

Crows Nest Five Ways Project (SSD-66826207)

Changes to Conditions of Consent

Notes:

1. Not all conditions in the table below are replicated in full, only necessary parts of the conditions to demonstrate changes.
2. As a result of new conditions, re-numbering of conditions will be required/undertaken.

Condition No.	Commission’s Intended Outcome	Revised Condition (Additions in bold and underlined , deletions in strikethrough)	Department comments
DEFINTIIONS	Amendment to capture all information provided to the Commission as approval documentation.	Amendment Report: The Amendment Report, prepared by Gyde, dated 12 September 2024, submitted with the application for consent for the Development, including any additional information provided by the Applicant in support of the application, including additional information provided to the Commission dated 12 December 2024.	Agreed
TERMS OF CONSENT A1.	<p>Question to the Department: the Commission seeks to confirm with the Department if the following plans should be included within A1(c):</p> <ul style="list-style-type: none"> - Civil Plan Set - Affordable Housing Plans DA-115-010 to DA-115-050 - Storage Plans DA-725-001 and DA-725-002 - GFA Plans DA-770-001 to DA-770-004 		<p>We usually do not stamp the GFA, affordable housing, civil works and storage plans as these are DA plans for visual analysis only. The construction certificate plans should be compliant with the dimensions in the architectural plans.</p> <p>The affordable housing apartments have been annotated in the architectural plan set.</p> <p>The civil plans are concept only, therefore not stamped. Given we approve the EIS, all plans and documents are covered.</p>
HOUSING AND PRODUCTIVITY CONTRIBUTIONS A8.	<p>Question to the Department: please confirm the HPC comprises of one payment of \$1,527,874.24 and if so, if one of the rows of the table in the condition can be deleted to provide clarity on this matter.</p>		Yes, the base component line can be deleted.
CAR PARKING B9.	<p>Amendment to B9(g) including:</p> <ul style="list-style-type: none"> - minor wording amendments to (i) and (ii) to provide consistency within the condition; and - addition of “for residential use” to (vii) to ensure clarity that the 207 spaces for residential use are in addition to the commercial spaces required by (viii). 	<p>(g) submit to the Certifier a Report demonstrating compliance with the following:</p> <ul style="list-style-type: none"> (i) provision of 190 residential car parking spaces including 38 adaptable car parking spaces within the basement; (ii) provision of 6 six car share spaces within the basement; (iii) provision of four service vehicle spaces within the basement; (iv) provision of 20 car spaces within the basement dedicated for commercial/retail use including two adaptable car spaces; (v) compliance with Australian Standards for the layout, design and security of car parking spaces and bicycle facilities; (vi) provision of electric vehicle charging infrastructure in accordance with the NCC; (vii) provision of 207 bicycle parking spaces for residential use, including a minimum of 19 residential visitor spaces; (viii) provision of 95 bicycle parking spaces for commercial use; and (ix) provision of end-of-trip facilities identified in the approved plans listed in condition A1(c). 	Agreed

