

Submissions Report

Detailed State Significant Development Application
Site C, Crows Nest Over Station Development

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Report prepared by:

Name	Kate Tudehope Associate Director, Planning Ethos Urban	Anna Nowland Principal Planner Ethos Urban
Qualifications	Bachelor of Planning (Hons 1) UNSW, MPIA	Bachelor of Planning (Hons 1) UNSW, MPIA
Address	173 Sussex Street, Sydney NSW 2000	
Signatures		
Date	4 November 2021	

1 Introduction

An Environmental Impact Statement (EIS) was prepared to support the detailed State Significant Development (SSD) application for the Site C (SSD-13852803), pursuant to the approved Concept SSD Application (SSD-9579) which provided for a mixed-use development across three sites (known as Site A, Site B and Site C) integrated with the future Crows Nest Station.

The EIS and accompanying documents were publicly exhibited in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act). In total, twelve (12) responses were received during the public exhibition of the EIS. These include ten (10) submissions made by State and local Government agencies and authorities, and two (2) submissions from the general public. The Department of Planning, Industry and Environment (DPIE) also issued Sydney Metro a letter requesting that a Response to Submissions be prepared.

Sydney Metro and its consultant team have considered all issues raised in the submissions and prepared a response in this report and the accompanying appended documents, in accordance with Clause 82(2) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) – refer to **Section 3**.

This report also outlines additional community consultation and engagement activities that were undertaken by Sydney Metro during the exhibition of the EIS in accordance with the issued Secretary's Environmental Assessment Requirements (SEARs) (**Section 2**).

2 Community consultation

As noted within the exhibited EIS, it was Sydney Metro's intention to undertake additional consultation and engagement activities during the public exhibition period of the EIS.

These consultation activities have now been completed, satisfying the requirements for community consultation under the issued SEARs. The below section provides a summary of the consultation activities undertaken and the methodology employed.

The EIS was placed on public exhibition by DPIE for a period of 28 days from 14 June to 11 July 2021. The EIS and accompanying technical reports and plans were made available on DPIE's website. Copies of the EIS were also available at the community information sessions.

2.1 Consultation activities

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

- letterbox drops: approximately 2000 project flyers were distributed on 17 June 2021 to residents and businesses within a 500-metre radius of the project site advising of the exhibition period and community information sessions
- email alerts to the project mailing list: an email was sent to approximately 2000 members of the Crows Nest Station project database list on 15 June 2021. The email advised of the EIS exhibition dates and encouraged recipients to have their say.
- project website update: information about the EIS exhibition and associated consultation activities was made available on the project website at <https://sydneymetro.info>.
- newspaper advertisements: an advertisement was placed in the North Shore Times on 18 June 2021 by Sydney Metro to advise the public of the exhibition and community information sessions.
- community information sessions: two community information sessions were held on 19 and 23 June 2021, as further discussed in **Section 2.3** below.

2.2 Community contact and information points

Table 1: Community contact details

Activity	Detail
Community information line (toll free)	1800 171 386
Community email address	sydneymetro@transport.nsw.gov.au
Website	www.sydneymetro.info

2.3 Community information sessions

The project team hosted two community information sessions, where information about the proposed development was made available.

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

The table below outlines the date, time, and location of the information sessions. A total of 45 visitors attended the two drop-in sessions.

Table 2: Community attendance details

Date	Location	Attendance
Saturday 19 June 2021, 12-2pm	The Crows Nest Centre, 2 Ernest Place, Crows Nest	32
Wednesday 23 June 2021, 5-7pm	The Crows Nest Centre, 2 Ernest Place, Crows Nest	13

2.4 Display materials

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

These included:

- information boards providing information on the concept proposal including key features
- copies of the EIS
- various Sydney Metro newsletters and brochures
- project flyer, providing key information that was detailed in the EIS

2.5 Key issues raised at community information sessions

Key themes raised at these two sessions included:

- building height and overshadowing
- planning process
- construction
- community facilities
- public transport
- parking
- general development
- other Sydney Metro City & Southwest projects
- public domain works.

3 Response to submissions

3.1 Authorities

The following tables include a response to the full text of submissions provided by or on behalf of public authorities/agencies, as defined by DPIE in the categorisation of submissions on the Major Projects website. The full text of each submission is provided in the left-hand column, accompanied by the corresponding response in the right-hand column. The responses have been informed by input by the consultant team, and should be read in conjunction with the publicly exhibited EIS and accompanying technical reports.

The ten (10) public authority/agency submissions received provided comments on the project, with no objections.

