

SYDNEY METRO VICTORIA CROSS OSD CONCEPT SSD DA MODIFICATION (SSD- 8874-MOD-1) & DETAILED SSD DA (SSD-10294)

RESPONSE TO SUBMISSIONS

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1. INTRODUCTION

This 'Response to Submissions' Report (**RtS**) has been prepared by Urbis on behalf of Lendlease (Victoria Cross) Pty Ltd to address the matters raised by government agencies, the public and community organisation groups during public exhibition of the proposed Sydney Metro Victoria Cross Over Station Development (**OSD**) State Significant Development (**SSD**).

The Department of Planning, Industry and Environment (**DPIE**) issued a letter to the applicant on the 5 December 2019, requesting a response to the comments raised during the public exhibition period for both the Concept SSD DA Modification application (**SSD-8874-Mod-1**) and the Detailed SSD DA (**SSD-10294**).

This RtS provides a response to the comments raised in the submissions as they relate to both SSD-8874-Mod-1 and SSD-10294. For the most part, the submissions received are relevant to both applications as they are interrelated (i.e. the detailed design is contained within the modified building envelope), in addition to submissions relating to works approved under the Sydney Metro Critical State Significant Infrastructure Approval (**CSSI Approval**).

Where applicable, this RtS provides consolidated responses to the submissions received which are relevant to both applications. Conversely, separate responses are provided for each application where the submissions received are only relevant to one application.

1.1. OVERVIEW

Both applications were on public exhibition from 1 November 2019 to 28 November 2019. During this period, submissions were received from NSW government agencies, local Council and other key public authorities. The submissions received from public authorities included those from:

- North Sydney Council (NSC)
- NSW Environment Protection Authority (EPA)
- Office of Environment and Heritage
- Heritage Council of NSW
- Transport for NSW
- Roads and Maritime Services
- Sydney Metro
- Sydney Water
- Fire and Rescue NSW
- Other authorities (including Sydney Airport Corporation and CASA).

In addition, submissions were received from the general public and community organisation groups for both applications. The key matters raised in the agency and public submissions include:

- Built form and design
- Miller Street frontage and the public domain
- Vehicle access and connection to the MLC building basement
- Traffic, parking and pedestrian impacts
- Integration with the metro station (CSSI Approval)
- Consistency with Concept Approval
- View loss and overshadowing
- Community uses and public open space.

This RtS provides an in-depth and holistic response to all matters raised by public authorities and community submissions. Revised specialist documentation has been provided in support of the RtS. These documents outline the additional architectural and landscape design, traffic impact assessment and further consultation that has been undertaken since the proposal came off public exhibition at the end of November 2019. This includes:

- Supplementary Design Report prepared by Bates Smart (**Appendix A**).
- Traffic and Transport Impact statement prepared by Arcadis and Mott Macdonald (ARCMAC) (**Appendix B**).
- Additional Landscape and Public Domain Design Report prepared by Aspect Studios (**Appendix C**).
- Revised Consultation Summary Report prepared by Lendlease (**Appendix D**).
- Revised Subdivision Plans (**Appendix E**).
- Visual Impact Photomontage Report for 221 Miller Street prepared by Virtual Ideas (**Appendix F**).
- Presentation and minutes of meeting held with Sydney Metro Design Review Panel (**Appendix G**).
- Updated Concept SSD DA Modification Envelope Plans with revised key/legend (**Appendix H**)
- Updated Detailed SSD DA Architectural Plans with revised key/legend (**Appendix I**)

The content contained in this RtS and the EIS previously submitted, demonstrates that both the Concept Modification and subsequent detailed proposal contributes to the achievement of the objectives for development within the North Sydney CBD through the delivery of A-grade commercial office space and results in minimal environmental impact in the context of the North Sydney commercial core.

The proposal integrates with the Sydney Metro Victoria Cross Station and enhances the public domain to the benefit of the local and wider community. Overall, the proposal is in the public interest and should be approved by the NSW DPIE, subject to conditions of consent.

2. SUBMISSIONS RECEIVED

This section provides a summary of the submissions received for both applications including a breakdown of respondent type, nature / position and number of submissions received.

2.1. SUBMISSIONS BREAKDOWN

Both applications were on public exhibition from 1 November 2019 to 28 November 2019. During this period comments were received from 15 submitters for Concept SSD DA Modification SSD-8874-Mod-1 and 19 submitters for Detailed SSD DA SSD-10294.

All submissions were managed by the DPIE, including registration and uploading the submissions onto the DPIE 'Major Projects' website under the respective *Victoria Cross* project portals.

A breakdown of the submissions by respondent type and their position is provided in the tables below.

Table 1 – Concept SSD DA Modification (SSD-8874-Mod-1) submissions received by respondent type

Submitter	Position	Number of Submissions
Public Authorities and NSW Government Agencies		
North Sydney Council	Object	1
NSW Environment Protection Authority (EPA)	Comment	1
Heritage Council of NSW	Comment	1
Office of Environment and Heritage	Comment	1
Transport for NSW	Comment	1
Roads and Maritime Services	Support	1
Fire and Rescue NSW	Comment	1
Sydney Metro	Comment	1
Sydney Airport Corporation	Comment	1
Civil Aviation Safety Authority (CASA)	Comment	1
Subtotal		10
Community / Public		
General Public	Object	5
Subtotal		5
Total Submissions		15

Table 2 – Detailed SSD DA (SSD-10294) submissions received by respondent type

Submitter	Position	Number of submissions
Public Authorities and NSW Government Agencies		
North Sydney Council	Object	1
NSW Environment Protection Authority (EPA)	Comment	1
Heritage Council of NSW	Comment	1
Office of Environment and Heritage	Comment	1
Roads and Maritime Services	Object	1
Transport for NSW	Comment	1
Sydney Metro	Comment	1
Sydney Water	Comment	1
Subtotal		8
Community / Public		
General Public	Object = 7 Support = 1 Comment = 1	9
Community Organisation Groups	Comment = 1 Object = 1	2
Subtotal		11
Total submissions		19

The applicant's response to the submissions received for both applications is provided in the following sections of this RtS. This RtS is supported by the additional design and technical documentation provided in **Appendices A** through to **D**.

2.2. ACTIONS COMPLETED FOLLOWING EXHIBITION

Since the public exhibition of the proposed Concept SSD DA Modification Application and the Detailed SSD DA, the proponent has sought to further engage with government agencies as follows:

- Engaging further with relevant authorities (e.g. Transport for NSW Sydney Coordination Office) on technical matters including meetings and via email correspondence.
- Meeting with the DPIE to clarify aspects of the proposed development, including ensuring the clarity and content of the response to submissions.
- The proposed development was re-presented to the Design Review Panel (DRP) on 18 February 2020 in accordance with the endorsed Design Excellence Strategy under the Concept Approval. The DRP resolved to endorse the scheme and in particular the western elevation of the tower, without amendment or condition, as achieving design excellence and for submission to the DPIE. Minutes of this meeting are provided at **Appendix G**.

3. AMENDMENTS TO THE PROPOSED DEVELOPMENT (SSD-10294)

3.1. REVISED SUBDIVISION STRATEGY

Since lodgement and public exhibition of the Detailed SSD DA (SSD-10294), the Proponent has further developed the stratum subdivision strategy for the OSD throughout the ongoing detailed design phase. As a result, the Detailed SSD DA now seeks a simplification of the lots previously proposed which has been driven by a rationalisation of lot ownership structures to present a more logical and improved operating arrangement.

Specifically, the revised stratum subdivision alters the lot arrangement so that there is one lot that runs below and one above the transfer level that is associated with the commercial tower, including the OSD tower and OSD enabling areas (ancillary and structure areas in the podium). With regards to the previous arrangement, this results in removing the OSD enabling Lot 105 and merging this area into the Tower Lot 201. Therefore, the lots that were previously sought for approval and the anticipated staging has changed.

Revised preliminary subdivision plans are included at **Appendix E**. The CSSI Approval provided consent for the subdivision of the Station lot (Lot 101). The subdivision of all other allotments beyond the Station lot is required to be created by the Detailed SSD DA and this includes:

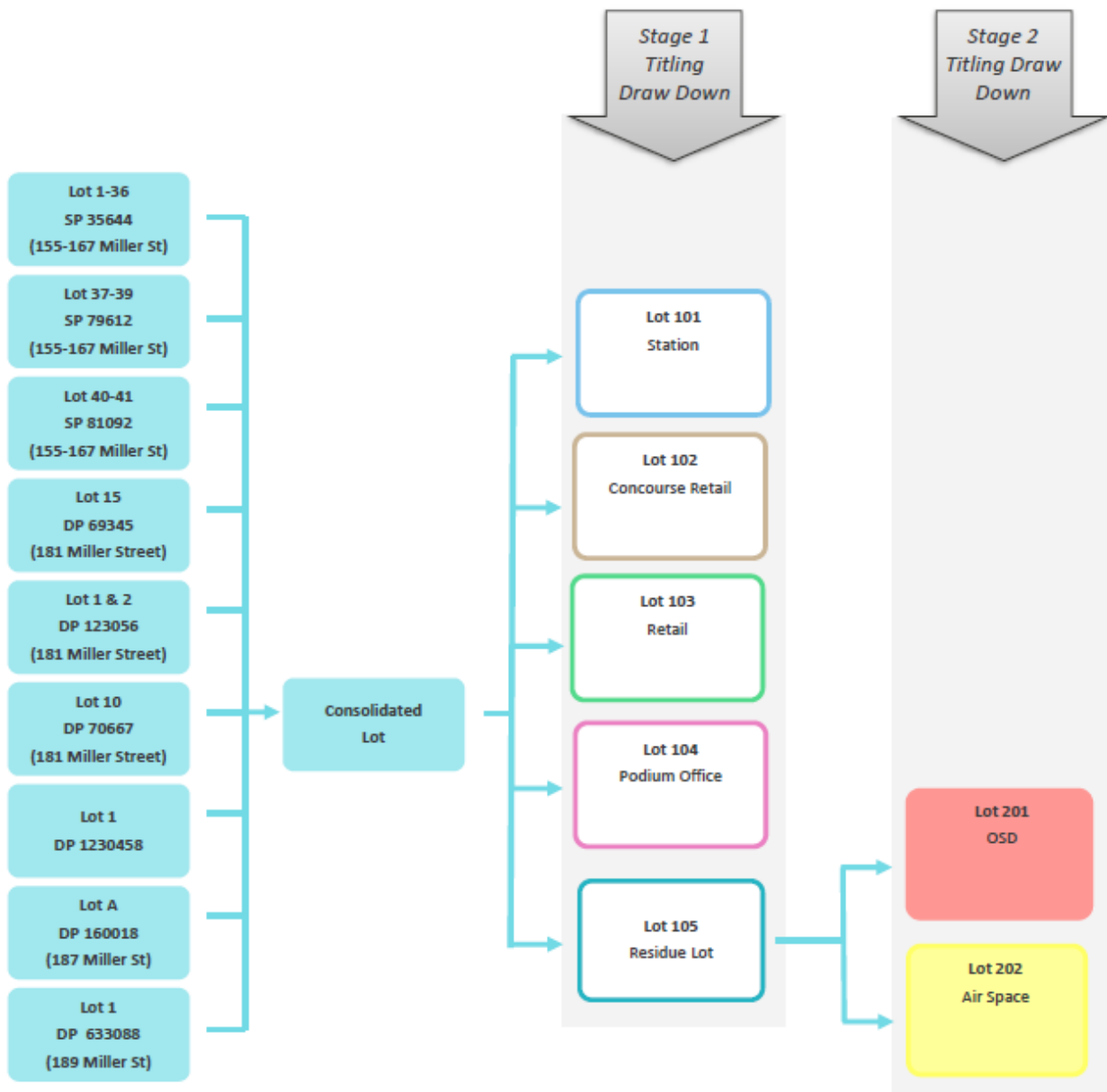
- Lot 102 – Concourse Retail
- Lot 103 – Retail
- Lot 104 – Podium Office
- Lot 105 – Proposed Residue Lot
 - Lot 201 – OSD Tower
 - Lot 202 – Air Space

It is proposed that the stratum lots be created in a staged manner. The staged subdivision consent is to allow for the sequential creation / registration of allotments to occur as is required to coincide with the construction and occupation program for the Integrated Station Development without the need for separate ongoing subdivision applications. The final sequencing of the creation / registration of allotments will need to be flexible and in turn final allocated lot numbers will vary subject to staging.

The anticipated staging is demonstrated by **Figure 1** below (updated figure from EIS). The anticipated Stage 1 titling relates to everything below the transfer level that aren't associated with the Tower. This includes, allotments for the metro station concourse retail, podium retail, secondary / podium commercial office floor space, and residue areas.

Given the design for areas below the transfer level are continually evolving, flexibility is required for effected lot boundaries within the CSSI 'metro box'. The subdivision plans include provisions to accommodate for potential changes to lot boundaries. The anticipated Stage 2 titling relates to everything associated with the commercial tower and the air space around the tower.

