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URBIS

SYDNEY METRO VICTORIA CROSS OVER STATION DEVELOPMENT

Modification Report

Prepared for
LENLEASE (VICTORIA CROSS) PTY LTD
16 September 2022

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Ashleigh Ryan
Senior Consultant	Holly Rhoades
Project Code	P0007580
Report Number	02

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1. INTRODUCTION

This Modification Report has been prepared by Urbis Pty Ltd on behalf of Lendlease (Victoria Cross) Pty Ltd (**the Applicant**) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**). The application seeks to modify Development Consent SSD-10294 for construction of the Victoria Cross Over Station Development at 155-189 Miller Street, North Sydney.

The site 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).

The location of the site is illustrated in **Figure 1** and the regional context of the site is illustrated in **Figure 2**.

1.1. APPLICANT DETAILS

The applicant details for the proposed modification are listed in the following table.

Table 1 Applicant Details

Descriptor	Proponent Details
Full Name(s)	Lendlease (Victoria Cross) Pty Ltd
Postal Address	C/O Lendlease Level 14, Tower Three, International Towers Sydney, Exchange Place, 300 Barangaroo Avenue, Barangaroo NSW 2000
ABN	52 630 332 268
Nominated Contact	Lulu Woods, Development Manager

1.2. PROJECT BACKGROUND

1.2.1. Approved Development

On 6 July 2020, a State Significant Development Application (**SSDA**) (SSD-10294) was approved by the Minister for Planning and Public Spaces in relation to construction of the Victoria Cross Over Station Development, including:

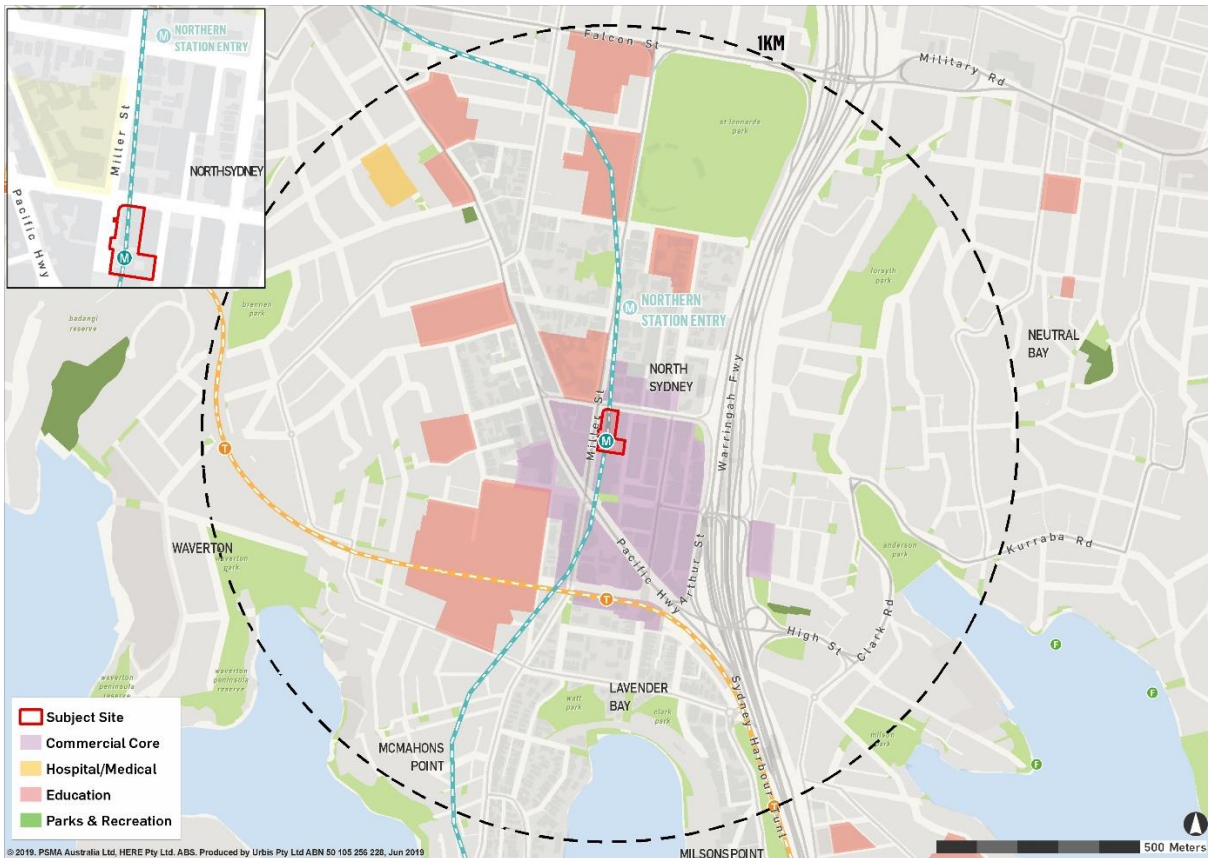
- a commercial office tower with a maximum building height of RL 230,
- a maximum gross floor area of 61,500m² (excluding gross floor area approved under CSSI 7400),
- staged stratum subdivision,
- signage zones, and
- use of basement (approved under CSSI 7400):
 - 150 car parking spaces
 - 439 bicycle parking spaces
 - end of trip facilities
 - loading dock and associated facilities.

