrian precinct. The residential address is to the centre and acts as one large lobby with access to a parcel room, and retail spaces to the corner. Vehicular access to the car lift is from Clarke Lane.



Figure 21. Hume Street (Source: Woods Bagot, 2024)



Level 01

Continued onto a mezzanine level above the ground floor, retail/commercial space at Level 01 will provide a large dining room and small lounging areas may be hired for private events and dinners. A small retail space is also provided on the Pacific Highway elevation, facilitating passive surveillance and activation of this frontage.



Figure 22. Hume Street (Source: Woods Bagot, 2024)

Level 02

This level contains extensive areas of Metro plant and equipment that do not form part of this application. The lift, stairs and car lift run through this level providing access to the upper level carpark and residential apartments.

There is no Level 03 or 04 used.

Level 05 – Level 06

The OSD car parking levels are located on Level 05 and 06. These levels are naturally ventilated with 27 car spaces on Level 5 and 28 car spaces on Level 06. There is a total of 55 spaces. The carparking will be accessed via a car lift. See **Figure 23** below. The folded perforated mesh facade will allow the carpark to be naturally ventilated. The mesh panels will have an open area of 40%, exceeding the minimum requirements to naturally ventilate the carpark.



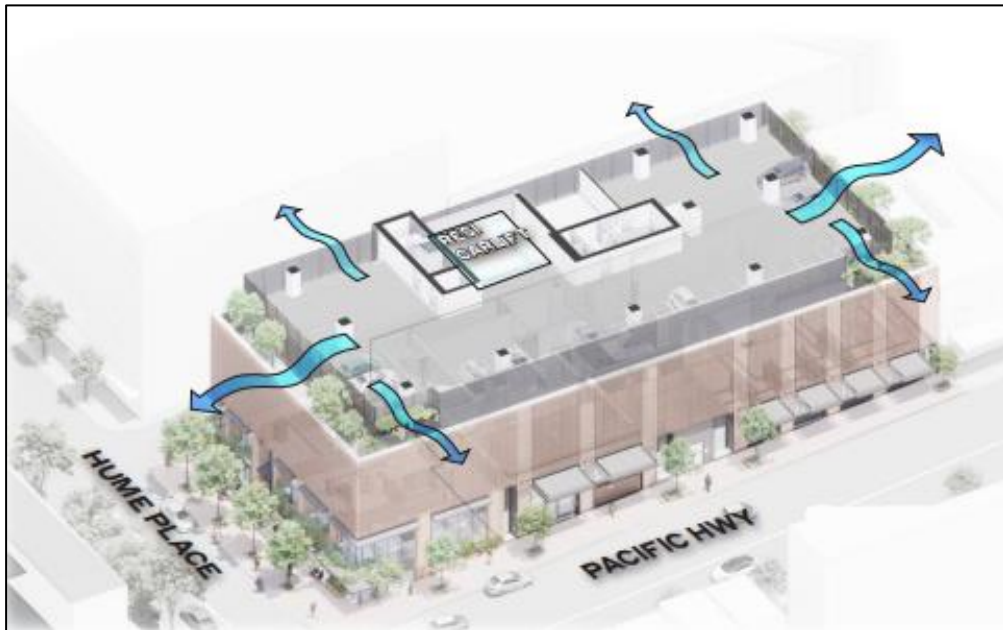


Figure 23. Naturally Ventilated Carparking Levels (Source: Woods Bagot, 2024)

50 bike parking spaces are located on each level (100 in total).

Residential car parking is setback and concealed by landscaped terraces ensuring a recessed expression between the tower and the podium. The facade is perforated allowing the space to be naturally ventilated removing the need for loud, mechanical systems. The cladding is lightweight folded aluminium to reduce the structural load landing on top of the station box.

Level 07 – Level 08

An open corridor approach is proposed to all residential levels to reduce reliance on artificial climate control and thereby improve sustainability outcomes, provide extensive landscape opportunities flowing into and out of the corridors and provide opportunities for residents to meet, dwell and socialise. The corridors create a front yard for residents, forging a sense of community. This is supported by landscaped slots with integrated seating, low light and low maintenance landscape species. See **Figure 24** below.





Figure 24. Level 07 (Source: Woods Bagot, 2024)

The varied corridor articulation assists in controlling wind movement. Operable louvres will be designed at corridor ends to control prevailing winds during extreme weather events. See **Figure 25**. For both the comfort of users and to avoid serviceability issues the maximum wind speed the corridors are designed to is 1m/s. At all times a flowrate of 10L/s is maintained to provide natural ventilation. This is designed as a combination of opening size and louvre function. The effective opening size is 50% of the corridor cross section. The louvres have been placed on the inner side of the planters for ease of system maintenance. Depending on wind direction; louvre's will remain completely open between 90 - 75% of the year.

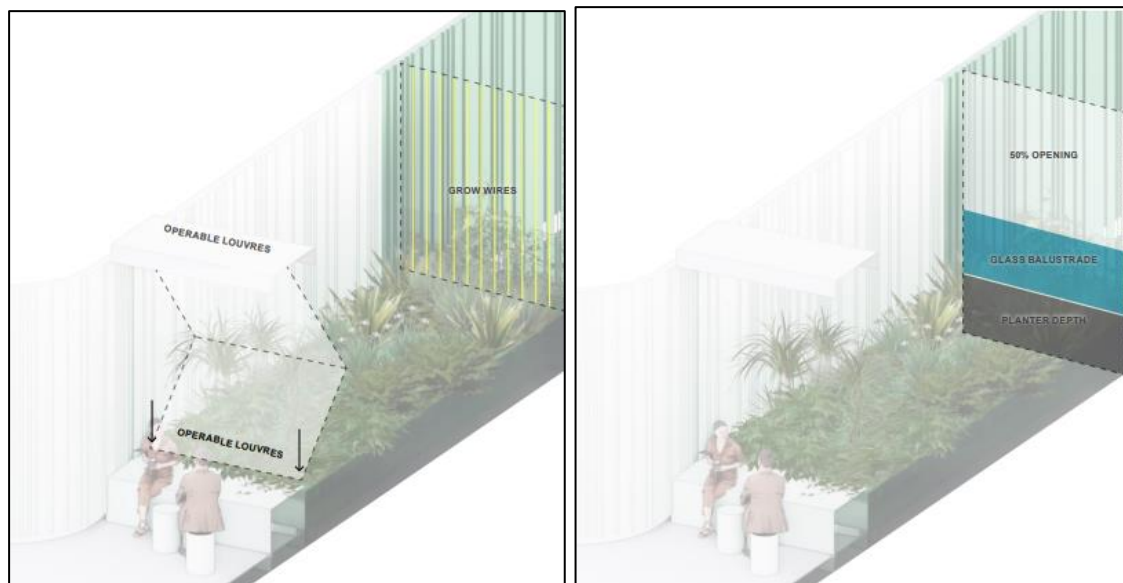


Figure 25. Operational Louvers (Source: Woods Bagot, 2024)

The recommended acoustic criteria for open-air circulation spaces based on being a combination of a transient space (corridor) and non-transient spaces (gathering zones) is 55dBA. Modelling has determined that with additional acoustic treatment in the corridors, 55dBA is achieved.



Open corridors allow apartments to become individual fire compartments. All openings to the corridor will have fire closures. Due to fixed egress points, apartment openings have been placed within necessary travel distances.

Level 07 and Level 08 will have 10 apartments per floor. Level 07 will have access to an outdoor terrace adjacent to the southern boundary.

Apartments from Level 07-16 have winter gardens (see **Figure 26**) which function as an extension of resident's living rooms. The winter gardens help reduce the impact of noise from the Pacific Highway and the impact of strong wind yet has high level awning windows for ventilation. A terracotta slab edge extends 200mm from the facade providing additional shading, and profiled metal panels reduce the window size



Figure 26. Winter Garden (Source: Woods Bagot, 2024)

Level 09-18

Level 09 to Level 16 will have 11 apartments per floor. See **Figure 27** below.



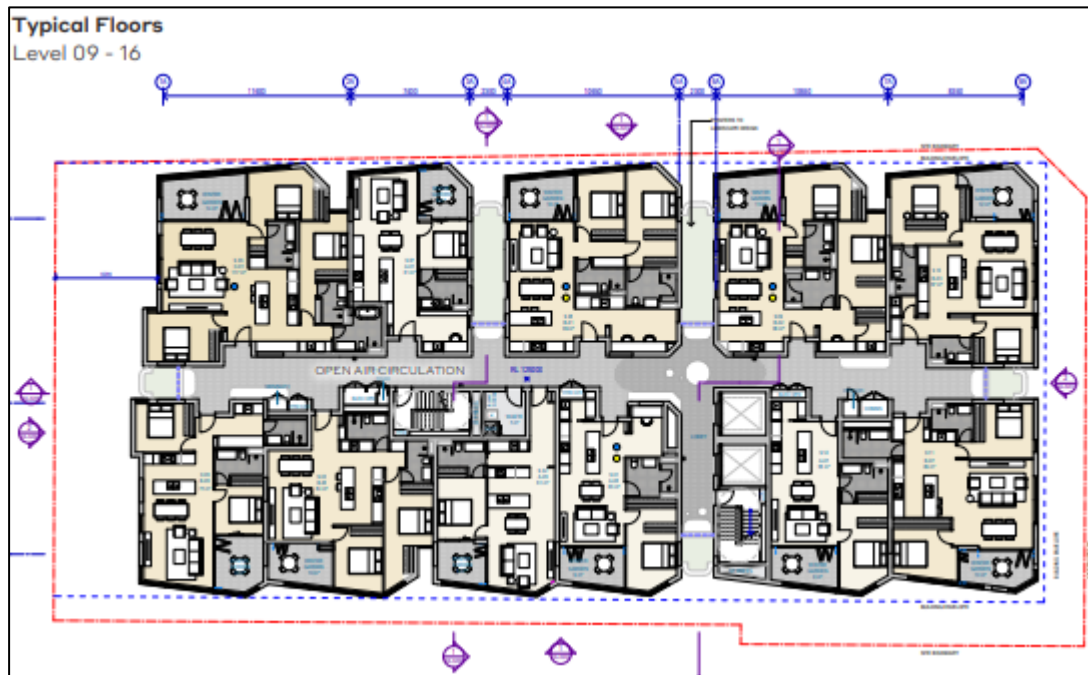


Figure 27. Typical Floor Level 09-16 (Source: Woods Bagot, 2024)

Due to the naturally ventilated corridors, fresh air can be flushed through apartments from the balcony to open doorway windows. Due to the slots between units, more rooms are able to have windows which increases the amount of cross ventilation through the apartments.

High performance acoustic facades to reduce noise levels from Pacific Highway. Reduction of party walls improves the acoustic quality between residences. Winter gardens on Levels 07-16 help reduce the impact of noise from Pacific Highway, operable awning windows ensure ventilation through apartments.

Apartments are angled to the south along Pacific Highway to make the most of the southern harbour and city views. Along Clarke Lane apartments are also angled south to leafy suburbs and eastern harbour views. Parts of the facade are solid terracotta for solar protection and to provide some privacy between units.

Several units feature a flexible study space with a window that opens up into a garden. A variable joinery piece means residents can change the use of the room with ease. The room can serve as a home office, or gym.

Level 19

Includes 8 penthouse apartments (5 x two storey). See **Figure 28** below.





Figure 28. Level 19 (Source: Woods Bagot, 2024)

Level 20

Includes 3 penthouse apartments. See **Figure 29** below.

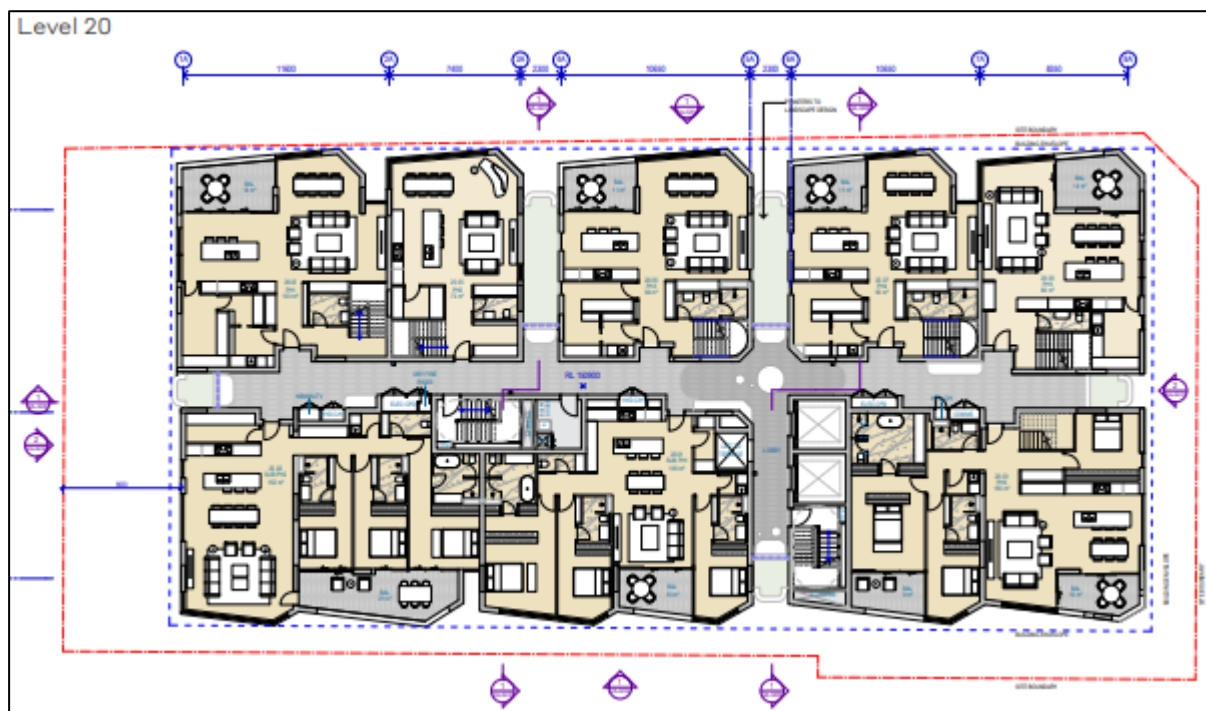


Figure 29. Level 20 (Source: Woods Bagot, 2024)

Roof Terrace

The top of the building includes a roof terrace with a communal pool and spa and recreation area as well as pools and recreation areas for six penthouse apartments. The roof will be bordered by landscape gardens. See **Figure 30** and **Figure 31** below. In addition to the recreation space, the roof will also include a lift over run, plant and associated equipment.



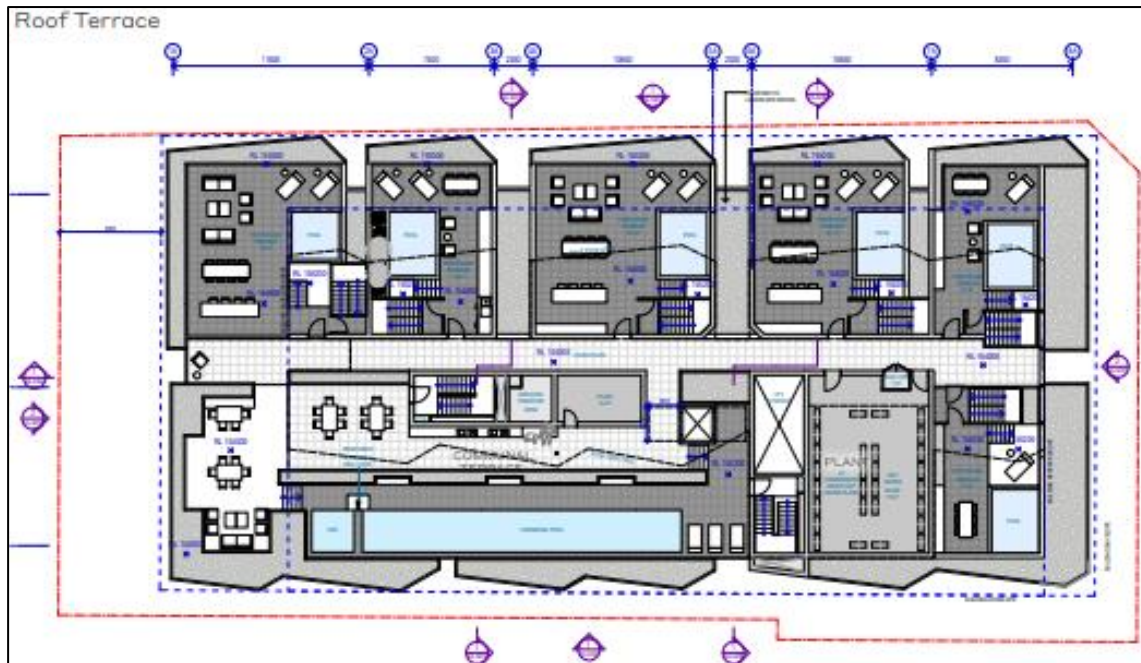


Figure 30. Roof Terrace (Source: Woods Bagot, 2024)



Figure 31. Roof Terrace (Source: Woods Bagot, 2024)

Façade and Materiality

The use of dark green terracotta will be a feature of the façade and materiality. Terracotta has been selected given it's lightweight, durable, easy to install and maintain and will result in a reduction of



energy use and carbon footprint during the manufacturing process. Details of material finishes are provided at **Figure 32** below.

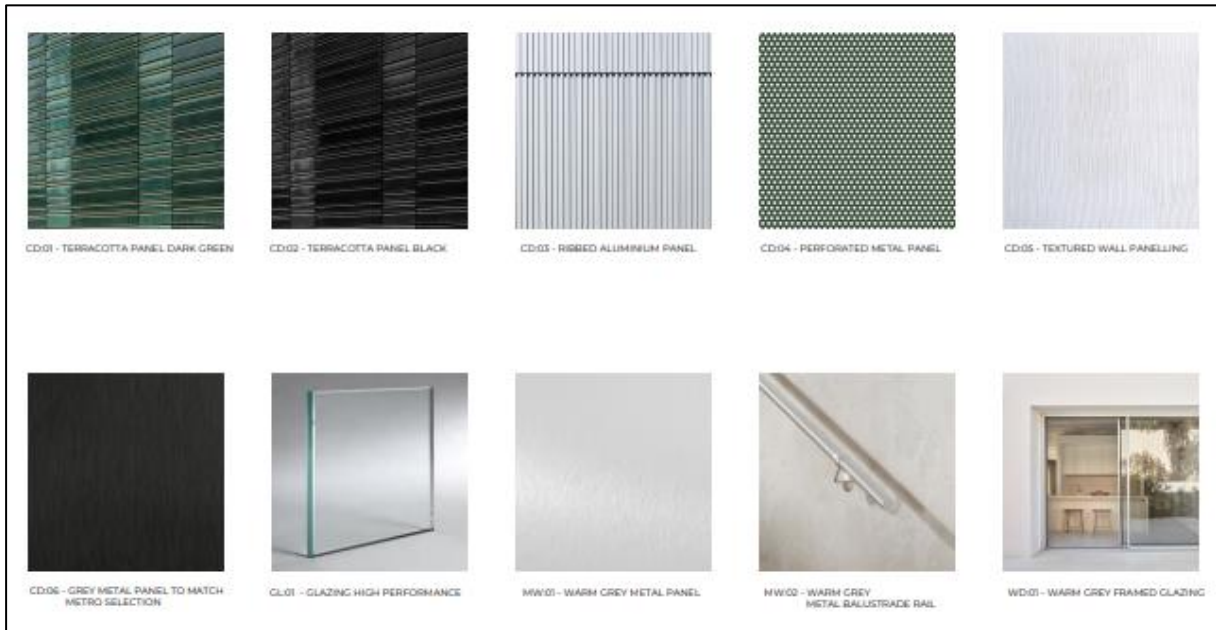


Figure 32. Material Finishes Legend (Source: Woods Bagot, 2024)

Detailed elevations and a photomontage are provided at **Figure 33** to **Figure 36** below.



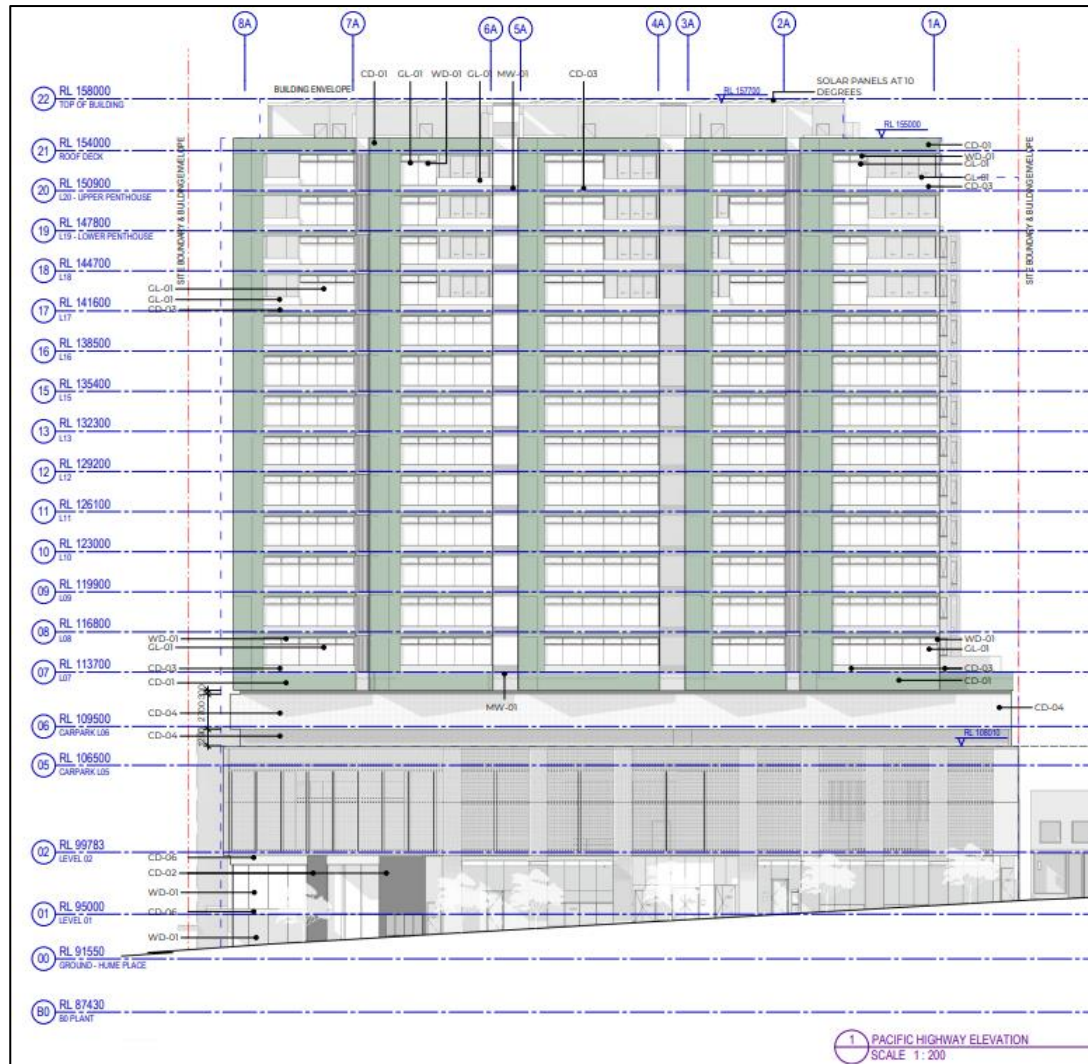


Figure 33 Pacific Highway Elevation (Source: Woods Bagot, 2024)

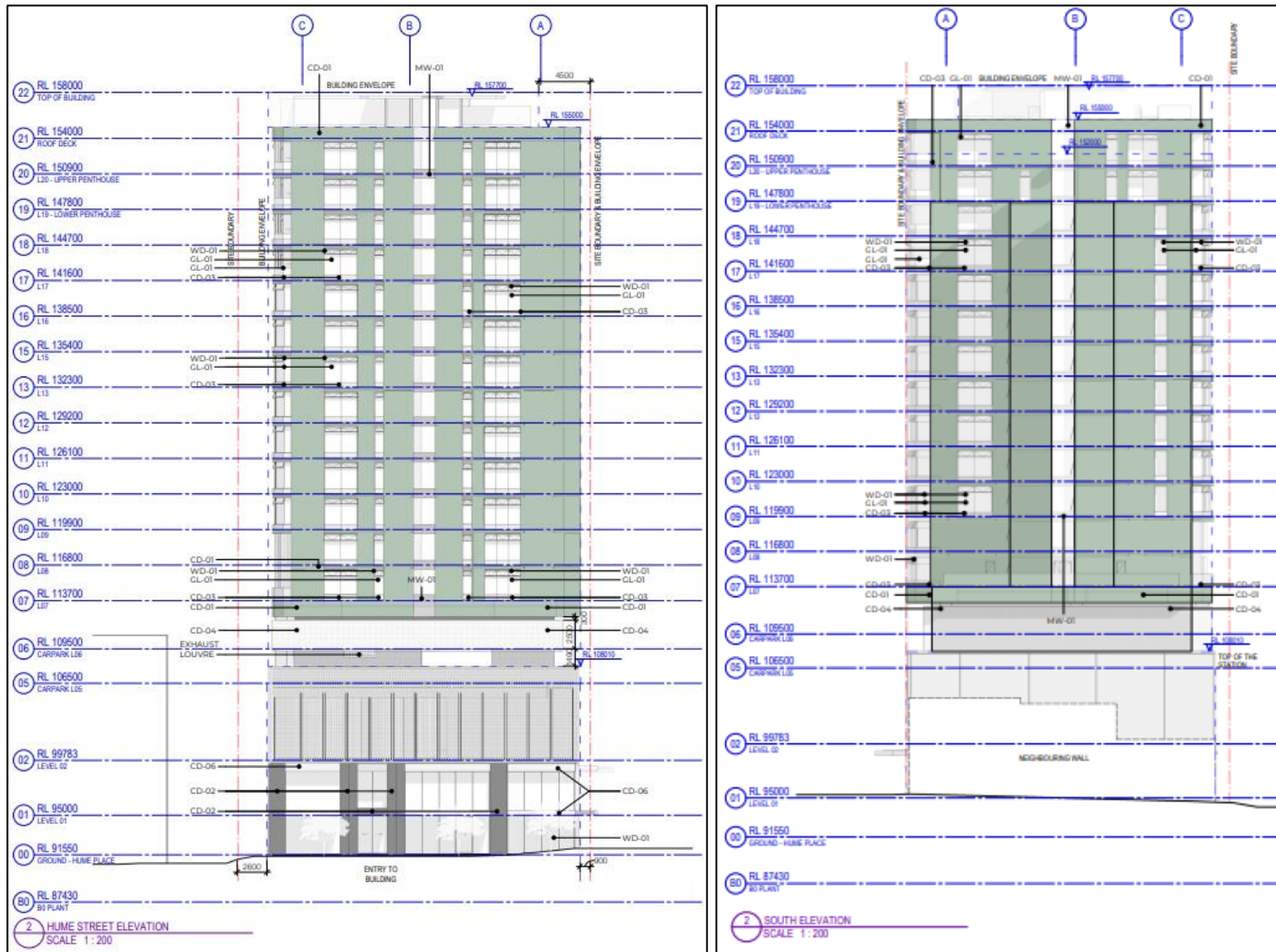


Figure 34 Hume Street and South Elevation (Source: Woods Bagot, 2024)



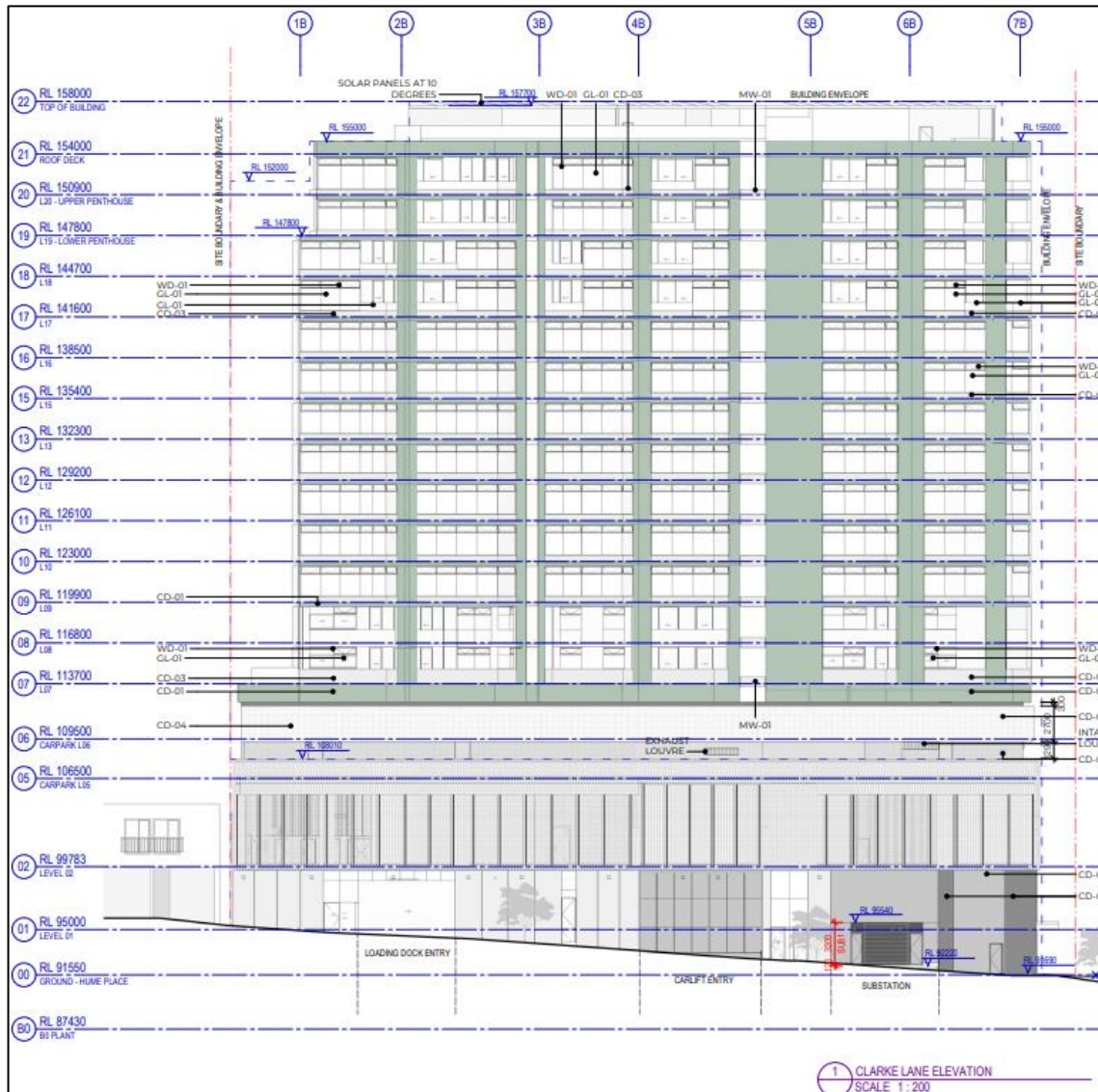


Figure 35 Clarke Lane Elevation (Source: Woods Bagot, 2023)





Figure 36 Photomontage from the corner of the Pacific Highway and Hume Street (Source: Woods Bagot, 2024)



3.3.4 Use and Activities

As described above, the volumetric area of the Crows Nest Station development approved under the CSSI Approval includes below and above ground elements up to the 'transfer slab' level, within and above which will sit the Site B OSD.

