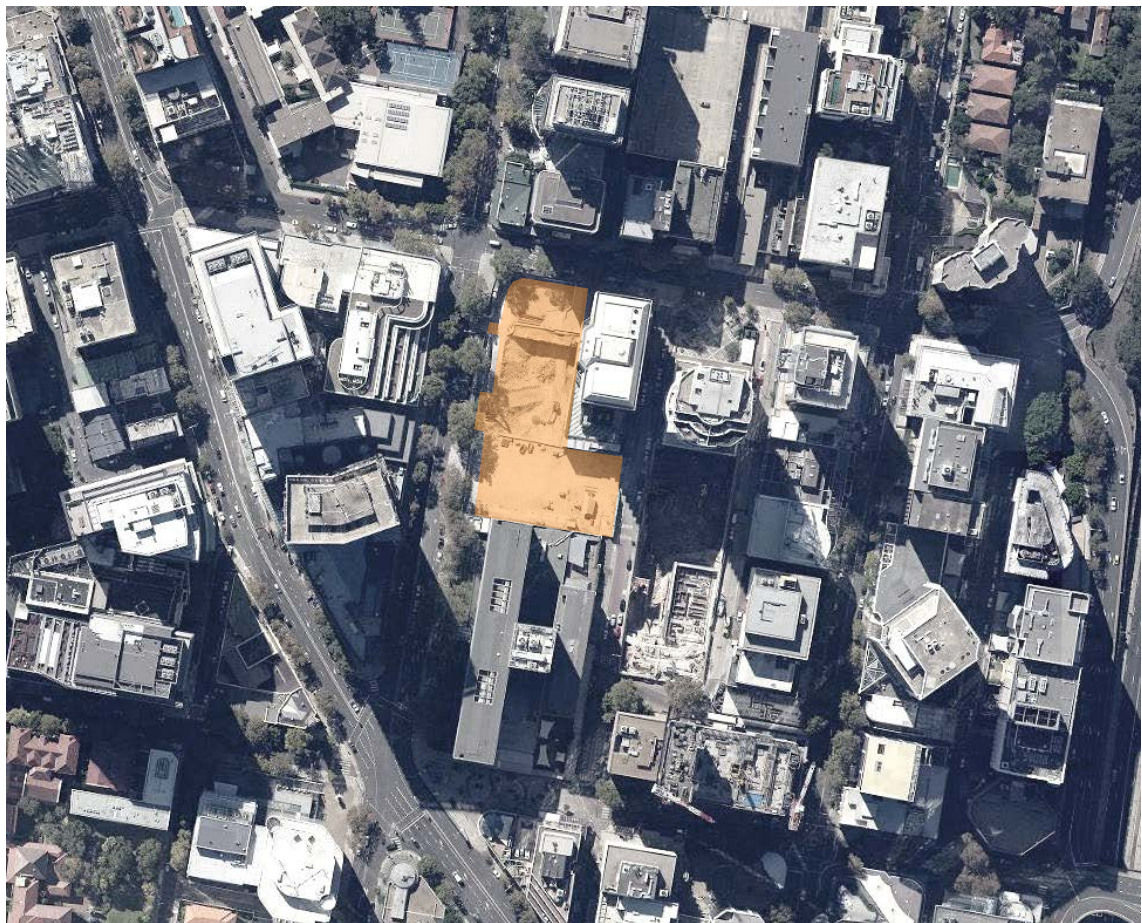


SYDNEY METRO CITY & SOUTH WEST
VICTORIA CROSS OVER STATION DEVELOPMENT
S4.55 MODIFICATION TO SSDA



HERITAGE IMPACT ASSESSMENT

FOR: Lendlease
OCP JOB #: 19009
ISSUE: D
JULY 2019

Report Register

The following report register indicates the development and issue number of this report, undertaken by OCP Architects.

Document status:

Issue	Date	Purpose	Written
A	7 May 2019	Rev A Issue to Lendlease	BH
B	29 May 2019	Rev B Issue to Lendlease	BH
C	17 June 2019	Rev C Issue to Lendlease	BH
D	1 July 2019	Rev D Issue to Lendlease	BH

Copyright

OCP Architects has, where possible, referenced the historical sources and reference material within this report. Reasonable effort has been made to identify, contact, acknowledge and obtain permission to use material from the relevant copyright holders and ensure that this document and its contents does not infringe the Intellectual Property Rights or Moral Rights of any person/source within the document.

Project Intellectual Property Rights

Ownership and Property is passed on to Lendlease at the time the documents are brought into existence. On transfer of the Project Intellectual Property Rights, Lendlease grants OCP Architects a non-exclusive, assignable, royalty free and transferable licence to use the documents for all and any purpose relating to the project.

Intellectual Property Rights and Moral Rights

OCP Architects grants the right for the Lendlease and Sydney Metro to reproduce or use a whole or any part of this report, specific to this project and site, but does not authorise Lendlease to adapt, change, relocate, demolish or destroy the whole or any part of the documentation provided. OCP Architects retains the right of attribution as creators of this document, and should be referenced whenever this document is used (Victoria Cross Over Station Development- Section 4.55(2) Modification Heritage Impact Statement, OCP Architects, Revision D, July 2019).

CONTENTS

1	Introduction	1
1.1	Introduction	1
1.2	The Site.....	1
1.3	Sydney Metro Description	2
1.4	Report limitations	3
1.5	Authorship.....	3
1.6	Methodology and terminology	3
2	Heritage Management Framework	4
3	Historical context.....	8
3.1	Early development	8
3.2	North Sydney in the early 20 th Century.....	10
3.3	The Rag & Famish Hotel	10
3.4	MLC Building	11
3.5	North Sydney in the post war period and late 20 th Century.....	12
3.6	Recent development of the site.....	12
4	Physical Description of the site context and views	14
4.1	The Site.....	14
4.2	Context.....	15
4.3	Views	18
5	Statements of Significance	20
	The Rag & Famish Hotel.....	20
	The MLC Building	20
	Monte Sant Angelo Group.....	20
	Commercial Building – 201 Miller Street.....	20
	North Sydney Post Office and Court House (former Police Station)	20
	Former Bank of NSW	21
	Façade of S. Thompson Building – 67A Mount Street	21
	House – 67-69 Mount Street	21
	Former Fire Station	21
	North Sydney Technical High School (former).....	21
	Telephone Exchange.....	22

St Joseph's Convent School and Chapel	22
Shore Sydney Church of England Grammar School.....	22
Simsmetal House	23
Don Bank Museum	23
Houses – 1, 3, 5 & 7 Napier Street.....	23
Houses – 144 and 146 Walker Street	23
Houses – 148 and 150 Walker Street	23
House – 185 Walker Street	24
Houses – 2, 4, 6, 8, 10, 12, and 14 Hampden Street.....	24
6 Description of the Proposed Section 4.55(2) Mod and Assessment of Heritage Impact.....	25
6.1 Approved Victoria Cross Building Envelope	25
6.2 Proposed Section 4.55(2) Modification	26
6.3 Assessment of Heritage Impacts.....	28
6.3.1 Height	28
6.3.2 Setbacks	29
6.3.3 Bulk and Massing	31
6.3.4 Impact on Heritage Items in the Vicinity of the Site	32
6.3.5 Statutory Considerations	43
Sydney Metro Planning Study.....	43
North Sydney Centre Capacity and Land Use Strategy.....	44
North Sydney Local Environmental Plan 2013	44
North Sydney Development Control Plan 2013.....	48
7 Recommendations and Conclusion	49
7.1 Recommendations	49
7.2 Conclusion.....	50

1 INTRODUCTION

1.1 INTRODUCTION

This report has been prepared to accompany a section 4.55(2) modification application to the State Significant Development (SSD) Concept Approval (reference SSD 17_8874) granted for a commercial mixed-use Over Station Development (OSD) above the new Sydney Metro Victoria Cross Station. This report has been prepared having regard to the Secretary's Environmental Assessment Requirements dated 30 November 2017.

The Minister for Planning granted development consent to the Concept SSD Development Application (DA) on 18 December 2018. Concept Approval was granted for:

- A maximum building envelope, including street-wall and setbacks for the OSD;
- A maximum building height of RL 230 or 168 metres, providing:
 - Approximately 40 commercial storeys and 2 additional storeys for rooftop plant for the high-rise portion of the building envelope;
 - Approximately 13 storeys for the lower eastern portion of the building envelope at RL 118 or 55 metres;
 - A maximum gross floor area (GFA) of 60,000sqm, excluding station floorspace;
 - Basement car parking for a maximum 150 parking spaces.

Following Sydney Metro's appointment of Lendlease (Victoria Cross) Pty Limited as the preferred development partner to deliver the Victoria Cross OSD, and ongoing design development, minor modifications to the approved building envelope are now required.

The section 4.55(2) modification application proposes the following changes to the approved building envelope:

- Reduction in the massing and overall dimensions of the building cantilever above the Miller Street special area setback;
- Relocation of building massing from the low-rise levels the tower, north of the through-site link, to the high-rise levels of the tower;
- Reduction of the Berry Street setback from 5 metres to 4.5 metres, extending the building envelope marginally to the north; and
- Increasing the approved maximum GFA for the over station development from 60,000sqm to 61,500sqm.

It is noted that the Concept SSD DA instrument of approval does not consent to any physical works commencing on site until a Detailed SSD DA is granted for the site. A Detailed SSD DA seeking consent for the detailed construction of the proposed development is lodged under a different cover concurrently with this Concept SSD DA modification application.

1.2 THE SITE

The site is generally described as 155-167 Miller Street, 181 Miller Street, 187-189 Miller Street, and part of 65 Berry Street, North Sydney (the site). The site occupies various addresses/allotments and is legally described as follows:

- 155-167 Miller Street (SP 35644) (which incorporates lots 40 and 41 of Strata Plan 81092 and lots 37, 38 and 39 of Strata Plan 79612)
- 181 Miller Street (Lot 15/DP 69345, Lot 1 & 2/DP 123056, Lot 10/DP 70667)
- 187 Miller Street (Lot A/DP 160018)
- 189 Miller Street (Lot 1/DP 633088)
- Formerly part 65 Berry Street (Lot 1/DP 1230458)



Figure 1 - Site Aerial.

1.3 SYDNEY METRO DESCRIPTION

Sydney Metro is Australia's biggest public transport project. Services started in May 2019 in the city's North West with a train every four minutes in the peak. Metro rail will be extended into the CBD and beyond to Bankstown in 2024. There will be a new metro railway stations underground at Crows Nest, Victoria Cross, Barangaroo, Martin Place, Pitt Street, Waterloo and new metro platforms under Central.

In 2024, Sydney will have 31 metro railway stations and a 66km standalone metro railway system – the biggest urban rail project in Australian history. There will be ultimate capacity for a metro train every two minutes in each direction under the Sydney city centre. The Sydney Metro Project is illustrated in the Figure below.

On 9 January 2017, the Minister for Planning approved the Sydney Metro City & Southwest - Chatswood to Sydenham project as a Critical State Significant Infrastructure project (reference SSI 15_7400) (CSSI Approval). The terms of the CSSI Approval includes all works required to construct the Sydney Metro Victoria Cross Station, including the demolition of existing buildings and structures on both sites. The CSSI Approval also includes construction of below and above ground works within the metro station structure for appropriate integration with the OSD.

[illegible]

1.4 REPORT LIMITATIONS

1.5 AUTHORSHIP

OCP Architects P/L
Otto Cserhalmi NARN 4079
Ph 02 9319 4126
Email info@ocp.net.au
Studio 7, Level 1, 35 Buckingham Street Surry Hills, 2010.

This report has been prepared on the basis of the NSW Heritage Branch guideline for the preparation of Assessments of Heritage Impact. The principles contained in the Australian ICOMOS *Charter for the Conservation of Places of Cultural Significance (The Burra Charter)* 2013 are used as a methodology for assessing heritage impact.

2 HERITAGE MANAGEMENT FRAMEWORK

The subject site is located within the vicinity of numerous statutory listed heritage items on the State Heritage Register (SHR) under the *Heritage Act 1977* and the *North Sydney Local Environmental Plan 2013*. These items are identified in the table below.

The subject site also contains an item of local heritage significance, referred to below as the shop at 187 Miller Street. While the shop at 187 Miller Street is recorded as a heritage item on the NSLEP 2013, the building has been demolished in accordance with the CSSI Approval for the construction of the Sydney Metro City & Southwest.

Table 1: List of heritage items in the vicinity of the subject site.

Item name	Address	Significance	Item No. (NSLEP 2013)	SHR listing No.
Shop*	187 Miller Street	Local	I0898	N/A
The Rag & Famish Hotel	199 Miller Street	Local	I0901	N/A
MLC Building	105-153 Miller Street	Local	I0893	N/A
Commercial Building	201 Miller Street	Local	I0904	N/A
Monte Sant Angelo Group	128 Miller Street Lots 1-8, DP 262534	Local	I0894 I0895 I0896 I0897	N/A
North Sydney Post Office and Court House (former Police Station)	92-94 Pacific Highway	State	I0953	01417
Former Bank of NSW	51 Mount Street	Local	I0919	N/A
Façade of S. Thompson Building (No 67A)	67-69 Mount Street	Local	I0920	N/A
House	67-69 Mount Street	Local	I0921	N/A
Former Fire Station	86 Walker Street	Local	I0983	N/A
Greenwood (Former North Sydney Technical High School)	101-103 Miller Street or 36 Blue Street	State	I0892	00517
Telephone Exchange	1 Wheeler Lane	Local	I1030	N/A
St Joseph's Convent School and Chapel	7-11 Mount Street	Local	I0918	N/A

Item name	Address	Significance	Item No. (NSLEP 2013)	SHR listing No.
Shore Sydney Church of England Grammar School	William Street	Local	I0782	N/A
Simsmetal House	41 McLaren Street	Local	I0889	N/A
Don Bank Museum	6 Napier Street	State	I0926	00031
Houses	1, 3, 5, and 7 Napier Street	Local	I0923, I0924, I0925, I0927	N/A
Houses	144, 146, 148 and 150 Walker Street	Local	I0984, I0985, I0986 and I0987	N/A
House	185 Walker Street	Local	I0988	N/A
Houses	2, 4, 6, 8, 10, 12, and 14 Hampden Street	Local	I0840, I0841, I0842, I0843, I0844, I0845, and I0846	N/A

*Approved for demolition as part of CSSI Approval for Victoria Cross Station. Whilst this site is still listed on the NSLEP 2013, the building has been demolished.



Figure 3 - Aerial view of the site, shown with the green dashed line. Heritage items in the vicinity are shaded and labelled with their heritage item number as per the NSLEP 2013 and SHR. Items shaded yellow are listed on the North Sydney Local Environmental Plan 2013 only. Items shaded red are listed on the NSW State Heritage Register. Source: SIX Maps 2016

The relevant heritage provisions of *North Sydney Local Environmental Plan 2013* (NSLEP 2013) apply to the development of the site as a matter of consideration under section 4.15 (former s79C) of the *Environmental Planning and Assessment Act 1979*. As the project site is not located within the

curtilage of any heritage items listed on the State Heritage Register, the *Heritage Act 1977* does not apply to the proposed development.

Clause 11 of *SEPP (State and Regional Development) 2011* states that development control plans do not apply to State Significant Development. Notwithstanding, the *North Sydney DCP 2013* provides a reference point for the design of new buildings and has been considered, where relevant.

In addition to the abovementioned planning instruments, the following planning proposals and studies prepared by North Sydney Council have been considered in the assessment of the proposed OSD planning envelope, where relevant to heritage:

- North Sydney CBD Planning Proposal (PP_2017_NORTH_002_00);
- North Sydney CBD Capacity and Land Use Strategy, 2017;
- *Sydney Metro Planning Study*, Crows Nest and North Sydney, 2017.

