

Department of Planning, Housing and Infrastructure

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Crows Nest Over Station Development Detailed Design SSD for Site B

State Significant Development Assessment Report (SSD 61400212)

February 2026





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Executive Summary

1. This report details the NSW Department of Planning, Housing and Infrastructure's (the Department) assessment of a State significant development (SSD) application for the Crows Nest Over Station Development Site B (SSD 61400212).
2. The application follows the Concept Approval for the Crows Nest Over Station Development (SSD-9579) which approved land uses and building envelopes for three development sites above the station infrastructure, comprising two office towers (Sites A and C) and a residential tower (Site B).
3. This report will be provided to the Independent Planning Commission (IPC) for its consideration when deciding whether to grant development consent to the proposal.
4. The application was lodged by Thirdiproperty Pty Ltd (the Applicant) and seeks consent for the detailed design and construction of a residential tower above the Crows Nest Metro Station at Site B. The proposal comprises 122 dwellings, the use of ground floor commercial tenancies and podium car parking for 78 vehicles.
5. The proposal has an estimated development cost (EDC) of \$85,634,000 and is expected to generate 550 construction jobs, 70 operational jobs and deliver 122 dwellings.
6. The proposal is classified as SSD under section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it satisfies the criteria under Schedule 1 of State Environmental Planning Policy (Planning Systems) 2021, being residential development with an EDC of more than \$30 million within a rail corridor and associated with rail infrastructure. The proposal is located directly above and integrated with the Crows Nest Metro Station.
7. The IPC is the consent authority for the proposal under section 4.5(a) of the EP&A Act because it satisfies criteria under section 2.7(1) of the Planning Systems SEPP, being development in respect of which Council has made a submission by way of objection.
8. The Department exhibited the environmental impact statement (EIS) between 15 November and 12 December 2024. During the exhibition period, the Department received:
 - five submissions from the public (one objection and four in support)
 - a submission from the North Sydney Council (Council) objecting to the proposal
 - advice from 10 government agencies and service providers.
9. Key concerns raised related to building separation, amenity impacts, bulk and scale, car parking and waste management.

10. The Applicant submitted an Amendment Report on 22 August 2025 seeking to replace a residential floor with an additional level of car parking, which reduced the number of apartments by eight and increased the number of car parking spaces by 23. The Amended Proposal follows the approval of a modification to the Concept Approval (SSD-9579-MOD-3), which changed the allocation of car parking between Sites A and B and reduced the overall number of car parking spaces from 101 to 78 across the precinct.
11. The Amended Proposal was also accompanied by a response to submissions (RtS) report addressing the issues raised in submissions and agency advice.
12. The Department exhibited the Amendment Report and RtS between 5 September and 18 September 2025. The Department received:
 - three submissions from the public (one objection and two in support)
 - a submission from the Council objecting to the proposal
 - advice from eight government agencies and service providers.
13. Key concerns raised related to residential amenity, bulk and scale, car parking and waste management.
14. The Department has considered the merits of the proposal in accordance with the relevant matters under section 4.15(1) of the EP&A Act, the issues raised in the submissions, the Applicant's response and additional information.
15. The Department considers the proposal is acceptable as it:
 - is consistent with the relevant strategic planning framework and Government's priorities in delivering housing supply at a highly accessible location above the Crows Nest Metro Station, including affordable housing
 - is consistent with the approved Concept Approval for Crows Nest OSD and the development standards applicable to the site under the North Sydney Local Environmental Plan (LEP) 2013
 - provides a built form that is compatible with the desired future character of Crows Nest Transit Orientated Accelerated Precinct
 - achieves design excellence in its architectural expression, use of high-quality materials, residential amenity and positive contribution to the public domain
 - is consistent with the approved maximum parking rates under the Concept Approval, which limits car parking across the precinct to maximise public transport use
 - does not result in any unreasonable impacts on adjoining or nearby properties and public domain.

16. For these reasons, the Department considers the proposal is in the public interest and is recommended for approval, subject to conditions.

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1 Introduction

1.1 Project location

17. The site is located at 25 Hume Street, Crows Nest and forms one of three over station development sites above the Crows Nest Metro Station.
18. The site location is shown in Figures 1 and 2 Figure 2, and further location details are described in Table 1.



Figure 1 | Aerial image of the Crows Nest Over Station Development, including the subject site, Site B (Source: Applicant's EIS)



Figure 2 | Approved building envelopes under the Concept Approval – Crows Nest Over Station Development, including Site B in its context (Source: Applicant’s EIS)

Table 1 | Key aspects of the proposal site

Aspect	Description
Address	25 Hume Street, Crows Nest
Local Government Area (LGA)	North Sydney Council
Legal description	Lot 3, DP 1296669
Site area	1,871 m ²
Existing development	Crows Nest Metro Station has been constructed on the site and comprises commuter bicycle storage and station plant and services.
Surrounding roads	The site has frontage to the Pacific Highway to the west, Hume Street to the north and Hume Lane to the east.
Topography	The site is generally flat with a gentle fall from south to north.
Public transport	<ul style="list-style-type: none"> Directly above Sydney Metro Crows Nest Station.

- 600 m to St Leonards Train Station (T1)
- Bus stops along Pacific Highway with services to North Sydney and North West.

Heritage

The site does not contain any heritage items and is not in a heritage conservation area.

Flooding

The site is not subject to flooding in the 1% AEP or PMF storm events. However, flooding during the 1% AEP event occurs in the surrounding road network at the intersection of Hume Street and Clarke Street to the north of the site, with flood depths of up to 240mm at the intersection (H1 hazard).

1.2 Related proposals and works

1.2.1 Sydney Metro City and Southwest Metro (CSSI 7400)

19. On 9 January 2017, the former Minister for Planning granted Critical State significant infrastructure (CSSI) approval for the Sydney Metro City & Southwest Chatswood to Sydenham (CSSI 7400), which in relation to Crows Nest station, allows:

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

20. The Crows Nest Metro Station has been constructed and is currently in operation.

1.2.2 Approved Concept Development

21. On 23 December 2020, the Minister for Planning and Public Spaces approved the Concept Proposal for the Crows Nest Over Station Development (SSD-9579), providing for a mixed use development over the Crows Nest Metro Station described as:

- three building envelopes, comprising
 - maximum building envelope heights:

- Building A: RL 175.6 m
 - Building B: RL 155 m
 - Building C: RL 127 m
 - maximum gross floor area (GFA) of 56,400 m² including:
 - 43,400 m² commercial GFA
 - 13,000 m² residential GFA
 - maximum 101 car parking spaces
22. The Concept Approval has since been modified on three occasions by the Department under delegation of the Minister for Planning and Public Spaces:
- Section 4.55(1A) SSD-9579-MOD-1 to change administrative matters within the conditions of consent relating to GFA distribution, rooftop design, car parking and loading.
 - Section 4.55(1A) SSD-9579-MOD-2 to change conditions relating to design excellence to enable design review for Sites A and B by the State Design Review Panel rather than the Sydney Metro Design Review Panel.
 - Section 4.55(1A) SSD-9579-MOD-3 to redistribute the approved car parking to remove all car parking from Site A and allocate 23 spaces to Site B, reducing the overall parking provision from 101 to 78 spaces.

1.2.3 Site A

23. An Amending Concept SSD application and detailed design SSD for Site A, lodged by Thirdi Crows Nest Commercial Developments Pty Ltd, is currently under assessment by the Department. The proposals seek:
- to alter the approved Concept SSD for the Crows Nest Over Station Development in relation to Site A to amend the building envelopes and change the use from commercial premises to residential premises
 - construct and operate Site A as three residential towers, two for build-to-rent apartments and one for affordable housing dwellings.

1.2.4 Site C

24. On 17 December 2021, the Director, Key Sites and TOD Assessments, approved the detailed design and construction of an eight storey commercial office building above the metro station. Site C was constructed by Sydney Metro and is now operational.

2 Proposal

2.1 Proposal overview

25. The proposal seeks approval for the detailed design and construction of a residential tower at Site B above the completed Crows Nest Metro Station. Key components of the proposal are provided in Table 2 and shown in Figures 3 and 4 below:

Table 2 | Key aspects of the proposal

Aspect	Description
Built form	<ul style="list-style-type: none">• 15 storeys above the Crows Nest Metro Station, comprising:<ul style="list-style-type: none">○ three levels of podium car parking○ 12 levels of residential accommodation○ rooftop private terraces and communal open space
Gross floor area (GFA)	<ul style="list-style-type: none">• 12,987 m² of residential GFA• use of 361 m² of non-residential GFA within the existing station podium
Floor space ratio (FSR)	<ul style="list-style-type: none">• 7.43:1
Building height	<ul style="list-style-type: none">• 18 storeys (RL 158)
Parking	<ul style="list-style-type: none">• 78 car parking spaces• 156 bicycle spaces• two motorcycle spaces
Access	<ul style="list-style-type: none">• Vehicle lift and loading dock accessed off Clarke Lane
Dwellings	<ul style="list-style-type: none">• 122 dwellings (including 5% of the approved residential floor area as affordable dwellings for 10 years)<ul style="list-style-type: none">○ 40 x 1 Bedroom○ 63 x 2 Bedroom○ 19 x 3 Bedroom
EDC	<ul style="list-style-type: none">• \$85,634,000
Employment	<ul style="list-style-type: none">• 550 construction jobs• 70 operational jobs



Figure 3 | Crows Nest Metro Station viewed in the context of existing surrounding development



Figure 4 | Artist impression of Site B, viewed from the intersection of Hume Street and Pacific Hwy

3 Policy and Statutory Context

3.1 Housing supply

- 26. The NSW Government has an aspirational target of 377,000 well-located homes over the next five years. This policy is in support of the National Housing Accord that provides a national target of delivering 1.2 million new, well-located homes over five years to 2029.
- 27. The proposal will contribute to housing supply for affordable and market housing in the North Sydney area.

3.2 Permissibility and assessment pathway

- 28. Details of the legal pathway under which consent is sought, and the permissibility of the proposal are provided in Table 3 below:

Table 3 | Permissibility and assessment pathway

Consideration	Description
Assessment pathway	The proposal is declared SSD under section 4.36 of the EP&A Act as it satisfies the criteria under section 2.6(1) of the State Environmental Planning Policy (SEPP) (Planning Systems) 2021, being development involving commercial and residential development with an ESD of more than \$30 million within a rail corridor in accordance with clause 19 of Schedule 1 of SEPP (Planning Systems) 2021.
Consent authority	The IPC is the declared consent authority under section 4.5(a) of the EP&A Act and section 2.7(1) of the Planning Systems SEPP, as Council has made a submission by way of objection.
Permissibility	The proposal is permissible with consent under the North Sydney Local Environmental Plan (LEP) 2013.

3.3 Other approvals and authorisations

- 29. Under section 4.41 of the EP&A Act, a number of other authorisations required under other Acts are not required for SSD. This is because all relevant issues are considered during the assessment of the SSD application.
- 30. The Department has consulted with and considered the advice of the relevant government agencies responsible for these other authorisations in its assessment of the proposal (see Section 4 and Section 5 of this report). Suitable conditions have been included in the recommended conditions of consent (see Appendix F).