Figure 1 Site aerial



Source: Urbis

Figure 2 Regional context



Source: Urbis

1.3. PROJECT OVERVIEW

The Section 4.55(1A) modification application seeks changes to the plans and conditions associated with SSD-10294, including:

- Permission for some works to occur outside of the approved constructions hours, generally in accordance with the approved out of hours works associated with the City & Southwest – Chatswood to Sydenham Critical State Significant Infrastructure (CSSI) approval (SSI 15-7400); and
- Minor design updates to the architectural plans for the commercial tower.

1.3.1. Analysis of Feasible Alternatives

Lendlease identified three project alternatives which were considered in respect to the identified need for the proposed modification. Each of these options is listed and discussed in the following table.

Table 2 Project Alternatives

Option	Assessment
Do Nothing	The approved development could be delivered in accordance with the current SSD consent. This option was dismissed as the project objective in relation to optimising the use of the site to create a world-class commercial office tower with flexible floorplates that can meet the needs of diverse tenants would not be met. The proposed design amendments are sought to maximise the useability and flexibility of the commercial office space for a wide range of tenants.
Alternative Process	The approved development could be delivered in accordance with the current SSD consent however, due to the difference between construction related conditions between SSD-10294 and CSSI-7400, it prevents a whole-of-precinct management approach being implemented by Lendlease, as the single contractor delivering the Metro and OSD developments. The proposed amendment to out of hours work parameters will allow for a more efficient and better managed delivery of the project.
The Proposal	The proposed modification to the development consent was identified as being the most suitable proposal as it allows for the delivery of the development in accordance with the project objectives. The proposal supports the strategic objectives for the North Sydney CBD by providing additional employment floor space to strengthen the role and presence of North Sydney as a major commercial centre and providing a high-quality built form which sits harmoniously within its context.

2. STRATEGIC CONTEXT

This section describes the way in which the modified proposal addresses the strategic planning policies relevant to the site.

2.1. PROJECT JUSTIFICATION

2.1.1. Greater Sydney Region Plan: A Metropolis of Three Cities

The *Greater Sydney Region Plan (Region Plan)* provides the overarching strategic plan for growth and change in Sydney. It is a 20-year plan with a 40-year vision that seeks to transform Greater Sydney into a metropolis of three cities - the Western Parkland City, Central River City and Eastern Harbour City. It identifies key challenges facing Sydney including increasing the population to eight million by 2056, 817,000 new jobs and a requirement of 725,000 new homes by 2036.

The Region Plan includes objectives and strategies for infrastructure and collaboration, liveability, productivity and sustainability. The proposed Victoria Cross OSD responds to the Harbour CBD's focus on innovation and global competitiveness to underpin its continued growth, backed up by the significant Sydney Metro City & Southwest project. In accordance with Objective 18, the modified development specifically aligns with the regional plan by:

- Providing a significant amount of premium office floor space (61,500 sqm) which strengthens the Harbour CBD's economy globally and nationally;
- Comprising a commercial tower and activated podium which supports a diversity of uses for competitive services and entertainment opportunities; and
- Maximising opportunities presented by the Sydney Metro Victoria Cross Station to improve business to business connections and support the 30-minute city.