Figure 1 – Anticipated subdivision staging



Source: Lendlease

4. RESPONSE TO NSW DPIE PRELIMINARY ASSESSMENT

The NSW DPIE wrote to the applicant on 5 December 2019 requesting a response to the submissions and matters raised during the public exhibition period for SSD-8874-Mod-1 and SSD-10294. Generally, the comments provided by DPIE required further clarification regarding components of the modified building envelope and detailed OSD design. The key clarifications raised by DPIE include:

- OSD Integration with the metro station (CSSI Approval),
- Built form and setbacks,
- Clarification of community uses,
- Traffic and parking impact assessment,
- Consistency with Concept Approval; and
- Provisions for shared vehicle access to the neighbouring MLC building.

A consolidated response to the matters raised by the DPIE for both applications SSD-8874-Mod-1 and SSD-10294 are provided in **Table 3**.

Table 3 – Summary Response to DPIE Matters

Issue / Matter	Comment	Response						
1. Integration with station	Clarify the extent of works forming part of the over station development and how they integrate with the approved station, in particular:	The following table delineates the components and scope of works associated with the CSSI Approval (SSI 15_740) and the Detailed SSD DA (SSD-8874-Mod-1 & SSD-10294).						
	<ul style="list-style-type: none">a) the design of retail tenancies along the Miller Street frontage and retail building adjacent to the southern site boundary.	<table><tr><th>Component</th><th>OSD Approval</th><th>CSSI Approval</th></tr><tr><td>Detailed design, construction and operation of the OSD above the station (i.e. above 'transfer slab') for 'commercial premises' and ancillary uses</td><td>✓</td><td></td></tr></table>	Component	OSD Approval	CSSI Approval	Detailed design, construction and operation of the OSD above the station (i.e. above 'transfer slab') for 'commercial premises' and ancillary uses	✓	
	Component	OSD Approval	CSSI Approval					
	Detailed design, construction and operation of the OSD above the station (i.e. above 'transfer slab') for 'commercial premises' and ancillary uses	✓						
<ul style="list-style-type: none">b) integration with public domain and how the specific design criteria in the approved Design Guidelines have been addressed.c) the podium office space above the through-site link.d) the use and design of the non-rail related uses within the podium.	<table><tr><td>The fit-out and operation of non-rail related uses ('commercial premises' such as retail, food & beverage, office space and ancillary uses) that are located below the transfer</td><td>Subject to separate,</td><td></td></tr></table>	The fit-out and operation of non-rail related uses ('commercial premises' such as retail, food & beverage, office space and ancillary uses) that are located below the transfer	Subject to separate,					
The fit-out and operation of non-rail related uses ('commercial premises' such as retail, food & beverage, office space and ancillary uses) that are located below the transfer	Subject to separate,							

Issue / Matter	Comment	Response		
	<i>Note: the infrastructure approval (CSSI 7400) includes provisions for future over station development (such as structure and service connections) but excludes the over station development and non-rail related uses.</i>	level. This includes the 'podium office space', the retail tenancies located along the Miller Street frontage and the retail uses within the buildings located adjacent to the southern boundary.	future approvals	
		Use of OSD parking and loading within the basement (150 parking spaces for OSD purposes)	✓	
		Use and fit-out of OSD lobby, end of trip facilities and service facilities and the provision of base building fit-out.	✓	
		Signage zone locations	✓	
		Stratum subdivision	✓	
		Demolition of all existing structures and vegetation removal		✓
		Bulk earthworks and excavation		✓
		Remediation activities		✓
		Primary station works and structural works, including both structural elements and service provisions below the 'transfer slab' level for the OSD (e.g. lift cores, access, parking etc.)		✓
		Delivery (construction) of all podium levels below the 'transfer slab' and buildings in the through-site link		✓

Issue / Matter	Comment	Response												
		<table> <tr> <td>Design and construction of public domain works</td><td></td><td>✓</td></tr> <tr> <td>Use and fit-out of station (rail related) retail tenancies</td><td></td><td>✓</td></tr> <tr> <td>Ancillary facilities relating to the operation of the Sydney Metro station</td><td></td><td>✓</td></tr> <tr> <td>Subdivision associated with the Station</td><td></td><td>✓</td></tr> </table> <p><u>CSSI Approval:</u></p> <p>The CSSI Approval pathway includes all the proposed structural components, construction of podium levels and buildings in the through-site link, public domain works and rail-related uses below the 'transfer slab' level (ranging from RL 81.6 to RL 89 at the top of the northern laneway building).</p> <p>Various conditions of the CSSI Approval require the detailed design of above ground works (including public domain works) to be endorsed prior to commencement of permanent built surface works and/or landscaping. This is currently underway through the lodgement of the Station Design and Precinct Plan (SDPP).</p> <p>The SDPP has been endorsed by the Sydney Metro Design Review Panel (DRP) and has been submitted to the DPIE's Infrastructure team for approval.</p> <p><u>Detailed SSD DA:</u></p> <p>The anticipated use of non-rail related tenancies located below the transfer level (e.g. retail, food and beverage tenancies, lobby areas and podium office spaces) are shown indicatively in the Detailed SSD DA for the OSD (SSD-10294).</p> <p>While the '<i>commercial premises</i>' use is conceptually approved in the Concept SSD DA for the OSD (SSD- 8874), the detailed operation and fit-out of these</p>	Design and construction of public domain works		✓	Use and fit-out of station (rail related) retail tenancies		✓	Ancillary facilities relating to the operation of the Sydney Metro station		✓	Subdivision associated with the Station		✓
Design and construction of public domain works		✓												
Use and fit-out of station (rail related) retail tenancies		✓												
Ancillary facilities relating to the operation of the Sydney Metro station		✓												
Subdivision associated with the Station		✓												

Issue / Matter	Comment	Response
		<p>tenancies below the transfer slab level will be sought via Complying Development Certificates (CDC) under the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> (Codes SEPP) or via separate applications for works and operational uses that do not fall within the scope of the Codes SEPP.</p> <p>Aspect Studios have prepared a Landscape and Public Domain Design Report which is provided at Appendix C. The Report demonstrates how the proposal complies with the <i>Victoria Cross Over Station Development Design Guidelines May 2019</i>, and more specifically, the <i>Built Form Guidelines Section 5.5 – Public Domain</i> which in summary includes:</p> <ul style="list-style-type: none"> • Enhancing the quality of the public domain through activating street frontage's facilitating a range of uses and improving streetscape amenity through the provision of landscaping. • Clearly defining street interfaces including the 'OSD forecourt', 'Miller Street Retail', 'Metro forecourt' and 'Miller Street Civic Green Spine'. • Alignment of the Miller Street Special Area creating a large civic plaza along Miller Street enabling pedestrian circulation and informal / formal seating areas. • Maintaining a continuous awning along the Miller Street frontage, providing a sheltered space for pedestrians. • Inclusion of food and beverage dining opportunities. • Provision of an activated through-site link offering retail opportunities. • Extending the public domain into the Miller Street metro entrance adjacent the through-site link.

Issue / Matter	Comment	Response
<p>2. Built form and setbacks</p>	<p>Provide further justification for the proposed built form with respect to:</p> <ul style="list-style-type: none"> a) the design of the tower within the articulation zone and how the specific design criteria in the approved Design Guidelines have been addressed b) the proposed modifications to the building envelope and distribution of massing in relation to the view loss and amenity concerns raised in public submissions c) Condition A15 which requires the building not to exceed the approved building envelope. <p>Note: The Department is requesting schedules of actions from the Sydney Metro Design Review Plan (DRP) to further consider how the advice of the DRP have been addressed by the project. The Department in reviewing the schedules, may seek further clarifications on the project responses to DRP advice.</p>	<p>Articulation zone and Design Guidelines:</p> <p>The articulation zone of the approved building envelope has a volume of 28,950 cubic metres, whereas the modification to the building envelope has a volume of 19,385 cubic metres in the articulation zone. This equates to a reduction of 9,565 cubic metres from the approved to the modified envelope.</p> <p>The detailed design of the OSD consists of 14,875 cubic metres of built form within the articulation zone of the modified envelope. This equates to a reduction of 4,510 cubic metres. The detailed design of the OSD occupies approximately 77% of the modified envelope articulation zone, and 50% of the approved envelope articulation zone.</p> <p>The proposal therefore addresses Clause 5.3(3) of the approved Victoria Cross OSD Design Guidelines which states ‘<i>the building form within the “articulation zone” of the Miller Street frontage of the building envelope may utilise some (not all) of the nominated zone.</i>’</p> <p>As stated in the supplementary Design Report prepared by Bates Smart (Appendix A), the proposed massing within the articulation zone has been designed to meet other relevant Victoria Cross OSD Design Guidelines as follows:</p> <ul style="list-style-type: none"> The proposed massing complies with overshadowing requirements of the NSLEP 2013. The proposed massing incorporates horizontal recessed articulation and varied façade depths at the lower levels of the OSD tower which align with the height and scale of the adjacent MLC Building (refer to the Heritage Impact Assessment and Heritage Interpretation Report submitted with SSD-10294 for further discussion on the proposed built form compatibility). The proposed massing provides varying articulation depths throughout the low, mid and high rise levels to maintain sky views (e.g. there is no built form cantilever to Miller Street below level 15). The detailed design has

Issue / Matter	Comment	Response
		<p>removed 14 storeys of commercial office space previously situated on the northern side of the laneway. This together with an increased separation from the OSD tower component to the MLC Building significantly improves sky views when compared to the approved envelope.</p> <ul style="list-style-type: none"> • The proposed massing design in the articulation zone breaks up wind paths and reduces downdrafts at the western interface of the tower (Miller Street). As demonstrated in the Wind Impact Assessment submitted with SSD-10294, wind conditions at the base of the tower in the Miller Street public domain (i.e. beneath the articulation zone) are amongst the lowest and most comfortable across the site. Wind impacts are further mitigated by increasing the setback from the southern property boundary to the OSD tower and removing the need for a glass awning above the laneway (approved envelope). <p>Distribution of massing, mitigating view loss and amenity concerns:</p> <p>The approved building envelope has a zero-metre setback to the eastern boundary and a 5m setback to the northern boundary (Berry Street).</p> <p>While the proposed modification to the building envelope reduces the approved setback from the northern boundary (Berry Street) from 5m to 4.5m, plus shading structures, the proposed detailed design provides an additional 3m setback to the eastern boundary in the north eastern corner of the site. The inclusion of this setback to the eastern boundary creates an additional view corridor from the Alexander Apartments to the north west, when compared to the approved building envelope.</p> <p>As illustrated in the supplementary Design Report (Appendix A), the reduction of the northern setback by 0.5m and the inclusion of additional shading elements outside of the building envelope maintains an additional view corridor to the Alexandria Apartments compared to the approved building envelope. Further, the additional 3m setback to the eastern boundary improves solar access and general outlook from the Alexandria Apartments</p>

Issue / Matter	Comment	Response
		<p>compared to the approved building envelope, notwithstanding the proposed changes to the approved building envelope, as evidenced in the view impact studies and shadow analysis included within this response.</p> <p>Exceeding the approved envelope (Condition A15):</p> <p>The detailed design of the proposed tower has progressed concurrently with the proposed modified building envelope, and the tower has been designed to comply with the building envelope as sought to be modified with the only exception being the sun shading devices.</p> <p>Notably, the external sun-shades (vertical fins) project 490mm beyond the modified envelope on the north façade and 100mm beyond the modified envelope on the low rise levels of the south façade facing the laneway.</p> <p>This is considered acceptable, despite the projection of the north façade, as the built form of the OSD enables improved views and solar access to the north-west oriented apartments within the Alexander Apartments. This is achieved by increasing the setback distance (3 metres) from the OSD tower to the north-east corner of the site (adjacent to the Denison and Berry Street intersection).</p> <p>Similarly, despite the low-rise levels of the south façade extending beyond the modified envelope, solar access and view outlook throughout the precinct is significantly improved by increasing the separation distance from the OSD tower to the adjacent MLC Building from 18 metres to 28 metres (10 metre increase) compared to the original approved envelope.</p> <p>The vertical fins are a key architectural expression of the detailed design which further articulate the built form. In addition, the vertical fins mitigate glare impacts from the glass façade and reduce direct heat impacts to internal commercial floor plates, thus improving sustainability outcomes for the operation of the OSD.</p>

Issue / Matter	Comment	Response
3. Community uses	<p>Clarify the use, operation and management of the proposed 'Hub' space within the podium, with further consideration of:</p> <p>a) integration with the approved station and publicly accessible spaces</p> <p>b) meeting community needs and maximising public benefits</p> <p>c) outcomes of any further consultation with community groups and Council.</p>	<p>The proposal includes 'The Hub', a multi-purpose space at Level 2 of the commercial tower which was included in Lendlease's successful bid for the development opportunity. The contractual arrangements with Sydney Metro reflect Lendlease's commitment to realising its vision for the space, linking the precinct to the surrounding community. These arrangements and operating principles exist between Lendlease and Sydney Metro as outlined below.</p> <p>a) Use, Operation and Management:</p> <p>'The Hub' is envisioned to forge a relationship between the office use, metro use and the community, creating benefit to the precinct's multiple stakeholders. As a multipurpose area, 'The Hub' will be utilised for a variety of uses such as community uses, meetings, events, a workspace and exhibition space. Situated within the office lobby area, 'The Hub' will be operated by the precinct owner. Management of the space will be led by those arrangements in place with Sydney Metro to ensure preservation of the space's long-term amenity and program.</p> <p>It is anticipated that should consent be granted for the proposed development that a condition would be imposed to guide the selection of the future uses of 'The Hub', management of the space, and establish operational conditions and protocols for the space. Such a condition may include:</p> <p><i>"Prior to the issue of the final Occupation Certificate for the commercial office OSD, the owner must implement an Operational Management Plan for 'The Hub'. In preparing the Operational Management Plan, the owner must consult with relevant stakeholders including though not limited to Sydney Metro, North Sydney Council, key building tenants and community representatives to develop the potential uses and program of the space. In determining the potential uses and program of the space, the owner must consider:</i></p> <ul style="list-style-type: none"> - <i>The recommendations and comments received from consultation with relevant stakeholders.</i>