3.4 Planning Secretary's environmental assessment requirements

31. The Department's review determined that the EIS addresses each matter set out in the Planning Secretary's environmental assessment requirements (SEARs) issued on 25 August 2023 and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

3.5 Mandatory matters for consideration

32. Mandatory matters for consideration include:
 - matters of consideration required by the EP&A Act
 - objects of the EP&A Act and ecologically sustainable development (ESD)
 - biodiversity
 - matters of consideration required by the EP&A Regulation
 - matters of consideration required by environmental planning instruments (EPIs).
33. The Department's consideration of these matters is summarised in **Appendix D**. As a result of this consideration, the Department is satisfied that the development meets these statutory requirements.

4 Engagement

4.1 Exhibition

4.1.1 Public exhibition

34. After accepting the development application and EIS, the Department:
 - publicly exhibited the proposal from 15 November until 12 December 2024 on the NSW Planning Portal
 - notified occupiers and landowners in the vicinity of the site about the public exhibition
 - notified and invited comment from relevant Government agencies and Council
 - undertook a site visit to better understand the context of the site and surroundings.
35. As a result of the public exhibition, the Department received:
 - five public submissions (one objection and four in support)
 - an objection from Council
 - advice from 10 government agencies.
36. Following the public exhibition, the Department requested the Applicant to respond to the issues raised in submissions and advice received from government agencies and Council.
37. In response, the Applicant provided an Amending Report and response to submissions (RtS) report on 22 August 2025.
38. The Department exhibited the Amending Report and RtS on the NSW Planning Portal from 5 September until 18 September 2025 and forwarded them to the relevant government agencies and Council for comment.
39. As a result of the public exhibition, the Department received:
 - three public submissions (one objection and two in support)
 - an objection from Council
 - advice from eight government agencies.

4.1.2 Summary of advice received from government agencies

40. A summary of the agency advice is provided in Table 4. A link to the full copy of the advice is provided in **Appendix A**.

Table 4 | Summary of agency advice

Agency	Advice summary
NSW Department of Climate Change, Energy, the Environment and Water, Water Group (DCCEEW Water Group)	DEECCW Water Group considered the proposal has adequately addressed relevant requirements.
Heritage NSW	Heritage NSW noted that the subject site is not listed on the State Heritage Register (SHR), nor is it in the immediate vicinity of any SHR items. Further, the site does not contain any known historical archaeological relics.
Aboriginal Cultural Heritage (ACHNSW)	ACHNSW noted that Aboriginal Cultural Heritage matters were assessed and addressed under the approved Crows Nest Over Station Development (SSD 9579) and Sydney Metro – Chatswood to Sydenham (SSI 7400) approvals.
Fire and Rescue NSW (FRNSW)	FRNSW submit no comments or recommendations for consideration, nor any requirements beyond that specified by applicable legislation at this stage.
Transport for NSW (TfNSW)	TfNSW provided recommended conditions relating to civil works, road occupancy licence, green travel plan, construction impact and servicing.
Sydney Metro	Sydney Metro recommended a condition requiring the Applicant to provide a summary of all OSD design loads that will be transferred to the station support elements below.
Civil Aviation Safety Authority (CASA)	CASA has determined the proposed building will not constitute a significant hazard to aircraft operations under the regulation 139.180(1) of the <i>Civil Aviation Safety Regulations 1998</i> . CASA advised that it has not assessed any impacts from cranes but noted it has provided recommendations for much taller cranes in the St Leonards area.
Airservices Australia	Raised no objection and noted associated crane operations would be forwarded to Sydney Airport for assessment as per the <i>Airports (Protection of Airspace) Regulations 1996</i> .
Ausgrid	Raised no objection to the proposal, subject to appropriate consideration of existing above and below ground powerlines and associated infrastructure and noted the Applicant will need to discuss new connections and load requirements directly with Ausgrid.

4.1.3 Summary of Council submissions

41. Council objected to the proposal as part of the exhibition of the EIS and again following the receipt of the Applicant's Amending Report.
42. Issues raised by Council are summarised below and a link to all submissions in full is provided in Appendix C.

Table 5 | Summary of Council submissions

Summary of Council's submissions	
	<ul style="list-style-type: none">• The proposal envisages the maximum in-fill of the approved building envelope, which will create significant and excessive bulk and scale, with limited articulation or setbacks to enable the building to fit appropriately within the surrounding area and adjoining buildings and will exacerbate the appearance of significant bulk of buildings along the Pacific Highway.• The proposal gives insufficient regard to the placement of the envisaged residential usage on neighbouring sites, particularly with regard to building setbacks, parking podium and streetscape interfaces, thereby compromising future residential amenity.• The proposal has not provided sufficient bicycle spaces, end of trip facilities, or carwash bays, to meet the needs of future residents and occupants of the building.• Inadequate traffic and transport assessment considerations.• Waste management arrangements do not comply with Council's DCP requirements and are not appropriate for the size and scale of the development.• The proposal underplays the social impact of the development upon the area and the diverse needs of the community with regard to community spaces and affordable/social housing.

4.1.4 Summary of public submissions

43. The Department received five public submissions during the exhibition period of the EIS (one objection and four in support) and a further three public submissions during the exhibition period of the Amending Report (one objection and two in support).
44. The key issues raised in the public submissions are provided in Table 6. A link to all public submissions in full is provided in Appendix A.
45. The Department's detailed consideration of community views is provided in Appendix B.

Table 6 | Key issues raised in public submissions

Summary of public submissions	
Objection	<ul style="list-style-type: none">• Inconsistent with the long-term planning to locate jobs near dwellings in the area

- The sudden shift to prioritise housing through accelerated high rise and increased density
- The proposal undermines good long term planning principles and the opportunity for well-considered density.
- The lack of separation between the site and adjacent development will create an obtrusive canyon effect, undermining and overwhelming the fine grain character of Willoughby Road.
- Inadequate setbacks limit landscaping to offset the heat impact of the building.
- Excessive bulk and scale will compromise solar access to the public domain limiting landscaping and open space options.
- The decision to sacrifice housing for car parking, represents a direct repudiation of the principles of transit-orientated development.
- The proposal represents a significant overdevelopment of the site that will have lasting negative impacts on the amenity of the Crows Nest area and sets a poor precedent for future integrated transport projects.
- The proposal fails to satisfy key Secretary's environmental assessment requirements.

**Support /
Comment**

- Given the housing supply crisis in Sydney, it is crucial this project be approved as soon as possible.
- Provides much needed dwellings, directly above the metro site, is a great opportunity.
- This development aims to transform Crows Nest into a much better place and therefore deserves support from the wider community.
- Following the opening of the world-class Chatswood-Sydenham Metro it has been important develop housing close to the stations along this line to help alleviate Sydney's housing crisis.
- Crows Nest, with its metro station that gets you quickly (just 10 minutes!) into the CBD, lots of commercial real estate and proximity to major arterial roads and freeways, is an ideal location for greater housing.
- This is a well thought out development - it has residential housing, retail and commercial space and car parking all involved.

5 Assessment

46. The Department has undertaken a detailed assessment of the merits of the proposal and carefully considered all documentation submitted by the Applicant, all issues raised in submissions and all advice provided by government agencies.
47. The issues below are considered by the Department to be key assessment issues and are discussed in the following sections:
 - built form
 - residential amenity
48. The Department's consideration of other issues is described in Section 5.3 and the appendices of this report.

5.1 Built Form

5.1.1 Building envelope

49. The Concept Approval established a maximum building envelope for the proposal, with a maximum height of RL 158, a residential GFA of 13,000 m² and a building envelope efficiency of 80%.
50. The proposal seeks approval for the design and construction of a residential tower, above the constructed Metro station box, accommodating 122 apartments within the approved building envelope (see Figure 5).
51. Council raised concerns the Applicant's calculation of GFA was inaccurate, particularly the exclusion of internal circulation corridors. Council considered this results in the built form filling the entire approved building envelope, creating significant and excessive bulk and scale.
52. In response, the Applicant reviewed the calculation of GFA, redesigned the internal corridors and included the enclosed circulation spaces in the revised GFA/FSR calculations. Further, following the approval of MOD 3 to the Concept Approval, which reallocated parking between Sites A and B, the proposal was amended to replace a residential level with an additional parking level.
53. The Department accepts the proposal, as amended, is wholly contained within the approved building envelope and is consistent with the Concept Approval, noting the proposal:
 - has a maximum building height of RL 158, inclusive of plant, lift overrun and architectural roof feature, while the remainder of the built form is below RL 155

- has a total residential GFA of 12,987 m², which complies with the maximum residential GFA of 13,000 m²
- occupies 78.6% of the volume of the building envelope and is below the maximum 80% permitted under the Concept Approval. The building efficiency requirement is intended to ensure the proposed building would include appropriate building articulations (see Section 5.1.3).

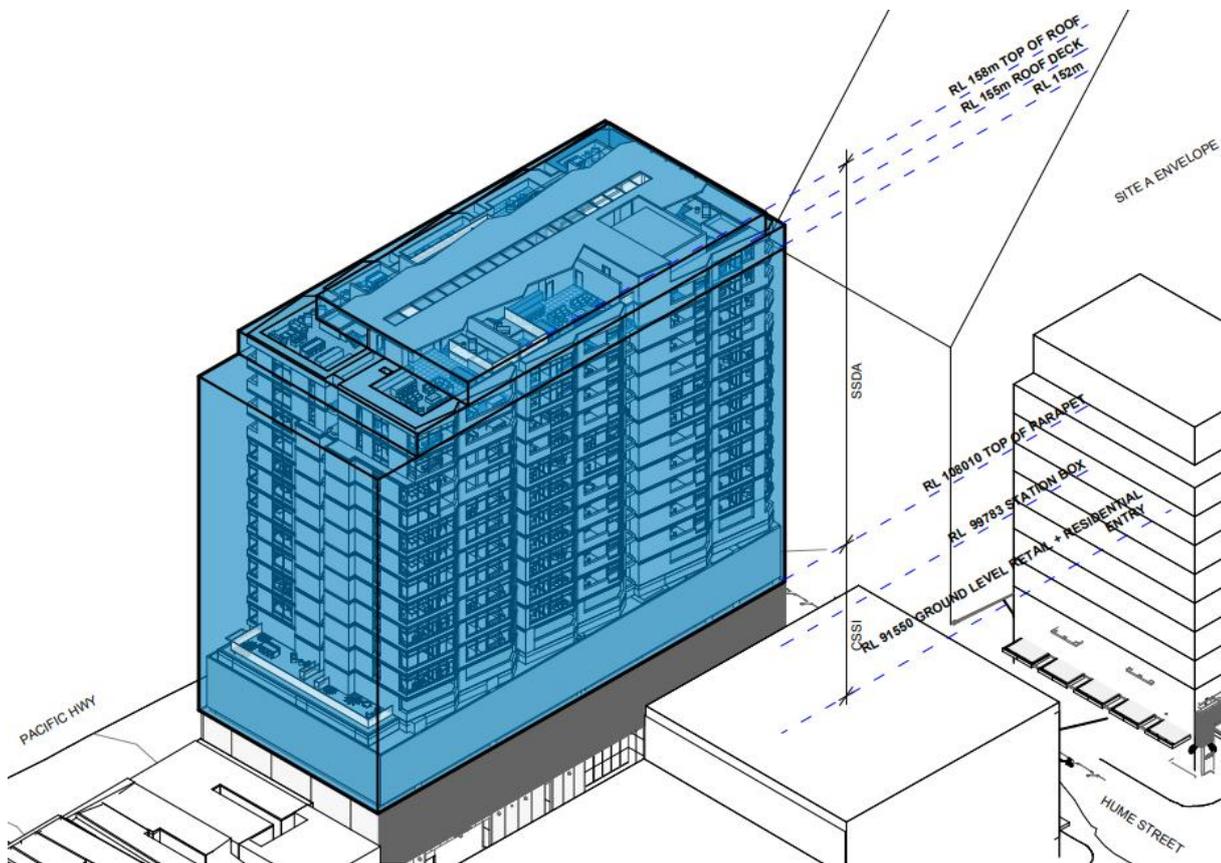


Figure 5 | Indicative redevelopment potential up to eight storeys

54. Therefore, the Department is satisfied the proposed bulk and scale of the proposed building is consistent with the parameters established under the Concept Approval and is acceptable.
55. The Department's detailed consideration against the Concept Approval can be viewed at Appendix E.