Site B OSD will include retail/commercial use of 360m² across the Hume Street Level and Level 01. These retail/commercial spaces will activate the Pacific Highway and Hume Place frontages to bring vibrancy and activity to the street surrounding Site B.

Level 05 and 06 will include ancillary car parking of 55 car spaces, 100 bicycle parking spaces and end of trip facilities for use by the residential units.

Level 07-20 will include 130 residential units (GFA 12,981m²).

3.2.3.1 Hours of operation

The retail/commercial tenancies will be able to operate 24 hours a day, seven days a week.

3.2.3.2 Staff

As the building is mainly occupied by residents, operational jobs are limited to maintaining building common areas and operating retail areas. Full-time operational jobs are limited to cleaners, building managers, security guards and retail workers. The number of full-time operational jobs is estimated at 70.

3.3.5 Timing

3.3.5.1 Staging

It is not proposed to stage the delivery of Site B OSD.

Site B OSD will be delivered in a lineal manner with the construction of the retail/commercial and residential floorspace being undertaken at the same time.



PART 4 STATUTORY CONTEXT

This section of the EIS outlines the key statutory requirements that must be considered prior to the determination of this SSDA and where those requirements have been addressed in the EIS. This section is also complemented by a statutory compliance table at **Appendix B** that identifies all statutory requirements relevant to the proposal.

4.1 Power to Grant Approval

TABLE 9 categorises and summarises the relevant requirements in accordance with the SSD Guidelines.

TABLE 9: POWER TO GRANT CONSENT	
Matter	Consideration
Declaration of SSD	<p>Development consent will be sought under 'Division 4.7 - Stage Significant Development' of the EP&A Act. Section 4.36(2) of the EP&A Act states that:</p> <p style="text-align: center;"><i>A State environmental planning policy may declare any development, or any class or description of development, to be State significant development.</i></p> <p>Schedule 1 of Planning Systems SEPP lists development that is declared SSD. Schedule 1, clause 19, provides the following:</p> <p style="text-align: center;">19 Rail and related transport facilities</p> <p style="text-align: center;"><i>(1) Development that has a capital investment value of more than \$30 million for any of the following purposes—</i></p> <p style="text-align: center;"><i>(a) heavy railway lines associated with mining, extractive industries or other industry,</i></p> <p style="text-align: center;"><i>(b) railway freight terminals, sidings and inter-modal facilities.</i></p> <p style="text-align: center;">(2) Development within a rail corridor or associated with railway infrastructure that has an estimated development cost of more than \$30 million for any of the following purposes—</p> <p style="text-align: center;">(a) commercial premises or residential accommodation,</p> <p style="text-align: center;"><i>(b) container packing, storage or examination facilities,</i></p> <p style="text-align: center;"><i>(c) public transport interchanges.</i></p> <p>The proposed development is located in within a rail corridor and the proposed development has an EDC of \$85.63M (refer to Appendix 6). Accordingly, the proposal is SSD pursuant to the Planning Systems SEPP.</p>
Consent Authority	<p>Section 4.5 of the EP&A Act and Section 2.7 of the Planning Systems SEPP stipulate that the consent authority is the Minister for Planning (or the Department as their delegate) unless the development triggers the matter set out in Section 2.7(1) in which case the consent authority will be with the Independent Planning Commission. The Proponent has not made a reportable political donation in connection with the development application.</p>

4.2 Permissibility

The permissibility of the proposed development, considering the proposed land uses and land zoning, is outlined in the Table below.



TABLE 10: PERMISSIBILITY	
Matter	Consideration
Land use	The proposed development seeks consent for a shop top housing development.
Land Zoning	The NSLEP2013 is the principal environmental planning instrument applying to the site. The site is zoned MU1: Mixed Use pursuant to the NSLEP2013.
Permissibility	<p>The proposed use of the site as shop top housing is permissible with development consent in the MU1 zone. The use is defined in the Dictionary of the NSLEP2013 as follows:</p> <p style="text-align: center;">shop top housing means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.</p>

4.3 Other Approvals

TABLE 11 below outlines the legislative approvals required for the proposed development in addition to a development consent under Division 4.7 of the EP&A Act.

TABLE 11: OTHER APPROVALS																			
Matter	Consideration																		
Approvals not required for SSD	Section 4.41 of the EP&A Act stipulates that certain authorisations are not required for SSD. The following legislative approvals would otherwise be required if the proposal was not SSD.																		
	<table border="1"> <thead> <tr> <th>Act</th> <th>Approval Required</th> <th>Otherwise</th> </tr> </thead> <tbody> <tr> <td>A permit under section 201, 205 or 219 of the <i>Fisheries Management Act 1994</i></td> <td>No</td> <td></td> </tr> <tr> <td>An approval under Part 4, or an excavation permit under section 139, of the <i>Heritage Act 1977</i></td> <td>No</td> <td></td> </tr> <tr> <td>An Aboriginal heritage impact permit under section 90 of the <i>National Parks and Wildlife Act 1974</i></td> <td>No</td> <td></td> </tr> <tr> <td>A bush fire safety authority under section 100B of the <i>Rural Fires Act 1997</i></td> <td>No</td> <td></td> </tr> <tr> <td>A water use approval under section 89, a water management work approval under section 90 or an activity approval (other than an aquifer interference approval) under section 91 of the <i>Water Management Act 2000</i>.</td> <td>No</td> <td></td> </tr> </tbody> </table>	Act	Approval Required	Otherwise	A permit under section 201, 205 or 219 of the <i>Fisheries Management Act 1994</i>	No		An approval under Part 4, or an excavation permit under section 139, of the <i>Heritage Act 1977</i>	No		An Aboriginal heritage impact permit under section 90 of the <i>National Parks and Wildlife Act 1974</i>	No		A bush fire safety authority under section 100B of the <i>Rural Fires Act 1997</i>	No		A water use approval under section 89, a water management work approval under section 90 or an activity approval (other than an aquifer interference approval) under section 91 of the <i>Water Management Act 2000</i> .	No	
	Act	Approval Required	Otherwise																
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Consistent approvals	Section 4.42 of the EP&A Act stipulates that certain authorisations cannot be refused if they are necessary for carrying out SSD and must be substantially consistent with the consent.																		
	<table border="1"> <thead> <tr> <th>Legislation</th> <th>Approval Required</th> </tr> </thead> <tbody> <tr> <td>An aquaculture permit under section 144 of the <i>Fisheries Management Act 1994</i></td> <td>No</td> </tr> <tr> <td>An approval under section 22 of the <i>Coal Mine Subsidence Compensation Act 2017</i></td> <td>No</td> </tr> </tbody> </table>	Legislation	Approval Required	An aquaculture permit under section 144 of the <i>Fisheries Management Act 1994</i>	No	An approval under section 22 of the <i>Coal Mine Subsidence Compensation Act 2017</i>	No												
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An aquaculture permit under section 144 of the <i>Fisheries Management Act 1994</i>	No																		
An approval under section 22 of the <i>Coal Mine Subsidence Compensation Act 2017</i>	No																		



TABLE 118: OTHER APPROVALS		
Matter	Consideration	
	A mining lease under the <i>Mining Act 1992</i>	No
	A production lease under the <i>Petroleum (Onshore) Act 1991</i>	No
	An environment protection licence under Chapter 3 of the <i>Protection of the Environment Operations Act 1997</i> (for any of the purposes referred to in section 43 of that Act)	No
	A consent under section 138 of the <i>Roads Act 1993</i>	Yes Such approval will be obtained after consent is issued.
	A licence under the <i>Pipelines Act 1967</i>	No
EPBC Act Approval	<p>If the proposed development will or is likely to impact a matter of national environmental significance ('MNES'), then referral to the federal Department of the Environment is required.</p> <p>This process is necessary to determine whether a proposed activity is a 'controlled action' that requires approval under the EPBC Act. Currently, bilateral agreements allow the Commonwealth Minister for the Environment to rely on the NSW environmental assessment process when accessing a controlled action under the EPBC Act.</p> <p>The proposed development is located on a highly disturbed site with no vegetation and therefore, it is not likely to impact a MNES. Therefore, the project is not required to be referred to the Federal Department of the Environment to determine if it constitutes a controlled action and the bilateral agreement applies.</p>	

4.4 Pre-Conditions

TABLE 12 outlines the pre-conditions to exercising the power to grant consent that are relevant to the project and the section where these matters are addressed within the EIS.

TABLE 12: PRE-CONDITIONS			
Statutory Reference	Pre-Condition	Relevance	Section in the EIS/Document Reference
Airports Act 1996 & Airports (Protection of Airspace) Regulations 1996	<p>Part 12 of the Airports Act 1996 and the Airports (Protection of Airspace) Regulations 1996 establish a framework for the protection of airspace at, and around airports.</p> <p>Pursuant to Condition A19 of the Concept SSDA Conditions of Consent, prior to the lodgement of any SSDA, and for the purposes of controlled activities within the protected airspace of Sydney Airport, a separate approval must be obtained from the</p>	<p>The height of Sydney Airport's Obstacle Limitation Surface (OLS) over the site has a height of 156m AHD. As the proposed development will have a maximum height of 158m AHD, when built, would be considered a controlled activity and be subject to the Federal Airports (Protection of Airspace) Regulations</p>	<p>Further reference should be made to Section 7.1.24 of this EIS and Appendix 30.</p>



TABLE 12: PRE-CONDITIONS			
Statutory Reference	Pre-Condition	Relevance	Section in the EIS/Document Reference
	Commonwealth Department of Infrastructure, Regional Development and Cities under the Airports (Protection of Airspace) Regulations 1996 for the part of the building or any construction cranes that penetrate the Obstacle Limitation Surface.	1996. Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.	
Environmental Planning and Assessment Act 1979	Section 4.24 requires that determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposal for the development site.	Concept Approval SSD-9579 applies to Site B.	Further reference should be made to Part 6 of this EIS and Appendix 2.
State Environmental Planning Policy (Transport and Infrastructure) 2021	<u>Clause 2.98 Development adjacent to rail corridors</u> Requires that if the development involves the use of a crane in the air space above any rail corridor that notice be given to the rail authority for the rail corridor and take into consideration any response.	A crane will be required to operate during the construction of Site B.	Further reference should be made to Section 7.1.10 of this EIS and Appendix 17.
North Sydney Local Environmental Plan 2013	<u>Clause 4.4A Non-residential Floor Space Ratios</u> (5) Development consent must not be granted to the erection of a building on land in Zone E1 Local Centre or Zone M1 Mixed Use unless the consent authority is satisfied that the building will have an active street frontage after its erection.	An active street frontage will be provide to the Hume Street and Pacific Highway frontages.	Further reference should be made to Section 7.1.4 of this EIS and Appendix 3.
	<u>Clause 5.6 Architectural Roof Features</u> (3) Development consent must not be granted to any such development unless the consent authority is satisfied that— (a) the architectural roof feature— (i) comprises a decorative element on the uppermost portion of a building, and (ii) is not an advertising structure, and (iii) does not include floor space area and is not	The roof terrace includes a decorative roof feature that also provides shade/shelter to the recreation spaces on the roof at a maximum height of RL 157.7. This roof feature is decorative, is not an advertising structure, does not include floorspace, causes minimal overshadowing and does not contain signage.	Further reference should be made to Section 6.2 of this EIS and Appendix 3.



TABLE 12: PRE-CONDITIONS			
Statutory Reference	Pre-Condition	Relevance	Section in the EIS/Document Reference
	<p>reasonably capable of modification to include floor space area, and</p> <p>(iv) will cause minimal overshadowing, and</p> <p>(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.</p>		
	<p><u>6.19B Design excellence in the area adjacent to Crows Nest Metro Station</u></p> <p>(3) Development consent must not be granted for development on land to which this clause applies unless the consent authority considers that the development exhibits design excellence.</p> <p>(4) In considering whether the development exhibits design excellence, the consent authority must have regard to the matter set out under section 4..</p>	<p>The OSD complies with relevant planning setback and height requirements which have been further broken down by introducing vertical definition to create a village scaled, diverse form that responds to the existing rhythm of the street. Orientation of the form maximises the significant outlook towards the Harbour, CBD, and leafy North Shore neighbourhoods.</p> <p>The built form will be overlaid with landscaping and vertical openings, creating a living, breathing, vertical village. Detailed consideration of the achievement of design excellence is provided at Appendix 4 and Appendix 5.</p>	<p>Further reference should be made to Section 7.1.3 of this EIS and Appendix 4 and 5.</p>

4.5 Matters for Mandatory Consideration

TABLE 13 identifies the matters that the consent authority must consider in deciding to grant consent to this SSDA. It also identifies the section(s) of this EIS and the appended documents that address these mandatory matters.



TABLE 13: MATTERS FOR MANDATORY CONSIDERATION		
Legislation/Statutory Reference	Matters for Consideration	Section in EIS/Document Reference
Consideration under the EP&A Act and Regulation		
Section 1.3	Relevant objects of the EP&A Act	Statutory compliance table at Appendix B
Section 4.15	Relevant environmental planning instruments: <ul style="list-style-type: none"> ▪ <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)</i> ▪ <i>State Environmental Planning Policy (Housing) 2021 (Housing SEPP)</i> ▪ <i>State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)</i> ▪ <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> ▪ <i>State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)</i> ▪ <i>State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)</i> ▪ <i>North Sydney Local Environmental Plan 2013 (NSLEP2013)</i> 	Statutory compliance table at Appendix B
	Relevant draft environmental planning instruments	Statutory compliance table at Appendix B
	Relevant planning agreements or draft planning agreements.	The Concept Approval included a requirement that a Voluntary Planning Agreement (VPA) between Sydney Metro and North Sydney Council be entered into. It is confirmed that this VPA was entered into on 16 June 2021 which enabled payment of all applicable developer contributions plus \$2M for public domain improvements, at the beginning of the development process, rather than at the end. The agreement establishes a monetary contribution for Site B of \$2,265,601.63. This amount has been paid.
	<u>Development Control Plans</u> Section 2.10 of the Planning Systems SEPP states that development control plans (whether made before or after the commencement of this Policy) do not apply to SSD.	Appendix 36



TABLE 13: MATTERS FOR MANDATORY CONSIDERATION		
Legislation/Statutory Reference	Matters for Consideration	Section in EIS/Document Reference
	Notwithstanding this, an assessment of the relevant provisions of the North Sydney Development Control Plan 2013 (NSDCP2013) has been undertaken.	
	The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.	Part 7
	Suitability of the proposed development	Section 8.1
	The public interest.	Section 8.1.5.7
Consideration under EPI		
Section 4.6 of Resilience and Hazards SEPP	A consent authority must consider whether the site is contaminated, if the land is contaminated, it is satisfied that the land is suitable in its contaminated state, or if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose. A consent authority must consider the findings of a preliminary investigation of the site, prepared in accordance with the contaminated land planning guidelines. A detailed site investigation may be required if the findings of the preliminary investigation warrant such an investigation.	Section 7.1.17 Appendix 23
Section 2.48 of the Transport and Infrastructure SEPP	Development likely to affect an electricity transmission or distribution network. The consent authority must consider any response to a written notice issued to electricity supply authority for the area that is received within 21 days.	Statutory compliance table at Appendix B
Section 2.100 of the Transport and Infrastructure SEPP	When development includes residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded— (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am, (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.	Further reference should be made to Section 7.1.12 of this EIS and Appendix 22 .
Section 2.119 of the Transport and Infrastructure SEPP	(2) <i>The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</i>	Further reference should be made to Section 7.1.10 of this EIS and Appendix 17 and 22 .



TABLE 13: MATTERS FOR MANDATORY CONSIDERATION		
Legislation/Statutory Reference	Matters for Consideration	Section in EIS/Document Reference
	<p>(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</p> <p>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</p> <p>(i) the design of the vehicular access to the land, or</p> <p>(ii) the emission of smoke or dust from the development, or</p> <p>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</p> <p>(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</p>	
Section 2.120 of the Transport and Infrastructure SEPP	<p>(2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.</p> <p>(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—</p> <p>(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,</p> <p>(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.</p>	Further reference should be made to Section 7.1.12 of this EIS and Appendix 22 .
Section 2.122 of the Transport and Infrastructure SEPP	<p>Traffic generating development</p> <p>The consent authority must give written notice to Transport for New South Wales (TfNSW) within 7 days after the application is made and consider any response to a written notice issued to TfNSW received within 21 days. The consent authority must give TfNSW a copy of the determination of</p>	Statutory compliance table at Appendix B



TABLE 13: MATTERS FOR MANDATORY CONSIDERATION		
Legislation/Statutory Reference	Matters for Consideration	Section in EIS/Document Reference
	the application within 7 days after the determination is made.	
Section 2.1 of the SEPP Sustainable Buildings	5) <i>Development consent must not be granted to development to which the standards specified in Schedule 1 or 2 apply unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.</i>	Further reference should be made to Section 7.1.9 of this EIS and Appendix 16.
Section 3.2 of the SEPP Sustainable Buildings	(2) <i>Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.</i>	Further reference should be made to Section 7.1.9 of this EIS and Appendix 16 .
Section 147 of the Housing SEPP	(1) <i>Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—</i> <i>(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,</i> <i>(b) the Apartment Design Guide,</i> <i>(c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.</i>	Further reference should be made to Section 7.1.3 of this EIS and Appendix 5 .
NSLEP 2013	<u>Clause 2.3 - Zone objectives and Land Use Table</u> (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. <u>Clause 4.3 - Height of Buildings</u> 155m (RL) <u>Clause 4.4 – Floor Space Ratio</u> Maximum 7.5:1 <u>Clause 4.4A – Non-residential floorspace ratio</u> Minimum 0.5:1 <u>Clause 5.10 Heritage conservation</u>	Statutory compliance table at Appendix B



TABLE 13: MATTERS FOR MANDATORY CONSIDERATION		
Legislation/Statutory Reference	Matters for Consideration	Section in EIS/Document Reference
	<p>(4) Effect of proposed development on heritage significance</p> <p>The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p> <p><u>Clause 6.15 Airspace operations</u></p> <p>(2) If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.</p> <p><u>Clause 6.19B Design excellence in the area adjacent to the Crows Nest Metro Station</u></p> <p>The consent authority must have regard to the matters set out in subclause (4) in considering whether development exhibits design excellence.</p>	
Consideration under other legislation		
BC Act	Clause 7.9 of the BC Act applies to SSD applications and requires SSD applications to be accompanied by a BDAR unless it is determined the proposal is not likely to have any significant impact on biodiversity values.	A BDAR Waiver was issued on 11 December 2023 under section 7.9 of the BC Act which confirms that the proposed development is not likely to have any significant impacts on biodiversity values. The BDAR Waiver is provided at Appendix 34
Concept Approval		
Concept Approval SSD-9579.	Consistency of the project with the concept approval.	Part 6 and Appendix 35



PART 5 ENGAGEMENT

An application to receive Industry-specific SEARs was submitted to NSW DPHI, with the SEARs (reference: SSD-61400212) subsequently issued on 25 August 2023.

A copy of the issued SEARs is included in **Appendix 1**.

As required by Item 27, project specific consultation was required with the following stakeholders:

- the relevant Department assessment team;
- the relevant local Councils;
- any relevant agencies;
- the community; and
- if the development would have required an approval or authorisation under another Act but for the application of s4.41 of the EP&A Act or requires an approval or authorisation under another Act to be applied consistently by s4.42 of the EP&A Act, the agency relevant to that approval or authorisation.

Details regarding engagement are provided at **APPENDIX C**. Further, DPHI have advised that, having regard for the extensive community engagement undertaken across the history of the precinct, and the precedent associated with the approval of Site C, that a specific engagement report prior to lodgement of the EIS is not required as *community consultation and stakeholder engagement has already played a key role in the design and form of the Crows Nest Station precinct*.

Stakeholders in the locality have been engaged in ongoing consultation about Crows Nest integrated station development since 2014. Community engagement has continued through all the planning approval stages including the preparation of the Chatswood to Sydenham Environmental Impact Statement (EIS), all subsequent modifications, and through the approved Concept SSD Application phase for Crows Nest. Collateral used for engagement throughout has included newspaper advertisements, a media release, information on the Transport for NSW and Sydney Metro websites, distribution of a community information booklet, newsletters, and email updates to the project database. This is in addition to previous consultation for the St Leonards Crows Nest Precinct.

A broad range of issues were raised throughout the consultation. Concerns varied across the social locality as did priorities between stakeholder groups. The most common concerns relevant to this report related to:

- The change in built form including the potential for an undesirable change to the character of the local area
- The impact of population growth on social infrastructure including schools, health and open space
- The need to fund an increase in social infrastructure to address future increases in demand for services and facilities.

Community consultation and stakeholder engagement has played a key role in informing the design and form of the Crows Nest Station precinct.

The Department of Planning, Housing and Infrastructure has prepared the St Leonards-Crows Nest Planning Package of documents which apply to the site. This involved extensive consultation with the community and key stakeholders through:

- Establishment of Council and Agency working and steering groups (September 2016)
- An Interim Statement was released for public feedback (August 2017)



- Local Character Consultation (March 2018) including working workshops, targeted workshops with local residents, workshops with Council staff, an online survey with more than 1,900 responses
- Exhibition of draft documents including a draft Character Statement, Draft SLCN 2036 Plan, Draft Green Plan, Draft Special Infrastructure Contribution
- Exhibition of the draft Sydney Metro Crows Nest Station rezoning proposal (the site of this report)
- Six community drop in sessions in 2018 during the exhibition period.

The package was open for community feedback via public exhibition for 16 weeks from October 2018 to February 2019. More than 2,100 submissions were received.

The Environmental Impact Statement for the Concept SSDA (9579) which includes the site, was on public exhibition from 16 November 2018 until 8 February 2019. Following feedback received during exhibition, Sydney Metro prepared an amended concept proposal and a Response to Submissions Report.

The amended concept proposal, as detailed in the amendment report, was then placed on public exhibition from 9 September 2020 until 6 October 2020. The feedback received was considered by the Department of Planning Housing and Infrastructure which helped them to better understand the opinions and concerns of the community, government agencies and other stakeholders, which informed their assessment of the concept SSDA. The Minister for Planning and Public Spaces approved the application in December 2020.

In addition to the above, the proponent has been undertaking ongoing engagement with the local community and this will continue as the project continues through the assessment and construction phases. Recent engagement activities include:

- Engagement on the connection to country and how it can influence the design
- Meetings with the Wollstonecraft Precinct community group
- A pop up stall at Crows Nest Fest in October 2023 to engage with the community and share information on the proposed precinct design
- Dissemination of a brochure on the proposal in the local community
- Dissemination of a brochure on key worker housing
- Targeted engagement with registered parties to analyse housing preferences and conduct market research on the project.

The detailed SSD Application for the Crows Nest Site B OSD, including the EIS, will be required to be publicly exhibited as part of its statutory obligations. Engagement activities during this statutory public exhibition period for the EIS will include:

- newsletter/factsheet – a community newsletter/factsheet will be distributed to stakeholders and letterbox dropped within 500 metres of the station site. The newsletter/factsheet will provide information on the detailed design of Site B OSD and how the community or stakeholders can lodge their formal Submissions
- government stakeholder engagement – relevant government stakeholders will be consulted with as required
- newspaper advertising
- website updates – the Sydney Metro Crows Nest Station and integrated station development webpages will be updated to include all relevant information
- media announcement – post the approval of the detailed design.

All planned engagement activities will follow the principles listed above that are directly referenced in DPHI's *Undertaking Engagement Guide – Guidance for State Significant Projects*.



PART 6 ASSESSMENT OF COMPLIANCE WITH THE CONCEPT SSD APPROVAL

This detailed application is pursuant to the approved Concept SSD Application for the Crows Nest Station precinct (SSD 9579) in accordance with Division 4.4 of the EP&A Act. The Concept Approval has established the overarching vision for the Crows Nest Station precinct and the assessment framework for which all subsequent applications are to be assessed against in accordance with Section 4.24(2) of the EP&A Act.

An assessment of the proposed detailed design for Site B against the relevant matters for consideration for consistency with the approved Concept SSD Application is provided below.

6.1 Approved Building Envelope

The Concept SSD Application approved building envelopes for each of the OSD sites within the Crows Nest Station precinct. These building envelopes define the parameters within which the detailed design of buildings will occur, determining the overall bulk and scale of OSD and are shown in **Section 2.5.1** above (including **Figure 10 – Figure 12**). Further detail is also provided at **Figure 37 - Figure 38** below.

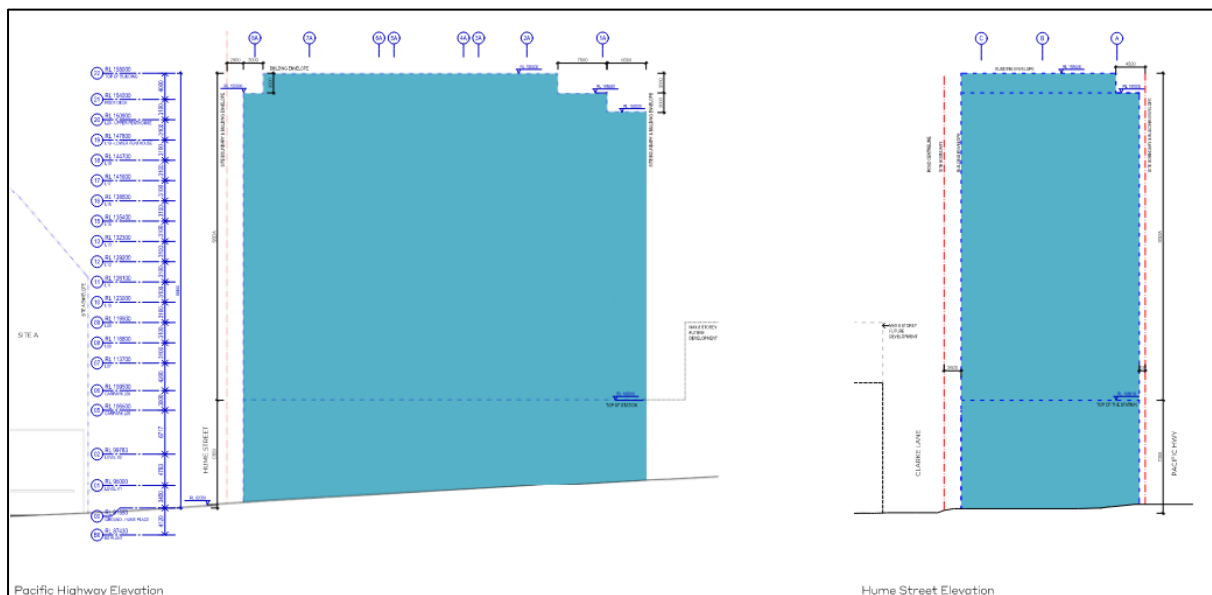


Figure 37 Approved Building Envelope Pacific Highway and Hume Street Elevations (Source: Woods Bagot, 2024)



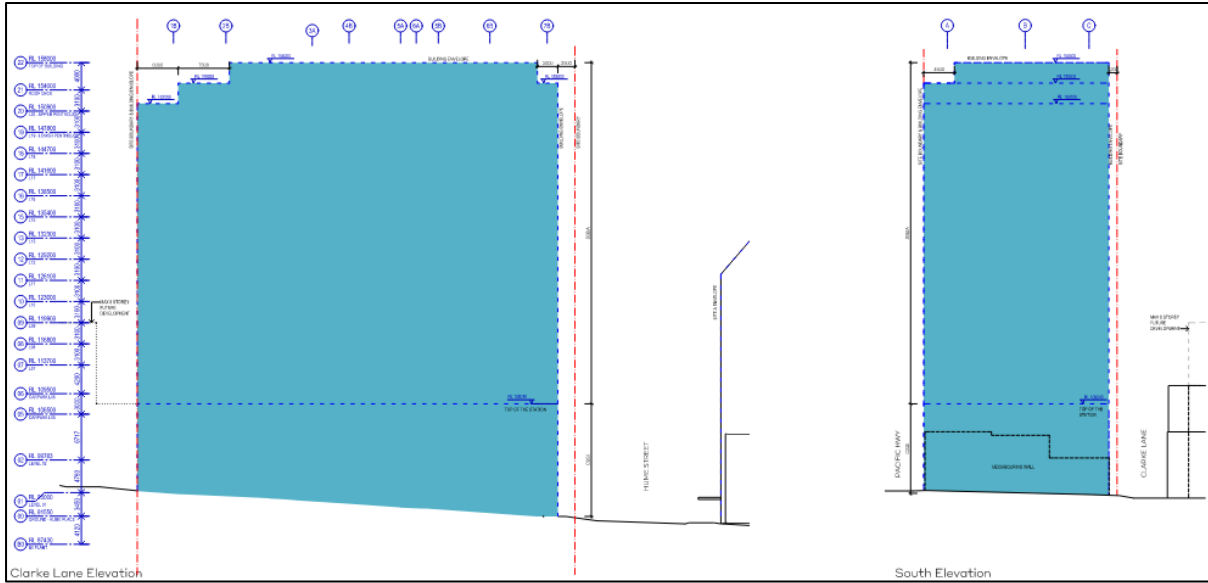


Figure 38 Approved Building Envelope Clarke Lane and South Elevations (Source: Woods Bagot, 2024)

The proposed Site B OSD is entirely consistent with the approved building envelope applying to this site. See the Compliance Massing Study at **Figure 39** and the Development Envelope Diagram at **Figure 40** below.