Department of Planning, Industry and Environment

Extract	Response
<p>1. Roof Feature a. Demonstrate the proposal complies with Condition B5(c), including architectural roof feature within the articulation zones.</p> <p>Note: Condition B5(c) of the Concept application (SSD 9579) prescribes that built form must occupy no more than 25% of the total volume of the articulation zones.</p>	<p>Updated calculations are provided within the Articulation Zone Plan at Appendix A, capturing the components of the architectural roof feature and stair overrun that occur within the articulation zone at roof level. The calculations demonstrate that the proposed development complies with the requirements of Condition B5(c) of the Concept SSD Application. A total equating to 19.9% (592.83m³) of the volume of the articulation zones has been used by the proposed development. This is less than the 25% upper limit nominated by Condition B5(c) of the conditions of consent.</p>

Extract	Response
<p>2. Consistency with the Design Guidelines</p> <p>a. Further clarify the design of the western elevation (Clarke Lane) and demonstrate consistency with Clause 10 “Podium and Street Wall” in the approved Design Guideline, which requires strong activation of street frontages.</p>	<p>Sheet 23 of the Architectural Plans submitted as Appendix C of the EIS details the proposed architectural design of the western elevation of the building, fronting Clarke Lane.</p> <p>The Design Guidelines nominates “<i>strong activation of street frontages, station entries and lobbies including integration of Clarke Lane, where appropriate.</i>”</p> <p>The proposed development’s strategy for site activation and treatment to Clarke Lane is summarised as follows:</p> <ul style="list-style-type: none"> • the CSSI Approval (CSSI-7400) determines the location of the station entrance and associated retail spaces on the ground floor of the building, as well as plant and services required for the operation of station infrastructure. As a result, this SSD application only seeks consent for the fit-out of the western corner of the ground floor of the building • the lobby for the proposed office space is accessed from Hume Street, as the primary spine through the Crows Nest Station Precinct, to complement the station retail entrances along this street frontage. The lobby will, therefore, be a short walk from and highly visible to commuters that are entering/exiting the station on Clarke Street to support wayfinding. • the Clarke Lane frontage of the building is used by the Over Station Development (OSD) fire stairs and for servicing, including waste collection (discussed further below), ensuring it will be regularly used by staff and contractors. The Station Design and Precinct Plan under the Critical State Significant Infrastructure (CSSI) Approval proposes to upgrade Clarke Lane to a shared zone, which will encourage future pedestrian and cycle movements along this frontage of the site.

Extract	Response
<p>3. Design Integrity Reports</p> <p>a. Provide further details on how the project’s team responded to DRP advice in respect to:</p> <ul style="list-style-type: none"> • Built form (Item 14.06 and 14.07) • Materiality and finishes (Item 15.04 and 15.05) <p>This must include information on design options presented to the DRP and DRP’s advice on the preferred option.</p>	<p>An updated Design Integrity Report (DIR) is attached at Appendix B responding to this item. In summary:</p> <ul style="list-style-type: none"> • items 14.06 and 15.05: Refer to Section 5.2.2 of the updated DIR. An operable façade was not pursued due to the additional complexities this would entail for the mechanical ventilation system. Instead, improvements were made to the eastern façade including a reduction of the glazed area by 27% and the incorporation of metal finishes to the reveal of pop out bay windows, reducing exposure to direct sunlight and improving thermal performance • items 14.07 and 15:04: Refer to Section 5.2.1 of the DIR. Further design development was undertaken in relation to the brick pillars following the DRP No. 5 meeting to improve the building’s ‘tectonic clarity’, including extending the pillars to the rooftop (forming an architectural roof feature) and projecting them an additional 120mm from the façade, in addition to extending the building’s brick finish to its eastern and western facades.
<p>b. Submit the following additional information in a revised Design Integrity Report:</p> <ul style="list-style-type: none"> • advice letters from each DRP review session as endorsed by Panel Chair • project team’s response on outstanding items, in relation to landscape maintenance and materiality and finishes (16.02 and 18.02) • recommendation letter on how the project achieved Design Excellence as endorsed by the Panel Chair. 	<p>An updated DIR is attached at Appendix B. In summary:</p> <ul style="list-style-type: none"> • a summary of the key issues raised by the DRP is provided in the DIR • the project team’s response to item 16.02 in relation to the planter boxes is provided at Section 5.3 of the DIR. A revised planting schedule was presented to the DRP No. 6 meeting, and further design amendments were presented to the DRP No. 9 meeting in response to feedback, as discussed within the DIR • it is assumed that the reference to ‘item 18.02’ is in error and is instead referring to item 18.01. In this regard, the updated DIR confirms that a sample board will be submitted to the DRP during construction • the DRP Recommendation Letter on Design Excellence has been attached to the DIR.