Issue / Matter	Comment	Response
		<ul style="list-style-type: none"> - Existing community infrastructure at the likely time of occupation. - Gap analysis of required community infrastructure at the likely time of occupation. - Uses that are complementary to the primary function of the building as a commercial office. - Public domain activation, accessibility of the space, and safety of users. <p>The Operational Management Plan must outline the implementation and roles and responsibilities of managing 'The Hub'. The Operational Management Plan is to be reviewed at least every five years to ensure the uses and program continues to meet the changing needs of the community and reflect any changing site context."</p> <p>b) Integration with the approved station and public accessible spaces:</p> <p>'The Hub' will be located directly above the metro station entry on level 2 of the podium within the office tower lobby. The strategic positioning of the space ensures integration with the station and public spaces through both physical and visual connectivity. As indicated on the architectural plans, 'The Hub' will be physically accessed through the building entry fronting the laneway, adjacent to the metro station entry. Secondary access is provided via the main OSD entrance on the corner of Miller Street and Berry Street. The proposed location of 'The Hub' on the prominent corner of Miller Street provides the visual links between the space and the station entry and external public domain. Beyond this, 'The Hub' itself is intended to function as an extension of the precinct's external public domain with public access to be secured through titling arrangements agreed with Sydney Metro.</p> <p>c) Meeting community needs and maximising public benefits and outcomes of further consultation with community groups and Council:</p>

Issue / Matter	Comment	Response
		<p>The success of 'The Hub' will be contingent on a design and a service program that provides a genuine community benefit. It is recognised that the community needs are likely to change over the next four years before the space is completed for use. As such, it is important that the space remains flexible in its design and use to meet the future needs of the community and to maximise public benefit. It is anticipated that closer to the occupation of the building an appropriate and authentic community consultation process will be undertaken with relevant stakeholders and Council to refine the potential program and uses of the space. This is to ensure that the use of the space is complementary to existing community services provided by Council and other service providers in the LGA in order to maximise the public benefit.</p> <p>In summary, this response clarifies the use, operation and management of 'The Hub' at this point in time considering the proposal will not be completed and operational until 2024. Further, Council's concerns raised with regards to the design of the space have been addressed through demonstrating the opportunity 'The Hub' provides for a future community and civic space within the building that has direct access to the metro station and ground floor public domain areas. The proponent is committed to ongoing consultation with Council and the community to ensure the respective needs are met and public benefit is maximised.</p>
4. Traffic assessment	<ul style="list-style-type: none"> Provide a revised Transport, Traffic and Parking Assessment Report and draft Green Travel Plan addressing the concerns raised by Transport for NSW, Roads and Maritime Services and in the public submissions. 	<p>The project traffic engineers ARCMAC have prepared a Traffic and Transport Impact Statement (Appendix B) in response to the comments and recommendations provided by Transport for NSW, Roads and Maritime Services, and the matters raised in the public submissions.</p> <p>Transport for NSW concerns raised for the Detailed SSD-10294 are addressed in Table 6 of Section 5.2.2.</p> <p>Traffic and Parking concerns raised in the public submissions are addressed in Table 8 (refer to Section 6.2.1) for the Concept SSD Mod SSD-8874 and Table 9 (refer to Section 6.2.2) for the Detailed SSD DA SSD-10294.</p>

Issue / Matter	Comment	Response
<p>5. Other matters</p>	<ul style="list-style-type: none"> a) Demonstrate consistency with Concept Approval with respect to the proposed basement carparking, noting only 150 spaces were approved under SSD 8874 for the over station development. b) Clarify the proposed mechanism to allow for future shared vehicle access to the MLC building. 	<p>a) Basement car parking provisions:</p> <p>Neither of the applications (SSD-8874-Mod-1 & SSD-10294) seek approval for any additional car parking spaces above what was approved for the OSD under SSD-8874. The Detailed SSD DA includes the provision of 150 car parking spaces which are to be accessed and used by the commercial tenants and visitors associated with the OSD. This is illustrated in the Architectural Drawings associated with the Detailed SSD DA submission package (refer <i>Appendix D</i> of SSD-10294). Consistency with the Concept Approval SSD-8874 is therefore achieved.</p> <p>The additional 11 spaces identified in the EIS are assigned to station retail uses for Sydney Metro. For avoidance of doubt, the use of these 11 spaces is not included as part of SSD-8874-Mod-1 or SSD-10294, but rather, forms part of the CSSI Approval. The car park design indicates the basement can accommodate 150 OSD car parking spaces sought as part of this proposal and the additional 11 station retail car parking spaces for Sydney Metro in accordance with relevant Australian Standards.</p> <p>b) Mechanism for MLC building shared vehicle access connection:</p> <p>ARCMAC have prepared a response outlining provisions for the MLC breakthrough in Appendix B. A detailed discussion regarding these provisions is provided in Table 4 in response to the concerns raised by Council.</p> <p>To summarise, adequate provisions have been made in the proposed design to accommodate a potential future breakthrough from the OSD basement levels into the adjacent MLC Building's basement.</p> <p>The structural design of the basement loading dock area incorporates soft zones (through the use of structural lintels) within the structural perimeter walls that allow for non-structural areas to be removed in the future without compromising the structural integrity of the Station and OSD structure.</p>

Issue / Matter	Comment	Response
		<p>These provisions are considered acceptable to demonstrate the proposed mechanism to allow for future connection to the MLC Building basement.</p> <p>As set out above, the structural components below the 'transfer level' including this wall are approved under the CSSI Approval and are not included as part of SSD-8874-Mod-1 or SSD-10294.</p>

5. PUBLIC AUTHORITIES AND NSW GOVERNMENT AGENCIES SUBMISSIONS

This section provides a response to the matters raised in submissions provided by public authorities and NSW government agencies.

5.1. RESPONSE TO NORTH SYDNEY COUNCIL SUBMISSION

A response to the key issues raised by North Sydney Council for the Concept SSD DA Modification Application (SSD-8874-Mod-1) and the Detailed SSD DA (SSD-10294) is provided in **Table 4** below.

Table 4 – Response to North Sydney Council Submission

Issue / Matter	Comment	Response
General Supporting comments	<i>The proposed modifications remain generally compliant with other key development standards pertaining to bulk, density and scale.</i>	Accepted and noted.
	<i>The proposed modifications reduce the bulk and scale of the building from the Miller Street Special Area, the through-site link, and Denison Street. The amendments made to the area through-site link is of interest and clearly a benefit.</i>	Accepted and noted.
	<i>The proposal enhances appreciation of existing built heritage compared to the approved scheme by increasing separation to the adjacent MLC local heritage building.</i>	Accepted and noted.
	<i>The modified envelope results in largely reduced visual and view impact to surrounding residents and public open spaces within the vicinity of the site.</i>	Accepted and noted.
	<i>The modified envelope does not result in a net increase in overshadowing to Special Areas and Public Recreation zones such as the Miller Street Special Area, Greenwood Plaza and Brett Whiteley Plaza. Furthermore, the proposal does not pose any additional unreasonable impacts to the solar access of nearby residential properties.</i>	Accepted and noted.

Issue / Matter	Comment	Response
Miller Street setback	<i>The modifications to the Concept approval are considered reasonable and an improvement subject to the tower being setback on the Miller Street faced to at least be in line with the podium.</i>	Noted – refer to the justification provided below.
	<i>The application should be amended to comply absolutely with the Miller Street setback for the entirety of the façade of the building which faces Miller Street.</i>	<p>The objective of clause 6.4(1) of the NSLEP 2013 (Miller Street setback) is to maintain an existing setback and landscaped setting at the ground and lower levels, and to preserve a specific streetscape character on the eastern side of Miller Street.</p> <p>The proposed development maintains the established setback (6 metres) on the eastern side of Miller Street up to a height of RL 126 (approximately 14 storeys) which enables the delivery of a landscape setting through the lower portions of the building envelope.</p> <p>The cantilever over the Miller Street setback area (within the articulation zone) occurs above the height of the adjacent MLC Building, therefore maintaining the established setback on the eastern side Miller Street and prevailing setbacks of adjacent buildings.</p> <p>As the proposed reduced setback begins at a height of RL 126, or approximately 14 storeys above street level, the streetscape would not be affected by the proposed cantilever in terms of landscape area or building setback.</p> <p>The proposed setback above the Miller Street setback area contributes to the articulation and design excellence of the built form, creating a point of greater visual interest compared to a compliant vertically extruded tower with a sheer wall. The design incorporates horizontal and vertical articulation, as well as varied façade depths along the western elevation to maintain sky views and improve the amenity at streetscape level in the public domain.</p> <p>The proposed setback above RL 126 would have negligible impact compared to a compliant scheme as:</p>

Issue / Matter	Comment	Response
		<ul style="list-style-type: none"> • The proposed setback and cantilever elements are compatible with the bulk, datum and scale of the MLC Building and nearby Rag & Famish Hotel, causing no unreasonable heritage impacts. • The proposal would cause no net increase in overshadowing to surrounding Special Areas, RE1 Public Recreation zoned land or any other sensitive areas. Instead, the proposal results in less overshadowing to the Miller Street Special area than the previous development across the site. • The proposed development has an increased setback to the adjacent MLC Building (28 metres) which improves the built form and bulk perception from the public domain. <p>Given the impacts of the proposed cantilever are negligible, compliance with the Miller Street Setback standard would not help to achieve the objective of the standard as it relates to streetscape characteristics, nor would it achieve a better planning outcome.</p> <p>It is further noted that approved building envelope was granted consent with a variation to the Miller Street Setback area, and the detailed design reduces the volume of built form within the approved articulation zone as well as the modified articulation zone which has a reduced volume.</p>
Underground connection to MLC basement	<i>The development does not adequately safeguard a potential future underground connection south into the MLC Building to enable future consolidation of vehicular entrances to loading zones and facilitate safe pedestrianisation of Denison Street.</i>	<p>It is noted that the design and construction of works within the basement levels are to be completed as part of the CSSI Approval. As such, any condition imposed on the Concept SSD DA Modification Application or Detailed SSD DA for the OSD with regards to the breakthrough is considered inappropriate and irrelevant as this forms part of the CSSI Approval and is not within the scope of either of these proposals.</p> <p>ARCMAC have previously completed swept path analysis for the proposed connection to the MLC basement at loading dock level. These informed aspects of the basement design and was submitted for information as part of the <i>Traffic and Transport Impact Assessment</i> under SSD-10294.</p>

Issue / Matter	Comment	Response
		<p>Notwithstanding the above, the accompanying Traffic and Transport Impact Statement (Appendix B) demonstrates that the architectural and structural design of the basement loading dock area enables for potential future connection to the adjacent MLC building.</p> <p>As illustrated in Appendix B, the structural design of the proposal's basement loading dock area incorporates soft zones, through the use of structural lintels within the structural boundary perimeter walls, that allow for non-structural areas to be removed at a future date without requiring remedial works to the permanent structural elements of the OSD and station structure.</p> <p>This allows for the connection of vehicle access to the MLC building via a shared loading dock in accordance with the Sydney Metro Victoria Cross requirements and specifications.</p> <p>The proposed location of the future breakthrough aligns with the current MLC basement plant level and the plant room boundary wall is adjacent to the subject site. Should connection occur in the future, the MLC Building site will need to assess a proposed future development basement configuration to enable the allocated future breakthrough. It is noted that a significant redevelopment of the MLC Building is unlikely given its heritage significance under Schedule 5 of the <i>North Sydney Local Environmental Plan 2013</i> (NSLEP 2013).</p> <p>In addition, MLC Building will need to coordinate traffic management of the breakthrough and complete any further traffic assessments based on any proposed layout or connection for future MLC loading areas.</p>
	<p><i>A stratum lot could be created over the vehicle access from Denison Street to the link in level B1 to the boundary. The lot would act as a right of way over this section and could be subject requirements that the owner of the adjacent site (MLC) be responsible for all costs to allow connection</i></p>	<p>The proponent does not support the creation of a stratum lot and registration of any right of carriageway easement across the site as it would unnecessarily burden the site / landowner.</p>