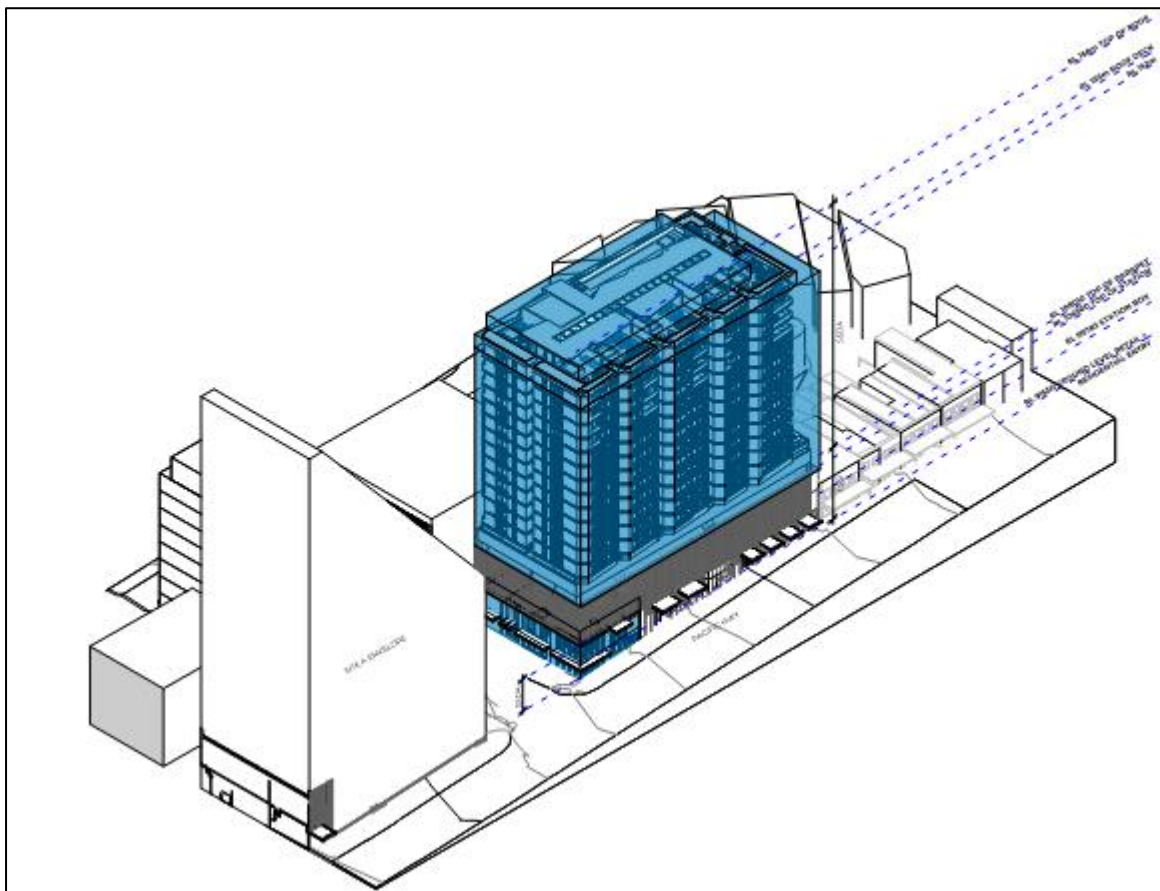


Figure 39 Compliance Massing Study (Source: Woods Bagot, 2024)



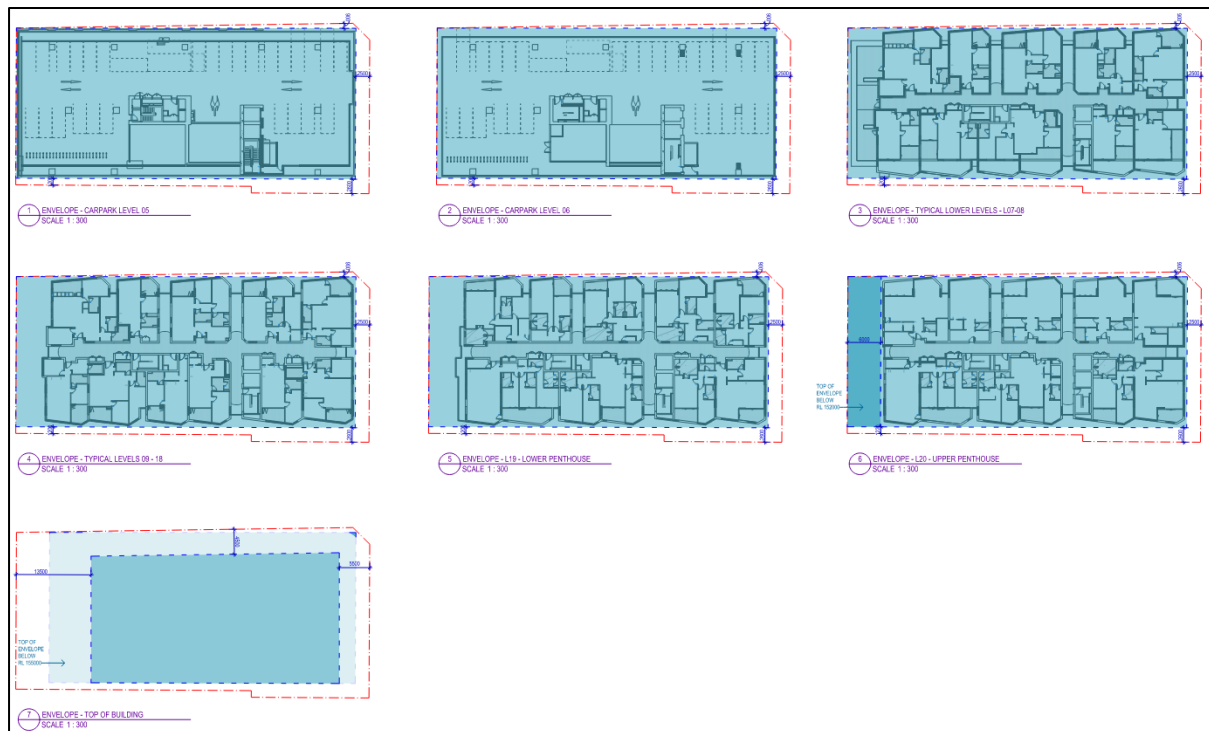


Figure 40 Development Envelope Diagram (Source: Woods Bagot, 2024)

As shown above, the proposed building at Site B will sit within the approved building envelope.

6.2 Height

The top of the building envelope is approved at RL 155.0 with provision of a 'Top of Service Zone' to RL 158.00. The Concept Approval Plans also include a notation that states "Built form above RL 155m subject to Clause 5.6 of the North Sydney LEP – to be detailed in future DA".

As shown in the Architectural Drawings at **Appendix 03**, the built form will comply with the approved building envelope height requirements. As provided for in the approved building envelope, the proposal includes plant and equipment that will extend to a height of RL 157.70. In addition to the plant and equipment the proposal includes an architectural roof feature that will extend over the central part of the roof and also serve as a shading device for the roof top terrace, to a maximum height of RL 157.70.

Clause 5.6 of the North Sydney LEP relates to Architectural Roof Features. Consideration of the proposal against the objectives of this clause are provided in **TABLE 14** below:

TABLE 14: CLAUSE 5.6 NSLEP 2013 ARCHITECTURAL ROOF FEATURES	
Objective	Response
(a) to permit variations to maximum building height standards for roof features of visual interest,	The roof feature will be a lightweight, visually appealing feature element that also provides shading for the rooftop terrace area.
(b) to ensure that roof features are decorative elements and that the majority of the roof is contained within the maximum building height standard,	As shown in the Architectural Drawings at Appendix 03 , the majority of the roof is contained within the maximum building height and the roof feature is a lightweight decorative element, centrally located on the roof.
(c) to maintain solar access to new and existing buildings, public reserves and streets,	The roof feature is centrally located on the roof and will not result in any meaningful additional overshadowing of existing buildings, public reserves and streets.



TABLE 14: CLAUSE 5.6 NSLEP 2013 ARCHITECTURAL ROOF FEATURES	
Objective	Response
<i>(d) to promote the retention and, if appropriate, sharing of existing views.</i>	As discussed above, the roof feature is centrally located and will not result in view sharing impacts.

Consideration of the proposal against the control is provided in **TABLE 15** below:

TABLE 15: CLAUSE 5.6 NSLEP 2013 ARCHITECTURAL ROOF FEATURES	
Control	Response
<i>(a) the architectural roof feature—</i>	
<i>(i) comprises a decorative element on the uppermost portion of a building, and</i>	The roof feature is a lightweight element centrally located on the roof.
<i>(ii) is not an advertising structure, and</i>	No advertising is proposed.
<i>(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and</i>	The roof feature does not include floorspace, is a lightweight structure and will not provide for conversion to include floor space.
<i>(iv) will cause minimal overshadowing, and</i>	The roof feature is centrally located and will cause minimal additional overshadowing.
<i>(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.</i>	No building signage is proposed.

In accordance with the above, it is considered that proposed OSD at Site B achieves the requirements to support an architectural roof feature.

6.3 Residential Gross Floor Area

In accordance with Condition B3 of the Concept Approval, the maximum GFA for residential floorspace at Site B is 13,000m².

In accordance with the Architectural Plans at **Appendix 3**, the residential GFA for Site B is 12,981m².

The internal movement corridors on the residential levels will be open corridors and, as such, they have been excluded from GFA calculations. A detailed explanation of this approach is provided above at **Section 3.2**.

6.4 Building Efficiency

Building efficiency is taken as the measure of built form as a percentage of the total volume of the respective building envelope. In accordance with the requirements of Condition B3(d) of the Concept Approval, Site B has a maximum building efficiency target of 80%.

Confirmation is provided that the Site B OSD will not exceed then 80% building efficiency target.

6.5 Public Art Strategy

In accordance with Condition B14 of the Concept Approval, a Public Art Strategy is provided at **Appendix 31**. The Public Art Strategy presents an opportunity to enrich the cultural and visual landscape of North Sydney through a well-curated public art strategy. This comprehensive proposal



aims to integrate high-quality public art that resonates with the community's values and enhances the area's civic identity.

6.6 Concept SSD Application Terms of Approval

This detailed SSD Application is pursuant to the approved Concept SSD Application's Terms of Approval. The proposal achieves the relevant conditions of consent is consistent with the Concept in accordance with Section 4.24(2) of the EP&A Act. Detailed consideration of the conditions of consent applying to the Concept Proposal and the manner in which these items have been achieved is provided at **Appendix 35**. The assessment demonstrates that the proposed development is not inconsistent with the terms of the approved Concept Proposal.



PART 7 ASSESSMENT OF IMPACTS

This section of the EIS:

- Provides an assessment of the potential environmental impacts of the proposed development in response to the matters for consideration outlined in the SEARs.
- Summarises the key findings of the detailed technical studies in the appendices, recommended mitigation, minimisation, and management measures, where required.
- Provides detailed reasons to justify any predicted exceedances of relevant standards or performance measures.

This assessment also considers and incorporates a cumulative impact guided by the Department's Cumulative Impact Assessment Guidelines for State Significant Projects, noting the potential for concurrent construction activities in the immediate surrounding area.

This section should be read in conjunction with the following detailed information appended to the EIS:

- SEARs Table identifies individual matters listed within the SEARs and the location where each requirement is addressed (**Appendix A**).
- Statutory Compliance Table identifies where the relevant statutory requirements have been addressed (**Appendix B**).
- Engagement Outcomes Report, identifying where the issues raised during engagement have been addressed (**Appendix C**).
- Proposed Mitigation Measures for the proposal which are additional to the measures built into the physical layout and design of the project (**Appendix D**).

The detailed technical reports and drawings prepared by specialists and appended to the EIS are individually referenced within the following sections.

7.1 SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

The SEARs (reference: SSD-61400212), issued by the NSW DPHI on 25 August 2023, identify the following Key Issues:

1. Statutory Context
2. Capital Investment Value and Employment
3. Design Quality
4. Built Form and Urban Design
5. Environmental Amenity
6. Visual Impact
7. Public Space
8. Trees and Landscaping
9. Ecologically Sustainable Development (ESD)
10. Traffic, Transport and Accessibility
11. Biodiversity
12. Noise and Vibration
13. Ground and Water Conditions
14. Water Management
15. Flooding Risk
16. Hazards and Risks
17. Contamination and Remediation
18. Waste Management
19. Aboriginal Cultural Heritage
20. Environmental Heritage
21. Social Impact
22. Infrastructure Requirements and Utilities



- 23. Bush Fire Risk
- 24. Aviation
- 25. Construction, Operation and Staging
- 26. Contributions and Public Benefit
- 27. Engagement

The abovementioned matter(s), and other necessary matters, are addressed in the following section(s).

7.1.1 SEARs Item 1: Statutory Context

This section of the EIS evaluates the statutory and strategic context of the proposed development, in relation to the SEARs and addresses its specific matters.

In response to item 1 Statutory Context of the SEARs, **TABLE 16** specifies the location of each assessment of the relevant statutory and strategic documents.

TABLE 16: STATUTORY CONTEXT REVIEW	
Document	Response / Location of Assessment
<i>Address all relevant legislation, environmental planning instruments (EPIs) (including drafts), plans, policies and guidelines.</i>	Refer to PART 4 of this EIS.
<i>Identify compliance with applicable development standards and provide a detailed justification for any non-compliances.</i>	Refer to Appendix B of this EIS.
<i>If the development is only partly State significant development (SSD) under clause 8(1) of the State and Regional Development SEPP, provide an explanation of how the remainder of the development is sufficiently related to the component that is SSD.</i>	N/A – the proposal is wholly SSD.
<i>Address the requirements of any approvals applying to the site, including any concept approval or recommendation from any Gateway determination.</i>	Refer to Part 6 of this EIS.

7.1.2 SEARs Item 2: Estimated Development Cost and Employment

As required by Item 2 Estimated Development Cost and Employment of the SEARs, details of EDC and employment numbers associated with the proposal have been calculated.

Reference should be made to **Section 1.5** and **Section 1.6** of this EIS and **Appendix 6**.

The EDC is \$ 85.63M.

The total full-time jobs are estimated at 550.

The number of full-time operational jobs is estimated at 70.

7.1.3 SEARs Item 3: Design Quality

This section provides a detailed assessment of the proposed development in accordance with Item 3 – Design Quality of the SEARs.

A Design Integrity Report (DIR) is provided at **Appendix 5** that provides a detailed consideration of how Site B OSD achieves design excellence and how design integrity can be maintained according



to the Crows Nest over station development Design Quality Guidelines document and Concept Approval design objectives.

7.1.3.1 Design Excellence

The proposed development at Site B has been formed around the following significant themes:

- Considered and high-quality integration with the metro architecture.
- A positive contribution to the skyline and built form above the podium.
- Contribution to a high-quality pedestrian environment at the public domain, with safe, active frontages, and improvement to the existing Crows Nest village character.
- Distinct OSD entries and integrated servicing.
- Quality materials and finishes that are contemporary and engaging within the local heritage and context.
- Identified areas for public art opportunities to further improve the public domain experience.
- Positive environmental, social, and economic strategies to ensure building longevity and sustainable excellence.

It is noted that Clause 6.19B of NSLEP2013 requires consideration that the development exhibits design excellence. Where these matters have been addressed previously, a reference has been made to the relevant sections of the EIS to avoid repetition.

TABLE 17: CONSIDERATION OF CLAUSE 6.19B – DESIGN EXCELLENCE IN THE AREA ADJACENT TO CROWS NEST METRO STATION

Matter for Consideration	Assessment/Section in the EIS
In considering whether development to which this Division applies exhibits design excellence, the consent authority must have regard to the following matters—	
(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved	Section 3.3 and Appendix 5
(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain	Section 7.1.7 and Appendix 5
(c) whether the proposed development detrimentally impacts on view corridors from public spaces	Section 7.1.6 and Appendix 5
(d) the consistency of the development with any guidelines issued by the Planning Secretary relating to the design and amenity of the area adjacent to the Crows Nest Metro Station	Appendix 5
(e) how the development ensures appropriate solar access to— (i) Willoughby Road between 11.30 am and 2.30 pm in midwinter, and (ii) Ernest Place between 10 am and 3 pm in midwinter	Section 7.1.5 and Appendix 3
(f) how the development addresses the following matters—	



TABLE 17: CONSIDERATION OF CLAUSE 6.19B – DESIGN EXCELLENCE IN THE AREA ADJACENT TO CROWS NEST METRO STATION	
Matter for Consideration	Assessment/Section in the EIS
(i) the suitability of the land for development,	The Concept Approval established the suitability of the land for mixed use over station development.
(ii) existing and proposed uses and use mix,	The proposal seeks consent for a mixed use over station development. The land uses consistent with the Concept Approval and are permissible with consent in the MUI Mixed Use zone, pursuant to NSLEP 2013.
(iii) heritage issues and streetscape constraints,	Section 7.1.20
(iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,	Section 3.3 and Section 7.1.4
(v) bulk, massing and modulation of buildings,	Appendix 5
(vi) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,	Section 7.1.5
(vii) the achievement of the principles of ecologically sustainable development,	Section 7.1.9
(viii) pedestrian, cycle, vehicular and service access, circulation and requirements,	Section 7.1.10
(ix) the impact on, and any proposed improvements to, the public domain,	Section 7.1.7
(x) achieving appropriate interfaces at ground level between the development and the public domain,	Section 7.1.7
(xi) active street frontages,	Active street frontages are proposed to Hume Street and the Pacific Highway.
(xii) integration of landscape design.	Section 7.1.8

7.1.3.2 Good Design

Demonstration of how the proposal achieves the seven objectives for good design in Better Placed is provided in **TABLE 18** below. Where these matters have been addressed previously, a reference has been made to the relevant sections of the EIS to avoid repetition.

TABLE 18: SEVEN PRINCIPLES OF GOOD DESIGN	
Objective	Assessment/Section in the EIS
1. Better fit contextual, local and of its place	The proposal lies in the key transition from the emerging St Leonards character to the smaller residential scale of Crows Nest. The OSD proposal compliments the local character by responding to the vertical rhythm of the retail high street, complimenting and responding to the eclectic, crafted architecture of the area, and also



TABLE 18: SEVEN PRINCIPLES OF GOOD DESIGN	
Objective	Assessment/Section in the EIS
	acknowledging the Indigenous culture heritage of the area.
2. Better performance sustainable, adaptable and durable	Section 7.1.9
3. Better for community inclusive, connected and diverse	<p>The Site B OSD is a mixed use development with inviting retail activation on the ground and first floor. A range of residential apartments will be included above with 1 bed, 2 bed and 3 bed apartments. Apartments will be adaptable in accordance with AS4299 requirements.</p> <p>In accordance with the requirements of the Concept Approval, a financial contribution will be made towards the provision of affordable housing.</p>
4. Better for people safe, comfortable and liveable	Section 7.1.7
5. Better working functional, efficient and fit for purpose	<p>The proposed building design achieves a high degree of resident amenity, maximizing access to natural light and air while placing almost all living space and balcony areas on the face of the facade. Good outlook toward Sydney CBD is also designed for with façade directionality towards this outlook.</p> <p>All bedrooms access natural light with generous openings that also form part of the apartment cross ventilation strategy.</p> <p>Circulation to the apartment levels is open air to provide natural comfort. A feature of the proposal is the roof terrace; additional amenity for the residents that is envisioned with generous planting.</p> <p>Levels throughout the development have been determined to maintain accessibility to every element of the proposal.</p>
6. Better value creating and adding value	The proposal achieves design excellence, uses effective materials and construction processes and enhances value by maintaining the appearance and usability of the building.
7. Better look and feel engaging, inviting and attractive	<p>The built form design is a considered response to the existing building forms of the surrounding area. Though contrasting in scale, all new built elements sit respectfully within these structures to maintain the urban form experience of envisioned by the approved Concept Design.</p> <p>The building responds to its existing and future context through several initiatives:</p> <ul style="list-style-type: none"> ▪ The colour and texture of materials have been selected to complement the existing local context while equally responding to a modern architectural composition.



TABLE 18: SEVEN PRINCIPLES OF GOOD DESIGN	
Objective	Assessment/Section in the EIS
	<ul style="list-style-type: none"> ▪ The proposed form has been articulated to create contemporary building additions of visual interest, exhibiting design excellence in a prominent site. ▪ Fine detailing and texture of the materiality overlay an additional layer of consideration. ▪ Potential to incorporate expression in the building and façade will imbue the building with a unique, design led character within the emerging precinct.

7.1.3.3 State Design Review Panel (SDRP)

As outlined in the DIR at **Appendix 5**, the Proponent attended 4 State Design Review Panel (SDRP) meetings, held on 16th July 2023, 17th August 2023, 12th October 2023 and 7th December 2023. These meetings were attended by the project team, the GANSW panel and observed by DPHI and North Sydney Council. The project team have taken the feedback of the SDRP into consideration in guiding design refinement. This is reflected in the attached DIR and Architectural Plans. The key matters raised by the DRP with respect to Site B OSD were:

- a) Built form and materiality
- b) Apartment planning
- c) Landscape design and maintenance
- d) Sustainability strategies

The manner in which these matters have been addressed is provided below.

Built Form and Materiality

The design team explored the simplification of the built form and façade materiality which was supported by the SDRP. The proposal turns towards the best aspect with deep planted reveals for mass articulation. Emphasis is placed on vertical articulation to reference the high street character of Crows Nest. Planning adjustments to the carpark also was supported to create a legible, landscaped recess between the podium and tower.

Impacts regarding the approved envelope were provided as part of the previous approval. These clearly define building separation, shadow and view impacts. The current proposal is consistent with this envelope.

Initial presentations of the proposal involved facades with various materials, the design team has simplified this to be one deep green terracotta for a more elegant and refined expression in the skyline. Furthermore, the façade has been rationalized with winter gardens to improve the constructability while still holding the design intent with the quality of the terracotta façade. The materiality reinforces the leafy North Sydney identity as an urban setting interlaced with swathes of bushland. The design supports the creation of a precinct that fits within the continuing story of Crows Nest's growth, captures the aesthetic of its surrounds, and is structured around an innate understanding from origins to today's apartment planning.

The approach to have naturally ventilated, common foyer spaces, that provides natural light, landscaping, and seating areas was supported by the SDRP. The design team explored the ability to close these spaces with operable louvres in the event of strong weather conditions in response to feedback provided by the sDRP. Furthermore, the design of apartments was reviewed to ensure the incorporation of studies would not allow future retrofitting of doors that would result in uncompliant 'habitable rooms'.



Landscape Design and Maintenance

The landscaping was a strong and supported feature of the proposal by the SDRP. The considered approach to ensuring that the plants will survive and thrive in the urban environment was acknowledged. The current planting strategy is to partner with Bush to Bowl to provide endemic species of planting as an opportunity for the community to learn about native species and Indigenous practices of care and propagation, this initiative being supported by the SDRP.

The design team will continue to work with the landscape consultants and façade maintenance consultants to ensure adequate strategies are in place for ongoing maintenance of the landscaping.

Sustainability

The SDRP supported the intention to establish a sustainability strategy that is embedded in the architecture. The proposal outlines positive environmental strategies to ensure building longevity and sustainable excellence, including:

- Solar renewable energy generation and water capture
- Rainwater reuse for irrigation
- Passive design shading
- Connection to nature through biophilic design
- Naturally ventilated corridors
- Low embodied-carbon materials
- 100% electric building
- Naturally lit and ventilated carpark
- Tree canopies and awnings for pedestrian comfort
- Curtain wall for deconstructability and recycling

The OSD strives to be a valued addition to the community, strengthening Crows Nest's sense of identity and place.

7.1.4 SEARs Item 4: Built Form and Urban Design

7.1.4.1 Urban Design

The DIR (**Appendix 5**) and Design Statement (**Appendix 5**) provides a comprehensive assessment of the urban context and local character and sets out the design vision, including the impact of the context on the design philosophy.

Site B does not have any station entrances but includes plant space and bike storage for metro users. Site B will incorporate active frontages to Hume Street and the Pacific Highway which will contribute to the pedestrian-centric approach to the precinct.

Crows Nest is traditionally a low to medium density suburban neighbourhood with the medium density located in closer proximity to the Pacific Highway and Willoughby Street. There are heritage conservation areas to the east and north of the site reflecting the significant cultural heritage in the area.

The Metro station will initiate a wave of urban transformation with increased high-rise apartment developments coming to market. Changes in building heights have ensured that this occurs along the Pacific Highway and towards St Leonards, decreasing in height towards the leafy suburban surrounds.

The proposed design at Site B is a dynamic form that sits above the masonry façade of Crows Nest Station in a contrasting materiality of green terracotta. This material choice sets a new standard for residential developments in the area and references the blue gum forests endemic to the area.

This reference to nature; alongside generous planting forms a response to a Designing with Country



masterplan developed across the Crows Nest Metro development sites.

The proposal is centred around access for residents and visitors to generous planted space and spectacular views to Country and its landmarks. This informs the dynamic character of the façade and its visible planting from the outside.

This unique character and verdant nature of the proposal is an appropriate response to the character of the neighbourhood and will serve to provide a new standard of residences in Crows Nest.

On this basis, the proposed development is considered to achieve the best possible outcome for the site in terms of delivering a well-resolved urban design solution for the site.

7.1.4.2 Built Form

The built form parameters for the proposed development are largely determined by the Concept Approval, NSLEP 2014, the ADG, and the design integrity process. In addition to the Architectural Report, Design Statement and DIR the proposed built form has been extensively discussed at **Section 3.3.2, Section 6.1, Section 6.2, Section 6.3**. It has been demonstrated that the proposed development complies with the relevant built form controls including:

TABLE 19: BUILT FORM COMPLIANCE			
Control	Standard	Proposed	Compliance
FSR	7.5:1	6.93:1	Yes
FSR Non-Residential	(0.5:1)	0.5:1	Yes
Height	155m	155m	Yes
Height - Plant & Architectural Design Feature	158m	158m	Yes
Setbacks			
Pacific Highway (West)	0m-0.9m	0m-0.9m	Yes
Hume Street (North)	2.5m	2.5m	Yes
Clarke Lane (East)	1.2m-2.6m	1.2m-2.6m	Yes
South	0m to RL 152 and 4.8m-6.29m up to RL155	South – 0m to RL 108.01, 0.8m to RL 113.7, 4.8m to RL 147.8, 6.63m to RL 155, 13.6m to RL 158	Yes

In accordance with the above, the proposed development at Site B achieves compliance with the relevant built form standards and controls.

7.1.4.3 Design Principles

Chapter 2 and Chapter 3 of the Design Statement at **Appendix 05** address the Housing SEPP Design Principles and the Apartment Design Guide respectively. The report explains in detail the formation of the current design after considering the existing site and context and then provides a detailed analysis of the development against the design principles of the Housing SEPP.

7.1.4.4 Building Code of Australia



A BCA Assessment Report has been prepared and provided at **Appendix 08**. The report provides recommendations to achieve compliance with the relevant provisions of the BCA. The report concluded that the proposed development can readily achieve compliance with the relevant provisions of the BCA.

7.1.4.5 Management and/or Mitigation Measures

Further assessment should be undertaken during the detailed design stage to validate compliance with the applicable provisions outlined in the BCA Assessment Report.

7.1.4.6 Accessibility

Matters relating to accessibility have been considered in the Access Report at **Appendix 09**. The report confirms that accessibility requirements, pertaining to external site linkages, building access, common area access, sanitary facilities and parking can be readily achieved.

7.1.4.7 Management and/or Mitigation Measures

Further assessment should be undertaken during the detailed design stage to validate compliance with the applicable provisions outlined in the Access Report.

7.1.5 SEARs Item 5: Environmental Amenity

The proposal has been designed to address broader amenity issues, including solar access, ventilation, privacy, and communal open space. The proposal involves a design that has identified, on balance, the most appropriate development and complies with the relevant design requirements.

The proposed building design achieves a high degree of residential amenity, maximizing access to natural light and air while placing almost all living space and balcony areas on the face of the facade. Good outlook toward Sydney CBD is also designed for with façade directionality towards this outlook.

All bedrooms access natural light with generous openings that also form part of the apartment cross ventilation strategy. Circulation to the apartment levels is open air to provide natural comfort for residents.

A feature of the proposal is the roof terrace; additional amenity for the residents that is envisioned with generous planting for the residents to overlook.

Amenity impacts associated with the built form were considered as part of the Concept Approval. It is noted that the proposed development at Site B sits fully within the building envelope approved via the Concept Approval.

In relation to view analysis, the EIS accompanying the Concept Application (SSD 18_9579) provided at section 8.3.3 that “compliance with the proposed building envelope would ensure that future OSD has an acceptable view and visual impact”. It is noted that the proposed development at Site B fully complies with the approved building envelope. Accordingly, this issue is considered to have been appropriately addressed.

7.1.5.1 Overshadowing

The proposed development is not considered to give rise to any unacceptable overshadowing, and the extent of additional overshadowing of the adjoining properties is considered to be entirely reasonable given the existing concept approval, permitted increase in density, site orientation, and varying building form. Shadow analysis diagrams are provided at **Appendix 3**.