Extract	Response
<p>4. Waste Management</p> <p>a. Clarify waste management arrangements for the proposal in particular:</p> <ul style="list-style-type: none"> • Temporary/interim waste storage/collection until the centralised loading dock at Site A is provided • Future arrangements for waste collection/removal from Site C to Site A. 	<p>Owing to the constraints of Site C, which accommodates the station portal and is the smallest within the Crows Nest Station precinct, there is no opportunity to provide an on-site loading dock for the building.</p> <p>Accordingly, loading and servicing for Site C will occur from the lay-by in Clarke Lane in accordance with the approved Concept SSD Application. Following completion of the OSD on Site A, Site C will also have access to the loading facilities offered by the Site A Loading Dock (with booking system to be managed by the Site A OSD Building Manager), providing additional flexibility for future Site C tenants. Service and maintenance vehicle parking for the Site C OSD will also be provided with access to the Site A OSD parking on level 2.</p> <p>Waste collection will utilise the available lay-by spaces in Clarke Lane, recognising that waste collection occurs outside of typical operational hours and needs to occur adjacent to Site C. This ensures there is direct access to the waste storage room within the Site C building for waste collection, and that waste is not being transported across the public street between Sites A and C.</p> <p>The swept path analysis provided with the Traffic and Transport Assessment at Appendix J of the EIS confirms that vehicles can enter and exit the lay-by space in Clarke Lane in a forward direction at all times. A management plan will be prepared prior to the commencement of operations for Site C in accordance with Mitigation Measure 4.</p>
<p>5. Other Issues</p> <ul style="list-style-type: none"> • Confirm whether the proposal would be undertaken as Crown Development as defined by the Environmental Planning and Assessment Act. Where necessary, review and revise the Fire Management Report (Appendix S of the EIS) and the BCA and Accessibility Report (Appendix N of the EIS), which stated that the development will be pursuing Crown certification. • Review comments provided by EES and update the Flood Impact Assessment as relevant to the proposal, including design levels and any other flood impacts or mitigation identified. 	<p>Sydney Metro is a “public authority” under the EP&A Act, and therefore prescribed to be the Crown for the purpose of the Crown development provisions in the Act (clause 226(1) of the EP&A Regulation). This Development Application is made by Sydney Metro and is therefore a Crown Development Application.</p> <p>Accordingly, the proposed development will be pursuing Crown certification. No revision is required to the Mitigation Measures at Section 12 of the EIS.</p> <p>A response to each of the matters raised by the Environment, Energy and Science Group is detailed in the separate table below.</p>

Environment, Energy and Science Group

Extract	Response
<p>Biodiversity A Biodiversity Development Assessment Report (BDAR) Waiver Request was approved on 26 February 2021.</p>	<p>Noted – no further action.</p>
<p>Flooding EES has reviewed the Flood and Stormwater Assessment, Detailed State Significant Development Application, Site C, Crows Nest over station development version 1 dated April 2021.</p> <p><u>Adverse Flood Impacts on other properties</u></p> <p>The report states that flood level impacts were not previously assessed for the OSD and shows unacceptable impacts. This is a significant departure from the Environmental Impact Statement (EIS) reporting for the Crows Nest Over Station Development, whereby no impacts were noted. The report states that the requirement set out in "Sydney Metro – Chatswood to Sydenham SPIR REMM FH9" is for an increase in flood levels no greater than 50 mm in the 1% annual exceedance probability flood event, which is already higher than the common standard of 10 mm. The report documents several increases greater than 50 mm and therefore does not comply. Floor levels in buildings external to the project will not be raised, so the relevant criteria for external properties must remain the flood level increase and not depth increase. Depth increase may be an appropriate criterion within the footprint of the development, such as roads that will be regraded, but it is not acceptable for existing developments external to the project.</p> <p>The building at 10-12 Clarke Street has commercial tenancies and a basement car park entry on Hume Street. The entries to these tenancies, including the car park entry, are at grade with the flood affected footpath.</p> <p>Flooding of the basement car park may pose a significant risk to life. The development is predicted to exacerbate flooding at these tenancies and car park entry by raising flood levels 0.1 to 0.3 m. This would result in increased flood damage and potentially a greater risk to life and limb.</p>	<p>The CSSI Approval has assessed the potential flood impacts on the project and adjacent properties. The Submissions and Preferred Infrastructure Report (SPIR) prepared as part of the CSSI Approval Response to Submissions (RTS) process included revised environmental mitigation measures and environmental performance outcomes.</p> <p>Mitigation measure FH9 in the SPIR relates to flooding impacts and requires the design of the project to be reviewed to, where feasible and reasonable, not worsen existing flooding characteristics up to an including the 100 year ARI in the vicinity of the project. "Not worsen" is defined in FH9 as "a maximum increase [in] flood levels in a 100 year ARI flood event." Condition E8 of the SPIR requires the flooding mitigation measures (including FH9) be incorporated into the design. Mitigation measure FH9 does not require flood level increases to stay below 10 mm.</p> <p>It is considered that the impacts identified by EES are not directly related to the OSD and are within the parameters of the CSSI Approval. All flood level increases greater than 50 mm are within the road corridor and not against property boundaries. It is not considered feasible or reasonable to make changes to the road design to bring the flood level increase below 50 mm, since the flood level increases are a direct result of the road regrading works required for the operation of Crows Nest Station. It is inevitable that road regrading works would cause minor redistribution in flow within the road corridor in the 1% AEP flood event.</p> <p>The 1% AEP flood level increase of 0.1m to 0.3 m is confined to the road corridor adjacent to the building at 10-12 Clarke Street, and not the commercial tenancy entries or carpark entry. The flood level increase bordering the buildings is negligible and far less than 0.1m to 0.3 m. This flood impact has already been approved under the CSSI Approval.</p> <p>The assessment identifies that there are flood level increases in the road corridor close to private properties, however, this flood level increase is</p>

