

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development

**The Hon Robert Stokes MP
NSW Minister for Planning and Public Spaces**

Sydney

23 December 2020

File: EF18/33713

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

CONSOLIDATED CONSENT

SCHEDULE 1

Application Number:	SSD-9579
Applicant:	Sydney Metro
Consent Authority:	Minister for Planning and Public Spaces
Site:	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]
Development:	Concept Development Application for a mixed used development over the approved Crows Nest Metro Station, including: <ul style="list-style-type: none">• three building envelopes, comprising:<ul style="list-style-type: none">○ maximum building envelope heights:<ul style="list-style-type: none">- Building A: RL 175.6 m- Building B: RL 155 m- Building C: RL 127m○ maximum gross floor area (GFA) of 56,400 m² including:<ul style="list-style-type: none">- 43,400 m² commercial GFA- 13,000 m² residential GFA○ maximum 101 car parking spaces

FOR INFORMATION

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SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-9579-Mod-1	8 OCTOBER 2021	Team Leader, Key Sites Assessments	Administrative changes to conditions of consent, including the insertion of a new condition regarding loading arrangements for Site C
SSD-9579-Mod-2	DECEMBER 2021	Team Leader, Key Sites Assessments	Changes to conditions A2, A20, A21 and B8 relating to Design Excellence

FOR INFORMATION

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DEFINITIONS

Applicant	Sydney Metro, or any person carrying out any development to which this consent applies
Concept Proposal	A staged development application in accordance with the EP&A Act
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
Council	North Sydney Council
CSSI Approval	The approval of the CSSI Project (CSSI 15_7400) under the EP&A Act for the construction of the Sydney Metro City and Southwest project, as amended by subsequent modifications
CSSI	Critical State Significant Infrastructure
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS and Response to Submissions and Supplementary RtS comprising the Crows Nest over station development, as modified by the conditions of this consent.
EIS	The Environmental Impact Statement titled 'Concept State Significant Development Application – SSD 18_9579 Sydney Metro City & Southwest Crows Nest Over Station Development' prepared by Sydney Metro and dated November 2018, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Future Development Application(s)	Subsequent development application(s) for detailed proposals pursuant to this consent in accordance with the EP&A Act
GANSW	Government Architect NSW
GFA	Gross Floor Area
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
OSD or over station development	Includes all non-rail related development that may occupy land or airspace above, below or within the immediate vicinity of the Sydney Metro CSSI but excluding space and interface works such as structural elements and services that may be constructed as part of the CSSI approval to make provision for future development.
RtS or Response to submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act. Response to Submissions titled 'Crows Nest Over Station Development Submissions Report Sydney Metro City & Southwest' prepared by Sydney Metro and dated September 2020
SDRP	State Design Review Panel
SRtS	Supplementary Response to Submissions titled 'Crows Nest Over Station Development Submissions Report' prepared by Sydney Metro and dated 20 November 2020
TfNSW	Transport for NSW

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SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

DEVELOPMENT DESCRIPTION

- A1. Consent is granted to the 'Development' as described in Schedule 1 and the Environmental Impact Statement, as amended by the Response to Submissions and supplementary information and the conditions contained in this development consent.

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the EIS, RtS and SRtS;
 - (d) **in accordance with the Section 4.55(1A) Modification Application – Crows Nest Over Station Development – Concept Development Application (SSD 9579) prepared by Ethos Urban, dated December 2021;**
 - (e) in accordance with the management and mitigation measures;
 - (f) In accordance with the approved plans in the table below (as may be amended by the conditions in Schedule 2):

Concept Drawings by Woods Bagot			
Drawing No.	Revision	Title	Date
A-9001	P	Building Envelope Diagrams – Ground Level Plan	26.10.20
A-9002	P	Building Envelope Diagrams – Sections	26.10.20
A-9003	P	Building Envelope Diagrams – Context Views	26.10.20
A-9004	P	Building Envelope Diagrams – Axonometric Views	26.10.20
Design Guidelines by Sydney Metro			
-	V14	Design Quality Guidelines	December 2021

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c), A2(d) or A2(e). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), A2(d) or A2(e), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

DETERMINATION OF FUTURE DEVELOPMENT APPLICATIONS

- A5. Consent is granted to the Concept Proposal as described in Schedule 1 and the EIS (as amended by the RtS and SRtS) and does not authorise the carrying out of any physical works, including construction works, which must be the subject of future development application(s).
- A6. In accordance with Section 4.22 of the EP&A Act, all development under the Concept and the subsequent stages are to be subject of future development applications.
- A7. The determination of future development applications are to be generally consistent with the terms of development consent SSD 9579 as described in Schedule 1 and subject to the conditions in Part B, Schedule 2.

