



# Crows Nest Over Station Development – Site C

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State Significant Development Assessment  
SSD 13852803

December 2021



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# Glossary

Abbreviation	Definition
<b>CIV</b>	Capital Investment Value
<b>CSSI</b>	Critical State Significant Infrastructure
<b>Council</b>	North Sydney Council
<b>Department</b>	Department of Planning, Industry and Environment
<b>DRP</b>	Design Review Panel
<b>EESG</b>	Environment, Energy and Science Group
<b>EIS</b>	Environmental Impact Statement
<b>EPA</b>	Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>FRNSW</b>	Fire and Rescue NSW
<b>Heritage</b>	Heritage NSW, Department of Premier and Cabinet
<b>Minister</b>	Minister for Planning and Public Spaces
<b>OSD</b>	Over Station Development
<b>RMS</b>	Former Roads and Maritime Services (now Transport for NSW)
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>Planning Secretary</b>	Secretary of the Department of Planning, Industry and Environment
<b>RtS</b>	Response to Submissions (Submissions Report)
<b>SEPP</b>	State Environmental Planning Policy
<b>NSLEP</b>	North Sydney Local Environmental Plan 2013
<b>SSD</b>	State Significant Development
<b>SSI</b>	State Significant Infrastructure
<b>TfNSW</b>	Transport for NSW

# Executive Summary

This report provides an assessment of a State significant development application (SSD 13852803) seeking approval for the design and construction of an 8 storey commercial building above the Hume Street (eastern) entrance of the new Crows Nest Metro Station.

The proposal, identified as Site C is one of the three sites forming part of the Crows Nest Over Station Development under Concept Approval (SSD 9579), which established building envelopes and maximum gross floor area for each site.

The Applicant is Sydney Metro and the proposal is located within the North Sydney local government area. The Capital Investment Value (CIV) for the proposal is approximately \$24 million and the proposal would generate 180 construction jobs and 190 operational jobs.

## Engagement

The Department publicly exhibited proposal between 21 June 2021 and 19 July 2021 (29 days) and received:

- two public submissions (one providing comment and the other objecting to the proposal)
- advice from Government agencies (providing comments)
- a submission from Council.

Council did not object to the proposal but provided comments on issues associated with the broader metro precinct, specifically traffic flow and public domain. The key issues raised in the public submissions included density, land use and design of the public domain.

The Applicant's Submissions Report provided further justification for the proposal in relation to design excellence, materials and finishes, flooding, operational noise and vibration impacts and loading and services arrangements (refer to **Section 6**).

## Assessment

The Department has assessed the proposal in accordance with section 4.15(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act) and has carefully considered the issues raised in submissions.

The Department considers the proposal is acceptable for the following reasons:

- it is consistent with the strategic planning framework 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
- it fully complies with the North Sydney LEP 2013 and the Concept Approval (SSD 9579) in relation to density, land use, minimum commercial floorspace requirements and building height
- it achieves design excellence, is appropriate within its urban context and is supported by the Sydney Metro DRP
- it delivers a building that is sympathetic in its scale, built form and materiality to its local context and is also visually and architecturally distinct
- the built form is modulated and articulated to mitigate amenity impacts and reduce overshadowing to open spaces including Hume Street Park relative to the Concept envelope

- it does not include car parking which would support the use of public and sustainable transport options and it would not result in any adverse traffic impacts
- it incorporates appropriate ESD initiatives and sustainability measures, targeting minimum environmental standards of 5 Star Green Star Design and “As-Built”, 4 star NABERS Water rating and 5 star NABERS Energy rating for the building.

Based on the reasons outlined above, the Department’s assessment concludes the proposal is in the public interest and recommends that the application be approved subject to conditions.

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# 1 Introduction

## 1.1 Introduction

This report provides an assessment of a State significant development (SSD) application (SSD 13852803) for the design and construction of a commercial building above the eastern entrance of the Crows Nest Metro Station, known as Site C.

This Site C proposal seeks approval for the Stage 2 design, construction and operation of an 8 storey commercial building comprising:

- gross floor area of 3,342 m<sup>2</sup> (including station floorspace)
- maximum overall building height of RL 132 m, including a 5 m building services zone which accommodates rooftop plant and lift overrun
- an office lobby at ground level, end of trip facilities at Level 1, office space on Levels 2 to 8 and an accessible landscaped terrace at Level 9 for future workers / tenants of the building
- nil car parking
- signage zones for building and business identification
- associated landscaping and servicing.

The application has been lodged by Sydney Metro (the Applicant) under Part 4, Section 4.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as a Crown Development application.

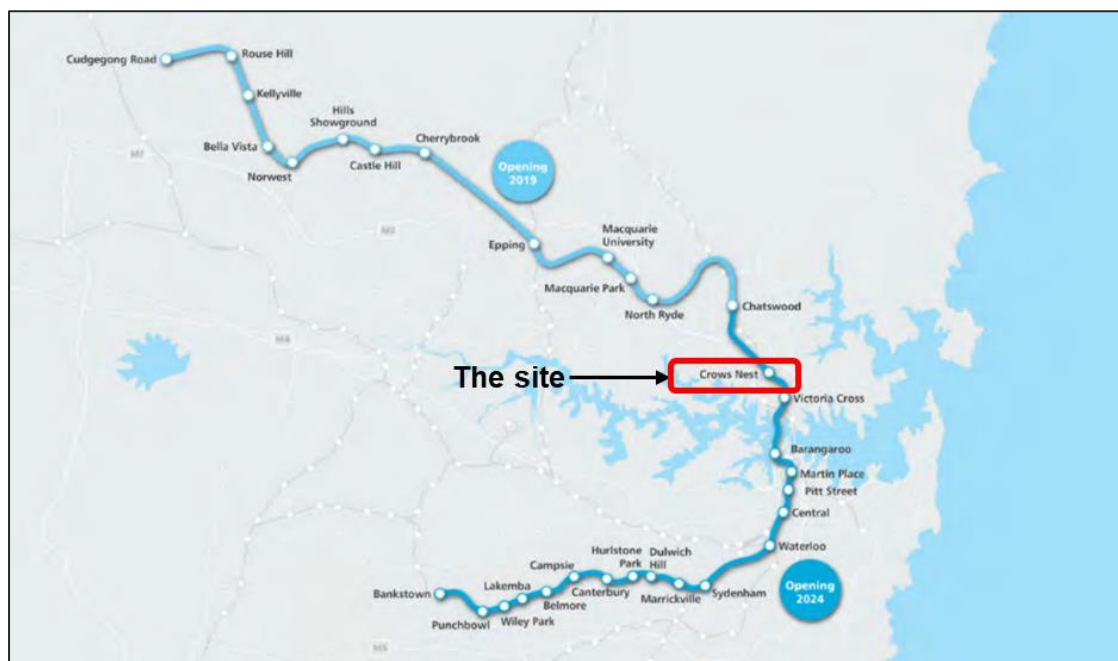
## 1.2 Background

On 9 January 2017, the Minister for Planning granted infrastructure approval (CSSI 7400) for the construction and operation of the Sydney Metro City and Southwest Metro between Chatswood and Sydenham. The Crows Nest Metro station, is one of the seven new stations approved as part of this CSSI 7400 Approval (**Figure 1** | [Regional Context Map](#) (Base source: Applicant's EIS

### 1.2.1 St Leonards and Crows Nest 2036 Plan

In August 2020, the NSW Government adopted the strategic plan, St Leonards and Crows Nest 2036 Plan (2036 Plan), which provides strategic land use and infrastructure guidance for future developments in the precinct. The precinct has experienced significant growth in the recent years with a number of high-rise developments either under construction or approved for construction. The plan sought to provide strategic direction by identifying areas for protection and areas for development and growth. The 2036 Plan also recognised the precinct's important role for growth, and particularly its capacity for additional commercial and residential development, unlocked by the new transport capacity of the new Crows Nest Metro Station. The 2036 Plan seeks to introduce 63,500 new jobs and 6,683 new dwellings within the area.

The ).



**Figure 1 | Regional Context Map** (Base source: Applicant's EIS)

### 1.2.2 St Leonards and Crows Nest 2036 Plan

In August 2020, the NSW Government adopted the strategic plan, St Leonards and Crows Nest 2036 Plan (2036 Plan), which provides strategic land use and infrastructure guidance for future developments in the precinct. The precinct has experienced significant growth in the recent years with a number of high-rise developments either under construction or approved for construction. The plan sought to provide strategic direction by identifying areas for protection and areas for development and growth. The 2036 Plan also recognised the precinct's important role for growth, and particularly its capacity for additional commercial and residential development, unlocked by the new transport capacity of the new Crows Nest Metro Station. The 2036 Plan seeks to introduce 63,500 new jobs and 6,683 new dwellings within the area.

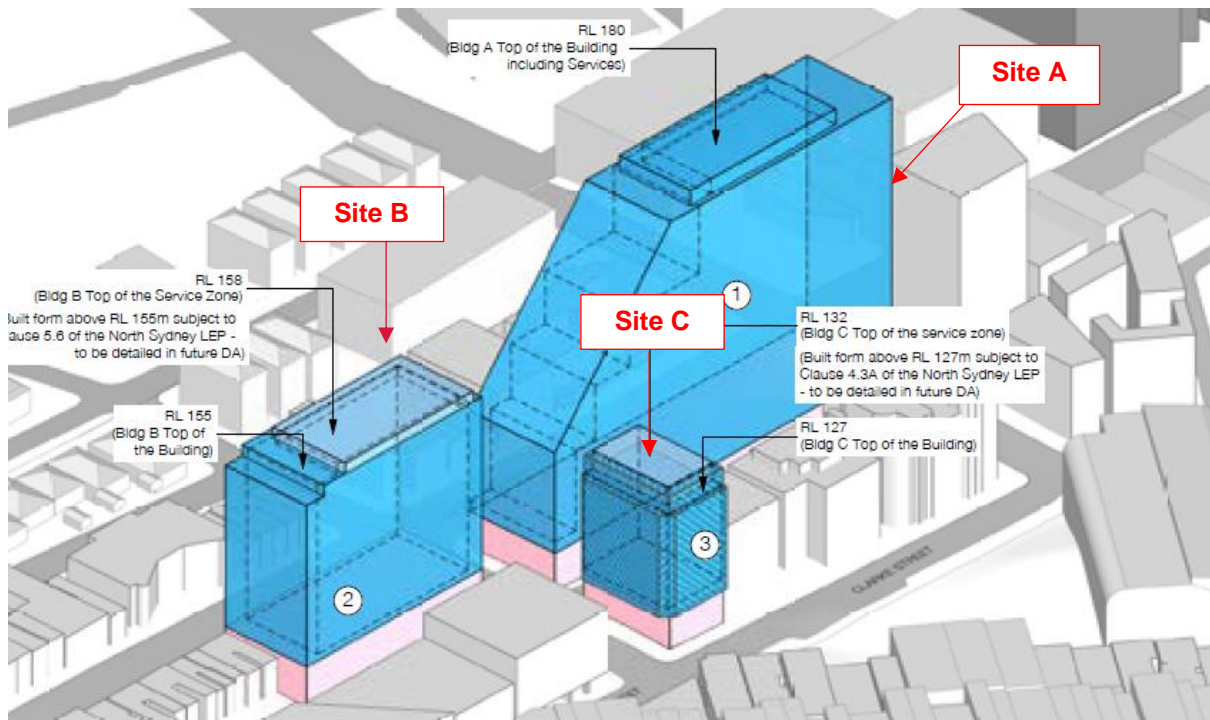
The Crows Nest Metro Precinct was also rezoned as part of the 2036 Plan. The rezoning allowed additional density above the Crows Nest Metro Station in keeping with the principles of transit-oriented development.

### 1.2.3 Concept Application

On 23 December 2021, the Minister for Planning and Public spaces approved the Concept Application for the Crows Nest Metro Over Station Development (SSD 9579) comprising concept envelopes for three towers at Sites A, B and C between 9 to 21 storeys above the station podium for residential and commercial uses (**Figure 2**).

The metro station component occupies the entirety of Sites A, B and C to a height of approximately two to four storeys. The western entrance of the Crows Nest Metro Station is located at Site A and the eastern entrance at Site C.





**Figure 2 |** Concept envelopes for Crows Nest Over Station Development (Base source: SSD 9579 approved plans)

### 1.3 The site

The site is located at 14 Clarke Street, Crows Nest. It is rectangular in shape and bound by Clarke Lane to the west, Hume Street to the south, Clarke Street to the east and 20 Clarke Street to the north (**Figures 3 and 4**).

The site has a total area of 608 m<sup>2</sup> and consists of airspace located above the eastern entrance of the Crows Nest Metro Station.

The site has excellent access to public transport being located 600 m south-east of St Leonards railway station / interchange. Nearly 10 bus services pass directly outside the site along Pacific Highway and a dedicated bicycle lane is located east of the site along Clarke Street. The site also sits directly above the future Crows Nest Metro Station.

The site, at ground level, is identified as flood prone land. However, North Sydney Council's flood modelling shows that the site is located within a low level mainstream flooding area that is susceptible to the Probable Maximum Flood and 100 year Average Recurrence Interval (ARI) Flooding.

The site does not contain any local or State Heritage items. All previous structures, including any vegetation on the site have been cleared. Excavation and works for the construction of metro infrastructure are underway at the site.





**Figure 3 |** Site location (Source: Applicant's EIS)



**Figure 4 |** View from the corner of Hume and Clarke Streets towards Site C (Source: DPIE)

## 1.4 Surrounding context

Existing and surrounding developments in the vicinity of the site vary significantly in use, form, age, height and architectural design. The surrounding context is summarised as:



- directly opposite the site, on the eastern side of Clarke Street is Hume Street Park (**Figure 5**) which includes a childcare centre, an indoor sports complex and public car park (**Figure 6**) and Willoughby Road / the Crows Nest Village town centre
- to the north, is a 5 storey commercial building (20 Clarke Street), an eight storey residential building (22-26 Clarke Street) and the St Leonards Centre, a six storey heritage listed commercial building (**Figure 7**)
- on the opposite side of Oxley Street, is a 16 storey apartment building at 545 Pacific Highway
- west of the site, on the opposite side of Clarke Lane, is the location for the western entrance of the Crows Nest Metro Station. The future commercial and residential buildings at Site A and Site B (subject to separate future applications) would be located above this western entrance of the metro station (**Figure 9**)
- south of Site C, across Hume Street, at 10-12 Clarke Street is a 7 storey commercial building known as Lawson House (**Figure 8**)

There are no State heritage items within the immediate vicinity of the site. However, the St Leonards Centre at 28-34 Clarke Street is listed as a local heritage item with its heritage significance attributed to its unique brutalist architectural design (**Figure 7**).