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<p align="center">ENGINEERING</p> <p align="center">B20.</p>	<p>Question to the Department: the Commission notes the plans referenced in B20(a) parts (i) to (vii) have been replaced with more recent revisions. Please confirm these should be updated to reference the plans that are to be approved under condition A1, including undertaking any necessary consultation with Sydney Metro to confirm this.</p>	<p>B20. Prior to the issue of the Construction Certificate for excavation and construction works (excluding demolition), the Applicant must ensure that all works are undertaken in accordance with the details, methodology, advice, undertakings, measures and recommendations detailed in the following documents:</p> <p>(a) Architectural drawings:</p> <ul style="list-style-type: none"> (i) Basement 07 plan, Dwg no. DA-110-001, Revision N L, prepared by Turner, dated 17 October 2024 30 August 2024; (ii) Basement 06 plan, Dwg no. DA-110-002, Revision P N, prepared by Turner, dated 17 October 2024 30 August 2024; (iii) Basement 05 plan, Dwg no. DA-110-003, Revision N L, prepared by Turner, dated 17 October 2024 30 August 2024; (iv) Basement 04 plan, Dwg no. DA-110-004, Revision P N, prepared by Turner, dated 17 October 2024 30 August 2024; (v) Basement 03 plan, Dwg no. DA-110-005, Revision P N, prepared by Turner, dated 17 October 2024 30 August 2024; (vi) Basement 02 plan, Dwg no. DA-110-006, Revision P N, prepared by Turner, dated 17 October 2024 30 August 2024; (vii) Basement 01 plan, Dwg no. DA-110-007, Revision Q O, prepared by Turner, dated 17 October 2024 30 August 2024; (viii) Ground level plan, Dwg no. DA-110-001, Revision N, prepared by Turner, dated 30 August 2024; (ix) Section AA plan, Dwg no. DA-310-101, Revision J, prepared by Turner, dated 29 August 2024; (x) Section BB plan, Dwg no. DA-310-201, Revision I, prepared by Turner, dated 29 August 2024; and (xi) Section CC plan, Dwg no. DA-310-301, Revision G, prepared by Turner, dated 29 August 2024; 	<p>Agreed</p>
<p align="center">SURVEY AND ASSETS</p> <p align="center">B24 – B27</p>	<p>Amendment to consolidate recommended conditions B24 – B27 into one condition (now condition B24) to reflect Sydney Metro's recommended conditions and ensure all information relevant to a requirement is included in the one condition for clarity and compliance purposes.</p>	<p>Recommended as:</p> <p>B24. Prior to the issue of a Construction Certificate, the Applicant must undertake a services search to establish the existence and location of any rail services and provide the results of the search to Sydney Metro.</p> <p>B25. A services search must be based on current and not expired information and include information obtained through the Dial Before You Dig service.</p> <p>B26. Persons performing the service search must use equipment that will not have any impact on rail services and signalling.</p> <p>B27. Should rail services be identified within the development site, the Applicant must discuss with Sydney Metro whether the services are to be relocated or incorporated within the development site.</p> <p>Proposed Amendment:</p> <p>B24. Prior to the issue of a Construction Certificate, the Applicant must undertake a services search to establish the existence and location of any rail services and provide the results of the search to Sydney Metro. A services search must be based on current and not expired information and include information obtained through the Dial Before You Dig service. Persons performing the service search must use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the development site, the Applicant must discuss with Sydney Metro whether the services are to be relocated or incorporated within the development site.</p>	<p>We avoid multiple lines in one condition to ensure that all the requirements are separate line items.</p> <p>It is easier for the Certifier to tick off the condition and for the Compliance team to take any actions.</p> <p>However, the Department agrees to the consolidated condition, if the Commission is of this opinion.</p> <p>Recommend bullets in this condition (if consolidated):</p> <p>Prior to the issue of a Construction Certificate, the Applicant must undertake a services search to establish the existence and location of any rail services and provide the results of the search to Sydney Metro in accordance with the following:</p> <ul style="list-style-type: none"> a) services search must be based on current and not expired information and include information obtained through the Dial Before You Dig service; b) persons performing the service search must use equipment that will not have any impact on rail services and signalling; and c) should rail services be identified within the development site, the Applicant must discuss with Sydney Metro whether the services are to be relocated or incorporated within the development site.

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<p>ELECTROLYSIS</p> <p>Now B26.</p> <p>(Recommended as B29 – B31)</p>	<p>Amendment to consolidate recommended conditions B29 – B31 into one condition (now condition B26) to reflect Sydney Metro's recommended conditions and ensure all information relevant to a requirement is included in the one condition for clarity and compliance purposes.</p>	<p>Recommended as:</p> <p>B29. The Applicant must incorporate as part of the development all the measures recommended in the electrolysis assessment report Electrolysis Risk Desktop Study, Document ref. W23437/P100136, prepared by Corrosion Control Engineering, dated 9 May 2022.</p> <p>B30. A copy of the electrolysis assessment report must be provided to the Certifier and Council prior to a Construction Certificate being issued by the Certifier.</p> <p>B31. The Certifier must ensure that the recommendations of the electrolysis assessment report are incorporated in the construction drawings and documentation prior to issuing a Construction Certificate for the development.</p> <p>Proposed Amendment:</p> <p>B26. The Applicant must incorporate as part of the development all the measures recommended in the electrolysis assessment report Electrolysis Risk Desktop Study, Document ref. W23437/P100136, prepared by Corrosion Control Engineering, dated 9 May 2022. A copy of the electrolysis assessment report must be provided to the Certifier and Council prior to a Construction Certificate being issued by the Certifier. The Certifier must ensure that the recommendations of the electrolysis assessment report are incorporated in the construction drawings and documentation prior to issuing a Construction Certificate for the development.</p>	<p>Recommend multiple conditions due to reasons above.</p>
<p>CONSTRUCTION</p> <p>Now B31.</p> <p>(Recommended as B36)</p>	<p>Question to the Department: the Commission notes recommended condition B36 requiring a monitoring plan does not include the first paragraph of Sydney Metro's condition 1.13 in their correspondence dated 24 October 2024. Please outline why the Department have not included this paragraph.</p>	<p><i>(Large 'DRAFT' watermark is visible across this cell)</i></p>	<p>The first paragraph was a statement rather than a condition. Therefore, it was not added.</p> <p>However, we recommend updating the condition as below:</p> <p>Prior to issue of a Construction Certificate, the Applicant must provide the Certifier evidence that an updated tunnel monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) has been submitted to and endorsed by Sydney Metro. The monitoring plan must confirm that movements of Sydney Metro Underground Infrastructure (including, but not limited to tunnel lining and cross passages) would not exceed 10mm during excavation or construction.</p>
<p>CONSTRUCTION</p> <p>Now B34.</p> <p>(Recommended as B39)</p>	<p>Question to the Department: the Commission notes recommended condition B39 regarding Public Liability Insurance does not include the wording "If required by Sydney Metro" as included in Sydney Metro's condition 1.15 in their correspondence dated 24 October 2024. Please outline why the Department have not included this wording.</p>	<p><i>(Large 'DRAFT' watermark is visible across this cell)</i></p>	<p>The inclusion of "If required" is superfluous. The Applicant needs to contact the Sydney Metro team to understand whether public liability insurance is required.</p>
<p>PRE-CONSTRUCTION DILAPIDATION REPORTS</p> <p>C13.</p>	<p>Amendment to ensure these works are completed in a timely manner.</p>	<p>C13. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional as soon as possible by the Applicant to the satisfaction of the public authority responsible for the public way.</p>	<p>Agreed.</p>
<p>HOURS OF CONSTRUCTION</p> <p>D5.</p>	<p>Question to Department: please advise the definition of affected residents and how this would be monitored for compliance purposes.</p>	<p>Any provided definition would be incorporated within the definitions table of the consent.</p>	<p>Suggest replacing 'affected residents' with 'sensitive receivers' which is consistent with Condition C3. The condition should be updated to read as:</p> <p>.....sensitive receivers as identified in the Construction Noise and Vibration Management Sub-Plan in condition C3.</p>