3 HISTORICAL CONTEXT

The historical outline provided below has been summarised from the history provided in the Heritage Impact Assessment report prepared by OCP Architects Pty Ltd for the Concept SSDA which was approved on 18 December 2018 [SSD 17_8874]. The information contained in sections 3.1 – 3.3 and 3.5 below was obtained from the North Sydney entry of the Dictionary of Sydney written by Leonie Mason in 2010.¹

3.1 EARLY DEVELOPMENT

The area that is now known as North Sydney had been identified as an eligible site for a township as early as 1828 as land that had not yet been disposed of in various land grants. By 1838, the basic road structure of the town centre was established on a traditional 10-chain grid, with Berry, Mount, Blue and Lavender streets running east-west and Miller and Walker streets running north-south.

The initial site for the township (now the commercial centre of North Sydney) was a rectangular shaped parcel of Crown land located to the north of Hulk Bay (later renamed Lavender Bay). In 1838, 48 half-acre building allotments in three sections were offered for purchase by application.

The township was named St Leonards and was formally gazetted in 1838. The present name of North Sydney was adopted by the alderman of the newly consolidated borough in 1890. Although there was a strong sentiment attached to the name St Leonards, Alderman Clark proposed the name North Sydney, arguing that it would give the new borough more prestige if they wanted to borrow more money.²

The occasional sale of Crown lots from 1843 extended the development of the St Leonards township, particularly to the north and north-east of the St Leonards Reserve. Subdivisions in the late 1850s and 1860s anticipated a boom period and provided allotments of various sizes, encouraging the building of cottages and terraces as well as villas and mansions.

St Leonards Park, originally envisaged by Mitchell in his 1828 plan of the township, was designed and planned by Alderman William Tunks. The area bordering the park, south from Ridge Street to Berry Street between Miller and Alfred streets developed as an upper-middle-class neighbourhood. Here prominent businessmen, parliamentarians and doctors built grand Victorian and Federation houses on large blocks. Many of these houses were demolished from the 1960s onwards, however some remain on the northern end of Walker Street and in Ridge Street overlooking St Leonards Park, and within the school grounds of Monte Sant' Angelo Mercy College and Wenona.

Churches were established in the area during the 1840s and 1850s with the first St Thomas's Church being constructed in 1843 (rebuilt in 1884), the construction of St Mary's in 1856 and St Peter's Presbyterian Church in 1844 (rebuilt 1866).

The Borough of St Leonards was formalised in 1869 with the establishment of local government to administer the township and providing utilities and services such as gas, water, roads, garbage collection, sewage and sanitation. The boroughs of East St Leonards, St Leonards and Victoria were amalgamated to form North Sydney Council in 1890.

¹ Masson, Leonie, North Sydney, Dictionary of Sydney, 2010, http://dictionaryofsydney.org/entry/north_sydney, accessed 07 May 2019

² John Griffin, North Sydney Diamond Jubilee Souvenir & Programme, North Sydney Municipal Council, North Sydney, 1928, p 33, as cited in Masson, Leonie, North Sydney, Dictionary of Sydney.

North Sydney Superior Public School, which later became the Greenwood Hotel, was established 1878 on Miller and Blue Streets and expanded over time to service the rapidly growing population of the area. A number of religious schools, including Monte Sant' Angelo Convent (Miller Street), SCEGS Shore (Blue Street) and Wenona School (Walker Street) were established before the end of the 19th Century.

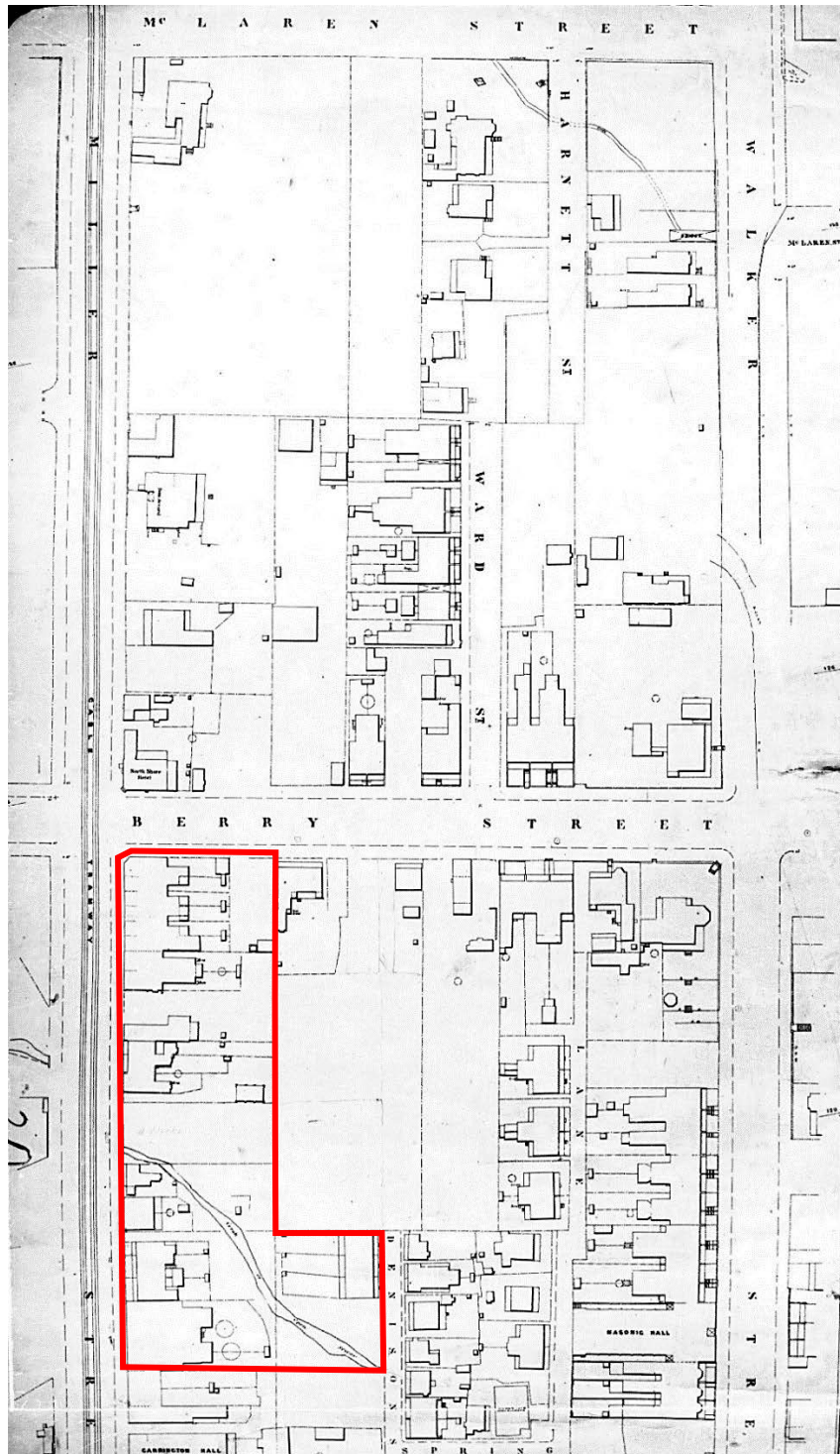


Figure 4 - Detail of 1890s Block Plan of North Sydney, showing the tramway along Miller Street and development in the town centre between Miller, Berry, McLaren and Walker Streets. The study area is outlined in red.
Source: Sydney Water Board Maps, Stanton Library File /000029, dated 4 February 1892

During the mid-1880s, the intersection of Miller and Mount Streets and Lane Cove Road (later known as the Pacific Highway) was the commercial and civic centre of the township. This

intersection was later referred to as Victoria Cross. Development of the town centre was further boosted by the construction of the cable tramway between Miller Street and the ferry wharf at Milsons Point, via Miller and Alfred Streets. During this period, North Sydney saw the development of banks, public buildings and shops in the civic precinct. The Post Office, Court House and Police Station complex, designed by government architect James Barnett were opened in 1886.

During the 1880s, the population of the township consisted of a mixture of professional and commercial people, skilled tradesmen and labourers. The medical fraternity established itself around Miller Street between Berry and Ridge Streets and this area became known as the 'Macquarie Street of the North Shore'.

3.2 NORTH SYDNEY IN THE EARLY 20TH CENTURY

North Sydney Boys' and Girls' High Schools were established in 1912 and 1914, which was followed by the establishment of North Sydney Demonstration School in 1932.

In approximately 1912, the Coliseum Theatre was built on the site of the cable tram winding sheds on Miller and Ridge Streets. The site was later subdivided and became the Union De Luxe Cinema and Independent Theatre in the 1930s. In 1926, the town hall was relocated to the heart of North Sydney, taking over Dr Capper's Federation House on the corner of Miller and McLaren Streets.

With the onset of the Great Depression and the construction of the Sydney Harbour Bridge in 1932, building activity stalled. Land values dropped and the population levels remained static.

Lane Cove Road was extended to the Bradfield Highway and the Harbour Bridge, resulting in the resumption and demolition of Junction Street and the North Sydney Methodist Church on the Blue Street Intersection. The road was widened and renamed the Pacific Highway in 1932 which led to the formation of the Victoria Cross intersection, a name chosen as a result of a public competition held in 1939.

Development after the depression mainly consisted of rebuilding. Art Deco Style Hotels including the Albert, Federal and Union Hotels were reconstructed in the late 1930s. Garages and new public buildings were constructed in place of earlier buildings. Large Federation and Victorian houses were converted into boarding houses, with verandahs and balconies enclosed to provide additional bed sitting accommodation. Servants' quarters were converted into flats. Despite this, the population of the area declined after the Second World War.

3.3 THE RAG & FAMISH HOTEL

The original hotel was constructed in the early 1860s as the 'Sailor's Return' on the corner of Miller and Berry Streets in the township of St Leonards. The original hotel was a single storey brick building with a hipped roof and dormer windows. The Hotel was acquired by Charles Builivant in 1866 who renamed the hotel the "Rag and Famish". Following its purchase by Thomas Casey in 1873, the hotel was renamed "North Shore Hotel". In 1890, the original hotel was destroyed, possibly as a result of a fire. Casey rebuilt the hotel in 1892 with "The North Shore Hotel" displayed across the building's parapet.

The Hotel was leased to Tooth and Company in the 1920s and was renamed the "Northern Star". In 1982, the hotel was restored and renamed "Rag and Famish".

3.4 MLC BUILDING

The expansion of the Mutual Life and Citizens Assurance Company (MLC Limited) after the Second World War led to the development of a series of buildings that were to be designed in order to be “distinctly recognisable as being owned by MLC”.³

Planning for the series of buildings started in 1952 and 1953 saw the first of the ‘modern’ Bates Smart & McCutcheon (BSM) designed MLC buildings with the International Style MLC Building in Geelong. This was quickly followed by a succession of similar buildings, the epitome of which was the North Sydney MLC Building.⁴

The MLC Building on Miller Street in North Sydney was constructed in 1957 to the design of Bates Smart and McCutcheon. The building, which is now 60 years old, was the first high-rise office block in North Sydney and was the largest building in North Sydney for many years after its construction. The curtain wall, a thin aluminium framed glass skin, represents the highest level of innovation in construction technology of the time, which was coupled with the emerging modern rationalised open-plan office environment.⁵ The MLC Building was also Australia’s biggest building at the time with the biggest air-conditioning system and its own power plant. It also included the first of the MLC weather beacons that became a signature of the buildings and led the way for future weather systems that now appear on many buildings.



Figure 5 - The MLC Building in 1957. Source: The Face of North Sydney photo archives, LH REF PF1679. (Copyright - Max Dupain & Associates)

³ Montagnana-Wallace, V.; Blackledge, J. & Hatton, K. (2012). *MLC*. Thornbury, Vic: Bounce Books, as cited in *Background Information, Former MLC Building, 161 London Circuit*, prepared by the ACT Heritage Council, June 2015.

⁴ ACT Heritage Council, June 2015. *Background Information, Former MLC Building, 161 London Circuit*. Accessed 12 September 2016 from http://www.environment.act.gov.au/data/assets/pdf_file/0005/663926/Former-MLC-Building,-Block-1-Section-14-CITY-Background-Information.pdf

⁵ Bates Smart Journal / Mar-April 2012, ‘MLC Building, North Sydney’. Accessed April 2019 from the Bates Smart website; <https://www.batesmart.com/2012/mar-apr/bates-smart-timeline/>

Revolutionary at the time, the building used a lightweight construction system that used prefabricated sections that could be dry-connected in a modular system, allowing the building to be quickly and economically erected. This paved the way for a series of buildings across Australia based on the same design. MLC buildings were erected in Geelong (1953), Ballarat (1954), Brisbane (1955, extended in 1959), Wollongong (1956), Adelaide (1957), North Sydney (1957), Newcastle (1957), Perth (1959), Shepparton (1959), and Canberra (1958, extended 1963).⁶

The North Sydney MLC Building was recently refurbished to upgrade its corporate attractiveness. Bates Smart were involved in the works which included all aspects of the curtain wall: exterior cleaning, waterproofing, internal finish and venetians, all base building elements of the typical floors and the Miller Street retail concourse upgrade.

3.5 NORTH SYDNEY IN THE POST WAR PERIOD AND LATE 20TH CENTURY

The relatively lower cost of land in the area (compared with the Sydney Central Business District) attracted several large companies to build their headquarters in North Sydney, including the Headquarters of the Mutual Life and Citizens Assurance Company (MLC Limited).

During the building boom of the 1960s, North Sydney was promoted as the twin city to Sydney CBD. The construction of the Warringah Expressway which opened in 1968 resulted in the demolition of approximately 500 houses and shops. Between 1968 and 1973, the construction of commercial office buildings in North Sydney was valued at approximately 138 million dollars which led to the State Planning Commission putting a limit on further growth in 1973. These developments had attracted insurance, advertising, computing and banking businesses to North Sydney.

Development boomed again during the 1980s, replacing Victorian and Federation buildings within the old shopping centre with commercial office buildings where companies such as Phillips, Sabemo, NRMA, Transfield and Ampol established headquarters in the area.

The late 20th Century building boom in North Sydney led to the destruction of much of the 19th Century township with Victorian and Federation shops, terraces, houses and public buildings disappearing from the streetscape. A number of resident action groups were formed as a result of the increasing dissatisfaction with the extent of development and loss of amenity and heritage. In the 1980 local government election, two thirds of North Sydney Council was replaced and Ted Mack was elected Mayor. This was followed by a period of re-assessment of planning controls to take into account the needs of residents alongside the large labour force working within the suburb. Much of the development carried out during the latter part of the twentieth century contributed to the formation of the character of the suburb today as an important commercial centre and business district within the Sydney region.

3.6 RECENT DEVELOPMENT OF THE SITE

The subject site is comprised of numerous allotments from 155 – 189 Miller Street (as well as part of former lot 65 Berry Street) within North Sydney. The site, which has formed part of the commercial core of North Sydney since the establishment of the township of St Leonards in the 1840s, has been

⁶ ACT Heritage Council, June 2015. *Background Information, Former MLC Building, 161 London Circuit*. Accessed 12 September 2016 from http://www.environment.act.gov.au/_data/assets/pdf_file/0005/663926/Former-MLC-Building,-Block-1-Section-14-CITY-Background-Information.pdf

subject to numerous phases of development, including the large-scale commercial redevelopment in the late 20th Century.

In January 2017, the Minister for Planning approved the Sydney Metro City & Southwest – Chatswood to Sydenham Infrastructure project which involves the construction of a new standalone rail network connecting northwest and southwest Sydney through the Sydney CBD with 31 metro stations, including Victoria Cross. The Approval for the construction of the Sydney Metro City & Southwest includes all works required to construct the Metro stations, including the demolition of existing buildings and structures on the subject site.