Extract	Response
<p>The development would also exacerbate flooding at Kelly's Place Children's Centre, which is considered a sensitive use. The centre caters for children 0-5 years and thus has limited evacuation capability. Modelling indicates that the outdoor play area to the north is already affected by flooding in the 1% annual exceedance probability flood event under existing conditions. These flood levels are predicted to increase by 0.02 to 0.05 m on the outdoor play area to the north of the building, and 0.05 to 0.1 m in Hume Street, to the east. Floodwater from the outdoor play area and Hume Street would likely enter the centre and necessitate evacuation. Flood levels should not be exacerbated as this would likely also lead to an increased frequency of flooding of the centre.</p> <p>EES does not support the development in its current form without addressing the above issues, for example through:</p> <ul style="list-style-type: none"> • revision of design to reduce flood impacts to acceptable levels • detailed assessment of flood level impacts at building entries, which could include local mitigation measures or compensation and • consideration of the volumes of water entering underground car parks to determine the significance of impacts. <p>It would be prudent to add a similar detailed assessment for 28-34 Clarke Street, which is also noted as being adversely affected. The report notes that floor levels would not be affected but does not address the whether there is a significant reduction in freeboard nor whether service openings are affected.</p> <p>The report notes that velocities are increased across large areas. Given the increases in velocity and depth, it would be prudent to assess whether there is an increase in the provisional flood hazard category (H1-H6) to ensure the risk to pedestrians and stationary and moving vehicles is not increased as a result of the project.</p>	<p>negligible at the thresholds to private properties and have already been approved under CSSI Approval.</p> <p>Flood hazard mapping undertaken as part of the CSSI Approval (identical to the flood assessment undertaken for the OSD) shows that the flood hazard is less than 0.3m²/s in both the existing and design case for the 1% AEP. As per the General Flood Hazard Vulnerability Curves from the Technical Flood Risk Management Guideline: Flood Hazard (Australian Institute for Disaster Resilience, 2012), 0.3m²/s equates to Category H1, which is generally safe for people, vehicles and buildings. This flood hazard assessment has already been approved under the CSSI Approval.</p> <p>With regards to Kelly's Place Children's Centre, 28-34 Clarke Street:</p> <ul style="list-style-type: none"> • the civil works associated with the CSSI Approval would create a flood impact of up to 40mm at Kelly's Place Children's Centre. However, Mitigation measure FH9 only states that the increase in flood levels (afflux) is to be no greater than 50mm in the 1% AEP flood event. Therefore, the design is consistent with the Mitigation measure. This flood impact has already been approved under the CSSI Approval. • the flood level increase at the threshold of 28-34 Clarke Street is also negligible and has already been approved under the CSSI Approval.
<p><u>Flood Risk Management</u></p> <p>The report for Site C documents two entrances that lead to underground rail infrastructure and a further entrance for the over station development. The EIS stated that station entrances would be 500 mm above 1% annual exceedance probability flood levels. However, a freeboard of 300 mm would not be unreasonable where</p>	<p>The wording of mitigation measure FH10 in the SPIR states that flood protection for the 1% AEP flood level plus 500mm freeboard should be provided only where "feasible and reasonable". This requirement is not considered to be "feasible or reasonable" at Crows Nest Station for a number of reasons, including:</p>

Extract	Response
<p>there are low depths of flooding. The station entrances must also be above the probable maximum flood level.</p> <p>Both entrances that lead to underground rail infrastructure may not have sufficient freeboard to the 1% annual exceedance probability flood levels. These levels have not been documented in the report.</p> <p>For the over station development, the floor level at the water meter and gas meter room should be documented to ensure this is above the relevant 1% annual exceedance probability flood level as a minimum. The same applies for the electricity meter room, which appears to be housed in a fire stair.</p> <p>Tables 3-2 and 3-3 in the report should be revised to include the additional entry points, the 1% annual exceedance probability flood levels and corresponding freeboard available at each entrance, or where relevant, the level beyond any internal step</p>	<ul style="list-style-type: none"> • the location of the site close to the top of a hill (resulting in runoff small in magnitude) • the urbanised nature of the catchment making runoff conveyance away from the site very efficient • the spatial constraints at the station entrances, restricting the ramping up of the internal floor to provide freeboard at lift shafts/escalators leading underground • the calculation of a suitable freeboard for use at the Crows Nest Station site using first principles indicated that adopting a freeboard of 500mm would be excessive for the station entrances. <p>Under the CSSI Approval, Sydney Metro was granted approval to provide flood protection to all station entrances in accordance with Clause 2.3.4(a)(i) of Appendix B2 of the Sydney Metro City & Southwest Scope of Works and Technical Criteria (SWTC), which requires entrances into underground rail infrastructure to above the:</p> <ul style="list-style-type: none"> • Probable Maximum Flood (PMF) level • 300mm crest protection to the surrounding finished ground level or sufficient to prevent local flash flooding. <p>Where at least 300 mm freeboard could not be provided for entrances leading underground due to architectural constraints, adequate justification was provided as part of the CSSI Approval addressing why the freeboard is considered "sufficient to prevent local flash flooding".</p> <p>Furthermore, floor levels of the Site C OSD, including for the water, gas and electricity meter room, has been set above the minimum flood protection level. A 300 mm internal step is provided in accordance with the SWTC.</p> <p>The table below includes the 1% AEP flood level, PMF flood level, required floor level and freeboard provided:</p>