Issue / Matter	Comment	Response
	<p><i>including fire doors and safety and contributions for on-going maintenance of the stratum lot.</i></p>	<p>The MLC Building at 105-153 Miller Street, North Sydney is an item of local significance under Schedule 5 of the NSLEP 2013. In addition, there is no redevelopment potential for the site as described on Page 39 of this RtS.</p> <p>It would be onerous to enforce the proponent to make commercial commitments based on unknown future development which is unlikely to occur in the short to medium term under current height controls and the heritage listing. Any commercial agreement would be subject to negotiation between the two parties in the future when the appropriate information is available to consider details of the shared access agreement.</p> <p>Notwithstanding, as discussed above the design of the basement structure incorporates adequate provisions for future shared vehicle access to the MLC Building.</p> <p>Refer to further detailed discussion provided in Table 7 of this RtS, in response to the submission received from the landowner of 105-153 Miller Street (IOF Custodian Pty Ltd ATF Miller Street North Sydney).</p>
<p>Construction Management</p>	<p><i>The proposal will require construction zones for the next four years and Council's preference would be the use of Miller Street's southbound, kerbside lane along the frontage of the metro site for a loading/construction zone during the metro and metro OSD construction period.</i></p> <p><i>This may give opportunity to trial a partial closure of Miller Street and possibly lead to the realization of the Miller Place vision.</i></p>	<p>The proponent notes North Sydney Council's comments and approach, however, this will be a matter for endorsement by the Sydney Coordination Office prior to the commencement of the OSD construction.</p>
<p>Developer Contributions (Section 7.11)</p>	<p><i>Council's Contributions Plan requires a contribution where there is an increase in commercial floor space. For commercial development, the levy has been calculated according to the increase in workers, assuming an average of 20m² gross floor space per employee. The levy for</i></p>	<p>The proponent is seeking a credit on the Section 7.11 Contribution sought by Council to offset the existing commercial GFA that was previously on site prior to the demolition carried out under the CSSI Approval 15-7400.</p>

Issue / Matter	Comment	Response
	<p><i>commercial development is determined by multiplying the per worker cost of each service by 5. This gives a levy per 100m² which will then be applied to the increase in commercial floorspace.</i></p> <p><i>Consent has been granted for the metro station involving the demolition of all previous buildings. Following the metro station consent a Concept approval for the OSD was granted after all previous buildings were demolished and no floorspace exists to offset the required contribution. The increase in commercial floor space is therefore calculated on the proposed GFA of the current OSD application (61,500m²).</i></p>	<p>A total of 23,071.12sqm commercial floorspace should be credited to the site when calculating the required contributions in accordance with the North Sydney Section 94 Contributions Plan 2013.</p> <p>The following is noted with regards to the application of a credit:</p> <ul style="list-style-type: none"> • As per Section 1.4 of the North Sydney Section 94 Contributions Plan 2013, contributions will only be levied on additional residential and commercial development in accordance with the Plan. • This approach to levy contributions only on additional development is rational as it reflects the purpose and objectives of Section 7.11 contributions as per the terms of the EP&A Act: <ul style="list-style-type: none"> – As per Section 7.11(2) of the EP&A Act, a condition requiring the payment of a monetary contribution may only be imposed to “<i>require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services concerned</i>”. • To exclude a credit for existing buildings on the basis that they were the subject of a separate – though related – application would dissuade applicants from staging demolition and construction programmes, resulting in likely delays to development outcomes. To support the knowing consequence of additional development delays would be inconsistent with current State Government policy direction to reduce red tape and development timeframes to provide productivity benefits to NSW. <p>The CSSI Approval always envisaged an OSD on the site (refer to the CSSI Environmental Impact Statement and the approved plans for the Victoria Cross metro station) and permitted demolition to facilitate the construction of the Victoria Cross metro station and the integrated OSD. It is noted that the Sydney Metro is due to commence operation in 2024 and expediting demolition and early works on the site is in the public interest to deliver this critical infrastructure.</p>

Issue / Matter	Comment	Response
		<p>As such, to argue that no credit should be applied to the development would be inconsistent with the North Sydney Section 94 Contributions Plan 2013, would not reflect an appropriate nexus between contributions levied and additional infrastructure required as a result of development as per the terms of the EP&A Act, and would be inconsistent with the typical operation of the NSW development contributions system.</p>

5.2. RESPONSE TO OTHER PUBLIC AUTHORITY SUBMISSIONS

Submissions were received from NSW government agencies and other public authorities during the public exhibition period for both SSD-8874-Mod-1 and SSD-10294. Agency submissions were received from the following public authorities:

- NSW Environment Protection Authority (EPA)
- Heritage Council of NSW
- Office of Environment and Heritage
- Transport for NSW
- Roads and Maritime Services
- Sydney Airport Corporation
- Civil Aviation Safety Authority (CASA)
- Fire and Rescue
- Sydney Metro
- Sydney Water

5.2.1. Concept SSD DA Modification Application (SSD-8874-Mod-1)

A response to the matters raised by government agencies and other public authorities in relation to the Concept SSD DA Modification Application SSD-8874-Mod-1 is provided in **Table 5** below.

Table 5 – Response to Public Authority Submissions (SSD-8874-Mod-1)

Authority	Comment	Response
NSW Environment Protection Authority (EPA)	No comments have been raised to the subject proposal.	Noted.
Office of Environment and Heritage	No comments have been raised to the subject proposal.	Noted.
Heritage Council of NSW	No comments have been raised to the subject proposal.	Noted.

Authority	Comment	Response
Roads and Maritime Services	Roads and Maritime Services support the modification application and have provided no further comments on the proposal.	Noted.
Transport for NSW	No comments have been raised to the subject proposal.	Noted.
Sydney Airport Corporation	Sydney Airport Corporation approve the controlled activity for the intrusion of the proposal into the prescribed airspace for Sydney Airport to a maximum height of 230 metres AHD, subject to conditions.	Noted and accepted.
CASA	<p>CASA has no objections to or issues with the proposed development, the Department of Infrastructure Regional Development and Cities 'Approval' or the Preliminary Aeronautical Impact Assessment Updates.</p> <p>CASA recommends that NSW Health Infrastructure and the Air Ambulance Helicopter Operators are consulted regarding the proximity to the Royal North Shore Hospital Helicopter Landing Site</p>	Noted and accepted.
Fire and Rescue NSW (FRNSW)	FRNSW offer no comments or recommendations for consideration as it is deemed that there is little impact or significance to the fire and life safety aspects of the development.	Noted.
Sydney Metro	<p>As this is a SSD development application, the provisions of clause 86 of the State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) do not apply.</p> <p>Furthermore, as the proposal is for an Integrated Station Development which incorporates all the station and metro infrastructure, and over station development in an integrated design, Sydney Metro has no comments to make on the application.</p>	Noted.

5.2.2. Detailed SSD DA (SSD-10294)

A response to the matters raised by government agencies and other public authorities in relation to the Detailed SSD DA SSD-10294 is provided in **Table 6** below.

Table 6 – Response to Public Authority Submissions (SSD-10294)

Issue / Matter	Comment / Recommendation	Response
NSW Environment Protection Authority (EPA)		
	As an advisory note, the development will be located above tunnels containing operational rail lines, for which the EPA has a regulatory responsibility. The consent should include acceptable vibration and ground borne noise limits for spaces within the development drawn from the EPA's 'Rail Infrastructure Guideline' (EPA, 2013) and 'Assessing Vibration: A Technical Guideline' (DECC, 2006).	Noted and accepted.
Heritage Council of NSW		
	<p>The subject site is not listed on the State Heritage Register (SHR), nor is it in the immediate vicinity of any SHR items. Given investigation of archaeological potential of the area was a requirement of the previously approved CSSI 15_7400, no further comments are required from the Heritage Council of NSW. The Department does not need to refer subsequent stages of this proposal to the Heritage Council of NSW.</p> <p>As there are local heritage items in the vicinity of the site, advice should be sought from the North Sydney Council.</p>	<p>Noted and accepted.</p> <p>The Heritage Impact Assessment (HIA) and Heritage Interpretation Strategy (HIS) submitted with SSD-10294 confirmed the detailed design of the OSD is sympathetic to the heritage fabric of surrounding significant heritage items and incorporates various design strategies to ensure it is architecturally integrated. No comment has been received by North Sydney Council objecting to the proposal from a heritage perspective.</p>
Office of Environment and Heritage		
	NSW EES has reviewed the relevant documentation and advise that there is no further comments at this stage.	Noted and accepted.
Sydney Metro		

Issue / Matter	Comment / Recommendation	Response
	<p>As this is a SSD development application, the provisions of clause 86 of the State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) do not apply. Furthermore, as the proposal is for an Integrated Station Development which incorporates all the station and metro infrastructure and over station development in an integrated design, Sydney Metro has no comments to make on the application.</p>	<p>Noted and accepted.</p>
Sydney Water		
	<p>Please be advised that the Growth Planning team will not be making a submission for this development as Sydney Water have already issued the requirements to obtain a Section 73 certificate under case number 178583 directly to the developer (see above attached letter). Note sections 3.1, 3.2 and 3.3 which cover the requirements for Water, Wastewater and Stormwater servicing in more detail</p>	<p>Noted and accepted.</p>
Transport for NSW		
<p>1. Loading and parking provision</p>	<p>Transport for NSW raised comments regarding the reduction in the number of loading bay spaces from the Concept Approval (from 10 spaces to 6 spaces) and the consideration of E-charging facilities in the parking area, providing the following recommendations:</p> <ul style="list-style-type: none"> <i>Further information and justification should be provided for the reducing the number of loading bays and demonstrate that the reduced provision will not have an adverse impact on the use of the surrounding kerb space and operation of the road network.</i> 	<p>ARCMAC, the project engineers, have prepared an additional Traffic and Transport Impact Statement which addresses the issues raised by Transport for NSW (Appendix B).</p> <p>Loading and Unloading facilities:</p> <p>Since exhibition, the project team has undertaken consultation with Transport for NSW Sydney Coordination Office on the 31 January 2020.</p> <p>The approved Concept SSD DA indicated that the provision of loading dock spaces would be refined in the detailed design phase and noted that there is potential scope to reduce the assumed dwelling times within the loading bays to accommodate more</p>

Issue / Matter	Comment / Recommendation	Response
	<ul style="list-style-type: none"> Consideration could also be given to E-transportation charging facilities at the parking area. 	<p>service vehicles (assumed to be 30 minutes in the concept approval). The proposal includes approximately 2,400 sqm of retail GFA, compared to the approximately 5,000 sqm proposed under the Concept Approval. The detailed design has progressed, and further assessment of the loading bays has been completed based on a managed loading dock. This, along with the reduction in retail GFA from the Concept Approval, has led to the provision of a total of eight loading bays with the following breakdown:</p> <ul style="list-style-type: none"> Two MRV bays Two SRV bays Two Courier bays Two Sydney Metro bays. <p>This is a reduction of two courier bays from that originally discussed in the Concept SSD DA, noting that the quantity and type of spaces were to be refined.</p> <p>Service and courier vehicle movements will be managed through a Vehicle Booking System (VBS), to control the arrival of authorised vehicles to and from the site and manage dwell times. The VBS will require vehicles arriving to the site to pre-book a loading bay appointment time, prior to accessing the site. The use of a VBS provides greater certainty to drivers and Road Operators with regards to arrival and time within the site, reducing and dwell time outside of the loading bay area. Within the site, this will reduce queuing and congestion at the access, and spread out incoming service and courier vehicle movements during the operational hours of the site. The system will regulate and vehicle arrivals to the loading dock and prevent vehicle queuing and stopping in Denison Street and kerbsides within the surrounding road network.</p>

Issue / Matter	Comment / Recommendation	Response
		<p>A detailed Loading Dock Management Plan will be developed by the operator and will include details of the VBS prior to occupation. This will be updated regularly throughout the ongoing operation of the OSD.</p> <p>Based on the peak service vehicle and courier vehicle traffic generation of 23 vehicles in and 23 vehicles out in the AM peak, eight loading bays is considered sufficient for the estimated demand with the ability to accommodate up to 24 vehicles per hour. The loading dock will also be operated by a Loading Dock Manager who will be responsible for enforcing the VBS and dwell times for vehicle parked within the allocated bays.</p> <p>Refer to Appendix B for further detail regarding the Loading Dock Management Plan.</p> <p>E-charging facilities:</p> <p>The provision of E-transportation facilities within the parking area is currently under investigation as part of the development of the detailed design with a minimum of one electric vehicle charging space committed on opening of the site, with the opportunity to install additional charging spaces at a later time in accordance with the NSDCP 2012.</p>
<p>2. Construction Pedestrian and Traffic Management Plan</p>	<p>Transport for NSW raised concerns regarding potential cumulative impacts on general traffic as well as safety of pedestrians and cyclists during construction given the number of concurrent construction projects in the North Sydney CBD. The following recommendation was provided:</p> <ul style="list-style-type: none"> <i>The applicant should be conditioned to prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in</i> 	<p>Lendlease Building Pty Ltd and The Transport Planning Partnership (TPPP) has previously developed a preliminary Construction Pedestrian and Traffic Management Plan (CPTMP) which was submitted as an attachment to the Traffic and Transport Impact Assessment submitted with SSD-10294. The CPTMP will be further updated as required throughout the ongoing detailed design phase in consultation with the Sydney Coordination Office within Transport for NSW in response to the imposed conditions of consent.</p>