**Figure 5 |** Hume Street Park outlined in blue-dash line (Source: Nearmap)





**Figure 6 |** Indoor recreation centre and car park (Source: DPIE)

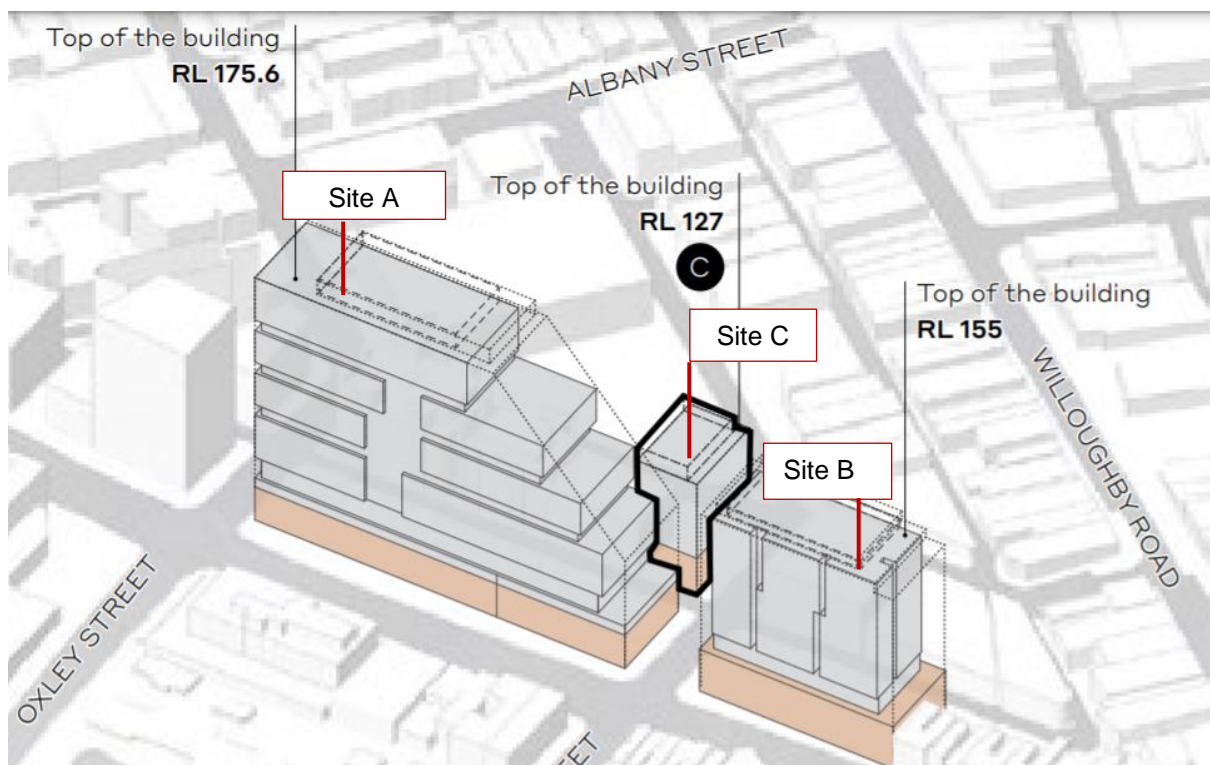


**Figure 7 |** Developments to the north of Site C along Clarke Street (Source: DPIE)





**Figure 8 |** View south of Site C along Clark Street (Source: DPIE)



**Figure 9 |** Indicative built form for future Site A and Site B buildings west of Site C (Source: Applicant's EIS)

## 2 Project

### 2.1 Project Outline

The SSD application involves the design and construction of an 8 storey commercial office building above the eastern entrance of the Crows Nest Metro Station. The application seeks approval for use and fit out of the commercial lobby (ground level), end of trip facilities (Level 1), offices from Levels 2 to 8, a landscaped rooftop terrace, signage zones, and utilities and services (**Figures 10-12**).

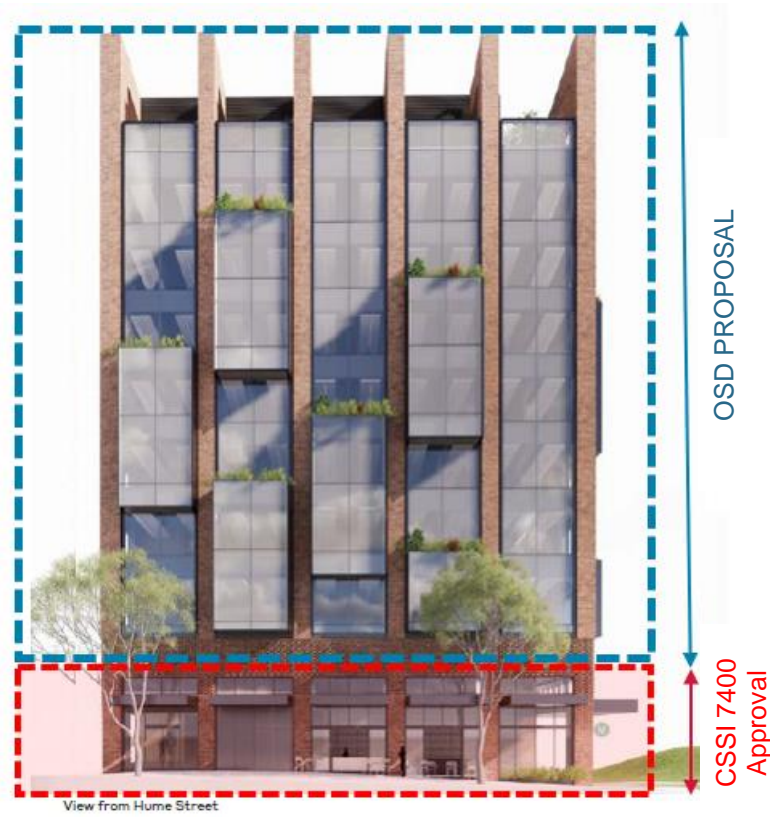
The Crows Nest Metro Station is delivered under the CSSI Approval (CSSI 7400), which includes a shared podium (metro box). The proposal involves the design and construction of a commercial office tower above the metro box (**Figure 10**).

The key components of the proposal (as amended by the Submissions Report) are summarised at **Table 1**. A link to the Applicant's SSD documents is provided at **Appendix A**.

**Table 1** | Main components of the Project

Aspect	Description
Built form	<ul style="list-style-type: none"><li>• Construction of an 8 storey commercial building above the station (total 9 storey)</li><li>• Integration with the approved CSSI station box</li></ul>
GFA	<ul style="list-style-type: none"><li>• total GFA of 3,097m<sup>2</sup>, excluding floor space approved by the CSSI</li></ul>
Land uses	<ul style="list-style-type: none"><li>• Commercial premises</li></ul>
Vehicular parking	<ul style="list-style-type: none"><li>• Nil spaces</li></ul>
Bicycle parking	<ul style="list-style-type: none"><li>• 21 spaces for tenants</li><li>• 7 spaces for visitors</li></ul>
Loading arrangements	<ul style="list-style-type: none"><li>• Lay-by space on Clark Lane</li><li>• Site C service vehicles and deliveries will have access to the Site A loading dock on its completion</li></ul>
Jobs	<ul style="list-style-type: none"><li>• 180 construction jobs</li><li>• 190 operational jobs</li></ul>
CIV	<ul style="list-style-type: none"><li>• \$24,012,859</li></ul>





**Figure 10 |** OSD proposal  
(Source: Applicant's EIS)



**Figure 11 |** Render of the  
proposal from the corner  
of Hume Street and Clark  
Street (Source:  
Applicant's EIS)



**Figure 12** | Render of the proposal from Hume Street (Source: Applicant's EIS)

## 2.2 Related Development

### 2.2.1 Sydney Metro City and Southwest Metro (CSSI 7400)

On 9 January 2017, the then Minister for Planning granted infrastructure approval (CSSI 7400) for the construction and operation of the Sydney Metro City and Southwest Metro between Chatswood and Sydenham, including approval for 16.5km of rail lines, a tunnel under Sydney Harbour, links with the existing rail network, metro stations and associated infrastructure (**Figure 1**).

The CSSI approval as it relates to the Crows Nest Metro Station provides for:

- demolition of existing buildings and excavation of metro rail tunnel
- the construction of station, concourse and platforms and operation of the metro line
- provision of two station entries, one off Pacific Highway (Building A) and the other off Clarke Street (Building C)
- provision of retail spaces and loading docks within the station
- public domain upgrade works around the station
- structural and service elements/spaces necessary for retail premises and OSD within the CSSI footprint.

The CSSI Approval conditions relevant to OSD at Crows Nest Metro Station include:

- Condition A4 which notes that any OSD, including associated future use, does not form part of the CSSI and will be subject to the relevant assessment pathway
- Condition E92 requires an Interchange Access Plan (IAP) to be prepared and approved for each station, in consultation with the Sydney Metro Design Review Panel (DRP), to inform the final design of transport and access facilities and services, including footpaths, cycleways,



passenger facilities, parking, traffic and road closures, and integration of public domain and transport initiatives

- Condition E100 requires a DRP be established to refine the design objectives for the development and provide advice on place making, architecture, heritage, urban design, landscape design and artistic aspects. The DRP comprises five members, chaired by the NSW Government Architect (GANSW) and includes a representative of the Heritage Council of NSW, with the opportunity for Council or other stakeholders to be invited to attend
- Condition E101 requires the preparation and approval of Station Design Precinct Plans (SDPPs) for each station. The SDPPs are to present an integrated urban and place making outcome. The SDPPs must be prepared in collaboration and consultation with relevant stakeholders, including council, the local community and the DRP. The SDPP must identify and address specific design objectives, principles and standards as are identified in Condition E101.

### **2.2.2 Concept Application (SSD 9579)**

On 23 December 2021, the Minister for Planning and Public spaces approved the Concept Application for the Crows Nest Metro Over Station Development (SSD 9579) comprising concept envelopes for three towers, including Site C between 9 to 21 storeys above the station podium for residential and commercial uses. The concept envelope at Site C allows for a 9 storey building including the station.

The Concept Approval conditions relevant to the Site C proposal include:

- Conditions B1 to B3 set out the building envelope parameters including building height and overall gross floor area for the Crows Nest Over Station Development and for Site C
- Condition B4 and Condition B5 outline the design requirements the future proposal will need to satisfy to utilise the rooftop zone and articulation zone areas of the building envelope
- Condition B6 requires that the development demonstrate design excellence and ensure consistency with the endorsed Design Guidelines and endorsed Design Excellence Strategy
- Conditions B7 to B39 require the Stage 2 development to be informed by relevant studies such as shadow diagrams, traffic, noise and visual impact assessments, among other reports, to minimise and mitigate any adverse environmental impacts.

## 3 Strategic context

### 3.1 Greater Sydney Region Plan: A Metropolis of Three Cities

In March 2018, the Greater Sydney Commission's (GSC) published the Greater Sydney Region Plan (the Region Plan) and the associated District Plans.

The Region Plan outlines how Greater Sydney will manage growth and change and guide infrastructure delivery. It sets the vision and strategy for Greater Sydney, to be implemented at a local level through District Plans. The Region Plan's overriding vision for Greater Sydney is to rebalance Sydney into a metropolis of three unique but connected cities; an Eastern Harbour City, the Western Parkland City (west of the M7) and the Central River City (with Greater Parramatta at its heart).

The site is located within the Metropolitan Centre and Eastern Economic Corridor. The proposal is consistent with the Directions and Actions of the Region Plan as it would:

- provide commercial uses within walkable distance to a metro station within the Eastern Economic Corridor
- expand supply of employment space located to the north of the harbour within the emerging employment centre of St Leonards and Crows Nest
- support integrated land use and transport planning by providing jobs above a new metro station, consistent with the Region Plan.

### 3.2 North District Plan

The GSC has prepared District Plans to inform regional and local-level planning and assist the actions of State agencies. The aim of the District Plans is to connect local planning with longer-term metropolitan planning for Greater Sydney.

The proposal is located within the North District area. The North District Plan contains key priorities relevant to the proposed development including supporting infrastructure and services provision, housing supply, the Eastern Economic Corridor, growing investment and integrated land use / transport planning and creating a 30-minute city.

The proposal is consistent with the above priorities as it facilitates:

- the construction of a high-quality office development incorporating commercial uses in an area with strong public transport connections and integrated employment opportunities
- the provision of jobs and investment in the Eastern Economic Corridor, and new commercial leasing opportunities to connect the catchment along the City and Southwest metro corridor.

### 3.3 Sydney Metro City and Southwest Project

The construction of the Sydney Metro network is a significant public transport and a city-shaping project. The Sydney Metro City and Southwest stage of the project has an investment value over \$11 billion. This significant public investment in world-class transport infrastructure results in substantial public benefits, opportunities for placemaking and transit-oriented development to provide jobs, homes and public domain around new stations.

The Concept Approval for the site would take advantage of the Government's investment in public transport by locating 13,000 m<sup>2</sup> residential GFA for new homes and 43,400 m<sup>2</sup> commercial GFA for new employment floorspace above the Crows Nest Metro Station. It would also create a vibrant

precinct that is well connected to transport, capable of achieving design excellence and resulting in the creation of 945 construction and 2,010 operational jobs.

### **3.4 St Leonards and Crows Nest Plan 2036**

The St Leonards and Crows Nest 2036 Plan (2036 Plan) is a strategic land use and infrastructure plan that seeks to facilitate the urban renewal of St Leonards and Crows Nest for an expanding employment centre and growing residential community.

The site has been rezoned consistent with the 2036 Plan and the Department has considered the proposal against the objectives of the 2036 Plan at **Appendix C**.

### **3.5 Future Transport Strategy 2056**

The Future Transport Strategy 2056 (FTS 2056) sets out a transport vision, directions and outcomes framework for NSW to guide transport investment and policy over a 40-year period. The FTS 2056 aims to achieve greater transport capacity, improved accessibility to housing, jobs and services, continued innovation, address challenges and support the State's economy and social performance.

The proposal is consistent with the key outcomes of the FTS 2056 as it provides new homes and jobs above and around a new metro station and encourages the use of public transport and walking and cycling. In addition, the proposal would reduce reliance on private vehicles by including less car parking than the maximum permissible on the site under the NSLEP.

## 4 Statutory Context

### 4.1 State Significance

The proposal is SSD under Section 4.36 of the EP&A Act and Clause 12 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) as the development is for the purpose of a commercial development associated with railway infrastructure and is subject of a Concept Approval (SSD 9579).

In accordance with section 4.5 of the EP&A Act and clause 8A of the State Environmental Planning Policy (State & Regional Development) 2011, and in accordance with the Minister's delegation, the Director, Key Sites Assessments may determine the application as:

- Council do not object to the application
- there are less than 15 public submissions by way of objection
- a political disclosure has not been made.

### 4.2 Permissibility

The site is located within the B4 Mixed Use zone under the NSLEP. The proposed commercial premises (comprising offices and business premises) and associated facilities (end of trip facilities, business identification signage) are permissible with consent. See **Appendix C** for the detailed assessment.

### 4.3 Other approvals

Under sections 4.41 and 4.42 of the EP&A Act, a number of other approvals are either integrated into the SSD approval process and consequently are not required to be separately obtained for the proposal or are required, but must be substantially consistent with any development consent for the proposal (e.g. approvals for any works under the Roads Act 1993).

The Department has consulted with the relevant public authorities responsible for integrated and other approvals, considered their advice in its assessment of the proposal, and has included suitable conditions in the recommended conditions of consent (see **Appendix F**).

### 4.4 Mandatory matters for consideration

Section 4.15(1) of the EP&A Act outlines the matters that a consent authority must take into consideration when determining SSD applications. These matters are summarised as:

- the provisions of any environmental planning instruments (including draft instruments), development controls plans, planning agreements, the Environmental Planning and Assessment Regulation 2000
- the likely environmental, social and economic impacts of the development
- the suitability of the site for the development
- any submissions
- the public interest, including the objects in the EP&A Act and the encouragement of ecologically sustainable development (ESD).

The Department has considered all of these matters in its assessment of the proposal, as well as the Applicant's consideration in its EIS and Submissions Report, as summarised in **Section 6** and **Appendix C** of this report.

#### **4.5 Planning Secretary's Environment Assessment Requirements**

On 24 February 2021, the Department notified the Applicant of the Planning Secretary's Environmental Assessment Requirements (SEARs) that apply to the proposal. The Department is satisfied that the EIS and Submissions Report adequately address the requirements of the SEARs to enable the assessment and determination of the application.