5.1.2 Overshadowing impacts

56. North Sydney LEP 2013 sets out requirements for development above the Metro station to maintain solar access to Willoughby Road between 11.30am and 2.30pm, midwinter, and to Ernest Place between 10.00am and 3.00pm, midwinter.
57. Public submissions raised concerns that the proposal would compromise solar access to the public domain, limiting landscaping and open space options.

58. The Applicant noted the proposal is wholly contained within the approved building envelope and complies with the solar access requirements prescribed by the North Sydney LEP 2013.
59. The Department has carefully considered the concerns raised in submissions and reviewed the submitted shadow and solar access diagrams (see **Figure 6**) and is satisfied the overshadowing impacts of the proposal are acceptable because:
- the proposal is contained within the approved building envelope (as outlined in **Section 5.1.1**) and would not cause any additional overshadowing impacts beyond those anticipated under the Concept Approval
 - the proposal's overshadowing impacts to Willoughby Road does not occur until after 2.30pm, midwinter, consistent with the requirements of the North Sydney LEP 2013
 - the proposal would not overshadow Ernest Place between 10.00am and 3.00pm, midwinter
 - the overshadowing impacts of the proposal would be distributed across properties on the opposite/western side of Pacific Highway and properties to the south of the site. The extent of overshadowing impacts to each property would be for a short duration and would still allow these recently rezoned properties to achieve reasonable solar access.
60. For these reasons, the Department's assessment concludes that the overshadowing impacts of the proposal on neighbouring properties, public open spaces, and Willoughby Road are acceptable.

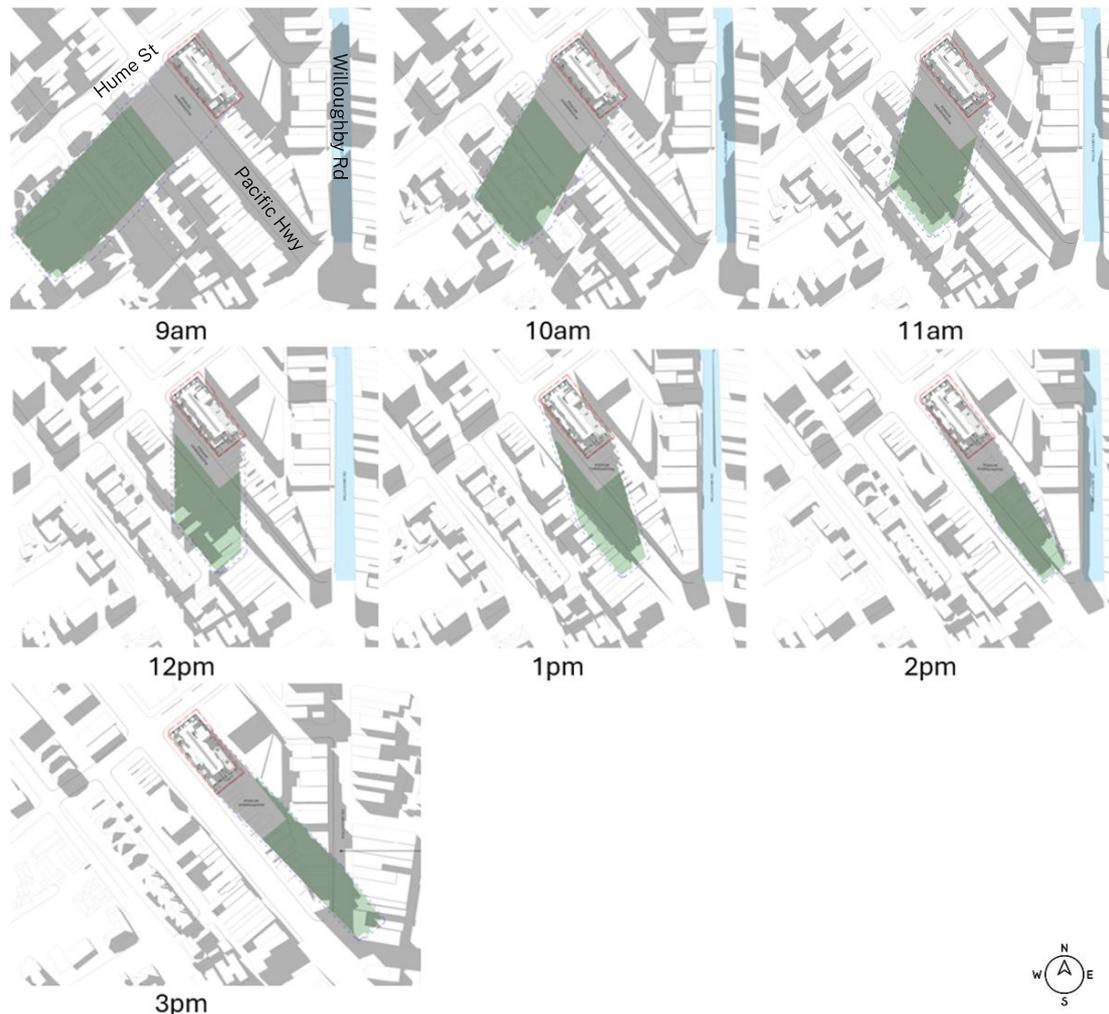


Figure 6 | Winter solstice shadowing analysis (21 June) of proposal between 9am and 3pm (Source: Applicant's Amended Report)

5.1.3 Design Excellence

61. Clause 6.19B of the North Sydney LEP 2013 requires the proposed development to exhibit design excellence, including exhibiting a high standard of architectural design, materials and detailing appropriate to the building type and location as well as improving the quality and amenity of the public domain, protection of view corridors and protecting solar access to the public domain.
62. The Concept Approval also approved a Design Excellence Strategy, requiring the proposal to be informed by the advice of the State Design Review Panel (SDRP) and be consistent with the site-specific Design Quality Guidelines (DQG).
63. Council raised concerns that the proposal has limited articulation or setbacks to enable the building to fit appropriately within the surrounding area, which exacerbates its visual bulk when viewed from the Pacific Highway.

64. The Department notes the proposal was presented to the SDRP on five separate occasions. The SDRP advised that it supports the proposed approach to building articulation and landscaping and it recommended refinements to the façade and building materials along with additional amenity measures.
65. The Applicant provided a detailed response to the SDRP as part of its EIS and Council’s submission in its RtS and Amended Report (see **Appendix A**).
66. After carefully reviewing the SDRP advice and the Amended Proposal, the Department considers the proposal achieves design excellence as it:
- has incorporated recommendations from the SDRP, including a more refined expression of the built form and materials, clear delineation though materiality between the tower and station box, noise and wind mitigation measures, and achieving passive shading of the facades
 - appropriately addresses the DQG which requires built form above the podium to be vertically modulated to present as multiple built forms and provide distinctive visual breaks
 - includes setbacks consistent with the approved building envelope assessed and approved under the Concept Approval, as discussed in **Section 5.1.1**
 - provides a clear delineation between the residential tower and the station box below with lightweight folded metal screening, which contrasts the brickwork of the station box and the finishes of the residential tower above
 - is compatible with the desired future character of the Crows Nest OSD and the Crows Nest Transport Orientated Development (TOD) precincts (see **Figure 7**)
 - presents a high standard of architectural design including selection of material and finishes, the contemporary architectural expression and the inclusion of appropriate landscaping
 - supports residential amenity pursuant to the Apartment Design Guide (ADG) (see **Section 5.2**).
67. Therefore, the Department is satisfied that the proposal achieves design excellence as required by North Sydney LEP 2013.
68. The Department has also recommended appropriate conditions to ensure the designed integrity of these elements are retained through to completion of the building.



Figure 7 | Envisaged development potential under the Crows Nest TOD Precinct rezoning

5.2 Residential Amenity

69. The Department has undertaken an assessment of the proposal against the relevant design criteria contained within the ADG in **Appendix D**. In summary, the Department is satisfied the proposal adequately responds to the relevant design criteria and would provide acceptable levels of amenity for future residents.
70. The Department’s detailed consideration of the proposal’s departures from key ADG criteria in respect to building separation, solar access and natural cross-ventilation are further discussed below.

5.2.1 Building separation

71. The proposal provides a tower setback of approximately 6 m from the centre line of Clarke Lane, which represents less than 50% of the recommended minimum (12 – 24 m) building separation contained in the ADG. The proposal provides a tower setback of 5.23 – 6 m from its southern boundary, which also varies from the recommended building separation requirement of the ADG (see **Figure 8**).
72. Council objected to the proposal’s non-compliant building separation to the adjacent sites to the south and across Clarke Lane. Council and public submissions also raised concerns the proposal does not adequately respond to the increased development potential of adjoining sites.

73. In response, the Applicant provided development scenarios for adjoining sites, demonstrating how these sites can be reasonably redeveloped in conjunction with the proposal, having regard to new redevelopment potential permissible under the TOD rezoning (see Figures 8 and 9).

