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Mr Russell Hand
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MO4 (CIS)

Dear Mr Hand

SYDNEY METRO VICTORIA CROSS OVER STATION DEVELOPMENT SSDA

Thank you for the opportunity of reviewing the Sydney Metro Victoria Cross over station development State Significant Development Application (SSDA) which has recently been exhibited for public comment. Council also acknowledges the Department's extension of the exhibition period to make a submission in recognition of North Sydney Council's meeting cycle.

Council considered a report at its meeting of 25 June 2018 in response to the exhibition of the SSDA. It is acknowledged that this is a concept SSDA and further detailed application(s) will be lodged and be considered and assessed in due course. At its meeting of 25 June 2018, Council resolved:

1. *THAT Council make a submission to the concept State Significant Development Application for the Victoria Cross Metro Over Station Development.*
2. *THAT the submission advocate design excellence and design options that promote a public plaza providing a heart for the North Sydney CBD including:*
 - *Consideration of no building above the station;*
 - *The alignment of the setback of any built form with the MLC building; and*
 - *Full or partial closure of Miller Street between Berry Street and Pacific Highway.*
3. *THAT Transport for NSW and the Roads and Maritime Services acknowledge the role of Metro in this location as a basis to achieve enormous mode shift benefits, high levels of pedestrian amenity and an attractive and inviting precinct post Metro and that the current through-traffic function of both Miller and Berry Streets is at odds with this objective.*
4. *THAT the submission be informed by submissions received from all Precincts.*
5. *THAT Council write to the Minister responsible seeking further community consultation in relation to revised design options.*

The attached submission summarises the Council's position in the context of the above resolution. I am also attaching a copy of the Council officer's report that was considered by Council as well as the submissions that were tabled by various members of Council's Precinct Committees, including Waverton and Wollstonecraft Precincts.

The letter to the Minister arising from resolution 5 above, will be sent under separate cover.

Should you have any queries in relation to this application please do not hesitate to contact me on 9936-8100.

Yours sincerely



JOSEPH HILL
DIRECTOR CITY STRATEGY

**NORTH SYDNEY COUNCIL SUBMISSION
SYDNEY METRO VICTORIA CROSS OVER STATION DEVELOPMENT SSDA
(REF # SSD_8874)**

The Sydney Metro Victoria Cross station and associated over station development represents the single most significant combined infrastructure and development project in North Sydney for many years. The project in principle, has the potential to have a positive transformational influence on the evolution of the North Sydney CBD.

The significant improvements to accessibility that Metro provides for are strongly supported. Council is cognisant of the paucity of public domain in the North Sydney CBD, the inadequacies of the current pedestrian footpath networks to support peak pedestrian movement and conflict with high volume traffic movements on Berry and Miller Streets, which are essentially the “front door” of Metro.

A development of this significance and magnitude, which has fundamental impacts on Council’s city shaping aspirations has both positive and potentially less desirable impacts. This submission highlights areas of potential improvement and reconsideration of key issues.

This submission advocates for design excellence and design options that promote a public plaza of such size and characteristics that provide a much needed heart for the North Sydney CBD including:

- **Consideration of no building above the station;**
- **The alignment of the setback of any built form with the MLC building; and**
- **Full or partial closure of Miller Street between Berry Street and Pacific Highway.**

In addition to this overarching preference highlighted above, the following specific matters are identified in respect to the current format of the proposed development in SSD_8874. The essence of Council’s submission is highlighted in bold.

- 1. *Promotion of a public plaza of such size and characteristics that provide a much needed heart for the North Sydney CBD.***

Council has commenced work on a *Public Domain Strategy* which is expected to be exhibited for comment in the next several months. This work is premised on the recognition that the quality and quantity of the public domain offering in the CBD is in urgent need of improvement and upgrade particularly in the context of the expected growth of the CBD over the next several decades. The Metro project is the single most significant public infrastructure project in the city for decades and provides the opportunity for catalysing transformational improvements to the CBD.

Council is also in the final stages of preparing the *North Sydney CBD Transport Masterplan*, which at its core, seeks to maximise the benefits of Metro and build on them by ensure that walking, cycling and public transport mode share is maximised, the enormous mode shift benefits of Metro are capitalised upon, and that this contributes to a high amenity, attractive and inviting precinct post Metro. The current through traffic function of both Miller and Berry Streets are at odds with this objective, especially given the location of a significant new plaza/pedestrian space for the city and its anticipated pedestrian traffic in the peak hour.