#### **4.6 Biodiversity Development Assessment Report**

Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act), SSD applications are to be accompanied by a Biodiversity Development Assessment Report (BDAR) 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.

On 26 February 2021, EESG determined that the proposed development would not be likely to have any significant impact on biodiversity values and that a BDAR is not required. The Department supported EESG's decision and on 1 March 2021 determined that the application is not required to be accompanied by a BDAR under section 7.9(2) BC Act.

## 5 Engagement

### 5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application between 21 June 2021 and 19 July 2021 (29 days):

- on the Department's website (due to the Covid-19 pandemic, exhibition was online)
- in writing to adjoining landholders

The application was also referred to relevant State agencies.

The Department also inspected the site and surroundings on 21 April 2021 to gain a better understanding of the site's context.

### 5.2 Summary of Submissions

The application received:

- a submission from Council providing comment
- 10 submissions from public authorities providing comment
- 2 submissions from the public (1 objecting, 1 providing comment)

A link to all submissions is provided at **Appendix A**.

### 5.3 Key issues in submissions

A summary of public submissions is provided in **Table 2**, and Council's and public authorities are provided in **Table 3**:

**Table 2 |** Summary of public submissions

#### Key issues raised in public submissions

- the proposal is not compatible with the architecture of surrounding development
- the site should be used as open space
- awnings should be provided along all frontages of the building
- street trees should be provided along Hume Street and Clark Street

**Table 3 |** Summary of Council and public authority submissions

#### North Sydney Council

<b>EIS</b>	Council did not object noting that the proposal was in keeping with the Concept Approval. However, Council maintains concerns on issues associated with the broader metro precinct, specifically traffic flow and public domain.
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#### Environmental Protection Agency (EPA)

<b>EIS</b>	<p>The EPA did not object to the proposal. However, they provided the following comments:</p> <ul style="list-style-type: none"> <li>• EPA will be the Appropriate Regulatory Authority for the construction of the project noting that the Applicant is a public authority</li> <li>• Investigation and remediation for contamination was addressed under the CSSI Approval (CSSI 7400) prior to the construction of the metro box at Site C and therefore unlikely to encounter contaminated soil on the site. EPA recommends that an unexpected finds protocol be implemented should contamination be encountered during construction.</li> <li>• The noise and vibration impact assessment report is not adequate and does not satisfy noise and vibration conditions under the Concept Approval. Further information is required on receiver identification, background noise monitoring, attended noise monitoring. Methodology and processes used to identify Project Noise Trigger Levels, maximum noise levels, operational noise, vibration assessment and criteria and construction noise is to be reconsidered and comply with current noise and vibration guidelines and policies.</li> </ul>
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<b>Submissions report</b>	The EPA provided its conditions of consent regarding validation and monitoring of operational and construction noise levels and vibration during the construction stage.
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#### Environment, Energy and Science Group (EESG)

<b>EIS</b>	<p>EESG did not object and made the following comments:</p> <ul style="list-style-type: none"> <li>• the proposal is unlikely to impact on biodiversity values. A Biodiversity Development Assessment Report (BDAR) waiver was issued on 26 February 2021</li> <li>• flood impacts on downstream properties and the Kelly's Place Children's Centre is not acceptable</li> <li>• flood level mapping for multiple scenarios is required</li> <li>• further information is required on freeboard levels adopted for the station and over station development lobby entrances and the finished floor levels for the water meter, gas meter and electricity meter room</li> <li>• assess if the development results in any increase in the provisional flood hazard category.</li> </ul>
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<b>Submissions report</b>	EESG requested additional information be provided regarding potential flooding of Kelly's Place Children's Centre and implications on its emergency management procedure. Justification was also requested of the negative freeboard proposed to Station Entrance 11.
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#### Civil Aviation Safety Authority (CASA)

<b>EIS</b>	<p>CASA did not object and provided the following comments:</p> <ul style="list-style-type: none"> <li>• at maximum height of 132 m above the Australian Height Datum (AHD,) the building will not infringe prescribed airspace, and a controlled activity approval under the Airports (Protection of Airspace) Regulations 1996 is not required</li> <li>• a controlled activity approval for the construction cranes may be required if any of the cranes exceed 156 m AHD, the height of the Outer Horizontal Surface.</li> </ul>
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#### Water NSW

<b>EIS</b>	Water NSW provided no comment on the proposal as the site is not located near any operational Water NSW land of infrastructure.
<b>Sydney Water</b>	
<b>EIS</b>	No comments were received
<b>NSW Health – Sydney Local Health District</b>	
<b>EIS</b>	NSW Health did not object to the proposal.
<b>Heritage NSW</b>	
<b>EIS</b>	Heritage did not object to the proposal and advised that the site is neither State heritage listed nor is it in proximity to any State Heritage listed items.
<b>Aboriginal Cultural Heritage Regulation – North (ACHR)</b>	
<b>EIS</b>	ACHR did not object to the proposal and noted that the proposal would not cause harm to Aboriginal heritage artefacts as construction work has commenced on the site under the CSSI Approval and that the over station development is to be entirely located above the metro station.
<b>Fire and Rescue NSW</b>	
<b>EIS</b>	FRNSW does not object to the proposal and advised that should the development apply for a Crown Certificate, relevant conditions be included in the consent requiring the Applicant to consult with RFNSW and prepare a Fire Engineering Report.
<b>NSW Police</b>	
<b>EIS</b>	No comments were received.

## 5.4 Responses to submissions and further information requested

Following the exhibition period, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions.

On 8 November 2021, the Applicant provided its Submission Report, which provided further justification and clarification for the proposed development.

The Submission Report was accompanied by the following:

- amended design integrity report
- amended articulation zone plan
- amended noise and vibration impact assessment
- green travel plan.

The Submission Report was made publicly available on the Department's website and was referred to relevant Government agencies and Council. In response, two submissions were received from public authorities. Copies of the submissions may be viewed at **Appendix A**.



## 6 Assessment

The Department has considered the Applicant's EIS and Submission Report and the issues raised in submissions in its assessment of the proposal.

The Department considers the key assessment issues associated with the proposal are:

- density and land use
- built form
- design excellence

All other issues associated with the proposal have been considered in **Section 6.4**.

### 6.1 Density and land use

The proposal seeks approval for a commercial office building containing 3,097 m<sup>2</sup> of commercial floorspace. The station podium component (approved under the CSSI 7400 approval) contains an additional 245 m<sup>2</sup> of station floorspace. Overall, the proposal has 3,342 m<sup>2</sup> of floorspace and a floor space ratio of 5.1:1.

A public submission raised concern about the density of the proposal and suggested that it should be reduced, or the site be used for open space.

The Applicant argues the proposal complies with the floor space ratio control for the site, is within the maximum gross floor area approved for Site C under the Concept Approval and has an appropriate density in the context of the surrounding development (**Figure 13**).



**Figure 13 |** Height of existing buildings on Clarke Street and Concept Approval Sites A and B (Base source: Applicant's EIS)

The Department acknowledges the concerns in the public submission, but considers the proposed density and land uses are appropriate because:

- the proposed building with a FSR of 5.1:1 is below the maximum permissible FSR of 6.1: under the North Sydney LEP 2013 (NSLEP) and the Concept Approval
- the proposed commercial use is consistent with the objectives of the B4 Mixed Use zone and achieves the minimum requirement of 3,040 m<sup>2</sup> commercial floor space for Site C under the NSLEP
- the site would accommodate a 2 storey station podium delivered under the CSSI 7400 Approval and as such could not be used as open space. Notwithstanding, as part of the Concept Approval for Crows Nest OSD (SSD 9579), monetary contributions have been made for the upgrade of Hume Street Park or public open space (see **Section 6.4**)
- the proposed 9 storey building (8 storey over station development and 1 storey station) for Site C is compatible in bulk and scale to existing buildings along Clark Street which are approximately 5 to 10 storeys in height (**Figure 13**)
- the proposal would not cause additional overshadowing impacts to Hume Street Park directly north of the site and does not accommodate additional car spaces that would cause unacceptable traffic impacts (see **Section 6.4**)
- Council did not object to the land use or density of the proposal, noting that the building sits within the Concept Approval building envelope for Site C.

The Department's assessment therefore concludes the proposed density and land uses are acceptable because it fully complies with the NSLEP and would remain consistent with the Concept Approval (SSD 9579).

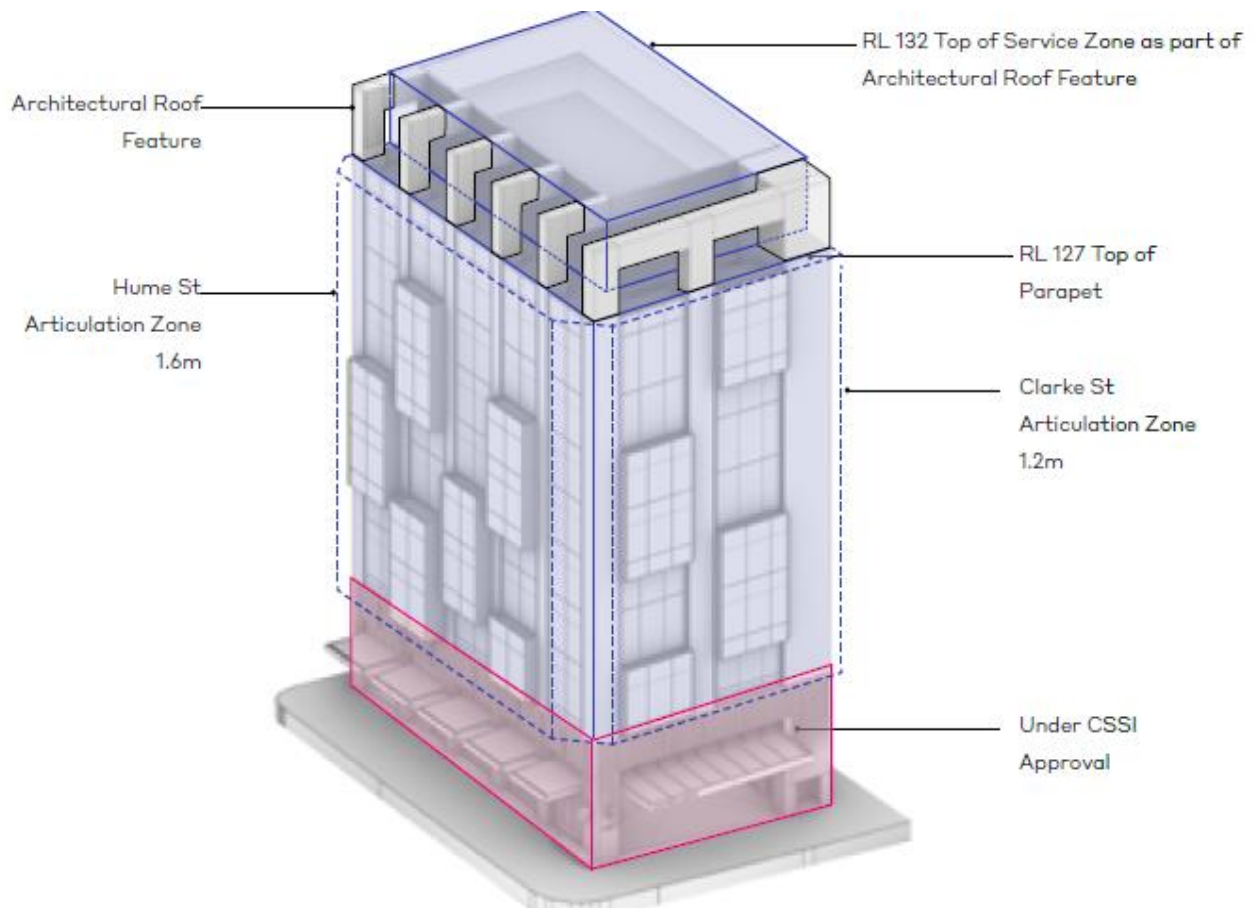
## **6.2 Built form**

The Concept Approval sets out the maximum built form parameters including height and gross floor area for the proposal, which includes:

- a maximum building height of RL 127 m to the top of the building parapet and an overall maximum building height of RL 132 m to the top of the rooftop enclosure
- a maximum gross floor area of 3,100 m<sup>2</sup>
- a rooftop zone to accommodate services and to ensure they are integrated with the architecture of the building
- articulation zones along southern and eastern elevations of the site
- Design Guidelines to provide design guidance for the subsequent applications and to manage built form impacts such as bulk and scale.

The Department accepts the proposal fully complies with the maximum building height controls and the gross floor area under the NSLEP and the building envelope established under the Concept Approval as illustrated in **Figure 14**.

The Department's consideration of other remaining requirements of the Concept Approval are further discussed below (**Section 6.2.1** to **Section 6.2.3**).

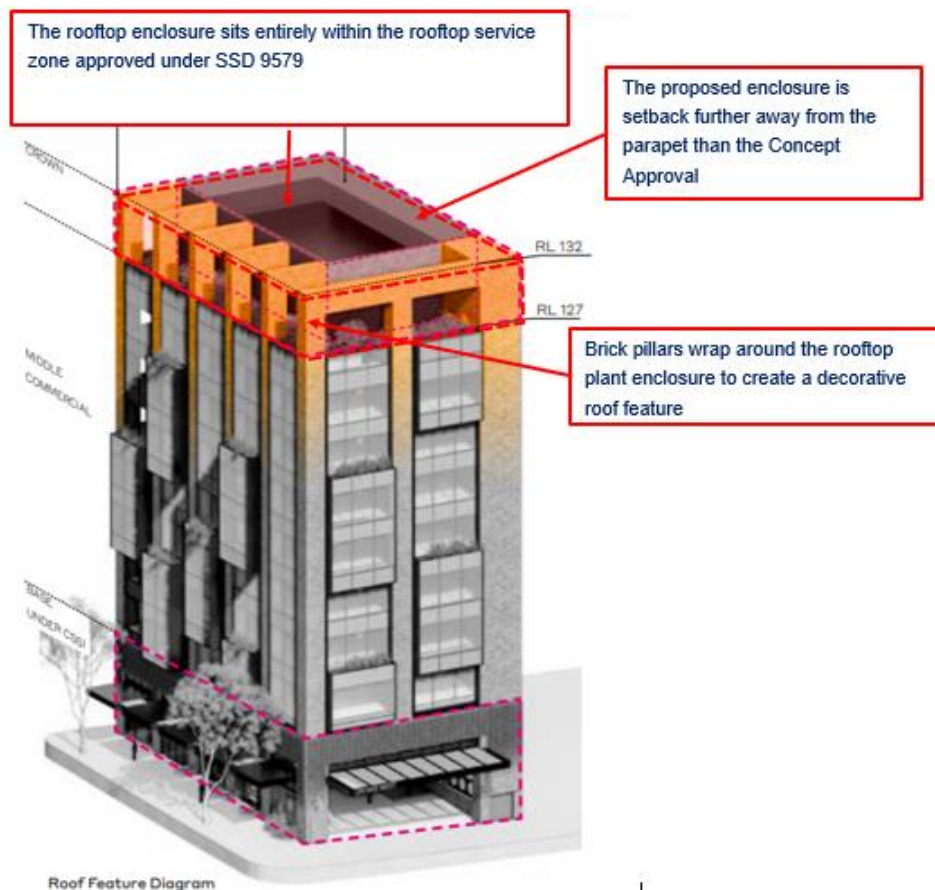


**Figure 14 |** Building envelope comparison of Site C proposal and Concept Approval (Base source: Applicant's EIS)

### 6.2.1 Rooftop Service Zone

The Concept Approval allows for a rooftop service zone subject to clause 4.3A of the NSLEP and the requirements of Condition B4, including:

- it is well designed, discrete and/or integrated into the architecture of the building. If visible from the surrounding streetscape, the enclosure be suitably treated or screened
- does not include gross floor area (or be capable of being modified to include GFA)
- does not result in any adverse impacts including overshadowing of residential properties and public open spaces, loss of outlook or adverse view impacts.