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LAPSING OF APPROVAL

- A8. This consent will lapse five (5) years from the date of consent, unless works associated with the development have physically commenced.
- A9. This consent does not allow any components of the concept development application to be carried out without further approval or prior consent being granted.

LEGAL NOTICES

- A10. Any advice or notice to the consent authority must be served on the Planning Secretary.

PLANNING SECRETARY AS MODERATOR

- A11. In the event of a dispute between the Applicant and a public authority in relation to a requirement in this approval or relevant matter relating to this development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter shall be binding on the parties.

EVIDENCE OF CONSULTATION

- A12. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

PLANNING AGREEMENT(S) / BINDING AGREEMENT(S)

- A13. Prior to the determination of the first Future Development Application for residential development (i.e. Building B), the Applicant or its successors must enter into a Planning Agreement and/or other legally binding agreement to the satisfaction of the Planning Secretary securing the provision of a minimum 5% of approved residential gross floor area for affordable housing for a minimum period of 10 years to be managed by Registered Community Housing Provider. The affordable housing must be provided before the issue of the first Occupation Certificate for the residential GFA.
- A14. The 5% affordable housing shall be constructed on-site, within Building B, or alternatively the Applicant may pay a monetary contribution to Council or a Community Housing Provider equivalent to the development value of the 5% on-site affordable housing (a contribution in lieu). In the event the Applicant makes a contribution in lieu:
- (a) the contribution must be independently verified to confirm it is consistent with the predicted equivalent development value of the 5% on-site affordable housing
 - (b) the resulting off-site affordable housing provision shall be located within North Sydney Local Government Area and shall contain a mixture of unit sizes.

VOLUNTARY PLANNING AGREEMENT / CONTRIBUTIONS

- 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 'Sydney Metro – Crows Nest over station development VPA' reference SM-20-00094429, prepared by Sydney Metro and dated 1 September 2020, including:
- (a) a lump sum prepayment of monetary contribution in lieu of Section 7.11 contribution requirements (as agreed with Council); and
 - (b) a \$2 million monetary contribution for public domain improvements.
- 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.
- A17. The Applicant must comply with the provisions of the Planning Agreement(s) entered into with North Sydney Council under Subdivision 2 of Division 7.1 of Part 7 of the *Environmental Planning & Assessment Act, 1979*, which relates to the project that is the subject of this approval. The Applicant shall continue to liaise with Council and the local community during the development process.
- A18. Any Planning Agreement prepared must be in accordance with Division 7.1 of Part 7 of the EP&A Act.

AIRSPACE PROTECTION

- A19. Prior to the lodgement of any Future Development Application(s), and for the purposes of controlled activities within the protected airspace of Sydney Airport, a separate approval must be obtained from the Commonwealth

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Department of Infrastructure, Regional Development and Cities under the Airports (Protection of Airspace) Regulations 1996 for the part of the building or any construction cranes that penetrate the Obstacle Limitation Surface (156 metres Australian Height Datum).

DESIGN GUIDELINES

~~A20. Prior to the lodgement of the first future development application, the Applicant shall revise the DESIGN GUIDELINES (dated November 2020), to the satisfaction of the Planning Secretary, as set out in Attachment A.~~

DESIGN EXCELLENCE

A21. Prior to the lodgement of the relevant future development applications, the Applicant shall submit a an updated Design Excellence Strategy for Site C and a separate Design Excellence Strategy for Sites A and B to the satisfaction of the Planning Secretary addressing the following:

- (a) independent design review process through use of the Sydney Metro Design Review Panel (for Site C) subject to its Terms of Reference endorsed by GANSW or the State Design Review Panel (for Sites A and B).
- ~~(b) presentation of the Design Excellence Strategy to the Sydney Metro Design Review Panel and seek their advice and endorsement on the design excellence benchmarks for Crows Nest OSD~~
- (c) include a Design Integrity process description, prepared in consultation with GANSW, for the design development and construction documentation phases as required by conditions of this development consent.

Note: Nothing in this condition prevents the submission of separate Design Excellence Strategies for individual sites.

A22. The endorsed Design Excellence Strategy in accordance with the above condition is applicable only to Crows Nest OSD and is not endorsed under this consent as a Strategy which applies to other sites.

