

Notice of Decision

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

Application type	State significant development
Application number and project name	SSD - 13852803 Crows Nest Over Station Development – Site C
Applicant	Sydney Metro
Consent Authority	Minister for Planning and Public Spaces

Decision

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

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

A copy of the Department's Assessment Report is available [here](#).

Date of decision

17 December 2021

Reasons for decision

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

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*
- the objects of the Act
- all information submitted to the Department during the assessment of the development application
- the findings and recommendations in the Department's Assessment Report
- the views of the community about the proposal (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision. Additional reasons for making the decision are also recorded in the Department's Assessment Report.

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

- the proposal 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
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent

- the proposal maintains a density, land use, commercial floorspace, and building height consistent with the North Sydney LEP 2013 and the concept approval
- the proposal achieves design excellence and is supported by the Sydney Metro DRP
- the proposal does not include car parking which supports the use of public and sustainable transport options and it would not result in any adverse traffic impacts
- the proposal incorporates appropriate ESD initiatives and sustainability measures for the building
- the proposal is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the proposal 21 June 2021 and 19 July 2021 (29 days) and received two public submissions (one providing comment and the other objecting to the proposal).

The Department also undertook the following consultation activities:

- site visit

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker included built form, density, car parking, noise, overshadowing, privacy, and traffic congestion. Other issues are addressed in detail in the Department's Assessment Report.

Issue	Consideration
Built form and density • 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>
Land use • 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 m² 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 mixed use development which is highly integrated with transport.</p>

Public Domain

- 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 for the Crows Nest metro station.

The Design Guidelines require awnings along the frontage of the proposal.