**Figure 15 |** Site C architectural roof feature wrapping around rooftop plant room (Base source: Applicant's EIS)

The Applicant's proposal for Site C includes a rooftop enclosure which sits above the building parapet and within the approved rooftop services zone (**Figure 15**). The rooftop enclosure is 5 m in height, contains a plant room (hydraulic, mechanical, fire pump rooms), lift overrun and associated structures.

The Department notes Site C is located above a metro station and the proposal does not include a basement, where typically essential building services such as the pump, mechanical and hydraulic rooms could otherwise be located. The roof enclosure would accommodate these services.

The Department considers the proposed plant enclosure is appropriately designed because it is:

- setback further from the parapet edge than the Concept Approval (which requires a minimum 3 m setback) by an additional 1.9 m to 4.8 m from Hume Street and 1.1 m from Clarke Street (**Figure 15**)
- integrated with the architecture of the proposed building with landscaping and brick columns that extend upward above the building parapet wrap around the rooftop enclosure to provide screening and also create a visually interesting and decorative roof feature (**Figure 15**)
- not visible from the public realm and therefore would not detract from the streetscape
- the plant enclosure contains a lift lobby provided at Level 9 but this provides essential access to the rooftop plant and plants rooms and is not capable of being modified to include GFA.

The Department is therefore satisfied the proposed rooftop enclosure for Site C complies with clause 4.3A of the NSLEP and Condition B4 of the Concept Approval and would not result in unacceptable impacts.



### 6.2.2 Articulation Zones

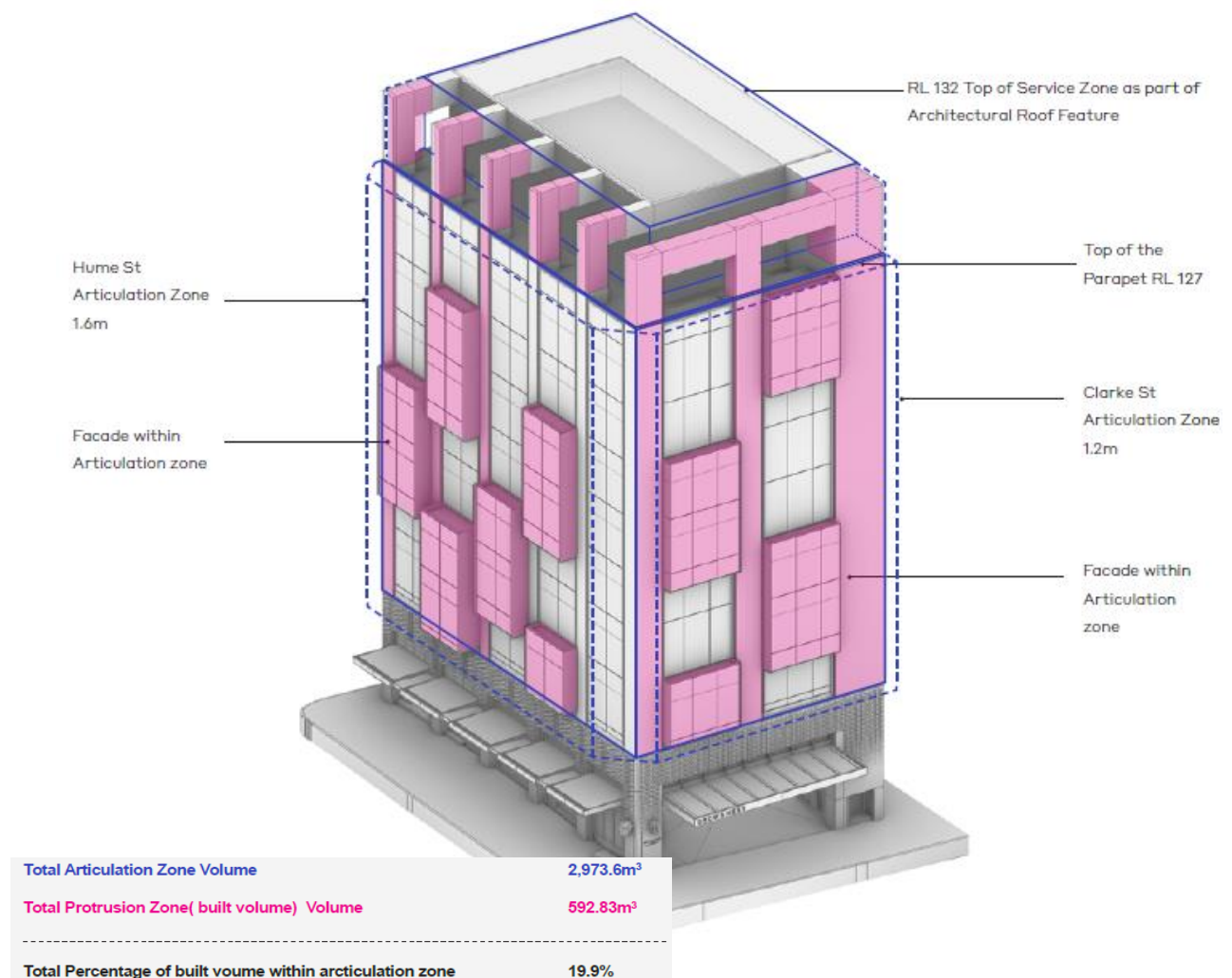
The Concept Approval permits 1.6 m and 1.2 m deep articulation zones across the southern (Hume Street) and eastern (Clarke Street) elevations, respectively, for the purposes of articulating and modulating the built form.

The use of the articulation zones is subject to Condition B5 of the Concept Approval which requires:

- the articulation zone is to be only for the purposes of architectural features, balustrades, awnings and the like
- the built form of the proposal should not include more than 25% of the articulation zone
- no GFA is included in the articulation zone above RL127 m.

The proposal includes bay windows with facade planters that intermittently project beyond the building façade and occupy the southern and eastern articulation zones. Brick piers running vertically along the length of the building project 120 mm beyond the building's glazing and also occupy the articulation zone (**Figure 16**).

The Applicant's Submissions Report clarified that the roof feature, comprising brick pillars that wrap around the rooftop plant also occupy the articulation zone, but confirmed the total gross floor area within the approved articulation zones would not exceed 20%.



**Figure 15** | Volume of Site C proposal within articulation zone (Base source: Applicant's EIS)

The Department accepts the proposal complies with Condition B5 as:

- only architectural features such as bay windows with façade planters, portions of the proposal's brick façade and the roof occupy the articulation zones
- no GFA is proposed above RL 127m
- the built form of the proposal occupies an overall 19.9% of the articulation zone
- it does not result in any adverse impacts amenity impacts.

The Department considers the proposal utilises the articulation zone to create interesting facades along key street frontages, screen the rooftop plant enclosure and overall, provide a visually distinct and legible building above the Crows Nest Metro Station. The Department also concludes the articulation of the proposed building is acceptable and complies with the Concept Approval, specifically Condition B5.

### **6.2.3 Design Guidelines**

Condition B6(a) of the Concept Approval requires that any subsequent application to demonstrate consistency with the approved Design Guidelines. The Design Guidelines include parameters on managing density, bulk and scale and requirements for articulation of built form.

The Application is supported by an updated Design Integrity Report to illustrate that the proposal is consistent with the guidelines.

The Applicant's Submissions Report also provided further information regarding the activation of Clarke Lane and its consistency with the Design Guidelines, which requires activation of street frontages. The Applicant notes that the podium of the proposal including the Clarke Lane frontage is delivered under the separate infrastructure approval CSSI 7400, and is restricted by services given the proposed building is located above a metro station and does not include an underground basement.

The Department's detailed assessment of the proposal against the Design Guidelines is provided in **Appendix E**. The Department found the proposal is consistent with the approved Design Guidelines noting:

- the proposed building is horizontally and vertically articulated to manage bulk and scale. It contains architectural features such as bay windows that step in and out of the façade line and modulate the massing along the eastern and southern elevations and brick columns are provided at regular intervals across the elevations to create vertical definition
- the proposed materials and finishes comprising brick, glazing and plantings are sympathetic to the local character of the area
- the Clarke Lane frontage is delivered under the CSSI 7400 Approval and other street frontages along Hume Street and Clarke Street are activated in accordance with the Design Guidelines.

The Department therefore is satisfied the proposal is consistent with endorsed Design Guidelines in accordance with the requirements of Condition B6(a) of the Concept Approval.

### **Conclusion**

The Department is satisfied that the proposed built form is compatible with surrounding developments and consistent with the emerging character of Crows Nest. The built form is modulated and articulated

to manage bulk and scale impacts and present a visually interesting and distinct building as required by the Concept Approval, consistent with the Design Guidelines.

### 6.3 Design excellence

Clause 6.19B of the NSLEP outlines the provisions for design excellence that relate specifically to the site. The Concept Approval also sets out a framework for demonstrating design excellence which includes:

- independent review of an expert design review panel
- address the approved Design Guidelines
- the provision of a Design Integrity Report.

The endorsed Design Excellence Strategy for Site C incorporates an independent Design Review Process (DRP) as an alternative to the State DRP. The Department notes the Sydney Metro DRP is also providing advice on the design of the Crows Nest Metro Station to assist with achieving an integrated design outcome between the proposed Site C building and the metro station below.

The Applicant presented the proposal to the DRP on several occasions seeking its views on the design with the final presentation to the DRP being on 19 March 2021. The DRP confirmed the proposal is capable of achieving design excellence and meets the design quality benchmarks in the Design Guidelines. The DRP notes the following elements contribute to the development being capable of achieving design excellence:

- the scale and massing of the building is appropriate to the context and aids in the transition between the taller buildings proposed on the Pacific Highway and the village context of Hume Street Park and beyond
- the building façade and roof is designed to provide articulation and visual interest
- the building design and materiality integrates with the station entry
- materials and finishes (glass and masonry) are sympathetic to the local context and character. The overall reduction in glazing and increase in masonry, improves the building's thermal and environmental performance. The northern façade is finished with brick for up to 5.6 m to reinforce the masonry character and accommodate for possible setbacks should the adjoining site be redeveloped in the future
- the ground plane is designed to maximise activation along two street frontages, is fine grain and of high quality.

The DRP advised that the proposal also required refinement on the following matters to achieve design excellence:

- a landscape management plan be prepared to ensure that landscaping and in particular the planter boxes across the building façade are regularly maintained
- a sample board is provided to the DRP for review.

The Department agrees with the recommendations of the DRP. The Department has also carried out a detailed consideration of the proposal against the matters relating to Design Excellence such as built form, façade design, integration with the public domain and amenity as specified in Clause 6.19B of NSLEP in **Appendix C**.

Overall, the Department's assessment concludes the proposal satisfies the Design Excellence requirements of the NSLEP and the proposal would deliver a high standard of architectural and urban design outcome for the site.

The Department also supports the DRP's recommendation to review the sample board and for a landscape maintenance plan to be prepared for Site C.

The Department also recommends a further Design Integrity Review process should be put in place where any future design changes, particularly on the key aspects contributing to design excellence, can be referred for further advice from the DRP. The recommended conditions for Design Integrity Review are consistent with the endorsed Design Excellence Strategy and conditions for other over station developments on the City to Southwest Metro.

## 6.4 Other issues

The Department's consideration of other issues is provided at **Table 4**.

**Table 4** | Department's consideration of other issues

Issue	Findings	Recommendations
<b>Consistency with the Concept Approval</b>	<p>The Concept Approval set the parameters for future development on the site and conditions to be met by future applications.</p> <p>The Department is satisfied the application has adequacy addressed the relevant requirements of the Concept Approval, including land use, built form, design excellence and bicycle parking.</p> <p>The Department has undertaken a detailed assessment of the proposal against the conditions of the Concept Approval at <b>Appendix E</b> of this report. The Department has also undertaken a detailed assessment of the proposal against the Design Guidelines in <b>Appendix F</b>.</p> <p>The Department is satisfied the proposal is consistent with the Concept Approval.</p>	No additional conditions are required.
<b>Ecologically Sustainable Development</b>	<p>In accordance with Condition B25 of the Concept Approval, the Applicant submitted an ESD strategy for the proposal.</p> <p>The proposal will promote active transport modes to access the site as it is located above the new metro line and includes end of trip facilities with 21 bicycle parking spaces and no car parking spaces on site.</p> <p>The proposal targets a minimum 5 star NABERS energy rating, 4 star NABERS water rating and a 5 star Green Star rating. This is consistent with the ESD targets outlined under the Concept Approval (SSD 9579).</p> <p>The Department is satisfied that suitable ESD measures have been incorporated into the design of the building. The Department recognises that the Green Star rating system allows the applicant to use the "As-Built" tool under the transitional provisions.</p>	A condition sets out ESD requirements for the development.



## **Flooding**

EES raised concerns about potential downstream flooding impacts to neighbouring properties and the Kelly's Place Children's Centre. EES also requested that the Finished Floor Levels (FFL) for the meter room, station entry and building lobby be above the 1% AEP + 500mm freeboard height.

A condition sets out flood requirements for the development.

The Applicant's Submission Report clarified that matters around flooding, including downstream flooding and FFL for the lobby, station entries and meter room are addressed, mitigated and managed under the CSSI 7400 Approval. The OSD proposal only relates to the building above the station airspace. The Report notes that the FFL for the OSD lobby is 90.43 m which is well above the 1% AEP + 500 mm freeboard height. The FFL for the water, gas and electricity room is also provided with a 300 mm internal step to provide flood protection.

EES requested additional information be provided regarding potential flooding of Kelly's Place Children's Centre and implications on its emergency management procedures. Justification was also requested of the negative freeboard proposed to Station Entrance 11.

The Department notes that the approved station under the CSSI 7400 Approval would already fully occupy the site area and the proposed over station development above the station would not cause further flood impact than that considered under the CSSI.

CSSI 7400 Approval assessment report found that flooding impacts for the City and Southwest station sites, including the Crows Nest metro station site, and its adjoining properties could be appropriately managed and mitigated. Conditions E8 and E9 of the CSSI 7400 Approval also require the development of the flood mitigation and design for flood affected station sites to be carried out in consultation with affected properties, businesses and relevant agencies, Councils and emergency services.

The Department is therefore satisfied that flooding matters can be adequately addressed and mitigated under the CSSI 7400 Approval, noting that FFL levels of the metro station component are set under the CSSI 7400 Approval and sit outside of the scope of this SSD application.

## **Contamination**

The EPA recommended that a protocol be implemented if unexpected contamination is encountered on the site, noting that contamination and remediation for Site C has already been carried out prior to the commencement of the station works on the site under the CSSI 7400 Approval.

A condition requires a site audit statement is prepared to confirm that the site is suitable for the proposed land use.

The Department is satisfied that remediation works will be undertaken in accordance with the CSSI 7400 Approval and that a condition of consent will apply should contamination be encountered during construction of Site C.

The Department recommends a Site Audit Statement be obtained confirming the site is suitable for the proposed use prior to occupation or commencement of use of the building.