Issue / Matter	Comment / Recommendation	Response
	<i>consultation with the Sydney Coordination Office within Transport for NSW.</i>	
3. Green Travel Plan	<p>Transport for NSW recommended providing an updated comprehensive Green Travel Plan (GTP) prior to occupation of the site, taking into consideration the following suggestions:</p> <ul style="list-style-type: none"> • <i>Nominate a specific party or parties e.g. the Developer, Property Manager and Future Tenants responsible for implementing each of the actions in the GTP, and for its ongoing implementation, monitoring and review.</i> • <i>Clarification on which parties are responsible for delivery of each element of the GTP throughout various stages of the development lifecycle i.e. during the development of the site, and pre- and post- occupancy. • Provide clear identification and delineation of what actions, contributions and resourcing will be provided by each party and when, as well as identification of when responsibility of functions in the Travel Plan are handed over between Developer, Building Manager and Tenant.</i> • <i>Include a high-quality Travel Access Guide (TAG) which provides information to occupants about how to travel to the site by sustainable transport modes. This should include information about public transport connectivity, end of trip facilities, and local pedestrian and cycling connections.</i> • <i>An appropriate party should also be identified that is responsible for developing the TAG, a mechanism for its ongoing distribution (such as provision on a dedicated website), and periodic update.</i> • <i>Develop a comprehensive communications strategy outlining how communicative elements of the Travel Plan will be</i> 	<p>A preliminary draft Green Travel Plan (GTP) was prepared by ARCMAC and submitted as part of detailed OSD SSD-10294. This GTP will be updated prior to the occupation of the site and associated Work Travel Plans (WTP) will be developed specifically for future tenants. The following suggestions provided by Transport for NSW will be considered as part of the updates to the GTP and in the preparation of specific WTP's:</p> <ul style="list-style-type: none"> • Specifying contribution and responsibilities for the implementation of each of the actions within the GTP, including monitoring and review. • Development of a Travel Plan Committee to ensure implementation, monitoring and review of the Travel Plan. • Preparation of a high-quality Travel Access Guide (TAG), providing information to occupants about how to travel to the site by sustainable transport modes, with all supporting information provided specifically for the site. • Development a comprehensive communications strategy to support the implementation and ongoing updates, monitoring and review of the GTP and TAG. • More current 2016 ABS data will be utilised if publicly available at the time of the update of the GTP. • Consideration of allocating proportion of the proposed car parking in the OSD to be designated for car share. • As part of the ultimate GTP to be prepared in accordance with conditions of consent, additional initiatives to increase cycling

Issue / Matter	Comment / Recommendation	Response
	<p><i>delivered, including identification of appropriate content, channels and timing for dissemination.</i></p> <ul style="list-style-type: none"> <i>Use of more current ABS data is recommended for analyzing mode share and explore how mode share has changed between 2011 and 2016 to determine the baseline for setting future mode share targets.</i> <i>Propose a date for mode share targets to be met and acknowledge mode share targets will be reviewed at that time.</i> <i>A 7.5% targeted mode share for cycling is proposed on the basis of bicycle parking provision will be provided for 7.5% of regular occupants. Consideration of achieving this target should be based on the effect of proposed initiatives and strategies that are designed to increase cycling mode share.</i> <i>Section 2.2.3 should be revised to include ferry services to North Sydney provided by private operators e.g. Manly Fast Ferry services between Manly, North Sydney and Pyrmont.</i> <i>Consider and provide a recommendation on whether a proportion of the proposed car parking in the OSD should be designated for car share.</i> <i>Identification of strategies that encourage and promote commuters to retime trips outside the peak should be considered.</i> <i>Representatives from incoming tenants should be considered to be included on a Travel Plan Committee convened by the Property Manager, tasked with ongoing implementation, monitoring and review of the Travel Plan.</i> 	<p>mode share, and reduce trips during peak periods can be adopted. The final GTP will include implementation and monitoring requirements to ensure the Travel Plan achieves its objectives, and the applicant is willing to consider incoming tenants as part of this review and potential Committee.</p>

Issue / Matter	Comment / Recommendation	Response
Roads and Maritime Services		
Exhibited EIS Section 3.7 – Transport and Accessibility	<ul style="list-style-type: none"> Section 8.6.5 (Appendix P Transport, Traffic and Parking Assessment Report 2018) – Roads and Maritime Services previously commented that there is no consideration of the pedestrian movements generated by the OSD (Over Station Development) not using the metro. The pedestrian volumes and demands for those accessing/egressing the OSD need to be provided. Depending on the nature of the pedestrian movements generated, pedestrian modelling will be required to confirm the acceptability of the existing pedestrian network to accommodate the additional demands. In addition to the above, Roads and Maritime Services also notes that the entrance to the OSD is in close proximity to the intersection of Berry and Miller Streets, which will be subject to significant pedestrian demands generated by the metro station. The interaction and cumulative impacts of pedestrian activity generated by the metro station and OSD need to be confirmed through more detailed modelling. The assessment is currently limited to static modelling and the methodology is unclear. Section 8.6.8 (Appendix P Transport, Traffic and Parking Assessment Report 2018) – The report states “As the final details for the Western Harbour Tunnel and Beaches Link are not yet known, for the purposes of this application a sensitivity test has been undertaken, assuming a 15% total growth in background traffic on Berry Street.” 	<p>Roads and Maritime Services make reference to the analysis and documentation provided within the Environmental Impact Statement (EIS) and accompanying ‘Transport, Traffic and Parking Assessment Report’ (<i>Appendix P</i>) submitted with the original Sydney Metro Victoria Cross Over Station Concept Development SSD DA (SSD 17-8874). These matters have been assessed and considered acceptable by the DPIE and subsequently approved by the Minister for Planning on 18 December 2018.</p> <p>The OSD lobby has been designed with the respective façades setback substantially to allow the intersection of Miller Street and Berry Street to operate adequately during peak pedestrian times. This is illustrated in the photomontage provided at Figure 2.</p> <p>As outlined in the Transport, Traffic and Parking Assessment Report) submitted with the original Sydney Metro Victoria Cross Over Station Development SSD DA (SSD 17-8874) (Appendix P, Section 6.4) and Appendix B of this RtS, the pedestrian activity generated by the OSD contributes only a small fraction of the overall pedestrian movements in the surrounding locality.</p> <p>It is noted that Sydney Metro and Roads and Maritime Services are collaborating on a number of matters including pedestrian activity.</p> <p>It is noted that Sydney Metro and Roads and Maritime Services are collaborating on a number of matters including traffic modelling for the broader North Sydney area.</p>

Issue / Matter	Comment / Recommendation	Response
	<ul style="list-style-type: none"> Roads and Maritime Services previously advised that this statement/assumption is incorrect, as previously advised by the Roads and Maritime Western Harbour Tunnel Beaches Link (WHTBL) project team. The adoption of a traffic trend on the Pacific North of the Gore Hill Freeway (~5km to the north) is not appropriate for the North Sydney area. Future travel demand growth for all modes in North Sydney should be based on Transport for NSW multi-modal modelling tool (STM). Roads and Maritime notes that further detailed traffic or transport assessment has not been undertaken. The OSD EIS refers to the CSSI EIS analysis. Section 8.6.10 (Appendix P Transport, Traffic and Parking Assessment Report 2018) – Roads and Maritime Services previously advised that the conclusions of negligible impact cannot be drawn without knowledge of the pedestrian volumes and the interaction with the traffic network. Generally, operational modelling would be required to confirm this. No further information has been provided regarding this matter. 	<p></p> <p>It is noted that Sydney Metro and Roads and Maritime Services are collaborating on a number of matters including pedestrian activity.</p>
Exhibited EIS Appendix T – Traffic and Transport Impact Assessment	<ul style="list-style-type: none"> Section 6.2.1 (2018-05-22 Environmental Impact Statement main volume) – Roads and Maritime Services previously commented that it is not clear whether this assessment is based on existing or future traffic conditions. Assuming an opening of 2024, this is approximately 10 years after the counts that the analysis has been based on. Analysis will be required for 2024 traffic conditions as a minimum. Roads and Maritime Services notes that further detailed traffic or transport assessment has not been undertaken. The OSD EIS refers to the CSSI EIS analysis. Section 6.4.2 (2018-05-22 Environmental Impact Statement main volume) - Roads and Maritime Services previously 	<p>As outlined above, Roads and Maritime Services make reference to the analysis and documentation provided within the Environmental Impact Statement (EIS) and accompanying 'Transport, Traffic and Parking Assessment Report' (<i>Appendix P</i>) submitted with the original Sydney Metro Victoria Cross Over Station Development SSD DA (SSD 17-8874). These matters have been assessed and considered acceptable by the DPIE and subsequently approved by the Minister for Planning on 18 December 2018.</p> <p>It is noted that Sydney Metro and Roads and Maritime Services are collaborating on a number of matters including traffic volumes and pedestrian activity.</p>

Issue / Matter	Comment / Recommendation	Response
	<p>commented that the static assessment for pedestrian flows is not considered satisfactory assessment of these corridors. Operational assessment is required. No further information has been provided regarding this matter.</p> <ul style="list-style-type: none"> Roads and Maritime Services requests the traffic report to provide the traffic impacts of the proposal on the surrounding road network for both existing and existing + future scenarios (including +10 years beyond operation of the development). 	

Figure 2 – Photomontage of Miller and Berry Street Intersection



Source: Bates Smart

6. RESPONSE TO COMMUNITY SUBMISSIONS

6.1. RESPONSE TO ORGANISATION / COMMUNITY GROUP SUBMISSIONS

During the public exhibition period, submissions to Detailed SSD DA (SSD-10294) were received from organisational / community groups. A summary of the matters and comments raised by the community groups and the proposals response are provided in **Table 7** below. The Concept SSD DA Modification SSD-8874-Mod-1 received no submissions from community groups during public exhibition.

It is noted that submissions received from the Waverton Precinct, Wollstonecraft Precinct and some of the general public provided comments in a consistent format which raised very similar issues. As such, the proposals response to these submissions have been consolidated in the table below, grouping comments into key issue topics to avoid repetition of the response provided.

Table 7 – Response to organisation / community group submissions for Detailed SSD DA (SSD-10294)

Issue Topic	Comment	Response
Waverton Precinct and Wollstonecraft Precinct (including some public submissions)		
Built Form, Design & Heritage	<i>The proposal differs in no significant way from the earlier proposal.</i>	<p>As documented in the supplementary Design Report prepared by Bates Smart (Appendix A), the proposed development delivers an improved building envelope which:</p> <ul style="list-style-type: none"> • Reduces the overall massing and building envelope volume by approximately 21,000 cubic metres when compared to the approved envelope. • Reduces the building massing volume within the articulation zone above the Miller Street special area setback by approximately 9,500 cubic metres. • Relocates a significant amount of building massing from the low-rise levels of the OSD tower on the north side of the through-site link to the upper levels of the tower. This increases the separation distance to the adjacent MLC Building from 18 metres to 28 metres (10 metre setback increase).
	<i>The 168m high OSD does not sit harmoniously within the context of significant built heritage such as the MLC</i>	The height of the OSD tower (168m or RL 230m) sits appropriately within the context of other recent surrounding high-rise commercial developments,

	<p><i>centre, historic post office, court house or low rise buildings.</i></p>	<p>which adopt similar building mass and scale, that are situated in the North Sydney CBD. In particular, the following is noted:</p> <ul style="list-style-type: none"> • 1 Denison Street (RL. 213) – A-grade commercial tower DA approved and currently under construction (Bates Smart), • 100 Mount Street (RL. 200) – A-grade commercial tower DA approved and recently completed (SOM and Architectus), • 177 Pacific Highway (RL. 195) – A-grade commercial tower completed 2016 (Bates Smart), and • 77 Berry Street (RL 180) – Alexander Apartments, an existing residential tower. <p>The OSD tower incorporates horizontal recessed articulation and varying façade depths to ensure the design is both compatible with and respectful of the scale, massing and datum of the adjacent MLC Building and Rag & Famish Hotel.</p> <p>At level 3, a recessed floor is created to separate the tower from the podium and create a direct scale relationship with the heritage listed two storey Rag and Famish Hotel on the opposite side of Berry Street.</p> <p>The lower tower volume (low-rise levels) also adopts a recessed floor to reference the scale of the MLC Building. Further, the OSD design increases the separation from the MLC Building to 28 metres (previously 18 metres under the approved envelope), enabling greater appreciation of the façade typology.</p> <p>Refer to the HIA and HIS submitted with SSD-10294 for further discussion of how the proposed development addresses heritage impacts.</p>
	<p><i>The EIS does not provide comprehensive justification for exceeding building height control. There is no justification even offered as to why the development should be granted additional 1,600m2 of floor space. It justifies the additional height and floor space on the</i></p>	<p>Building Height:</p> <p>For the most part, the proposed development complies with the overall maximum height of building control height applying to the site under the NSLEP 2013. Similar to the approved envelope under the Concept DA</p>