APPLICABILITY OF GUIDELINES

A23. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

A24. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

CONSULTATION WITH FIRE AND RESCUE NSW

A25. Fire and Rescue NSW must be consulted with respect to the operational compatibility of the Precinct's proposed fire and life safety systems and their configuration at the project's preliminary and final design phases.

~~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.

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.**

END OF PART A

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PART B CONDITIONS TO BE SATISFIED IN FUTURE DEVELOPMENT APPLICATION(S)

MAXIMUM BUILDING ENVELOPES

- 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.
- B2. Building height and gross floor area is to be measured in accordance with the definitions under North Sydney Local Environmental Plan 2013
- B3. The maximum achievable gross floor area (GFA) for the non-station related floor space is 56,400 m² (including 43,400 m² commercial and 13,000 m² residential GFA), **comprising a maximum of 40,300 m² (commercial) on Site A, 13,000 m² (residential) on Site B, and 3,100 m² (commercial) on Site C**. This amount can only be achieved subject to demonstration of:
- compliance with the conditions of this concept approval
 - demonstration of design excellence consistency with the Design Guidelines (as amended by **Condition A20**)
 - being wholly contained within the approved building envelopes, with the exception of rooftop enclosure(s) and the Site C articulation zone:
 - Rooftop enclosure can only be used as prescribed under **Condition B4**
 - Articulation zones can only be used as prescribed under **Condition B5**
 - 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).

ROOFTOP ENCLOSURES

- 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:
- roof enclosure above Building B or C must demonstrate consistency with clauses 4.3A or 5.6 of the NSLEP as applicable
 - 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.
 - 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
 - roof enclosures shall not have an unacceptable amenity impacts, particularly in terms of adverse:
 - overshadowing of residential properties and public open spaces,
 - loss of outlook.
 - roof enclosures shall not include GFA and shall not be reasonably capable of modification to include GFA.

SITE C ARTICULATION ZONES

- B5. Use of the Site C Articulation Zones is only permitted as part of future development application(s) when the following requirements are met:
- Articulation Zones shall only be for the purpose of architectural features, projections, balustrades, awnings and the like
 - Built form must occupy no more than a maximum of 25% of the total volume of the Articulation Zones
 - no GFA is provided within the Articulation Zone above RL 127 (height of building envelope excluding rooftop enclosure).

DESIGN EXCELLENCE

- B6. The detailed development applications shall demonstrate consistency with the:
- Design Guidelines as endorsed by the Planning Secretary pursuant to **Condition A20**
 - Design Excellence Strategy as endorsed by the Planning Secretary pursuant to **Condition A21**
 - conditions of this consent.

BUILT FORM AND URBAN DESIGN

- B7. All future development applications for new built form must include:
- detailed plans, elevations and sections
 - artist's perspectives and photomontages

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- c) a design statement demonstrating the design quality of the proposed development and having regard to the character of surrounding development
- B8. ~~Consideration of the approved Design Guidelines (Condition A20)~~ Future development applications shall address the following:
- (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:
 - (i) the design objectives of the Concept Development Application
 - (ii) consistency with the approved Design Guidelines ~~as amended by Condition A14~~
 - (iii) the DEEP's Design Excellence Report
 - (iv) the advice of the DRP ~~(under Condition A15)~~
 - (v) the conditions of this consent.
 - (b) the DIR as required by ~~this condition~~ ~~Condition B7(b)~~ must include a summary of feedback provided by the ~~SDRP State DRP or Sydney Metro DRP (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.
- B9. 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.
- B10. Future development application(s) shall include an Access Report demonstrating that the development achieves an appropriate degree of accessibility.

FUTURE RESIDENTIAL AMENITY

- B11. Future development application(s) relating to residential use shall demonstrate that adequate regard has been given to the State Environmental Planning Policy 65 – Residential Apartment Development and the residential guidelines within the associated Apartment Design Guide.

OVERSHADOWING

- 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.

PUBLIC AND PRIVATE VIEWS

- B13. 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.

PUBLIC ART

- B14. Future Development Application(s) for Site A and Site B shall include a Public Art Strategy (PAS) for the inclusion of public art within the development. The PAS shall be prepared in consultation with Council.

TRAFFIC AND TRANSPORT

- 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

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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.