1 SHADOW ANALYSIS - 8AM WINTER SOLSTICE
 SCALE 1:750



2 SHADOW ANALYSIS - 10AM WINTER SOLSTICE
 SCALE 1:750



3 SHADOW ANALYSIS - 11AM WINTER SOLSTICE
 SCALE 1:750



4 SHADOW ANALYSIS - 12PM WINTER SOLSTICE
 SCALE 1:750



5 SHADOW ANALYSIS - 1PM WINTER SOLSTICE
 SCALE 1:750



6 SHADOW ANALYSIS - 2PM WINTER SOLSTICE
 SCALE 1:750



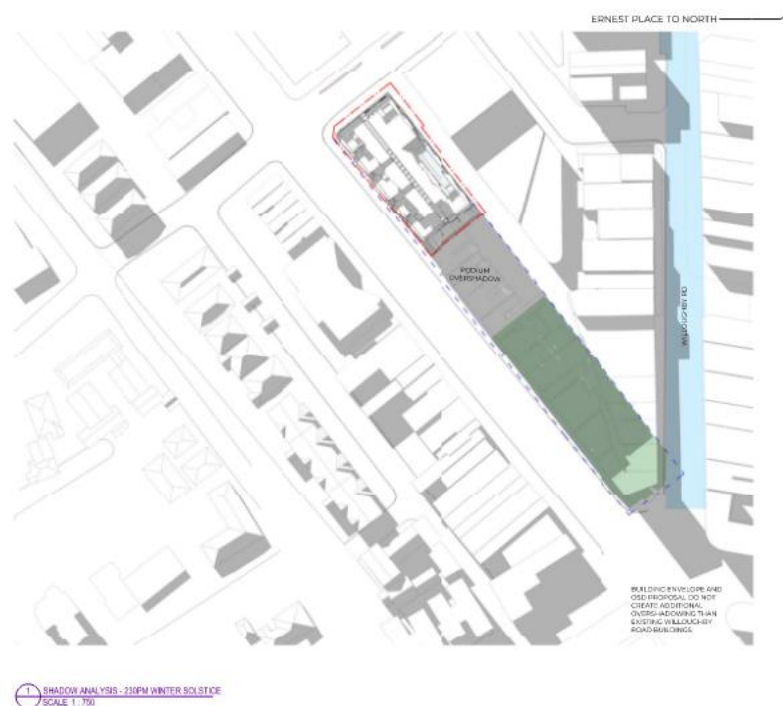


Figure 41. Shadow Analysis – Winter Solstice (Source: Woods Bagot, 2024)

The above shadow analysis diagrams illustrate the shadow created by the OSD as well as a comparison of the shadow created by the maximum envelope. As can be seen the shadow is in keeping with that anticipated by the approved building envelope. Further, it is demonstrated that the proposed development will not result in any additional overshadowing of Willoughby Road between 11:30am – 2:30pm or any additional overshadowing of Earnest Place between 10:00am – 3:00pm during winter solstice. This is in keeping with the requirements of the Design Excellence Guideline and Clause 6.19B of NSLEP 2013.

7.1.5.2 SEPP 65 and Apartment Design Guide

Detailed analysis of the proposed development against the *State Environmental Planning Policy 65* (SEPP65), Design Principles and Apartment Design Guide (ADG) as required by SEPP 65 has been undertaken and a Design Verification Statement have all been provided (**Appendix 5**). It is noted that the provisions of SEPP 65 have been incorporated into the State Environmental Planning Policy Housing 2021 (Housing SEPP).

Consideration of the proposal against the SEPP 65 Design Principles is provided below:

Principle 1: Context and Neighbourhood Character

Crows Nest is traditionally a low to medium density suburban neighbourhood with the medium density located in closer proximity to the Pacific Highway and Willoughby Street. There are heritage conservation areas to the east and north of the site reflecting the significant cultural heritage in the area.

The Metro station will initiate a wave of urban transformation with increased high-rise apartment developments coming to market. Changes in building heights have ensured that this occurs along the Pacific Highway and towards St Leonards, decreasing in height towards the leafy suburban surrounds.

The proposed design is a dynamic form that sits above the masonry façade of Crows Nest Station in a contrasting materiality of green terracotta. This material choice sets a new standard for residential developments in the area and references the blue gum forests endemic to the area.



This reference to nature; alongside generous planting forms a response to a Designing with Country masterplan developed across the Crows Nest Metro development sites.

The proposal is centered around access for residents and visitors to generous planted space and spectacular views to Country and its landmarks. This informs the dynamic character of the façade and its visible planting from the outside.

This unique character and verdant nature of the proposal is an appropriate response to the character of the neighbourhood and will serve to provide a new standard of residences in Crows Nest.

Principle 2: Built Form and Scale

The proposal sits within the Crows Nest Metro concept approval envelopes for over station developments.

These envelopes were defined in response to the precinct surroundings, overshadowing and urban form. Within the envelope the proposal responds to the Design Quality Guidelines to result in an appropriately articulated and varied façade.

For the most part the proposal turns towards the best aspect with deep planted reveals for mass articulation. Emphasis is placed on vertical articulation to reference the high street character that surrounds.

The combination of approved envelopes and a proposal that appropriately responds to the Design Quality Guidelines ensures the proposal's built form and scale sit appropriately within the context of Crows Nest.

Principle 3: Density

The proposal responds to the increasing density around the Crows Nest Metro Station. While supporting housing growth at this transit hub, the proposal seeks to remain appropriate to the site and its context. The built form of the proposal is formed in response to the wider precinct masterplan where it transitions from the high density of St Leonards centre, down to a more residential neighbourhood scale beyond.

Principle 4: Sustainability

The design proposal is structured around the concepts of sustainability and building longevity. It incorporates several strategies to achieve a positive environmental outcome, including:

- Solar renewable energy generation and water capture
- Rainwater reuse for irrigation
- Passive design shading
- Connection to nature through biophilic design
- Naturally ventilated corridors
- Low embodied-carbon materials
- 100% electric building
- Naturally lit and ventilated carpark
- Tree canopies and awnings for pedestrian comfort
- Automated control of building systems such as motion sensors for lighting and CO sensors for carpark fans
- Energy efficient lifts

Principle 5: Landscape

Due to the nature of the OSD the majority of the proposal does not meet natural ground. It is understood that through streetscape improvements and planting Sydney Metro has made every effort to provide landscaping in the public domain.

The proposal centres around communal corridors that have access to both natural air and generous



planting. This allows residents to at all times feel a connection with the outdoors and each other.

A generous communal rooftop space also provides residents and visitors with access to natural elements; direct sunlight, shaded outdoor space, plunge pools and barbeque facilities.

The current planting strategy is to partner with Bush to Bowl to provide endemic species of planting as an opportunity for the community to learn about native species and Indigenous practices of care and propagation.

Principle 6: Amenity

The proposed building design achieves a high degree of resident amenity, maximizing access to natural light and air while placing almost all living space and balcony areas on the face of the facade. Good outlook toward Sydney CBD is captured with façade directionality towards this outlook.

All bedrooms access natural light with generous openings that also form part of the apartment cross ventilation strategy. Circulation to the apartment levels is open air to provide natural comfort for residents.

A feature of the proposal is the roof terrace; additional amenity for the residents that is envisioned with generous planting for the residents to overlook.

Levels throughout the development have been determined to maintain accessibility to every element of the proposal.

Principle 7: Safety

The proposed building design incorporates a number of planning initiatives to optimise safety and security within private spaces and the public domain.

- Easily identified entries Hume Street for residents and public.
- Rooftop gardens and open space areas provide for an enhanced residential experience within the site where neighbourly interaction is encouraged.
- Public and private open space encourage social interaction and shared ownership.

Principle 8: Housing Diversity and Social Interaction

The proposed incorporates an appropriate selection of apartment types to balance market viability in the area. Apartment types all sit within ADG guidelines in terms of overall areas, living areas and balcony sizes depending on type.

In consideration of the view opportunities surrounding the development the glazing in all apartments is generous with a deep façade articulation for protection from the summer sun.

Open space areas provide for a variety of enhanced residential experiences catering for a broad range of residents, whilst common circulation areas provide further opportunities for social interaction. The rooftop terrace provides opportunity for communal open space and resident interaction and socialisation.

Principle 9: Aesthetics

The built form design is a considered response to the existing building forms of the surrounding area. Though contrasting in scale, all new built elements sit respectfully within these structures to maintain the urban form experience of envisioned by the approved Concept Design.

The building responds to its existing and future context through several initiatives:

- The colour and texture of materials have been selected to complement the existing local context while equally responding to a modern architectural composition.



- The proposed form has been articulated to create contemporary building additions of visual interest, exhibiting design excellence in a prominent site.
- Fine detailing and texture of the materiality overlay an additional layer of consideration.
- Potential to incorporate expression in the building and façade will imbue the building with a unique, design led character within the emerging precinct.

Apartment Design Guide

In relation to consideration of the proposal against the provisions of the ADG, details regarding compliance are provided at **Appendix 3**. Key items to note include the following:

- The entirety of the proposal sits within the Metro Concept Approval envelope, this envelope has been defined to reduce impacts on surrounding residents.
- Pedestrian residential entry is not located adjacent to other metro entries and is defined by variation in architectural expression.
- 468m² of rooftop communal open space has been proposed with direct sunlight for the majority of a mid winter day.
- Deep soil zones not possible on site having regard for the existing Metro infrastructure.
- The proposal meets set back requirements for potential surrounding developments to their current maximum allowable height. Where this does not occur, blank walls or window screening has been integrated into façade design.
- Resident bicycle parking to be provided in unit and on car park levels.
- 63% of apartments meet 2 hour solar access requirements. Details are provided in the Solar Access drawing DA-2303 at **Appendix 3**. Notwithstanding this, the ADG recognises that full compliance may not be possible on some sites that are south facing and where significant views are available away from the desired aspect for direct sunlight. In relation to Site B, additional facade openings have been designed for south facing apartments. The proposal envelope has a long south facing façade which also orientates towards city views, therefore strict adherence to criteria not possible.
- More than 60% apartments are cross ventilated.
- All apartments meet internal area requirements.
- All apartments meet balcony area requirements.
- All apartments meet minimum ceiling height requirements.
- Developments achieve a benchmark of 20% of the total apartment incorporating the Liveable Housing Guideline's silver level universal design features.
- The maximum number of apartments off a circulation core on a single level is eight. Where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level. The proposed development complies with this guidance.
- For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40. Lift arrangements are consistent with the Concept Approval numbers. Corridors have access to natural light and ventilation with common areas for seating and gathering. This is seen as a great addition of amenity to the development.

7.1.5.3 Reflectivity

An assessment of the potential for reflected sunlight glare from the proposed development has been undertaken that considers the potential for hazardous glare impacts on the adjacent roads due to the proposed development, with the proposed glazing and other finishes. The key risk with regard to external sunlight reflections is that of 'disability glare' reflections toward drivers approaching Site B. On the road, this type of reflection could interfere with drivers' vision of other vehicles, pedestrians and traffic signals.

The key non-glazed external finish presented on the building elevations and exterior finishes schedule that is visible from nearby roads is CD-01 Terracotta panel, dark green. The specified terracotta panel has a high gloss finish. The key materials with the potential to create specular (mirror-like) reflections are the glazed windows on each façade.



The following risks of disability glare reflections were identified by the assessment:

- Reflections from the Pacific Highway elevation toward drivers travelling north on the Pacific Hwy. These reflections are expected to be blocked from the drivers' view by either the roof of the vehicle or by sun visors within the vehicle.
- Reflections from the Hume St elevation toward drivers travelling north-east on Hume St. As above, these reflections are expected to be blocked from the drivers' view by either the roof of the vehicle or by sun visors within the vehicle.
- Reflections from a small section of the Hume St elevation over levels G-1 toward drivers travelling south-west on Hume St. This risk is expected to occur for only around 20 mins per day, for only around three weeks in the year.

Sunlight reflections in the terracotta tiles may not be sufficient to create disability glare reflections toward drivers but are expected to create strong discomfort glare into a range of directions including toward drivers.

Two of the identified risks of disability glare sunlight reflections listed above are considered to be mitigated by drivers operating their sun visors. Regarding the application of sun visors, it is not uncommon to consider this as a suitable risk mitigation measure, as long as it is reasonably determined that the visors would be in use at the time of receiving the sunlight reflections. Further mitigation measures in response to these identified risks are not considered to be required.

The key reflected glare residual risk identified in the assessment summarised above arises from the terracotta tiles with glossy finish. It is recommended to change the specified finish of the terracotta tiles to a more matte finish. This is expected to sufficiently mitigate the identified reflected glare risk.

7.1.5.4 Management and/or Mitigation Measures

- Change the specified finish of the terracotta tile from glossy finish to matte finish.

7.1.5.5 Wind Impacts

Site B is exposed to the prevailing winds from the north-east, south-east, and north-west, which impact the local wind conditions at the site. The results illustrate the combined impact of Sites A-C and the associated impacts on the local wind environment.

The wind conditions in and around the site have been quantified through computational fluid dynamics (CFD) modelling in the existing and proposed configurations.

These results found that at ground level, all locations pass the safety criterion in the existing and proposed configurations. From a comfort perspective, the majority of locations meet the walking criterion used for the study. There are minor exceedances of the comfort criterion along Pacific Highway in non-pedestrian areas, and along Hume Street, with areas of objective walking predicted. These small areas of higher wind speeds are the combined impact of Sites A-C channelling the wind along Hume Street and wind mitigation strategies would need to be holistically considered across the three sites. For Site B, the proposed street planting would be considered effective to help mitigate pedestrian wind conditions along the Hume Street frontage.



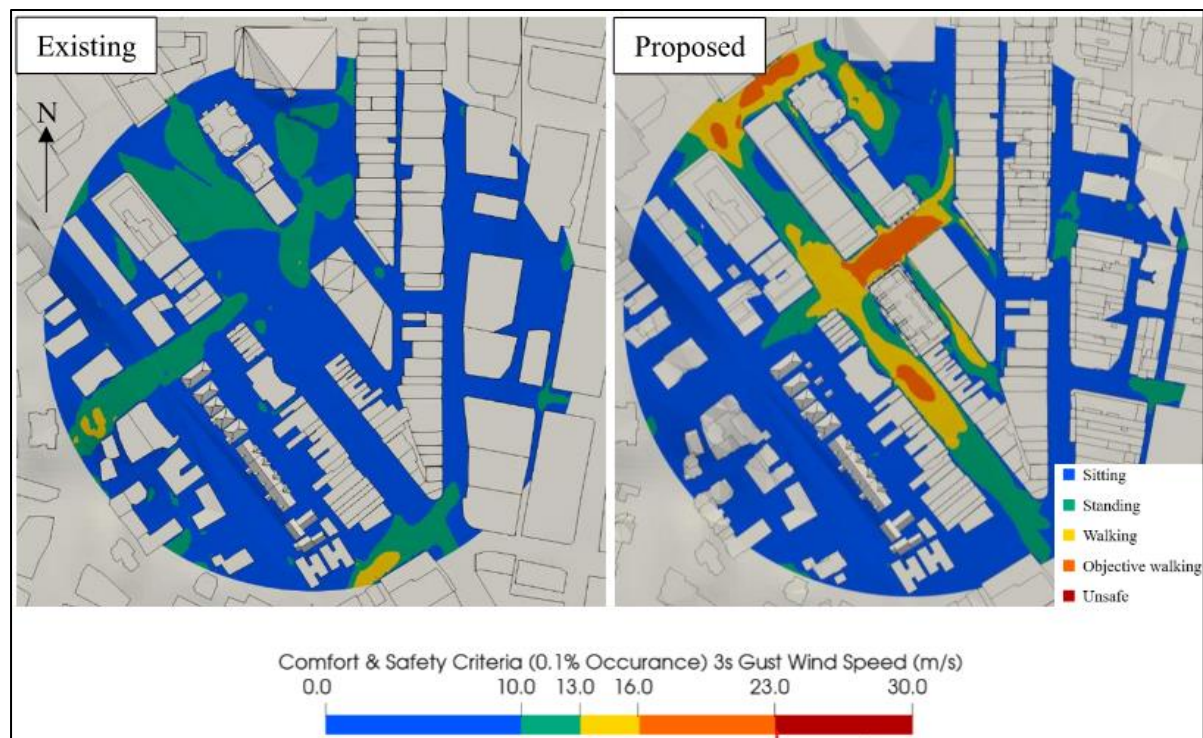


Figure 42. Wind Analysis of existing and proposed conditions (Source: Arup, 2024)

All apartment balconies across Levels 7 to 20 are expected to meet the safety criterion and be suitable for sitting or standing from a wind comfort perspective. The rooftop terrace conditions are expected to meet the safety criterion, and wind comfort conditions at the majority of locations, with some areas suitable for standing, due to the high level of articulation and shielding. The southern end of the terrace is more classified for walking for the southern penthouse terrace and southern communal area, including the southern area of the pool terrace. It is important to note that the elevated locations are all privately accessible and these spaces can be used and/or managed as required.

In relation to the communal corridors, measures including automated opening and closing ensure that wind levels will be manageable in periods of extreme conditions. As identified above, operable louvres will be designed at corridor ends to control prevailing winds during extreme weather events (see **Figure 25**). For both the comfort of users and to avoid serviceability issues the maximum wind speed the corridors are designed to is 1m/s. At all times a flowrate of 10L/s is maintained to provide natural ventilation. This is designed as a combination of opening size and louvre function. The effective opening size is 50% of the corridor cross section. The louvres have been placed on the inner side of the planters for ease of system maintenance. Depending on wind direction; louvres will remain completely open between 90 - 75% of the year.

In summary, the wind conditions around the proposed site are windier than existing conditions, due to the exposure of the site, and combined impact of Sites A-C on local wind conditions. Through qualitative review of the current design compared to design on which the quantitative modelling was based, the majority of locations are considered suitable for the intended use of the space and all locations will be suitable for their intended use subject to the mitigation measures proposed

7.1.5.6 Management and/or Mitigation Measures

The mitigation measures include:

- Ground Level
 - Proposed street planting along Hume Street frontage.
- Apartment balconies



- A combination of wintergardens for some apartments, solid balustrades, incorporation of blade walls, inset balconies, removal of wraparound balconies.
- These spaces are privately accessible and can be used and/or managed as required.
- Roof terrace
 - Sectioned areas to the southern portion of the roof terrace (communal area) to provide additional protection from predominantly horizontal winds.
 - A total height of at least 1.8 m high, including landscaping (with at least 75% solidity for landscaping) recommended for perimeters of the southern, communal area of the roof terrace and southern penthouse terrace.
 - These spaces are privately accessible and can be used and/or managed as required.

7.1.6 SEARs Item 6: Visual Impact

7.1.6.1 Existing Environment

The visual catchment of Site B is large because of the elevated topography of the site, however, existing and proposed tall buildings that block or impede long range views are also part of the relevant assessing context. There are significant proposed developments located to the north of Site B, including Site A and the St Leonards CBD.

A Landscape and Visual Impact Assessment is provided at **Appendix 12** addressing the potential changes from surrounding public areas and private residences as a result of the detailed design of the Site B. It is also recognised that consideration of the visual impact of the proposed development at Site B was undertaken as part of the assessment of the Concept Approval and an approved building envelope was provided. The proposed development at Site B sits fully within this approved building envelope as illustrated in the plans at **Appendix 3**.

7.1.6.2 Assessment of Impacts

A total of 14 viewpoints were identified in the desktop evaluation as having the potential for visual impacts and are shown in **Figure 39**. The extent to which the project would be visible from the identified viewpoints would vary depending on existing topography, vegetation, buildings, and land uses, as well as the form of the project when viewed from each viewpoint.



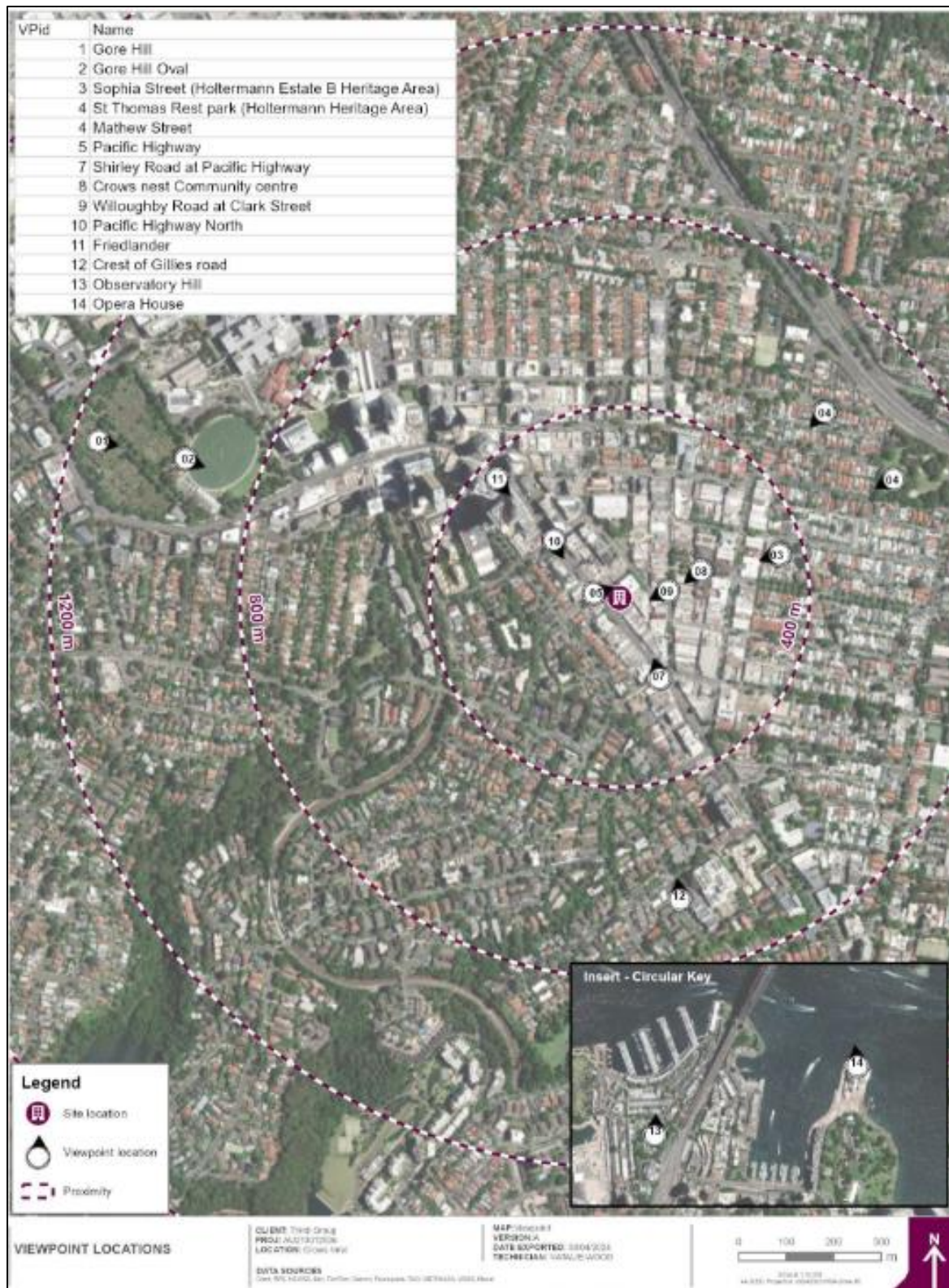


Figure 43. Viewpoint Locations (Source: RPS, 2024)



The visual impact assessment found:

- **Viewpoint 5** from the Pacific Highway would have moderate visual amenity impacts because of the proposal.
- **Viewpoint 9**, Willoughby Road at Clarke Street would have high-moderate visual amenity impacts because of the proposal.
- **Viewpoint 10**, Oxley Street at Pacific Highway, would have moderate visual amenity impacts because of the proposal.
- All other viewpoints would have lower than moderate visual amenity impacts because of the proposal.

Ultimately the visual and view impacts of the detailed design of the Site B development are considered to be acceptable noting that no adverse or significant additional impact is identified with respect to the assessment of the approved Concept SSD Application. While some moderate impacts were identified when comparing the proposal to the existing pre-development site and context, the proposed development is ultimately consistent with the approved Concept SSD Application and represents a lesser impact in the context of higher density development occurring elsewhere in the Crows Nest Station precinct and the St Leonards/Crows Nest centre in accordance with the 2036 Plan.

The proposed building takes the place of the approved building envelope and provides a more articulated and finessed scheme that has been designed in accordance with the endorsed Design Guidelines and Design Excellence Strategy and achieves design excellence.

7.1.6.3 Management and/or Mitigation Measures

- Undertake regular landscape maintenance work to vegetation and planting on the podium and upper levels to ensure an enhanced level of scenic amenity.
- Ensure all selected materials are chosen for their longevity as well as aesthetic appearance and complimentary character to the surrounding urban environment.

7.1.7 SEARs Item 7: Public Space

7.1.7.1 Existing Environment

The public domain works within and surrounding the Crows Nest Station precinct are part of the design and delivery package for the CSSI Approval and are not within the scope of the Site B OSD.

The OSD proposal aims to embody ground plane considerations to contribute to a bustling pedestrian and cycling area that will significantly enhance the quality of the neighbourhood (see **Appendix 5** and **Appendix 7**).

The proposal features retail on the corner of Pacific Highway and Hume Street with a retail/commercial offering on a mezzanine level. Public art will be incorporated on the Hume Street façade, also contributing to the public domain experience.

To ensure the OSD proposal is integrated with the urban design context the development will ensure it:

- Prioritises pedestrian comfort and safety
- Respects local character and heritage of Crows Nest
- Contributes towards the activity, amenity and character of the surrounds by establishing active and legible building interfaces with the public domain on Hume Street
- Considers the improved local pedestrian and cycling networks

A Crime Prevention Through Urban Design (CPTED) Report is provided at **Appendix 13**. The CPTED



Report includes a crime risk assessment to determine the relevant crime related risk in the North Sydney LGA, identifies potential security concerns, and provides recommendations to guide crime prevention, safety, and security arrangements as part of the detailed design of the development.

The CPTED Report provides a detailed assessment with regard to the following:

- CPTED principles
- Data compiled from the NSW Bureau of Crime Statistics and Research
- Project CEPTED assessment

7.1.7.2 Assessment of Impacts

The assessment indicates that, reasonable CPTED measures should be incorporated into the proposal to discourage the opportunity for crime at the proposed development. The CPTED Report provides recommendations to guide crime prevention, safety, and security arrangements as part of the detailed design of the development. The recommended interventions can be readily incorporated through ongoing design development. Subject to the recommended design interventions, the proposed development will achieve an acceptable design outcome from a CPTED perspective.

7.1.7.3 Management and/or Mitigation Measures

To mitigate potential impacts at the building perimeter, carpark entry/exit and loading dock, the below measures are proposed:

- Implement active graffiti removal scheme.
- Implement active security surveillance technology in support of natural (e.g., CCTV cameras).
- Implement sufficient lighting along perimeter.
- Implement signage to provide awareness of vehicles exiting.
- Implement vehicle security barriers to protect pedestrians.

7.1.8 SEARs Item 8: Trees and Landscaping

7.1.8.1 Existing Environment

Having regard for the existing Sydney Metro infrastructure, there is currently no trees or landscaping on Site B. An Arboricultural Statement has been provided at **Appendix 14** that confirms that there are no identified declared trees or vegetation as specified in the North Sydney DCP within or adjoining the site.

The landscape elements will be specifically chosen to dovetail into the pre-existing masterplan and architectural design intent. The landscape design will blend with the direction of the masterplan by embracing the original development principles and complementing them with planting, materiality, and functionality of spaces. The proposed development's landscaping scheme has been designed with a strong focus and emphasis on Connection with Country and integration with the built form. The landscaping objectives and vision are further detailed in the Landscape Design Report provided at **Appendix 7**.

The utilisation of green infrastructure will create balance and scale between the built form and the human scale village feel, ensuring a comfortable and intimate experience throughout the space. The design will strive to nurture a native, endemic palette that focuses on weaving in the history, culture, and community of the place.

Street Tree Planting

Tree and landscape plantings will be designed to match with policy guidelines including the Crows Nest Station Design and Precinct Plan (see **Figure 40**) including:



ENVIRONMENTAL IMPACT STATEMENT

Over Station Development at Crows Nest – Site B
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- Platanus x acerifolia (London Plane) trees will typically be installed at sizes 200L along the Pacific Highway due to site constraints of bollards
- Tristaniopsis laurina (Watergum) will be installed along Hume Street. These trees are a locally endemic evergreen tree species that will provide shade to the footpaths.
- Elaeocarpus eumundi (Eumundi Quandong) trees will typically be installed at 600L size along Clarke Lane.
- All trees will be installed as per the North Sydney Council Technical Specifications and Guidelines

Ground Floor

The ground floor will include extensive greening with a limited footprint and respond to the broader masterplan. The façade will incorporate vertical greening, combine climbing and trailing species that are low maintenance, low water demand with site specific plant selection.

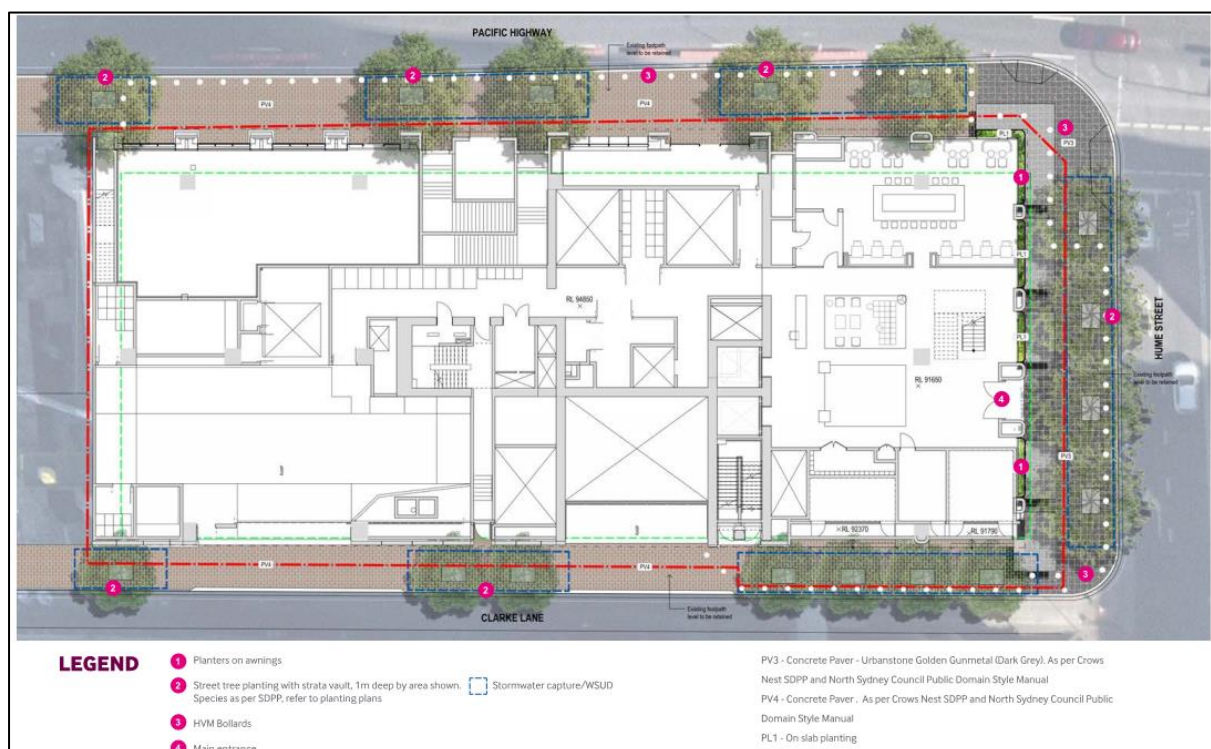


Figure 44. Ground Floor and Public Domain Landscape Plan (Source: RPS)

Level 2

This level will include planters to support vertical greening arranged to allow natural ventilation to the carpark with a locally indigenous palette that supports biodiversity. See **Figure 41**.