	<p><i>achievement of more footprint and greater commercial floor plates.</i></p>	<p>(SSD 17-8874), a small portion of the OSD tower marginally exceeds the central RL 201 height control as documented in the clause 4.6 variation request submitted with SSD-10294.</p> <p>The clause 4.6 variation request provides justification for the partial variation in height sought as part of the proposed development (refer to Appendix I submitted under SSD-10294). To summarise, the height variation associated with the proposed built form is considered acceptable as:</p> <ul style="list-style-type: none"> • It achieves the objectives of the development standard prescribed in clause 4.3 of NSLEP 2013, • It does not result in any additional overshadowing to Special Areas or RE1 Public Recreation zoned land identified in NSLEP 2013, and • It maintains sky views from the public domain and enables greater view outlook for residents in the Alexander Apartment building when compared to the approved envelope. <p>Floor Space:</p> <p>It is noted there is no applicable floor space ratio (FSR) control applying to the site. The additional 1,500sqm of GFA has become available throughout the detailed design phase which has realised improved commercial floor plate layouts (consolidated circulation spaces and service areas).</p> <p>When compared to the approved envelope, the modified envelope achieves an overall reduction in volume of approximately 21,000 cubic metres and a reduction in volume within the articulation zone of 9,500 cubic metres.</p> <p>The modified building envelope facilitates a significantly smaller envelope (in terms of volume) and the OSD reduces bulk and massing through a detailed design with provides a highly articulated built form.</p>
Overshadowing	<p><i>The built form does not minimise overshadowing impacts to surrounding public spaces, the new tower will definitely overshadow further Miller Street and other existing public spaces in the CBD.</i></p>	<p>To clarify, it is noted that the detailed design of the OSD (SSD-10294) is wholly contained within the modified building envelope (SSD-8874-Mod-1) with the only exception of sun shading fins on the façade of the north and south elevations.</p>

		<p>The shadow analysis prepared as part of the original submission package demonstrates the proposal does not result in any additional overshadowing to the Miller Street Special Area when compared to development that existed on the site prior to demolition (i.e. no net increase in overshadowing impacts). This modelling included all of the sun shading fins proposed on the façade.</p> <p>The modified building envelope and detailed OSD design, results in an average net solar access gain of 60.5sqm per minute to the Miller Street Special Area between 12pm and 2pm during the Autumn Equinox when compared to previous development on the site.</p> <p>Further, when compared to the approved envelope, the modified envelope results in a reduction of the average overshadowing impacts at 12pm (33sqm to 25sqm) during the Autumn Equinox to the Miller Street Special Area.</p> <p>With regards to overshadowing impacts to other existing key Special Areas and public spaces in the North Sydney CBD, the following is noted:</p> <ul style="list-style-type: none"> • Greenwood Plaza: The proposal does not result in any additional overshadowing to the Greenwood Plaza Special Area throughout the year. • Brett Whiteley Plaza: The proposal creates a minor portion of overshadowing (approximately 37sqm) to an awning of a shopfront building in the south-east corner of Brett Whiteley Plaza from 12pm to 12.30pm on 21 June (i.e. not specifically the plaza itself). This is not considered to adversely impact solar access when considering what was previously approved for the Concept building envelope. <p>There is no additional overshadowing to Brett Whiteley Plaza as a result of the proposal from 12pm to 2pm on the 21 March and 21 September.</p> <p>Refer to the detailed shadow diagrams which accompanied the Detailed SSD DA submission package (see <i>Appendix E</i> of SSD-10294).</p>
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<p>Activation, Public Domain, Benefit, Open Space & Transport Integration</p>	<ul style="list-style-type: none"> <i>The proposal will not be a catalyst for positive change, through the creation of large-scale civic spaces which will reinforce the ambitions of the North Sydney Council's masterplan as the proposal does not create large scale civic spaces and the workers/metro commuters will contribute negatively to the pedestrian congestion on the already very limited footpaths and public domain space in Miller Street and in the centre of the CBD.</i> <i>The podium does not offer thriving civic place, as commercial and retail spaces, southern retail building and through-site link do not qualify as civic spaces.</i> <i>The public domain concept design is considered unacceptable and bad planning not to offer a level and generous plaza with trees and series of seats fully integrating it with the Council's proposed widening of the existing pedestrian area in Miller Street.</i> 	<p>As stated in the EIS accompanying SSD-10294, the public domain design and construction is not within the scope of the Detailed SSD DA. This is to be delivered as part of the CSSI Approval. The landscape plans and report which supported the original submission package for SSD-10294 is for information and context. This demonstrated informative public domain principles to ensure an integrated OSD and new metro Station.</p> <p>Notwithstanding, the landscape and public domain concept provides a continuation of the civic green spine along Miller Street which incorporates a range of lawn areas / grassed terraces, eateries and outdoor dining opportunities, casual seating areas and key walkways. These areas "spill out" from the through-site link and retail tenancies to metro entry forecourt and Miller Street to deliver an activated public realm for future site users and the local community. Other landscaping components utilise compatible paving, street tree planting, shrubs and ground covers.</p> <p>It is considered that the public domain concept is a catalyst for positive change in the North Sydney CBD area through opportunities to create attractive and vibrant urban plazas and streetscapes that integrate with the OSD.</p> <p>Refer to the Landscape and Public Domain Report provided at Appendix C for further detail on the public benefits and compliance with the <i>Sydney Metro Victoria Cross Over Station Development - Design Guidelines May 2019 Built Form Guidelines Section 5.5 - Public Domain</i>.</p>
	<ul style="list-style-type: none"> <i>The project does not maximise integration of the station and associated public domain. It does not address the integration with the MLC building next door with much lower level of pedestrian spaces along Miller Street and the existing small café which projects into the proposed public plaza – let alone any linkage to the exit from the existing North Sydney railway station plaza.</i> 	<p>The public domain concept includes an activated streetscape (Miller Street) that integrates with the podium levels of the OSD tower, main Sydney Metro station entrance and the through-site link retail tenancies. This encourages the use of desirable spaces along the Miller Street 'green spine' which acts as the primary pedestrian path. Opportunities for social interaction are provided through both formal and casual seating areas.</p> <p>The primary and secondary pedestrian paths provide connections to surrounding buildings, public spaces and the streetscape. The site indirectly connects to the existing North Sydney rail station via Miller Street to the</p>

	<ul style="list-style-type: none"> • <i>OSD project is not part of a fully integrated transport system. The Victoria Cross metro station does not integrate with the heavy rail line or the existing rail station in North Sydney and buses in the CBD area. There is no information provided where taxis might pull up.</i> 	<p>underground walkway at the western edge of Brett Whiteley Place. It should be noted that Sydney Metro is not envisaged as interchange with the existing North Sydney rail station.</p> <p>No changes are proposed to the existing bus stops along Miller Street which will be afforded direct pedestrian access in the future from the podium levels of the OSD, through-site link and other connecting pathways in the Miller Street frontage. It is noted however, that this is outside of the scope of the proposal and may be pursued by the relevant authorities.</p> <p>It is envisaged that taxi's and pick-up / drop off areas will be primarily along Berry Street in the future, however, this is not within the scope of the proposal and is subject to implementation from the relevant authorities.</p>
	<p><i>The OSD is unlikely to improve activation and amenity of North Sydney CBD outside of typical business hours. Considering:</i></p> <ul style="list-style-type: none"> • <i>majority retail outlets are based on food and the current food retailers in North Sydney mostly close on weekends</i> • <i>there is no critical mass of people to make them viable to be open on weekends</i> • <i>there are no cultural uses in the building, that would bring more people to the CBD</i> 	<p>The proposal aligns with the objectives of the B3 Commercial Core zone in the NSLEP 2013. In particular, the integrated proposal provides a range of retail, office, entertainment and community uses which maximise public transport usage and encourage active transit modes of travel.</p> <p>The podium levels of the OSD tower and the through-site link is lined with a range of retail tenancies which are intended to activate the public realm in the North Sydney CBD on both weekdays and the weekend. The detailed operation and fit out of individual retail tenancies are subject to future separate applications.</p> <p>It is intended for retail tenancies to be open from morning into the evening, creating a vital hub within North Sydney where people watching, informal business catch-ups, after work drinks and dinner can occur with trade for residents and visitors extending into the weekend.</p> <p>The Retail Strategy Report submitted with SSD-10294 outlined the intention for the urban retail to include a mix of offerings that allow the precinct to be relevant throughout the day and into the evening. The retail mix will include food and beverage (cafes, restaurants, bars, 'grab and go'), service and convenience, leisure, lifestyle and some apparel, and health and wellbeing.</p>

		<p>It is noted that the actual hours of operation and fit-out details of individual retail tenancies will be the subject of future approvals.</p> <p>North Sydney's CBD and wider Local Government Area (LGA) is undergoing significant growth and change with several commercial developments recently completed or under construction in the immediate vicinity. There are also new residential developments being completed in the wider surrounds. This new working and local population require improved vitality for the Victoria Cross site and North Sydney commercial core.</p> <p>Cultural uses will be investigated throughout the detailed design phase to inform the future use and operation of 'The Hub' as per an adopted Operational Management Plan for 'The Hub'.</p>
	<p><i>There is no attempt in the proposal to offer significant public domain benefit on this State Government owned site in the very heart of North Sydney.</i></p>	<p>As previously discussed, the detailed design and delivery of the public domain is not within the scope of SSD-10294, but rather, the CSSI Approval.</p> <p>Notwithstanding, the proposal includes the activated through-site link and podium levels of the OSD which interact with the public realm and street scape. The design also provides direct pedestrian access to the future metro station.</p> <p>The public domain concept envisages the embellishment of Miller Street through a range of grassed terraces, eateries and outdoor dining opportunities, casual seating areas and key pathways that are both physically and visually connected to the OSD / through-site link.</p>
	<p><i>It is untrue that there is a number of existing public plazas and public recreation areas within the North Sydney CBD and there is not enough public open space currently provided for the local workers, school and university students and visitors. Currently the footpaths and major pedestrian street crossings are significantly</i></p>	<p>North Sydney includes several existing public recreation areas, plazas and special character areas in the commercial core and wider surrounds. Notably, this includes Brett Whiteley Plaza, Greenwood Plaza and St Leonards Park (North Sydney Oval, Bon Andrew Oval, The Greens and a public playground). In addition, a new open space area, 'The Central Square', will be established to the north of the site as part of the Ward Street Master Plan initiated by Council. The proposal includes the through-</p>

	<i>overcrowded to an unsafe level in this very same part of the CBD.</i>	<p>site link to improve pedestrian connectivity from Miller Street and the future metro station to Denison Street and other pedestrian connections envisaged under Council's laneways strategy.</p> <p>In any case, the extent of building footprint has been approved as part of the CSSI Approval and is reflective of the integrated station requirements.</p>
"The Hub" (Community Uses)	<i>The community "the Hub" is not what the community was expecting from this significant State Government project on publicly owned land.</i>	<p>The use, operation, management, integration with the metro station and community benefits of 'The Hub' have been discussed previously in Section 3, Table 3.</p> <p>In summary, 'The Hub' is envisioned to be a multipurpose area for all stakeholders including commercial use, metro use and community use. It will be utilised for a variety of community uses, meetings, events, as a casual workspace and at times an exhibition space. 'The Hub' is highly accessible from the ground floor / street level and integrates with the metro entrance.</p> <p>As community needs are likely to change over the next four years until construction is complete, 'The Hub' remains flexible in its design and use to ensure future community needs are addressed and public benefit is maximised. The proponent will continually engage with the community and Council to establish suitable uses in the future.</p>
Project Scope	<i>There is no discussion in the EIS about the Northern entry to the metro station and the lack of activation at all (by contrast to the southern portal) around the entry at the North Sydney Civic Precinct.</i>	As described in the EIS, the scope of the proposal relates to the development of land for the southern Sydney Metro Victoria Cross Station site only. SSD-8874-Mod-1 and SSD-10294 do not propose any use or construction across the northern metro site as it is not within the scope of this project. The northern metro site has been approved as part of the CSSI Approval.
Land Use	<i>Suggest the building be utilised for a museum showcasing pre-European history of Sydney and the Aboriginal experience of the settlement and subsequent growth of Sydney.</i>	In accordance with local and State strategic planning policy, the proposal is seeking the delivery of high-quality commercial floorspace in the North Sydney commercial core which integrates with the significant State infrastructure investment in the Sydney Metro City and Southwest.

		<p>The proposal maximises opportunities to support the vision for the Eastern Harbour City which seeks to achieve a 30-minute city that connects people and employment opportunities. The OSD also aligns with the CSSI Approval which always intended for the development of a commercial tower to be realised in the airspace located above the future metro station.</p> <p>The proposal has strategic merit and does not include these uses as they do not align with the strategic intention for the site.</p>
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6.2. RESPONSE TO GENERAL PUBLIC SUBMISSIONS

During the public exhibition period, submissions were received from the general public for the Concept SSD DA Modification (SSD-8874-Mod-1) and the Detailed SSD DA (SSD-10294).

Table 8 and **Table 9** below provide a summary of the matters raised by the general public in their submissions and the proposal's response. This includes most general public submissions received aside from those discussed previously as noted in **Section 6.1**.

It is noted that **Table 9** also provides a separate response to the public submission received from the neighbour *IOF Custodian Pty Ltd ATF Miller Street North Sydney* (landowner of 105-153 Miller Street).