Prior to the commencement of construction of Victoria Cross Station, the subject site comprised two mid-rise office towers constructed during the 1970s and 1980s, a two storey shop constructed in the Victorian era, and a two storey Tower Square Shopping Centre. These buildings are shown in Figure 6 and Figure 7 below.



Figure 6 - View looking north along Miller Street in 2016, prior to the commencement of demolition works, showing Tower Square on the southern end of the subject site and the mid-rise commercial office building at 181 Miller Street. Source: OCP Architects, 2016



Figure 7 - View of the subject site in 2016, prior to the commencement of demolition works, showing the Victorian Shop at 187 Miller Street. Source: OCP Architects, 2016

4 PHYSICAL DESCRIPTION OF THE SITE CONTEXT AND VIEWS

4.1 THE SITE

The site comprises a number of allotments within the North Sydney centre, including:

- 155-167 Miller Street (former two storey Tower Square shopping centre);
- 181 Miller Street (former commercial office building constructed in the c.1970s);
- 187 Miller Street (former two storey Victorian period shop);
- 189 Miller Street (former commercial office building constructed in the c.1980s);
- Part of former lot 65 Berry Street.

The former site conditions demonstrated a pattern of development with very little consistency of built form, scale, architectural language and building alignment. There is considerable variation in land levels across the site with a fall of approximately 3.5m from Berry Street to the MLC Building and a fall of approximately 4m from Miller Street to Denison Street. The Miller Street footpath consisted of a series of planter boxes, stairs, trees, and other physical impediments that limit the movement of people through the space. The former Victorian shop at 187 Miller Street was located within the setback zone of the adjoining commercial buildings and therefore, created a visual barrier between MLC Building and Rag & Famish Hotel.

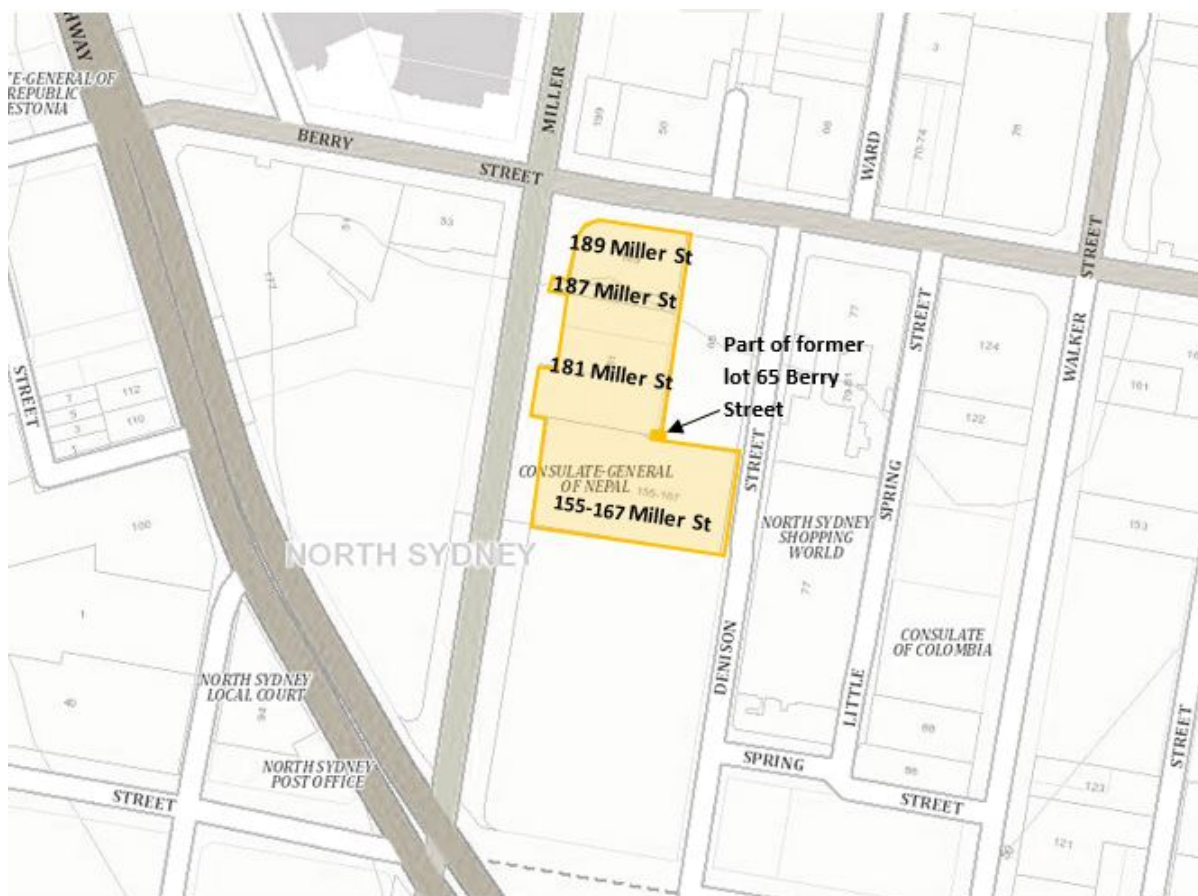


Figure 8 - Map of 155-189 Miller Street, North Sydney, showing the site location shaded in yellow, and individual properties. Source: Six Maps, 2019

4.2 CONTEXT

The subject site is located on one of the major north-south oriented thoroughfares of North Sydney that was originally developed as one of the high streets of the township of St Leonards. Today, Miller Street forms part of the North Sydney Central Business District (CBD) and contains predominantly high-rise and medium rise commercial office buildings, intermingled with public buildings, educational establishments, pubs, restaurants and shops.



Figure 9 - Birds eye view of North Sydney showing the location of the subject site (and buildings at 155 – 187 Miller Street which have now been demolished) in the context of the North Sydney centre, facing north. The site frontage to Miller Street is indicated in red. Source: Google Maps 2019.



Figure 10 - Birds eye view of North Sydney showing the location of the subject site (and buildings at 155 – 187 Miller Street which have now been demolished) in the context of the North Sydney centre, facing east. The site frontage to Miller Street is indicated in red. Source: Google Maps 2019.

The North Sydney CBD is comprised of buildings from numerous building periods with no consistent podium language or façade treatment. The large variety of building types, architectural styles and construction periods has resulted in the use a variety of building materials, varying building setbacks and an inconsistent treatment of the public domain which has resulted in a highly varied urban environment.

The area immediately surrounding the subject site comprises a number of large scale high-rise developments which as a collection of buildings, define the skyline of North Sydney. In addition to these existing developments, a number of additional high rise buildings are currently under construction, including 1 Denison Street and 100 Mount Street. These buildings will further contribute to the North Sydney skyline and introduce changes to the public domain interface at street level.

Immediately to the south of the subject site lies the MLC Building which is listed as an item of local heritage significance in the North Sydney LEP 2013 (Figure 11). Opened in 1957, the MLC Building is a fourteen storey cubiform office block constructed from a rigid steel frame with hollow steel floors. The building façade is comprised of curtain walls of glass and anodized aluminium spandrels which is characteristic of the Post-War International style in which the building was designed.

The Rag & Famish Hotel, located on the north-eastern corner of Berry and Miller Streets, is a two storey painted brick hotel constructed in the Federation Free Classical Style (Figure 12). The building features tiles to the dado at ground level, a metal awning which extends along the Miller and Berry

Street elevations, paired double hung sash windows with sixteen pane upper lights with coloured glass, string courses and a decorative parapet featuring two pediments.



Figure 11 - The MLC Building. Source: OCP Architects, 2016

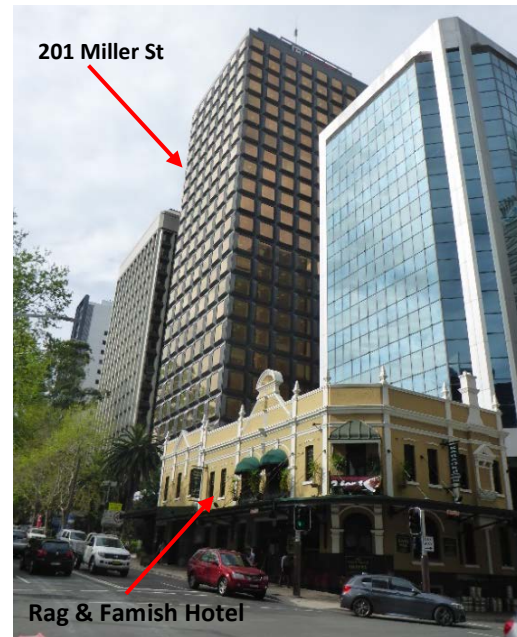


Figure 12 - The Rag & Famish Hotel on the corner of Miller and Berry Streets and the heritage listed commercial office building at 201 Miller Street behind. Source: OCP Architects, 2016

Further to the north of the Rag & Famish is a twenty-two storey office building constructed of precast concrete on a single storey plinth in the Twentieth Century International architectural style (Figure 12). The building, distinguished by its high window frames and grid form of the façade, forms a distinctive element within Miller Street and the North Sydney CBD.

Also in close proximity to the subject site is the Monte Sant Angelo College, on the north-western corner of Miller and Berry Streets (Figure 13 and Figure 14). The school, which is listed as an item of local heritage significance in the NSLEP 2013, contains a collection of nineteenth and early twentieth century buildings including an early mansion, chapel and Mercy Hall. The south-eastern portion of the site closest to the intersection of Miller and Berry Streets is occupied by a modern three storey building. The school is contained behind a high brick wall along Miller and Berry Streets.



Figure 13 - View towards Monte Sant Angelo School from the opposite corner of Miller and Berry Streets. Source: Google Street View



Figure 14 - View of Monte Sant Angelo School from Miller Street. Source: OCP Architects, 2016

The opposite side of Miller Street between Berry Street and the Pacific Highway is comprised of a 4-8 storey commercial building and a high-rise commercial development, known as North Point Tower, that consists of a podium tower above a 2-3 storey component fronting Miller Street which incorporates a mix of retail outlets (refer to Figure 15). This site is currently under redevelopment.

Further to the south, on the intersection of Miller and Mount Streets and the Pacific Highway is the former North Sydney Post Office and Court House. This two storey Victorian Free Classical rendered brick building with a four and a half storey corner clock tower occupies the prominent corner location within the North Sydney CBD (refer to Figure 16).

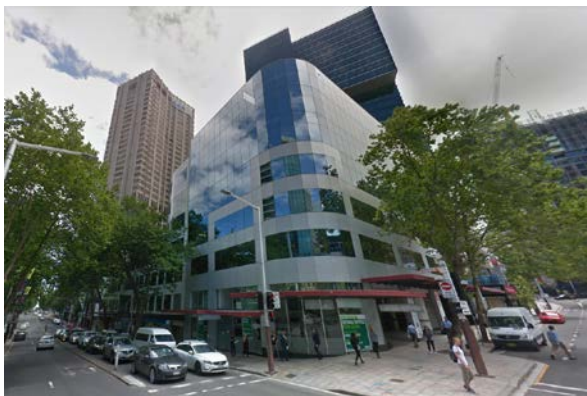


Figure 15 - View south along Miller Street showing the mid and high-rise commercial buildings directly opposite the subject site. Source: Google Street View, 2017



Figure 16 - View of the North Sydney Post Office building on the corner of Miller Street and the Pacific Highway. Source: OCP Architects, 2019

4.3 VIEWS

Views to the site are available from Miller Street, from both the north and the south (refer to Figure 17 and Figure 18). The availability of views to the site from the south is enhanced by the large setback of the MLC Building from Miller Street. The site is also visible from various points along Berry Street and Denison Street.



Figure 17 - View looking north from south of the Pacific Highway on Miller Street, showing the location of the subject site in the distance. Note: this photograph was taken prior to the demolition of buildings on the site as part of the CSSI approval. Source: OCP Architects, 2016



Figure 18 - View south along Miller Street showing the location of the subject site in the distance. Note: this photograph was taken prior to the demolition of buildings on the site as part of the CSSI approval. Source: OCP Architects, 2016

With consideration for the site's location on a prominent corner site within the North Sydney CBD, the form of the land, and the layout of the surrounding streets and laneways, a high-rise development on the site would be seen from a number of locations within the North Sydney CBD, including from the grounds of a number of heritage items in the vicinity of the site. However, it should be noted that many of the views towards the subject site are often filtered at street level by the mature street plantings, as well as the existing medium and high rise buildings within the North Sydney CBD.

Views toward the site are would also be available from within neighbouring medium rise commercial buildings as well as the numerous high-rise office and residential towers throughout the North Sydney CBD.

5 STATEMENTS OF SIGNIFICANCE

The following statements of significance for statutory listed heritage items in the vicinity of the site have been sourced from the online database of the Heritage Division, NSW Office of Environment and Heritage. Key aspects of significance for consideration of the development of the site are highlighted in **bold**.

THE RAG & FAMISH HOTEL

*A very good example of a two storey Hotel in the Federation Free Classical style set on a prominent corner location. Important local hotel with antecedents to the mid-nineteenth century. Associated by tradition with prominent local pioneer and founder of the hotel, Charles Bullivant. **Interesting example of its style. The last surviving traditional hotel in the commercial centre. Important and prominent streetscape item.***

THE MLC BUILDING

The first high rise office block in North Sydney and the largest for a number of years after it's construction. Seminal building on subsequent highrise design in Sydney and utilized construction and structural techniques not previously used in Australia. First use of curtain wall design; first use of modular units in Australia. Major landmark in North Sydney. The interior, exterior and landscape setting are of significance.

MONTE SANT ANGELO GROUP

*Important regional private school since the 1880s. Contains a **significant early mansion as its central building. Chapel and Mercy Hall are both fine buildings from the turn of the century.** O'Regan House is a complementary building to the rest and respectable in its own right. **The group, all in sight of each other, form an impressive precinct.***

COMMERCIAL BUILDING – 201 MILLER STREET

An example of a highly integrated office tower in the Twentieth Century International style of considerable quality and distinctive detailing, contributing much to the urban streetscape of this highrise area.

*An office block of considerable quality and distinctive details, contributing much to the urban streetscape of this highrise area. It was controversial when first opened for its **unusual and prominent colour and finish.***

NORTH SYDNEY POST OFFICE AND COURT HOUSE (FORMER POLICE STATION)

North Sydney Post Office is significant at a State level for its historical associations, strong aesthetic qualities and social value.

*North Sydney Post Office is associated with the development of postal services in the North Sydney area from 1854. As such, the current Post Office is **associated with the growth of the area during the mid-nineteenth century.***

North Sydney Post Office is historically significant because it is also associated with the development of communications services in the North Sydney (originally called St Leonards) area during the late nineteenth century, as the growing population required improved services. North Sydney Post Office is also historically significant because it is associated with the NSW Colonial Architect's Office under James Barnet, which designed and maintained a number of post offices across NSW between 1865 and 1890.

North Sydney Post Office is aesthetically significant because it is a distinctive example of the Victorian Free Classical style, with strong visual appeal. It is located on a prominent corner site and makes a significant contribution to the streetscape of the North Sydney civic precinct, and, along with the adjoining Court House and Police Station, provides an insight in the earlier built form of the North Sydney CDB. This complex of civic buildings forms an important civic conservation group in North Sydney. North Sydney Post Office is also considered to be significant to the community of North Sydney's sense of place.

FORMER BANK OF NSW

Interesting and attractive building on an important corner in the commercial heart of North Sydney. Excellent example of its style and indicative of period bank architecture.