2. ***That the DA be amended to comply absolutely with the Miller Street setback for the entirety of the façade of the building which faces Miller Street.***

Clause 6.4 (Miller Street setback) in NSLEP 2013, reads as follows:

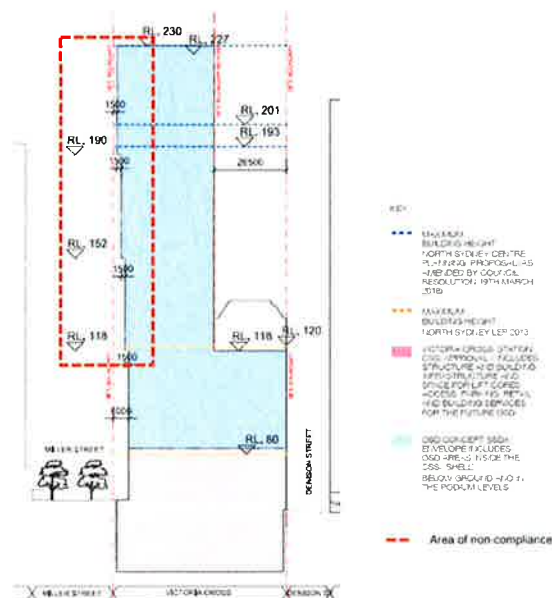
6.4 Miller Street setback

- (1) *The objective of this clause is to maintain the established setback and landscaped setting on the eastern side of Miller Street between McLaren and Mount Street.*
- (2) *Development consent must not be granted for the erection of a building on land identified as “Miller Street Setback” on the North Sydney Centre Map unless:*
 - (a) *the building height will be less than 1.5 metres, and*
 - (b) *the part of the building that will be on that land is used only for access to the building or landscaping purposes.*

As shown in the North Sydney Centre Map, the site is required to achieve a setback of generally six metres from Miller Street, with an 11.5 metre setback required at the small, irregular extension in the middle portion of the frontage.

Up to a height of RL 118, the proposed building envelope is set back in accordance with the setback shown on the North Sydney Centre Map. At RL 118 and above, the envelope includes a reduced setback. The setback reduces (or step towards the street) in 1.5m increments at three heights (RL 118, RL 152 and RL 190), with a minimum setback of 1.5m at the top section of the envelope. The effect is to split the envelope into four separate volumes. Refer to the south elevation of the envelope below.

The stepping setback results in the following non-compliances with the Miller Street setback standard: – Between RL 118 and RL 152, the maximum non-compliance is 1.5m (or 13% at the irregular extension of the frontage and 25% at the remainder of the frontage). – Between RL 152 and RL 190, the maximum non-compliance 3m (or 25% at the irregular extension of the frontage and 50% at the remainder of the frontage). – At RL 190 and above, the maximum non-compliance is 4.5m (or 39% at the irregular extension of the frontage and 75% at the remainder of the frontage).



Source: Concept State Significant Development Application EIS

A Clause 4.6 variation request is included in the EIS in relation to this clause 6.4 control. In the event that the consent authority considers the non-compliance with clause 6.4 to be a prohibition, the consent authority can rely upon section 4.38 of the EP&A Act, which allows consent to be granted for partly prohibited SSD.

The applicant states that:

- The reduced setback would cause no additional unreasonable heritage impacts. The proposed building envelope overall would cause minor visual impact to surrounding heritage items due to the increased height and scale, but the reduced setback in particular would not measurably increase the impact. The reduced setback begins at RL 118, above the height of the adjoining MLC Building and nearby Rag & Famish Hotel, which means that direct views to these items along Miller Street would not be obstructed.
- Compared to a building form which complies with the Miller Street setback and which builds up to the full extent of the heights across the site under the North Sydney Centre Planning Proposal (which is currently being finalised), the proposed building envelope would cause no additional overshadowing to surrounding Special Areas, Zone RE1 Public Recreation Land or any other sensitive area.

The Clause 4.6 objection is not supported. It fails to address the other development standard in the Clause being “the building height will be less than 1.5 metres”. The building height is significantly higher than the 1.5m permitted within the setback. Council’s character statement for the CBD recommends buildings with podiums and towers setback from the podium edge. The proposed tower is inconsistent with existing surrounding development as well as the future desired character. The building envelope would be out of context with all other buildings in the CBD and along Miller Street. The required setback should be observed for the full height of the tower, as is the case with the Berry Street setback.