<b>Noise</b>	<p>The EPA said that the Noise and Vibration Impact Statement accompanying the EIS did not comply with the noise and vibration conditions of the Concept Approval (SSD 9579). Clarification was sought on the appropriateness of certain processes and methodologies used by the Applicant.</p> <p>An updated Noise and Vibration Impact Statement was submitted with the Applicant's Submissions Report responding to the issues and comments raised by EPA.</p> <p>The EPA provided its conditions of consent regarding validation and monitoring of operational and construction noise levels and vibration during the construction stage.</p>	A condition requires validation and monitoring of operational and construction noise levels and vibration during the construction stage.
<b>Overshadowing</b>	<p>Condition B12 of the Concept Approval requires an Overshadowing Impact Assessment (OIA) be submitted with the application and that the development be designed to minimise overshadowing of public open spaces relative to the Concept Approval envelope.</p> <p>Clause 6.19B(e) of the NSLEP requires solar access be maintained to:</p> <ul style="list-style-type: none"> <li>-Willoughby Road from 11:30am to 2:30pm, mid-winter; and</li> <li>-Ernest Place from 10am to 3pm, mid-winter.</li> </ul> <p>The Applicant's EIS includes shadow studies that illustrate shadows created by the proposal year-round. The Department has assessed the submitted shadow studies and notes that the proposal does not result in any overshadowing of Hume Street Park or other surrounding parks. The proposal also does not cause overshadowing of Willoughby Road or Ernest Place between 9am and 3pm in mid-winter. The majority of shadows created by the proposal fall on road surfaces or the roofs of surrounding buildings.</p> <p>The Department is satisfied that the proposal will not result in adverse overshadowing impacts and is in keeping with Clause 6.19B(e) of the NSLEP and Condition B12 of the Concept Approval.</p>	No additional conditions required.
<b>Archaeology</b>	<p>The Applicant's EIS submits that any archaeological impacts to the site were considered and addressed under the CSSI 7400 Approval, noting that excavation and construction works have already commenced on site for the metro station.</p> <p>The Department is satisfied that the proposal will not result in archaeological impacts as the OSD proposal does not involve any ground excavation work or public domain work and is for construction of a building above the airspace of the metro station.</p>	No additional conditions required.
<b>Aboriginal Archaeology</b>	<p>Heritage NSW advised that proposal will not result in any Aboriginal Archaeological impacts noting that excavation and groundwork for construction of the metro station have commenced on site and investigation for artefacts were undertaken under the CSSI 7400 Approval. Management of unexpected finds during work is also managed under the CSSI 7400.</p>	No additional conditions required.

Heritage NSW is satisfied that an Aboriginal Cultural Heritage Assessment is not required for this proposal and that impacts are mitigated and managed under the CSSI 7400 Approval.

The Department is also satisfied that Aboriginal Archaeological significance and impacts can be appropriately managed by the CSSI 7400 Approval

<b>Waste Management</b>	<p>A Waste Management Plan was submitted with the EIS which identifies potential waste streams and respective waste quantities generated during the construction and operational phases of the development.</p> <p>The waste room and servicing of waste is proposed off the service bay on Clarke Lane. The Department is satisfied that the Applicant has appropriately addressed waste management with the location, size and number of bins, and waste room complying with the requirements of the North Sydney DCP 2013.</p>	<p>A condition sets out the requirements for operational waste management for the proposal.</p>
<b>Loading and Services</b>	<p>Servicing and loading for Site C are proposed via a lay-by space on Clarke Lane. Site C would also have access to the future Site A loading dock.</p> <p>The Department notes that the Applicant submitted a modification application (SSD 9579-MOD 1) to allow Site C services and delivery vehicles to use the future loading dock at Site A when it is completed and operational. A new Condition A27 in the Concept Approval was proposed to facilitate shared access. The modification application was determined by the Department's delegate on 8 October 2021.</p> <p>The Applicant's Submission Report confirmed that access to the Site A loading dock would be in addition to the lay-by space on Clarke Lane with waste servicing being undertaken via this lay-by space as the waste room is located on Clarke Lane. Other services and delivery vehicles would have the option to access the Site A loading dock via a booking system.</p> <p>The Applicant's Submissions Report also notes that one parking space will be allocated to Site C service and maintenance vehicles in the Site A loading dock (Level 2). Overall, the Department is satisfied that the proposed servicing arrangement with a lay-by provided on Clark Lane and access to Site A loading dock (once completed and operational) is acceptable. Access to the Site A loading dock would improve safety and reduce traffic on Clarke Lane and facilitate coordination of service vehicles and deliveries for the whole Crows Nest OSD development.</p>	<p>A condition sets out the requirements for loading and servicing arrangements for the proposal.</p>
<b>Local Developer Contributions</b>	<p>In lieu of Section 7.11 contributions, Sydney Metro entered into a Voluntary Planning Agreement (VPA) with North Sydney Council. The VPA was exhibited and then endorsed by North Sydney Council on 11 August 2021 in keeping with Conditions A15 - A17 of the Concept Approval.</p>	<p>No additional conditions required.</p>

<b>Traffic Impacts</b>	<p>Council raised concerns with traffic impacts associated with the development on the broader Crows Nest Metro area.</p> <p>The Applicant's EIS notes that the proposal does not include any car parking spaces and as such would not result in any additional traffic impact. Vehicular trips generated by the proposed commercial use will also be negligible and less than that generated by the former use of the site as a tyre repair store.</p> <p>The proposal is located above a new metro station and it is anticipated that future workers would principally rely on the new metro services to commute and access the site. The proposal is accompanied by a Green Travel Plan that outlines the various sustainable / active transport options available to workers for accessing the site, including secure bicycle parking, lockers and an end of trip facilities. Servicing and loading would be coordinated between the three OSD buildings on completion of the Site A loading dock to further minimise traffic associated with the OSD precinct.</p> <p>The Department notes Council's concerns regarding broader traffic impacts but considers that the Site C proposal would not result in any additional traffic impacts noting that the proposal does not include car parking and service and delivery vehicles will be coordinated across the Crows Nest OSD site. Traffic generated during the construction phase will be managed by Construction Traffic Management Plans that are required to be prepared prior to commencement of works.</p>	No additional conditions required.
<b>Public Domain</b>	<p>Council raised concerns with the design of the public domain whilst acknowledging that it is determined by the CSSI 7400 Approval and not the Site C proposal.</p> <p>One public submission raised concern about the awning design and street plantings along Hume and Clarke Streets.</p> <p>The Applicant's Submissions Report notes that these matters would be addressed and delivered under the CSSI 7400 Approval.</p> <p>The Department accepts that public domain design matters sit outside the scope of this application and would be addressed under the CSSI 7400 Approval.</p>	No additional conditions required.

<b>Construction Impacts</b>	<p>The Applicant has submitted a preliminary Construction Environmental Management Plan (CEMP) prepared in accordance with the SEARs and the conditions of the Concept Approval.</p> <p>Council did not raise concern with the Applicant's preliminary CEMP strategies.</p> <p>The Department is satisfied that construction and cumulative impacts can be mitigated and managed appropriately in accordance with the management strategies submitted with the EIS.</p> <p>The Department recommends a condition of consent for these strategies to be further developed into detailed management plans prior to the issue of a Construction Certificate.</p>	<p>A condition requires the Applicant to prepare a CEMP and a CPTMP prior to the commencement of works.</p>
<b>CPTED</b>	<p>The proposal is accompanied by a Crime Prevention through Environmental Design (CPTED) assessment as required by Condition B26 of the Concept Approval.</p> <p>The Department is satisfied the CPTED assessment reflects CPTED principles and provides appropriate measures to be adopted in the development to reduce incidents of crime. These measures include active frontages, glazing and well-lit entries to the site (to enable passive surveillance and clear lines of sight), security-controlled access to the residential premises, and CCTV to monitor building entries.</p>	<p>No additional conditions required.</p>
<b>Reflectivity</b>	<p>A Reflectivity Report was submitted with the proposal in accordance with Condition B9 of the Concept Approval. The Report assesses potential adverse glare impacts to pedestrians and drivers caused by the proposal with the risk of any adverse glare considered to be limited and below 20% façade reflectivity. It concluded that no additional treatment is required to further reduce glare.</p> <p>The Department accepts the findings of the report and recommends a condition to ensure that reflectivity does not exceed 20%.</p>	<p>A condition requires reflectivity from the building to not exceed 20%.</p>
<b>Wind Impacts</b>	<p>The proposal was accompanied by a Wind Impact Assessment (WIA) which modelled the wind impacts of the development against relevant wind comfort criteria for the surrounding public domain and proposed open space areas within the site.</p> <p>The assessment concluded that wind conditions within and around the development will meet the criteria for pedestrian sitting or standing positions except for the Level 9 rooftop terrace and the Hume Street building entrance.</p> <p>The WIA noted however that landscaping proposed on Level 9 and the bricked roof columns will reduce wind speeds on the terrace. Street tree plantings proposed at ground level as part of the Station Design Precinct Plan would mitigate downward wind on the entrances. The report recommended that awnings along Hume Street and Clarke Street be extended to further mitigate wind impacts.</p>	<p>A condition sets out the requirements for wind mitigation.</p>

The Department is satisfied the proposal would not result in unacceptable wind impacts subject to the recommended mitigation measures contained in the WIA being adopted in the design of the development.

<b>View loss</b>	<p>The Applicant submitted a View and Visual Impact Assessment (VVIA) in keeping with Condition B13 of the Concept Approval. The VVIA provided analysis of the visual and view loss impacts of the proposal and concluded the overall visual impacts of the proposal were low and acceptable.</p> <p>The Department accepts the findings of the submitted VVIA. The Department considers the view impact on adjoining development is reasonable given the emerging character of St Leonards and Crows Nest, existing development and the form of development permitted under the relevant planning controls. Further, the Department acknowledges the proposal for Site C is significantly lower in building height relative to the other buildings of the Crows Nest OSD and as such is not visible and does not alter or change views from key public viewpoints.</p> <p>The Department also acknowledges the proposal for Site C will not affect many private views. Only mid-level, south facing units at 545 Pacific Highway would have their views to the south west partially affected. Further, the proposal sits entirely within the approved Site C envelope and the Stage 2 proposal does not result in additional view loss. The materiality and finish, including landscaping at the roof level has been carefully considered to reduce the impact of any view loss.</p> <p>The Department is therefore satisfied the proposal would not result in any adverse visual or view loss impacts beyond those anticipated by the Concept Approval and appropriate consideration has been given to articulation, materiality and finish of the building to minimise views impacts.</p>	No additional conditions required.
<b>Signage</b>	<p>The proposal includes 3 signage zones for building and business identification. The Department notes these signage zones provide general details only to allow for greater design development and testing of signage options.</p> <p>The Department has assessed the signage zones against the requirements of SEPP 64 at <b>Appendix C</b> and considers the provision of signage on the building acceptable, subject to future signage applications for the detailed design and installation being made to Council.</p>	Conditions set out requirements for consent to be obtained for signage other than the proposed 2 top-of-building signage zones and provide requirements for future signage within signage zones.
<b>Site Suitability</b>	<p>The proposal involves commercial uses above the approved Crows Nest Metro Station. Site suitability matters relating to contamination, archaeology, flooding, active frontages and public domain works are to be addressed by the CSSI 7400 Approval for the Metro Station.</p> <p>The Department notes the proposed commercial use is permissible under the B4 Mixed Use zone and will include minimum 3,040 m<sup>2</sup> of commercial floor space as required under the NSLEP.</p>	Refer to the conditions of consent.

Matters around built form, bulk and scale, view and visual impacts, and design excellence have been considered in the assessment of the proposal and the Department is satisfied that the site is suitable for the development.

The Department has recommended conditions to further manage potential adverse impacts under the conditions of consent.

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## 7 Evaluation

The Department has assessed the merits of the proposal taking into consideration the issues raised in submissions, as well as the Applicant's response in the submissions report and is satisfied the impacts have been addressed by the proposal and through the Department's recommended conditions.

The Department considers the proposal is acceptable for the following reasons:

- it is consistent with the strategic planning framework 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
- it fully complies with the North Sydney LEP 2013 and the Concept Approval (SSD 9579) in relation to density, land use, minimum commercial floorspace and building height
- it achieves design excellence, is appropriate within its urban context and is supported by the Sydney Metro DRP
- it delivers a building that is sympathetic in its scale, built form and materiality to its local context and is also visually and architecturally distinct
- the built form is modulated and articulated to mitigate amenity impacts and reduce overshadowing to open spaces including Hume Street Park relative to the Concept envelope
- it does not include car parking which would support the use of public and sustainable transport options and would not result in any adverse traffic impacts
- it includes appropriate ESD initiatives and sustainability measures, targeting minimum environmental standards of 5 Star Green Star Design and "As-Built," 4 star NABERS Water rating and 5 star NABERS Energy rating for the building.

The Department's Assessment therefore concludes the proposal is in the public interest and recommends the application be approved subject to conditions (**Appendix F**).



## 8 Recommendation

It is recommended that the Director, Key Sites Assessments:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision approve SSD 13852803
- **agrees** with the key reasons for approval listed in the notice of decision (**Appendix B**)
- **grants consent** for the application in respect of SSD 13852803, subject to the conditions in the attached development consent (**Appendix F**)
- **signs** the attached development consent (**Appendix F**).

**Recommended by:**



**Paula Bizimis**  
Senior Planning Officer  
Key Sites Assessments

**Recommended by:**



**Annie Leung**  
Team Leader  
Key Sites Assessments

## 9 Determination

The recommendation is **Adopted** by:

A handwritten signature in dark ink, appearing to read 'A. Witherdin', is positioned above the printed name.

**Anthony Witherdin**  
Director  
Key Sites Assessments

# Appendices

**Appendix A – List of Documents and Relevant Supporting Information**

**Appendix B – Summary of Department’s Consideration of Submissions**

**Appendix C – Mandatory Matters for Consideration**

**Appendix D– Consistency with Concept Approval**

**Appendix E– Consistency with Design Guidelines**

**Appendix F– 2036 Plan**

**Appendix G– Recommended Instrument of Consent**

# Appendices

## Appendix A – List of documents and relevant supporting information

1. Environmental Impact Statement
2. Submissions
3. Applicant's Response to Submissions
4. Notice of Decision

The above documents and relevant supporting information to this assessment report can be found on the Department's website:

<https://www.planningportal.nsw.gov.au/major-projects/project/41106>

## Appendix B – Summary of Department's Consideration of Public Submissions

**Table 1** provides a summary of the Department's consideration of the main issues raised in public submissions.

**Table 1** | Department's consideration of main issues raised in public submissions

Issue	Consideration
<i>Built form and density</i>  -the proposal is not compatible with the architecture of surrounding development	<p>The Department's assessment finds the proposal acceptable as the built form complies with the North Sydney LEP, the Concept Approval envelopes and the Design Guidelines</p> <p>The Department acknowledges the built form of the building is modulated and articulated to manage and mitigate any bulk and scale impacts. The rhythm and scale of the building responds to the fine grain character of Crows Nest</p> <p>The proposal's density is also compatible with the emerging character envisaged for Crows Nest under the St Leonards and Crows Nest 2036 Plan. At 8 storeys, the Site C proposal is compatible with the building height of existing buildings along Clarke Street which range from 6 storeys to 10 storeys</p> <p>Materials and finishes have been carefully selected to reflect surrounding buildings, and the balance of glazing and brick ensures the building is sympathetic to the local village character of Crows Nest.</p>
<i>Land use</i>  -the site should be used as open space	<p>The Department notes that the site is not zoned for open space and is required to deliver a minimum 3,040 m<sup>2</sup> of non-residential floor space under the North Sydney LEP.</p> <p>The Department considers the proposed land use for commercial office is suitable as it is permissible in the zone, in keeping with the Concept Approval and will assist in the Crows Nest Metro precinct becoming a</p>

	mixed use development which is highly integrated with transport.
<i>Public Domain</i> -the building should be required to provide awnings along all frontages -street trees should be provided along Hume Street and Clark Street	The Department notes that the station podium and public domain including tree plantings are to be delivered as part of the CSSI 7400 Approval.