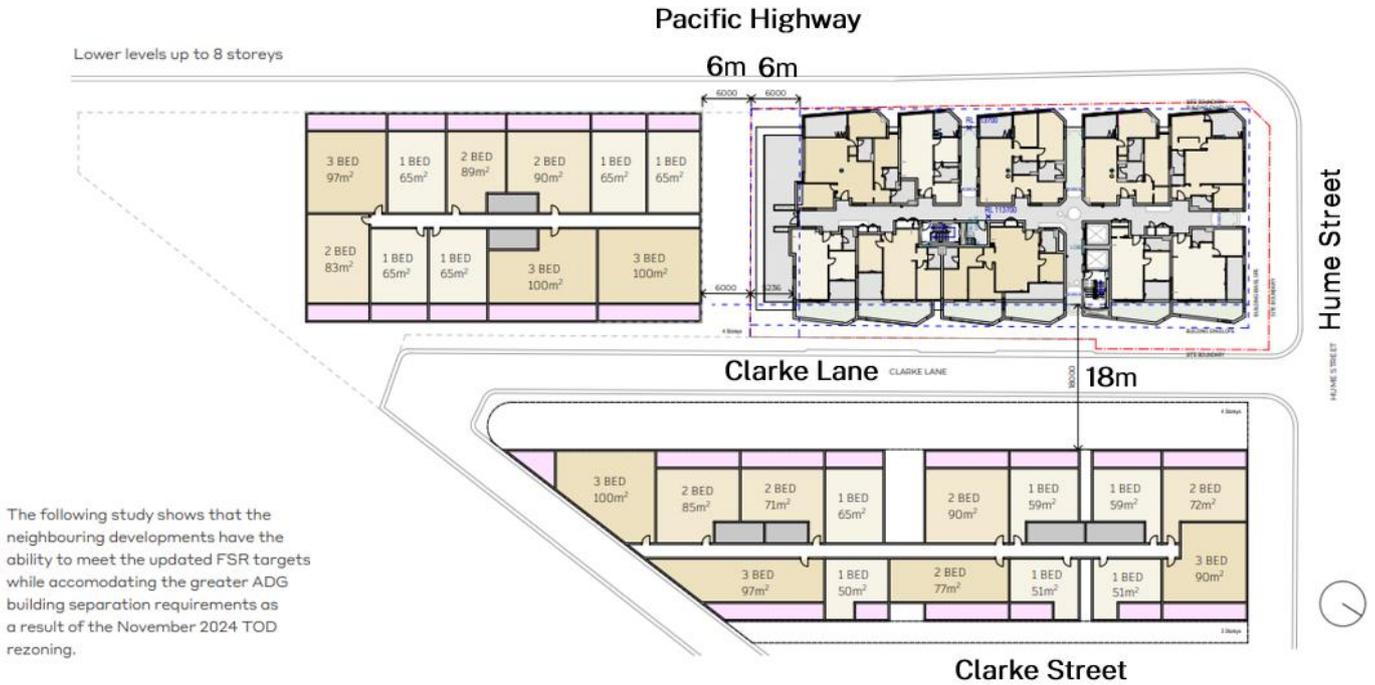


Figure 8 | Indicative redevelopment potential up to eight storeys



Figure 9 | Indicative redevelopment potential above eight storeys

74. The Department notes the TOD rezoning increased the development potential of adjoining sites from 8 to 18 storeys which has changed the development context of the site.
75. However, the Department acknowledges the proposal is required to be consistent with the setbacks already established by the approved building envelope under the Concept, which sited the residential tower directly above the podium building containing the existing station infrastructure and the proposed car parking.
76. Further, the Department accepts the proposal is constrained by the need to align the structural elements of the existing podium and station infrastructure, limiting any changes to the siting of the proposed residential tower above.
77. The Department has considered the proposal along with the concerns raised in the submissions and is satisfied the proposed building separation is acceptable in this case because the proposal:
- is consistent with the built form controls prescribed by the Concept Approval, which preceded the TOD rezoning, and was designed to address the development potential of the adjoining sites prior to the TOD rezoning
 - is constrained by the structural limitations of the podium containing the existing station infrastructure and pre-constructed structural supports for the proposed residential tower
 - provides a consistent alignment along Pacific Highway and Clarke Lane, similar to the existing 16 storey residential development at 545 Pacific Highway, which provides a nil setback above the podium along all three of its frontages (see **Figure 10**)
 - has considered the redevelopment potential of adjoining sites under the TOD rezoning and submitted indicative designs demonstrating that there is potential to achieve a building separation of up to 24 m, where required (see **Figures 8 and 9**)
 - would mitigate potential visual privacy concerns with future adjoining developments by off-setting windows to avoid direct lines of sight, appropriate landscaping along the perimeter of communal open spaces.



Figure 10 | 545 Pacific Highway viewed along Pacific Highway (left) and viewed along Clarke Lane (right)

5.2.2 Solar Access

78. The proposal results in 59% (72 out of 122 dwellings) of the dwellings receiving a minimum of two hours of solar access between 9am and 3pm, mid-winter, which is below the 70% design criteria recommended by the ADG.
79. The Applicant stated that the design of apartments, where solar access cannot meet ADG recommendations, have been orientated to take advantage of views towards Sydney Harbour and the Sydney CBD skyline to the south.
80. The Department acknowledges the proposal would not achieve the ADG recommended solar access of two hours to 70% of dwellings, but considers the proposal is acceptable in this case because:
 - the design has optimised the number of dwellings receiving sunlight to habitable rooms and private open space, noting:
 - all dwellings will receive some direct sunlight if considered against expanded hours between 8 am to 4 pm during mid-winter
 - the number of apartments receiving solar access is limited by the alignment and orientation of the proposed building fronting Pacific Highway, which limits solar access to apartments facing the Pacific Highway until after 3 pm, during mid-winter (see Figure 11)
 - dwellings with less solar access are orientated to maximise views and outlooks to improve overall amenity
 - all dwellings exceed the ADG minimum internal and external dwelling size and have access to rooftop communal open space, which enjoys more than two hours solar access during mid-winter.

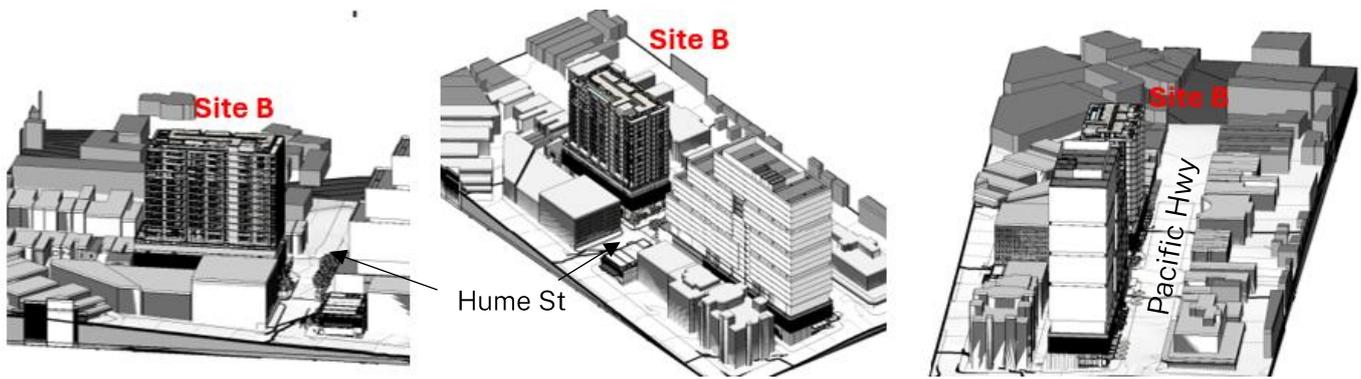


Figure 11 | Solar eye diagrams of Site B at 9am (left), 12 noon (middle) and 3pm (right), 21 June (Source: Applicant's Amending Report)

5.2.3 Natural Cross-ventilation

81. The ADG recommends achieving natural cross ventilation to a minimum of 60% of dwellings within the first nine storeys of a residential development.
82. The Department notes the proposal will achieve natural cross ventilation to 34% of dwellings, in accordance with the ADG design criteria, with a further 28% of the dwellings being naturally ventilated via the open corridors and building recesses.
83. The Department acknowledges that to be considered naturally cross ventilated under the ADG, dwellings must have more than one aspect with direct exposure to the prevailing winds, or windows located in significantly different pressure regions. While 28% of the dwellings are not naturally cross ventilated in accordance with the ADG, the Department is satisfied that these dwellings will still be adequately ventilated to create a comfortable indoor environment. Further, the Applicant notes that all dwellings will have mechanical ventilation as an alternative measure of achieving comfortable indoor environments.
84. The Department considers ventilation of the apartments is acceptable in this case, because:
 - the Applicant submitted a technical assessment, prepared by Arup, that confirmed the various facade openings would achieve sufficient pressure differentiation to allow natural ventilation
 - the Applicant also submitted a Wintergarden Ventilation Assessment, which demonstrated the enclosed balconies still allow adequate natural ventilation
 - the proposal incorporates the provision of fan coil units, located in the ceiling space of each dwelling, which ensures fresh air supply can be maintained with windows closed during periods of elevated traffic noise. The fan coil units operate independently of the air conditioning system to provide continuous fresh air ventilation
85. Therefore, the Department concludes that the proposal will achieve an acceptable level of natural cross-ventilation.

5.3 Other issues

The Department’s consideration of other issues is summarised in Table 7 below:

Table 7 | Assessment of other issues

Issue	Findings and conclusions	Recommendation
<p>Concept Approval</p>	<p>The Department has considered the proposal against the Concept Approval and Design Quality Guidelines in detail at Appendix E.</p> <p>The Department is satisfied the proposal is consistent with the Concept Approval as modified and notes it is contained within the approved building envelope and complies with the maximum building efficiency and GFA controls.</p>	<p>No additional conditions required</p>
<p>Traffic</p>	<p>The proposal was accompanied by a Traffic Assessment (TA), which concluded the traffic generation, parking and servicing provisions are consistent with the requirements of the Concept Approval.</p> <p>TfNSW raised no objection to the proposal.</p> <p>The Department has considered the finding of the TA and is satisfied the development will not result in unacceptable traffic impacts, noting the proposal is estimated to only generate approximately 17 vehicle trips in the morning peak hour and 14 vehicle trips in the afternoon peak hour, which is expected to have a negligible impact on the surrounding road network.</p> <p>The Department recommends a condition requiring the Applicant to prepare a green travel plan, to further support and facilitate the use of sustainable transport methods.</p>	<p>Condition A11 sets out the requirements for a green travel plan.</p>
<p>Parking and access</p>	<p>The proposal would accommodate 78 on-site car parking spaces within the podium, accessed via a car lift from Clarke Lane.</p> <p>Council raised concerns over potential queuing in the lane, given the reliance on car lifts and the number of parking spaces proposed, especially during peak periods.</p> <p>In response, the Applicant referred to the submitted Transport and Accessibility Impact Assessment, which indicated that no more than two cars would queue at any time and the likelihood of cars queuing to use the car lift would be “very low”.</p>	<p>Condition E33 set out the requirements for the provisions and on-going management of the on-site parking.</p>

The Department notes the number of car parking spaces over the Crows Nest OSD Concept Approval was reduced from 101 to 78 (SSD 9579 MOD 3) to maximise the accessible location and the use of the Sydney Metro high frequency service and minimise traffic impacts and private car use.

Whilst the number of car spaces accommodated within Site B increased from 55 to 78, it remains consistent with the maximum car parking with Council's maximum parking rates for development in a high accessibility area.

The Department also accepts that the likelihood of queuing would be low, and should short term queuing occur, Clarke Lane, with "no parking" zones has sufficient width to allow cars to stop and for vehicles to pass any queuing cars.

Therefore, the Department accepts the proposed car parking and access arrangement is acceptable subject to recommended conditions in respect to the preparation and implementation of a Car Parking Strategy and Management Plan.

Construction Impacts

The proposal was accompanied by:

- a Preliminary Construction Traffic Management Plan which included consideration of construction traffic and pedestrian management
- a Noise and Vibration Impact Assessment, which included a Construction Vibration Management Plan
- a Contamination advice letter, which included a review of the remediation works and reports undertaken as part of the CSSI approval.
- a Construction and Demolition Waste Management Plan which included consideration of construction waste removal and minimisation.

The Department has considered the Applicant's reports and is satisfied that the development can be constructed to appropriate standards, without causing structural damage to nearby buildings or resulting in any unreasonable amenity impacts.

Further, the Department has recommended several conditions to ensure the construction does not unreasonable impact on the

Conditions C1 to C6 set out the requirements for mitigating construction impacts.

amenity of adjoining residents or result in any damage to adjoining development and public domain.