2.1.2. Our Greater Sydney 2056: North City District Plan

The *North District Plan (District Plan)* is a 20-year plan to manage growth in the context of economic, social and environmental matters to implement the objectives of the Greater Sydney Region Plan. The intent of the District Plan is to inform local strategic planning statements and local environmental plans, guiding the planning and support for growth and change across the district.

The District Plan contains strategic directions, planning priorities and actions that seek to implement the objectives and strategies within the Region Plan at the district-level. The Structure Plan identifies the key centres, economic and employment locations, land release and urban renewal areas and existing and future transport infrastructure to deliver growth aspirations.

The planning priorities and actions likely to have implications for the modified development are listed and discussed below:

- N1 – Planning for a city supported by infrastructure:

The modified development directly benefits from the development of the Sydney Metro Victoria Cross Station by locating additional employment floor space (61,500 sqm). The approved building envelope and OSD accommodate a vibrant public domain area that enhances local opportunities for entertainment, social interaction, pedestrian access and wayfinding which can be utilised by the surrounding and wider community. The detailed design reduced building massing above the Victoria Cross Station entrance at Miller Street to provide a legible entrance to the Sydney Metro with improved solar and wind conditions around the site. Further, the location of the OSD commercial lobby entrance allows for additional retail and active frontages to Miller Street.

The modified development as proposed aligns with the place-based infrastructure service, encouraging active transit methods such as walking and cycling, and evidently the Sydney Metro Victoria Cross Station.

- N7 – Growing a stronger and more competitive Harbour CBD:

The priority establishes North Sydney CBD as a key part of the Harbour CBD. The OSD provides premium commercial and retail floor space, thus, ensuring the commercial core of North Sydney remains an attractive office market which complements the Sydney CBD. The modified development integrates with the Victoria

Cross Station, improving the site's connectivity to Sydney CBD and other centres in the Eastern Economic Corridor. Furthermore, the OSD encourages a more diverse night-time economy and continues to improve walking and cycling links within the North Sydney CBD.

- N10 – Growing investment, business opportunities and jobs in strategic centres:

The modified development delivers premium grade commercial floor space within a metropolitan centre, aligning with employment growth objectives, which is identified as the principal underlying economic goal for metropolitan and strategic centres.

- N12 – Delivering integrated land use and transport planning and a 30-minute city:

By locating additional commercial floor space above the Sydney Metro Victoria Cross Station, the development contributes to the vision for a 30-minute city. Further, the OSD is considered sustainable as it increases the proportion of trips by public transport, walking and cycling trips to reduce emissions and health.

2.1.3. Future Transport Strategy 2056

The NSW Governments *Future Transport Strategy 2056*, issued in March 2018, is an update of NSW's Long-Term Transport Master Plan. The Strategy sets the 40-year vision, directions and outcomes framework for the transport system and customer mobility in NSW, which are divulged for Regional NSW and Greater Sydney. It will guide transport investment over the longer term delivered through a series of services and infrastructure plans and other supporting plans.

The Services and Infrastructure Plans define the network required to achieve the service outcomes, whilst the Supporting Plans provide detailed issues or place-based planning documents that assist implementation of the Strategy across NSW.

The Greater Sydney Services and Infrastructure Plan aligns with the GSC's vision for Greater Sydney as a Metropolis of Three Cities', where people have access to jobs and services within 30 minutes by public transport.

The site benefits from being located directly above the future Victoria Cross Metro Station which forms an important cog in the Sydney Metro City & Southwest project. The strategic location of premium grade commercial floorspace delivers economic benefits for Sydney by enhancing connectivity between businesses and people. The proposal provides an opportunity to boost the city's productivity by allowing future businesses to access a wider range of works and allowing employees to access jobs faster and more reliably.

Victoria Cross OSD boasts proximity to future public transport opportunities for site users/visitors, which encourages use of existing active transport networks to reduce automobile reliance, decreasing congestion and reducing environmental impacts.

2.1.4. Better Placed Design Policy

Better Placed (2017) is an integrated design policy for the built environment, prepared by the Government Architect NSW, to create a clear approach to ensure good design outcomes are achieved to deliver desired architecture, public places and environments throughout NSW (September 2017). The policy guides best practice design processes which align with a clear set of established objectives in order to steer projects towards achieving the best possible outcomes. Seven applicable objectives include:

- Better fit – contextual, local and of its place
- Better performance – sustainable, adaptable and durable
- Better for community – inclusive, connected and diverse
- Better for people – safe, comfortable and liveable
- Better working – functional, efficient and fit for purpose
- Better value – creating and adding value
- Better look and feel – engaging, inviting and attractive.