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**
- B19. Notwithstanding the maximum car parking limit (**Condition B18**), further development application(s) shall explore opportunities to future reduce the total number of car parking spaces below the total permitted maximum limit with the objective to reduce private car ownership and promote use of active and public transport.
- B20. Future development applications must include a Car Parking Strategy and Management Plan adopting the maximum car and motorcycle parking limits above.
- B21. Traffic Impact Assessment (Condition B15), Green Travel Plan (Condition B17) and Car Parking Strategy and Management Plan (Condition B20) prepared under the relevant conditions of this development consent must consider rates and design of bicycle parking and end-of-trip facilities specified within the North Sydney Development Control Plan 2013 unless it can be satisfactorily demonstrated that the full amount is not capable of being accommodated on site due to unavoidable site or design constraints. In such circumstances, future development application(s) shall provide the maximum number of spaces and end of trip facilities capable of reasonably being accommodated on the site.

WIND IMPACT ASSESSMENT

- B22. Future development applications for aboveground works shall be accompanied by a Wind Impact Assessment including computer modelling and wind tunnel testing which:
- (a) assesses the existing and proposed wind environment including the cumulative impact of existing and proposed tower developments adjoining and nearby the site
 - (b) demonstrates spaces within and around the site are suitable for their intended purpose
 - (c) includes mitigation measures to address adverse wind conditions, where necessary.

CONSTRUCTION TRAFFIC, ACCESS AND PARKING ASSESSMENT

- 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:
- (a) construction car parking strategy
 - (b) haulage movement numbers / routes including contingency routes
 - (c) detailed travel management strategy for construction vehicles including staff movements
 - (d) maintaining property accesses
 - (e) maintaining bus operations including routes and bus stops
 - (f) maintaining pedestrian and cyclist links / routes
 - (g) independent road safety audits on construction related traffic measures
 - (h) measures to account for any cumulative activities / work zones operating simultaneously.
- 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.

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ENVIRONMENTAL PERFORMANCE / ESD

- 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.

SECURITY AND CRIME ASSESSMENT

- B26. Future development application(s) shall include a Crime Prevention Through Environmental Design (CPTED) report, prepared in consultation with NSW Police and including method(s) / treatment(s) to ensure that all buildings, spaces and places within and around the development are safe and secure and the opportunity for crime has been minimised in accordance with CPTED principles. The future development is to have regard to the recommendations contained within the submission by NSW Police on the Concept SSD.

OPERATIONAL NOISE AND VIBRATION

- B27. Future development applications shall be accompanied by a Noise and Vibration Impact Assessment (NVIA) that demonstrates the following requirements are met:
- (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.
 - (b) vibration from construction activities does not exceed the vibration limits established in British Standard *BS7385-2:1993 Excavation and measurement for vibration in buildings. A guide to damage levels from groundborne vibration.*
 - (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.
- 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.
- 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.

OPERATIONAL WASTE

- 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.

FLOODING AND STORMWATER ASSESSMENT

- B31. Future development applications shall be accompanied by a Flood and Stormwater Impact Assessment.

CONTAMINATION ASSESSMENT

- 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 accordance with the State Environmental Planning Policy No 55 - Remediation of Land and the associated guidelines.

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.~~

ARCHAEOLOGICAL AND ABORIGINAL CULTURAL HERITAGE ASSESSMENT

- 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:
- (a) Artefact 2016, Sydney Metro City and Southwest, Chatswood to Sydenham: Aboriginal Cultural Heritage Assessment

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- (b) Artefact 2016, Sydney Metro City and Southwest, Chatswood to Sydenham: Aboriginal Heritage – Archaeological Assessment.

AIRSPACE PROTECTION

- B35. Future detailed development applications for aboveground works must ensure future development complies with the following requirements:
- (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.
 - (b) the tallest building at the site (proposed Building A at the northernmost extent of the site as indicated in the Aeronautical Impact Assessment V2.1 dated 1 November 2018) must be obstacle lit by medium intensity steady red lighting during hours of darkness at the highest point of the building. Obstacle lights are to be arranged to ensure the building can be observed in a 360 degree radius as per subsection 9.4.3 of the Manual of Standards Part 139 – Aerodromes (MOS Part 139). Characteristics for medium intensity lights are stated in subsection 9.4.7 of MOS Part 13A.
 - (c) the Proponent must ensure that the obstacle lighting has a built-in alarm system that will provide remote monitoring to notify the person responsible for the maintenance of the building's obstacle lighting. The designated person must be available 24 hours per day, 7 days per week. Immediate action must be taken to repair the obstacle lighting and notify Sydney Airport of any outage. Contact details for the person responsible for the obstacle lighting must be provided to Sydney Airport prior to the completion of the building construction and kept up to date.
 - (d) the proponent must advise Airservices Australia at least 3 business days prior to the controlled activity commencing by emailing ifp@airservicesaustralia.com and quoting YSSY-CA-146.
 - (e) as soon as construction commences, the Proponent must complete the Vertical Obstacle Notification Form for tall structures and submit the completed form to AirServices Australia.
 - (f) separate approval must be sought under the *Airports (Protection of Airspace) Regulations 1996* for any construction equipment (i.e. cranes) required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained prior to any commitment to construct.
 - (g) within 7 days of completion of each building, the Proponent must provide the airfield design manager at Sydney Airport with a written report from a registered surveyor on the finished height of the building.