FAÇADE OF S. THOMPSON BUILDING – 67A MOUNT STREET

*Early shopfront facade which with its neighbour No. 67 is an **important and visible relic of the retail development of this section of Mount Street.** Reminder that the current activity is continuation of traditional activity. Interesting comparison with modern retail facades adjacent.*

HOUSE – 67-69 MOUNT STREET

*Early shopfront facade which with its neighbour No. 67A is an **important and visible relic of the retail development of this section of Mount Street.** Reminder that the current activity is continuation of traditional activity. Interesting comparison with modern retail facades adjacent.*

FORMER FIRE STATION

Original Fire Station for North Sydney and relic of operations from horsedrawn technology. Indicative of period Fire Brigade organisations and activity. Fine example of a small regional government building and an example of Victorian Italianate architecture.

NORTH SYDNEY TECHNICAL HIGH SCHOOL (FORMER)

*The Greenwood Hotel is a **rare and unique example of Gothic and Romanesque Revival styles** and remains substantially intact from 1908. The earliest wing of the school was built to the design of*

architect George Mansfield, a prominent architect of the time, and is an exceptional example of his work.

The other parts of the building demonstrate the work of another notable 19th century state school Architect William Kemp.

The Greenwood Hotel was the first state school erected on the north shore of Port Jackson and was the first technical school on the north shore. The fact that the school was used continuously for educational purposes from 1877 to 1969 is of high significance and has created a strong cultural meaning to people in the area.

The sandstone structure is now surrounded by open landscaping and urban development elements and the nearby towers are set away from the Greenwood Hotel. This space has become an important urban precinct for retailers, office workers and locals, and is well utilised as a pedestrian thoroughfare and a place to meet and relax. The two remaining Moreton Bay Fig trees retain the setting of the Greenwood Hotel and the landmark qualities of the area. The sandstone building is a scarcity of its architectural type and is relatively intact. The age of the building relates to the predominant fabric of North Sydney and the building fabric itself demonstrates this historical significance. The school and its open setting with fig trees are landmarks of North Sydney and engender a high degree of public esteem in relation to its local and schooling history. (Tropman & Tropman Architects 2008)

TELEPHONE EXCHANGE

*Important local facility and direct successor to original exchange located in building adjacent. **Excellent example of progressive architectural movement in the Inter-War Period**, having elements of both Stripped Classical and Functionalist Styles.*

ST JOSEPH'S CONVENT SCHOOL AND CHAPEL

A fine group of buildings all of an ecclesiastical flavour with strong detailing and imposing presence. Remains of significant local institution as school and convent, and later as Catholic Teachers College.

SHORE SYDNEY CHURCH OF ENGLAND GRAMMAR SCHOOL

*Important private school regionally and occupying the property mostly associated with Bernhard Holtermann. Contains a replica of Holtermanns Tower rebuilt in the early twentieth century. **A range of buildings occupy the site, the chapel being the most interesting architecturally, the others of less design merit but typical of the type and period.** The newly acquired Graythwaite estate is State-heritage listed. Significance largely sociological and symbolic. Traces of the original house are believed to be incorporated into one of the buildings.*

SIMSMETAL HOUSE

*A good example of a **five storey, concrete framed office building in the Twentieth Century International style with strong horizontality in its elevations.** An example of the work of the prominent Sydney architect, Harry Seidler. An office building of distinction which by its **strong horizontality and the integration of much planting, is pleasant and attractive not only as streetscape but spatially as well.***

DON BANK MUSEUM

*An interesting and **well known cottage** and one of the **rare survivals of slab construction dwellings in an area of rapid and constant commercial development.** The building is associated with the Wollstonecraft and Berry families and has become closely identified with local historic preservation forces. It is **visually pleasing and for the area unusual in several respects.** **The interior and landscape setting are also of significance.***

HOUSES – 1, 3, 5 & 7 NAPIER STREET

[No Statement of Significance on the NSW State Heritage Inventory]

Terrace **Group of four houses** (nos. 1, 3, 5 & 7 Napier Street) each identical and arranged in symmetrical pairs with each house stepped down the hillside. Roofs are gabled and of corrugated iron. They are very simply detailed in the **Victorian Georgian** style.

HOUSES – 144 AND 146 WALKER STREET

Statement of Significance for 144 Walker Street:

*One of a **group of late nineteenth century houses displaying the design of quality late nineteenth century housing,** and representative of the form of housing which was typically built in this part of North Sydney. The interior room configuration is intact and original detailing is evident. The houses have aesthetic qualities which **contribute to the attractive streetscape in this vicinity and relate to their siting and harbour views.** It is one of a pair with 146 Walker Street*

Statement of Significance for 146 Walker Street:

*An example of a **single storey house in the Federation Queen Anne.** One of a pair with 144 Walker Street. One of a group of **late nineteenth century houses displaying the design of quality housing of the late nineteenth century,** and representative of the form of housing which was typically built in this part of North Sydney. Interior room configuration still evident and detailing, although quite dilapidated by Aug 2011. They have aesthetic qualities which **contribute to the attractive streetscape in this vicinity and relate to their siting and harbour views.***

HOUSES – 148 AND 150 WALKER STREET

Statement of Significance for 150 Walker Street (note 148 and 150 are a pair):

*An example of a **two storey house in the Federation Gothic style.** One of a pair with 148 Walker Street. **Representative of the form and quality of housing which was typically built in this part of***

North Sydney. *Interior room configuration intact. Interior detailing still evident. The face brickwork remains unpainted and intact. The interior room configuration remains intact as does much of the original interior detailing such as the staircase. **They have aesthetic qualities which contribute to the attractive streetscape in this vicinity and relate to their siting and harbour views.***

HOUSE – 185 WALKER STREET

A good example of a late Nineteenth Century stone cottage in the Victorian Regency style, a rare survivor in the area.

HOUSES – 2, 4, 6, 8, 10, 12, AND 14 HAMPDEN STREET

Row of five two-storey terrace houses in the Victorian Filigree style. Part of Hampden Street Terraces Group.

6 DESCRIPTION OF THE PROPOSED SECTION 4.55(2) MOD AND ASSESSMENT OF HERITAGE IMPACT

6.1 APPROVED VICTORIA CROSS BUILDING ENVELOPE

As described in section 1 above, the Minister for Planning granted development consent to the Concept SSD Application for Victoria Cross OSD concept building envelope on 18 December 2018. The approved building envelope has been included below for reference:

APPROVED ENVELOPE

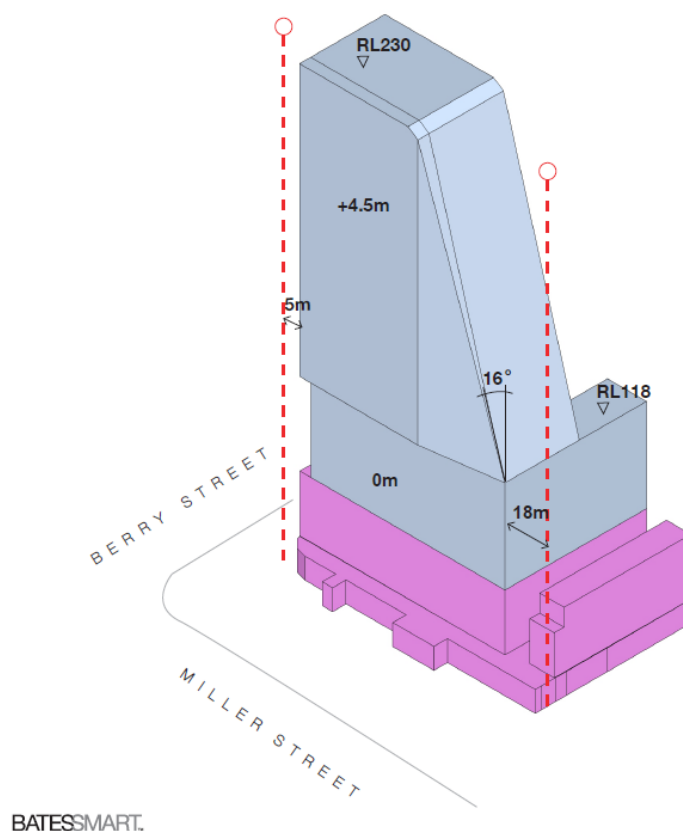


Figure 19 - Approved Envelope for the Victoria Cross OSD. Note: the pink area at the base of the building was approved under the CSSI approval for Victoria Cross Metro Station. Source: Bates Smart.

OCP Architects prepared a Heritage Impact Assessment Report for the Concept SSDA for the Victoria Cross Building Envelope in April 2018 which considered the impacts that a new building set within the parameters of the building envelope would have on the heritage items in the vicinity of the Victoria Cross site. The conclusion of the 2018 heritage impact assessment has been included below for reference:

The proposal respects the existing qualities of the North Sydney Centre and the significant characteristics of heritage items in its vicinity by adopting a range of appropriate design strategies, including:

- *Scale and form that is contextually appropriate;*

- *Setback to Miller Street in order to maximise views north and south along Miller Street to the Rag & Famish Hotel and MLC Building;*
- *Providing separation between the proposed OSD envelope and the MLC Building in order to retain views of the MLC Building from Denison and Miller Streets and to maximise the amenity and daylight access to the through-site link.*

The building envelope is sympathetic to the heritage items in the vicinity of the site and the surrounding context and is considered to be suitable for further design development. The proposed OSD envelope provides an appropriate design response to the CSSI Approval for the City & Southwest Victoria Cross Station as it adopts appropriate contextual cues and sympathetically responds to the heritage significance and streetscape presentation of nearby heritage items. The overall form of the OSD envelope has been developed through an investigation of the unique site conditions and surrounding built form, including consideration of urban design, heritage, the public domain, and the relevant controls and objectives of the NSLEP 2013, NSDCP 2013, the North Sydney CBD Planning Proposal, the Sydney Metro Planning Study and the North Sydney Centre Capacity and Land Use Strategy. The resulting form as proposed with the concept SSD application would not give rise to adverse heritage impacts subject to addressing the recommendations contained in section 8.0 in the detailed design development. Furthermore, the indicative design prepared by Bates Smart Architects demonstrates that a sympathetic design response can be achieved within the parameters of the proposed OSD envelope.

The proposal is consistent with the heritage provisions and planning intent of the relevant statutory planning instruments and is acceptable in heritage terms.

In addition, the 2018 heritage impact assessment report made a number of recommendations to guide the future detailed design of the Victoria Cross OSD. As the detailed design forms part of a separate SSD application, these recommendations remain relevant to the subject section 4.55(2) Modification to the approved building envelope and have been included in section 7.1 below.

6.2 PROPOSED SECTION 4.55(2) MODIFICATION

Following Sydney Metro's appointment of Lendlease (Victoria Cross) Pty Limited, approval is sought for minor modifications to the approved building envelope. In summary, the section 4.55(2) modification application proposes the following changes to the approved building envelope:

- Reduction in the massing and overall dimensions of the building cantilever above the Miller Street special area setback;
- Relocation of building massing from the low-rise levels the tower, north of the through-site link, to the high-rise levels of the tower;
- Reduction of the Berry Street setback from 5 metres to 4.5 metres, extending the building envelope marginally to the north;
- Increasing the approved maximum GFA for the over station development from 60,000sqm to 61,500sqm.

The intent of the modified envelope is to improve the overall form of the building to the surrounding streetscapes, including the through-site link, and to take advantage of high value commercial floor space on the upper levels of the building. The modified building envelope, subject of this section 4.55(2) modification application is illustrated in Figure 20 and Figure 21 below:

VICTORIA CROSS OVER STATION DEVELOPMENT CONCEPT BUILDING ENVELOPE
HERITAGE IMPACT STATEMENT FOR SECTION 4.55(2) MODIFICATION

ISSUE D – JULY 2019

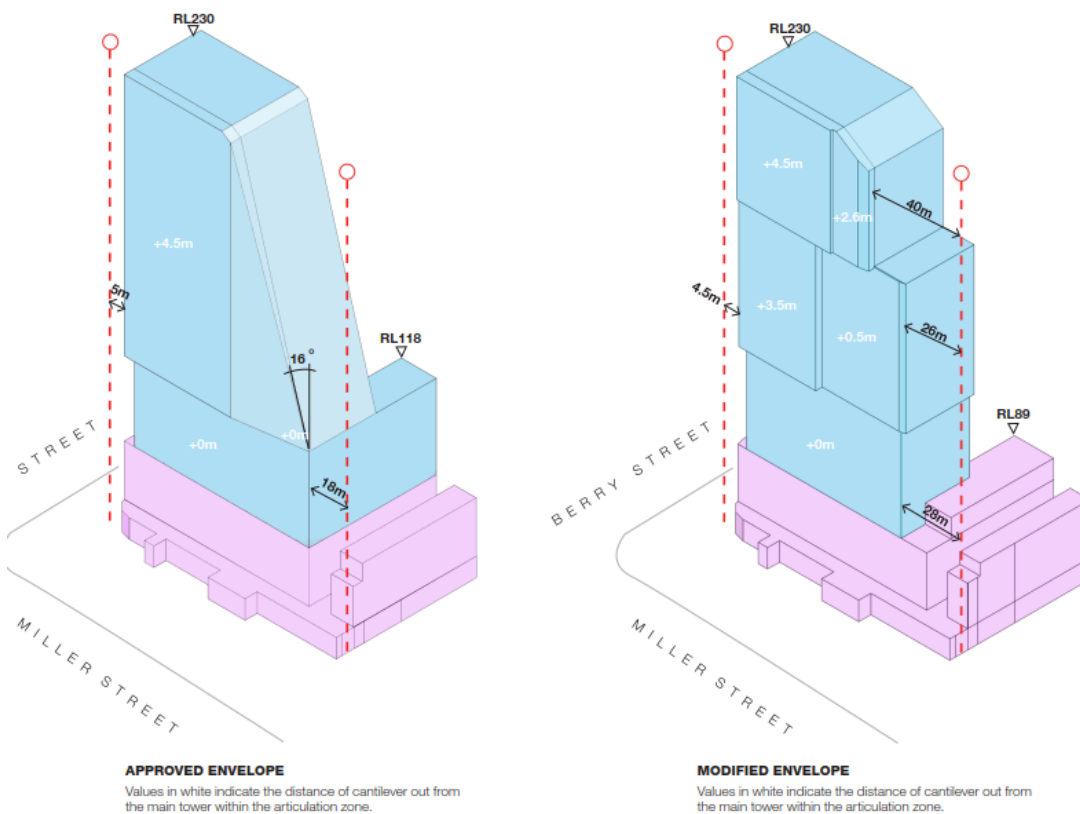


Figure 20 - Comparison of approved (left) and proposed modification (right) to building envelope for Victoria Cross OSD. Note: the pink area at the base of the building was approved under the CSSI approval for Victoria Cross Metro Station. Source: Bates Smart 2019.