The SSDA was subject to an extensive review process that involved a collaborative, cyclical and iterative process which has resulted in a better resolved envelope design solution. This iterative process has featured

ongoing design review and feedback loops from the Sydney Metro Design Review Panel (**DRP**) to establish a set of design guidelines / principles derived from a design excellence strategy.

The detailed design of the proposal accommodates a built form that is sustainable, functional, sensitive to its context and visually distinctive as encouraged by objectives of *Better Placed*.

2.2. KEY FEATURES OF SITE AND SURROUNDS

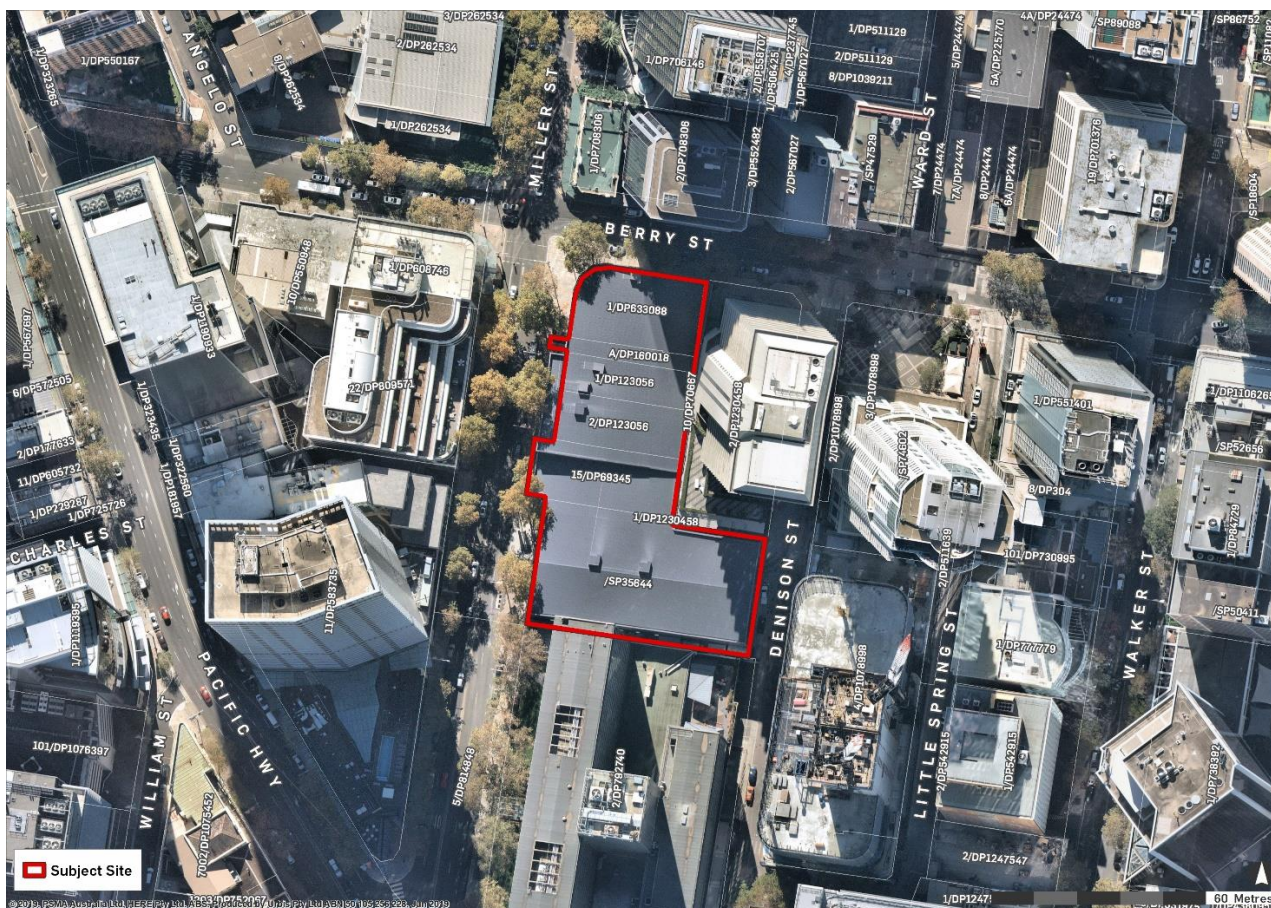
2.2.1. Site Description

The site is located at 155-189 Miller Street, North Sydney and is legally described as:

- 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).