3. *That Transport for NSW make approaches to the owners of the existing café between the Metro site and the MLC building with a view to including this site in its overall vision for a more pedestrian focused Miller Street environment.*

The *Public Domain Strategy* that council is currently developing, will be seeking to address the lack of building setbacks to many of the podiums throughout the North Sydney CBD and will have strict guidelines for new buildings to ensure new developments contribute to the enhancement of public domain for the CBD and address the growing concerns over the lack of amenity, green space and footpath widths throughout the CBD. Victoria Cross provides an opportunity to contribute and set exemplar standards for public domain design.

Council’s *Public Domain Strategy* will also be examining the critical sites that have excellent solar access and the corner of Miller St and Berry St is a critical site nominated which for its continuous solar access all year round. This is discussed further below.

The ground plane design of the podium must take this into account that this is one of the last high amenity spaces in the entire CBD. The most obvious disruption to the open space/plaza corridor in the current design is the café associated with the MLC building to the south of the Metro site. This small building of just over 100m² “juts out” of the open space/plaza corridor between the existing green corridor of the MLC building and the proposed corridor to be created by Metro. Whilst it is acknowledged that this café is

technically beyond the boundary of the current development application, it highlights a significant flaw in the vision for the creation of a new high amenity public domain corridor for North Sydney. If nothing else, it reinforces the existing undesirable pinch point which will only experience growth in pedestrian traffic under Metro. This small portion of land remaining to function in its current state under the new Metro vision, is a significant lost place-making opportunity for North Sydney.

4. ***That an appropriately scaled forecourt be provided at the ground plane on the corner of Berry and Miller Streets in recognition of the pedestrian prominence of this corner, its potential visual relationship to the Ward Street precinct and its solar amenity.***
5. ***That the proposed development provide a setback to Berry which is more consistent with the adjoining setback of 65 Berry Street in recognition of the emerging character and potential connectivity to the Ward Street precinct.***

Throughout the early stages of the Victoria Cross design development, the concept renders illustrated a deep ground floor podium setback to the prominent Miller Street - Berry Street south-east corner which indicated an appropriately scaled forecourt area that for a building of this scale, prominence and location. Whilst this was only a render, it met with the council's expectations regarding public domain intent. The future pedestrian density, the place-making opportunity and the unique natural amenity of this street corner which has protected year-round solar amenity, make this an opportunity that should be capitalised upon.

The current envelope design, however, has indicated that the corner setback has been removed and glassed-in retail tenancies placed under the upper podium thus reducing the building setback on Berry St severely and removing this forecourt area. Whilst Council acknowledges that there has been some preliminary design of a stepped, planted plaza setting along Miller Street, it has not been reflected on Berry Street.

From the kerb to edge of proposed building envelope at Berry Street, the distance is approximately 4.2m, if an exit door is opened outwards (as indicated on the drawings) the distance is reduced to 3.2m and the distance between the seating/trees and open door is less than 2.5m wide.

Given the setback to the entry doors on adjoining 65 Berry St are set back an additional 10m from the proposed building edge of the metro development, this indicates a lack of public domain continuity and does not create a harmonious forecourt space between the buildings.

With the future development that is likely to significantly increase amenity and pedestrian permeability in the Ward Street precinct, the Berry Street setback, treatment and continuity, particularly at the corner of Miller Street, is a missed opportunity given the design portrayed in the current concept development application.

6. ***That the proposal be amended to achieve aligning of the Miller Street façade, with that of the existing MLC building.***

The proposal complies with the Miller Street setback (at ground level only) as required in the NSLEP 2013. Whilst the resulting public domain/plaza corridor is some 17 metres wide, North Sydney has an acknowledged lack of public open space as previously discussed. It is further acknowledged that if well designed, the proposed Miller Street

public domain corridor would be an improvement to the previous corridor which was fragmented and disrupted by level changes, steps and various structures. Notwithstanding this, opportunities to increase this setback and align it with the existing MLC setback would be a vast improvement to both the setting of the heritage listed MLC building, as well as provide for a more generous public domain corridor for North Sydney at the ground level.