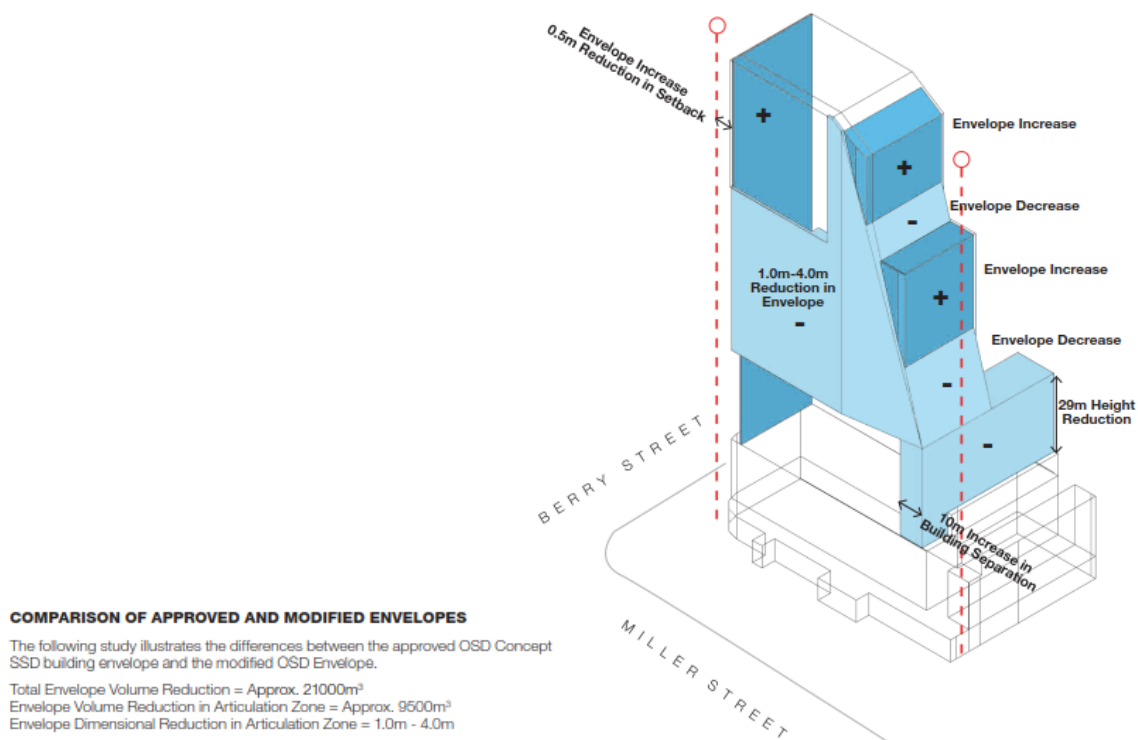


Figure 21 – Comparison of the volume of the approved and proposed modified envelopes. Areas where the approved building envelope will be reduced is shaded green and areas where the building envelope will be increased is shaded blue. While the proposed modified envelope increases the volume in some areas, the modification would result in an overall reduction in the building envelope of 21,000m³. Source: Bates Smart 2019.

When considering the relationship of the proposed modified building envelope to the surrounding buildings and streetscapes, there are some important comparisons to note between the approved OSD building form and the building form proposed in this modification application, as illustrated in Figure 20 above. These include:

- A proposed 10m increase in the setback of the lower levels of the OSD from the north elevation of the MLC Building from 18m (approved) to 28m (proposed);
- Modified massing of the building with setbacks of 26m and 40m of the OSD from the southern site boundary at the upper levels of the building, in place of the approved 16° tapered building form sloping from RL 230 to RL 118. This would reduce the wind tunnel effect of the building and eliminates the need for a glass roof over the through site link;
- A 28m reduction of the building height of the OSD fronting Denison Street from RL 118 to RL 90 to provide a 7 storey (instead of a 14 storey) building form fronting Denison Street. This would create a more human scale and would contribute to a true laneway experience within the through site link and along Denison Street;
- A reduction of the cantilever over Miller Street (ranging from a reduction of 4m to 1m in different areas of the OSD façade);
- A 0.5m reduction in the setback of the OSD to Berry Street from 5m to 4.5m; and
- An overall reduction in the volume of the building envelope by 21,000m³, including a 9,500m³ reduction to the articulation zone over Miller Street.

The impact of the proposed modified building envelope is discussed below.

6.3 ASSESSMENT OF HERITAGE IMPACTS

With the exception of minor changes to setbacks and overall building form, the nature of the development proposed in this modification application is considered to be substantially the same as the approved maximum building envelope for Victoria Cross Station. In general, the changes proposed in this modification application would not result in any additional adverse impacts on the surrounding streetscapes within the North Sydney Centre or the heritage items in the vicinity of the site. In some instances, the proposed modifications to the building envelope provide a more positive outcome in heritage terms.

The Heritage Impact Assessment prepared by OCP Architects in 2018 provides a detailed assessment of the impacts of the Victoria Cross OSD in terms of the overall height, setbacks, built form and scale, and views in relation to nearby heritage items. These aspects of the proposal have been discussed further below, only where relevant to the proposed modifications.

6.3.1 HEIGHT

The building form proposed in this modification application maintains the approved maximum building height of RL 230 for the Victoria Cross OSD. While this proposed height complies with the maximum allowable building height identified in the NSLEP 2013 for the northern portion of the site, the southern portion of the high-rise section of the OSD exceeds the maximum building height identified for the central portion of the project site in the North Sydney LEP 2013. However, the proposed height is considered to be consistent with clause 6.3 (3) of the NSLEP that allows height determined by the overshadowing controls to prevail over that shown in the height of buildings map. This is discussed further in section 6.3.5 below.

The high-rise scale of the proposed development, incorporating approximately 42 storeys and an RL of 230, is consistent with the high-rise setting of the North Sydney CBD (illustrated in Figure 9 and Figure 10 above).

As stated above, the OSD envelope proposed in this modification application involves a reduction of the height of the building form fronting Denison Street by 28m in order to provide a 7 storey building fronting Denison Street and the through site link rather than a 14 storey building. The reduction of the volume of the OSD building in this area, as proposed, would create a more human scale that is more appropriate for the Denison Street laneway as well as the through site link.

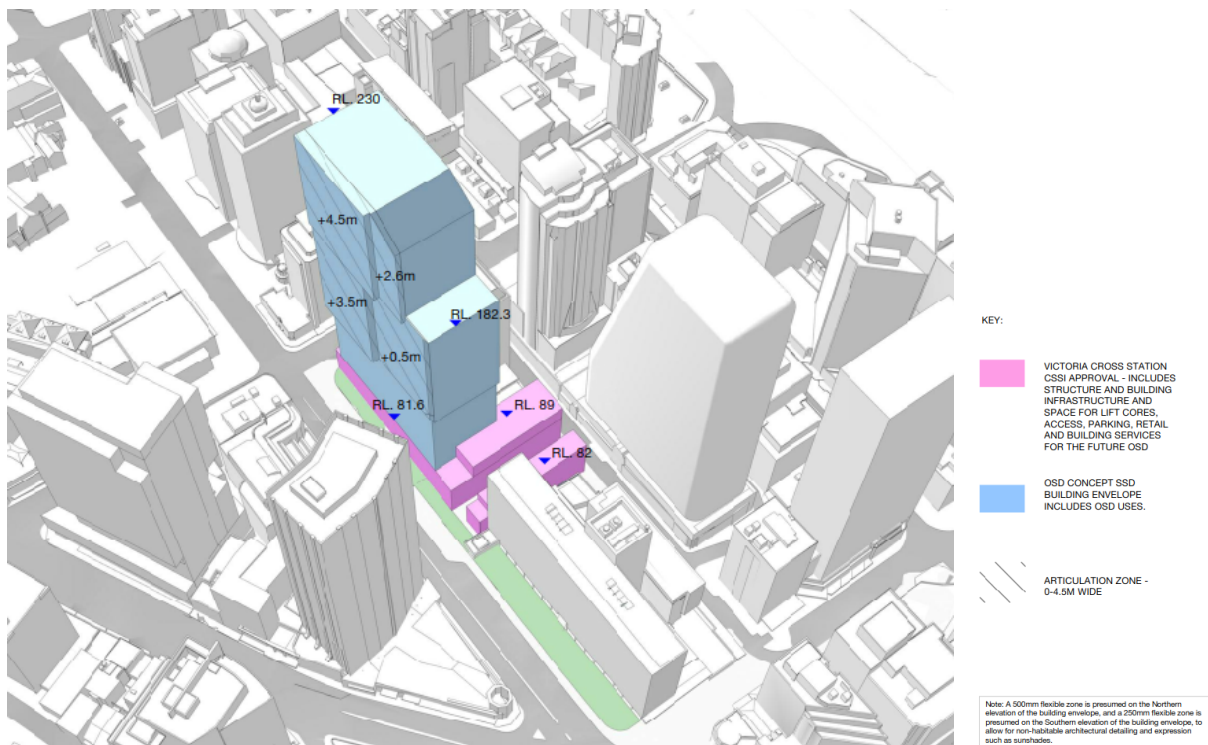


Figure 22 - View of proposed OSD envelope proposed in this s 4.55(2) application showing the maximum height of the building at RL 230 and various other heights articulated in the form of the building envelope. Note: A 500mm flexible zone is presumed on the northern and southern elevations of the building envelope above RL 114 to allow for non-habitable architectural detailing and expression. Source: Bates Smart 2019.

6.3.2 SETBACKS

The proposed setbacks of the OSD building form to Miller and Berry Streets and the southern site boundary provide an acceptable building form within the North Sydney CBD, and in some cases, more positively responds to the heritage items in the vicinity of the site.

The 10m increase in the setback of the lower levels of the OSD from the MLC Building to a total setback of 28m will provide a significant amount of 'breathing space' between the two buildings, and will maintain views of the north façade of the MLC Building from Miller Street.

The proposed reduction of the approved 5m setback of the OSD to Berry Street to 4.5m is considered to be acceptable for a number of reasons, including:

- The setback is in line with the established line of buildings along Berry Street;

- The CSSI Approval for the Metro Station, including the lower levels of the integrated station development, involves the construction of a two storey building form at street level with zero setback to Berry Street. This podium will provide reference to the two storey height of the heritage listed Rag & Famish Hotel and will provide a finer grain human scale along Miller and Berry Streets. The OSD component of the development will still be set back behind the lower levels of the development;
- The 6m setback of the lower levels of the OSD to Miller Street (as approved in the concept SSD and maintained in this modification application) would provide improved views towards the Rag and Famish Hotel along Miller Street when compared to the buildings which previously existed on the project site. (Note – The CSSI ‘metro box’ areas at street level include first floor balconies projecting over Miller Street and a large awning above the first floor over Miller and Berry Streets. While these elements protrude forward of the lower levels of the OSD, views towards the Rag & Famish Hotel would still be available from the south along Miller Street due to the street alignment of the Rag & Famish Hotel);
- On balance, the overall form of the maximum building envelope presented in this modification application is considered to be a more positive outcome due to the overall reduction of the volume of the OSD, the increased setback to the southern site boundary, and the reduction in the cantilever of the OSD over Miller Street Special Area.

While the 4.5m cantilever of the upper levels of the approved OSD over Miller Street are considered to be acceptable in heritage terms, the proposed modification involves a reduction of the OSD volume in this area which will have a reduced impact on the streetscape of Miller Street and therefore, the setting of a number of the nearby heritage items.

The setbacks proposed in this s 4.55(2) application for the Victoria Cross OSD provide a considered response to the sensitive conditions of the North Sydney CBD and nearby special character areas and would not result in any additional adverse heritage impacts on nearby heritage items.

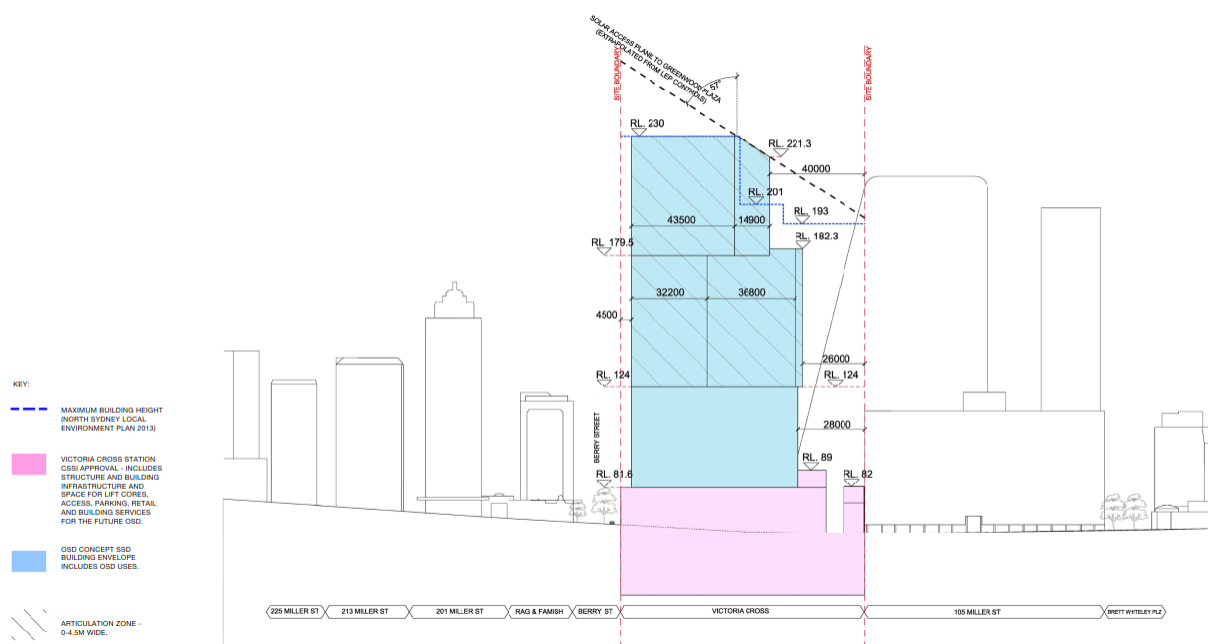


Figure 23 - View of proposed OSD envelope proposed in this s 4.55(2) application showing the maximum height of the building at RL 230 and setbacks to the northern and southern site boundaries. Note: A 500mm flexible zone is presumed on the northern and southern elevations of the building envelope above RL 114 to allow for non-habitable architectural detailing and expression. Source: Bates Smart 2019.

6.3.3 BULK AND MASSING

The proposed modification of the building envelope redistributes the massing of the building form by shifting floor space from the lower levels of the building higher up where commercial floor space is more valuable. However, it should be noted that this section 4.55(2) modification application proposes an overall reduction of the OSD volume by 21,000m³. The increase in the building massing at the upper levels results in a change in the form of the southern elevation of the OSD from a stepped or tapered building form (as approved in the SSD application) to a cubiform envelope with an increased setback to the MLC Building. The increase in the building bulk at upper levels has been carefully considered to ensure that there will be no additional overshadowing to special areas in the North Sydney CBD, including the Miller Street Special Area and Greenwood Plaza which also forms part of the heritage listed former North Sydney Technical High School. The form of the building has also been designed with careful consideration of overshadowing to Brett Whiteley Plaza, discussed further in section 6.3.5 below.

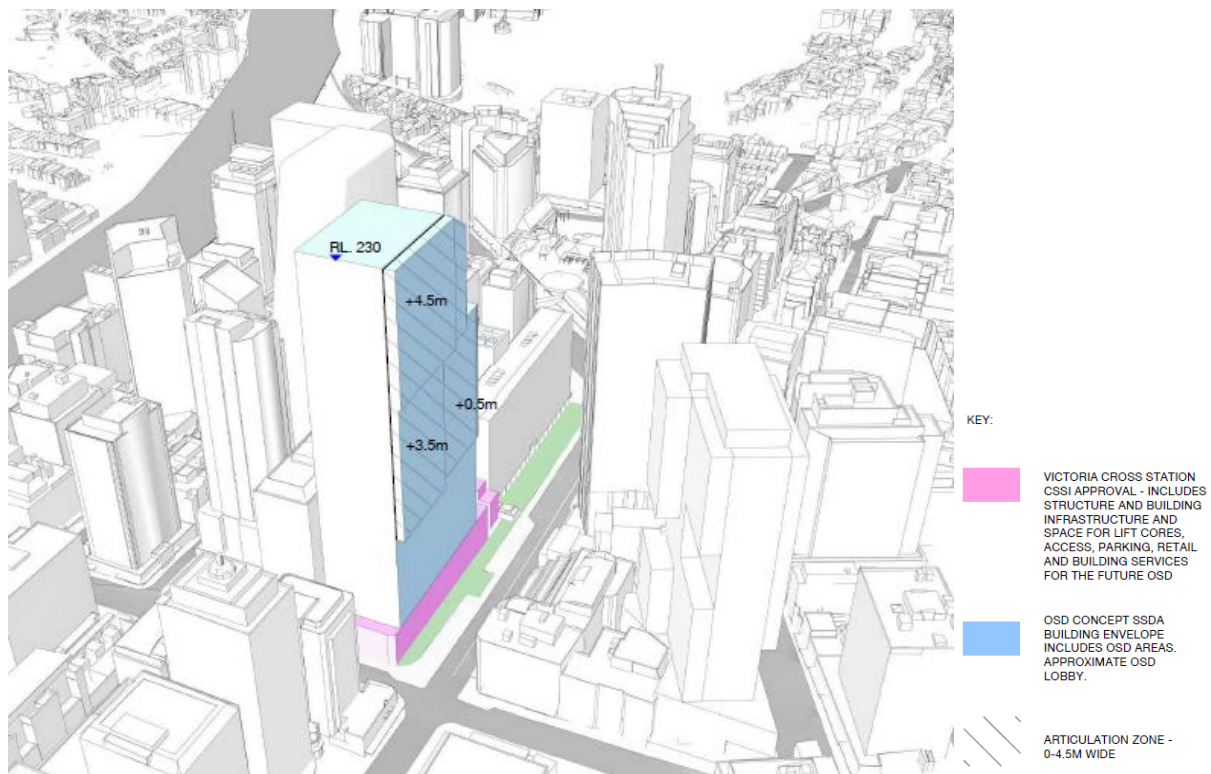


Figure 24 - View of proposed OSD envelope proposed in this s 4.55(2) application in the context of the North Sydney CBD, showing the massing and overall dimensions of the building cantilever above the Miller Street special area setback. Source: Bates Smart 2019.