6.2.1. Concept SSD DA Modification Application (SSD-8874-Mod-1)

Table 8 – Response to general public submissions (SSD-8874-Mod-1)

Issue/ Matter	Comment	Response
Traffic and Parking	<i>At a time when driving is supposed to be in decline and residential developers are striving to reduce parking requirements, a commercial parking station for 150 cars is being proposed. This is not, in my view, the future-thinking urban design a viable civic centre like North Sydney needs.</i>	<p>The NSDCP 2013 allows a maximum of 154 parking spaces to support the commercial office and retail GFA across the site. The proposal therefore meets but does not exceed the parking compliance rates.</p> <p>The proposal provides less parking than that which was on the site prior to demolition of the previous buildings. As a result, the proposal does not create a net increase in vehicle parking or traffic movements to and from the site.</p>
Privacy, Overshadowing and View Impacts	<ul style="list-style-type: none"> <i>The proposal replaces our existing views, solar access from noon until sunset and privacy by not presently having buildings in close proximity with a glass wall obliterating all views to the west, most views to the southwest and northwest, a dramatic reduction in solar penetration estimated at 50% in peak winter and in excess of 60% in peak summer together with the burden of building occupants with direct line of site into the apartment from an estimated 25 meters away.</i> <i>The proposal lacks adequate assessment of the visual impact to the adjacent Alexander Apartments.</i> 	<p>The supplementary Design Report (Appendix A) provides further detail regarding view impacts and solar access to the neighbouring Alexander Apartments.</p> <p>The additional view analysis demonstrates that the modified envelope / detailed OSD design incorporates an additional 3-metre setback from the north-east corner of the approved envelope. This enables improved view outlook and solar access to the north-west, west and south-west facing units of the Alexander Apartments when compared to the approved envelope.</p> <p>Further, while elements of the detailed design may be perceptible from these apartments, the OSD building does not obstruct views to</p>

	<p><i>Specifically, the North-West visual impact has not been adequately assessed given that the modification has requested a reduction in the Berry Street setback.</i></p>	<p>the Harbour and MLC Building, compared to the visual impacts assessed under the approved envelope.</p> <p>Overall it is considered that the additional view analysis provided in the Design Report at Appendix A clearly illustrate the increase in view outlook to the north-west facing units of the Alexander Apartments in particular.</p> <p>In terms of overshadowing impacts during the Winter Solstice (21 June), some of these apartments only begin to be overshadowed by the proposal from 2:20pm onwards, as demonstrated in Appendix A. Despite this minor portion of overshadowing, all affected apartments receive more than 120 minutes (or 2 hours) of solar access in accordance with the ADG.</p> <p>As discussed in the EIS for SSD-10294, the ADG does not technically apply to the proposal. Notwithstanding, the OSD tower is located approximately 40 metres from the westernmost balcony or window to a habitable room within the Alexander Apartments. This exceeds the minimum building separation distance required by the <i>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</i> and the ADG.</p> <p>In addition, the eastern elevation in the detailed design of the OSD tower is primarily occupied by transitional and circulation areas (e.g. lift cores / lobbies) to improve visual privacy to the Alexander Apartments and other commercial developments.</p>
Consultation	<p><i>Consultation with Alexander Apartment residences including a phone call and email to the building manager is not sufficient and further consultation should be held with one on one briefing to apartment owners.</i></p>	<p>Reasonable efforts were made to contact the building manager of the Alexander Apartments (via phone and email) offering one on one briefing to apartment owners. However, no response to an offer of a briefing session to the Body Corporate has been received to date.</p> <p>As documented in the revised Consultation Summary Report (Appendix D), two community information sessions were held in</p>

		<p>2019 which were attended by more than 50 people with an average visit time of 30-45 minutes.</p> <p>This was advertised via community newsletters issued to residents and businesses within a 500-metre radius of the site and to online subscribers through email. There were also newspaper advertisements and information booklets issued to inform individuals of these sessions.</p> <p>Community information market stands were held at the North Side Produce Market on the 2 and 16 of November 2019 (since lodgement of the both applications). The market stands displayed key submission documentation and project team members answered questions about the proposal to provide community members information. They also directed people to the DPIE's Major Projects website to view the SSD Applications and explained how to make a formal submission on the Applications during the public exhibition.</p> <p>Notwithstanding the above, the proposal was on public exhibition for a period of 28 days from 1 November 2019 to 28 November 2019. This allowed any interested party or stakeholder to provide a formal submission outlining their comments on the proposal. Over this time, 16 submissions to both applications were received from the general public and community organisation groups.</p> <p>This RtS and the accompanying documentation has considered the matters raised and addressed these where appropriate. The extensive response provided to the community group and public submissions received is detailed in Section 6 of this Report.</p>
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6.2.2. Detailed SSD DA (SSD-10294)

Table 9 – Response to general public submissions (SSD-10294)

Issue / Matter	Comment	Response
Supporting Comments		
	<p><i>I support this project as it suits the existing character of North Sydney.</i></p> <p><i>North Sydney is essentially an extension of Sydney CBD, and this site with its direct connection to high frequency public transport is the perfect place for a large office tower.</i></p>	Accepted and noted.
IOF Custodian Pty Ltd ATF Miller Street North Sydney		
MLC Basement Connection	<p>The landowner at 105-153 Miller Street proposes the following conditions for consideration:</p> <ol style="list-style-type: none"> <i>The Proponent must ensure there is sufficient structural and other support in place to ensure the possibility of constructing a means of vehicular access between the two sites.</i> 	<p>As discussed previously, adequate provisions have been made in the proposed design to accommodate a potential future breakthrough from the OSD basement levels into the adjacent MLC Building's basement.</p> <p>The structural design of the basement loading dock area incorporates soft zones (via the use of structural lintels) within the structural perimeter walls that allow for non-structural areas to be removed in the future without compromising the structural integrity of the Station and OSD structure above.</p> <p>These provisions are considered adequate to demonstrate the proposed mechanism which allows for future connection to the MLC Building's basement.</p>
	<ol style="list-style-type: none"> <i>Should the owner of 105 Miller Street obtain development consent to the redevelopment of 105 Miller Street subject to conditions of consent requiring vehicular access to be via the OSD site:</i> <ol style="list-style-type: none"> <i>The owner of the OSD site must permit the owner of 105 Miller Street to construct the opening between the two</i> 	<p>The proponent does not agree to the imposition of the proposed condition of consent and the registration of any right of carriageway easement being placed on title as it would unnecessarily burden the site / landowner. The shared access can only be realised following redevelopment of the MLC Building and currently there are limited opportunities and planning pathways that enable this to occur.</p>

	<p><i>properties in order for vehicular access to 105 Miller Street to be via the OSD site;</i></p> <p><i>b. Prior to the grant of the first occupation certificate for 105 Miller Street, the Owner of the OSD Site must expeditiously do all things necessary including, but not limited to, executing documents, plans or providing other assistance to enable the registration of an easement on the title of the land comprising the OSD in favour of 105 Miller Street which by its terms will allow vehicles (including service vehicles) that wish to enter and exit 105 Miller Street to enter the OSD site from Denison Street and use the entry and exit ramps and a pathway through the basement levels up to the property boundary of 105 Miller Street;</i></p> <p><i>c. Prior to the grant of the first occupation certificate for 105 Miller Street, the Owner of the OSD site must ensure that any vehicular control system installed on the entry and exit ramps of the OSD site is modified to permit vehicles to enter and exit 105 Miller Street via the ramps and basement levels.</i></p>	<p>In addition, the imposition of the proposed condition is considered inappropriate and irrelevant as this forms part of the CSSI Approval and is not within the scope of either of these proposals.</p> <p>The MLC Building at 105-153 Miller Street in North Sydney is a listed heritage item of local significance under Schedule 5 of the <i>North Sydney Local Environmental Plan 2013</i> (NSLEP 2013).</p> <p>Given the local heritage significance of the site, the following is considered:</p> <ul style="list-style-type: none"> • Demolition of the MLC Building is highly unlikely and would not be supported by Council under Section 13.8 Part B of the NDCP 2013 unless an application can demonstrate the building is not structurally sound and cannot be retained, and the building is not capable of retention and restoration / adaption. Neither of these two criteria can currently be satisfied. • Removal of the existing heritage listing is highly unlikely and is a difficult process which requires a Planning Proposal to amend the NSLEP 2013. A heritage assessment would need to demonstrate that the place does not meet the requisite threshold for heritage listing under any of the seven criteria set out by the Heritage Council of NSW for assessing heritage significance. Given the identified significance of the MLC Building as outlined in the existing State Heritage Inventory listing for the place, a de-listing is considered extremely unlikely. • Any proposed alterations and additions to the existing building may be possible, but only subject to heritage assessment by a qualified heritage consultant and approval of North Sydney Council. Any alterations should be developed with regard for policy in a relevant updated CMP and the provisions of the NSDCP 2013. It is likely that consultation and input from Bates Smart (original architects of the building as they are now known) may be required to ensure the architectural
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		<p>integrity is retained. Proposed additions would need to demonstrate how they respond to the provisions of the North Sydney DCP 2013, in particular those provisions under <i>Part B Section 13.11.1 Commercial and office buildings</i>. Careful consideration would need to mitigate potential impacts on the architectural heritage significance of the building. As the current 1998 CMP does not allow for additions to the building, obtaining consent for an addition may be difficult and is not a guaranteed outcome.</p> <p>There are currently no development proposals for the site at 105-153 Miller Street and limited opportunities (planning pathways) given the lack of development potential as outlined above.</p> <p>It would therefore be onerous to enforce the applicant to make commercial commitments based on unknown future development which is unlikely to occur in the short to medium term under current height controls and heritage listing. Any commercial agreement would need to be negotiated between the two parties in the future when the appropriate information is available to consider details of the shared access agreement.</p> <p>Notwithstanding, the design of the basement car park incorporates adequate architectural and structural design provisions which enable future shared vehicle access / connection to the MLC Building basement.</p>
Other Comments		
Design	<p>The following design elements have not been addressed properly:</p> <ul style="list-style-type: none"> <i>Building size is too big and bulky and is blocking sun light.</i> 	<p>The proposal does not exceed the maximum height of building (RL 230 or 168 metres) or the number of storeys (40 storeys and 2 additional storeys for plant) approved under the Concept Approval. Instead, the modified envelope proposes a reduction in the overall massing. This includes the relocation of massing from lower rise levels to high-rise levels of the tower in order to increase separation</p>

	<ul style="list-style-type: none"> • <i>Greatly excessive height which is unnecessary and purely profit-driven</i> • <i>Massive bulk and scale, especially the Miller Street frontage</i> • <i>Miller Street Special Area setback should be continued for the full block up to Berry Street as a once in a lifetime opportunity sympathetic response to the exiting character of neighbouring properties</i> • <i>Built heritage is greatly disrespected. Heritage items are not in the vicinity” as per the Urbis Report, “they are right next door”.</i> • <i>Surrounding existing high rise built form is a reason not to add more high rise rather than to claim a positive contribution.</i> • <i>The height and bulk of the building is not acceptable, compared to adjacent MLC heritage building and high density buildings. Justification has not been provided for the increase from 40 storeys to 42 storeys.</i> 	<p>to neighbouring buildings (specifically the MLC Building) and to reduce the perceived bulk from the street level.</p> <p>The proposed height is consistent with the controls under the NSLEP 2013 and is appropriate in the context of other high-rise commercial buildings recently approved in the vicinity, such as 1 Denison Street and 100 Mount Street. The increase in commercial floorspace is considered a positive contribution that is driven by strategic directions for the North Sydney CBD which seek to further establish the commercial core as a leading office market in Sydney.</p> <p>In terms of the articulation zone within the Miller Street frontage, the modified building envelope proposes a 9,356m³ reduction in volume when compared to the approved envelope. The detailed design of the OSD tower occupies approximately 77% of the modified envelope’s articulation zone (4,510m³ reduction), and only 50% of the approved envelope’s articulation zone.</p> <p>The proposal maintains the required six metre setback on the eastern side of Miller Street up to a height of RL 126 (approximately 14 storeys). This is respectful of the existing streetscape character and enables the delivery of an embellished landscape setting and public domain at street level as envisioned by the objectives of clause 6.4(1) of the NSLEP 2013 (Miller Street setback clause).</p> <p>The cantilever over the Miller Street setback area contributes to the articulation and design excellence of the built form, creating a point of greater visual interest compared to a vertically extruded tower with a sheer wall. The detailed design incorporates horizontal and vertical articulation, as well as varied façade depths along the north, south and west elevations to break up building bulk, improve view outlook, improve solar access, and improve the amenity at streetscape level by maintaining sky views.</p> <p>In terms of existing heritage items, the massing approach utilises horizontal recession and varied “push and pull” façade depths at the</p>
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		<p>lower levels of the OSD tower which align with the height and scale (datum) of the adjacent MLC Building and Rag and Famish Hotel (refer to the Heritage Impact Assessment and Heritage Interpretation Report submitted with SSD-10294).</p> <p>The detailed design of the OSD addresses the approved Victoria Cross Design Guidelines, as discussed previously in Table 3, and the proposed massing complies with overshadowing requirements of the NSLEP 2013. Notably, the proposal does not result in any net increase in overshadowing to the Miller Street Setback Special Area, Brett Whiteley Plaza or Greenwood Plaza. Further, nearby residential buildings that are overshadowed by the proposal achieve the minimum solar access requirements contained within the ADG.</p> <p>To reiterate, there is no increase in the number of storeys or the maximum building height previously approved under SSD-8874 (approved envelope). Overall, the detailed design of the OSD adopts a bulk, scale and massing that is well articulated and achieves design excellence, is compatible with surrounding built form in the North Sydney CBD, respectful of nearby heritage items and is generally consistent with relevant NSLEP controls.</p> <p>Refer to the Design Report provided at Appendix A for further detail regarding built form elements of the proposal.</p>
Public Domain and Benefit	<ul style="list-style-type: none"> <i>There is negligible public benefit flowing from the project...with overcrowded private space outside and no public purpose inside.</i> <i>A high quality civic space can be created by consolidating the setback area in front of the station, the footpath and two lanes of Miller Street. All of the present functions of Miller Street would continue, together with an essential interchange area for metro, bus and taxi users.</i> 	<p>Significant public benefit has been provided through a value capture agreement with the NSW State Government. The proponent will pay a significant sum for the right to develop the OSD, and for the retail spaces delivers as part of the integrated station.</p> <p>The proposal includes 'The Hub' which is a multipurpose area for all stakeholders including commercial use, metro use and community use. It will be utilised for a variety of community uses, meetings, events, as a casual workspace and at times an exhibition space. 'The</p>