Extract	Response					
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ID	Entry Type	1% AEP Flood Level (m AHD)	PMF Flood Level (m AHD)	Surrounding Finished Ground Level (m AHD)	Required Finished Floor Level (m AHD)	Available Freeboard to 1 per cent AEP (mm)
OSD_06	Meter rooms	N/A - dry	89.18	89.14	89.44	300

The Architectural Plan for the Ground Level of the building (sheet 6) provided at Appendix C of the submitted EIS confirms that the finished floor level of the OSD is at AHD 90.43, hence complying with this requirement.

NSW Environmental Protection Agency

Extract	Response
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Contamination

The EPA notes that site investigations were completed under the State Significant Infrastructure (SSI) works for Sydney Metro Chatswood to Sydenham (SSI 7400) and therefore contaminated lands are unlikely to be encountered. Notwithstanding the EPA recommends the applicant implement an unexpected finds protocol in the event that contamination is encountered during construction.

The proposed OSD does not require any on-ground or below-ground works, including the demolition of any structures and any ground disturbance beyond that undertaken in accordance with the CSSI Approval. The CSSI Approval and site excavation works relate to Site C up to the transfer slab. In this regard, no OSD work relates directly to the ground or below ground works except for works above the ground floor slab which would be limited to the internal fit-out of the cold building shell constructed under the terms of the CSSI Approval. Therefore, there is no ability for the OSD to be exposed directly to any areas of earth or former structures on the site.

Condition E69 of the CSSI Approval requires the preparation of an Unexpected Contaminated Land and Asbestos Finds Procedure, and Condition E70 requires its implementation during construction. The conditions of the CSSI Approval, therefore, adequately address contamination and any unexpected finds.

Extract	Response
<p>Noise and Vibration</p> <p>The EPA reviewed the document Noise and Vibration Impact Assessment, ver 1, dated April 2021, prepared by Sydney Metro (NVIA) and does not consider the assessment to be adequate as it does not meet the conditions of consent for the Concept approval, nor the policies and guidelines which it claims to have used. Following is a summary of some of the issues identified that require rectification or further information before review:</p> <p>1. Receiver identification – All potentially affected sensitive receivers have not been identified nor assessed. The NVIA must be revised to identify and assess all potentially affected noise and vibration sensitive receivers.</p>	<p>An updated Noise and Vibration Impact Assessment (NVIA) has been provided at Appendix C. The NVIA has been revised to identify additional sensitive receivers which may be affected by the project, including the OSD Site B, 10 Clarke Street, 31 Hume Street and the corner of Hume and Clarke Streets.</p>
<p>2. Background noise monitoring – There does not appear to be enough valid background noise monitoring data as there are multiple large sections of data excluded. Fact Sheet B of the Noise Policy for Industry (EPA, 2017) (NPfI) requires at least 7 days valid noise monitoring data. The measurements appear to be affected by extraneous noise which has not been justified nor explained. The NVIA must justify the location of the monitoring, explain the results and noise sources contributing to the noise environment, and state if it was conducted in the free-field or else what adjustments have been made. The NVIA must include the reporting requirements of NPfI Fact Sheet B. Justification should be provided that the background noise monitoring conducted will be representative of levels that may occur when Site A is completed and provides shielding to receivers on Clarke Street. The NVIA should present the additional reporting requirements and justification, or additional monitoring data should be presented.</p>	<p>As noted within Appendix C, there are current difficulties in obtaining representative noise monitoring data as a result of COVID-19 related Public Health Orders affecting traffic flows in particular. Carrying out noise monitoring at this time would not yield valid data due to the COVID-19 lockdown affecting the ambient noise environment. Refer to Section 2.2 of the revised NVIA.</p> <p>Accordingly, detailed noise monitoring will be undertaken after the COVID-19 lockdown restrictions are lifted and background noise levels return to more representative conditions. Detailed noise monitoring will be undertaken in accordance with NSW EPA requirements and submitted to DPIE. This monitoring can be specified as a condition of consent.</p>
<p>3. Attended noise monitoring – The information supplied to support the attended noise monitoring is not complete. It must contain the information required in Fact Sheet B of the NPfI. Project Noise Trigger Levels for residential receivers – The report does not contain enough information to support its determination of Project Noise Trigger Levels (PNTLs) for residential receivers. The report</p>	<p>As above, due to current difficulties associated with the COVID-19 related Public Health Orders, carrying out attended noise monitoring at this time would not generate valid data. Detailed noise monitoring will be undertaken once the lockdown is lifted. This monitoring can be specified as a condition of consent. Refer to Section 2.3 of the revised NVIA.</p>