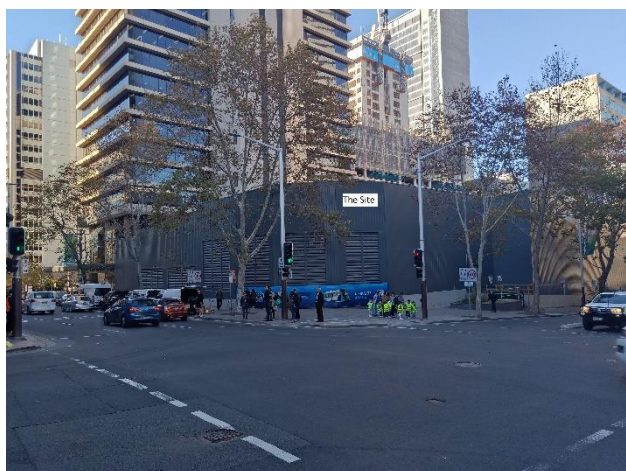
The location of the site is illustrated in **Figure 3**. Photographs of the current site condition are provided in **Figure 4**.

Figure 3 Local Context

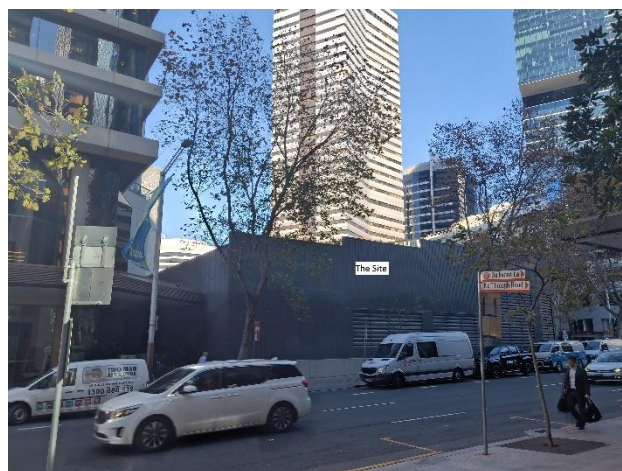


Source: Urbis

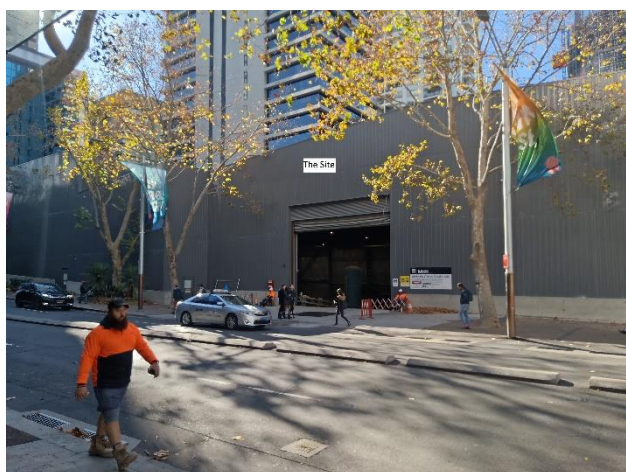
Figure 4 Site photographs



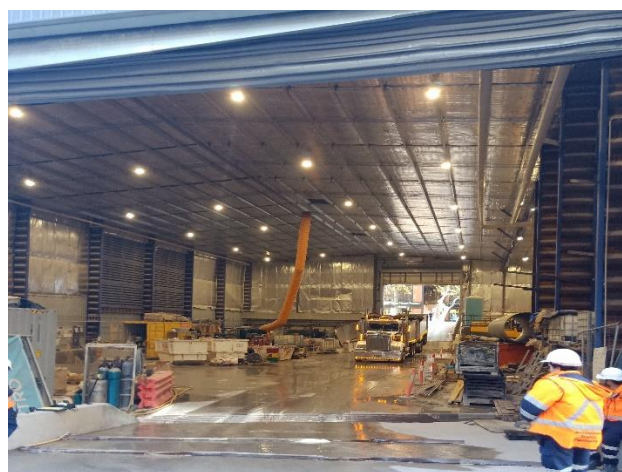
Picture 1 View from the north-west at the Miller and Berry Street intersection