Figure 45. Level 2 Landscape Plan (Source: RPS)

Residential Levels

The residential levels will feature open air corridors with planters designed to support community and passive interaction. Planting section for these planters will have regard for the levels of light grading from high, moderate and low (see **Figure 42**).

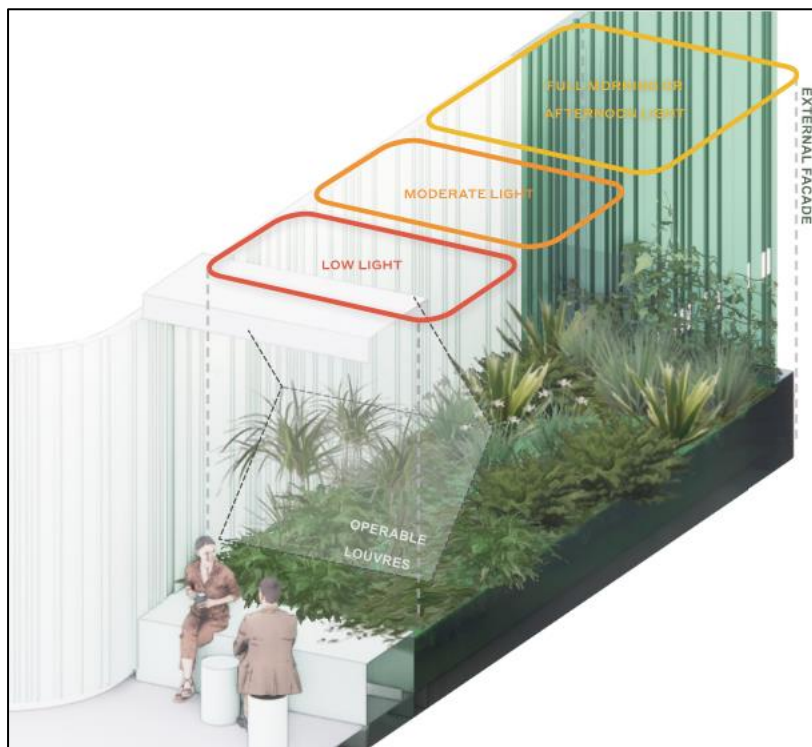


Figure 46. Planters at the Residential Levels (Source: RPS)



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By exploring remnant vegetation resources, the planting will seek to draw from the once prominent Blue Gum high forest (wet Sclerophyll Forests) and Sydney foreshore forest (dry Sclerophyll Forests) throughout the vertical strata of the building. The former is dominated by tall Eucalyptus supporting a low light, wet sclerophyll shrub layer; most suited to shadier areas and internal planters. While the latter is dominated by a heavily exposed, dry sclerophyll shrub layer best suited to north and west facing aspects. See **Figure 43** below.



Figure 47. Typical Residential Level Landscape Plan (Source: RPS)

Rooftop

The rooftop will include extensive landscape and sufficient soil volumes to support tree growth, celebrate harbour views and a functional spatial arrangement. A communal open space area including a swimming pool will be provided as well as private areas for the penthouse apartments. See **Figure 44**.





Figure 48. Rooftop Level Landscape Plan (Source: RPS)

Urban Heat Island Effect

By concentrating large canopy species on the ground and rooftop levels, as well as a skirt of vegetation around the podium, the development effectively shades and offsets a large amount of once highly exposed hard surface across the ground and upper levels and will assist in mitigating the urban heat island effect and ensuring appropriate comfort levels on-site.

Overall, this development contributes positively to the NSW government’s plan to increase canopy cover and reduced hard surfaces across Sydney consistent with the objectives of Greener Places.

7.1.8.2 Management and/or Mitigation Measures

Landscape maintenance should be in keeping with the strategy at 7.12 of the Landscape Design Report.

7.1.9 SEARs Item 9: Ecologically Sustainable Development (ESD)

7.1.9.1 Assessment of Impacts

The principles of ESD as outlined in Clause 193 of the EP&A Regulation have been carefully considered in **Section 8.1.5** of this EIS.

The proposed development takes a comprehensive approach to environmental sustainability, considers the interconnectedness of various aspects of the environment and society, and seeks to balance economic, social, and environmental well-being.

The proposed development incorporates several ESD measures and environmentally conscious initiatives in both design and operation. Most importantly, the proposal considers custodial sustainability by incorporating the opportunities identified in the Designing with Country Guide through recognition, support, and respect for cultural practices and protocols. An ESD Report at **Appendix 16** sets out the various ESD initiatives incorporated into the development and confirms



that the proposed development meets the relevant energy and water reduction targets. A BASIX Certificate and Section J Report has been prepared and is included at **Appendix 16**. Further, the Design Integrity Report at **Appendix 5** includes an ESD response.

The design proposal is structured around the concepts of sustainability and building longevity. It incorporates several strategies to achieve a positive environmental outcome, including:

- Solar renewable energy generation and water capture
- Rainwater reuse for irrigation
- Passive design shading
- Connection to nature through biophilic design
- Naturally ventilated corridors
- Low embodied-carbon materials
- 100% electric building
- Naturally lit and ventilated carpark
- Tree canopies and awnings for pedestrian comfort
- Automated control of building systems such as motion sensors for lighting and CO sensors for carpark fans
- Energy efficient lifts

The proposed development satisfies the applicable water efficiency, thermal comfort, and energy efficiency targets that have been established through BASIX. The Nationwide House Energy Rating Scheme (NatHERS) provides energy ratings for residential development. The proposed development is targeting a minimum 7-Star NatHERS rating. This is demonstrated by the BASIX and NatHERS Certificates for the proposed development at **Appendix 16**.

Based on the commitments and considerations, the proposed development can be considered to meet and exceed the ESD requirements.

7.1.10 SEARs Item 10: Traffic, Transport and Accessibility

A Transport and Accessibility Impact Assessment at **Appendix 17**, Carparking Strategy and Management Plan at **Appendix 18**, Green Travel Plan at **Appendix 19**, Construction Traffic Management Plan at **Appendix 20** and a Vehicle Servicing Management Plan at **Appendix 21** addresses the following matters:

- Transport and Accessibility Impact Assessment, assesses the impact of the proposed development on the surrounding transport network;
- Carparking Strategy and Management Plan, outlines the parking arrangements including consideration of the car lift and its operation;
- Green Travel Plan (GTP) which outlines the way in which travel demand will be managed in future site operations;
- Construction Traffic Management Plan (CTMP) which outlines the matters to be addressed within the detailed CPTMP to be prepared in accordance with the approved development.
- Vehicle Servicing Management Plan (VSMP) considers the use, operation, access and management of the loading dock at Site B.

The above matters are addressed within the following sections.

Transport and Accessibility Impact

- In accordance with the Consolidated Conditions of Consent for SSD-9579, the development is required to provide a maximum of 55 car parking spaces, including six accessible spaces and a maximum of two motorcycle spaces.
- The proposal includes 55 on-site car parking spaces, including six accessible spaces, across two levels of parking. No motorcycle spaces will be provided. As such, the development satisfies the requirements of the Consolidated Conditions of Consent for SSD-9579.



- The North Sydney DCP 2013 requires the development to provide a minimum of 130 bicycle parking spaces for residents, 13 bicycle parking spaces for residential visitors and four spaces for the retail/ commercial space. The proposed development will provide 100 bicycle spaces across the two car park levels. Whilst this will result in a shortfall of 47 bicycle spaces, it is noted that residents will also be able to store their bicycles in their dwellings.
- The North Sydney DCP 2013 also requires the development to provide a dedicated service delivery space, capable of accommodating at least one HRV or two MRVs. The site will be sharing the dedicated loading dock, located on the ground floor, which will be delivered as part of the Crows Nest Metro Station works. The intention is for the loading dock to accommodate the servicing needs of the Metro Station and the over station residential development. As per the OSD Enabling Report (SMCSWSCN-SMC-SCN-EN-REP-000001, dated 29 June 2021), the loading dock has been designed to accommodate two SRVs and one MRV simultaneously. The design also allows a 9.6 metre long waste vehicle to pull over onto the access driveway without obstructing through traffic along Clarke Lane.
- The proposed provision is considered to be sufficient for the servicing requirement of Site B which will be limited to waste collection, removalist activities and minor maintenance activities which will require vans/ utes to access the loading dock.
- The site is expected to generate approximately six vehicle trips in the AM peak and three vehicle trips in the PM peak.
- The queuing analysis indicates that the 95th percentile queue for vehicles entering the site will be one vehicle (the 93rd percentile queue is no vehicles) which indicates that it will be unlikely that there will be a vehicle in the queue and impact the through movement along Clarke Lane. In the event that that a vehicle is required to queue, the swept path analysis indicates that a vehicle can wait along the Clarke Lane without obstructing through movement.
- Given the minor additional traffic generation, the development is expected to have negligible impact on the surrounding road network. No mitigation measures are considered necessary.

Carparking Strategy and Management Plan

Vehicles will access the car park levels via a mechanical car lift, located along the Clarke Lane frontage. There will be two mechanical car lifts, that are expected to operate independently of one another. See **Figure 45** below.



Figure 49. Carpark Access to Residential Carlift via Clarke Lane (Source: Woods Bagot)

A queueing analysis has been completed to determine the maximum queue length associated with the proposed mechanical car lift system. It is noted that queuing on entry would be most critical



during the afternoon peak when residents generally return home. The morning peak is not as critical as vehicles generally exit the site and would therefore wait within the car park levels.

The proposed two car lift system will be able to service a total of 26 vehicles per hour. For the critical afternoon peak hour period, a queue analysis based on the Guide to Traffic Management Part 2: Traffic Theory (Austroads, 2020) concludes that the 95th percentile queue for vehicles entering the site in the afternoon peak hour is expected to be one vehicle at any given time (the 93rd percentile queue is no vehicles). This indicates that it is unlikely that there will be a vehicle queuing on the street level, and therefore will have no adverse impact on the through movement along Clarke Lane. In the event that both car lifts are in use and there is a car waiting, the vehicle can park on the western side of Clarke Lane without obstructing through movement along Clarke Lane. It is expected that the car lifts will be operated by remote control only, which is considered appropriate noting no visitor access is necessary. The car lifts will also return to the default position, which would be at street level, to ensure that if one car lift is in operation the other would be available.

Green Travel Plan

The GTP provides a series of measures aimed at promoting sustainable travel and reducing reliance on the private car. Further reference should be made to Section 8 of the GTA that provides a suite of potential measures.

7.1.10.1 Management and/or Mitigation Measures

The initiatives in the GTP should be implemented during the operational phase of the development and monitored to ensure that they are achieving the desired benefits, including travel surveys to establish travel patterns and mode share of trips to and from the site. The GTP may be further updated based on further changes to travel behaviour.

Construction Traffic Management Plan

The CTMP provides an indicative construction programme and provisional arrangements for vehicular access to the site during the construction phase, in addition to a traffic control regime and truck access routes. Temporary pedestrian controls are also contemplated by the Preliminary CTMP to ensure the safety of the public and workers.

An on-street Works Zone, along the Pacific Highway frontage, is expected to be required during the construction period. It is noted that this area (approximately 50 metres in length) is currently being used as a Works Zone for the Crows Nest Metro Station works, and as such, it is anticipated that there will be no major issues with continuing to use this area as a Works Zone for the OSD works.

The majority of the workers are expected to use alternative modes of transport to travel to/ from the site with a too storage area to be provided on-site to allow workers to travel with ease via public transport. During the site induction, workers will be notified not to travel to site via private vehicles.

7.1.10.2 Management and/or Mitigation Measures

The Preliminary CPTMP should be further developed, and a detailed CPTMP that complies with the relevant standards and guidelines will be submitted prior to the commencement of construction works.

Vehicle Servicing Management Plan

The loading dock is located on the ground level and will be accessed via a driveway crossover along Clarke Lane (see **Appendix 3**). As per the Crows Nest Station Design Site A & B OSD Enabling Report (herein referred to as the Enabling Report), the loading dock will be under the management and control of the Dock Manager and trained staff. The Dock Manager and staff are unknown at this stage. This VSMP will need to be updated and kept up-to-date with the relevant contact details and distributed to all relevant tenants of the OSD and Metro Station.



The loading dock is intended to be open for use at all times of the day, i.e. 24 hours a day and 7 days per week.

7.1.10.3 Management and/or Mitigation Measures

The VSMP should be reviewed regularly (at least once a year) to ensure that the details outlined remain relevant for the operations and activities associated with the Metro Station and residential OSD which are required to occur through the dock area.

7.1.11 SEARs Item 11: Biodiversity

There are no sensitive ecological values associated with the site that would warrant the undertaking of an extensive biodiversity assessment. Accordingly, a BDAR Waiver (**Appendix 34**) under Section 7.9(2) of the BC Act 2016 was issued on 11 December 2023 by the Department in support of this SSDA. This confirms that the development is not likely to have any significant impacts on biodiversity values.

7.1.12 SEARs Item 12: Noise and Vibration

A Noise and Vibration Impact Assessment (NVIA) at **Appendix 22** includes an assessment of the potential noise and vibration impacts during the construction works and operation of the development, as well as consideration of potential noise and vibration from traffic and train movements.

7.1.12.1 Existing Environment

The surrounding noise receivers to the site include the following:

1. Retail/commercial properties located to the east of the site.
2. Existing shop top housing including residential dwellings located to the south of the site on the Pacific Highway.
3. Residential dwellings located to the west of the site opposite on the Pacific Highway.

These receivers are shown in **Figure 50** below.



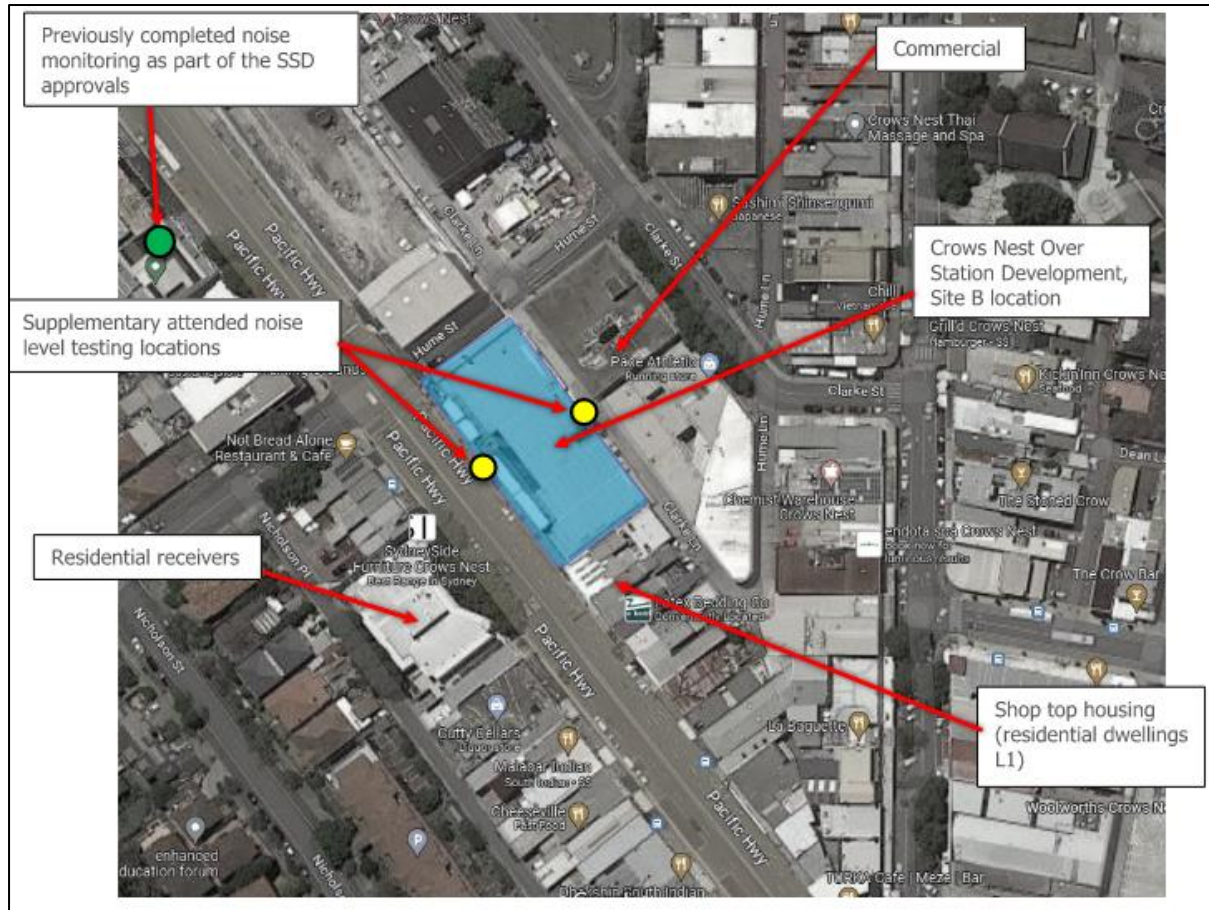


Figure 50. Noise Receivers (Source: PWNA)

7.1.12.2 Construction Noise

Construction noise has been assessed in accordance with the EPAs Interim Construction Noise Guideline (ICNG).

Appropriate construction noise management levels have been established based on the measured ambient noise levels in the proximity of the project area.

The predicted noise impacts identified that a potential exceedance of the noise management levels may at times be possible. Given the shielding provided by the surrounding buildings and distance to the nearest residential receivers, there were no residential receivers identified to be highly noise affected.

Construction road noise has also been assessed in accordance with the Road Noise Policy. The background noise monitoring results and the traffic survey identified that existing surrounding road network currently experiences high levels of road traffic. Road traffic noise levels were predicted to increase by less than 2 dB as a result of the construction activities. While an increase in noise from construction traffic noise may not be discernible, given the high volumes of trucks forecast in the peak, management of potential impacts is recommended.

A range of noise management and mitigation measures have been identified to reduce the potential impacts on surrounding sensitive receivers. These recommendations should be incorporated into the contractor's Construction Noise and Vibration Management Plan (CNVMP).

7.1.12.3 Management and/or Mitigation Measures



Construction noise management is to be undertaken in accordance with the Section 8.4.4 of the NVIA which include:

- Construction to be undertaken within the approved hours detailed within the projects Conditions of Consent.
- All plant and equipment are to be maintained such that they are in good working order.
- A register of complaints is to be recorded in the event of complaints being received, including location, time of complaint, nature of the complaint and actions resulting from the complaint.
- If required a noise level measurement of the offending plant item generating complaints is to be conducted and noise mitigations undertaken to reduce noise levels to within Noise Management levels in the event magnitude of noise levels is found to be above suitable levels.
- The use of percussive and concrete sawing should be undertaken behind a closed façade when possible.
- The use of percussive equipment including hydraulic hammering should be limited such that they are not undertaken prior to 7.30am on weekdays and prior to 8.30am on Saturdays.

In addition to the recommended mitigations above details of the proposed construction works to be conducted on the Site, including type of activities to be conducted as well as the expected duration of activities should be provided to the neighbouring receivers.

- Use of alternative appliances to complete the required works which result in reduced noise impacts on surrounding neighbours.
- Period when noisy appliances are undertaken, such as undertaking noisy works on locations with the greatest distance to residential receivers during morning periods if possible.
- Construction of acoustic screening to permanently located high noise generating equipment such as pumps and generators. Scheduling of high noise generating works outside of noise sensitive periods if possible.
- Other site specific treatments and controls which may become possible once works commence.

In addition to the above the following is also recommended:

- Noise – Attended noise level measurements of typical construction activities should be undertaken at Site. Attended construction noise surveys of the Site and surrounding impacts on neighbours should be undertaken during the following as a minimum:
 - i. Periodically during the construction period if required.
 - ii. In response to any ongoing complaints received from neighbours.

7.1.12.4 Construction Vibration

The impacts of vibration on human comfort have been assessed against the EPAs Assessing vibration: a technical guideline.

The impacts of vibration on structures have been assessed against British Standard BS 7385: Part 2-1993 "Evaluation and measurement for vibration in buildings Part 2: Guide to damage levels from ground borne vibration" (BSI 1993).

The project is currently in the early planning stage and specific construction equipment is subject to change. Safe working distances have been presented to provide guidance on appropriate typical equipment which could be considered for this project. Given the location of the site, located above the completed Crows Nest metro station demolition and exaction will not typically be required as part of the project and significant construction vibration will therefore not result from the construction of the project.



Based on the proximity of the surrounding receivers to the works required to be conducted on the Site vibration magnitudes with the potential to exceed the vibration criteria are not expected, therefore vibration monitoring is not recommended for the construction phases of the project.

7.1.12.5 Management and/or Mitigation Measures

During the proposed construction of the project the building contractor is required to engage in community interaction. The community interaction and notification is required to include the following:

- Notification of the proposed works to be undertaken on the Site and the periods when works will be conducted, including information regarding the programme of works such as demolition and excavation.
- Details of the relevant Site representative where complaints can be registered.
- Details of the methodology to respond to complaints raised from the surrounding receivers.
- A register of complaints, to be kept on Site including record of time and nature of the complaint as well as the outcomes and comments regarding investigations resulting from the complaint.

7.1.12.6 Internal Noise Levels

The assessment includes the assessment for the environmental noise impact on the project, including traffic noise from the Pacific Highway. The assessment includes the recommendations for the buildings construction to ensure internal noise levels will comply with the relevant acoustic criteria including the North Sydney DCP, SEPP infrastructure, NSW Department of Planning and Australian Standards requirements.

The report goes on to recommend the building fabrics which can be included in the design of the building to ensure compliance with the relevant internal noise levels will be achieved.

An assessment of the required areas where an alternative source of outside air is triggered, based on noise affected façade locations has been investigated and the proposed methods of providing the alternative source of outside air is detailed in the report.

An assessment of the potential environmental noise levels within the open air circulation corridors and gathering zones has been undertaken and details of the resulting noise levels have been assessed and mitigations included within the project design to ensure a suitable acoustic amenity within the areas will result.

7.1.12.7 Train Noise and Vibration Assessment

An assessment of the potential noise and vibration impacts from the movement of trains within the Metro Tunnel has been undertaken, including matters detailed within the Environmental Impact Statement (EIS) required for the Sydney Metro project. Based on the details included within the technical report that was issued which addresses the environmental acoustic impacts of this rail project (including the Sydney Metro Chatswood to Sydenham, Technical Report 2: Noise and Vibration authored by SLR Consulting, dated 28 April 2016 and the Sydney Metro City & Southwest: Crows Nest Over Station Development Version P06 report dated November 2018) compliance with the relevant noise and vibration impact on the over station development will be achieved based on the construction of the Metro Tunnel project. Details on the assessment are included in the NVIA report.

In accordance with the above it has been established that with the inclusion of appropriate noise management and mitigation measures, compliance with appropriate construction and operational noise and vibration criteria will be achieved.



7.1.13 SEARs Item 13: Ground and Water Conditions

7.1.13.1 Existing Environment

Investigations were carried out by Stantec Australia in relation to Ground and Water Conditions at Site B and is included at **Appendix 13**.

In preparing this document, Stantec considered available and relevant documentation that was prepared for the Crows Nest Metro Station approval, in order to consider the SEARs 13 requirement for the site.

The following was noted upon review of available documents:

- Douglas Partners prepared a Preliminary Site Investigation (PSI) and Detailed Site Investigation (DSI) in accordance with the NSW EPA and legislative framework as in effect at the time of the reports in 2018 for the Crows Nest Metro Station.
- Contamination risks in soil and groundwater were examined appropriately within the Metro Station boundary, which is consistent with the OSD development boundary (the OSD sits completely atop the Metro Station).
- The PSI and DSI were examined by a Site Auditor and found to be suitable for the Metro boundary. Stantec consider that the PSI investigation undertaken by DP was suitable for the OSD cadastre boundary being entirely within the Metro Station excavation boundary.
- The Site Auditor noted the following in Section 3 of the Site Audit Report: The site is the proposed excavation area for Crows Nest.
- As part of their PSI, Douglas Partners identified that the site is within an area of no known occurrences of acid sulfate soils and is not close to an area associated with a risk of acid sulfate soils. Stantec conclude that risk from ASS/PASS or saline soils is low and acceptable and does not warrant any further investigation.

In accordance with the above the site is considered suitable for the proposed use.

7.1.14 SEARs Item 14: Water Management

An Integrated Water Management Plan (IWMP) has been prepared and is included at **Appendix 24**. This report details the concept stormwater management outcomes, which have been prepared in accordance with the NSDCP2013, Sydney Water Controls, the relevant Australian Standards, and the best engineering practices. The report also includes stormwater management measures that will be implemented during the construction of the proposed development.

This IWMP evaluates the quantity and quality of stormwater associated with the proposed development, establishing a robust stormwater management strategy for both the construction and operational phases. The design adheres to North Sydney Council's requirements for stormwater conveyance, ensuring minor flows are managed through piped drainage and major flows via controlled overland flow. An on-site detention tank has been proposed to restrict stormwater discharge rates to permissible levels for all design storm events, up to and including the 1% Annual Exceedance Probability (AEP) event. Additionally, the development incorporates Stormwater Quality Improvement Devices (SQIDs), such as Ocean Protect Cartridge Filters and a 15kL rainwater tank, to meet pollutant reduction targets. The pollutant reduction model generated using the Model for Urban Stormwater Improvement Conceptualisation (MUSIC) software confirms that the required reductions for phosphorus, nitrogen, total suspended solids, and gross pollutants have been achieved.

The IWMP complies with all relevant policies and guidelines, including the NSDCP2013, Australian Rainfall & Runoff 2016, and AS3500 parts 0-5: 2021-Plumbing and Drainage. A detailed flood impact assessment ensures that the proposed development will not adversely affect flooding behaviour upstream or downstream of the site. Furthermore, erosion and sedimentation control measures are in place to prevent pollution and degradation of downstream watercourses during and after



construction, in accordance with Landcom's guidelines. The IWMP also includes a comprehensive maintenance schedule for the stormwater network components to ensure ongoing effective operation.

The IWMP also includes the Utility Services Infrastructure Assessment by NDY to provide a desktop assessment of the capacity estimates and required supply for potable water and sewer. As part of the Crows Nest Metro Station construction, local infrastructure is undergoing upgrade works to cater for the proposed development. Based on calculated water and sewer demands, the existing infrastructure and proposed upgrade works will be sufficient to cater for the proposed new development.

In summary, the proposed development successfully meets all outlined requirements, including stormwater conveyance, on-site detention, water quality treatment, and flood impact mitigation. The strategies and measures detailed in the IWMP confirm that the development adheres all relevant authorities, ensuring the project's compliance and environmental sustainability.

7.1.14.1 Management and/or Mitigation Measures

- The Preliminary Erosion and Sediment measures should be implemented under a detailed CMP, which will take effect throughout the duration of the works.
- The Stormwater Network Maintenance Schedule set out in Section 12 of IWMP must be implemented.

7.1.15 SEARs Item 15: Flooding Risk

The Flood Impact Assessment provided at **Appendix 25** provides an assessment of the potential flood risk on the site and addresses the flood planning requirements. The North Sydney TUFLOW flood model has been obtained from North Sydney Council, undertaken by GRC Hydro in 2022, to confirm the existing flood conditions across the site. A summary of the assessment and recommended mitigation measures is provided below.

7.1.15.1 Existing Environment

The subject site is also not affected by flood waters during the 1% AEP or PMF storm event (see **Figure 46** below). However, the road network surrounding the site is subject to flooding in the PMF storm event, with maximum flood depths of 360mm and velocities of 2.98m/s observed in Hume Street. Similar to the 1% AEP event, the flood hazard is also typically low in the PMF storm event around the site.



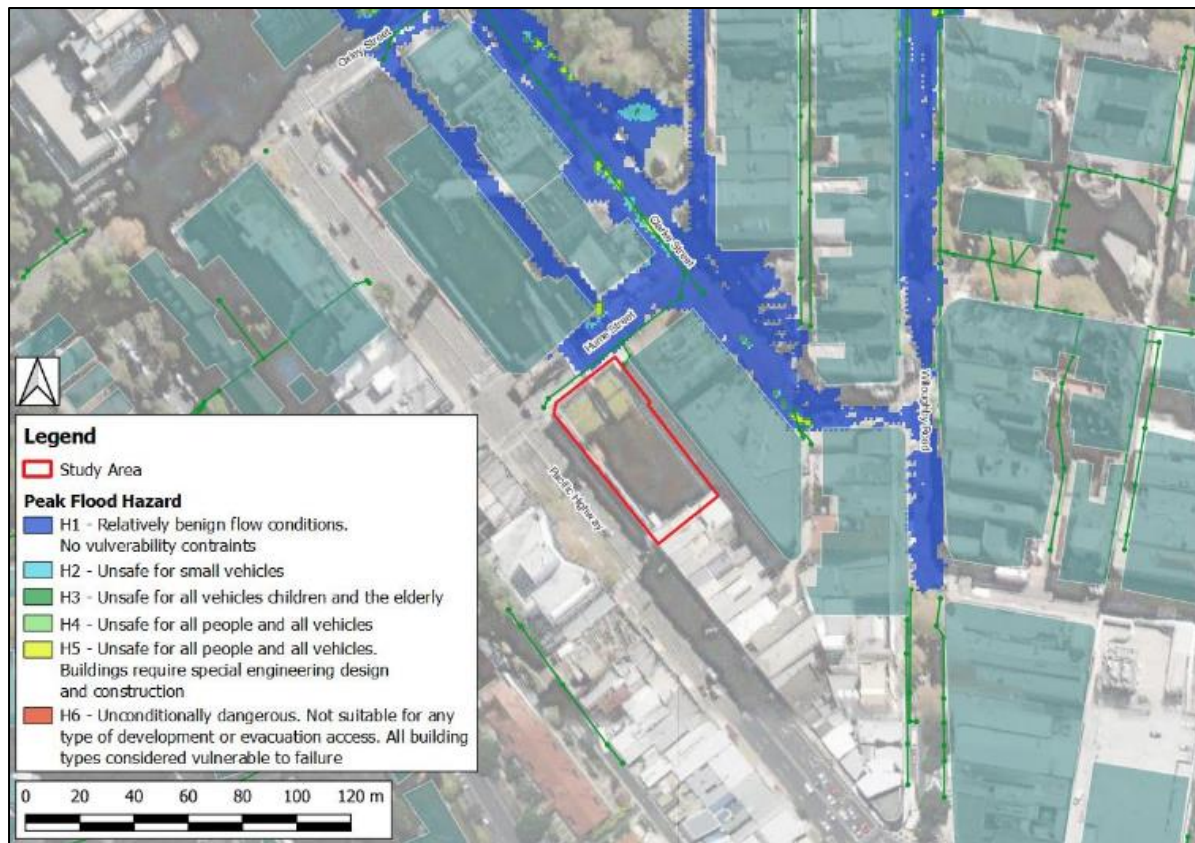


Figure 51. PMF Event Provisional Flood Hazard (Existing Scenario) (Source: Stantec)

7.1.15.2 Assessment of Impacts

A post development scenario has been modelled to determine the impact of the proposed Site B development on existing flood levels. The existing flood model has been utilised and amended to include the proposed building extent, to produce the site-specific assessment. As can be seen in **Figure 47** below, the flood level impact demonstrates that there is no change to existing flood behaviour within the catchment in the PMF event as a result of the development. The flood hazard also remains typically low within the road network in the PMF storm event around the site.