Extract	Response
<p>must demonstrate that the existing noise levels are dominated by existing industrial noise (this excludes road traffic noise) in order to use the existing industrial noise level minus 10 dB approach. The determination of the PNTLs must be revised to follow the procedure in NPfI Section 2.</p>	
<p>4. Project Noise Trigger Levels for non-residential receivers – The determination of PNTLs for non-residential receivers must follow the process in Section 2.4 of the NPfI. The report currently does not appear to have followed the process.</p>	<p>As above. In the absence of long term noise management data, an interim noise trigger level has been agreed with DPIE equivalent to the ‘Urban Amenity Criteria’ minus 10dB. Once the additional noise monitoring has been completed (post COVID-19 lockdown), the noise trigger levels will be updated based on the collected data and any applicable condition of consent.</p>
<p>5. Maximum noise levels – The report must include the determination of the maximum noise level event trigger levels as per NPfI Section 2.5.</p>	<p>As above. In the absence of long term noise management data, an interim noise trigger level has been agreed with DPIE equivalent to the ‘Urban Amenity Criteria’ minus 10dB.</p>
<p>6. Operational noise assessment – The NVIA does not provide a quantitative assessment of operational noise. Conditions B27 and B28 of the SSD-9579 Conditions of Approval (CoA) require that a quantitative assessment of operational noise is carried out and therefore the NVIA must be revised to include quantitative assessment of both LAeq,15min and maximum noise level events.</p>	<p>Quantitative assessment of predicted noise levels during operation has now been provided at Section 4.1.5 of the revised NVIA (Appendix C).</p>
<p>7. Human comfort vibration criteria – The criteria for assessing vibration for human comfort for both operational and construction vibration must be determined and assessed using Assessing Vibration A Technical Guideline (DEC, 2006).</p>	<p>Assessment against Assessing Vibration: A Technical Guideline has now been provided in Section 3.4.1 of the revised NVIA (Appendix C).</p>
<p>8. Vibration assessment – Condition B27(b) of the Concept consent SSD 9579 requires the NVIA to demonstrate that construction activities do not exceed the vibration limits in BS 7385-2. The NVIA currently references a German and Australian Standard and therefore must be revised to meet the approval conditions.</p>	<p>Assessment of vibration limits against British Standard (BS) 7385-2 has now been provided within Section 3.4 of the revised NVIA (Appendix C).</p>

Extract	Response
<p>9. Construction noise criteria – The application of the noise management levels is currently not consistent with the Interim Construction Noise Guideline (DECC, 2009) (ICNG). The NVIA must be revised to apply the noise management levels as per the ICNG. All reasonable and feasible mitigation measures should be identified and included in the report and a statement about the potential reduction on noise impacts.</p>	<p>Nominated noise management levels have been updated for consistency with the Interim Construction Noise Guideline. Refer to Section 3.3 of the revised NVIA (Appendix C).</p>
<p>10. Construction noise assessment – There is not enough information in the NVIA to support the outcomes of the construction noise assessment. The NVIA must include information about shielding, location of equipment, source and receiver heights, calculation method and any and all assumptions used, an indicative schedule of works, equipment and methods to be used and stages for the entire construction of the project.</p>	<p>These matters have now been addressed at Section 6.2 of the revised NVIA (Appendix C).</p>
<p>11. Road traffic noise – The NVIA must include an assessment of operational and construction noise from road traffic generated by the proposal. It should include consideration of the change in volumes of both light and heavy vehicles.</p>	<p>Construction traffic noise is now addressed at Section 6.2.3 of the revised NVIA (Appendix C).</p> <p>Operational traffic noise is now addressed at Section 4.3 of the revised NVIA.</p> <p>In both instances traffic noise levels are expected to increase by less than 1dB.</p>
<p>12. Interaction with OSD Concept Approval (SSD-9579) – The NVIA must list and detail how it has addressed all of the recommendations and conclusions of the OSD Concept Noise and Vibration Impact Assessment report as required by CoA Condition B29.</p>	<p>This information has now been provided within Section 8 of the revised NVIA (Appendix C), including responses to all recommendations and conclusions given in the OSD Concept NVIA.</p>

North Sydney Council

Extract	Response
<p>Council notes that the building design and project scope of this proposal and raises no objection. The proposal is premised on the previous concept approval and the Design Excellence process required by the North Sydney LEP.</p> <p>With respect to the broader design of the Metro site, Council maintains its previously stated concerns regarding final traffic flows and public domain issues.</p>	<p>Noted – no further action.</p>

