

Department of Planning, Industry & Environment
GPO Box 39
SYDNEY NSW 2001

By Post & Email: james.groundwater@planning.nsw.gov.au

GM (CIS)

14 May 2020

Dear James,

**RE: SYDNEY METRO VICTORIA CROSS OVER STATION DEVELOPMENT –
RESPONSE TO SUBMISSIONS**

I refer to Council's letter dated 28 November 2019 outlining Council's objections to the two Victoria Cross over station development applications. The first being the Section 4.55(2) application to modify the SSD consent (SSD17 8874) (Council ref: DA.349/19/2) and the second being the development application for the over station development by Lend Lease (SSD 10294) (Council ref: DA.350/19).

Council notes that the proponent has responded to Council's submission and will not be making any changes to the applications other than modify the proposed stratum subdivision. Council is most disappointed with the proponent's response.

Council strongly objected to the breach of the 5m Miller Street setback above the podium when this was approved by the Department with the concept consent.

The proposal features a reverse podium which is inconsistent with every recent major development in the CBD and Council's character statement for the CBD as part of its DCP. The tower should not be closer to the street than the proposed podium but setback to be consistent with all of the other buildings in the CBD. This would also assist in reducing the building's dominance to Miller Street.

The application should be amended to comply absolutely with the Miller Street setback for the entirety of the facade of the building which faces Miller Street.

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. A complete redevelopment of the MLC site may not occur in the short term, however alterations and additions to the MLC building could be possible in the near future.

There is no commitment for the access to be made available in the future to allow vehicle access to the MLC site. This is in the public interest to ensure no conflicts with pedestrians entering or exiting the site and the Metro station and using the Denison Street Plaza. The alternative access for MLC would be entry from Denison Street that would have a severe impact on the public domain in Spring Street, Denison Street, Mount Street and Brett Whiteley Place.

A stratum lot or right of way could be created over the vehicle access from Denison Street to the link in level B1 to the boundary. The right of way over this section and could be subject requirements that the owner of the adjacent site be responsible for all costs to allow connection including fire doors and safety and contributions for on-going maintenance of the stratum lot. It is in the interests of the Metro and the OSD and a successful public domain in North Sydney for access to be made available.

The pedestrianisation of Denison Street is critical to the future of this precinct and to ensure a safe and comfortable entry/exit environment to and from Metro for pedestrians. Whilst the MLC building continues to rely on vehicular entry exit for parking via Denison Street, this pedestrian environment, which is so crucial for Metro and the wider city, will be significantly compromised. The need to achieve joint vehicular access at Metro cannot be overstated. The Department is strongly encouraged to impose conditions on any future consent that require a legal capacity for the owners of the MLC building, to gain access via the metro site. Leaving what is a critical city building intervention, to future negotiation between landowners in the context of a major infrastructure/development proposal, is inadequate. Council has previously supplied a set of draft conditions. The following draft condition is recommended:

Vehicle right of way to adjacent site

G12. The applicant shall create a stratum lot or other appropriate easement or agreement over the Denison Street vehicle entry/exit along the vehicular ramp and up to the southern boundary on level B1 designated "safeguarded link" on Drawing numbered 521006.07 – B1 plant level, dated 6 August 2019, drawn by Bates Smart, granting a right of way for vehicles to enter and exit the adjacent site known as 105 Miller Street.

The stratum lot or other appropriate easement or agreement shall:

- *require the owner of 105 Miller Street to pay for all construction costs for making of the opening between the carparks.*
- *provide for maintenance agreement;*
- *provide for insurance;*
- *provide for fire safety between buildings;*
- *provide for a level of lighting and security;*
- *provide a right to vary, modify or extinguish the right of way in favour of Council;*
- *provide a two way access path designed to Australian standards and no less than 6 metres in width.*

The stratum lot or other appropriate easement or agreement shall be prepared, executed and registered at the sole cost of the applicant, including the costs of Council in obtaining advice, producing documents or otherwise facilitating the preparation, execution and registration of the required documents, shall bind all successors in title and shall only be subject to variation at the discretion of the Council.

The right of way would ensure pedestrianisation of Denison Street that is critical to the future of the Metro precinct and to ensure a safe and comfortable entry/exit environment to and from Metro for pedestrians without traffic conflicts.

The right of way shall be for the life of the building and not in perpetuity.

(Reason: Public benefit and pedestrian safety)

Council also believes that there is an opportunity to ensure a safe connection from the Metro through the MLC site and then the existing Greenway connection to North Sydney Station.

The short link through a proposed retail space could remain in place until the MLC site is redeveloped. The applicant could create a stratum lot over a section of the south western corner retail space and up to the southern boundary shown on Drawing numbered 420000.10 — Denison Street plan, dated 22 July 2019, drawn by Bates Smart, granting a right of way for pedestrians to provide a link to the Metro entry from the adjacent site known as 105 Miller Street.

Subject to the above issues being addressed, the proposed development sought within the detailed SSD DA is considered appropriate for the site.

Whilst the accessibility benefits of Metro are acknowledged and welcomed, Council has expressed strong disappointment regarding the inadequacy of the proposed public benefits particularly the paucity of space for the community. While there is space identified as "the Hub" within the podium, the ultimate use of which is unclear. A strong community/civic presence in this building, given the public function of Metro, is a missed opportunity in the overall city building potential of the proposed development. There should be a condition requiring the Hub to be dedicated/leased at no cost to Council for Community purposes.

Should you have any queries in relation to this application please do not hesitate to contact Geoff Mossemear, Executive Planner, on 9936-8100.

Yours sincerely,

JOSEPH HILL
DIRECTOR CITY STRATEGY