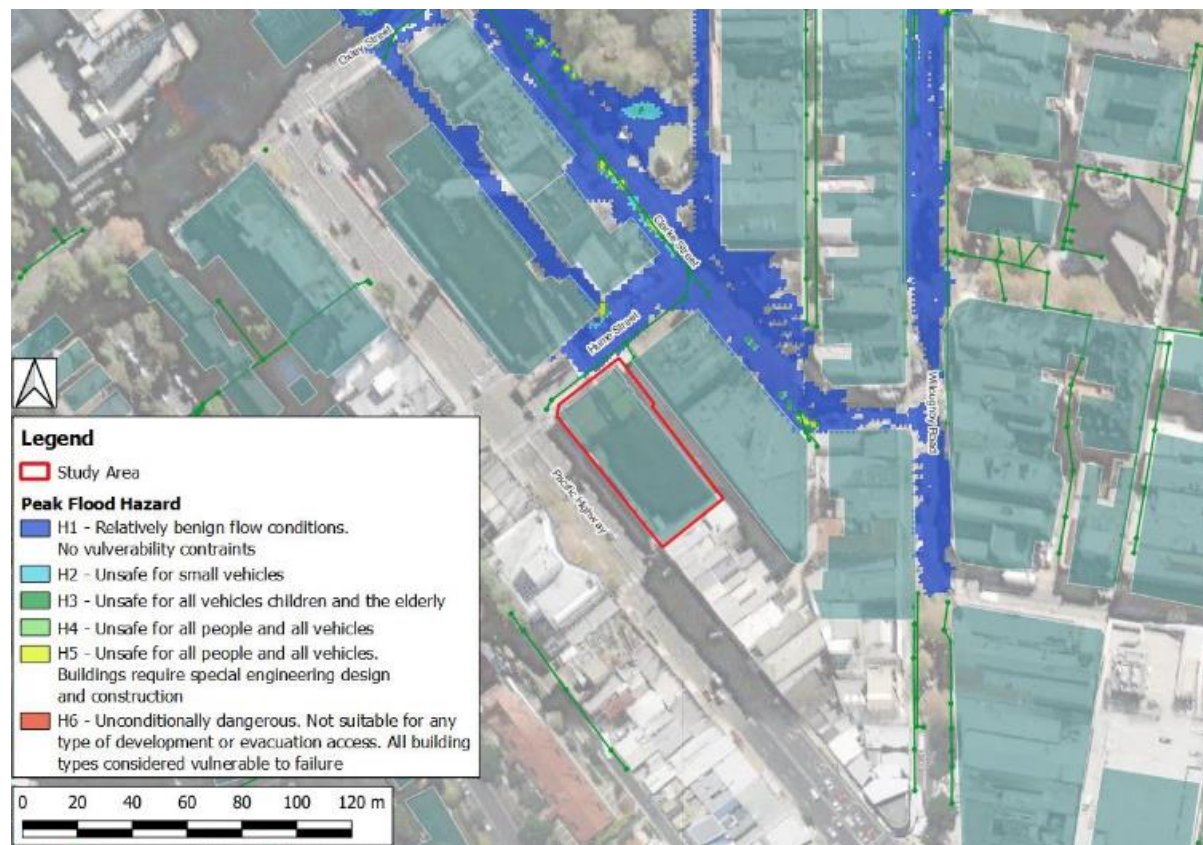


Figure 52. PMF Event Provisional Flood Hazard (Post Development Scenario) (Source: Stantec)

Based on the flood mapping prepared by Stantec, it can be confirmed that the proposed Crows Nest OSD – Site B development will not negatively impact on adjacent and downstream properties. The site in its existing current day and climate change condition is not impacted by flooding. As such, proposed developments to be undertaken internal to the lot will not alter the flooding behaviour in the 1% AEP and PMF storm events in terms of flood depths, levels, velocity, and hazard. Furthermore, as the site is not classified as a flood planning area, no flood-related development controls apply to the site.

7.1.16 SEARs Item 16: Hazards and Risks

7.1.16.1 Existing Environment

The proposal does not involve the provision of dangerous goods and hazardous materials associated with the development, and the site is not located adjacent to or on land in a pipeline corridor.

As such, a preliminary risk screening and hazard analysis in accordance with the Resilience and Hazards SEPP is not required.

7.1.17 SEARs Item 17: Contamination and Remediation

Investigations were carried out by Stantec Australia in relation to Contamination and Remediation at Site B and is included at **Appendix 13**.

In preparing this document, Stantec have considered available and relevant documentation that was prepared for the Crows Nest Metro Station approval, in order to consider the SEARs 17 requirement for the site. The following was noted upon review of available documents:



- Douglas Partners prepared a Preliminary Site Investigation, Detailed Site Investigation, Remediation Action Plan and Site Remediation Validation Report in accordance with the NSW EPA and legislative framework as in effect at the time of the investigations in 2017 and 2018 for the Metro excavation area.
- Identified contamination risks in soil and groundwater within the Metro excavation area, which also include the entirety of the OSD Site B are considered to have been examined appropriately by Douglas Partners and are considered appropriate by Stantec.
- Stantec consider that areas outside of the Metro Station excavation, which do not form part of the OSD Site B, were not investigated as noted by the Site Auditor. Available information relating to contamination indicates that residual land surrounding the Metro is unlikely to present a potential risk to future occupants and users of the OSD Site B

In accordance with the above the Site B is considered suitable for the proposed use.

7.1.18 SEARs Item 18: Waste Management

Construction Waste Management

A Construction and Demolition Waste Management Plan (CDWMP) has been prepared to assess the volumes and management of waste during the construction phase of the project at **Appendix 32**. It identifies the type, volume, and disposal methods for all waste material during the demolition and construction phases. It also provides site-specific operational methods around training and inductions, material selection and ordering, waste avoidance opportunities, and relevant site procedures to ensure waste is appropriately disposed.

The *NSW Waste Avoidance and Resource Recovery Strategy 2014-2021* provides a target of diverting 75% of the waste from landfills. In relation to the construction materials, it is estimated that 98% of the materials will be diverted from landfill, which well exceeds the target.

The report also recommends the location and design of waste management facilities on site.

7.1.18.1 Management and/or Mitigation Measures

Site specific mitigation measures relating to inductions, material selection and ordering, waste avoidance opportunities, and site procedures provided in Section 4.4 of the CDWMP should be incorporated into the detailed CMP.

Operational Waste Management

An Operational Waste Management Plan (OWMP) has been prepared and included at **Appendix 33**. The OWMO has been prepared in line with the NSDCP2013: Section 19 Waste Minimisation and Management, as well as a range of waste management guidance at the local, State, and Federal level. The report outlines waste generation estimates for the proposed development, which have been calculated based on generic waste and recycling rates. **Figure 48** and **Figure 49** below illustrate the manner in which waste will be disposed of, sorted and removed from Site B.



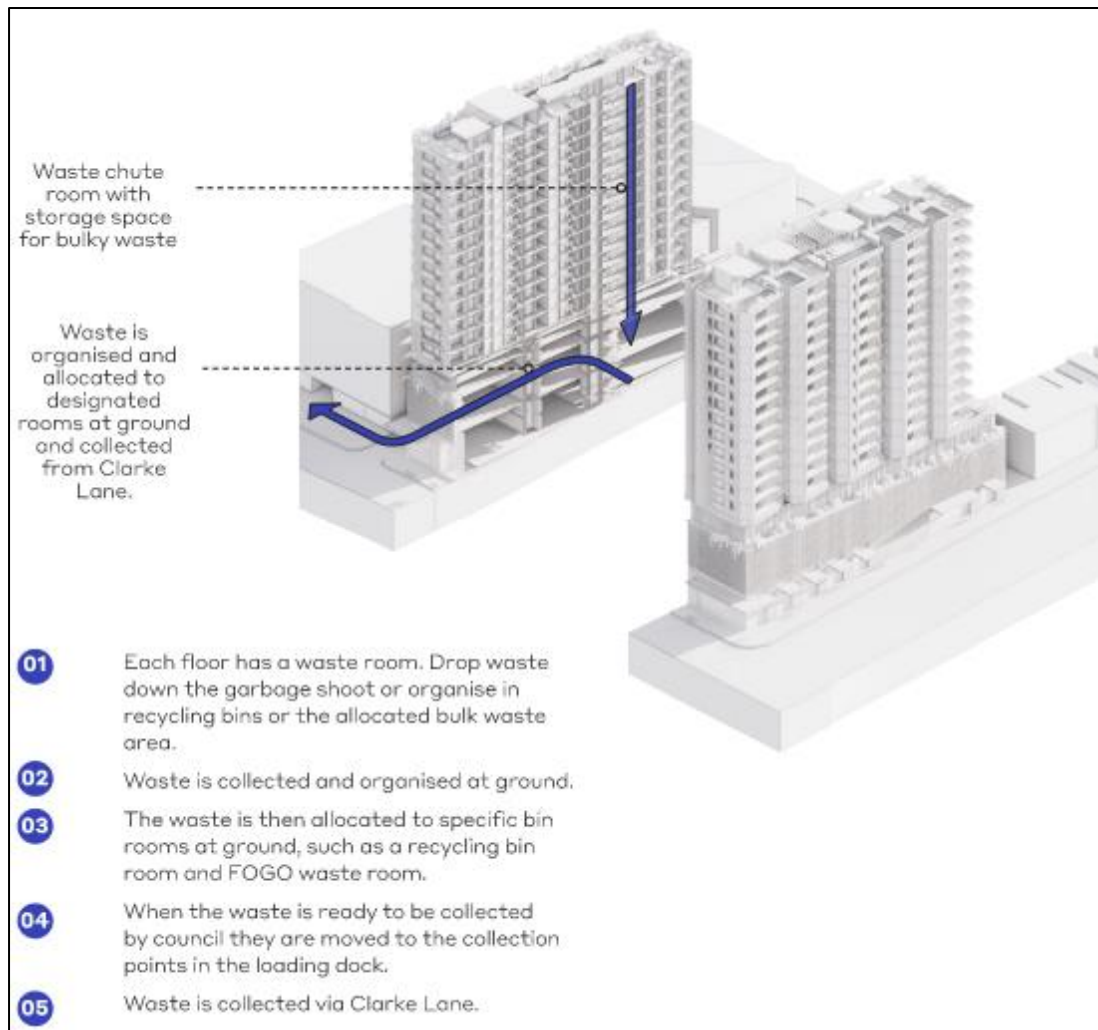


Figure 53. Operational Waste Management Process (Source: Woods Bagot)





Figure 54. Operational Waste Management Process (Source: Woods Bagot + Elephants Foot)

Based on the estimated waste, recycling and food organics and garden organics (FOGO) generated by the residential component of this development, the recommended bin quantities and collection frequencies are as follows:

- General Waste: 8 x 660L MGBs collected 1 x weekly
- Recycling: 36 x 240L MGBs collected 1 x weekly
- FOGO: 14 x 240L MGBs collected 1 x weekly
- Service Bins: 1x 660L MGB

Based on the estimated waste generated by the retail and commercial tenancies, the recommended bin quantities and collection frequencies are as follows:

- General Waste: 1 x 660L MGBs collected 2 x weekly
- Recycling: 1 x 660L MGBs collected 2 x weekly

The proposed development has been designed accordingly to accommodate the above recommendations. The OWMP recommends standard operational waste management strategies that can be readily implemented to address the projected waste generation.

7.1.18.2 Management and/or Mitigation Measures



Primary roles and responsibilities in relation to operational waste management are set out in Section 7.0 of the OWMP and should be followed.

7.1.19 SEARs Item 19: Aboriginal Cultural Heritage

7.1.19.1 Assessment of Impacts

As noted above, extensive bulk excavation works have already been completed on Site B. The OSD does not incorporate any ground-level or below-ground works, as these components have been delivered as part of the CSSI Approval. Consequently, it is considered that the potential for OSD works to impact on items of Aboriginal Heritage remains very low and has been addressed as part of the CSSI EIS.

The Concept Approval for SSD-9579 required a review of the below reports:

- *Artefact 2016, Sydney Metro City and Southwest, Chatswood to Sydenham: Aboriginal Cultural Heritage Assessment.*
- *Artefact 2016, Sydney Metro City and Southwest, Chatswood to Sydenham: Aboriginal Heritage – Archaeological Assessment.*

A review of the above reports was undertaken (see the Aboriginal Heritage Report at **Appendix 26**) wherein it was established that no Aboriginal sites were identified within the proposed Crows Nest Station impact footprint, and the conclusion was that previous historical development of the study area was likely to have either removed any previously extant archaeological resources. The likelihood of impacting Aboriginal heritage was therefore considered low.

It is noted that the mitigation Table for Sydney Metro Chatswood to Sydenham Aboriginal Heritage - Archaeological Assessment included one mitigation strategy – AH4 - that called for “Appropriate Aboriginal heritage interpretation would be incorporated into the design for the project in consultation with Aboriginal stakeholders.”

Third.i Pty Ltd engaged an Aboriginal cultural consultancy - WSP Australia Pty Ltd - in July 2023 to manage this mitigation strategy. This process is ongoing and includes:

- Incorporating Aboriginal design principles through the indigenous Consultants WSP, and local Aboriginal elders, who were engaged early in the design process.
- Aboriginal community involvement with two workshops held to date with local elders and Aboriginal consultants, with more workshops planned as the design process progresses.
- Aboriginal community consultation incorporating their design ideas and changes contributed to and inspired by Elders are approved prior to being used on the project. This includes 'Designing with Country' as a masterplan of Indigenous themes across the whole Hume Place Precinct that explores The Land and Endangered Ecosystems through the design of Site B.
- The incorporation of storytelling, placemaking and wayfinding inspired and guided by the involvement of the Indigenous Consultants. The concept of 'Place' is recognised through the precinct masterplan telling stories of 'The Land, Gamaragal People and stories of Sky Country.' This is being integrated through the architectural expression, and as the design develops will be represented in the wayfinding design process.
- Incorporating landscaping in response to Indigenous community consultation, and this includes the investigation of a longer term, seed saving and propagation project to provide greenery to the site. To date, the 'Engagement with Bush to Bowl' has already begun and includes looking at the feasibility of engaging an appropriate company for plant sourcing.
- Applying Country-focused design concepts, incorporating vantage points and the link to Sky Country, and connection to the whale mother and calf totem in the Site A South. This process is being guided by the 'GANSW Designing with Country Framework' and the 'International Indigenous Design Charter' which has been integrated through the sharing of



stories and workshopping of ideas. This is the first step in a process that will eventually shape expression on site and encourage inclusion at the time of handover.

In accordance with the above, the requirements of this SEARs item and the conditions of the Concept Approval are considered to have been appropriately addressed.

7.1.19.2 Management and/or Mitigation Measures

- Incorporating Aboriginal design principles through the indigenous Consultants WSP, and local Aboriginal elders.
- Aboriginal community involvement with two workshops held to date with local elders and Aboriginal consultants, with more workshops planned as the design process progresses.
- Aboriginal community consultation incorporating their design ideas and changes contributed to and inspired by Elders are approved prior to being used on the project. This includes 'Designing with Country' as a masterplan of Indigenous themes across the whole Hume Place Precinct that explores The Land and Endangered Ecosystems through the design of Site B.
- The incorporation of storytelling, placemaking and wayfinding inspired and guided by the involvement of the Indigenous Consultants. The concept of 'Place' is recognised through the precinct masterplan telling stories of 'The Land, Gamaragal People and stories of Sky Country.' This is being integrated through the architectural expression, and as the design develops will be represented in the wayfinding design process.
- Incorporating landscaping in response to Indigenous community consultation, and this includes the investigation of a longer term, seed saving and propagation project to provide greenery to the site. To date, the 'Engagement with Bush to Bowl' has already begun and includes looking at the feasibility of engaging an appropriate company for plant sourcing.
- Applying Country-focussed design concepts, incorporating vantage points and the link to Sky Country, and connection to the whale mother and calf totem in the Site A South. This process is being guided by the 'GANSW Designing with Country Framework' and the 'International Indigenous Design Charter' which has been integrated through the sharing of stories and workshopping of ideas. This is the first step in a process that will eventually shape expression on site and encourage inclusion at the time of handover.

7.1.20 SEARs Item 20: Environmental Heritage

7.1.20.1 Existing Environment

A Statement of Heritage Impact (SoHI) has been prepared to assess the impact of the proposed development on the heritage significance of the site and surrounds and is included at **Appendix 27**. The SoHI assesses the potential for direct or indirect impacts on items of heritage significance and confirms:

- The site is noted listed on the State Heritage Register, or NSLEP2013;
- The site does not contain any archaeological potential nor any views or vistas to or from the study area.

7.1.20.2 Assessment of Impacts

Site B is identified as being in the immediate vicinity of a number of local heritage items listed on the North Sydney LEP 2013 (see **Figure 50**), it has the potential to impact on these items by way of visual impacts on the settings of heritage items, particularly those across the Pacific Highway.





Figure 55. Heritage Map (Source: North Sydney LEP 2013, Heritage Map – Sheet HER_001)

Notwithstanding the above, the proposal will be in keeping with the emerging St Leonards high-rise skyline to the immediate north-west of the Site B. As such, significant views and vistas to the heritage items will not be overwhelmed by the proposed 14-storey tower in the background. Some heritage items along the Pacific Highway will be partially overshadowed by the proposed tower, however this will only occur for a few hours of the day, with all heritage items still to receive adequate daylight hours. The proposal has also been specifically designed to be non-bulky and well-articulated above the metro station podium. The proposal utilises sympathetic materials that emulate the varied corrugated and terracotta roof forms of the surrounding areas, thereby complementing the character of nearby heritage items.

The SoHI concludes that the proposed development will not adversely impact the heritage significance of the site or its surroundings.

7.1.21 SEARs Item 21: Social Impact

A Social Impact Assessment (SIA) has been prepared and included at **Appendix 28**. This SIA has been prepared in accordance with the most recent version of their *Social Impact Assessment Guidelines for State Significant Projects* (SIA Guidelines), dated February 2023. The purpose of the SIA is to describe existing social condition, predict the social changes that may result from the project, assess the significance of the predicted changes, both positive and negative, identify appropriate mitigation strategies to lessen potential negative impacts, and enhancement measures.

7.1.21.1 Assessment of Impacts

The key findings of the SIA based on each impact category are summarised below:



Way of Life

- High negative impacts during construction.
- High negative impact due to cumulative impacts arising from other construction projects surrounding Site B.
- Very high positive impact during operation due to the delivery of high quality mixed use development including:
 - high quality housing in a highly accessible and convenient location
 - retail and employment opportunities in highly accessible location to support a growing population
 - design excellence
 - affordable housing for key workers close to major hospitals and employment areas.

Community

- Medium negative impacts during construction due to character and sense of place impacts.
- Low negative impacts during operation due to change in community composition through new residents.

Accessibility

- Medium negative impacts during construction due to increased vehicle movements and construction zones impeding access to businesses and social infrastructure.
- High positive impact during operation due to increased housing through the delivery of 130 additional dwellings and increased access to jobs.

Culture

- Low negative impacts during construction as noise, dust, vibration, and construction vehicle movements may negatively impact access to Aboriginal and non-Aboriginal heritage items.

Health and Wellbeing

- Medium negative impact during construction.
- Low negative impact during operation due to vibration from trains
- Medium positive impact due to enhanced opportunities and convenience for active lifestyles through bicycle parking facilities and flexible design for working from home.

Surroundings

- Medium negative impact during construction due to hoardings, and construction impacts.
- High positive impact during operation due to improvements to local visual quality and social environment through deliver of design excellence strategies in a high quality development.

Livelihoods

- High positive during construction due to increased construction jobs and flow on effects such as expenditure on the purchase of building materials and expenditure by workers in local businesses will benefit livelihoods.
- High positive impact during operation as expanded commercial floorspace has the potential to positively increase employment and livelihood.

Decision Making Systems

- Medium negative impact during construction as there is a potential for people to feel powerless or that they have a lack of means to have input or say on the proposal during construction.

Overall, the SIA concludes that the outcome, subject to appropriate mitigation of construction and operational impacts, will be positive. Temporary impacts during construction can be managed accordingly through the implementation of relevant technical report recommendations, communication strategies, legislative requirements, and conditions of consent. Engagement with the local community and stakeholders during construction will be undertaken to minimise impacts on accessibility, surroundings, health and wellbeing, and way of life.



7.1.21.2 Management and/or Mitigation Measures

The mitigation/enhancement measures recommended in the SIA are provided below:

Ongoing Community Engagement

A community engagement plan could be prepared which requires the building contractor, during the construction of the project (including demolition, excavation and construction), to engage in community interaction including the following:

- Notification of the proposed works to be undertaken on the Site and the periods when works will be conducted, including information regarding the programme of works such as demolition and excavation. 2. Details of the relevant Site representative where complaints can be registered.
- Details of the methodology to respond to complaints raised from the surrounding receivers.
- A register of complaints, to be kept on Site including record of time and nature of the complaint as well as the outcomes and comments regarding investigations resulting from the complaint.

Environmental Management

Implementation of the Construction Environmental Management Framework, which would include relevant management plans and measures to manage amenity related impacts including where works have a public interface including:

- Changes to pedestrian and vehicular access and/or circulation
- Amenity related impacts such as noise, vibration, dust and visual impacts
- Cumulative impacts due to other major projects in the locality.
- Cumulative impacts due to timeframes for this project.

Social Infrastructure

Undertake ongoing engagement with managers of social infrastructure located near the site (for example, educational institutions, places of worship, community facilities, childcare, health and medical facilities) about the timing and duration of construction works and management of potential impacts.

Maximise On-Site Community Building

Ensure internal gathering spaces, breakout spaces and other design elements maximise opportunities to support resident and worker wellbeing and community capacity-building within the project.

7.1.22 SEARs Item 22: Infrastructure Requirements and Utilities

A Utilities Services Infrastructure Assessment is provided at **Appendix 29** which details the expected impact of the Site B OSD on existing utility assets, the capacity of existing services infrastructure to accommodate the development, the proposed connections to existing services assets, and compliance of the utilities design with the relevant standards and design guidelines.

Site B is serviced by a full range of utilities and services, including power, water, sewer, and telecommunications. Appropriate utility and service connections will be provided under the CSSI Approval to meet the servicing requirements of the Crows Nest integrated station development. Accordingly, no mitigation measures are required.

7.1.23 SEARs Item 23: Bushfire Risk

The proposed development is sited within an established urban context and not mapped on the Bush Fire Prone Land Map. Further, there is no mapped bushfire prone land identified within 650m of Site B. The surrounding land uses are not considered to expose the site to an irregular or unacceptable



fire hazard. On this basis, item 23 of the SEARs, which relates to the identification of bushfire hazards at the site (or lack thereof), has been satisfied by this SSDA.

7.1.24 SEARS Item 24: Aviation

An Aviation Report is provided at **Appendix 30**. No helicopter landing site is proposed however, Condition A19 in the Concept Approval requires as follows:

A19. Prior to the lodgement of any Future Development Application(s), and for the purposes of controlled activities within the protected airspace of Sydney Airport, a separate approval must be obtained from the Commonwealth Department of Infrastructure, Regional Development and Cities under the Airports (Protection of Airspace) Regulations 1996 for the part of the building or any construction cranes that penetrate the Obstacle Limitation Surface (156 metres Australian Height Datum).

In accordance with the above condition, an application has been submitted to seek approval for the part of the building above 156m AHD (the maximum building height is 158m AHD) and for the temporary use of cranes during the construction period. This application is currently under assessment.

In relation to impacts on surrounding certified airports, the Aviation Report confirms as follows:

- **Sydney Airport** – Will not affect minimum sector attitude (MSA), circling areas, obstacle clearance heights. Will infringe obstacle limitation surface (OLS) – Outer Horizontal. As per the above, an application has been made in this regard.
- **Bankstown Airport** – no impact.
- **Camden Airport** – no impact.
- **RAAF Richmond Airport** – no impact.
- **Holsworthy Airport** – no impact.
- Is located outside of controlled airspace but the building and cranes would infringe a Class C area with a lower limit of 500 ft AMSL adjacent to the Sydney Control Zone.
- Is located within Restricted Area –R405B
 - i. Will not create an adverse impact to flight operations within R405B as all aircraft must comply with CASRs in relation to minimum heights above built-up areas.
- Will not impact Royal North Shore Hospital helicopter landing operations.

7.1.24.1 Management and/or Mitigation Measures

The Aviation Report provides the following recommendations:

- If approved, details of the Project should be reported to Airservices Australia via this email address: vod@airservicesaustralia.com, and published in En Route Supplement Australia (ERSA) and other relevant aeronautical chart products.
- Sydney Airport advises that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.

7.1.25 SEARs Item 25: Construction, Operation and Staging

Details of construction, operation and staging are outlined in **Section 3.3.5** of this EIS. No further consideration is required in this instance.



7.1.26 SEARs Item 26: Contributions and Public Benefit

The Concept Approval included a requirement that a Voluntary Planning Agreement (VPA) between Sydney Metro and North Sydney Council be entered into. It is confirmed that this VPA was entered into on 16 June 2021 which enabled payment of all applicable developer contributions plus \$2M for public domain improvements, at the beginning of the development process, rather than at the end.

The agreement establishes a monetary contribution for Site B of \$2,265,601.63. That contribution may be used by North Sydney Council to:

- acquire land for the provision of public facilities or open space or
- attend to the embellishment of land for public facilities or open space or
- care for and maintain facilities or open space or
- for another public purpose within the North Sydney Local Government Area which the Council considers suitable.

In accordance with the above, the contributions obligations of the proposed development at Site B have been met and the proposal contributes to funding public facilities, amenities, and services to meet the needs of the growing residential and workforce population within the North Sydney LGA.

7.1.27 SEARs Item 27: Engagement

As discussed above at **Part 5**, extensive engagement has been undertaken across the history of the approval process for the Sydney Metro project and Concept Approval. Accordingly, DPPI have confirmed that, having regard for the extensive community engagement undertaken across the history of the precinct, and the precedent associated with the approval of Site C, that a specific engagement report prior to lodgement of the EIS is not required as *community consultation and stakeholder engagement has already played a key role in the design and form of the Crows Nest Station precinct*.

Details regarding engagement undertaken with relevant stakeholder groups and government agencies is provided at **Appendix C**.

7.1.27.1 Engagement to be Carried Out

The detailed SSD Application for the Crows Nest Site B OSD, including the EIS, will be required to be publicly exhibited as part of its statutory obligations. Engagement activities during this statutory public exhibition period for the EIS will include:

- newsletter/factsheet – a community newsletter/factsheet will be distributed to stakeholders and letterbox dropped within 500 metres of the station site. The newsletter/factsheet will provide information on the detailed design of Site B OSD and how the community or stakeholders can lodge their formal Submissions
- government stakeholder engagement – relevant government stakeholders will be consulted with as required
- newspaper advertising
- website updates – the Sydney Metro Crows Nest Station and integrated station development webpages will be updated to include all relevant information
- media announcement – post the approval of the detailed design.

All planned engagement activities will follow the principles listed above that are directly referenced in DPPI's *Undertaking Engagement Guide – Guidance for State Significant Projects*.



7.2 CUMULATIVE ASSESSMENT

A cumulative assessment of the proposed development at Site B in the context of the approvals at Site A and Site C and the wider context of Crows Nest and the surrounding area is provided below.

As identified at Section 2.5.1 above, in December 2023, DPHI announced a range of measures to respond to the Housing Crisis in NSW. One of the major interventions proposed include the Transport Oriented Development (TOD) Program. The main objective of the TOD Program is to deliver a large volume of new dwellings in areas that leverage existing transit infrastructure investment. Crows Nest was included as a TOD Accelerated Precinct. In accordance with the documents placed on exhibition, significant uplift is proposed on properties to the east, south and west of Site B. With increased height up to 31m on the adjoining site to the east, 59m on the adjoining site to the south and 60m on the site to the west across the Pacific Highway (with a potential affordable housing bonus of up to 86m).

Given the exhibition only concluded in August 2024, it is likely that the proposed development at Site B will be concluded before any works associated with the Crows Nest TOD program commence.

This EIS has carefully evaluated the potential environmental impacts associated with the proposed development based on the consultant reports, as detailed throughout Part 7. Where necessary, Mitigation Measures have been provided by the relevant experts to address identified impacts, ensuring that the benefits of the development outweigh any potential negative outcomes

TABLE 20 summarises the relevant approved and likely future developments which may be relevant in the cumulative impact assessment of the proposed development. This section of the EIS assesses whether the proposed development is likely to generate cumulative impacts with the projects identified in accordance with the Department’s Cumulative Impact Guidelines.

TABLE 20: CONSIDERATION OF CUMULATIVE IMPACTS				
Future projects	Distance to Project (approx.)	Cumulative Impact Assessment Required?	Cumulative Impact Consideration	Required Mitigation Measures
Approved projects				
Site C SSD 13852803	25m north-east of Site B	No The development is approved and currently under construction. It is anticipated that the construction will be complete by the time works commence on Site B.	None	
Site A Concept Approval SSD-9579 Request for Project-specific SEAR’s Crows Nest Metro Over Station Development – Site A	15m north of the Site B	Yes Site A benefits from a Concept Approval (consistent with Site B and Site C). A request for project specific SEARs was submitted to	There may be direct construction traffic if the construction period overlaps; however, it will be of a temporary nature only. However, if construction does occur at the same time, trucks will use a	Any mitigation measures during the construction period will be consistent with those stated in the CPTMP (Appendix 20). All construction will occur during approved hours.