## Appendix C – Mandatory Matters for Consideration

### Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects set out in Section 1.3 of the Act. A response to the objects is below:

**Table 2 |** Consideration of the proposal against the objects of section 1.3 of the EP&A Act

Objects of the EP&A Act	Consideration
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	<p>The proposal promotes the social and economic welfare of the community by providing significant employment generation within a highly accessible site for transport and urban services, and, in doing so, contributing to the achievement of State, regional and local planning objectives</p> <p>The proposal comprises development above the approved station infrastructure and does not have any impacts on the State's natural or other resources</p> <p>The proposal is predicted to generate 180 construction jobs and 190 operational jobs.</p>
b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	The proposal has integrated ESD principles as discussed in <b>Appendix C</b> of this report.
c) to promote the orderly and economic use and development of land	<p>The proposal represents the orderly and economic use of the land primarily as it will increase employment opportunities near services and public transport. The proposed land uses are permissible, and the form of the development has regard to the planning controls that apply, the character of the locality and the context of surrounding developments.</p> <p>The merits of the proposal are considered in <b>Section 6</b> of the report.</p>
d) to promote the delivery and maintenance of affordable housing	Not applicable to this application. Affordable housing is to be provided in Site B of the Concept Approval.
e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	The proposal, comprising a commercial building above the metro station, will not have any environmental impacts on flora or fauna.

f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	The Department considers that the heritage impacts of the development are acceptable, as set out in <b>Section 6</b> .
g) to promote good design and amenity of the built environment	The proposal demonstrates a good design approach to the relevant planning controls and local character. Amenity impacts in the locality are managed by either the form of the development or by the recommended conditions of consent for mitigation measures during the construction and operational phase of the development.
h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	<p>The proposal demonstrates that construction work will be undertaken in accordance with national construction standards, relevant regulation and the site-specific construction management plan.</p> <p>Any impacts during this phase will be monitored and managed in keeping with the conditions of consent set out to mitigate impacts. Ongoing management and maintenance of the development shall be managed by the building management.</p>
i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	The Department publicly exhibited the proposal as outlined in <b>Section 5</b> . This included consultation with Council and other public authorities and consideration of their responses.
j) to provide increased opportunity for community participation in environmental planning and assessment.	<p>The Department publicly exhibited the application as outlined in <b>Section 5</b>. This included notifying adjoining landowners and displaying the application on the Department's website.</p> <p>The Department also placed the RtS on its website and referred it to Council and relevant agencies.</p>

### Section 4.15(1) matters for consideration

The matters for consideration under section 4.15 of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act have been addressed in **Table 3**.

**Table 3 |** Section 4.15(1) matters for consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	A comprehensive assessment of all relevant EPIs by the Department is discussed below this table.
(a)(ii) any proposed instrument	Relevant applicable draft EPIs have been considered below.
(a)(iii) and development control plan (DCP)	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD. Notwithstanding, the Department has considered relevant provisions of the North Sydney DCP 2013 in its consideration of issues in <b>Section 6</b> .
(a)(iia) any planning agreement	Not applicable.

(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	Likely impacts are proposed to be appropriately mitigated or conditioned. Refer to <b>Section 6</b> of this report.
(c) the suitability of the site for the development	The site is deemed suitable for the proposed development.
(d) any submissions	Consideration has been given to the submissions received during the exhibition period. See <b>Section 5</b> of this report.
(e) the public interest	The proposal is in the public interest as discussed at <b>Section 6</b> of this report as the uses will provide employment generation and contribute to the Crows Nest OSD precinct becoming a quality mixed use precinct supported by high frequency public transport as envisaged under the approved Concept Plan (SSD 9579).

## Ecologically sustainable development

The EP&A Act adopts the definition of ESD found in the Protection of the Environment Administration Act 1991. Section 6(2) of the Protection of the Environment Administration Act 1991 states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle;
- inter-generational equity;
- conservation of biological diversity and ecological integrity; and
- improved valuation, pricing and incentive mechanisms.

The development proposes ESD initiatives and sustainability measures, including targeting minimum sustainability targets:

- minimum 5 Star Green Star Design and “As-Built”
- minimum 5 Star NABERS energy rating

The Department has considered the proposal in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process by a thorough assessment of the environmental impacts of the development. The development is consistent with ESD principles as described in the Applicant’s EIS and Submission Report which have been prepared in accordance with the requirements of Schedule 2 of the EP&A Regulation.

The Department is satisfied the proposed sustainability measures incorporated into the proposal are consistent with ESD principles, in accordance with the objects of the EP&A Act.



## Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

### Environmental Planning Instruments (EPIs)

To satisfy the requirements of Section 4.15 of the Act, this report includes references to the provisions of the EPIs that govern the carrying out of the proposal and have been taken into consideration in the Department's environmental assessment.

The EPIs that have been considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)
- North Sydney Local Environmental Plan 2012 (NSLEP)
- Draft State Environmental Planning Policy (Remediation of Land).

### State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The aims of the SRD SEPP are to identify SSD, State Significant Infrastructure (SSI), CSSI and to confer functions on regional planning panels to determine development applications. The proposal is SSD as summarised at **Table 4**.

**Table 4 |** SRD SEPP compliance table

Relevant Sections	Consideration	Compliance
<b>3 Aims of Policy</b> The aims of this Policy are as follows: (a) to identify development that is State significant development	The proposed development is identified as SSD ( <b>Section 4</b> ).	Yes
<b>8 Declaration of State significant development: Section 4.36</b> (1) Development is declared to be State significant development for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 1 or 2.	The proposal is SSD under Section 4.36 of the EP&A Act as the development is for the purpose of a commercial development associated with railway infrastructure and is subject of a Concept Approval (SSD 9579).	Yes
<b>12 Concept development applications</b> If— (a) development is specified in Schedule 1 or 2 to this Policy by reference to a minimum capital investment value, other minimum size or other aspect of the development, and	The proposal is SSD under Clause 12 as the development is for the purpose of a commercial development associated with railway infrastructure and is subject of a Concept Approval (SSD 9579).	Yes

(b) development the subject of a concept development application under Part 4 of the Act is development so specified,

any part of the development that is the subject of a separate development application is development specified in the relevant Schedule (whether or not that part of the development exceeds the minimum value or size or other aspect specified in the Schedule for such development).

### **State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)**

The ISEPP is applicable as the proposal involves development in or adjacent to a rail corridor (Division 15 Railways), being the Sydney Metro City and Southwest corridor.

The proposal is also 'traffic generating development' under Schedule 3 of the ISEPP as it includes more than 2,500 m<sup>2</sup> commercial GFA. The Department notified TfNSW who advised that they would not provide comments on the application noting that Sydney Metro forms a part of the transport cluster and comments on the proposal would be provided within the transport cluster.

The Department notes that the proposal does not include car parking and as such traffic impacts are considered to be minor or negligible. Traffic generation is considered in **Section 6**.

### **State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)**

The proposal will be subject to the approved CSSI remediation strategy which includes demolition and excavation works for the entire Concept Approval site and requirements to manage contamination and ensure the land is suitable for the proposed use under that approval. The EPA advised that any unexpected contamination will also be managed under relevant CSSI conditions.

The Department notes that the proposal sits above the metro station podium and does not involve any excavation work where contamination may be found. The Department is satisfied that the proposal is suitable for the site subject to a Site Audit Statement being obtained to confirm the site is suitable for the proposed uses prior to occupation or commencement of use of the building.

### **Draft State Environmental Planning Policy (Remediation)**

As above, the CSSI approval covered demolition and excavation works for the entire site. Accordingly, the Department is satisfied, and the proposal is suitable for the site.

### **State Environmental Planning Policy 64 – Advertising and Signage**

The proposed development includes provision of two top-of-building business identification signage zones and one ground level building identification signage zone.

The Department has considered the proposed signage and finds that it is consistent with existing signage in the surrounding mixed-use area and complies with the requirements of SEPP 64, as set out in Table 5.

**Table 5 | SEPP 64 compliance table**

Assessment Criteria	Comments	Compliance
1. Character of the area		

Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signs are compatible with the bulk and scale of the proposed buildings and other future buildings in the Crows Nest OSD precinct.	Yes
Is the proposal consistent with a theme for outdoor advertising in the area or locality?	The surrounding area does not have a theme for outdoor advertising.	Yes
<b>2. Special areas</b>		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The site is not located within a heritage conservation area or other environmentally sensitive area. The proposed signage, its size and location on the building is consistent with other signage observed and is not considered to detract from the amenity or visual quality of the surrounding area.	Yes
<b>3. Views and vistas</b>		
Does the proposal: obscure or compromise important views? dominate the skyline and reduce the quality of vistas? respect the viewing rights of other advertisers?	The signage is located on the building facade and will not obscure views or vistas or impact on the viewing rights of other advertisers.	Yes
<b>4. Streetscape, setting or landscape</b>		
Does the proposal: provide an acceptable scale, proportion and form, appropriate for the streetscape, setting or landscape?	The scale of the signage is acceptable for its location and is consistent with similar signage on the top of surrounding buildings.	Yes
contribute to the visual interest of the streetscape, setting or landscape?	The signage will function as building/business identification and will be consistent with similar signage across the North Sydney LGA.	Yes
reduce clutter by rationalising and simplifying existing advertising?	Not applicable.	N/A
screen unsightliness?	Not applicable.	N/A
protrude above buildings, structures or tree canopies in the area or locality?	The signage zones are contained within the building façade and does not protrude above the building.	Yes
require ongoing vegetation management?	No vegetation management required.	N/A
<b>5. Site and building</b>		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage is compatible with the scale and context of the proposed building. It will not detract from the design features of the building.	Yes
<b>6. Associated devices and logos with advertisements and advertising structures</b>		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Not applicable. These controls relate to freeway advertising signs.	Yes

## 7. Illumination

Would illumination: result in unacceptable glare? affect safety for pedestrians, vehicles or aircraft? detract from the amenity of any residence or other form of accommodation?	Not applicable. No illumination is proposed.	Yes
Can the intensity of the illumination be adjusted, if necessary and is the illumination subject to a curfew?	Not applicable. No illumination is proposed.	Yes

## 8. Safety

Would the proposal reduce safety for: pedestrians, particularly children, by obscuring sightlines from public areas? any public road?	The proposed signage will occupy the top of the building and ground level. The nominated signage zone locations are not expected to obscure any sightlines for pedestrians.	Yes
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## North Sydney Local Environmental Plan 2013 (NSLEP)

An assessment of the proposal against the aims, objectives, standards and relevant provisions of NSLEP is set out in **Table 6**.

**Table 6 | NSLEP compliance table**

NSLEP Clause	Relevant controls / criteria	Consideration
2.3 – Land use zoning	<p>The site is within the B4 Mixed Use zone. The objectives of the zone are:</p> <ul style="list-style-type: none"> <li>to provide a mixture of compatible land uses</li> <li>to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling</li> <li>to create interesting and vibrant mixed-use centres with safe, high quality urban environments with residential amenity</li> <li>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.</li> </ul>	The proposal is permissible with consent and consistent with the objectives of the zone.
4.3 – Height of buildings	The height of a building is not to exceed the maximum height shown on the <i>Height of Buildings Map</i> . In this case, the relevant height standard is RL 127.	<p>The building height (at the top of the building parapet) is 127 m and complies with this control.</p> <p>The overall building height (at the top of the building) is 132 m and complies with the NSLEP. Refer to clause 4.3A of the NSLEP.</p>

4.3A – Exceptions to height of buildings	The height of a building may exceed the maximum height shown on the <i>Height of Buildings Map</i> by no more than 5 m for the purposes of accommodating a rooftop plant room or an architectural roof feature.	The proposal includes a rooftop plant room which sits above the building parapet. The overall height of the plant room is 5.m and the Department is satisfied that it complies with the requirements of this control.
4.4 – Floor space ratio	The floor space ratio for a building is not to exceed the FSR shown on the map.  Site C has an FSR standard of 6:1.	The proposal has a maximum FSR of 5.49:1 and therefore complies with the maximum FSR applying to the site.
Clause 4.4A - Non-residential FSR	A minimum non-residential FSR of 5:1 applies to the site. Active street frontages must be provided.	The proposal has a non-residential FSR of 5.09:1 and complies with this control.  The CSSI Approval includes active street frontages.
5.10 – Heritage conservation	The consent authority must consider the effect of the proposed development on the heritage significance of a heritage item or conservation area.  The consent authority may require a heritage assessment before granting consent to any development on land that is within the vicinity of a heritage item or conservation area.	The site does not contain any heritage items. The nearest local heritage item is the St Leonards Centre at 28 – 30 Clarke Street. A Heritage Impact Assessment has been lodged and the Department has considered this in its assessment of the application.
6.19B - Design Excellence	All developments must exhibit design excellence and when considering whether a development exhibits design excellence the consent authority must have regard to the matters in subclause 4(a) to (f).	The Department's assessment on design excellence is contained in <b>Section 6</b> .  The Design Excellence Strategy was endorsed at the Concept Approval stage which includes independent review of the development by the State DRP or an alternative endorsed by GANSW.  GANSW endorsed the Sydney Metro DRP (the DRP) as an alternative to the State DRP.  The Department notes the DRP is providing advice on the design of the Crows Nest Metro Station to assist with achieving an integrated design outcome.  The Department is satisfied that the proposal exhibits design excellence.
6.15 – Airspace Operations	The consent authority must consult with the relevant Commonwealth body for any application which penetrates the Limitation or Operations Surface (OLS).  The consent authority may grant consent for the development if the relevant Commonwealth body advises that it has no objections to its construction.	CASA has advised that the proposal does not penetrate the OLS for Sydney Airport. Approval may still be required for any future cranes required for the construction of the development, should they penetrate the OLS levels. Relevant conditions of consent have been included in the recommended conditions.

## North Sydney Development Control Plan 2013 (NSDCP)

It is noted that Clause 11 of State Environmental Planning Policy (State & Regional Development) 2011 provides that development control plans do not apply to SSD. Notwithstanding, the relevant provisions of the NSDCP have been given consideration in **Section 6** as guidance to aspects of the proposal.

## Appendix D – Consistency with Concept Approval

An assessment of the proposal against the conditions of the Concept Approval is set out in **Table 7**.