The Department is satisfied that construction impacts associated with the proposal can be appropriately managed, subject to conditions of consent.

Waste Management

The proposal seeks to engage a private waste contractor, using an 8.8 Medium Rigid Vehicle (MRV), to ensure waste is collected on-site in accordance with Council's waste requirements.

Council initially objected to waste collection occurring from Clarke Lane. In response, the Applicant amended the proposed waste collection to occur on-site via private contractor.

The Department notes the design and construction of the loading dock was delivered under the CSSI approval and on-site waste collection is limited to an MRV.

While the Department prefers to adopt Council's on-site waste management measures, in this instance the Department is satisfied the proposed waste collection arrangements are acceptable, given:

- the loading dock and waste storage areas have already been designed and constructed under the earlier CSSI approval
- the proposal will ensure waste collection occurs within the site, as required by Council waste collection requirements
- engaging a private contractor ensures an appropriately sized waste collection vehicle services the site.

The Department has recommended a condition requiring the waste to be collected on-site via a private contractor until such time Council's waste fleet includes an MVR, which can be accommodated fully on-site or alternative arrangement can be reached with Council for waste to be collected from Clarke Lane.

Condition F2 set out the requirements for waste serving.

Wind impacts

The Applicant submitted an Environmental Wind Assessment and Addendum Letter in support of the proposal.

The Department notes the proposal incorporate the following wind mitigation measures:

- wintergardens to ensure wind conditions are acceptable for private open spaces

Condition B11 sets out the requirements for appropriate wind mitigation measures.

- automated operable louvres at the ends of the open communal corridors
- amendments to the layout of the communal and private roof terraces to optimise wind comfort levels.

The Department is satisfied that the proposal incorporates suitable wind mitigation measures and is capable of satisfying relevant wind comfort requirements, subject to conditions.

<p>Commercial use</p>	<p>The proposal seeks approval for the use of existing space within the constructed station box for the purposes of commercial/retail tenancies.</p> <p>The Department supports the commercial use of the existing tenancies noting it would be compatible with the surrounding area, would help activate the space and would not result in adverse impacts, subject to separate approval for the detail fitout and operation of the spaces.</p> <p>As such, the Department has recommended a condition requiring the Applicant to obtain separate approval for the detail fitout and operation of the commercial GFA within the podium.</p>	<p>Condition A5 sets out the requirements for further approval for the commercial tenancies.</p>
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<p>VPA and contributions</p>	<p>The Concept Approval was accompanied by a voluntary planning agreement (VPA) that required a total monetary contribution of \$11.818 m, including paying forward \$9.818 m of anticipated local contributions for future developments and an additional \$2m for the acquisition, embellishment or maintenance of public facilities, including public open space.</p> <p>The VPA was executed on 16 June 2021 and removes future contribution liabilities under section 7.11, 7.12 and 7.24 of the EP&A Act for subsequent development applications consistent with the Concept Approval.</p> <p>As a result, subsequent development applications in accordance with the Concept Approval are not required to make separate developer contributions.</p>	<p>No additional conditions required</p>
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<p>Affordable Housing</p>	<p>The Concept Approval requires the Applicant to provide a minimum 5% of the approved residential GFA for affordable housing, to be managed by a Registered Community Housing Provider (CHP), for a minimum period of 10 years from the first Occupation Certificate.</p>	<p>Conditions F11 to F14 set the requirements for affordable housing</p>
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The Concept Approval permits the affordable housing to be provided either on-site or alternatively the Applicant may pay a monetary contribution to Council or CHP equivalent to the development value of the affordable housing.

The proposal is accompanied by a draft VPA, in which the Applicant has proposed to provide the affordable housing on-site. As of writing this report, the Department has publicly exhibited its intention to enter into the VPA. Public exhibition finishes on 12 March 2026. The Department notes the VPA is required to be executed prior to the determination of this application.

6 Evaluation

86. The Department's assessment has considered the relevant matters and objects of the EP&A Act, including the principles of ecologically sustainable development, advice from government agencies, advice from council and public submissions, and government policies and plans.
87. The Department's has assessed the proposal and found it:
- is consistent with the relevant strategic planning framework and Government's priorities in delivering housing supply at a highly accessible location above the Crows Nest Metro Station, including affordable housing
 - is consistent with the approved Concept Approval for Crows Nest OSD and the development standards applicable to the site under the North Sydney Local Environmental Plan (LEP) 2013
 - provides a built form that is compatible with the desired future character of Crows Nest Transit Orientated Accelerated Precinct
 - achieves design excellence in its architectural expression, use of high-quality materials, residential amenity and positive contribution to the public domain
 - limit car parking to maximise the accessible location and the use of the Sydney Metro high frequency service and minimise traffic impacts and private car use
 - does not result in any unreasonable impacts on adjoining or nearby properties and public domain.
88. The Department has recommended a range of conditions to manage any residual environmental impacts. See the recommended conditions of consent at **Appendix D**.
89. Overall, the Department considers the impacts of the development are acceptable and can be appropriately managed or mitigated through the implementation of recommended conditions of consent. Consequently, the Department considers the proposal is in the public interest and is able to be approved, subject to conditions
90. This assessment report is hereby presented to the IPC to determine the application.

Appendices

Appendix A – List of referenced documents, submissions and advice

The following documents can be accessed at <https://www.planningportal.nsw.gov.au/major-projects/projects/crows-nest-osd-site-b>

The documents include:

- Environmental Impact Statement
- Applicant's Response to Submissions reports
- Applicant's additional information
- Submissions (public and Council)
- Government agency advice

Appendix B – Department’s consideration of submissions

Table 8 | Department’s consideration of submissions

Issue	Consideration
<p>Built form</p> <ul style="list-style-type: none"> - non-compliant building separation - overshadowing - bulk and scale - residential amenity - overdevelopment 	<p>The Department notes the proposal is consistent with the Concept Approval, which aims to distinguish the development from others along the Pacific Highway. Further, the Department notes the proposed setbacks are consistent with existing development along Clarke Lane, would not have any unreasonable impacts on the amenity of the Crows Nest area, nor sets a poor precedent for future integrated transport projects.</p> <p>The Application was accompanied by an overshadowing analysis, which illustrated the proposal will not unreasonable impact the solar access received by surrounding development or public open space areas.</p> <p>The Department is satisfied the proposal incorporates appropriate articulation, consistent with the approved Design Quality Guidelines.</p> <p>Further, the Department considers the proposal appropriately considered the development potential of adjoining sites and will support a reasonable level of residential amenity. See Section 5.2 of the Report.</p>
<p>Car parking</p> <ul style="list-style-type: none"> - excessive car parking - lack of bicycle parking - parking podium results in poor interface with adjoining development - queuing impacts - no wash bays 	<p>The Department notes the proposal is consistent with the Concept Approval and complies with Council’s DCP parking provisions in a highly accessible location.</p> <p>The Department accepts that despite the potential for some vehicles to queue along Clarke Lane, the likelihood is very low and there is sufficient width within the lane to allow vehicles to pass.</p> <p>The Department accepts the Amended Proposal incorporates perforated screening and landscaping along the parking levels to appropriately mitigate amenity impacts on the adjoining developments.</p> <p>The Amended Proposal incorporates 156 bicycle parking spaces, consistent with the Concept Approval and what would be expected under the North Sydney DCP. The provision of a dedicated car wash bay was not a requirement of the Concept Approval.</p>
<p>SEARs</p>	<p>The Department has considered the proposal against the SEARs and is satisfied the Applicant has appropriate address all environmental assessment requirements.</p>

Replanting of street trees The Department notes all public domain works formed part of the CSSI Approval. The proposal does not involve the removal of any existing street trees.

Waste management requirements The Department notes the design and construction of the loading dock was completed under the CSSI approval. The proposal seeks to utilize a private waste contractor to ensure waste collection occurs on site.

The Department has recommended appropriate conditions to ensure waste collection occurs within the site’s loading dock.

Lack of community infrastructure The Concept Approval was accompanied by a voluntary planning agreement (VPA) that required a total monetary contribution of \$11.818 m, including paying forward \$9.818 m of anticipated local contributions for future developments and an additional \$2m for the acquisition, embellishment or maintenance of public facilities, including public open space.

Affordable rental housing in perpetuity The proposal is consistent with the requirement in the Concept Approval to provide 5% of the approved residential GFA as affordable housing, managed by a Community Housing Provider, for a minimum period of 10 years.

Lost of employment generating land The Department notes the proposal is consistent with the Government’s vision of delivering additional housing, in well serviced locations.

The site was rezoned under the St Leonards and Crows Nest 2036 Plan and is consistent with the Concept Approval.

Further, the recent TOD rezoning further emphasizes the Department’s commitment to delivery additional housing surrounding the Crows Nest Metro station.

Appendix C – Statutory considerations

Matters of consideration required by the EP&A Act

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department’s consideration of these matters is shown in Table 9 below.

Table 9 | Matters for consideration

Matter for consideration	Department’s assessment
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Environmental planning instruments, proposed instruments, development control plans & planning agreements	<p>Section 5 – Assessment</p> <p>Appendix C – Statutory considerations</p> <p>Appendix D – Consistency with concept approval</p>
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EP&A Regulation	<p>Section 3 – Policy and Statutory Context</p> <p>Appendix C – Statutory considerations</p> <p>Appendix D – Consistency with concept approval</p>
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Likely impacts	<p>Section 5 – Assessment</p> <p>Appendix C – Statutory considerations</p> <p>Appendix D – Consistency with concept approval</p>
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Suitability of the site	<p>Section 1.1 – Project Location</p> <p>Section 5 – Assessment</p> <p>Appendix C – Statutory considerations</p>
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Public submissions	<p>Section 4 – Engagement</p> <p>Section 5 – Assessment</p> <p>Appendix B – Department’s consideration of submissions</p>
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Public interest	<p>Section 4 – Engagement</p> <p>Section 5 – Assessment</p> <p>Section 6 – Evaluation</p>
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Objects of the EP&A Act

In determining the application, the consent authority should consider whether the proposal is consistent with the relevant objects of the EP&A Act (s 1.3) including the principles of ESD. Consideration of those factors is described in **Table 10** below.

As a result of its analysis, the Department is satisfied that the development is consistent with the objectives of the EP&A Act and the principles of ESD.

Table 10 | Objects of the EP&A Act and how they have been considered

Object	Consideration
(a) to promote the social and economic welfare of the community and a better	<ul style="list-style-type: none"> The proposal promotes the social and economic welfare of the community by providing employment

environment by the proper management, development and conservation of the State's natural and other resources,

and housing within a highly accessible site for transport, and, in doing so, contributes to the achievement of State, regional and local planning objectives.

- The proposal comprises development associated with approved station infrastructure and does not adversely impact the State's natural or other resources.
- The proposal is predicted to generate 550 full-time construction jobs and create 70 full-time operational jobs.

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,

- The proposal includes ESD initiatives and sustainability measures, which aims to meet the ESD requirements and achieving compliance with the requirements under BASIX. A copy of the Applicant's ESD report can be viewed at Appendix A.

(c) to promote the orderly and economic use and development of land,

- The proposal represents the orderly and economic use of land as it will increase employment and housing opportunities near public transport. The proposed land uses are permissible, and the form of development has regard to the applicable planning controls, the character of the locality, and the context of surrounding development. The merits of the proposal are considered in Section 5 of this report.