At street level, the bulk and massing of the OSD proposed in this s 4.55(2) application will provide a clearer visual identity for the through site link and southern Metro entry as these features of the integrated development would be separated from the base of the tower. This is illustrated in the indicative design for the Victoria Cross OSD prepared by Bates Smart (Figure 25). In addition, this proposed modification to the building form would provide an improved pedestrian environment within the through site link as it reduces the downward wind drafts that would result from the 16° taper of the south elevation of the approved OSD, and therefore, removes the need for a glass roof over the through site link.

The building form proposed in this s 4.55(2) application, comprises a clear language of cantilevered architectural elements along the eastern and southern elevations which serves to breakdown of the bulk and massing of the building form and respond to the varying heights of existing buildings within the North Sydney CBD, in particular the adjoining MLC Building.



Figure 25 - Indicative detailed design for the Victoria Cross OSD prepared by Bates Smart Architects. Source: Bates Smart 2019.

6.3.4 IMPACT ON HERITAGE ITEMS IN THE VICINITY OF THE SITE

The proposed modification to the building envelope for the Victoria Cross OSD respects the significance of the heritage items in the vicinity of the site in terms of its overall architectural form and setbacks. The impact of the proposed modifications to the approved OSD envelope on heritage items in the vicinity of the site is discussed in the table below, with consideration of the visual relationship between nearby heritage items and the subject site.

Table 2: Assessment of the impacts of the proposed OSD envelope on the Heritage Items in the vicinity of the site.

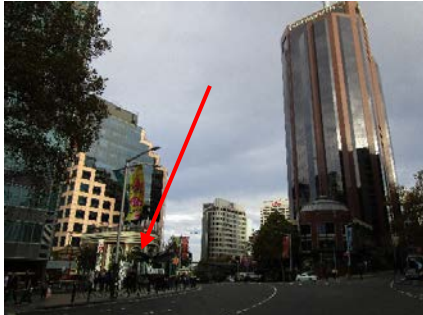
ITEM	PHOTOGRAPH	ASSESSMENT OF IMPACT
The Rag & Famish Hotel [199 Miller Street]		Summary Impact of Approved OSD: <i>The two storey Rag & Famish Hotel is currently dwarfed by the scale of the large number of existing medium and high-rise buildings in its immediate vicinity. Given the stark contrast between the scale of the Rag & Famish Hotel and the existing surrounding buildings, the construction of a high-rise tower at the subject Victoria Cross Metro Station site would not</i>

ITEM	PHOTOGRAPH	ASSESSMENT OF IMPACT
	 Figure 26 - View south along Miller Street showing the two storey Rag and Famish Hotel on the left, and the Victoria Cross site further along Miller Street. Source: OCP Architects, 2019.  Figure 27 - The Rag & Famish Hotel – 199 Miller Street. Source: NSW State Heritage Inventory Listing Sheet for the Rag & Famish Hotel.	<i>result in additional impacts to the Rag & Famish Hotel that are unacceptable in heritage terms.</i> <i>The proposed setback will provide an improved setting and curtilage to the Rag & Famish Hotel, when compared to the buildings on the Victoria Cross site which were approved for demolition under the CSSI Approval.</i> <i>In summary, there will be no adverse impacts on the heritage significance the Rag and Famish. The minor visual impact resulting in the additional bulk and height in close proximity to heritage item is mitigated by the increased setback of the development to Miller Street.</i> Assessment of Impact of Proposed OSD Modifications: The reduction of the setback of the OSD to Berry Street from 5m (approved) to 4.5m (proposed) will result in minor additional visual impact on the Rag and Famish Hotel. However, as the lower storeys of the integrated station development (approved under CSSI 15_7400) will be constructed with zero setbacks to Berry Street, the OSD would still be setback behind the lower levels of the integrated station development. Furthermore, the lower levels of the Victoria Cross integrated station development presents a two storey scale projecting on to Berry Street which responds to the two storey height of the Rag & Famish Hotel. Therefore, the reduction in the setback of the OSD building form above the podium will not affect the visual relationship between the Victoria Cross site and the Rag and Famish Hotel at street level. Due to the established line of buildings on Berry Street, and existing high-rise built up character of the North Sydney CBD, the reduction of the setback of the OSD to Berry Street would not result in any additional adverse impacts on the Rag and Famish Hotel.
MLC Building [105-153 Miller Street]		Summary Impact of Approved OSD: <i>The proposed setbacks of the OSD enable the retention of the streetscape presentation of the MLC Building, as well as its setting and landscaped areas which positively contribute to the streetscape of Miller Street and the North Sydney Centre in general.</i> <i>It is noted that the reduced setback of the upper levels of the OSD building to Miller Street occur above the MLC Building, which has a height of RL 114, and therefore, would not impact on views towards the MLC Building along Miller Street</i>

ITEM	PHOTOGRAPH	ASSESSMENT OF IMPACT
	 Figure 28 - View of the MLC Building (right) adjacent to the Victoria Cross Metro Station site (left). Source: OCP Architects, 2019.  Figure 29 - View looking north along the eastern side of Miller Street toward the Victoria Cross site, showing the landscaped area along Miller Street in front of the MLC Building. Source: OCP Architects, 2019.	<i>In summary, the height and scale of the OSD is mitigated by the increased setback to Miller Street.</i> Assessment of Impact of Proposed OSD Modifications: The design of Victoria Cross building envelope by Bates Smart Architects has considered the significant aspects of the MLC Building, which was completed in 1957 to the design of Bates Smart. The MLC Building was the tallest in North Sydney at the time of construction and was the first in North Sydney to adopt the curtain wall façade. Just as the MLC revolutionised workplace in North Sydney in 1957 with large horizontally connected workplaces, Victoria Cross seeks to revolutionise workplace in North Sydney with large, vertically connected villages. This vertical emphasis, which is expressed in the cantilevered forms of the western façade fronting Miller Street, creates a dialogue between the MLC Building and Vitoria Cross OSD and adds to the interpretive value to the MLC Building within the North Sydney CBD. A number of other design strategies have been utilised in the development of this building envelope in order to sensitively respond to the significant values of the MLC Building, including: - Increased building separation between the proposed OSD and the northern façade of the MLC Building from 18m to 28m. This provides a more positive response which respects the significance and streetscape setting of the MLC Building; - Creating a massing and scale relationship which provides a reference to the height of the MLC Building, in particular, with cantilevered building forms occurring above a height of RL 124, as well as a number of other strategies will be utilised in the detailed design of the Victoria Cross OSD, subject to a separate SSD application. Furthermore, the proposed modification to the building envelope maintains the 6m setback of the lower levels of the OSD to Miller Street which will maintain views north and south along Miller Street.

ITEM	PHOTOGRAPH	ASSESSMENT OF IMPACT
Commercial Building [201 Miller Street]	 Figure 30 - View of the Commercial Building at 201 Miller Street. Source: OCP Architects, 2019.	Summary Impact of Approved OSD: <i>The Commercial Building at 201 Miller Street is significant for its distinctive detailing. The overall form and scale of the proposed OSD would not detract from the significant detailing of 201 Miller Street. The setback of the proposed OSD envelope is consistent with the alignment of many of the high-rise buildings on the eastern side of Miller Street, including the heritage listed Commercial Building at 201 Miller Street. Therefore, views towards this building along Miller Street would be retained.</i> <i>The setback of the proposed OSD in line with these buildings contributes to a more cohesive urban environment within the North Sydney Centre.</i> <i>In summary, the OSD will have no direct or visual impact on the commercial building at 201 Miller Street.</i> Assessment of Impact of Proposed OSD Modifications: As stated above, the proposed modification application maintains the approved 6m setback to Miller Street of the lower levels of the OSD. Furthermore, the proposed modification involves an overall reduction in the volume of the OSD which is partially expressed in a reduction of the cantilevers of the building form over Miller Street. Overall, the setback of the OSD to Miller Street is consistent with the established façade line of existing multi-storey buildings along Miller Street, including the commercial building at 201 Miller Street. Therefore, the proposed modification will not have any adverse impacts on the significant values or streetscape presentation of the heritage listed building at 201 Miller Street.
Monte Sant Angelo Group [128 Miller Street / Lots 1-8, DP 262534]	 Figure 31 - Monte Sant Angelo Group. Source: State Heritage Inventory Listing Sheet	Summary Impact of Approved OSD: <i>The proposed OSD building would not result in the loss of views into the Monte Sant Angelo site from the surrounding streets. However, when viewed from within the Monte Sant Angelo school grounds, the proposed OSD would be a highly visible element of the North Sydney CBD skyline which affects the setting of the Monte Sant Angelo site.</i> <i>Given the ever-changing form of the North Sydney CBD skyline, the impact of the proposed OSD envelope on the heritage significance of this site cannot not be considered in isolation.</i> <i>In the absence of a high rise tower at the subject project site, the approved high-rise towers at 100</i>

ITEM	PHOTOGRAPH	ASSESSMENT OF IMPACT
	 Figure 32 - View south along Miller Street outside the entrance of Monte Sant Angelo School (right). The approximate location of the Victoria Cross site is indicated by the red arrow. Source: OCP Architects, 2019.  Figure 33 - View from the corner of Miller and McLaren Streets showing the row of multi-storey residential and commercial buildings opposite the Monte Sant Angelo Group. Source: OCP Architects, 2019.	<i>Mount Street and 1 Denison Street (currently under construction), would be visible from the grounds of Monte Sant Angelo. The proposed OSD building is situated between the Monte Sant Angelo site and the properties at 100 Mount Street and 1 Denison Street. As such, any high-rise tower constructed on the project site would likely obstruct views towards the approved high-rise towers at 100 Mount Street and 1 Denison Street from the grounds of the Monte Sant Angelo school. Therefore, the proposed OSD Building would be visible in place of the approved high-rise towers at 100 Mount Street and 1 Denison Street.</i> <i>In summary, the minor additional impacts on the setting of this item are considered to be acceptable within the high rise context of the North Sydney Centre.</i> Assessment of Impact of Proposed OSD Modifications: The maximum building envelope proposed in this modification application is, in essence, the same as the approved development with the exception of minor changes to the setbacks and massing of the building form. As the overall height and scale of the building envelope remains the same as the approved OSD concept, the proposed modification would not result in any additional impacts on the Monte Sant Angelo School Group. As illustrated in Figure 32 and Figure 33, there are a number of existing medium and high rise buildings within the North Sydney CBD that would be visible within the Monte Sant Angelo site. Whilst the Victoria Cross will be also visible from within the Monte Sant Angelo School site, the proposed maximum building envelope is considered to be acceptable within the existing densely developed context of the North Sydney Centre.
North Sydney Post Office and Court House (former Police Station) [92-94 Pacific Highway]	 Figure 34 - View of the North Sydney Post Office and Court House site and surrounds, showing the existing high-rise buildings in the immediate vicinity of this heritage item. Source: OCP Architects, 2019.	Summary Impact of Approved OSD: <i>The proposed OSD would be visible from the Post Office site. However, given consideration to the context of the densely developed medium and high-rise setting of the North Sydney Centre, the construction of a high-rise tower at the subject site would not have any additional adverse impact on the heritage significance of this item.</i> Assessment of Impact of Proposed OSD Modifications: Given the existing high rise buildings in close proximity to the Post Office, there would be no additional impacts on the significance of the North Sydney Post Office and Court House resulting from the proposed modifications to the Victoria Cross OSD.

ITEM	PHOTOGRAPH	ASSESSMENT OF IMPACT
Former Bank of NSW [51 Mount Street]	 Figure 35 - View looking north showing the former Bank of NSW building on the corner of Mount Street and the Pacific Highway, and the southern elevation of the MLC Building. The project site is behind the MLC Building and therefore, views towards the subject OSD would be largely concealed by the MLC Building. Source: OCP Architects, 2019.  Figure 36 - View looking south-east along the Pacific Highway showing the former Bank of NSW building (indicated by the red arrow) and surroundings. Source: OCP Architects, 2019.	Summary Impact of Approved OSD: <i>Views towards the subject site from the former Bank of NSW are largely obstructed by the MLC Building, however, a small section of the southern elevation of the upper levels of the OSD may be visible from the former Bank of NSW. Nevertheless, in the context of the densely developed medium and high-rise setting of the North Sydney Centre, the building form of the proposed OSD would not result in any additional adverse impacts on the heritage significance of this item.</i> Assessment of Impact of Proposed OSD Modifications: As stated above, views toward the Victoria Cross OSD would be largely screened by the 14 storey MLC Building which is immediately to the north of the former Bank of NSW. While the proposed modification involves the redistribution of the building massing to the upper levels of the building, the proposed OSD would still be largely screened by the MLC building. Given the existing high rise context of the North Sydney CBD, there would be no additional adverse impacts on the Former Bank of NSW building resulting from the proposed modifications to the Victoria Cross OSD.
Façade of S. Thompson Building (No 67A); and House [67-69 Mount Street]	 Figure 37 - 67-69 Mount Street. The site of these heritage items has been redeveloped with the construction of a 14 storey commercial building which forms the backdrop of the historic building facades. Brett Whitely Plaza is shown in the foreground. Source: OCP Architects, 2019.	Summary Impact of Approved OSD: These items are adjacent to the former Bank of NSW. Refer to discussion above. Assessment of Impact of Proposed OSD Modifications: <i>There would be no additional impacts on the Façade of the S Thomson Building and House at 67 – 69 Mount Street resulting from the proposed modifications to the Victoria Cross OSD.</i> Further Comments: The setting of these heritage items is characterised by a number of medium and high rise buildings within the North Sydney CBD, including the MLC Building and the 14 storey commercial building on this heritage listed site which forms the backdrop to the facades of 67-69 Mount Street.