TABLE 20: CONSIDERATION OF CUMULATIVE IMPACTS				
Future projects	Distance to Project (approx.)	Cumulative Impact Assessment Required?	Cumulative Impact Consideration	Required Mitigation Measures
(Amendment Concept SSDA) SSD-75662958 Request for SEAR's Crows Nest OSD Site A - Detailed SSDA SSD-75660711		DPHI in September 2024 for an amendment to the Concept SSDA. The amendment seeks to reduce the commercial use and introduce residential use at Site A. A concurrent application for SEARS regarding a Detailed SSDA in relation to Site A was also submitted in September 2024.	similar route to access both Site A and Site B. Any cumulative impacts will likely be temporary in nature, given construction will be well advanced for Site B.	There are no mitigation measures required during the operational phase.
Projects under assessment				
Mixed Use Development, Including In-Fill Affordable Housing Five Ways, Crows Nest SSD-66826207	250m south-west of Site B	No The development application currently under assessment.	Having regard for the distance from Site B it is not considered that there would be cumulative impacts associated with this proposal.	None

It is concluded that no cumulative impacts will create barriers to future development at the site.

7.3 PLANNED MANAGEMENT AND MITIGATION MEASURES

Third.i Crows Nest Residential Developments Pty Ltd plans to undertake the construction and operation of the proposed Site B OSD, in accordance with the planned management and mitigation measures outlined within **Appendix D** of this EIS.



PART 8 JUSTIFICATION OF THE PROJECT

8.1 JUSTIFICATION

Crows Nest Metro Station is a key new piece of public transport infrastructure in the Sydney Metro network that will provide additional high frequency public transport access for Crows Nest and the surrounding area. This project will realise the Government's objectives in relation to integrated land use and transport planning and transport oriented development principles. The construction of the Crows Nest Sydney Metro station is complete. Site B forms a key component of the vision for an integrated station development at Crows Nest.

The proposal is consistent with the Crows Nest Over Station Development Concept Approval (SSD 9579) and will assist with providing much needed new housing opportunities, close to high frequency public transport, services and facilities and directly contribute to the achievement of housing targets established in the North District Plan.

Retail activation of the street frontages will integrate with the public domain improvements associated with delivery of the Metro Station.

The proposed development is justified on environmental, social and economic grounds and is compatible with the locality in which it is proposed.

The subject site is located is zoned MUI Mixed Use under the NSLEP2013. The proposed development will facilitate the intended use of the subject site for shop top housing, which is consistent with the Concept Approval, existing zoning and the surrounding context.

The proposed development falls within the definition of '*shop top housing*', being *one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities*, which is permissible with consent in the MUI Mixed Use zone of the NSLEP2013.

The subject site is suitable for the size and scale of the development proposed and represents a quality outcome to facilitate OSD that is commensurate with the surrounding area and its existing built form.

In summary, the subject site is highly-suited to accommodate the intended development based on the following factors:

- NSLEP2013 allows for the proposed development as a permissible use;
- The site will be readily accessible via the new Sydney Metro network;
- The site is accessible via the regional road network;
- The proposed development is compatible with surrounding development and local context;
- The subject site can be serviced immediately and at no cost to Government;
- The proposed development causes minimal impact on the environment;
- The proposed built form is designed to mitigate any impacts on surrounding properties; and
- The proposed development is consistent with strategic intent of the area.

This EIS is submitted on the following basis.

8.1.1 Supports State, Regional and Local Planning Objectives

The proposed development is consistent with the objectives, provisions and vision contained within *A Metropolis of Three Cities – Greater Sydney Region Plan*; the *North District Plan*; *St Leonards and Crows Nest 2036 Plan*; *St Leonards and Crows Nest Character Statement*; *Future Transport Strategy 2056*; *North Sydney Local Strategic Planning Statement* and *North Sydney Local Housing Strategy*. The proposal would contribute to employment generation and residential housing.



8.1.2 Demonstrates an Appropriate Use of a Permissible Development

The proposed development would contribute to housing supply for the immediate locale and the wider region. The proposed development would be a highly appropriate and consistent response to the strategic goals and objectives of the whole region as set out in *A Metropolis of Three Cities – Greater Sydney Region Plan* and the *North District Plan*, which all envisage residential land uses at this location.

8.1.3 Minimises Environmental Impacts

Specialist consultants have assessed the potential impacts of the proposed development, determining that it could be undertaken with minimal environmental impacts. The commissioned reports have collectively concluded that no significant risk to the locality would result from the proposed development. Where impacts have been identified, these fully-developed strategies are set out in detail for management and mitigation. These measures are described in **Section 7.17.3** of this EIS.

8.1.4 Creates Compatibility with Surrounding Development

The proposed development is compatible with existing land uses on adjacent lands. Detailed investigations undertaken, as part of this application, conclude that no significant environmental cumulative impacts, would occur from the proposed development.

8.1.5 Delivers Ecologically Sustainable Development

The principles of ESD as outlined in Clause 193 of the EP&A Regulation have been carefully considered in the formulation of this proposal and are addressed as follows:

8.1.5.1 Precautionary Principle

The precautionary principle is used when uncertainty exists about potential environmental impacts. It provides that if there are threats of serious or irreversible environmental damage, a lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. The precautionary principle requires careful evaluation of potential impacts in order to avoid, wherever practicable, serious, or irreversible damage to the environment.

The proposed development will not result in any threat of serious environmental damage or degradation.

8.1.5.2 Inter-generational Equity

Intergenerational equity is concerned with ensuring that the health, diversity, and productivity of the environment are maintained or enhanced for the benefit of future generations. The proposal has been designed to benefit both existing and future generations by:

- Incorporating a range of design interventions for the purpose of achieving a sustainable development outcome as outlined at **Section 7.1.9**.
- Reducing energy, water, and waste to ensure that the health, diversity, and productivity of the environment are maintained for the benefit of future generations.
- Responding to a strategic need for housing options.

This detailed assessment has concluded that no unreasonable use of resources, affectation of environmental processes, or prevention of the use of land for future generations would occur from the proposed development. Issues with potential long-term implications, such as waste disposal, would be avoided and/or minimised through construction planning and the application of safeguards and management measures described in this EIS and the appended technical reports.



8.1.5.3 Conservation of Biological Diversity and Ecological Integrity

The principle of biological diversity upholds that the conservation of biological diversity and ecological integrity should be a fundamental consideration. It has been established throughout this EIS that the proposal will not have any unacceptable impacts on the conservation of biological diversity and ecological integrity.

8.1.5.4 Improved Valuation, Pricing and Incentive Mechanisms

The principles of improved valuation and pricing of environmental resources require consideration of all environmental resources that may be affected by a proposal, including air, water, land, and living things. The development will not have any unacceptable environmental impacts in relation to air quality, water quality, or waste management. The effects of the development will be acceptable and managed accordingly by the proposed mitigation measures (**Appendix D**) as required.

8.1.5.5 Environmental Management

The proposed development implements appropriate measures that avoid, contain and address any possible air quality, noise, waste and pollution impacts, through avoidance, better design and management. This is exemplified through the measures, which would be implemented throughout both the construction and operational phases of the proposed development, outlined within **PART 67** of this EIS.

8.1.5.6 Suitability of the Site

Having regard to the characteristics of the site and its location, the proposed development is suitable for the site for the reasons below:

- The site is zoned MUI Mixed use zone under the NSLEP 2013, which permits shop top housing.
- The proposed development is complementary to the objectives for the MUI Mixed Use zone.
- The site remains capable of being appropriately serviced to accommodate the proposed development.
- The site is exceptionally serviced by a range of public transport options that provide a direct connection to the CBD and surrounding suburbs.
- The site benefits from ready access to a range of public open spaces and recreation facilities that will support healthy lifestyles for future residents.
- The site can appropriately accommodate the proposed development while balancing environmental and design consideration and preserving the amenity of neighbouring properties.
- The architectural design will deliver a high quality and modern development.
- The site will provide important infrastructure to service the local and regional area.

The technical assessments prepared in support of the proposal have concluded that the site can be made suitable for the proposed development.

8.1.5.7 Public Interest

The proposed development is in the public interest as it:

- Provides a significant contribution to the availability and diversity of housing within the North Sydney LGA. This has the potential to contribute to strategic policy goals at both State and local levels by providing TOD.
- Delivers an integrated development with support services and facilities.
- Makes a financial contribution to the provision of affordable housing.
- Meaningfully integrates Country and landscape with architecture to provide a cohesive whole of site response.
- Integrates the public domain with the built form.



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- Creates opportunities for community gathering, interactions, and the generation of cultural capital associated with the delivery of communal and public areas of the development, which encourage neighbours to meet and connect.
- Is consistent with the ESD principles as defined by Section 190 of the EP&A Regulations.
- Has undertaken an extensive program of engagement with relevant stakeholders predates the submission of this SSDA.
- Will contribute to increased livelihood outcomes associated with the construction and operation phases. This has the potential to positively support livelihoods, not just directly through job creation but also by extending to local businesses and the overall improvement of the precinct.



PART 9 CONCLUSION

This EIS has been prepared to assess the environmental, social, and economic impacts of the proposed OSD at Site B. The EIS has addressed the issues outlined in the SEARs (**Appendix A**) and accords with Part 8 of the EP&A Regulation with regards to consideration of the relevant environmental planning instruments, built form, and social and environmental impacts resulting from the proposed development. Appropriate mitigation measures have been identified to manage the impacts of the development through the construction and operational phases of the project.

Having considered the detailed assessment undertaken in this EIS, the approval of this SSDA is recommended, subject to the implementation of suitable conditions of consent reflecting the recommended mitigation measures in **Appendix D**.



APPENDIX A
SEARS TABLE



SEARS TABLE

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HOW THE SEARS HAVE BEEN SATISFIED	
Issue and Assessment Requirements	Satisfied by
1. Statutory and strategic context	
<ul style="list-style-type: none"> Address all relevant legislation, environmental planning instruments (EPIs) (including drafts), plans, policies and guidelines. 	Refer to PART 4 of this EIS.
<ul style="list-style-type: none"> Identify compliance with applicable development standards and provide a detailed justification for any non-compliances. 	Refer to Appendix B of this EIS.
<ul style="list-style-type: none"> Provide an explanation of how the development as described in the EIS is consistent with the development as was described in the request for SEARs (including any components that were not SSD) and provide a justification for any differences. 	Refer to Section 1.8 of this EIS. The proposal is wholly SSD.
<ul style="list-style-type: none"> Address the requirements of any approvals applying to the site, including any concept approval or recommendation from any Gateway determination. 	Refer to Part 6 of this EIS.
2. Capital Investment Value and Employment	
<ul style="list-style-type: none"> Provide a detailed calculation of the capital investment value (CIV) of the development prepared by a AIQS Certified Quantity Surveyor or RICS Chartered Quantity Surveyor in accordance with Planning Circular PS 21-020: Calculation of Capital Investment Value. The calculation of the estimated CIV is to be accurate at the date of application and include details of all components and assumptions from which it is derived. 	Refer to Section 1.5 and Appendix 6 of this EIS.
<ul style="list-style-type: none"> Provide an estimate of the retained and new jobs that would be created during the construction and operational phases of the development, including details of the methodology to determine the figures provided. 	Refer to Section 1.6 of this EIS.
3. Design Quality	
<ul style="list-style-type: none"> Demonstrate how the development will achieve: <ul style="list-style-type: none"> design excellence in accordance with any applicable EPI provisions. good design in accordance with the seven objectives for good design in Better Placed. 	Refer to Section 7.1.3 and Appendix 5 of this EIS.
<ul style="list-style-type: none"> Demonstrate that the development: <ul style="list-style-type: none"> where required by an EPI or concept approval, or where proposed, has been subject to a competitive design process, carried out in accordance with an endorsed brief and Design Excellence Strategy; or in all other instances, has been reviewed by the State Design Review Panel (SDRP) consistent with the NSW SDRP: Guidelines for Project Teams. 	Refer to Section 7.1.3 and Appendix 5 of this EIS.
<ul style="list-style-type: none"> Recommendations of the jury and Design Integrity Panel (where a competitive design process has been held) or the SDRP are to be addressed prior to lodgement. 	Refer to Section 7.1.3 and Appendix 5 of this EIS.
4. Built Form and Urban Design	



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<ul style="list-style-type: none"> Explain and illustrate the proposed built form, including a detailed site and context analysis to justify the proposed site planning and design approach. 	Refer to Section 7.1.4 and Appendix 4 , and Appendix 5 of this EIS.
<ul style="list-style-type: none"> Demonstrate how the proposed built form (layout, height, bulk, scale, separation, setbacks, interface and articulation) addresses and responds to the context, site characteristics, streetscape and existing and future character of the locality. 	Refer to Section 7.1.4 and Appendix 4 , and Appendix 5 of this EIS.
<ul style="list-style-type: none"> Demonstrate how the building design will deliver a high-quality development, including consideration of façade design, articulation, materials, finishes, colours, any signage and integration of services. 	Refer to Section 7.1.4 and Appendix 4 , and Appendix 5 of this EIS.
<ul style="list-style-type: none"> Assess how the development complies with the relevant accessibility requirements. 	Refer to Section 7.1.4 and Appendix 4 , and Appendix 5 of this EIS.
5. Environmental Amenity	
<ul style="list-style-type: none"> Address how good internal and external environmental amenity is achieved, including access to natural daylight and ventilation, pedestrian movement throughout the site, access to landscape and outdoor spaces. 	Refer to Section 7.1.3 and Section 7.1.8 of this EIS.
<ul style="list-style-type: none"> Assess amenity impacts on the surrounding locality, including lighting impacts, reflectivity, solar access, visual privacy, visual amenity, view loss and view sharing, overshadowing and wind impacts. A high level of environmental amenity for any surrounding residential or other sensitive land uses must be demonstrated. 	Refer to Section 7.1.3 , Section 7.1.6 and Appendix 11 and Appendix 12 of this EIS.
<ul style="list-style-type: none"> Provide a solar access analysis of the overshadowing impacts of the development within the site, on surrounding properties and public spaces (during summer and winter solstice and spring and autumn equinox) at hourly intervals between 9am and 3pm, when compared to the existing situation and a compliant development (if relevant). 	Refer to Section 7.1.3 and Appendix 3 of this EIS.
<ul style="list-style-type: none"> For applicable developments, provide an assessment of the development against SEPP 65 and the Apartment Design Guideline. 	Refer to Section 7.1.3 and Appendix 5 of this EIS.
6. Visual Impact	
<ul style="list-style-type: none"> Provide a visual analysis of the development from key viewpoints, including photomontages or perspectives showing the proposed and likely future development. 	Refer to Section 7.1.6 and Appendix 12 of this EIS.
<ul style="list-style-type: none"> Where the visual analysis has identified potential for significant visual impact, provide a visual impact assessment that addresses the impacts of the development on the existing catchment. 	Refer to Section 7.1.6 and Appendix 12 of this EIS.
7. Public Space	
<ul style="list-style-type: none"> Demonstrate how the development maximises the amount, access to and quality of public spaces (including open space, public facilities and streets/plazas within and surrounding the site), reflecting relevant design guidelines and advice from the local council and the Department. 	Refer to Section 7.1.7 of this EIS.
<ul style="list-style-type: none"> Demonstrate how the development: 	Refer to Section 7.1.7 of this EIS.



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<ul style="list-style-type: none"> o ensures that public space is welcoming, attractive and accessible for all. o maximises permeability and connectivity. o maximises the amenity of public spaces in line with their intended use, such as through adequate facilities, solar access, shade and wind protection. o maximises street activation. o minimises potential vehicle, bicycle and pedestrian conflicts. 	
<ul style="list-style-type: none"> ▪ Address how Crime Prevention through Environmental Design (CPTED) principles are to be integrated into the development, in accordance with Crime Prevention and the Assessment of Development Applications Guidelines. 	Refer to Section 7.1.7 and Appendix 13 of this EIS.
8. Trees and Landscaping	
<ul style="list-style-type: none"> ▪ Assess the number, location, condition and significance of trees to be removed and retained and note any existing canopy coverage to be retained on-site. 	Refer to Section 7.1.8 and Appendix 14 of this EIS.
<ul style="list-style-type: none"> ▪ Provide a detailed site-wide landscape plan, that: <ul style="list-style-type: none"> o details the proposed site planting, including location, number and species of plantings, heights of trees at maturity and proposed canopy coverage (as a percentage of the site area). o provides evidence that opportunities to retain significant trees have been explored and/or informs the plan. o demonstrates how the proposed development would: <ul style="list-style-type: none"> □ contribute to long term landscape setting in respect of the site and streetscape. □ mitigate the urban heat island effect and ensure appropriate comfort levels on-site. □ contribute to the objective of increased urban tree canopy cover. □ maximise opportunities for green infrastructure, consistent with Greener Places and having regard to any bush fire risk. 	Refer to Section 7.1.8 and Appendix 7 of this EIS.
9. Ecologically Sustainable Development	
<ul style="list-style-type: none"> ▪ Identify how ESD principles (as defined in section 193 of the EP&A Regulation) are incorporated in the design and ongoing operation of the development. 	Refer to Section 8.1.5 and Appendix 16 of this EIS.
<ul style="list-style-type: none"> ▪ Demonstrate how the development will meet or exceed the relevant industry recognised building sustainability and environmental performance standards. 	Refer to Section 7.1.9 and Appendix 16 of this EIS.
<ul style="list-style-type: none"> ▪ Demonstrate how the development minimises greenhouse gas emissions (reflecting the Government's goal of net zero emissions by 2050) and consumption of energy, water (including water sensitive urban design) and material resources. 	Refer to Section 7.1.9 and Appendix 16 of this EIS.
10. Traffic, Transport and Accessibility	
<ul style="list-style-type: none"> ▪ Provide a transport and accessibility impact assessment, which includes: <ul style="list-style-type: none"> o an analysis of the existing transport network, including the road hierarchy and any pedestrian, 	Refer to Section 7.1.10 and Appendix 17 – Appendix 21 of this EIS.



<p>bicycle or public transport infrastructure, current daily and peak hour vehicle movements, and existing performance levels of nearby intersections.</p> <p>o details of the proposed development, including pedestrian and vehicular access arrangements (including swept path analysis of the largest vehicle and height clearances), parking arrangements and rates (including bicycle and end-of-trip facilities), drop-off/pick-up-zone(s) and bus bays (if applicable), and provisions for servicing and loading/unloading.</p> <p>o analysis of the impacts of the proposed development during construction and operation (including justification for the methodology used), including predicted modal split, a forecast of additional daily and peak hour multimodal network flows as a result of the development (using industry standard modelling), identification of potential traffic impacts on road capacity, intersection performance and road safety (including pedestrian and cyclist conflict) and any cumulative impact from surrounding approved developments.</p> <p>o measures to mitigate any traffic impacts, including details of any new or upgraded infrastructure to achieve acceptable performance and safety, and the timing, viability and mechanisms of delivery (including proposed arrangements with local councils or government agencies) of any infrastructure improvements in accordance with relevant standards.</p> <p>o proposals to promote sustainable travel choices for employees, residents, guests and visitors, such as connections into existing walking and cycling networks, minimising car parking provision, encouraging car share and public transport, providing adequate bicycle parking and high quality end-of-trip facilities, and implementing a Green Travel Plan.</p>	
<ul style="list-style-type: none"> ▪ Provide a Construction Traffic Management Plan detailing predicted construction vehicle movements, routes, access and parking arrangements, coordination with other construction occurring in the area, and how impacts on existing traffic, pedestrian and bicycle networks would be managed and mitigated. 	<p>Refer to Section 7.1.10 and Appendix 17 – Appendix 21 of this EIS.</p>
<p>11. Biodiversity</p>	
<ul style="list-style-type: none"> ▪ Assess any biodiversity impacts associated with the development in accordance with the <i>Biodiversity Conservation Act 2016</i> and the <i>Biodiversity Assessment Method 2020</i>, including the preparation of a Biodiversity Development Assessment Report (BDAR), unless a waiver is granted, or the site is on biodiversity certified land. 	<p>Refer to Section 7.1.11 of this EIS.</p>
<ul style="list-style-type: none"> ▪ If the development is on biodiversity certified land, provide information to identify the site (using associated mapping) and demonstrate the proposed development is 	<p>N/A</p>

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consistent with the relevant biodiversity measure conferred by the biodiversity certification.	
12. Noise and Vibration	
<ul style="list-style-type: none"> ▪ Provide a noise and vibration assessment prepared in accordance with the relevant EPA guidelines. The assessment must detail construction and operational noise and vibration impacts on nearby sensitive receivers and structures and outline the proposed management and mitigation measures that would be implemented. 	Refer to Section 7.1.12 and Appendix 22 of this EIS
13. Ground and Water Conditions	
<ul style="list-style-type: none"> ▪ Assess potential impacts on soil resources and related infrastructure and riparian lands on and near the site, including soil erosion, salinity and acid sulfate soils. 	Refer to Section 7.1.13 and Appendix 23 of this EIS
<ul style="list-style-type: none"> ▪ Provide a Surface and Groundwater Impact Assessment that assesses potential impacts on: <ul style="list-style-type: none"> □ surface water resources (quality and quantity) including related infrastructure, hydrology, dependent ecosystems, drainage lines, downstream assets and watercourses. □ groundwater resources in accordance with the Groundwater Guidelines 	Refer to Section 7.1.13 and Appendix 23 of this EIS
14. Water Management	
<ul style="list-style-type: none"> ▪ Provide an Integrated Water Management Plan for the development that: <ul style="list-style-type: none"> ○ is prepared in consultation with the local council and any other relevant drainage or water authority. ○ outlines the water-related servicing infrastructure required by the development (informed by the anticipated annual and ultimate increase in servicing demand) and evaluates opportunities to reduce water demand (such as recycled water provision). ○ details the proposed drainage design (stormwater and wastewater) for the site including any on-site detention facilities, water quality management measures and the nominated discharge points. ○ demonstrates compliance with the local council or other drainage or water authority requirements and avoids adverse downstream impacts. 	Refer to Section 7.1.14 and Appendix 24 of this EIS
<ul style="list-style-type: none"> ▪ Where drainage infrastructure works are required that would be handed over to the local council, or other drainage or water authority, provide full hydraulic details and detailed plans and specification of proposed works that have been prepared in consultation with, and comply with the relevant standards of, the local council or other drainage or water authority. 	Refer to Section 7.1.14 and Appendix 24 of this EIS
15. Flooding Risk	
<ul style="list-style-type: none"> ▪ Identify any flood risk on-site having regard to adopted flood studies, the potential effects of climate change, and 	Refer to Section 7.1.15 and Appendix 25 of this EIS



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any relevant provisions of the NSW Floodplain Development Manual.	
<ul style="list-style-type: none"> Assess the impacts of the development, including any changes to flood risk on-site or off-site, and detail design solutions and operational procedures to mitigate flood risk where required. 	Refer to Section 7.1.15 and Appendix 25 of this EIS
16. Hazards and Risks	
<ul style="list-style-type: none"> Where there are dangerous goods and hazardous materials associated with the development provide a preliminary risk screening in accordance with Chapter 3 of SEPP (Resilience and Hazards) 2021. 	Refer to Section 7.1.16 of this EIS
<ul style="list-style-type: none"> Where required by SEPP (Resilience and Hazards) 2021, provide a Preliminary Hazard Analysis prepared in accordance with Hazardous Industry Planning Advisory Paper No.6 – Guidelines for Hazard Analysis and Multi-Level Risk Assessment. 	Refer to Section 7.1.16 of this EIS
<ul style="list-style-type: none"> If the development is adjacent to or on land in a pipeline corridor, report on consultation outcomes with the operator of the pipeline, and prepare a hazard analysis. 	N/A
17. Contamination and Remediation	
<ul style="list-style-type: none"> In accordance with Chapter 4 of SEPP (Resilience and Hazards) 2021, assess and quantify any soil and groundwater contamination and demonstrate that the site is suitable (or will be suitable, after remediation) for the development. 	Refer to Section 7.1.17 and Appendix 23 of this EIS
18. Waste Management	
<ul style="list-style-type: none"> Identify, quantify and classify the likely waste streams to be generated during construction and operation. 	Refer to Section 7.1.18 and Appendix 24 of this EIS
<ul style="list-style-type: none"> Provide the measures to be implemented to manage, reuse, recycle and safely dispose of this waste. 	Refer to Section 7.1.18 and Appendix 24 of this EIS
<ul style="list-style-type: none"> Identify appropriate servicing arrangements for the site. 	Refer to Section 7.1.18 and Appendix 24 of this EIS
<ul style="list-style-type: none"> If buildings are proposed to be demolished or altered, provide a hazardous materials survey. 	Refer to Section 7.1.18 and Appendix 24 of this EIS
19. Aboriginal Cultural Heritage	
<ul style="list-style-type: none"> Provide an Aboriginal Cultural Heritage Assessment Report prepared in accordance with relevant guidelines, identifying, describing and assessing any impacts for any Aboriginal cultural heritage values on the land. 	Refer to Section 7.1.19 and Appendix 26 of this EIS.
20. Environmental Heritage	
<ul style="list-style-type: none"> Where there is potential for direct or indirect impacts on the heritage significance of environmental heritage, provide a Statement of Heritage Impact and Archaeological Assessment (if potential impacts to archaeological resources are identified), prepared in accordance with the relevant guidelines, which assesses any impacts and outlines measures to ensure they are minimised and mitigated. 	Refer to Section 7.1.20 and Appendix 27 of this EIS.
21. Social Impact	



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<ul style="list-style-type: none"> ▪ Provide a Social Impact Assessment prepared in accordance with the <i>Social Impact Assessment Guidelines for State Significant Projects</i>. 	<p>Refer to Section 7.1.21 and Appendix 28 of this EIS.</p>
22. Infrastructure Requirements and Utilities	
<ul style="list-style-type: none"> ▪ In consultation with relevant service providers: <ul style="list-style-type: none"> – assess the impacts of the development on existing utility infrastructure and service provider assets surrounding the site. – identify any infrastructure upgrades required on-site and off-site to facilitate the development and any arrangements to ensure that the upgrades will be implemented on time and be maintained. – provide an infrastructure delivery and staging plan, including a description of how infrastructure requirements would be co-ordinated, funded and delivered to facilitate the development. 	<p>Refer to Section 7.1.22 and Appendix 29 of this EIS.</p>
23. Bush Fire Risk	
<ul style="list-style-type: none"> ▪ If the development is on bush fire prone land, provide a bush fire assessment that details proposed bush fire protection measures and demonstrates compliance with Planning for Bush Fire Protection. 	<p>Refer to Section 6.1.23 of this EIS.</p>
24. Aviation	
<ul style="list-style-type: none"> ▪ If the development proposes a helicopter landing site (HLS), assess its potential impacts on the flight paths of any nearby airport, airfield or HLS. 	<p>Refer to Section 6.1.24 and Appendix 30 of this EIS.</p>
<ul style="list-style-type: none"> ▪ If the site contains or is adjacent to a HLS, assess the impacts of the development on that HLS. 	<p>Refer to Section 6.1.24 and Appendix 30 of this EIS.</p>
25. Construction, Operation and Staging	
<ul style="list-style-type: none"> ▪ If staging is proposed, provide details of how construction and operation would be managed and any impacts mitigated. 	<p>Refer to Section 6.1.25 of this EIS.</p>
26. Contributions and Public Benefit	
<ul style="list-style-type: none"> ▪ Address the requirements of any relevant contribution plan(s), planning agreement or EPI requiring a monetary contribution, dedication of land and/or works-in-kind and include details of any proposal for further material public benefit. 	<p>Refer to Section 6.1.26 of this EIS.</p>
<ul style="list-style-type: none"> ▪ Where the development proposes alternative public benefits or a departure from an existing contributions framework, the local council, the Department and relevant State agencies are to be consulted prior to lodgement and details, including how comments have been addressed, are to be provided. 	<p>Refer to Section 6.1.26 of this EIS.</p>
27. Engagement	
<ul style="list-style-type: none"> ▪ Detail engagement undertaken and demonstrate how it was consistent with the Undertaking Engagement Guidelines for State Significant Projects. Detail how issues raised and feedback provided have been considered and responded to in the project. In particular, applicants must consult with: 	<p>Refer to Section 6.1.27 and Appendix C of this EIS.</p>



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<ul style="list-style-type: none">- the relevant Department assessment team.- any relevant local councils.- any relevant agencies (including the Western Parkland City Authority for development within the Western Parkland City).- the community.- if the development would have required an approval or authorisation under another Act but for the application of s 4.41 of the EP&A Act or requires an approval or authorisation under another Act to be applied consistently by s 4.42 of the EP&A Act, the agency relevant to that approval or authorisation.	
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APPENDIX B
STATUTORY
COMPLIANCE
TABLE



STATUTORY COMPLIANCE TABLE

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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
Considerations under the EP&A Act and EP&A Regulation				
<i>Environmental Planning and Assessment Act 1979</i>	Section 1.3 – Objects of the Act	<i>(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,</i>	The proposed development will facilitate the development of an OSD above the Crows Nest Metro station, which will deliver important social and economic benefits to the community by contributing to housing diversity in an a highly accessible location.	Refer to Section 7.1.9 and 7.1.21 of the EIS.
		<i>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	The proposal incorporates ESD.	Refer to Section 7.1.9 of the EIS.
		<i>(c) to promote the orderly and economic use and development of land,</i>	The proposed development will facilitate the development of an OSD above the Crows Nest Metro station leveraging off the Government’s investment in key city shaping infrastructure.	Refer to whole EIS .
		<i>(d) to promote the delivery and maintenance of affordable housing,</i>	A financial contribution towards the provision of affordable housing will be made.	Refer to Section 2.8 of the EIS.
		<i>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</i>	There are no sensitive ecological values associated with the site that would warrant the undertaking of an extensive biodiversity assessment.	Refer to Section 7.1.11 of the EIS.
		<i>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	Consideration of built and cultural heritage matters has been undertaken.	Refer to Section 7.1.19 and 7.1.20 of the EIS.
		<i>(g) to promote good design and amenity of the built environment,</i>	Extensive consideration regarding design excellence and the amenity of the built environment has been undertaken.	Refer to Section 7.1.3 and 7.1.4 of the EIS.
		<i>(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>	Consideration regarding construction and maintenance has been undertaken.	Refer to Section 7.1.5 and 7.1.4 of the EIS.