(d) to promote the delivery and maintenance of affordable housing,

- The proposal promotes the delivery of affordable housing with a minimum 5% of residential floorspace being allocated as affordable housing.

(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,

- The site has been granted a Biodiversity Development Assessment Report (BDAR) waiver as the proposal is not likely to have significant impact on biodiversity values.

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),

- The site does not contain any known artefacts or other evidence of Aboriginal archaeological sites. The proposal is not considered to have any impacts on heritage items in the vicinity of the site.
- The Department is satisfied that the development of the site will have no adverse impact on heritage items.

(g) to promote good design and amenity of the built environment,

- The proposal demonstrates a good design approach to the relevant planning controls and in relation to the context of the site. Amenity impacts are managed through the recommended conditions of consent for mitigation measures to be adopted in the detailed design applications.

(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

- The construction impacts of the development have been taken into consideration in the assessment of the proposal and recommended conditions of consent provided.

(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 detailed in Section 5. 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.

- The Department publicly exhibited the proposal as detailed in Section 5. This included notifying adjoining landowners and displaying the application on the Department's website. The Department placed the RtS on its website and referred it to Council and relevant agencies.

Biodiversity development assessment report

Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD applications to be accompanied by a BDAR unless the Planning Agency Head and the Environment Agency Head determine that the proposal is not likely to have any significant impact on biodiversity values (as identified in the BC Act and in the *Biodiversity Conservation Regulation 2017*).

A BDAR waiver request was submitted to the Department on 26 September 2023. The Environment Agency Head and the Director Key Sites Assessments, as delegate of the Planning Secretary, determined that the development is not likely to have any significant impact on biodiversity values. A BDAR waiver was granted on 11 December 2023.

Ecologically sustainable development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act 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.
- improved valuation, pricing and incentive mechanisms.

The proposal includes ESD initiatives and sustainability measures, which aims to meet the ESD requirements via achieving compliance with the requirements under BASIX. A copy of the Applicant's ESD report can be viewed at **Appendix A**.

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 proposal. Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act.

EP&A Regulation

The EP&A Regulation requires the applicant to have regard to the *State Significant Development Guidelines* when preparing their application. In addition, the SEARs require the applicant to have regard to the following:

- *Social Impact Assessment Guideline for State Significant Projects*
- *Undertaking Engagement Guidelines for State Significant Projects.*

The Department considers the requirements of the EP&A Regulations have been complied with.

A Social Impact Assessment report accompanies the proposal that considers the key social impacts of the proposal including:

- increased housing supply in an accessible location including affordable housing, provisions of new commercial and retail uses, and activation of the site
- access to suitable open space, social infrastructure and diverse and healthy food options.

The report also notes that construction and operational noise from the proposal will have potential temporary negative impact on residents, local businesses, workers and visitors in the immediate vicinity of the site. The impact can be limited should relevant acoustic and noise mitigation measures be implemented.

The Department is satisfied that the application has also considered the cumulative impacts of the proposal on solar access, traffic noise, flooding, utility infrastructure, climatic comfort, and outlook. The proposal includes mitigation measures to mitigate or minimise these impacts.

The Department also notes the requirements of the Regulation in relation to Notification (Part 3, Division 1) and Fees (Part 5, Schedule 4) have been complied with.

Environmental Planning Instruments (EPIs)

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

State Environmental Planning Policy Amendment (Crows Nest Transport Orientated Development Precinct) 2024

In accordance with clause 1.8A of the North Sydney LEP 2013, a development application made, but not finally determined, before commencement of the SEPP must be determined as if that policy had not commenced.

As the application was made prior to the commencement of the SEPP it does not apply to the subject application.

State Environmental Planning Policy (Planning Systems) 2021

Chapter 2 of the SEPP (Planning Systems) 2021 identifies SSD. Under section 2.6, development that is not permissible without development consent under Part 4 of the Act and which is identified in schedule 1 or 2 of the SEPP is declared to be SSD.

The proposal is SSD under Schedule 1, section 19 of the SEPP (Planning Systems) 2021 as it is development within a rail corridor and associated with railway infrastructure, having an EDC of over \$30 million for residential accommodation. The development does not involve any development prohibited under an applicable environmental planning instrument.

State Environmental Planning Policy (Housing) 2021

The SEPP (Housing) 2021 aims to facilitate the supply of affordable and diverse housing in NSW, sets out specific standards and controls for different forms of residential accommodation to ensure new housing development provides residents with a reasonable level of amenity.

Section 147(1)(a) of Chapter 4 of the SEPP (Housing) 2021 requires the consent authority to consider the design principles for residential apartment development set out in Schedule 9 while Section 147(1)(b) requires the consent authority to consider the ADG. Importantly, section 147(3) of the SEPP (Housing) 2021 does not mandate a consent authority to require compliance with the design criteria specified in the ADG.

Section 148 of Chapter 4 of the SEPP (Housing) 2021 also contains non-discretionary standards in relation to minimum car parking rates, internal areas for apartments, and minimum ceiling heights. The proposal satisfies these non-discretionary development standards.

In addition, to help achieve the goals of the SEPP (Housing) 2021 on affordable housing, the proposal includes the provision of 5% of the residential floor space to be provide affordable housing to be managed by a Community Housing Provider.

An assessment of the proposal against the relevant considerations of the SEPP (Housing) 2021 is provided in Table 11 below.

Table 11 | Housing SEPP 2021 compliance table

Section	Consideration
Section 144 Application of chapter	Chapter 4 Design of residential apartment development applies as the proposal is for shop top housing.
Section 147 Determination of development applications and modification applications for residential apartment development	<p>The design principles under Schedule 9 have been considered in detail in Table 13.</p> <p>The ADG has been considered in detail in Table 14.</p>
Section 148 Non-discretionary development standards for residential apartment development - the Act, s 4.15	<p>The proposal is consistent with the SEPP in respect to car parking, internal apartment sizes and ceiling heights.</p> <p>The proposal is consistent with the car parking rates under the North Sydney DCP.</p> <p>The internal areas of all dwellings are equal to, or greater than, the minimums specified in Part 4D of the ADG.</p> <p>The ceiling heights are equal to, or greater than, the minimums specified in Part 4C of the ADG.</p>

An assessment against the design principles for residential apartment development set out in Schedule 9 of the Housing SEPP is provided in Table 12 below.

Table 12 | Consideration of Design principles for residential apartment development

Design Principle	Consideration
Context and Neighbourhood Character	The proposal is consistent with the desired future character for the area and consistent with the development standards contained within the North Sydney LEP 2013 and the Concept Approval.

Built Form and Scale	<p>The proposal results in a suitable built form and scale consistent with the development standards of the North Sydney LEP 2013 and the Concept Approval.</p> <p>The Department considers the proposed built form acceptable having regard to its location above the Crows Nest Metro station and exemplifying the principles of transport-orientated development.</p>
Density	<p>The proposal has a maximum height and GFA consistent with the Concept Approval and achieves the design outcomes of the ADG.</p>
Sustainability	<p>The proposal incorporates ESD principles and sustainability measures as detailed in Appendix D of this report.</p>
Landscape	<p>Public landscaped and open space areas adjoining the site were delivered under the CSSI approval.</p> <p>The proposal includes landscaping through the provision of landscaping to the building façades, communal rooftop terraces and private open spaces.</p>
Amenity	<p>The proposal achieves acceptable amenity by providing a built form which seeks to maximise solar access between the building, private and common open space areas, and adjoining sites. The proposal promotes high-density residential living with convenient access to the Crows Nest Metro station.</p>
Safety	<p>The proposal promotes the principles of Crime Prevention Through Environmental Design (CPTED) through appropriate design measures which provide opportunities for passive surveillance of common areas, activation of spaces through the provision of mixed uses in the podium.</p>
Housing Diversity and Social Interaction	<p>The proposal promotes housing diversity with a range of dwelling sizes and layouts. The proposal also includes the provision of 5% of the residential floorspace to be managed as affordable housing for a minimum of 10 years.</p> <p>The variety of common areas proposed provides opportunities for social interaction amongst residents, tenants, and visitors to the site.</p>
Aesthetics	<p>Sydney Metro prepared a Design Excellence Strategy for Sites A and B in consultation with GANSW and Design Quality Guidelines to guide the detailed design across the site.</p> <p>These documents provide a consistent framework for design quality and excellence across the Crows Nest Over Station Development sites and are applicable to the proposal. They set the framework to deliver design excellence throughout the proposal.</p>

The Department's consideration of the proposal against the requirements for Design Quality Guidelines is in **Appendix E**.

An assessment against the design criteria of the ADG is in **Table 13**.

Table 13 | ADG compliance table

Design Criteria	Consideration
3A Site Analysis	A site analysis is provided which outlines the opportunities and constraints of the site conditions and their relationship to the surrounding context.
3B Orientation	The building responds to the streetscape and site while optimising solar access within the development and having acceptable overshadowing on neighbouring properties during mid-winter.
3C Public Domain Interface	The podium was constructed as part of the CSSI approval and includes separate residential and commercial entries.
3D Communal and Public Open Space	<p>The proposal is required to provide a minimum communal open space of 467.75 m² (25%). The proposal provides a total communal open space area of 400 m² (21%).</p> <p>Despite the departure, the Department notes that each dwelling exceeds both the internal and external minimum size requirements in the ADG, in addition to several dwellings having access to their own private rooftop terraces. Therefore, the Department considers the proposed communal open space is acceptable.</p> <p>Further, the communal open space achieves ADG compliant solar access.</p>
3E Deep Soil Zones	Due to the station infrastructure works and need to activate the street frontages, deep soil planting is not practical on this highly urban site.
3F Visual Privacy	The proposal has considered the development potential of adjoining sites. See the Department's detailed discussion in Section 5 of this report.
3G Pedestrian Access to Entries	Building access points have a direct connection to street frontages and public domain areas. The development provides separate residential lobbies from retail entrances. Pedestrian entrances are also visible, accessible and allow for reciprocal surveillance between entrances, the street or public domain areas.
3H Vehicle Access	The podium was constructed under the CSSI approval, including vehicle access off Clarke Lane.

3J Bicycle and Car Parking	The proposal provides 78 residential car parking spaces, two motorcycle spaces and 156 bicycle spaces, consistent with the Concept Approval and Council’s DCP parking rates.
4A Solar and Daylight Access	Refer to Section 5.2.2 of this report for a more detailed discussion.
4B Natural Ventilation	Refer to Section 5.2.3 of this report for a more detailed discussion.
4C Ceiling Heights	The proposal achieves minimum ceiling heights.
4D Apartment Size and Layout	All dwellings comply or exceed the minimal dwellings sizes prescribed by the ADG.
4E Private Open Space and Balconies	All dwellings comply or exceed the minimal private open spaces requirements of the ADG. Balconies have been designed to be incorporated into and contribute to the architectural form and detail of the building.
4F Common Circulation and Spaces	<p>The Department acknowledges the number of lift cores and associated lifts is dictated by the completed station podium.</p> <p>The proposal has up to 11 dwellings per circulation core, supporting 122 dwellings in total, sharing two lifts.</p> <p>The internal corridors are naturally ventilated and provide spaces for interaction between residents.</p>
4G Storage	All apartments meet or exceed the recommended storage requirements.
4H Acoustic Privacy and 4J Noise and Pollution	<p>The development minimises the transfer of noise through the building layout and noise impacts are to be mitigated through layout and acoustic treatments.</p> <p>Subject to the recommendations of the Acoustic Report and the recommended conditions of consent, the proposal is considered to mitigate the acoustic impacts that arise.</p>
4J Noise and Pollution	The proposal was designed having regard to the <i>Development near Rail Corridors and Busy Roads – Interim Guideline</i> and was accompanied by an Acoustic Report, which made several recommendations to ensure noise impacts were appropriately mitigated. Appropriate conditions have been recommended to ensure the noise mitigation measures are incorporated into the design and construction of the proposal.
4K Apartment Mix	<p>The development proposes a total of 122 dwellings in the following mix:</p> <ul style="list-style-type: none"> • 1 bed: 40 units (33%) • 2 bed: 63 units (52%)

- 3+ bed: 19 units (16%)

The development proposes a range of dwelling types and sizes to cater for different households.