ITEM	PHOTOGRAPH	ASSESSMENT OF IMPACT
Former Fire Station [86 Walker Street]	 Figure 38 - View of the former two storey former Fire Station and surrounding high-rise buildings. Source: OCP Architects, 2019.	Summary Impact of Approved OSD: <i>Given consideration to the towers at 100 Mount Street and 1 Denison Street which are currently under construction, and the existing building at 79-81 Berry Street, views towards the OSD building from the former Fire Station would be limited to a narrow section of the eastern elevation of the OSD building.</i> <i>In the context of the densely developed medium and high-rise setting of the North Sydney Centre, the building form of the proposed OSD would not result in any additional adverse impacts on the heritage significance of this item.</i> Assessment of Impact of Proposed OSD Modifications: The assessment provided above in relation to the approved OSD envelope states that the views toward the OSD from the Fire Station would be limited. The site was inspected again in April 2019 at a time when the construction of the new high-rise building at 1 Denison Street has commenced. Based on the scale of the building at 1 Denison Street, there would be little or no views toward the Victoria Cross OSD from the former Fire Station site. Therefore, there would be no additional impacts on the former Fire Station resulting from the approved Victoria Cross OSD, or the modifications proposed in this application.
Greenwood (Former North Sydney Technical High School) [101-103 Miller Street or 36 Blue Street]	 Figure 39 - View of the former North Sydney Technical High School. The forecourt in front of the historic school building is referred to as Greenwood Plaza and is identified as a Special Area in the North Sydney LEP 2013. The Victoria Cross OSD building would form part of the backdrop of this site, along with the existing high rise buildings and the approved developments at 100 Mount and 1 Denison Streets which are currently under construction. Source: OCP Architects, 2019.	Summary Impact of Approved OSD: <i>This item is located a considerable distance away from the subject Victoria Cross site. Whilst the proposed OSD would be visible from the grounds surrounding the Greenwood Hotel, the proposed OSD would not result in any additional heritage impacts that are unacceptable, given consideration to the high-rise context of the North Sydney CBD and the towers at 1 Denison Street and 100 Mount Street which are currently under construction.</i> Assessment of Impact of Proposed OSD Modifications: Given that there are no changes are proposed to the overall maximum building height of RL 230 for the Victoria Cross OSD, there would be no additional visual impacts on the former North Sydney Technical High School site resulting from the proposed modification to the approved envelope. Despite the proposed increase in the massing of the OSD building at the upper levels, the proposed modification of the OSD envelope would not result in any additional overshadowing to the Greenwood Plaza Special Area (i.e. the forecourt and immediate

ITEM	PHOTOGRAPH	ASSESSMENT OF IMPACT
		setting of the former North Sydney Technical High School building). The built form of the proposed modifications to the Victoria Cross OSD is illustrated in relation to the solar access plane to Greenwood Plaza in Figure 23 above.
Telephone Exchange [1 Wheeler Lane]	 Figure 40 – Telephone Exchange. Source: NSW State Heritage Inventory Listing Sheet for the Telephone Exchange.	The site of the Telephone Exchange was inspected in April 2019. At this time, the 1930's Inter War Functionalist Building (refer Figure 40) could not be located. The site has dual frontages to Wheeler Lane and William Street in North Sydney. From both frontages, the site appears to comprise a 6-7 storey brick and concrete building constructed in the c1970s. The site of 1 Wheeler Lane is flanked by new high-rise commercial buildings at 40 Mount Street (Coca Cola Place) and 100 Pacific Highway. Furthermore, the site is also in close proximity to Northpoint Tower, as well as the recently constructed high-rise building at 177 Pacific Highway. In the context of these existing high-rise buildings, there would be no additional adverse impacts on the Telephone Exchange site resulting from the approved Victoria Cross OSD, or the modifications proposed in this application.
Shore Sydney Church of England Grammar School [William Street]	 Figure 41 – The Shore School Group. Source: NSW State Heritage Inventory Listing Sheet for Shore Sydney Church of England Grammar School.  Figure 42 –View north-east from William Street outside Shore School showing existing view of Northpoint tower and other multi-storey buildings. Due to the high brick wall along William Street, limited	A number of medium and high-rise buildings are visible from along William Street when looking towards the project site. While it is anticipated that the Victoria Cross OSD would be visible from within the Shore School grounds, the minor visual impacts on the setting of this item is considered to be acceptable within the context of the setting of this heritage item amongst a number of existing medium and high-rise buildings. Therefore, there would be no additional adverse impacts on the Shore Sydney Church of England Grammar School resulting from the approved Victoria Cross OSD, or the modifications proposed in this application.

ITEM	PHOTOGRAPH	ASSESSMENT OF IMPACT
	views are available into the Shore School site from the surrounding streets. Source: OCP Architects, 2019.	
St Joseph's Convent School and Chapel [7-11 Mount Street]	 Figure 43 – St Joseph's School. Source: NSW State Heritage Inventory Listing Sheet for Joseph's School and Chapel.	Due to the existing building at 40 Mount Street (Coca Cola Place), there is limited visual relationship between St Joseph's Convent School and Chapel, and the project site. Therefore, there would be no additional adverse impacts on this site resulting from the approved Victoria Cross OSD, or the modifications proposed in this application.
Simsmetal House [41 McLaren Street]	 Figure 44 - Simsmetal House and surrounding built form within the North Sydney CBD. Source: OCP Architects 2019.	Views towards the project site would be partially screened by the existing medium and high rise buildings surrounding Simsmetal House. Within the existing high-rise context of the North Sydney CBD, there would be no additional adverse impacts on Simsmetal House resulting from the approved Victoria Cross OSD, or the modifications proposed in this application. Any additional visual impacts resulting from the OSD envelope would be minor and are considered to be acceptable within the existing high-rise setting of this heritage item within the North Sydney CBD.
Don Bank Museum [6 Napier Street], and Houses [1, 3, 5, and 7 Napier Street]	 Figure 45 – Don Bank Museum. Source: NSW State Heritage Inventory Listing Sheet for the Don Bank Museum.	Views towards the Victoria Cross OSD from the Don Bank Museum and the houses at 1-7 Napier Street would be partially screened by the recently constructed high-rise building at 177 Pacific Highway. When viewed from the Napier Street outside the Don Bank Museum site and terraces at 1-7 Napier Street, the southern portion of the OSD building form would be visible between the existing buildings at 177 Pacific Highway and Northpoint Tower. Within the existing high-rise context of the North Sydney CBD, there would be no additional adverse impacts on the heritage listed Don Bank Museum of Houses at 1 – 7 Napier Street resulting from the approved Victoria Cross OSD, or the modifications proposed in this application. Any additional visual impacts resulting from the OSD envelope would be minor and are considered to be acceptable within the existing high-rise setting of these heritage items within the North Sydney CBD.

ITEM	PHOTOGRAPH	ASSESSMENT OF IMPACT
	 Figure 46 - View of terrace houses at 1, 3, 5 and 7 Napier Street with recently constructed high-rise building at 177 Pacific Highway which forms the backdrop to these houses. Source: OCP Architects, 2019.	
Houses [144, 146, 148 and 150 Walker Street]	 Figure 47 - 144 and 146 Walker Street North Sydney. Source: Google Streetview 2019.  Figure 48 - View of 144, 146, 148 and 150 Walker Street in the foreground with a number of multi-storey residential and commercial buildings in the background. When viewed from this location, the Victoria Cross OSD would be largely concealed by the high rise apartment building at 138 Walker Street. Source: OCP Architects 2019.	When viewed from the properties at 144-150 Walker Street, the Victoria Cross OSD would be largely concealed by the high rise apartment building at 138 Walker Street. Therefore there would be no additional adverse impacts on the heritage listed Houses at 144 – 150 Walker Street resulting from the approved Victoria Cross OSD, or the modifications proposed in this application. Any additional visual impacts resulting from the OSD envelope would be minor and are considered to be acceptable within the existing high-rise setting of these heritage items within the North Sydney CBD.

ITEM	PHOTOGRAPH	ASSESSMENT OF IMPACT
House [185 Walker Street]	 Figure 49 - House at 185 Walker Street. Source: OCP Architects 2019.  Figure 50 - View south from front wall of 185 Walker Street, showing the existing view of the North Sydney CBD. When viewed from this location, the Victoria Cross OSD would be partially concealed by the high rise apartment building at 138 Walker Street. Source: OCP Architects 2019.	Given consideration to the large number of existing medium and high rise buildings that are visible from Walker Street when looking south-west towards the Victoria Cross Station site, there would be no additional adverse impacts on the heritage listed house at 185 Walker Street resulting from the approved Victoria Cross OSD, or the modifications proposed in this application. Any additional visual impacts resulting from the OSD envelope would be minor and are considered to be acceptable within the existing high-rise setting of this heritage item within the North Sydney CBD.
Houses [2, 4, 6, 8, 10, 12, and 14 Hampden Street]	 Figure 51 - 2 – 14 Hampden Street. Source: Google Streetview 2019.  Figure 52 - View looking south west from the intersection of Walker and Hampden Streets, showing the existing scale of	When viewed from the corner of Walker and Hampden Streets, the Victoria Cross OSD would be largely concealed by the existing high rise apartment building at 138 Walker Street. Given consideration to the large number of existing medium and high rise buildings that are visible from Hampden and Walker Streets, there would be no additional adverse impacts on the houses at 2 – 14 Hampden resulting from the approved Victoria Cross OSD, or the modifications proposed in this application. Any additional visual impacts resulting from the OSD envelope would be minor and are considered to be acceptable within the existing high-rise setting of these heritage items within the North Sydney CBD.

ITEM	PHOTOGRAPH	ASSESSMENT OF IMPACT
	buildings in the North Sydney CBD. Note: this is the approximate view from the front of the terrace houses at 2 – 14 Hampden Streets. Source: OCP Architects 2019.	

The modification of the proposed building envelope maintains a height and overall building form which is consistent with the densely developed high-rise setting of the North Sydney Centre. The proposed building envelope for the Victoria Cross OSD minimises impacts on the adjacent heritage items and where possible, improves their setting and curtilage and contributes to a more cohesive urban environment within the North Sydney Centre. In particular, the increased setback to the heritage listed MLC Building proposed in this modification application provides a more positive response in heritage terms.

Whilst the proposed OSD would be visible from within the grounds of a number of heritage items, including the Post Office, the Monte Sant Angelo School, the North Sydney Technical High School (Greenwood Hotel), and the Shore Sydney Church of England Grammar School, the construction of a high-rise building within the parameters of the OSD envelope as detailed in this section 4.55 (2) application, in principle, would not result in additional adverse impacts on these heritage listed properties, and the minor additional visual impacts are considered to be acceptable within the context of its setting. Furthermore, due to the dense, built-up nature of the area, the project site is visually remote from many of the other heritage listed properties in the vicinity of the site.

While the indicative OSD scheme prepared by Bates Smart Architects provides a sympathetic heritage response within the constraints of the building envelope (refer Figure 25), this proposal does not seek to obtain approval for the detailed design of the OSD building. The recommendations, contained in section 7.1 below, are therefore made to ensure that an acceptable heritage outcome is achieved through subsequent detailed design proposals which will be part of future SSD application(s).

Compliance of the proposed building envelope with the relevant statutory controls is discussed further below.

6.3.5 STATUTORY CONSIDERATIONS

The Heritage Impact Assessment prepared by OCP Architects in 2018 provides a detailed assessment of the impacts of the Victoria Cross OSD in relation to the NSLEP 2013 and NSDCP 2013, as well as *Sydney Metro Planning Study*, prepared for Crows Nest and North Sydney in February 2017, and the *North Sydney Centre Capacity and Land Use Strategy*, which was adopted by Council on 1 May 2017.

The below paragraphs provide further consideration of the NSLEP 2013 and NSDCP 2013 where relevant to heritage, and where applicable to the changes proposed in this modification.

SYDNEY METRO PLANNING STUDY

The scale and architectural form of the proposed modification to the OSD envelope in conjunction with the built form approved under the CSSI, as an integrated station development, is consistent with the priorities and principles identified in the Sydney Metro Planning Study through the adoption of the following design elements:

- Maintaining the setback of the lower levels of the proposed OSD to Miller Street which complies with the Miller Street Setback required under the NSLEP 2013, thereby providing a sense of openness above a wide pedestrian thoroughfare along Miller Street and improving views north and south to the MLC Building and the Rag & Famish Hotel. (Note – The CSSI ‘metro box’ areas at street level include first floor balconies projecting over Miller Street and a large awning above the first floor over Miller and Berry Streets. While these elements protrude forward of the lower levels of the SSDA OSD areas, views towards the Rag & Famish Hotel would still be available from the south along Miller Street due to the street alignment of the Rag & Famish Hotel);
- Maintaining the northern tower element with a lower scale built form at the southern end of the site to provide a transition in height between the high-rise portion of the OSD and the MLC Building;
- Providing a through site link between Miller and Denison Streets and a lower scale retail building along the southern site boundary (Note – this is part of the CSSI Approval);
- Increasing the separation between the OSD building form and the MLC Building to 28m;
- Provision of a built form which maintains views towards adjoining and nearby heritage items in terms of the overall scale of the building as well as the heights and setbacks of various building elements;
- Provision of a built form which is consistent with the objectives of the North Sydney Capacity and Land Use Strategy (discussed further below).

NORTH SYDNEY CENTRE CAPACITY AND LAND USE STRATEGY

The *North Sydney Centre Capacity and Land Use Strategy* recommended that height controls within the North Sydney CBD be based upon the continued protection of ‘special areas’ within the CBD and the application of a 10 am to 2 pm mid-winter restriction of overshadowing to residential properties outside of the CBD. Following on from the recommendations of the Strategy, the North Sydney CBD Planning Proposal outlined new maximum building heights throughout North Sydney CBD which have since been adopted in the NSLEP 2013, discussed below.

NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2013

4.3 Height of buildings

The NSLEP 2013 provides a maximum building heights of RL 230, RL 201 and RL 193 which step down from north to south across the project site. This is shown in Figure 53 below.

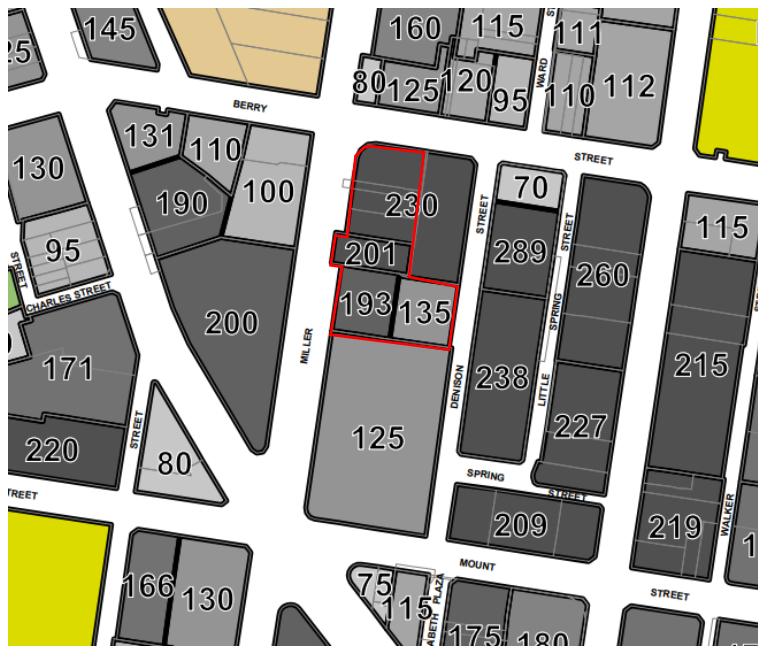


Figure 53 - Excerpt from NSLEP 2013 Height of buildings map (Sheet 002A) showing the maximum building heights stipulated in the NSLEP 2013 for the subject site (bounded in red). Source: NSLEP 2013.

Whilst the proposed building envelope complies with the maximum building height proposed for the northern portion of the Victoria Cross site, the southern portion of the high-rise building envelope exceeds the maximum allowable height limit of RL 201 for the central portion of the Victoria Cross site detailed in the NSLEP 2013. However, this height is considered to be acceptable by virtue of clause 6.3 of the NSLEP that allows height determined by the overshadowing controls to prevail over that shown in the height of buildings map. This is discussed further below.

