

## Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Annie Leung  
**Team Leader**  
**Key Sites Assessments**

Sydney

8 October 2021

### SCHEDULE 1

**Development consent:** **SSD 9579** granted by the Minister for Planning and Public Spaces on 23 December 2020

**For the following:** Concept Development Application for a mixed used development over the approved Crows Nest Metro Station, including:

- three building envelopes, comprising:
  - maximum building envelope heights:
    - Building A: RL 175.6 m
    - Building B: RL 155 m
    - Building C: RL 127m
  - maximum gross floor area (GFA) of 56,400 m<sup>2</sup> including:
    - 43,400 m<sup>2</sup> commercial GFA
    - 13,000 m<sup>2</sup> residential GFA
  - maximum 101 car parking spaces

**Applicant:** Sydney Metro

**Consent Authority:** Minister for Planning and Public Spaces

**The Land:** 447, 479, 491-495, 497, 501, 503, 507, 511 and 521 Pacific Highway and 14 Clarke Street

Lot 100 DP747672, Lot 101 DP747672, Lot A DP442804, Lot 2 DP575046, Lot 1 DP575046, Lot 3 DP655677, Lot 4 DP1096359, SP71539, Lot B DP374468, Lot A DP374468 and Lot 1 DP1223850

**Modification:** SSD 9579 MOD 1 Modification of consent to fix administrative errors, delete duplicate conditions, clarify the interpretation of conditions and insertion of a new condition providing Site C future access to the Site A loading dock

## SCHEDULE 2

The consent (SSD 9579) is modified as follows:

1. Part A – Administrative Conditions – Condition A26 and is amended by the deletion of ~~struck out~~ words and the insertion of **bold and underlined** words as follows:

### CONSULTATION WITH FIRE AND RESCUE NSW

~~A23.~~ **A26** The pedestrian connection interfaces between the various sectors of the precinct must be appropriately assessed by fire engineering analysis with respect to emergency occupant egress, fire and smoke compartmentation, smoke hazard management and firefighting intervention.

2. Part A – Administrative Conditions – Condition A27 is added by the insertion of **bold and underlined** words as follows:

### SERVICING AND LOADING

A27. ***Upon completion of the Site A OSD loading dock, vehicles associated with the operation of the Site C OSD shall be provided with access to the Site A OSD loading dock for the purposes of deliveries, servicing, and loading.***

3. Part B – Prior to Issue of Construction Certificate – Condition B3 and B18 are amended by the deletion of ~~struck out~~ words and the insertion of **bold and underlined** words as follows:

### MAXIMUM BUILDING ENVELOPES

- 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 be achieved subject to demonstration of:
- (a) compliance with the conditions of this concept approval
  - (b) demonstration of design excellence consistency with the Design Guidelines (as amended by **Condition A20**)
  - (c) being wholly contained within the approved building envelopes, with the exception of rooftop enclosure(s) and the Site C articulation zone:
  - (d) Rooftop enclosure can only be used as prescribed under **Condition B4**
  - (e) Articulation zones can only be used as prescribed under **Condition B5**
  - (f) have a building efficiency target of 85% for Site A and 80% for Site B, (building efficiency target is the measure of built form as a percentage of the total volume of the respective building envelope).

### CAR, MOTORCYCLE AND BICYCLE PARKING

- 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
  - ~~(iv) a minimum of 12 accessible spaces.~~
- (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.***

4. Part B – Prior to Issue of Construction Certificate – Condition B33 is deleted by the ~~struck-out~~ words as follows:

**REFLECTIVITY ASSESSMENT**

~~B33. Future development applications for aboveground works shall include a Reflectivity Assessment demonstrating that external treatments, materials and finishes of the development do not cause adverse or excessive glare.~~

**End of modification  
(SSD 9579 MOD 1)**