4L Ground Floor Apartments

No ground floor apartments proposed.

4M Facades

The proposed built form is a defined podium with a tower form above. The podium uses brick, including in decorative patterns, to define the non-residential uses and respond to the nearby heritage conservation area. The Department notes the façade provides visual interest along the street whilst respecting the desired current and future character of the area.

4N Roof Design

Roof treatments are integrated into the building design and positively respond to the street.

The podium roof along the southern boundary will be used for communal open space and landscaping, providing additional amenity for residents.

4O Landscape Design

A detailed landscaping design is submitted with the Application, supporting amenity of open spaces but also contributes to soften of built form and mitigates impacts to adjoining properties.

4P Planting on Structures

Detailed landscape plans have been prepared providing adequate soil depth for the proposed planting.

4Q Universal Design

A variety of apartments with adaptable designs and features are provided to promote flexible housing for all community members. The proposal achieves a benchmark of 20% of the total dwellings incorporating the Liveable Housing Guideline’s silver level universal design feature.

4S Mixed Use

The proposal is appropriately located for a mixed use development. The design separates the commercial and residential land uses and minimises conflicts.

4U Energy Efficiency

The design has been developed in consideration of energy efficiency and can meet or exceed BASIX requirements.

4V Water Management and Conservation

The proposal incorporates measures to achieve best practice water sensitive principles and conservation of potable water such as water efficient fittings, appliances, and wastewater reuse.

Stormwater and flood management systems will be designed in consultation with Council.

4X Building Maintenance

The materials and finishes are to be selected at the detailed design phase.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The SEPP (Transport and Infrastructure) 2021 aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities for certain development during the assessment process.

The application was referred to TfNSW and Sydney Metro in accordance with the requirements of the SEPP. TfNSW and Sydney Metro provided suggested conditions and advisory comments on the application.

Further, the application is supported by a Noise and Vibration Impact Assessment report which provides assessment of noise and vibration impacts associated with the site against the relevant criteria of the following:

- SEPP (Transport and Infrastructure) 2021
- Development Near Rail Corridors and Busy Roads – Interim Guideline 2008
- Department of Environment, Climate Change and Water – NSW Road Noise Policy 2011
- Environmental Protection Authority – Noise Policy for Industry 2017
- Environmental Protection Authority – Interim Construction Noise Guideline 2009
- North Sydney DCP 2013
- Assessing Vibration – A Technical Guideline 2006.

The Department is satisfied that the proposal can meet the relevant acoustic criteria subject to recommendations of the Noise and Vibration Impact Assessment report being adopted in the design and delivery of the proposal.

State Environmental Planning Policy (Resilience and Hazards) 2021

The SEPP (Resilience and Hazards) 2021 aims to ensure that potential contamination issues are considered in the determination of a development application. The application includes a Contamination Advice that provides a summary of known contamination within and surrounding the site and an assessment of the risk of encountering contamination during the construction and operation of the proposed development.

The Contamination Advice notes that the site is subject to the approved CSSI remediation strategy which included demolition and excavation works for the entire site and requirements to manage contamination and ensure the land is suitable for the proposed use under that approval. The investigation, remediation and construction work completed up to level 2 of the Metro site were finalised and approved by the Department.

The Department is satisfied that the proposal is suitable for the proposed residential development.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The SEPP (Biodiversity and Conservation) 2021 consolidated the seven previous SEPPs on water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. The SEPP provides a consistent level of environmental protection similarly delivered under the previously existing SEPPs and with provisions aligned with other planning instruments. It generally promotes the protection and improvement of environmental assets for their intrinsic, social and economic value.

The site has been granted a biodiversity development assessment report waiver as the proposal is not likely to have any significant impact on biodiversity values. The Department considers the proposal to be consistent with the provisions of the SEPP.

State Environmental Planning Policy (Sustainable Buildings) 2022

The SEPP (Sustainable Buildings) 2022 encourages sustainable residential development across NSW by setting targets that measure the efficiency of buildings in relation to water, energy and thermal comfort.

The proposal has been assessed against the SEPP requirements, and the Department is satisfied that the proposal is consistent with the objectives of the SEPP. The ESD report accompanying the EIS identifies the measures to be adopted in the construction of the development to achieve the relevant sustainability targets.

North Sydney Local Environmental Plan 2013

An assessment of the proposal against the aims, objectives, standards and relevant provisions of North Sydney LEP is set out in Table 14.

Table 14 | ADG compliance table

Relevant clause	Consideration
2.3 - Land use zoning	<p>The site is located within the MU1 - Mixed Use Zone and the shop top housing is permissible with consent.</p> <p>The Department finds the proposal meets the objectives of the zone which is to provide for residential development in mixed use buildings and to provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.</p>

4.3 - Height of buildings The Department notes the proposal complies with the maximum height of buildings standard (see Section 5.1.1).

4.4 - Floor space ratio The Department notes the proposal complies with the maximum FSR standard (see Section 5.1).

4.4A - Non-residential FSR The Department notes the proposal will result in a total of 936 m² (0.5:1) of non-residential GFA, which complies with the development standard of 0.5:1.

5.6 - Architectural roof features The proposal incorporates an architectural roof feature, consistent with the Concept Approval.

5.10 - Heritage conservation The Department notes the site does not contain any heritage items nor located within a heritage conservation area. The Department considers the proposal is acceptable in this regard.

5.21 - Flood planning The site is not subject to flooding in the 1% AEP or PMF storm events. However, flooding during the 1% AEP event occurs in the surrounding road network at the intersection of Hume Street and Clarke Street to the north of the site, with flood depths of up to 240mm at the intersection (H1 hazard).

The Department is therefore satisfied the proposal is acceptable having regard to the flood planning controls in the North Sydney LEP 2013.

6.15 - Airspace operations The proposal was referred to Sydney Airport and CASA, who raised no objection to the proposed development.

The Department notes approval may be required for any future cranes required for the construction of the development, should they penetrate the OLS levels. Appropriate conditions of consent have been recommended conditions.

6.19B - Design excellence in the area adjacent to Crows Nest Metro Station 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 provided 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.

Appendix D – Consistency with Concept Approval

Table 15 | Consistency with Concept Approval considerations

Concept Approval Condition	Consideration
Terms of Consent	
<p>A2. The development may only be carried out:</p> <ul style="list-style-type: none"> (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 Modification Report: Concept Development Application for a Mixed Use Development Over the Approved Crows Nest Metro Station, prepared by Willowtree Planning, dated 26 May 2025; (f) in accordance with the management and mitigation measures; (g) in accordance with the approved plans 	<p>The Department is satisfied the proposal complies with the conditions of the Concept Approval and in accordance with the approved plans.</p>
Planning Agreement(s) / Binding Agreement(s)	
<p>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.</p>	<p>The proposal was accompanied by a VPA, which includes a minimum 5% of the approved residential GFA to be provided on-site as affordable housing, managed by a registered CHP, for a minimum period of 10 years from the date of the first Occupation Certificate.</p> <p>The Department advises that at the time of writing this report, it has accepted the Applicant’s public benefit offer and is now preparing to notify its intention to enter into the VPA. The Department notes that the VPA is required to be</p>
<p>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%</p>	

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.

executed prior to the determination of this application.

The Department has also recommended conditions to ensure a minimum of 5% of the approved residential GFA is provided as affordable housing, managed by a registered Community Housing Provider, for a minimum of 10 years from the date of the first Occupation Certificate.

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.

A VPA between the Minister for Planning and Public Spaces, Sydney Metro and Council, was executed on 16 June 2021 and required the lump sum payment of \$11.818m in accordance with the Concept Approval.

The Department notes the monetary contribution has been paid to Council and the relevant conditions of the Concept Approval have now been satisfied.

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 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).

The proposal received separate approval from Sydney Airport, dated 9 May 2025, for the purposes of controlled activities within the protected airspace.

The Department has recommended appropriate conditions as per the terms of the controlled activity approval.

Design Excellence

A21. Prior to the lodgement of the relevant future development applications, the Applicant shall submit a 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 Plan (for Sites A and B).
- (b) 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.

An updated Design Excellence Strategy for Sites A and B, prepared in consultation and endorsed by GA NSW, was approved by the Department as part of modification application (SSD 9579 MOD 2) to the Concept Approval.

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.

The Department notes the proposal is consistent with the Concept Approval.

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.

The Department referred the proposal to FRNSW who raised no objection to the proposed development.

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.

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.

The Department acknowledges the proposal is contained wholly within the approved building envelope.

B2. Building height and gross floor area is to be measured in accordance with the definitions under North Sydney Local Environmental Plan 2013.

The Department accepts the proposal is consistent with the maximum permitted building height, GFA and building efficiency requirements under the Concept Approval (see Section 5.1 of this report).

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:

- (a) compliance with the conditions of this concept approval
- (b) demonstration of design excellence consistency with the Design Guidelines (as amended by Condition Error! Reference source not found.)

- (c) being wholly contained within the approved building envelopes, with the exception of rooftop enclosure(s) and the Site C articulation zone:
 - (i) Rooftop enclosure can only be used as prescribed under Condition B4
 - (ii) Articulation zones can only be used as prescribed under Condition B5
- (d) 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

- | | |
|---|--|
| <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"> (a) roof enclosure above Building B or C must demonstrate consistency with clauses 4.3A or 5.6 of the NSLEP as applicable (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. (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 (d) roof enclosures shall not have an unacceptable amenity impacts, particularly in terms of adverse: <ul style="list-style-type: none"> (i) overshadowing of residential properties and public open spaces, (ii) loss of outlook. (e) roof enclosures shall not include GFA and shall not be reasonably capable of modification to include GFA. | <p>The Department is satisfied the proposed rooftop enclosures have been design in accordance with the Concept Approval and North Sydney LEP 2013.</p> |
|---|--|

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:
- (a) Articulation Zones shall only be for the purpose of architectural features, projections, balustrades, awnings and the like
 - (b) Built form must occupy no more than a maximum of 25% of the total volume of the Articulation Zones
 - (c) no GFA is provided within the Articulation Zone above RL 127 (height of building envelope excluding rooftop enclosure).

N/A

Design Excellence

- B6. The detailed development applications shall demonstrate consistency with the:
- (a) Design Guidelines as endorsed by the Planning Secretary pursuant to Condition Error! Reference source not found.
 - (b) Design Excellence Strategy as endorsed by the Planning Secretary pursuant to Condition A21
 - (c) conditions of this consent.