**Table 7** | Consistency with the Concept Approval

Concept Approval Condition	Consideration
<b>Planning Agreement / Binding Agreement</b>	
<p>A15. A Voluntary Planning Agreement(s) (VPA) between Sydney Metro (or its nominated entity) and North Sydney Council shall be prepared in accordance with the commitments contained within the public benefit offer titled '<i>Sydney Metro – Crows Nest over station development VPA</i>' reference SM-20-00094429, prepared by Sydney Metro and dated 1 September 2020, including:</p> <ul style="list-style-type: none"> <li>(a) a lump sum prepayment of monetary contribution in lieu of Section 7.11 contribution requirements (as agreed with Council); and</li> <li>(b) a \$2 million monetary contribution for public domain improvements.</li> </ul> <p>A16. The VPA shall be publicly exhibited and executed prior to the lodgement of the first development application following the date of this approval (SSD 9570) or as may be otherwise agreed by the Planning the Secretary. A copy of the executed VPA(s) shall be submitted to the Secretary.</p>	<p>A VPA was prepared, publicly exhibited and executed as required by these conditions.</p>
<b>Maximum Building Envelopes</b>	
<p>B1. Future development applications must demonstrate that the buildings are wholly contained within the building envelopes consistent with the plans listed in Condition A2, as modified by the conditions of this consent.</p> <p>B3. The maximum achievable gross floor area (GFA) for the non-station related floor space is 56,400 m<sup>2</sup> (including 43,400 m<sup>2</sup> commercial and 13,000 m<sup>2</sup> residential GFA), comprising a maximum of 40,300 m<sup>2</sup> (commercial) on Site A, 13,000 m<sup>2</sup> (residential) on Site B, and 3,100 m<sup>2</sup> (commercial) on Site C. This amount can only be achieved subject to demonstration of:</p> <ul style="list-style-type: none"> <li>(a) compliance with the conditions of this concept approval</li> <li>(b) demonstration of design excellence consistency with the Design Guidelines (as amended by <b>Condition</b> Error! Reference source not found.)</li> <li>(c) being wholly contained within the approved building envelopes, with the exception of rooftop enclosure(s) and the Site C articulation zone:</li> </ul>	<p>The building is fully contained within the approved Site C building envelope.</p> <p>The gross floor area of the Site C proposal is 3,097 m<sup>2</sup>. The remaining gross floor area for the Crows Nest OSD precinct will be calculated with each Stage 2 application for the precinct.</p>

<ul style="list-style-type: none"> <li>(i) rooftop enclosure can only be used as prescribed under <b>Condition 0</b></li> <li>(ii) articulation zones can only be used as prescribed under <b>Condition 0</b></li> </ul>	
<b>Rooftop Enclosures</b>	
<p>B4. Rooftop enclosures above each of the approved building envelopes (Site A, Site B and Site C) are only permitted as part of future development application(s) when the following requirements are met:</p> <ul style="list-style-type: none"> <li>(a) roof enclosure above Building B or C must demonstrate consistency with clauses 4.3A or 5.6 of the NSLEP as applicable</li> <li>(b) any roof enclosure shall be discrete and/or integrated into the architectural design of the building and shall demonstrate that it does not have an adverse visual impact on the design and appearance of the building or the surrounding streetscape.</li> <li>(c) where roof enclosures are visible from the surrounding streetscape(s), they shall be designed or architecturally treated / screened so that they form a decorative roof feature</li> <li>(d) roof enclosures shall not have an unacceptable amenity impacts, particularly in terms of adverse: <ul style="list-style-type: none"> <li>(i) overshadowing of residential properties and public open spaces,</li> <li>(ii) loss of outlook.</li> </ul> </li> <li>(e) roof enclosures shall not include GFA and shall not be reasonably capable of modification to include GFA.</li> </ul>	<p>The proposal includes a rooftop enclosure that sits above the building parapet height. The enclosure complies with this condition. This is assessed in <b>Section 6</b>.</p>
<b>Site C Articulation Zones</b>	
<p>B5. Use of the Site C Articulation Zones is only permitted as part of future development application(s) when the following requirements are met:</p> <ul style="list-style-type: none"> <li>(a) articulation Zones shall only be for the purpose of architectural features, projections, balustrades, awnings and the like</li> <li>(b) built form must occupy no more than a maximum of 25% of the total volume of the Articulation Zones</li> <li>(c) no GFA is provided within the Articulation Zone above RL 127 (height of building envelope excluding rooftop enclosure).</li> </ul>	<p>Site C includes architectural features that occupy the articulation zones. The overall built form that occupies the articulation zone is 19.9% and complies with this condition. An assessment of the proposal in accordance with this condition is carried out in <b>Section 6</b>.</p>
<b>Design Excellence</b>	
<p>B6. The detailed development applications shall demonstrate consistency with the:</p> <ul style="list-style-type: none"> <li>(a) Design Guidelines as endorsed by the Planning Secretary pursuant to <b>Condition</b> Error! Reference source not found.</li> <li>(b) Design Excellence Strategy as endorsed by the Planning Secretary pursuant to <b>Condition</b> Error! Reference source not found.</li> <li>(c) conditions of this consent.</li> </ul>	<p>The proposal is consistent with the endorsed Design Excellence Strategy. The Department has carried out an assessment in relation to design excellence in <b>Section 6.3</b>.</p>
<b>Built Form and Urban Design</b>	



<p>A7. All future development applications for new built form must include:</p> <ul style="list-style-type: none"> <li>(a) detailed plans, elevations and sections</li> <li>(b) artist's perspectives and photomontages</li> <li>(c) a design statement demonstrating the design quality of the proposed development and having regard to the character of surrounding development</li> </ul> <p>A8. Consideration of the approved Design Guidelines (<b>Condition</b> Error! Reference source not found.) Future development applications shall address the following:</p> <ul style="list-style-type: none"> <li>(a) submission of a Design Integrity Report (DIR) to the satisfaction of the Planning Secretary that demonstrates how design excellence and design integrity will be achieved in accordance with: <ul style="list-style-type: none"> <li>(i) the design objectives of the Concept Development Application</li> <li>(ii) consistency with the approved Design Guidelines as amended by Condition A14</li> <li>(iii) the DEEP's Design Excellence Report</li> <li>(iv) the advice of the DRP (under Condition A15)</li> <li>(v) the conditions of this consent.</li> </ul> </li> <li>(b) the DIR as required by Condition B7(b) must include a summary of feedback provided by the SDRP (or alternative approved in accordance with Condition A15) and responses by the Applicant to this advice. The DIR shall also include how the process will be implemented through to completion of the approved development.</li> </ul> <p>A9. Future development application(s) shall include a Reflectivity Analysis demonstrating that external treatments, materials and finishes of the development do not cause adverse or excessive glare.</p> <p>A10. Future development application(s) shall include an Access Report demonstrating that the development achieves an appropriate degree of accessibility.</p>	<p>The proposal is consistent with the requirements of these conditions. An assessment on the proposal's built form is carried out by the Department in <b>Section 6.2</b>.</p>
<p><b>Overshadowing</b></p>	
<p>B12. Future development application(s) shall include an Overshadowing Impact Assessment (OIP), including shadow studies and diagrams showing the likely overshadowing impact of the development on surrounding existing open spaces and neighbouring developments. The OIP shall demonstrate that buildings have been designed to minimise overshadowing to public open spaces. This assessment shall include the cumulative impacts of all existing and approved development on and around the site.</p>	<p>The Applicant has prepared and submitted an OIP in accordance with this condition. The Site C proposal does not result in overshadowing of Hume Street Park or surrounding open spaces.</p>
<p><b>Public and Private Views</b></p>	
<p>B14. Future Development Application(s) shall include a Visual and View Loss Assessment, which assesses public and private view impacts and demonstrates how consideration has been given to minimising such impacts where feasible.</p>	<p>A Visual and View Impact Assessment is submitted with the application. The proposal is contained entirely within the approved envelope and is considered to have an acceptable view impact. View impact is discussed in <b>Section 6.4</b>.</p>

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## Traffic and Transport

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B15. Future development application(s) shall be accompanied by a Traffic Impact Assessment (TIA) that assesses the traffic, transport and pedestrian impacts on the road and footpath networks and nearby intersection capacity. The TIA shall also address:

- (a) traffic generation impact and any necessary road infrastructure upgrades to adjoining and nearby roads and intersections
- (b) vehicle and pedestrian safety within and around the site
- (c) loading / unloading and servicing
- (d) on-site car parking provision, location, access and operation
- (e) efficiency and safe access of any mechanical car parking arrangement
- (f) the impact of the removal of any existing on-street car parking spaces
- (g) pedestrian and bicycle infrastructure and facilities.

B16. Future development application(s) shall include a Vehicular Servicing Management Plan (VSMP), which considers the use, operation, access and management of all loading docks and servicing bays. In addition, the VSMP shall consider the integration and operation of loading docks and servicing bays with the overall operation of the Crows Nest Metro Station development (CSSI 7400).

B17. Future Development Application(s) shall include green travel plans, identifying opportunities to maximise and encourage sustainable transport choices for future residents, staff and visitors.

The application is accompanied by the relevant reports in relation to traffic and transport as discussed in **Section 6**.

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## Car Parking and Bicycle Parking

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B18. Future development application(s) must demonstrate compliance with the following maximum parking limits:

- (a) the maximum number of car spaces to be provided for the development is limited to 101 spaces, including commercial and residential spaces, but excluding service vehicle spaces, and comprising:
  - (i) a maximum of 46 spaces within Site A, including 6 accessible spaces
  - (ii) a maximum of 55 spaces within Site B, including 6 accessible spaces
  - (iii) no spaces within Site C
- (b) the maximum number of motorcycle spaces to be provided for the development is limited to 26 spaces, and comprising:
  - (i) a maximum of 24 spaces within Site A
  - (ii) a maximum of 2 spaces within Site B
  - (iii) no spaces within Site C

The proposal complies with the relevant car and bicycle parking requirements.

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## Wind Impact Assessment

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B22. Future development applications for aboveground works shall be accompanied by a Wind Impact Assessment including computer modelling and wind tunnel testing which:

The application includes a Wind Impact Assessment that has been prepared in

<ul style="list-style-type: none"> <li>(a) assesses the existing and proposed wind environment including the cumulative impact of existing and proposed tower developments adjoining and nearby the site</li> <li>(b) demonstrates spaces within and around the site are suitable for their intended purpose</li> <li>(c) includes mitigation measures to address adverse wind conditions, where necessary.</li> </ul>	accordance with this condition.
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### Construction Impact Assessment

<p>B23. Future development applications shall include a Construction Traffic and Pedestrian Management Plan (CTMP) prepared in consultation with the Sydney Coordination Office and North Sydney Council, and to the satisfaction of the relevant road authorities. The CTMP shall include, but not be limited to:</p> <ul style="list-style-type: none"> <li>(a) construction car parking strategy</li> <li>(b) haulage movement numbers / routes including contingency routes</li> <li>(c) detailed travel management strategy for construction vehicles including staff movements</li> <li>(d) maintaining property accesses</li> <li>(e) maintaining bus operations including routes and bus stops</li> <li>(f) maintaining pedestrian and cyclist links / routes</li> <li>(g) independent road safety audits on construction related traffic measures</li> <li>(h) measures to account for any cumulative activities / work zones operating simultaneously.</li> </ul> <p>B24. Independent road safety audits are to be undertaken for all stages of further design development involving road operations and traffic issues and cognisant of all road users. Any issues identified by the audits will need to be closed out in consultation with Sydney Coordination Office, RMS and/or North Sydney Council to the satisfaction of the relevant roads authorities prior to the lodgement of the relevant development application.</p>	<p>The application includes a CTMP prepared in accordance with the requirements of this condition. Conditions of consent are recommended for a final CTMP to be prepared and submitted prior to the commencement of works.</p>
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### Environmental Performance / ESD

<p>B25. Future development applications must demonstrate how the principles of ecologically sustainable development (ESD) have been incorporated into the design, construction and ongoing operation of the proposal. This shall include preparation and implementation of Environmental Sustainability Strategies that incorporate low-carbon, high efficiency targets aimed at reducing emissions, commitment to energy rating level such as Greenstar and Basix, optimising use of water, reducing waste and optimising carparking provision to maximise sustainability and minimise environmental impacts.</p>	<p>The application includes a ESD and Sustainability Strategy documenting how the proposed measures have been incorporated into the design, construction and operational phases of the development.</p>
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### Security and Crime Assessment

<p>B26. Future development applications shall be accompanied by a Security and Crime Risk Assessment prepared in consultation with NSW Police having regard to Crime Prevention Through Environmental Design (CPTED) Principles and NSW Police publication "Safe Place: Vehicle Management: A comprehensive guide for owners, operators and designers." The future development is to</p>	<p>The application includes a CPTED Assessment prepared in accordance with the requirements.</p>
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have regard to the recommendations contained within the submission by NSW Police on the Concept SSD.	
<b>Operational Noise and Vibration</b>	
<p>B27. Future development applications shall be accompanied by a Noise and Vibration Impact Assessment (NVIA) that demonstrates the following requirements are met:</p> <ul style="list-style-type: none"> <li>(a) provide a quantitative assessment of the main noise generating sources and activities during operation. Details are to be included outlining any mitigating measures necessary to ensure the amenity of future sensitive land uses on the site and neighbouring sites is protected during the operation of the development.</li> <li>(b) vibration from construction activities does not exceed the vibration limits established in British Standard <i>BS7385-2:1993 Excavation and measurement for vibration in buildings. A guide to damage levels from groundborne vibration</i>.</li> <li>(c) vibration testing is conducted before and during vibration generating activities that have the potential to impact on heritage items to identify minimum working distances to prevent damage. In the event the vibration testing and monitoring shows that the preferred values for vibration are likely to be exceeded, the Applicant must review the construction methodology and, if necessary, propose additional mitigation measures.</li> </ul> <p>B28. The Noise and Vibration Impact Assessment must provide a quantitative assessment of the main noise generating sources and activities during operation. Details are to be included outlining any mitigating measures necessary to ensure the amenity of future sensitive land uses on the site and neighbouring sites is protected during the operation of the development.</p> <p>B29. The Noise and Vibration Impact Assessment must address the conclusions and recommendations of the Noise and Vibration Impact Report Version 06, prepared by Sydney Metro and dated November 2018.</p>	A NVIA has been prepared and submitted with this application. The EPA has provided its conditions of consent regarding operational and construction noise and vibration.
<b>Operational Waste</b>	
B30. Future development application(s) shall include an Operational Waste Management Plan to address storage, collection, and management of waste and recycling within the development	A Waste Management Plan has been prepared and submitted for this proposal in accordance with this condition.
<b>Flooding and Stormwater Assessment</b>	
B31. Future development applications shall be accompanied by a Flood and Stormwater Impact Assessment.	The application includes a Flood and Stormwater Impact Assessment addressing the relevant requirements.
<b>Contamination Assessment</b>	
B32. Future development applications must include a site investigation / contamination report demonstrating that the site is suitable (or would be made suitable after remediation) for the proposed use, in	SEPP 55 contamination and remediation were considered and addressed

accordance with the State Environmental Planning Policy No 55 - Remediation of Land and the associated guidelines.	<p>in the CSSI 7400 Approval.</p> <p>The Site C proposal does not include any excavation that could expose future uses to contamination.</p> <p>The Department has included a condition of consent that requires a Site Audit Statement be prepared confirming the site is suitable for the proposed uses prior to operation or commencement of use.</p>
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### Archaeological and Aboriginal Cultural Heritage Assessment

<p>B34. Future development applications shall demonstrate the recommendations and mitigation measures of the following Sydney Metro City and Southwest (CSSI 7400) reports are to be incorporated during the construction of the SSD project:</p> <p>(a) Artefact 2016, Sydney Metro City and Southwest, Chatswood to Sydenham: Aboriginal Cultural Heritage Assessment</p> <p>(b) Artefact 2016, Sydney Metro City and Southwest, Chatswood to Sydenham: Aboriginal Heritage – Archaeological Assessment.</p>	<p>The Department is satisfied that archaeological and Aboriginal cultural heritage matters have been considered in the CSSI 7400 Approval and that the Site C proposal will not result in archaeological and heritage impacts.</p>
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### Airspace Protection

<p>B35. Future detailed development applications for aboveground works must comply with the following requirements:</p> <p>(a) buildings must not exceed a maximum height of 180 metres AHD. This includes all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, and roof top garden plantings, exhaust flues, etc.</p> <p>(b) (g) N/A</p>	<p>The building does not exceed the OLS height. Future separate approval may be required for construction cranes and a condition of consent has been provided requiring this.</p>
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### Construction Impact Assessment

<p>B38. All future development applications must provide an analysis and assessment of the impacts of construction and include:</p> <p>(a) construction Pedestrian and Traffic Management Plan (CPTMP), prepared in consultation with Transport for NSW. The CPTMP must detail vehicles routes, numbers of trucks, hours of operation, access arrangements and traffic control measures and cumulative construction impacts (i.e. arising from concurrent construction activity)</p> <p>(b) construction Noise and Vibration Impact Assessments (CNVMP) that identifies and provides a quantitative assessment of the main noise generating sources and activities during construction. Details are to be provided outlining any mitigation measures to ensure the amenity of adjoining sensitive land uses is protected throughout the construction period(s)</p> <p>(c) community Consultation and Engagement Plans</p>	<p>The application includes a CTMP prepared in accordance with the requirements and incorporates a CNVMP. Conditions of consent are provided for a final CTMP to be prepared and submitted prior to the commencement of works.</p>
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<p>(d) construction Waste Management Plan</p> <p>(e) air Quality Management Plan.</p> <p>B39. The plans above may be prepared as part of a Construction Environmental Management Plan prepared for implementation under the conditions of any consent for future development applications, having regard to the</p>	
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## Appendix E – Consistency with Design Guidelines

The Design Guidelines were created to guide the design of development on the site. The Guidelines were updated and approved by the Department when Condition A20 of the Concept Approval was satisfied post-approval.