North Sydney Centre > 6.3 Building heights and massing

Division 1 of Part 6 of the NSLEP 2013 relates to development within the North Sydney Centre. The approved building envelope for the Victoria Cross OSD utilises clause 6.3 of the NSLEP 2013 to reach the proposed maximum height of RL 230 metres based on an analysis of the built form and overshadowing. The approved planning envelope was found to be consistent with the objectives and purpose of these controls which will ensure a high level of solar access and public amenity within the North Sydney CBD.

While the proposed modification to the approved building envelope for Victoria Cross OSD maintains the maximum building height of RL 230, the proposal involves the redistribution of the building volume, and an increase in the massing of the upper levels of the building. The proposed modification to the OSD envelope has been carefully designed to minimise overshadowing to Special Areas and areas zoned RE1 Public Recreation within North Sydney Centre, in accordance with Clause 6.3 (2)(a) of the NSLEP 2013:

(2) Development consent must not be granted for the erection of a building on land to which this Division applies if:

(a) the development would result in a net increase in overshadowing between 12 pm and 2 pm from the March equinox to the September equinox (inclusive) on land to which this Division applies that is within Zone RE1 Public Recreation or that is identified as "Special Area" on the North Sydney Centre Map, or

(b) the development would result in a net increase in overshadowing between 10 am and 2 pm from the March equinox to the September equinox (inclusive) of the Don Bank Museum, or

...

The shadow analysis included in the Victoria Cross Built Form and Urban Design Report indicates that there is very minor overshadowing created by both the approved and modified OSD concept SSDA building envelope at 12pm on June 21st. However, as the following diagrams demonstrate, the shadow falls on the awning of the building on the south east corner of the plaza and not onto the main pedestrian areas of Brett Whiteley Plaza. Specifically, the shadow would be predominantly cast over the modern awning of the building adjoining the heritage facades of the buildings at 67 - 69 Mount Street. This minor overshadowing would not result in any additional impacts on the heritage items fronting Brett Whiteley Plaza, including the former Bank of NSW or the heritage listed facades of the buildings at 67 - 69 Mount Street.

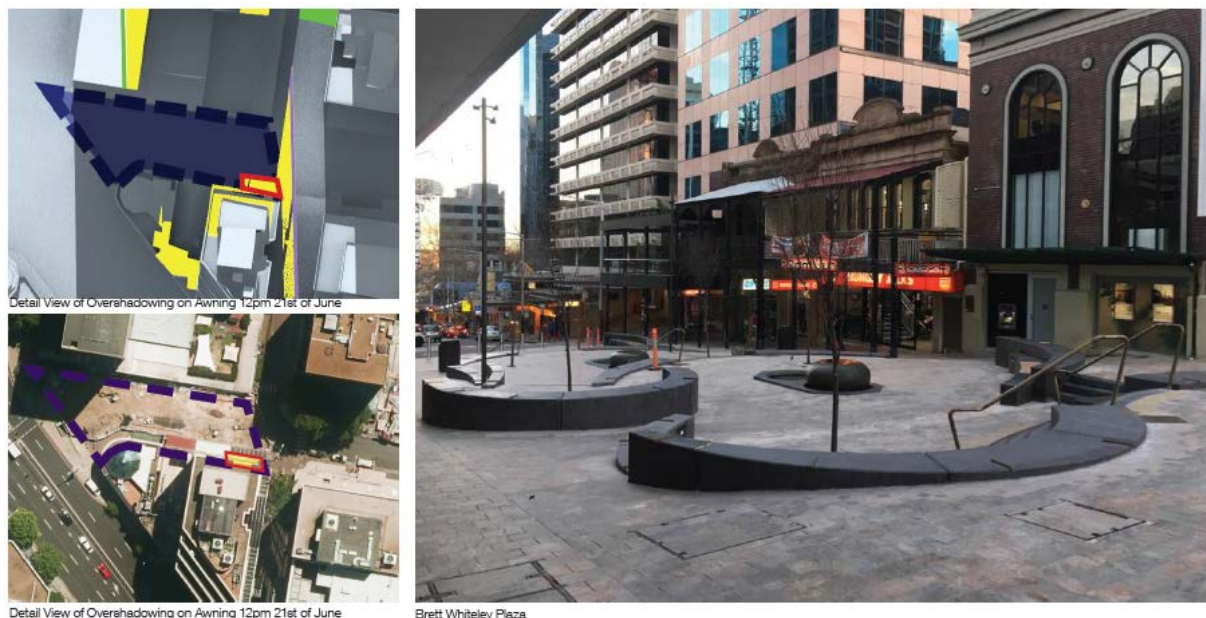


Figure 54 - Shadow study (left) showing the overshadowing that would result from the Victoria Cross OSD on Brett Whiteley Plaza. The area of additional overshadowing is bounded in red in the diagrams on the left. This shadow would be cast over the awning of one of the buildings fronting Brett Whiteley Plaza and would not fall on the main public open space area. Source: Bates Smart 2019.

The approved building envelope for the Victoria Cross OSD would not result in any additional overshadowing to Greenwood Plaza. The proposed modification to the OSD envelope has also been developed with consideration of the Greenwood Plaza solar access plane (refer Figure 23 above) and would not result in any overshadowing to the Greenwood Plaza.

The North Sydney LEP 2013 states that there should be no net increase in overshadowing to the Don Bank Museum site between 10am and 2pm from the March Equinox to the September Equinox inclusive. The Don Bank Museum site is currently surrounded by a number of existing high rise buildings, including 177 Pacific Highway, 33 Berry Street and 8-20 Napier Street. As the Don Bank Museum site is located to the south-west of the project site, any additional overshadowing resulting from the Victoria Cross OSD would occur in the morning before 10am.

The following diagrams illustrate the anticipated overshadowing of the Victoria Cross OSD envelope, as proposed to be modified, on the Don Bank Museum site at 10am in March, June and September.

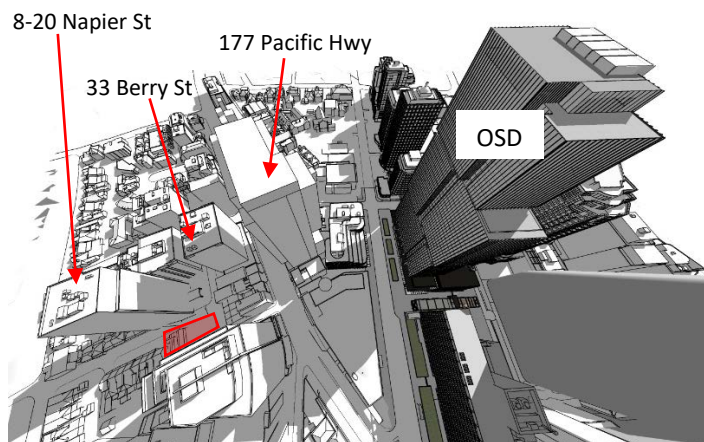


Figure 55 – Model showing the anticipated shadow cast by the Victoria Cross OSD building form on 21st March at 10am daylight saving time (9am solar time). While the Don Bank Museum site (shaded in red) is overshadowed at this time, this is not as a result of the Victoria Cross OSD building form. Source: Bates Smart 2019.

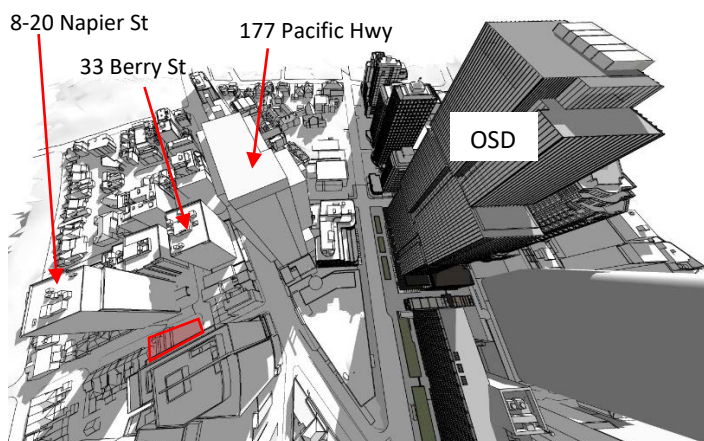


Figure 56 – Model showing the anticipated shadow cast by the Victoria Cross OSD building form on 21st June at 10am. While the Don Bank Museum site (shaded in red) is overshadowed at this time, this is not as a result of the Victoria Cross OSD building form. Source: Bates Smart 2019.

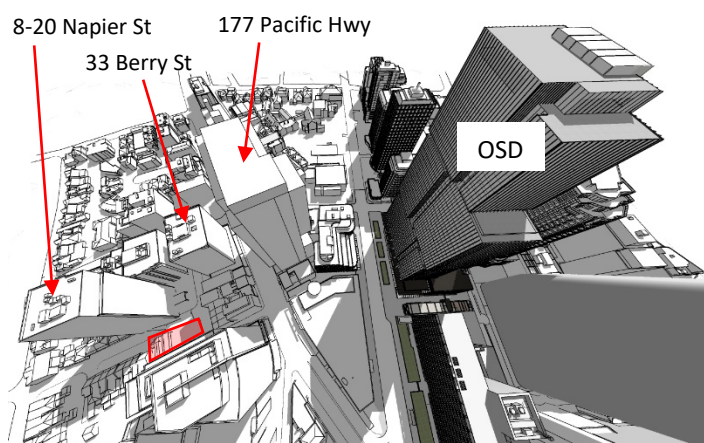


Figure 57 – Model showing the anticipated shadow cast by the Victoria Cross OSD building form on 21st September at 10am. While the Don Bank Museum site (shaded in red) is partially overshadowed at this time, this is not as a result of the Victoria Cross OSD building form. Source: Bates Smart 2019.

There would be no net increase in overshadowing to the Don Bank Museum site between 10am and 2pm from the March equinox and the September Equinox resulting in the approved OSD envelope, or the modifications proposed in this S4.55(2) modification application.

Clause 5.10 Environmental Heritage

The objectives of the NSLEP 2013 in terms of heritage conservation are outlined in Clause 5.10(1) of the LEP and have been included below:

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of North Sydney,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The proposed modifications to the building envelope for the Victoria Cross OSD is consistent with the applicable objectives of heritage conservation. As discussed in sections 6.3.1 - 6.3.4 above, the proposed building envelope has been designed to conserve the environmental heritage of North Sydney by establishing a building form, height and setbacks that respect the significance and streetscape presence of the heritage items in the vicinity of the site, including views to and from the heritage items and their setting.

Approval for the construction of the Sydney Metro City & Southwest Victoria Cross Station was granted in January 2017. This report addresses the impact of the OSD only and therefore, does not assess impacts on archaeological sites as all demolition and excavation will be undertaken under the terms of the CSSI Approval.

The proposed OSD would not impact on any known Aboriginal objects or places of Aboriginal Heritage significance within the North Sydney Centre.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

In accordance with Clause 11 of *SEPP (State and Regional Development) 2011*, development control plans do not apply to SSD. Notwithstanding, the NSDCP 2013 provides a reference point for the design of new buildings and has been considered below, where relevant.

The purpose of the NSDCP 2013 is to provide objectives and provisions for the development of buildings, including those with heritage significance, either individually or as part of their street or area.

The proposed modification to the approved building envelope for the Victoria Cross OSD is considered to be generally consistent with the objectives of the NSDCP 2013 and the provisions relating to development in the vicinity of heritage items (section 13.4). As discussed above, the proposed modification to the approved OSD building envelope maintains significant views to the adjoining heritage listed MLC Building. The proposed setback of the lower levels of the OSD envelope to Miller Street would improve the streetscape value of the heritage listed Rag & Famish Hotel. Furthermore, the building form of the proposed OSD envelope respects the heritage significance and streetscape presence of the MLC Building through the retention of views to the building and the landscaped area along Miller Street in front of the MLC Building.

In summary, the proposed planning envelope is considered to be an acceptable outcome in heritage terms. The proposed heights and massing of the building envelope are generally consistent with the objectives of the current controls contained within the North Sydney LEP 2013, the North Sydney Centre Planning Proposal and the various planning studies discussed above.

7 RECOMMENDATIONS AND CONCLUSION

7.1 RECOMMENDATIONS

The overall scale and architectural form of the building envelope proposed in this section 4.55(2) modification to the approved Victoria Cross Building Envelope is considered to be acceptable from a heritage perspective. This proposal, however, does not seek to obtain approval for the detailed design of the building, including the architectural detailing and materials, which will be developed as part of a separate SSD application. The recommendations below were included in the Heritage Impact Assessment prepared by OCP Architects in 2018 for the concept SSD application for the Victoria Cross OSD in order to guide the detailed design of the development. These recommendations are also considered to be applicable to the design of the Victoria Cross OSD within the parameters of the maximum building envelope set out in this proposed modification application, and are therefore included below:

- 1 The proposed OSD building will occupy a prominent corner site and will form a distinctive element of the North Sydney CBD skyline which will be visible from the grounds of a number of heritage items within the North Sydney CBD. Therefore, any future development application should demonstrate design excellence in terms of the overall architectural form, detailing and materials of the building.*
- 2 The OSD building should be detailed to not detract from views towards heritage items and within the locality generally. Colour schemes for the proposed OSD building should be sympathetic to the urban environment and should use neutral colour palette with few colour variants;*
- 3 Within the maximum building height of RL 230 generated by the proposed OSD envelope, the design of the building should adopt a range of forms and heights with a view to breaking up the building bulk;*
- 4 The future detailed design of the OSD should be developed to provide a visual reference to the heights of surrounding buildings, in particular, the MLC Building, and other medium rise buildings in the vicinity;*
- 5 The future detailed design of the development should utilise high quality, well-crafted materials that are durable. Building materials should be selected with consideration of the character of the immediate surrounding built environment and adjoining heritage items. The use of glass as a predominant external wall material, reinforced concrete, and other high-quality durable building materials are considered to be appropriate. In particular, the use of glass for external walls may create a sense of openness which would provide new opportunities to view the adjoining Rag & Famish Hotel and MLC Building from the lower levels of the OSD building;*
- 6 The design of the lobby and station entrance, whilst being undertaken separately to the OSD building, should be detailed to create a sense of openness and introduce a street frontage height that provides a transition between the Victoria Cross site and the surrounding buildings;*

The design of the OSD building should incorporate, where relevant, heritage interpretation measures identified in the Heritage Interpretation Plan and Station Design and Precinct Plan which are to be prepared in accordance with E21 and E101 of the Conditions of Approval for the CSSI Sydney Metro City & Southwest Chatswood to Sydenham.

7.2 CONCLUSION

This Statement of Heritage Impact has reviewed the section 4.55 (2) modification to the approved building envelope for the Victoria Cross OSD. The modified OSD envelope has been developed through further investigation of the unique site conditions and surrounding built form, including consideration of urban design, heritage, the public domain, and the relevant controls and objectives of statutory planning instruments.

The proposed modified building envelope respects the significant characteristics of heritage items in its vicinity by adopting a range of appropriate design strategies, including:

- Scale and form that is contextually appropriate;
- Breakdown of the building bulk and massing to the Miller Street façade;
- Setback to Miller Street in order to protect the Miller Street Special Character Area and maximise views north and south along Miller Street to the Rag & Famish Hotel;
- Increased separation between the proposed OSD envelope and the MLC Building in order to retain views of the MLC Building from Denison and Miller Streets and to maximise the amenity and daylight access to the through-site link.

When compared with the approved envelope, the proposed modified building envelope provides a more considered response in terms of the overall form and scale, setbacks to Miller Street and the MLC Building, and breakdown of the massing of the building.

Upon following the recommendations contained in section 7.1, the resulting form as proposed with the section 4.55 (2) modification to the approved concept SSD application would not give rise to any adverse heritage impacts.