The Department notes the proposal was accompanied by a Design Integrity report, which demonstrated how the proposal was consistent with the Design Quality Guidelines, Design Excellence Strategy and conditions of the Concept Approval.

Built Form and Urban Design

- B7. All future development applications for new built form must include:
- (a) detailed plans, elevations and sections
 - (b) artist's perspectives and photomontages
 - (c) a design statement demonstrating the design quality of the proposed development and having regard to the character of surrounding development
- B8. Future development applications shall address the following:
- (d) 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:

The proposal was accompanied by the following technical reports, consistent with the requirements of the Concept Approval:

- Architectural drawings
- Architectural Report
- Design Integrity Report and Design Statement
- BCA Report
- Reflectivity Report
- Access Report

- (i) the design objectives of the Concept Development Application
 - (ii) consistency with the approved Design Guidelines
 - (iii) the DEEP's Design Excellence Report
 - (iv) the advice of the DRP
 - (v) the conditions of this consent.
- (e) the DIR as required this condition must include a summary of feedback provided by the State DRP or Sydney Metro DRP 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.

The proposal was accompanied by an Architectural Report which adequately demonstrated the proposal had regard to SEPP (Housing) 2021 and the ADG.

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.

The proposal was accompanied by an overshadowing analysis, which demonstrated the proposal would not have any unreasonable impacts on existing and future adjoining development, or the public domain (see Section 5.1.2 of this report).

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.
- The proposal was accompanied by a Visual and View Loss Assessment, consistent with the Concept Approval.

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.
- The proposal was accompanied by a Public Art Strategy, consistent with the Concept Approval.

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 consider the integration and operation of loading docks and servicing bays with the overall operation of the Crows Nest Metro Station development (CSSI 7400).
- The proposal was accompanied by appropriate traffic and transport reports, consistent with the Concept Approval.

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 78 spaces, including commercial and residential spaces, but excluding service vehicle spaces, and comprising:
 - (i) no spaces within Site A
 - (ii) a maximum of 78 spaces within Site B, including 6 accessible spaces
 - (iii) no spaces within Site C
 - (iv) a minimum of 6 accessible spaces.
- (b) the maximum number of motorcycle spaces to be provided for the development is limited to 2 spaces, and comprising:
 - (i) no spaces within Site A
 - (ii) a maximum of 2 spaces within Site B
 - (iii) no spaces within Site C

The proposal includes the provision of 78 on-site car parking spaces, two motorcycle spaces and 156 bicycle spaces, consistent with the Concept Approval.

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:

- (c) assesses the existing and proposed wind environment including the cumulative impact of existing and proposed tower developments adjoining and nearby the site
- (d) demonstrates spaces within and around the site are suitable for their intended purpose
- (e) includes mitigation measures to address adverse wind conditions, where necessary.

The proposal was accompanied by a Wind Impact Assessment, which included mitigation measures to address adverse wind conditions. The Department notes appropriate conditions have been recommended for imposition in this regard.

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

The proposal included a Construction Traffic Management Plan, consistent with the terms of the Concept Approval.

- (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.

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.

The proposal includes ESD initiatives and sustainability measures, which aims to meet the ESD requirements via achieving compliance with the requirements under BASIX.

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.

The proposal included a CPTED report, which included measure 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.

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:

The proposal included a Noise and Vibration Impact Assessment,

- (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. consistent with the terms of the Concept Approval.
- (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. The proposal included an Operational Waste Management Plan, consistent with the terms of the Concept Approval.

Flooding and Stormwater Assessment

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

The proposal included an Integrated Water Management Plan and a Flood Impact Assessment, consistent with the terms of the Concept Approval.

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.

The proposal was accompanied by a Contamination Advice letter that noted the site was subject to the approved CSSI remediation strategy which included demolition and excavation works for the entire site and requirements to manage contamination and ensure the land is suitable for the proposed use under that approval.

The investigation, remediation and construction work completed up to level 2 of the Metro site were finalised and approved by the Department.

The Department is satisfied the site is suitable for the proposed residential development.

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

The proposal was accompanied by an Aboriginal Heritage Report, which noted that no Aboriginal sites were identified within the proposed Crows Nest Station impact footprint, and the conclusion was that previous historical development of the study area was likely to have either removed any previously extant archaeological resources. The likelihood of impacting Aboriginal heritage was therefore considered low.

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.

The proposal complies with the maximum building height standard applicable under the Concept Approval. Further, the proposal was referred to Sydney Airport who raised no objection to the proposed development.

- (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.

The proposal was accompanied by a Utilities Services and Infrastructure Assessment, which concluded appropriate infrastructure services the subject site.

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.

The proposal was accompanied by a BCA report, which concluded the proposal is capable of satisfying the deemed to comply provisions with the National Construction Code (formerly BCA).

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

The proposal was accompanied by the following technical reports, consistent with the Concept Approval:

- Preliminary Construction Traffic Management Plan

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.

- Vehicular Servicing Management Plan
- Noise and Vibration Impact Assessment
- Social Impact Assessment (public consultation)
- Construction and Demolition Waste Management Plan
- Operational Waste Management Plan

The Department notes appropriate conditions have been recommended to ensure construction impacts are appropriate managed and mitigated.

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

Table 17 | Department’s consideration of the Design Quality Guidelines

Design Criteria	Consideration
<p>Podium and street wall</p> <ul style="list-style-type: none"> • Responding to the surrounding streetscape scale, with direct reference to the local context • Minimising bulk and scale through horizontal and vertical articulation and choice of materials • Innovation in delivering distinct podium and OSD components while respecting design outcomes at St Leonards • Extensive use of landscaping and green elements at street level and top-of-podium levels • Appropriate street setbacks that allow for managed customer and pedestrian flow and comfort • Maximising site permeability and connectivity with through site links 	<p>The Department is satisfied the proposal responds to the surrounding streetscape, minimises bulk and scale through articulation and choice of materials, delivers a distinct podium and OSD while respecting design outcomes at St Leonards.</p> <p>The Department is therefore satisfied the proposal is generally consistent with the Design Guidelines.</p>

- Respecting surrounding historical cues and materiality, including traditional shopfront facades and the St Leonards Centre
- Addressing pedestrian level wind environments at ground level
- Strong activation of street frontages, station entries and lobbies including integration of Clarke Lane, where appropriate.

Built form above the podium

- 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
- Providing high quality amenities and opportunities for inter-floor connections throughout the building to provide relief to the overall composition
- A building design that responds to the surrounding public domain elements and heritage buildings
- Exploring design efficiencies to improve building form and deliver a reduced footprint
- Exploring opportunities to incorporate 'vertical gardens' into the design to create soft edges to the building form
- Providing an appropriately scaled intermediary space that creates relief and delineation between podium and tower
- Building heights that contribute to a varied skyline
- 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.
- 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)
- 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
- Maximising daylight penetration to improve amenity of OSD sites

The Department notes the proposal incorporates vertical articulation to break up the massing of the tower. Further, the inclusion of open corridors, with integrated landscaping, contributes to softening edges of the built form.

The Department notes the car parking levels provide a transition between the tower and podium, with a clear delineation via the use of material, that compliments the materiality of both the metro masonry and the green terracotta of the tower. The perforated façade treatment screens the parking levels from the surrounding street, while maintain ventilation and visual interest.

The Department also acknowledges the proposal complies with the 80% building efficiency requirement and maintains solar access to Willoughby Road between 11.30am and 2.30pm, during midwinter.

The Department is therefore satisfied the proposal is generally consistent with the Design Guidelines.

- Maintaining views from and solar access to other residential strata sites in close proximity where possible
- Pursuing opportunities to provide active uses within the built form thereby creating a destination
- Works within rooftop services zone to minimise and/or reduce visual prominence and overshadowing
- 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:
 - a) Building A: maximum 85%
 - b) Building B: maximum 80%
- 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

Horizontal and vertical modulation

- Consider the contextual grid of surrounding buildings and incorporate appropriate modulation and relief in length to avoid monotonous expression
- Consider breaking the height of the building by introducing vertical modulation and relief where appropriate within the envelope and facade.
- 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
- 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
- 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

The Department notes the approach to building articulation, expressed as series of vertical slots, was an element supported by the SDRP.

Further, the perforated screening around the car parking levels, provides a strong horizontal delineation between the station box and the OSD.

Façade and building articulation

The Department notes the proposal incorporates a series of vertical articulation

- Potential for recesses and protrusions which create dynamic and engaging visual interests
- 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 5m by 3m for the full height of the building (above the podium)
- 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
- 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
- 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.

and façade modulation to create dynamic and engaging visual interest. This breaks up the visual mass and bulk of the tower.

The Applicant notes the colour and texture of materials have been selected to complement the existing local context while responding to a modern architectural composition.

Activation towards Hume Street

- A high level of activation is encouraged along Hume Street developing and strengthening the connection towards Willoughby Road. Opportunities for vertical gardens and roof level activation especially facing towards Hume Street is encouraged

The Department notes the proposal incorporates vertical landscaping and roof terraces, consistent with Design Guidelines. The proposal also includes active ground floor uses fronting Hume Street.

Public domain and place

- Activating the streetscape through active and passive public domain outcomes and incorporating extensive areas of landscaping and green spaces
- Extending the ground plane (visually and materially) into the station entries

The Department notes the public domain works within and surrounding the Crows Nest Station precinct were part of the design and delivery package for the CSSI Approval. However, the proposal does include ground floor active uses and

- Creating destination opportunities to engage the public with the development on a day-today basis
 - Doorways and facade lines offering open, welcoming and barrier free customer access around station entries
 - High quality, flexible streetscapes and urban plazas that expand and contract, accommodating both peak commuter flows and general everyday use, including:
 - a) strongly activated, pedestrian oriented public domain
 - b) enhancing the amenity and green character of Oxley Street and Hume Street by the inclusion of landscape elements
 - c) integration with proposed through site links to Willoughby Road and the expansion of Hume Street Park
 - Building signage should respond to the station design and context
 - a) signage to be integrated into the architectural design of the building where possible
 - 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
 - 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.
- incorporates public art on the Hume Street façade, contributing to the public domain experience.

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:

The Department notes the public domain, station podium, lobby entrances and pedestrian access points were delivered under the CSSI approval.

The Department is therefore satisfied the proposal is generally consistent with the Design Guidelines.

- 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
- 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.

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
- 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

The Department considers the proposal will deliver a high standard of design and finishes to promote longevity and adaptability of the development.

The Department notes the importance of separating the functions of metro station and the residential development. The Applicant notes the back-of-house operations and servicing of the metro will be kept separate to the back-of-house requirements for residents. The podium includes a shared loading dock, which will be maintained as an easement for rail authority for future metro servicing. Also, the waste collection areas are separate, while a dedicated car lift is used solely for residents of the OSD.

Further, the Department notes the proposal incorporates the following sustainability features:

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.

- solar renewable energy generation and water capture
- rainwater reuse for irrigation
- passive design shading
- connection to nature through biophilic design
- naturally ventilated corridors
- low embodied-carbon materials
- 100% electric building
- naturally lit and ventilated carpark

The Department is therefore satisfied the proposal is generally consistent with the Design Guidelines.

Appendix E – Recommended Instrument of Consent

<https://www.planningportal.nsw.gov.au/major-projects/projects/crows-nest-osd-site-b>.