

## Modification of Development Consent

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

As delegate of the Minister for Planning, 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

14 January 2022

### SCHEDULE 1

<b>Development consent:</b>	<b>SSD 9579</b> granted by the Minister for Planning and Public Spaces on 23 December 2020
<b>For the following:</b>	Concept Development Application for a mixed used development over the approved Crows Nest Metro Station, including: <ul style="list-style-type: none"><li>• three building envelopes, comprising:<ul style="list-style-type: none"><li>○ maximum building envelope heights:<ul style="list-style-type: none"><li>– Building A: RL 175.6 m</li><li>– Building B: RL 155 m</li><li>– Building C: RL 127m</li></ul></li><li>○ maximum gross floor area (GFA) of 56,400 m<sup>2</sup> including:<ul style="list-style-type: none"><li>– 43,400 m<sup>2</sup> commercial GFA</li><li>– 13,000 m<sup>2</sup> residential GFA</li></ul></li><li>○ maximum 101 car parking spaces</li></ul></li></ul>
<b>Applicant:</b>	Sydney Metro
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>The Land:</b>	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
<b>Modification:</b>	SSD 9579 MOD 2 Modification of consent to amend conditions A2, A20, A21 and B8 relating to Design Excellence

## SCHEDULE 2

The consent (SSD 9579) is modified as follows:

1. Part A – Administrative Conditions – Condition A2 is amended by the insertion of **bold and underlined** words as follows:

### 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			
:	<b><u>V14</u></b>	<b><u>Design Quality Guidelines</u></b>	<b><u>December 2021</u></b>

2. Part A – Administrative Conditions – Condition A20 is deleted as follows:

### ~~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.~~

3. Part A – Administrative Conditions – Condition A21 is amended by the deletion of ~~struck out~~ words and the insertion of new words are shown in **bold and underlined** as follows:

## 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.**

4. Part B – Conditions to Be Satisfied in Future Development Applications – Condition B8 is amended by the deletion of ~~struck-out~~ words and the insertion of **bold and underlined** words as follows:

~~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 State DRP or Sydney Metro 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.

5. Attachment A is deleted as follows:

### **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 2750m<sup>2</sup> (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 these 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 these 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 are 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.~~

End of modification  
(SSD 9579 MOD 2)