Picture 2 View from the north-west at Berry Street



Picture 3 View from the West (Miller Street)
Source: Urbis (May 2019)



Picture 4 Internal view from the east (Denison Street)

2.2.2. Surrounding Context

The surrounding context is characterised by a mix of mid to high density commercial developments, interspersed with lower scale heritage items, educational institutions (e.g. Australian Catholic University), retail developments and civic uses such as the North Sydney Council Chambers (Miller Street). One isolated residential building form exists in the centre which is considered an uncharacteristic land use in the wider context. The immediate site is generally bound as follows:

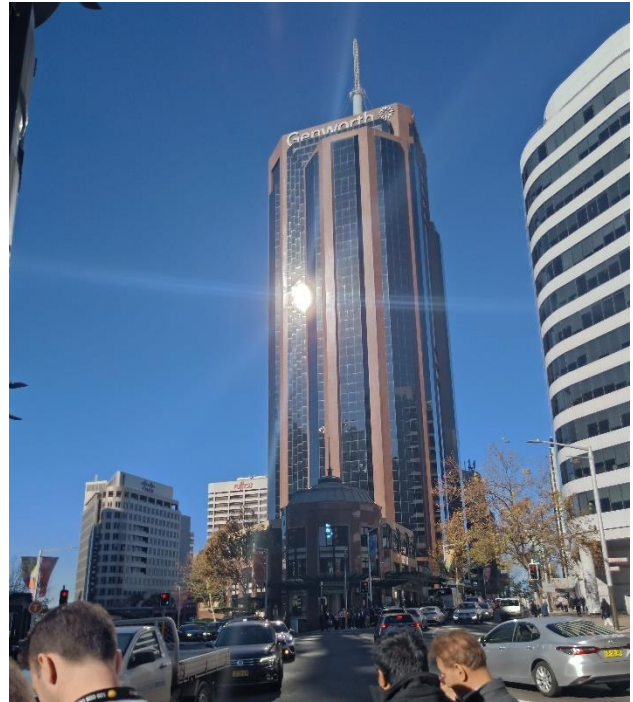
- **North** – Berry Street directly to the north along with the heritage listed Rag & Famish Hotel. Further north beyond the hotel are high density residential and commercial developments.
- **South** – The site abuts the heritage listed MLC commercial office building to the south with higher density commercial developments towards North Sydney Station and Greenwood Plaza.
- **East** – Group House (65 Berry Street) and Denison Street are situated immediately east of the site. Immediately east of Denison Street are the Alexander Apartments, a 36-storey residential building and 1 Denison Street, a similar high-density commercial development. Further east are similar high-density commercial developments towards the Warringah Freeway and Cahill Expressway.
- **West** – Miller Street abuts the site to the west along with various high-density commercial buildings. The Pacific Highway is located further to the west.

Existing surrounding buildings are shown in **Figure 5** below.

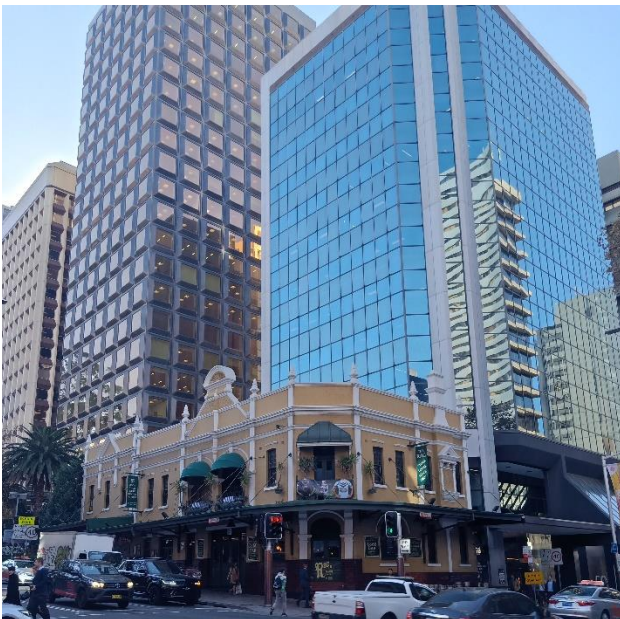
Figure 5 Surrounding development



Picture 5 MLC Building (immediately south)