UTILITIES

- B36. Future development application(s) shall include a Utility Services Infrastructure Assessment (USIA) which addresses the existing capacity and any augmentation requirements of the development for the provision of utilities, including staging of infrastructure. The USIA shall be prepared in consultation with relevant agencies and service providers.

STRUCTURE

- B37. Future development application(s) shall include a Structural Report that demonstrates the proposal can be constructed in accordance with the Building Code of Australia.

CONSTRUCTION IMPACT ASSESSMENT

- B38. All future development applications must provide an analysis and assessment of the impacts of construction and include:
- (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)
 - (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)
 - (c) Community Consultation and Engagement Plans
 - (d) Construction Waste Management Plan
 - (e) Air Quality Management Plan.
- 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

CONSOLIDATED CONSENT

Construction Environmental Management Framework and Construction Noise and Vibration Strategy prepared for the Sydney Metro City and Southwest (CSSI 7400).

END OF PART B

FOR INFORMATION

ADVISORY NOTES

Appeals

- AN1 The Applicant has the right to appear to the Land and Environment Court in the matter set out in the EP&A Act and the EP&A Regulation (as amended)
- AN2 The Applicant is solely responsible for ensuring all additional consents and agreements are obtained from other authorities, as relevant

ATTACHMENT A – AMENDMENTS TO DESIGN AND AMENITY GUIDELINES (CONDITION A14)

The Design Guidelines titled ‘*Crows Nest Over Station Development Design Quality Guidelines*’, prepared by Sydney Metro and dated November 2020 shall be amended as shown by the insertion of the following bold and underlined words/numbers and deletion of ~~bold and struck out~~ words/numbers).

1) On page 17 ‘Built Form Above the Podium’ amend this section by adding a new points ‘15 and 16’ as follows:

15. Buildings A and B shall be subject to the following building efficiency controls. Future buildings shall not fill the relevant building envelope to a volume greater than the following controls:

- Building A: maximum 85%
- Building B: maximum 80%

16. Any above ground car parking shall be architecturally integrated into the design of the building and treated so that it is screened from view from surrounding streets.

2) On page 19 ‘Building Articulation’ amend the ‘Horizontal and Vertical Modulation’ sub-section by adding new points ‘3, 4 and 5’ as follows:

3. Any horizontal building modulation incorporated into the facades of Building A and B should acknowledge and respond to the heights and horizontal datums of immediately adjoining and surrounding buildings to the site

4. 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

5. 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.

3) On page 20 ‘Building Articulation’ amend the ‘Façade and Building Articulation’ sub-section by deleting points ‘2, 3, 4 and 5’ as follows:

~~2. A minimum of 15% of the building envelope is recommended to be used for architectural articulation~~

~~3. A maximum floor plate depth of 27.5m~~

~~4. A maximum floor plate area of 2750m² (GFA)~~

~~5. Any articulation which is proposed beyond the defined building envelope should be supported by detailed solar and architectural analysis and agreed during the design excellence process~~

4) On page 20 ‘Building Articulation’ amend the ‘Façade and Building Articulation’ sub-section by adding new points ‘2, 3, 4 and 5 and 6’ as follows:

2. The Pacific Highway and Clarke Lane elevations of Building A shall include at least two vertical breaks to ensure those elevations present as multiple built forms, comprising recesses each with dimensions no less than 5 m by 3 m for the full height of the building (above the podium).

3. The Pacific Highway and Clarke Lane elevations of Building B shall include at least one vertical break to ensure those elevations present as multiple built forms, comprising a recess with dimensions no less than 5 m by 3 m for the full height of the building (above the podium) or

4. Buildings shall include additional articulation, modulation and façade treatments to provide distinctive visual breaks along 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.

~~5. Buildings shall include contemporary architectural expression and elements that create a sense of scale and rhythm on the facades to be employed to add to the richness of architecture at the locality~~

~~6. 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.~~