7. *Determination of the application should be deferred until the planning proposal is gazetted.*

The proposed building envelope complies with the Height of Buildings Map in the North Sydney Centre Planning Proposal (PP02/2017), with the exception of a small portion of the RL 201 section of the map. Over this section, the proposed building envelope has a maximum height of RL 230, resulting in a maximum non-compliance of 29m (or 14%).

It is noted that the Clause 4.6 request refers to the heights finally adopted by Council in the Planning Proposal and not the heights as exhibited in that Proposal. The Clause 4.6 request is not supported under the current controls. Determination of the application should be deferred until the planning proposal is gazetted. This has been the standard practice of Council and reinforced by the Joint Regional Planning Panel and Sydney North Planning Panel. The minor breach of the planning proposal heights would be acceptable as there is minimal impact with regard to overshadowing and the bulk and scale of the building is not significantly increased.

8. *Any future signage associated with the proposed building should be “building or business identification signs” and not advertising or changing LED signs.*

Four indicative signage zones are proposed for OSD - two at the top of the building on the south and east elevations for building naming rights, and two for tenant signage on the Miller Street and Berry Street facades. The zones are indicative only; no physical signage is proposed as part of this concept proposal. Clause 13 of SEPP 64 requires that a consent authority must not grant consent to an application to display an advertisement unless the advertisement is consistent with the objectives of the SEPP and the criteria in Schedule 1 of the SEPP. The indicative signage zones are consistent with the objectives of the SEPP in that it is similar to other signage in the surrounding commercial core and located so as to provide effective communication. The design and materials would be determined at the detailed SSD Application stage. An assessment against Schedule 1 of SEPP 64 is provided in the EIS. There is no issue with the signage zones however, the signs should be “building or business identification signs” and not advertising or changing LED signs as required by section 9 of the North Sydney DCP 2013.

9. *The ongoing construction traffic should be contained to Miller Street and northern part of Denison Street so that the Denison Street plaza can be established for the completion of 1 Denison Street and entry to the new station in Denison Street when it becomes operational.*

10. *It is also important to ensure that vehicular access can be provided through the carpark of the OSD to the MLC site to provide an alternate access for parking and loading that would result in a safer and better pedestrian plaza that forms the entry to the station without the conflict of cars and trucks.*

In addition to these points, the following have been adopted by Council which are elaborated in the attached submissions which were considered and broadly supported by Council.

11. *There is a lost opportunity to integrate the proposed Metro with the existing North Sydney heavy rail station.*

The link between Metro and Greenwood Plaza would provide weather protection and increased retail opportunities within this corridor. This can create a sense of additional public domain, albeit underground similar to the QVB experience in central Sydney.

12. *The proposal lacks open space, public domain or cultural facilities.*

The previous Tower Square was a successful place where people congregated for lunch and socialising. The proposal misses an opportunity of creating a quality public domain or community facilities at street level to activate this space. In addition to this, the North Sydney CBD lacks a town hall, performance spaces, meeting spaces, cinemas, exhibition spaces and the like that could be incorporated into a significant development such as that being proposed, importantly, by the NSW Government.

13. *Integration of 65 Berry Street into the Metro station and OSD.*

It is noted that the foundations for this project were laid several years ago with the acquisition process that occurred throughout Sydney. Whilst the land acquired serves the purposes of the provision of a Metro station, the acquisition of the adjoining site at 65 Berry Street would represent a vastly superior basis for an Over Station Development to deliver wider benefits befitting a modern CBD like North Sydney as well as a contemporary public transport project.

14. *Inadequate width of access into and from Metro.*

There appears to be inadequate width to accommodate pedestrian movement between Miller Street and Denison Street. The station will accommodate approximately 15,000 pedestrian movements in the morning peak. Consideration should be had for the functional width of these access points to not only provide for the public circulation requirements of Metro, but also the placemaking benefits that may be derived from such spaces.

15. *Inadequate view analysis.*

The application does not include critical street level views of the proposed OSD from Denison Street and from the eastern side of Berry Street. These are important in order to understand how the proposed building will fit into the urban context of North Sydney.

16. *Integration with Bus services have not been considered.*

The B Line bus service to and from the Northern Beaches presents an opportunity of linking this new public transport service. A large number of commuters from the Northern Beaches make the trip either into North Sydney or the Sydney CBD. Connecting to Metro will significantly reduce bus congestion for those travelling across the harbour bridge. This interchange potential should be better considered.