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<p>UNCOVERING RELICS OR ABORIGINAL OBJECTS</p> <p>NEW CONDITION D32</p>	<p>New condition to capture the heritage management strategies outlined by the Applicant, including in the Applicant's most recent correspondence to the Commission dated 12 December 2024.</p>		<p>Agreed</p>
<p>INSPECTIONS</p> <p>Now D45.</p> <p>(Recommended as D44)</p>	<p>Question to the Department: the Commission notes recommended condition B44 regarding joint inspections does not include the wording "If required by Sydney Metro" as included in Sydney Metro's condition 2.8 in their correspondence dated 24 October 2024. Please outline why the Department have not included this wording.</p>		<p>The inclusion of "If required" is superfluous. The Applicant needs to contact the Sydney Metro team to understand whether a joint inspection is required.</p>
<p>GREEN TRAVEL PLAN</p> <p>E30 and</p> <p>NEW CONDITION E31.</p>	<p>Amendment to ensure the Green Travel Plan is prepared in consultation with the relevant agency and ongoing monitoring is carried out to ensure the effectiveness of the Green Travel Plan as the character and precinct of Cros Nest changes over the life of the development, in addition to the change in use of the 48 affordable housing apartments after 15 years.</p> <p>The Commission also notes TfNSW's correspondence dated 4 June 2024 recommending the GTP be submitted and endorsed by TfNSW.</p>	<p>E30. Prior to the operation or commencement of use of the Development, the Applicant must:</p> <ul style="list-style-type: none"> (a) prepare a final Green Travel Plan in consultation with TfNSW, consistent with the Traffic Impact Assessment Report prepared by JMT consulting dated 17 October 2024, which includes: <ul style="list-style-type: none"> (i) a mechanism to monitor the effectiveness of the measures of the Plan; and (ii) an implementation strategy for the Green Travel Plan that commits to specific management actions and operational procedures, and timeframes for implementation; (b) submit a copy of the final Green Travel Plan to development.sco@transport.nsw.gov.au for the endorsement of TfNSW; and (c) provide a copy of the approved Green Travel Plan to the Planning Secretary. <p>E31. Following occupation or commencement of use of the Development, the Applicant must:</p> <ul style="list-style-type: none"> (a) review and update the Green Travel Plan annually in consultation with TfNSW; and (b) implement the Green Travel Plan (as updated annually) for the life of the development. 	<p>Agreed with E30.</p> <p>Condition E31 should be moved as a post occupation condition in section F.</p>
<p>Other Items</p>	<p>The Commission notes the conditions provided by TfNSW (and one note) use the word "developer" in place of "Applicant". The Commission has made an amendment to these conditions to replace "developer" with "Applicant" to ensure consistency throughout the consent and ensure the definitions are accurate.</p>	<p>Deleted developer and inserted Applicant to the following conditions:</p> <ul style="list-style-type: none"> - recommended condition B45 (now B40) - recommended condition B48 (now B43) - note of recommended condition D35 	<p>Agreed</p>