Fire and Rescue NSW

Extract	Response
<p>It is noted that an application for a Crown Certificate will be made for the Development under the applicable legislative provisions of the NSW Environmental Planning and Assessment Act 1979, such that there would be no requirement for the Applicant (or representatives thereof) to make required formal submissions in accordance with Part 8, Division 2, Clause 144 of the NSW Environmental Planning and Assessment Regulation 2000. Such submissions are essential in ensuring that the fire and life safety measures afforded to a development are not only adequate to meet the extent of potential incidents, but suitably accommodate the operational requirements of attending firefighters in undertaking intervention activities. To ensure suitable consideration in given to these requirements, FRNSW recommend that the following conditions be included in the relevant instrument of consent should the Development be granted approval.</p> <ol style="list-style-type: none">1. Should the fire engineering design be reliant upon performance solutions to achieve compliance with the performance requirements of the National Construction Code (NCC), the Applicant (or representative thereof) be required to consult with	<p>The proposed development will be pursuing Crown certification.</p> <p>However, Sydney Metro agrees to the additional recommended conditions of consent from Fire and Rescue NSW, namely consultation with FRNSW through the FEBQ process and preparation of a FER to be submitted to FRNSW for review.</p>

Extract	Response
<p>FRNSW by way of the Fire Engineering Brief Questionnaire (FEBQ) process.</p> <p>2. A Fire Engineering Report (FER) be prepared by the Applicant (or representatives thereof) and submitted to FRNSW for review and comment.</p> <p>The above recommendations reflect the consultation and approval process that would be otherwise followed should the Development not have been seeking to make application for a Crown Certificate.</p>	

Heritage NSW

Extract	Response
<p>In accordance with our correspondence dated 16 February 2021, we reiterate that the subject site is not listed on the State Heritage Register (SHR), nor is it in the immediate vicinity of any SHR items. Further, the site does not contain any known historical archaeological relics. Therefore, no heritage comments are required. The Department does not need to refer subsequent stages of this proposal to the Heritage Council of NSW. As the site is in the vicinity of local heritage items, advice should be sought from the relevant local council.</p>	<p>Noted. North Sydney Council has provided a separate submission as identified above and did not raise any issues with respect to local heritage.</p>

Aboriginal Cultural Heritage Regulation

Extract	Response
<p>Heritage NSW has reviewed the sections relevant to Aboriginal cultural heritage (ACH) of the EIS prepared by Sydney Metro. It is noted that an Aboriginal Cultural Heritage Assessment Report was requested by the SEARs and this report has not been submitted with the EIS.</p> <p>On review of the proposal Heritage NSW considers this to be appropriate as the EIS subject area is concerned with the Crows</p>	<p>Noted – no further action.</p>

Extract**Response**

Nest Sydney Metro Station where construction works have commenced under a CSSI approval. As the proposed over station development would not cause harm to Aboriginal objects no further assessment is required. Management of unexpected finds in accordance with consent conditions E23-E25 (SSI-7400) are appropriate.

Roads and Maritime Services Division**Extract****Response**

TfNSW will not provide a response on this application.
TfNSW internal stakeholder comments have been provided directly to Sydney Metro project team.

Noted – no further action.

Transport for NSW**Extract****Response**

TfNSW will not provide a response to DPIE for the subject development application as this development application is from one of the transport cluster agency (Sydney Metro).

Noted – no further action.

Health System Support Group**Extract****Response**

No objection.

Noted – no further action.

WaterNSW

Extract	Response
<p>Please note that as the subject site is not located in close proximity to any WaterNSW land or assets, and as an SSD any flood works or licensing approvals will be assessed by others, the risk to water quality is considered to be low and WaterNSW has no comments or particular requirements.</p>	<p>Noted – no further action.</p>

3.2 Public

The following table provides a response to the full text of submissions provided by the general public. The full text of each submission is provided in the left-hand column, accompanied by the corresponding response in the right-hand column. The responses have been informed by input by the consultant team, and should be read in conjunction with the publicly exhibited Environmental Impact Statement (EIS) and accompanying technical reports.

Two (2) submissions were received, comprising one (1) objection and one (1) commenting on the project.