Conditions B6 and B8 of the Concept Approval require future applications to address compliance with the Design Guidelines. The Applicant's EIS and Design Integrity Report provides a comprehensive assessment of the proposal against the Guidelines. An assessment against the key guidelines applicable to this proposal is in **Table 8**.

**Table 8 |** Consistency with Design Guidelines

Relevant Design and Amenity Guideline	Consideration
<p><b>Podium and street wall</b></p> <ul style="list-style-type: none"> <li>• Responding to the surrounding streetscape scale, with direct reference to the local context</li> <li>• Minimising bulk and scale through horizontal and vertical articulation and choice of materials</li> <li>• Innovation in delivering distinct podium and OSD components while respecting design outcomes at St Leonards</li> <li>• Extensive use of landscaping and green elements at street level and top-of-podium levels</li> <li>• Appropriate street setbacks that allow for managed customer and pedestrian flow and comfort</li> <li>• Maximising site permeability and connectivity with through site links</li> <li>• Respecting surrounding historical cues and materiality, including traditional shopfront facades and the St Leonards Centre</li> <li>• Addressing pedestrian level wind environments at ground level</li> <li>• Strong activation of street frontages, station entries and lobbies including integration of Clarke Lane, where appropriate.</li> </ul>	<p>The proposal is consistent with these guidelines as detailed below.</p>
<p><b>Built form above the podium</b></p> <ul style="list-style-type: none"> <li>• An innovative, high quality and articulated design that successfully breaks up the mass of the buildings by exploring varied heights and stepped forms to create transition between the scales of St Leonards and Crows Nest</li> </ul>	<p>The built form for Site C appropriately responds to the surrounding area. Articulation responds to the surrounding context, minimises bulk and scale, and mitigates adverse amenity impacts including</p>

<ul style="list-style-type: none"> <li>• Providing high quality amenities and opportunities for inter-floor connections throughout the building to provide relief to the overall composition</li> <li>• A building design that responds to the surrounding public domain elements and heritage buildings</li> <li>• Exploring design efficiencies to improve building form and deliver a reduced footprint</li> <li>• Exploring opportunities to incorporate 'vertical gardens' into the design to create soft edges to the building form</li> <li>• Providing an appropriately scaled intermediary space that creates relief and delineation between podium and tower</li> <li>• Building heights that contribute to a varied skyline</li> <li>• Use of high-quality materials that reflect the function of the OSD, provide a simple design resolution within the skyline and a low reflectivity coefficient.</li> <li>• solar access should be maintained for the following: a) Willoughby Road between 11:30am and 2:30pm (mid-winter, 21 June) b) Earnest Place between 10am and 3pm (mid-winter, 21 June)</li> <li>• Enabling winter sun to penetrate the primary public spaces at ground level including minimising overshadowing on key public open spaces such as Hume Street Park and Ernest Place</li> <li>• Maximising daylight penetration to improve amenity of OSD sites</li> <li>• Maintaining views from and solar access to other residential strata sites in close proximity where possible</li> <li>• Pursuing opportunities to provide active uses within the built form thereby creating a destination</li> <li>• Works within rooftop services zone to minimise and/or reduce visual prominence and overshadowing</li> </ul>	<p>overshadowing and view impacts.</p> <p>Proposed materials and finishes such as brick and landscaping also respond to the local character and create an architecturally unique building.</p>
<p><b>Horizontal and vertical modulation</b></p> <ul style="list-style-type: none"> <li>• Consider the contextual grid of surrounding buildings and incorporate appropriate modulation and relief in length to avoid monotonous expression</li> <li>• Consider breaking the height of the building by introducing vertical modulation and relief where appropriate within the envelope and facade.</li> <li>• Buildings shall be designed to provide for a strong horizontal delineation between the station and OSD developments through the use of articulation, recess, materials or other appropriate alternative architectural approaches that complement the overall design of the development</li> <li>• The composition of building elevations shall incorporate a greater proportion of vertical articulation than horizontal articulation to ensure appropriate vertical building proportions are achieved to reduce the perception of building scale</li> </ul>	<p>The proposal's built form is horizontally and vertically articulated to modulate the scale of the building.</p> <p>The proposal's brick façade and landscaping responds to the village atmosphere of Crows Nest</p>
<p><b>Façade and building articulation</b></p> <ul style="list-style-type: none"> <li>• Buildings shall include additional articulation, modulation and façade treatments to provide distinctive visual breaks along</li> </ul>	<p>Architectural features of the proposal that occupy the articulation zones include bay windows with facade planters,</p>

<p>the Pacific Highway, Clarke Lane (Buildings A and B) and Hume Street (Building C) elevations. The breaks shall be proportional to the height and length of the street frontage and respond to the scale and character of the surrounding fabric.</p> <ul style="list-style-type: none"> <li>• Buildings shall include contemporary architectural expression and elements that create a sense of scale and rhythm on the facades are to be employed to add to the richness of architecture at the locality</li> <li>• The Articulation Zones on Site C may be used for the purpose of architectural features, projections, balustrades, awnings and the like and the total volume of such elements should not exceed a maximum of 25% of the total volume of the Articulation Zone or as otherwise agreed by the Design Review Panel. No GFA should be provided within the Articulation Zone above RL 127 and this space should be used solely for the rooftop enclosure.</li> </ul>	<p>brick columns and a roof feature. These features modulate and articulate the built form across the southern and eastern elevations and create a visually interesting building that architecturally responds to the scale and fine grain character of the Crows Nest locality.</p> <p>As discussed in <b>Section 6</b> the Department is satisfied that the proposal complies with the articulation zone requirements of the Design Guidelines and Condition B4 of the Concept Approval.</p>
<p><b>Activation towards Hume Street</b></p> <p>Activating the streetscape through active and passive public domain outcomes and incorporating extensive areas of landscaping and green spaces</p>	<p>Public domain works for Site C including street tree planting and activation of Hume Street are considered under the CSSI 7400 Approval. Retail opportunities and the design of building entrances along Hume Street and are to be delivered as part of the metro station infrastructure.</p> <p>The fit out of the commercial lobby is considered under this application.</p>
<p><b>Public domain and place</b></p> <ul style="list-style-type: none"> <li>• Extending the ground plane (visually and materially) into the station entries</li> <li>• Creating destination opportunities to engage the public with the development on a day-today basis</li> <li>• Doorways and facade lines offering open, welcoming and barrier free customer access around station entries</li> <li>• High quality, flexible streetscapes and urban plazas that expand and contract, accommodating both peak commuter flows and general everyday use, including: <ul style="list-style-type: none"> <li>a) strongly activated, pedestrian oriented public domain</li> <li>b) enhancing the amenity and green character of Oxley Street and Hume Street by the inclusion of landscape elements</li> <li>c) integration with proposed through site links to Willoughby Road and the expansion of Hume Street Park</li> </ul> </li> <li>• Building signage should respond to the station design and context <ul style="list-style-type: none"> <li>a) signage to be integrated into the architectural design of the building where possible</li> <li>b) signage zone locations will need to carefully consider the location and visual impacts. Signage zones include, entry wall signs in building lobbies, fascia awning signs, building identification signs, wayfinding signs and sky signs</li> </ul> </li> </ul>	<p>The podium (metro station box) and public domain will be delivered under the CSSI Approval 7400.</p> <p>The Sydney Metro DRP has been involved in the design review process for the OSD and station box to ensure that an appropriate design response is achieved that includes activation of the public domain and a design that responds to the surrounding fine grain character of the area.</p>

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- c) be flush against the building facade
  - d) be of a scale, proportion and form appropriate to its context and the building.
  - e) if illuminated, not cause unacceptable glare or create any other adverse safety or amenity impacts
  - Using appropriate materials and finishes that allow for integration of extensive natural landscaping and respond to local heritage, geography and civic character.
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### **Movement and connectivity**

- Managing pedestrian flow at ground level through seamless Metro entries and OSD lobbies
  - Prioritising pedestrian access to facilitate future pedestrian desire lines to the St Leonards commercial centre, Crows Nest village and the revitalised Hume Street Park
  - Provision of legible, safe and convenient interchange opportunities, including:
    - a) Clear and legible access to bus stops on the Pacific Highway and Willoughby Road
    - b) Facilitating easy access to taxi ranks and kiss-and-ride areas along Clarke Street.
  - Acknowledging the important north – south connection of the Pacific Highway 5. Integrating with North Sydney Council's Crows Nest Placemaking and Principles Study
  - Integrating with North Sydney Council's Crows Nest Placemaking and Principles Study
  - Provision of the following supporting transport infrastructure:
    - a) bicycle parking facilities
    - b) a separated on-road cycle connection on Hume Street, between Clarke Street and Nicholson Street
    - c) signalised crossing on the north-western leg of the Pacific Highway/Oxley Street intersection d) Widened crossings on Oxley Street and Hume Street at the intersections with the Pacific Highway
  - Use of existing and new street trees to reduce the heat island effect and supplement existing planting.
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Clear separation of circulation spaces is proposed at ground level between station and commercial uses by providing separate entrances and signage for the commercial building lobby and the station area, and separate lifts to manage pedestrian movement and flows.

The design of public domain areas around Site C, including street design, traffic control measures and bicycle parking for the station patrons are considered and delivered as part of the CSSI 7400 Approval.

### **Integration and legacy**

- Delivering a high standard of design and finish to promote longevity and adaptability over time
  - Functional integration of the various permissible uses with the Sydney Metro Crows Nest Station that is seamless, simplifying the vertical division and coordination of services wherever possible
    - a) permissible uses should be functionally separated as much as possible at ground level to assist in pedestrian circulation and serviceability
    - b) back-of-house operations and services should be consolidated wherever possible while maintaining any required separation between the OSD and Sydney Metro
    - c) consider and allow for flexible future use of functional spaces and services coordination
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The Applicant's EIS notes that the OSD is designed to seamlessly integrate with the metro station component below and the proposal would be built as an integrated development.

The Sydney Metro DRP has been involved in the design of both the OSD and the station component (CSSI 7400 Approval) ensuring that the development integrates structurally, architecturally and functionally to present as a single development.

- Delivering an over-station development that:
  - a) Does not have any adverse impact on the design and/or operation of the Sydney Metro Crows Nest Station
  - b) Is capable of complete demolition and reconstruction, or major maintenance or modification, without significant interference to the operation of the Sydney Metro Crows Nest Station
  - c) Will allow independent access, servicing and maintenance from normal station activities and operation
  - d) Integrates efficiently with the station structure
  - e) Achieves unity in design through connecting the station entry, podium and built form above the podium, as a single readable piece of architecture including continuity in the façade design and alignment with established horizontal building alignments at lower levels
  - f) Provides visual connectivity between OSD lobbies and the public domain
- Provide a sustainable and resilient development that positively contributes to community health and wellbeing and addresses the principles of ecologically sustainable design. Include design measures to improve energy efficiency, water efficiency, reduce waste, any adverse impacts from climate change.

## Appendix F – 2036 Plan

The Department has considered the proposal against the objectives of the 2036 Plan in **Table 9**.

**Table 9 | Consistency with Design Guidelines**

Objective	Proposal's response
<b>Infrastructure and Collaboration</b> <ul style="list-style-type: none"> <li>-Deliver key State and regional infrastructure to support long-term growth</li> <li>-Enhance quality of life by providing infrastructure to support place outcomes</li> <li>-Coordinate the delivery of infrastructure with growth to ensure infrastructure is available at the right time.</li> </ul>	<ul style="list-style-type: none"> <li>-The Site C proposal is integrated with the Metro station which will support long-term growth within the precinct and support place outcomes</li> <li>-The Metro station is predicted to be completed and operational in 2024. The OSD will be fully integrated with the station when complete.</li> </ul>
<b>Liveability</b> <ul style="list-style-type: none"> <li>-Ensure new development retains and enhances important heritage elements</li> <li>-Retain and enhance the village atmosphere in Crows Nest (particularly Willoughby Road)</li> <li>-Consideration to wind impacts demonstrated through a wind assessment</li> <li>-Consider cumulative impacts of new developments on existing areas</li> <li>-Contain taller buildings between St Leonards Station and Crows Nest Metro Station</li> </ul>	<ul style="list-style-type: none"> <li>-The proposed building height, density and scale is acceptable (<b>Section</b> Error! Reference source not found.)</li> <li>-The architecture, built form and materiality of the proposal considers the local character of Crows Nest</li> <li>-The proposal includes a wind assessment that demonstrates that the proposal will have acceptable wind impacts (<b>Section 6.4</b>)</li> <li>-The proposal would not have unacceptable amenity impacts (<b>Section</b> Error! Reference source not found.)</li> </ul>



<ul style="list-style-type: none"> <li>-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</li> <li>-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</li> <li>-Ensure new development contributes to a range of dwelling types</li> <li>-Investigate and secure locations for education establishments to service the precinct.</li> </ul>	<p>ource not found.)</p> <ul style="list-style-type: none"> <li>-The proposed building height is consistent with the NSLEP and is appropriate in its context. The proposal at 8 storeys is consistent with the new 8 storey increased building height limit proposed along Clarke Street under this plan</li> <li>-The public domain and street frontage character, including awnings, active frontages and street plantings are considered under the CSSI 7400 Approval</li> <li>-The NSW Department of Education has not identified the site for education purposes.</li> </ul>
<p><b>Productivity</b></p> <ul style="list-style-type: none"> <li>-Ensure new employment sites in the area cater to a range of business types and sizes.</li> <li>-Foster development of high technology and health related uses in the light industrial area to support the surrounding hospitals.</li> <li>-New development in mixed-use areas should contribute to the delivery of active streets by providing a range of uses at ground floor</li> </ul>	<ul style="list-style-type: none"> <li>-The proposal provides a flexible and modular office floor layout that could cater to the needs of a range of business types.</li> <li>-The site is not located within the 'light industrial area' adjoining the health precinct.</li> <li>-The CSSI Approval includes retail floorspace at ground floor level to activate surrounding streets.</li> </ul>
<p><b>Sustainability</b></p> <p>No additional overshadowing of public open spaces / places in accordance with the 2036 Plan solar access controls.</p>	<p>The proposal would not result in additional overshadowing in accordance with the identified 2036 Plan solar access controls.</p>

## Appendix G – Recommended Instrument of Consent

<https://www.planningportal.nsw.gov.au/major-projects/project/41106>