		<p>Hub' is highly accessible from the ground floor / street level and integrates with the metro entrance.</p> <p>Other public benefits include integration with the public domain concept. It is noted however that the public domain design is informative only and forms part of the CSSI Approval.</p> <p>As previously discussed, the landscape and public domain concept provides a continuation of the civic 'green spine' along Miller Street which facilitates a range of uses and improves the streetscape amenity by activating the street frontage.</p> <p>Continuing the theme of the existing Miller Street Special Area which forms part of the NSLEP 2013, a series of green terraces are located along the Miller Street frontage. Grassed terraces provide opportunities for a range of formal and informal seating options and styles within stepped gardens, including a central lawn area which provides a focal point for the central green space. Other landscaping components utilise compatible paving, street tree planting within terraces, shrubs and ground covers.</p> <p>These areas "spill out" from the through-site link and retail tenancies to the metro entry forecourt and Miller Street frontage to deliver an activated public realm for future site users and the local community.</p> <p>Victoria Cross integrated station will incorporate high quality public art as an integral part of the building design. The public art strategy is being developed and will be delivered under the CSSI Approval scope of works.</p> <p>It is considered that the landscape and public domain concept design provides high-quality civic space. In particular, the continuation of the Miller Street 'green spine' embellishes the street frontage creating a large public plaza that enables high degrees of pedestrian access and connectivity.</p>
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Traffic and Parking	<p>The following traffic elements have not been addressed properly:</p> <ul style="list-style-type: none"> • <i>Car parking for 150 cars is unsustainable on such a busy traffic corner as Berry and Miller Streets</i> • <i>Population forecasts identified in the Greater Sydney Region Plan (2018) are pie-in-the-sky</i> 	<p>The NSDCP allows a maximum of 154 parking spaces to support the commercial office and retail GFA across the site. The proposal includes provisions for 150 car parking spaces and therefore, meets, but does not exceed, the parking compliance rates in the NSDCP.</p> <p>It is noted that the proposed 150 parking spaces is less than what was on the site prior to the demolition of the previous buildings. As such, the proposal would not generate a net increase of development traffic as the proposed number of parking bays are less than what was initially on site.</p> <p>The proposal includes minimum provisions for one electric vehicle charging space (E-transportation facilities) within the basement parking area, with the opportunity to install additional charging spaces at a later date. In addition, as discussed in Table 6 in response to Transport for NSW comments, a preliminary Green Travel Plan (GTP) has been provided and will be continually developed for ongoing implementation, monitoring and review throughout the operation of the OSD.</p> <p>The Greater Sydney Commission's (GSC) population forecasts are not within the scope of this proposal.</p>
	<p><i>The proposal lacks planning for pedestrian and traffic impacts. In particular:</i></p> <ul style="list-style-type: none"> • <i>There is insufficient consideration of the impact on pedestrian traffic in the immediate area. The North Sydney Centre Traffic and Pedestrian Study (Arup, September 2014) identified insufficient footpath width in</i> 	<p>ARCMAC have prepared an additional Traffic and Transport Impact Statement (Appendix B) which addresses the comments raised on pedestrian impacts where relevant to the scope of this application.</p> <p>The pedestrian assessments undertaken considered the cumulative impact of the OSD on locations within and surrounding the site, including footpaths, road crossings and bus stops. The results of the</p>

	<p><i>some locations and constrained crossing locations (including small splitter islands at signalised crossings) often result in congestion.</i></p> <ul style="list-style-type: none"> • <i>Traffic analysis assumes pedestrians can choose either side of Miller Street to walk on, which is illogical as both railway station entries (Victoria Cross and the North Sydney station) are on the same side of Miller Street.</i> • <i>Proposal does not assess the impact of pedestrians waiting at road crossings and bus stops (p.49)</i> 	<p>assessment indicate that most of the locations surrounding the site operate at a suitable level of service.</p> <p>Static pedestrian modelling indicates the southern end of Denison Street was identified to operate at a low level of service under the assumption that all pedestrians use the western footpath. A better level of service would be achieved if pedestrians use both sides of Denison Street for access.</p> <p>The new development at 1 Denison Street includes an additional through-site link that will further distribute pedestrians throughout the surrounds. This will contribute to reducing the number of pedestrians using the southern section of Denison Street that is indicating poor levels of service.</p> <p>Council has plans to convert Denison Street into a future shared zone and substantially reduce the speed for vehicles. This would also contribute to improving safe and convenient pedestrian movement around the site and throughout the wider commercial core.</p> <p>As outlined at Appendix B, modelling results indicate the bus stops on the eastern side of Miller Street would achieve a better level of service if the available width of this footpath area was increased by 0.1 metres, though this is beyond the scope of this application. The results for intersections and footpaths surrounding the site indicate acceptable levels of queuing at crossings (taking into account the cumulative Station and OSD demand) with enough space to ensure pedestrians spread out without blocking the width of the footpath.</p> <p>It is noted that the constrained crossing locations identified in <i>The North Sydney Centre Traffic and Pedestrian Study</i> (Arup, September 2014), relate to existing insufficient storage for pedestrians on splitter islands at crossings along the Pacific Highway within the North Sydney Centre which are located outside of the site and scope of this proposal.</p>
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	<p><i>The OSD proposal does not create a generous egress and exit for the 15,000 commuters travelling into and out of this station each day and the proposed workforce of 4,900, the works/metro commuters will contribute negatively to the pedestrian congestion on the already very limited footpaths and public domain space in Miller Street and in the centre of the CBD.</i></p>	<p>The proposed design of access and egress arrangements to and from the station has considered the cumulative impact from all future site users (metro commuters and employees).</p> <p>This is reflected in the pedestrian assessment which indicates the commercial OSD tower will contribute to approximately eight per cent of the forecasted pedestrian demand for the overall integrated proposal.</p> <p>As outlined above, the assessment indicates that most locations around the site operate at an acceptable level of service. The bus stops on the eastern side of Miller Street which may experience low levels of service in the AM peak, could be mitigated by increasing the width of the pathway for pedestrians by only 0.1 metres though this is beyond the scope of this application.</p> <p>Further, the dynamic modelling indicated acceptable levels of queuing at crossings without blocking the width of existing car parks.</p> <p>For further detail regarding assessment of pedestrian impacts refer to the additional Traffic and Transport Impact Statement (Appendix B).</p>
View Impacts and Overshadowing	<p><i>The following view and overshadowing related elements have not been addressed properly:</i></p> <ul style="list-style-type: none"> <i>Major view losses to all new apartments within 221 Miller Street “The Miller” have not been considered and need to be individually addressed.</i> 	<p>View Impacts:</p> <p>Virtual Ideas have prepared an additional view analysis to assess the proposals impacts on the new apartment building at 221 Miller Street, referred to as “The Miller” (refer to Appendix F). It is noted that this building was under construction at the time of the original Concept SSD DA and has since been completed.</p>

	<ul style="list-style-type: none"> • <i>Major overshadowing to 65 Berry Street will obliterate natural light from Noon until dusk every day</i> • <i>Morning solar loss to Miller Street cannot be understated</i> 	<p>The view analysis diagrams demonstrate that the detailed design of the OSD maintains the general view outlook towards the south-west from the balcony of south and south-east facing apartments in The Miller when compared to the approved envelope. While the approved building envelope interrupts views from 221 Miller Street towards Sydney Harbour, this impact is acceptable as:</p> <ul style="list-style-type: none"> • The impact is resulting from a compliant built form with regards to eastern setbacks and building height; • Retention of this distant view corridor between existing high-rise buildings is not reasonable, as the planning controls enable the development of a new building on this site to the maximum height proposed; • Sterilising development potential for new employment floor space on this site in order to retain this distant view corridor from private properties is not in the public interest and would undermine the achievement of the B3 Commercial Core zone to encourage appropriate employment opportunities in accessible locations; and • Views towards Sydney Harbour are retained to 221 Miller Street from the east, and as such the amenity of these apartments are not undermined by the proposed development. <p>Overshadowing:</p> <p>Where possible, the proposal has mitigated and reduced overshadowing impacts to surrounding public areas and affected properties.</p> <p>As stated previously, the proposal does not result in any net increase in overshadowing to the Miller Street Setback Special Area, Brett Whiteley Plaza or Greenwood Plaza. Notably, the proposal complies with relevant controls contained in the NSLEP 2013 pertaining to solar access parameters for these special areas</p>
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		Further, nearby residential buildings that are overshadowed by the proposal achieve the minimum solar access requirements contained within the ADG
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7. REVISED PLANNING ASSESSMENT AND MITIGATION MEASURES

Following the receipt of the preliminary assessment and submission on the proposed development, no material changes are proposed to either application to facilitate the approval and construction of the Victoria Cross OSD. This RtS rather provides additional information to the DPIE on the Concept Modification (**SSD-8874-Mod-1**) application and the Detailed (**SSD-10294**) application in response to specific questions and points of clarification.

Following consideration of the authority and public submissions, the applicant has:

- Provided updated information and additional justification where requested.
- Met with the DPIE to clarify aspects of the proposed development.
- Liaised with the Sydney Coordination Office (within Transport for NSW) relating to traffic and pedestrian impacts associated with the approved metro station and CSSI Approval.
- Presented to the DRP to re-confirm the achievement of design excellence in accordance with the endorsed Design Excellence Strategy.
- Received additional technical information to address questions and community concerns.

As outlined throughout this RtS and as annexed, the additional information provided relates to transport and traffic impacts of the development, pedestrian movement and amenity, and the description of the bulk and scale of the development. This additional information does not modify the conclusions of the planning assessment provided in the Environmental Impact Statement submitted with SSD-10294, nor the planning statement submitted with SSD-8874-Mod-1.

Further, the consolidation of two of the stratum subdivisions, as discussed in **Section 3.1**, is a minor change that does not alter the mitigation measures previously proposed nor do they change the overall planning assessment.

As such, no changes are proposed to the consolidated list of mitigation measures as outlined in Section 9.2 of the Environmental Impact Statement submitted with SSD-10294.

8. CONCLUSION

This RtS has been prepared to address the matters raised by government agencies, the public and community organisation groups during public exhibition of the proposed Sydney Metro Victoria Cross OSD Concept SSD DA Modification (SSD-8874-Mod-1) application and the Detailed SSD DA (SSD-10294) application. This RtS also responds to the preliminary assessment provided by DPIE on 5 December 2019.

As outlined throughout this report, the proposed development as sought within the Detailed SSD DA and as facilitated through the modification to the Concept SSD DA is in the public interest and should be approved subject to appropriate conditions. As such, the proposal in its current form is considered appropriate for the location and should be supported by the Minister for Planning as the consent authority for declared State Significant Infrastructure related development.

DISCLAIMER

This report is dated 30 March 2020 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Lendlease (Victoria Cross) Pty Ltd (**Instructing Party**) for the purpose of Response to Submissions (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

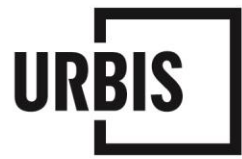
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APPENDIX A ARCHITECTURAL DESIGN REPORT



APPENDIX B

TRAFFIC AND TRANSPORT IMPACT STATEMENT



APPENDIX C

LANDSCAPE AND PUBLIC DOMAIN DESIGN REPORT

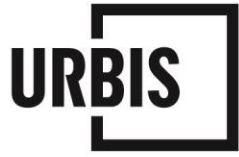


APPENDIX D CONSULTATION SUMMARY REPORT



APPENDIX E

REVISED SUBDIVISION DRAWINGS



APPENDIX F VISUAL IMPACT PHOTOMONTAGE REPORT – 221 MILLER STREET



APPENDIX G PRESENTATION AND MINUTES OF DRP MEETING



APPENDIX H UPDATED CONCEPT SSD DA MODIFICATION ENVELOPE PLAN



APPENDIX I UPDATED DETAILED SSD DA ARCHITECTURAL PLANS