Extract	Response
<p>I attended the Community Information session on 19 June at the Crow's Nest Centre, just as well I'm familiar with the centre as I did not see any directions at the entrance to the downstairs room.</p> <p>In considering the several sites I find Site C an architecturally uninspiring building. I doubt if it will be compatible with surrounding buildings and add any aesthetic value to the area. In addition I also doubt it will be in symmetry with surrounding buildings when, or if, they are constructed. In my opinion that site would be better left as an open space to transition to the proposed park opposite as there is a desperate lack of open space for residents and workers in the surrounding area. I realise that site includes an entrance/exit to the Metro station but I think a more creative building could be installed.</p> <p>As for Site B I can see the value of a boutique hotel for the area or a residential block of limited height taking into account overshadowing of the area east and west. Regarding Site C I have already commented previously on the opportunistic ill considered original proposal. The drawing in the brochure is an improvement but I still think a building of that size will only add to the over development of the Crow's Nest-St Leonards area resulting in many vacant residential units for years to come.</p>	<ul style="list-style-type: none">• The detailed design of the Site C OSD was subject to a design excellence and design review process, which critically analysed options for the detailed design of OSD on Site C. A number of alternative designs and options were reviewed by the Sydney Metro Design Review Panel in the development of the proposed scheme. The proposal is considered to exhibit design excellence through a thoughtful and diverse design that supports visual interest and is responsive to the existing character of Crows Nest and its desired future character.• Under the terms of the CSSI Approval, a degree of development is already approved that will cover the full extent of the site and extend up to the transfer slab at RL 98.5m. This ensures that the site will already accommodate a multi-storey building notwithstanding the proposed OSD, and as such there is no potential to provide public open space on this site.• The detailed design of the Site B OSD will be the subject of a separate and future application.• The Site C OSD is for the purposes of commercial offices, and complies with the approved building envelope. The bulk and scale of the building is responsive to the existing and future desired character of the St Leonards/Crows Nest area, providing a transition in scale through 'stepping down' from the Site A and B building envelopes facing the Pacific Highway (which respond to the established commercial nature of St Leonards), to the reduced Site C building which responds to the 'village character' of Crows Nest and Willoughby Road.

Extract	Response
<p>Weather protection for people accessing and leaving the station as well as people walking past the building needs to be better addressed. The design as shown includes awnings – but these do not extend for the length of the building on Hume Street or Clarke Street. They also do not wrap around the corner of the building on Hume and Clarke Street.</p> <p>The building should be required to provide awnings that extend along the full frontage of all sides of the development. This will create better conditions for the community, when there is wet weather or strong sunshine. For example, a person moving between the retail frontage on Hume Street and the station entrance will get wet under the current design because the awning is not continuous.</p> <p>Page 32 of Architectural Design Report identifies that these awnings will provide protection from localized wind turbulence. Extending the length of the awnings to cover the whole pedestrian area at ground level will increase protection from wind turbulence.</p> <p>Page 33 notes that the kiss and ride drop off and pick up zone is located on Hume Street and Clarke Street frontages. The awning should be extended for the length of the building so that public transport customers have the option of waiting under the awning. The extended awning would maximise the length of their walking trip that is under cover.</p>	<p>The detailed SSD Application for Site C only comprises the internal fit-out and use of the building entrance lobby on the ground floor, with the building structure including all other entrances and the building awnings at this level forming part of the separate CSSI Approval.</p> <p>Notwithstanding this, as can be seen on the Architectural Plan for Level 1 of the building (sheet 7) provided at Appendix C of the submitted EIS, awnings are provided across the Hume Street and Clarke Street frontages of the building. While there is a gap at the corner of these streets, the proposed awnings provide sufficient pedestrian amenity.</p>
<p>The provision of street trees need to be a requirement on Hume Street and Clarke Street. This would improve the pedestrian amenity. Trees would further assist in addressing weather protection. They would also contribute to place making. The awnings can be designed to accommodate street trees.</p>	<p>The public domain works within and surrounding the Crows Nest Station precinct are part of the design and delivery package for the CSSI Approval. The public domain strategy for the precinct is, therefore, being resolved through the CSSI Approval process, and specifically the Station Design and Precinct Plan (SDPP) and Interchange Access Plan (IAP). This includes the location and number of street trees.</p>

4 Additional information

4.1 Design Integrity Letter

A revised Design Integrity Report (DIR) has been submitted with this response at **Appendix B** responding to items raised by DPIE following exhibition. Refer to **Section 3** above.

4.2 Green Travel Plan

Further amendments have been made to the project Green Travel Plan (GTP) following the exhibition period. The amended GTP is provided at **Appendix D**. The amendments are minor in nature and generally comprise refinements to wording and initiatives to further clarify the sustainability measures and commitments of the Site C OSD to improve the accuracy of the document. This includes taking into account flexibility in potential tenant arrangements, noting that the OSD has been designed to accommodate a variety of tenant layouts ranging from a single corporate tenant to strata subdivision into multiple small offices, whilst still ensuring a strong sustainability outcome.

5 Mitigation measures and conclusion

The responses provided in the preceding sections of this report do not give rise to the need to revise the mitigation measures nominated in Section 12 of the EIS as exhibited. These measures represent the final and full series of mitigation measures proposed for the project pursuant to clause 7(d)(iv) of Schedule 2 of the EP&A Regulation.

It is considered that all matters raised in the submissions received during the public exhibition of the EIS have been satisfied or may be satisfied through a condition of consent.

Having regard to biophysical, economic and social considerations, including the principles of ecologically sustainable development, the carrying out of the project is justified. Further, the significant benefits associated with the proposed development remain unchanged and it is recommended that the application be approved.