STATUTORY COMPLIANCE TABLE

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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
		(i) <i>to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i>	Early engagement has been undertaken with relevant agencies as required.	Refer to Appendix C .
		(j) <i>to provide increased opportunity for community participation in environmental planning and assessment.</i>	Extensive community engagement has been undertaken across the history of the Crows Nest Precinct. Further engagement opportunities will be available during the public exhibition phase of the EIS.	Refer to Part 5 of the EIS.
	Section 4.15(1)(a) – Matters for consideration—general	(i) <i>any relevant environmental planning instrument, and</i>	<ul style="list-style-type: none"> ▪ <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)</i> ▪ <i>State Environmental Planning Policy (Housing) 2021 (Housing SEPP)</i> ▪ <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> ▪ <i>State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)</i> ▪ <i>State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)</i> ▪ <i>North Sydney Local Environmental Plan 2013 (NSLEP2013)</i> 	Refer below.
		(ii) <i>any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>	<ul style="list-style-type: none"> ▪ Explanation of Intended Effect to amend North Sydney Local Environmental Plan 2013 – Crows Nest Transit Oriented Development Precinct 	Refer below.



STATUTORY COMPLIANCE TABLE

Over Station Development at Crows Nest – Site B
25 Hume Street, Crows Nest

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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
		<i>(iii) any development control plan, and</i>	Section 2.10 of the Planning Systems SEPP states that development control plans do not apply to SSD, whether made before or after the commencement of this Policy. Notwithstanding, an assessment of the proposed development against the NSDCP2013 has been undertaken and provided at Appendix 36 of the EIS.	Refer to Appendix 36 of this EIS.
		<i>(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</i>	A Letter of Offer is provided at Appendix 38 .	Refer to Section 2.8 and Appendix 38 of the EIS.
		<i>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i>	-	Refer below.
	Section 4.15(1)(b) – Matters for consideration—general	<i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	-	Refer to PART 7 of this EIS.
	Section 4.15(1)(c) – Matters for consideration—general	<i>the suitability of the site for the development,</i>	-	Refer to Section 8.1.5.6 of this EIS.
	Section 4.15(1)(d) – Matters for consideration—general	<i>any submissions made in accordance with this Act or the regulations</i>	Submissions will be considered following the exhibition of the SSDA.	N/A
	Section 4.15(1)(e) – Matters for	<i>the public interest</i>	-	Refer to Section 8.1.5.7 of this EIS.



STATUTORY COMPLIANCE TABLE

Over Station Development at Crows Nest – Site B
25 Hume Street, Crows Nest

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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
	consideration— general			
	Section 4.24 (2) Status of concept development applications and consents	<i>(2) While any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site.</i>	It has been demonstrated that the proposed development at Site B is consistent with the Concept Approval.	Refer to Part 6 of this EIS.
<i>Environmental Planning and Assessment Regulation 2021</i>	Clause 190 – Form of environmental impact statement	<i>(1) An environmental impact statement must contain the following information— (a) the name, address and professional qualifications of the person who prepared the statement, (b) the name and address of the responsible person, (c) the address of the land— (i) to which the development application relates, or (ii) on which the activity or infrastructure to which the statement relates will be carried out, (d) a description of the development, activity or infrastructure, (e) an assessment by the person who prepared the statement of the environmental impact of the development, activity or infrastructure, dealing with the matters referred to in this Division.</i>	-	Refer to WHOLE EIS.
		<i>(2) The person preparing the statement must have regard to—</i>	-	Refer to WHOLE EIS.



STATUTORY COMPLIANCE TABLE

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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
		<p>(a) for State significant development—the State Significant Development Guidelines, or</p> <p>(b) for State significant infrastructure—the State Significant Infrastructure Guidelines.</p>		
		<p>(3) An environmental impact statement must also contain a declaration by a relevant person that—</p> <p>(a) the statement has been prepared in accordance with this Regulation, and</p> <p>(b) the statement contains all available information that is relevant to the environmental assessment of the development, activity or infrastructure, and</p> <p>(c) the information contained in the statement is not false or misleading, and</p> <p>(d) for State significant development or State significant infrastructure—the statement contains the information required under the Registered Environmental Assessment Practitioner Guidelines.</p>	-	Refer to EIS Declaration on page ii of this EIS.
	Clause 191 – Compliance with environmental assessment requirements	<i>The environmental impact statement must comply with the environmental assessment requirements notified under section 176 or the Act, section 5.16(4).</i>	<p>The SEARs (reference: SSD-61400212), issued by the NSW DPPI on 25 August 2023, identify the following Key Issues:</p> <ol style="list-style-type: none"> 1. Statutory Context 2. Capital Investment Value and Employment 3. Design Quality 4. Built Form and Urban Design 	Refer to PART 7 of this EIS.



STATUTORY COMPLIANCE TABLE

Over Station Development at Crows Nest – Site B
25 Hume Street, Crows Nest

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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
			5. Environmental Amenity 6. Visual Impact 7. Public Space 8. Trees and Landscaping 9. Ecologically Sustainable Development (ESD) 10. Traffic, Transport and Accessibility 11. Biodiversity 12. Noise and Vibration 13. Ground and Water Conditions 14. Water Management 15. Flooding Risk 16. Hazards and Risks 17. Contamination and Remediation 18. Waste Management 19. Aboriginal Cultural Heritage 20. Environmental Heritage 21. Social Impact 22. Infrastructure Requirements and Utilities 23. Bush Fire Risk 24. Aviation 25. Construction, Operation and Staging 26. Contributions and Public Benefit 27. Engagement	
Considerations under EPIs				
State Environmental Planning Policy	Section 4.6 Contamination and remediation to be considered	(1) A consent authority must not consent to the carrying out of any development on land unless—	Investigations were carried out by Stantec Australia in relation to Contamination and Remediation at Site B and concluded that the site is suitable for the proposed use.	Section 7.1.17



STATUTORY COMPLIANCE TABLE

Over Station Development at Crows Nest – Site B
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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
<i>(Resilience and Hazards) 2021</i>	in determining development application	<p>(a) it has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</p> <p>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</p>		
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Section 2.48 Development likely to affect an electricity transmission or distribution network	<p>(2) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—</p> <p>(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and</p> <p>(b) take into consideration any response to the notice that is received within 21 days after the notice is given.</p>	The proposal involves works adjacent to an electricity substation, as such consideration of Section 2.48 is required.	Refer to Section 7.1.22 of this EIS.
	Section 2.100 Impact of rail noise or vibration on non-rail development	<p>(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—</p>	<p>A Noise and Vibration Impact Assessment is provided at Appendix 22.</p> <p>This report confirms that based on the information examined the resulting vibration levels from the operation of the Sydney Metro will</p>	Further reference should be made to Section 7.1.12 of this EIS and Appendix 22 .



STATUTORY COMPLIANCE TABLE

Over Station Development at Crows Nest – Site B
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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
		<p>(c) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,</p> <p>(d) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.</p>	<p>be acoustically acceptable without additional acoustic mitigation to the proposed Crows Nest over Station Development Site B project.</p> <p>As part of the Sydney Metro project it is stated that the operation ground borne noise criteria will be met by the design of the infrastructure including resilient trackforms, building isolation or a combination of both. If the isolation is required, this will be undertaken as part of the Sydney metro project and additional vibration isolation to the Crows Nest over Station Development Site B project will not be required.</p>	
	Section 2.119 Development with frontage to a classified road	<p>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</p> <p>(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</p> <p>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</p> <p>(i) the design of the vehicular access to the land, or</p> <p>(ii) the emission of smoke or dust from the development, or</p> <p>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</p>	<p>As outlined within the Transport and Accessibility Impact Assessment at Appendix 17, safe vehicular access to Site B will be provided via Clarke Lane and the operation of the Pacific Highway will not be affected.</p> <p>Further, the Noise and Vibration Impact Assessment (Appendix 22) confirms that suitable acoustic arrangements will be in place.</p>	Further reference should be made to Section 7.1.10 of this EIS and Appendix 17 and 22.



STATUTORY COMPLIANCE TABLE

Over Station Development at Crows Nest – Site B
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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
		<i>(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</i>		
	Section 2.120 Impact of road noise or vibration on non-road development	<p><i>(2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.</i></p> <p><i>(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—</i></p> <p><i>(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,</i></p> <p><i>(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.</i></p>	<p>A Noise and Vibration Impact Assessment is provided at Appendix 22.</p> <p>This report confirms that the assessment of internal noise levels undertaken in this assessment include the requirements of the SEPP 2021 and that subject to identified acoustic measures the relevant standards will be met.</p>	Further reference should be made to Section 7.1.12 of this EIS and Appendix 22 .
	Section 1.22 Development in or adjacent to road corridors and road reservations	<i>(4) Before determining a development application for development to which this section applies, the consent authority must—</i>	In accordance with Schedule 3, the proposal includes 75 or more dwellings within 90m of connection to a classified road (Pacific Highway).	Refer to Section 7.1.10 of this EIS.



STATUTORY COMPLIANCE TABLE

Over Station Development at Crows Nest – Site B
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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
		<p>(a) give written notice of the application to TfNSW within 7 days after the application is made, and</p> <p>(b) take into consideration—</p> <p>(i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and</p> <p>(ii) the accessibility of the site concerned, including—</p> <p>(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</p> <p>(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and</p> <p>(iii) any potential traffic safety, road congestion or parking implications of the development.</p>		
State Environmental Planning Policy (Sustainable Buildings) 2022	Section 2.1 Standards for BASIX development and BASIX optional development	(5) Development consent must not be granted to development to which the standards specified in Schedule 1 or 2 apply unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.	An Ecologically Sustainable Development report is provided at Appendix 16 that outlines relevant matters for consideration in relation to BASIX	Section 7.1.9 of this EIS and Appendix 16.
	Section 3.2 Development consent for non-residential development	(2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.	An Ecologically Sustainable Development report is provided at Appendix 16 that outlines relevant matters for consideration in relation to BASIX	Section 7.1.9 of this EIS and Appendix 16.



STATUTORY COMPLIANCE TABLE

Over Station Development at Crows Nest – Site B
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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
<i>State Environmental Planning Policy (Housing) 2021</i>	Section 147 Determination of development applications and modification applications for residential apartment development	<p>(1) <i>Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—</i></p> <p>(a) <i>the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,</i></p> <p>(b) <i>the Apartment Design Guide,</i></p> <p>(c) <i>any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.</i></p>	Consideration of the Design Principles for Residential Apartment Development and the Apartment Design Guide is provided in the Design Statement at Appendix 5.	Further reference should be made to Section 7.1.3 of this EIS and Appendix 5 .
<i>North Sydney Local Environmental Plan 2013</i>	Clause 2.3 - Zone objectives and Land Use Table	(1) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.	Site B is zoned MU1 Mixed Use.	
		<ul style="list-style-type: none"> To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities. 	Retail/commercial floorspace is provided on the Hume Street and Pacific Highway frontages.	Appendix 03
		<ul style="list-style-type: none"> To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces. 	Retail/commercial floorspace is provided on the Hume Street and Pacific Highway frontages.	Appendix 03
		<ul style="list-style-type: none"> To minimise conflict between land uses within this zone and land uses within adjoining zones. 	The proposed land use (shop top housing) is permitted with consent in the MU1 zone. Sites adjoining Site B are all zoned MU1.	



STATUTORY COMPLIANCE TABLE

Over Station Development at Crows Nest – Site B
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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
		<ul style="list-style-type: none"> To encourage business, retail, community and other non-residential land uses on the ground floor of buildings. 	Retail/commercial floorspace is provided on the Hume Street and Pacific Highway frontages.	Appendix 03
		<ul style="list-style-type: none"> To create interesting and vibrant mixed use centres with safe, high quality urban environments with residential amenity. 	A high quality design outcome is achieved. The proposed OSD at Site B will make a positive contribution to the centre.	Section 7.1.3 and 7.1.7.
		<ul style="list-style-type: none"> To maintain existing commercial space and allow for residential development in mixed use buildings, with non-residential uses concentrated on the lower levels and residential uses predominantly on the higher levels. 	Retail/commercial floorspace is provided on the Hume Street and Pacific Highway frontages. Residential use is provided above the Metro Station infrastructure.	Appendix 03
	Clause 4.3 - Height of Buildings	155m AHD	<p>The built form will comply with development standard with a maximum height of 155m AHD.</p> <p>As provided for in the building envelope approved via the Concept Approval, the proposal includes plant and equipment that will extend to a height of RL 157.70. In addition to the plant and equipment the proposal includes an architectural roof feature that will extend over the central part of the roof and also serve as a shading device for the roof top terrace, to a maximum height of RL 157.70. See discussion in relation to Clause 5.6 below.</p>	Section 3.2 and Section 6.2
Clause 4.4 – Floor Space Ratio	Maximum 7.5:1	Total – 7.43:1	Section 3.2	
Clause 4.4A – Non-residential floorspace ratio	Minimum 0.5:1	Non-residential – 0.5:1	Section 3.2	



STATUTORY COMPLIANCE TABLE

Over Station Development at Crows Nest – Site B
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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
	Clause 5.6 Architectural Roof Features	(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.	Detailed justification in relation to the proposed architectural roof feature is provided in the EIS.	Section 6.2
	Clause 5.10 Heritage conservation	(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).	Site B is identified as being in the immediate vicinity of a number of local heritage items listed on the North Sydney LEP 2013 (see Figure 50). It has been demonstrated that the impact of the proposed development will be acceptable.	Section 7.1.20
	Clause 6.15 Airspace operations	(2) If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.	An application has been submitted to seek approval for the part of the building above 156m AHD (the maximum building height is 158m AHD) and for the temporary use of cranes during the construction period. This application is currently under assessment.	Section 7.1.24
	Clause 6.19B Design excellence in the area	The consent authority must have regard to the matters set out in subclause (4) in considering whether development exhibits design excellence.	It has been demonstrated that the proposed Site B OSD exhibits design excellence.	Section 7.1.2



STATUTORY COMPLIANCE TABLE

Over Station Development at Crows Nest – Site B
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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
	adjacent to the Crows Nest Metro Station			
Considerations under relevant draft EPIs				
Explanation of Intended Effect to amend North Sydney Local Environmental Plan 2013 – Crows Nest Transit Oriented Development Precinct	Clause 1.5 Rezoning and current proposals	A number of sites (including Site A, Site B and Site C) within the Precinct have already been rezoned through site specific planning proposals achieving the recommendations of the St Lenora and Crows Nest 2036 Plan. These sites have not been revisited as part of the Crows Nest TOD Accelerated Precinct.	In accordance with Clause 1.5 Site B has not been reconsidered for further changes.	Section 2.5.1
Considerations under other legislation				
<i>Biodiversity Conservation Act 2016</i>	Section 7.9 – Biodiversity assessment for State significant development or infrastructure	<p>(1) <i>This section applies to—</i></p> <p>(a) <i>an application for development consent under Part 4 of the Environmental Planning and Assessment Act 1979 for State significant development, and</i></p> <p>(b) <i>an application for approval under Division 5.2 of the Environmental Planning and Assessment Act 1979 to carry out State significant infrastructure.</i></p> <p>(2) <i>Any such application is to be accompanied by a biodiversity development assessment report unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.</i></p> <p>(3) <i>The environmental impact statement that accompanies any such application is to</i></p>	A BDAR waiver was issued on 11 December 2023.	Appendix 34



STATUTORY COMPLIANCE TABLE

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MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY				
Statutory document	Section reference	Mandatory consideration	Relevance	Section in the EIS
		<i>include the biodiversity assessment required by the environmental assessment requirements of the Planning Agency Head under the Environmental Planning and Assessment Act 1979.</i>		
<i>Concept Approval SSD-9579</i>		<i>Consistency of the project with the Concept Approval.</i>	Detailed consideration of the proposed development against the Concept Approval has been provided.	Part 6 and Appendix 35



APPENDIX C
COMMUNITY
ENGAGEMENT
TABLE



COMMUNITY ENGAGEMENT TABLE

Over Station Development at Crows Nest – Site B
25 Hume Street, Crows Nest

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COMMUNITY ENGAGEMENT TABLE			
Stakeholder Group	Organisations	Matters Raised	Satisfied by
NSW Government agencies	NSW Police	No comment received.	No action required.
	NSW Fire & Rescue	No consultation required at this time.	No action required.
	TfNSW	TfNSW has reviewed the draft plans and submitted draft SEARs Section 10 Traffic, Transport and Accessibility and has no further assessment request for inclusion at this stage. If not already undertaken, the preliminary material should be referred to Sydney Metro for their comment and assessment requirements in relation to the Metro.	No action required.
Local government	North Sydney City Council	NSC continues to have a keen interest in the OSD developments above the Metro station. Council's inputs are mostly made through the GAO PCG process.	No action required.
Community		Extensive community engagement has occurred across the history of the redevelopment of Crows Nest. Details are included in the EIS.	See discussion at Part 5 of this EIS.



APPENDIX D
MITIGATION
MEASURES
TABLE



MITIGATION MEASURES TABLE

Over Station Development at Crows Nest – Site B
25 Hume Street, Crows Nest

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By:	Third.i Crows Nest Residential Developments Pty Ltd
In relation to:	State Significant Development Application (SSD-61400212) For Crows Nest OSD Site B
Site:	477-495 Pacific Highway, Crows Nest Lot 100 DP 747672, Lot 101 DP 747672, Lot A DP 442804

Third.i Crows Nest Residential Developments Pty Ltd (referred to below as Third.i), plan to undertake the construction of the proposed over station development, in accordance with the following planned management and mitigation measures.

PLANNED MANAGEMENT AND MITIGATION MEASURES FOR SSD-61400212		
ID	Management / Mitigation Measure	Timing
Administrative Commitments		
A1	<p>Commitment to Minimise Harm to the Environment</p> <p>Third.i will commit to implement all reasonable and feasible measures, to prevent and/or minimise any harm to the environment, that may result from the construction or operation of the proposed development</p>	Prior to construction, during construction, and during operation.
A2	<p>Terms of Approval</p> <p>Third.i will carry out the project generally in accordance with the:</p> <ul style="list-style-type: none"> (a) Environmental Impact Statement; (b) Drawings; (c) Management and Mitigation Measures; (d) Any Conditions of Approval. <p>If there is any inconsistency between the above, the Conditions of Approval shall prevail to the extent of the inconsistency.</p>	Prior to construction, during construction, and during operation.
A3	<p>Occupation Certificate</p> <p>Third.i will ensure that Occupation Certificates are obtained prior to the occupation of the facilities.</p>	Prior to operation.
A4	<p>Compliance</p> <p>Third.i will ensure compliance with any reasonable requirement(s) of the Secretary of the NSW DPHI arising from the assessment of:</p> <ul style="list-style-type: none"> (a) Any reports, plans, programs, strategies or correspondence that are submitted in relation to this Approval; and (b) The implementation of any recommended actions or measures contained in reports, plans, programs, strategies or correspondence submitted by the Project Team as part of the application for Approval. 	Prior to construction, during construction, and during operation.
A5	<p>Structural Adequacy</p> <p>Third.i will ensure that all new buildings and structures on the site are constructed in accordance with the relevant requirements of the National Construction Code.</p>	During construction.
A6	<p>Construction Environmental Management Plan</p>	Prior to construction.



MITIGATION MEASURES TABLE

Over Station Development at Crows Nest – Site B
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PLANNED MANAGEMENT AND MITIGATION MEASURES FOR SSD-61400212		
ID	Management / Mitigation Measure	Timing
	<p>Prior to the commencement of construction, Third.i would prepare a Construction Environmental Management Plan (CEMP) that addresses the following:</p> <ul style="list-style-type: none"> (a) Air Quality; (b) Noise and Vibration; (c) Waste Classification; (d) Materials Management Plan; (e) Acid Sulfate Soils and Salinity; and (f) Community Consultation and Complaints Handling. 	
A7	<p>Site Induction</p> <p>All staff employed on the site by the construction contractor will be required to undergo a site induction.</p>	Prior to construction.
A8	<p>Operation of Plant and Equipment</p> <p>Third.i will ensure that all plant and equipment used on-site, is maintained and operated in proper and efficient manner, and in accordance with relevant Australian Standards.</p>	During operation.
A9	<p>Monitoring the State of Roadways</p> <p>Third.i will monitor the state of roadways leading to and from the subject site, during construction, and will take all necessary steps to clean up any adversely impacted road pavements as directed by the North Sydney Council.</p>	During construction.
A10	<p>Waste Receipts</p> <p>Third.i will ensure that a permanent record of receipts, for the removal of both liquid and solid waste from the subject site, be kept and maintained up to date at all times. Such records will be made available to authorised person upon request.</p>	During construction and operation.
A11	<p>Complaints Handling</p> <p>Third.i will prepare an Operational Complaints Handling Protocol for the development, prior to the commencement of operations.</p>	Prior to operation.
A12	<p>Soil and Water Management</p> <p>A Soil and Water Management Plan (SWMP) will be implemented for the construction of the proposed development.</p>	Prior to and during construction.
Specific Environmental Commitments		
Design Development		
D1	<p>Further assessment should be undertaken during the detailed design stage and prior to the issue of the Construction Certificate(s) to:</p> <ul style="list-style-type: none"> ▪ validate compliance with the applicable provisions outlined in the BCA Capability Statement. ▪ ensure compliance with the requirements identified in the Accessibility Report. 	Detailed design development and prior to construction
Wind		



MITIGATION MEASURES TABLE

Over Station Development at Crows Nest – Site B
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PLANNED MANAGEMENT AND MITIGATION MEASURES FOR SSD-61400212		
ID	Management / Mitigation Measure	Timing
W1	<p>Ensure the provision of the following measures:</p> <ul style="list-style-type: none"> ▪ Ground Level <ul style="list-style-type: none"> - Street planting along Hume Street frontage. ▪ Apartment balconies <ul style="list-style-type: none"> - A combination of wintergardens for some apartments, solid balustrades, incorporation of blade walls, inset balconies, removal of wraparound balconies as per architectural drawings. ▪ Roof terrace <ul style="list-style-type: none"> -Sectioned areas to the southern portion of the roof terrace (communal area) to provide additional protection from predominantly horizontal winds. -A total height of at least 1.8 m high, including landscaping (with at least 75% solidity for landscaping) recommended for perimeters of the southern, communal area of the roof terrace and southern penthouse terrace. 	Prior to occupation and during occupation
Landscape		
L1	<ul style="list-style-type: none"> ▪ Undertake regular landscape maintenance work to vegetation and planting on the podium and upper levels to ensure an enhanced level of scenic amenity. 	During occupation
	<ul style="list-style-type: none"> ▪ Landscape maintenance should be in keeping with the strategy at 7.12 of the Landscape Design Report. 	During occupation
Crime Prevention and Safety		
C1	<ul style="list-style-type: none"> ▪ Implement active graffiti removal scheme. ▪ Implement active security surveillance technology in support of natural (e.g., CCTV cameras). ▪ Implement sufficient lighting along perimeter. ▪ Implement signage to provide awareness of vehicles exiting. ▪ Implement vehicle security barriers to protect pedestrians. 	Prior to occupation and during occupation
Traffic and Transport		
T1	The initiatives in the Green Travel Plan should be implemented during the operational phase of the development and monitored to ensure that they are achieving the desired benefits, including travel surveys to establish travel patterns and mode share of trips to and from the site. The Green Travel Plan may be further updated based on further changes to travel behaviour.	During occupation
T2	The Preliminary CPTMP should be further developed, and a detailed CPTMP that complies with the relevant standards	Prior to and during construction.



MITIGATION MEASURES TABLE

Over Station Development at Crows Nest – Site B
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PLANNED MANAGEMENT AND MITIGATION MEASURES FOR SSD-61400212		
ID	Management / Mitigation Measure	Timing
	and guidelines will be submitted prior to the commencement of construction works.	
T3	The VSMP should be reviewed regularly (at least once a year) to ensure that the details outlined remain relevant for the operations and activities associated with the Metro Station and residential OSD which are required to occur through the dock area.	During occupation
Noise and Vibration Management		
NV1	<p>Construction noise management is to be undertaken in accordance with the Section 8.4.4 of the NVIA which include:</p> <ul style="list-style-type: none"> ▪ Construction to be undertaken within the approved hours detailed within the projects Conditions of Consent. ▪ All plant and equipment are to be maintained such that they are in good working order. ▪ A register of complaints is to be recorded in the event of complaints being received, including location, time of complaint, nature of the complaint and actions resulting from the complaint. ▪ If required a noise level measurement of the offending plant item generating complaints is to be conducted and noise mitigations undertaken to reduce noise levels to within Noise Management levels in the event magnitude of noise levels is found to be above suitable levels. ▪ The use of percussive and concrete sawing should be undertaken behind a closed façade when possible. ▪ The use of percussive equipment including hydraulic hammering should be limited such that they are not undertaken prior to 7.30am on weekdays and prior to 8.30am on Saturdays. <p>In addition to the recommended mitigations above details of the proposed construction works to be conducted on the Site, including type of activities to be conducted as well as the expected duration of activities should be provided to the neighbouring receivers.</p> <ul style="list-style-type: none"> ▪ Use of alternative appliances to complete the required works which result in reduced noise impacts on surrounding neighbours. ▪ Period when noisy appliances are undertaken, such as undertaking noisy works on locations with the greatest distance to residential receivers during morning periods if possible. ▪ Construction of acoustic screening to permanently located high noise generating equipment such as pumps and generators. Scheduling of high noise 	During construction



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	<p>generating works outside of noise sensitive periods if possible.</p> <ul style="list-style-type: none"> Other site specific treatments and controls which may become possible once works commence. <p>In addition to the above the following is also recommended:</p> <ul style="list-style-type: none"> Noise – Attended noise level measurements of typical construction activities should be undertaken at Site. Attended construction noise surveys of the Site and surrounding impacts on neighbours should be undertaken during the following as a minimum: <ol style="list-style-type: none"> Periodically during the construction period if required. In response to any ongoing complaints received from neighbours. 	
NV2	<p>During the proposed construction of the project the building contractor is required to engage in community interaction. The community interaction and notification is required to include the following:</p> <ul style="list-style-type: none"> Notification of the proposed works to be undertaken on the Site and the periods when works will be conducted, including information regarding the programme of works such as demolition and excavation. Details of the relevant Site representative where complaints can be registered. Details of the methodology to respond to complaints raised from the surrounding receivers. A register of complaints, to be kept on Site including record of time and nature of the complaint as well as the outcomes and comments regarding investigations resulting from the complaint. 	During construction
Erosion and Sediment Management		
E1	<ul style="list-style-type: none"> The Preliminary Erosion and Sediment measures should be implemented under a detailed CMP, which will take effect throughout the duration of the works. 	During construction
Stormwater		
S1	<ul style="list-style-type: none"> The Stormwater Network Maintenance Schedule set out in Section 12 of IWMP must be implemented. 	During occupation
Waste Management		
WM1	Site specific mitigation measures relating to inductions, material selection and ordering, waste avoidance	During occupation



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	opportunities, and site procedures provided in Section 4.4 of the CDWMP should be incorporated into the detailed CMP.	
WM2	Primary roles and responsibilities in relation to operational waste management are set out in Section 7.0 of the OWMP and should be followed.	During occupation
Aboriginal Cultural Heritage		
ACH1	Aboriginal community consultation incorporating their design ideas and changes contributed to and inspired by Elders are approved prior to being used on the project. This includes 'Designing with Country' as a masterplan of Indigenous themes across the whole Hume Place Precinct that explores The Land and Endangered Ecosystems through the design of Site B.	During detailed design
ACH2	The incorporation of storytelling, placemaking and wayfinding inspired and guided by the involvement of the Indigenous Consultants. The concept of 'Place' is recognised through the precinct masterplan telling stories of 'The Land, Gamaragal People and stories of Sky Country.' This is being integrated through the architectural expression, and as the design develops will be represented in the wayfinding design process.	During detailed design
ACH3	Incorporating landscaping in response to Indigenous community consultation, and this includes the investigation of a longer term, seed saving and propagation project to provide greenery to the site. To date, the 'Engagement with Bush to Bowl' has already begun and includes looking at the feasibility of engaging an appropriate company for plant sourcing.	During detailed design and during occupation
ACH4	Applying Country-focussed design concepts, incorporating vantage points and the link to Sky Country, and connection to the whale mother and calf totem in the Site A South. This process is being guided by the 'GANSW Designing with Country Framework' and the 'International Indigenous Design Charter' which has been integrated through the sharing of stories and workshopping of ideas. This is the first step in a process that will eventually shape expression on site and encourage inclusion at the time of handover.	During detailed design and during occupation
Social Impact		
SII	A community engagement plan could be prepared which requires the building contractor, during the construction of the project (including demolition, excavation and construction), to engage in community interaction including the following: <ul style="list-style-type: none"> ▪ Notification of the proposed works to be undertaken on the Site and the periods when works will be conducted, including information regarding the programme of works. 	During construction



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ID	Management / Mitigation Measure	Timing
	<ul style="list-style-type: none"> ▪ Details of the relevant Site representative where complaints can be registered. ▪ Details of the methodology to respond to complaints raised from the surrounding receivers. ▪ A register of complaints, to be kept on Site including record of time and nature of the complaint as well as the outcomes and comments regarding investigations resulting from the complaint. 	
SI2	<p>Implementation of the Construction Environmental Management Framework, which would include relevant management plans and measures to manage amenity related impacts including where works have a public interface including:</p> <ul style="list-style-type: none"> ▪ Changes to pedestrian and vehicular access and/or circulation ▪ Amenity related impacts such as noise, vibration, dust and visual impacts ▪ Cumulative impacts due to other major projects in the locality. ▪ Cumulative impacts due to timeframes for this project. 	During construction
SI3	<p>Undertake ongoing engagement with managers of social infrastructure located near the site (for example, educational institutions, places of worship, community facilities, childcare, health and medical facilities) about the timing and duration of construction works and management of potential impacts.</p>	During construction
SI4	<p>Ensure internal gathering spaces, breakout spaces and other design elements maximise opportunities to support resident and worker wellbeing and community capacity-building within the project.</p>	During occupation
Aviation		
AV1	<p>If approved, details of the Project should be reported to Airservices Australia via this email address: vod@airservicesaustralia.com, and published in En Route Supplement Australia (ERSA) and other relevant aeronautical chart products.</p>	Post approval
AV2	<p>Sydney Airport advises that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.</p>	Prior to construction
Reflectivity		
R1	<ul style="list-style-type: none"> ▪ Change the specified finish of the terracotta tile from glossy finish to matte finish. 	