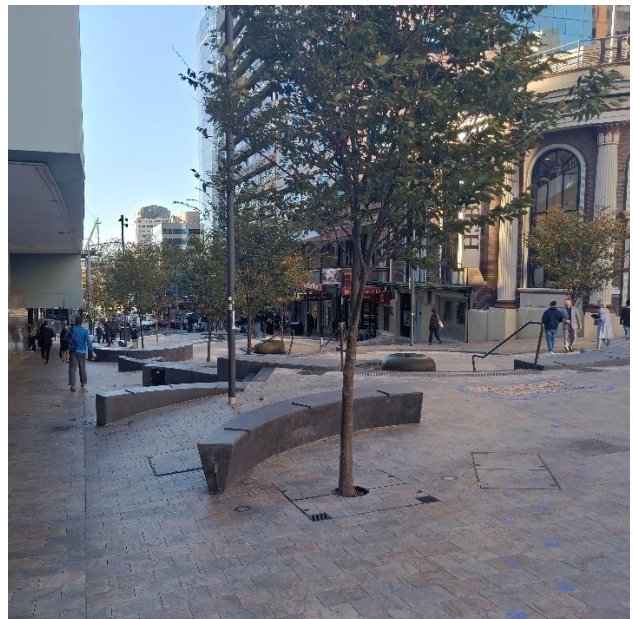


Picture 6 Genworth Building (to the south)



Picture 7 Rag and Famish Hotel (to the north)

Source: Urbis



Picture 8 Brett Whiteley Place (to the south)

3. DESCRIPTION OF MODIFICATIONS

This section of the report describes the proposed modifications, including the project description and relevant conditions. It includes a comparative analysis of the original development and the proposed modifications, justifying the lodgement of the application in accordance with section 4.55(1A) of the EP&A Act.

3.1. OVERVIEW

The proposed modifications to the approved development are summarised as follows:

- Permission for some works to occur outside of the approved constructions hours, generally in accordance with the CSSI approval (SSI 15-7400); and
- Minor design updates to the architectural plans for the commercial tower.

The updated architectural drawings are provided at **Appendix A**.

A comparative analysis has been undertaken of the proposed changes to the approved development in **Table 3** and is in accordance with the relevant criteria listed in the Department of Planning and Environment (DPE) *State Significant Development Guidelines – preparing an environmental impact statement*.

Table 3 Comparative Task

Element	Approved Project	Modified Project
Project Area		
Site Area	4,815m ²	4,815m ²
Physical Layout and Design		
Height of Building	RL230	RL229.85
Gross Floor Area	61,500m ²	61,500m ²
Car Parking Spaces	150	150
Uses and Activities		
Land Use	Commercial office	Commercial office
Staging		
OSD Construction	<ul style="list-style-type: none">▪ Site setup▪ Structure▪ Station completion▪ Tower▪ OSD completion	<ul style="list-style-type: none">▪ Site setup▪ Structure▪ Station completion▪ Tower▪ OSD completion

Based on the above, it is considered the proposal is substantially the same development as originally granted consent. The proposal is of minimal environment impact and is lodged under section 4.55(1A) of the EP&A Act.

3.2. DESCRIPTION OF PROPOSED MODIFICATIONS

The modification application seeks permission for some works to occur outside of the approved constructions hours associated with the SSD approval, generally in accordance with the approved out of

hours works associated with the CSSI approval (SSI 15-7400); and minor design updates to the commercial tower including:

- Amendments in plan at Level 14 and 27 due to the addition of a lift transfer floor.
- Inclusion of additional window at Level 27.
- Addition of solar panels on the tower roof.
- Addition of roof access safety railings.
- Minor aesthetic detail amendment on louvers and fins at the roof and roof parapet.
- Amendment to the balustrade height at the Level 29 terrace.
- Amendments to the core internal to the building resulting from coordination of services and relocation of bathrooms.
- Top roof parapet is reduced from RL230.00 to RL229.85.
- Correction to the approved architectural plans to note Tower Finish 'B' as medium grey as shown in design documentation.

In association with the proposed amendments, an indicative OSD design area schedule is included at **Appendix I**. This is not submitted for approval but confirms the proposed GFA remains in accordance with the SSD-10294 approval.

It is noted that the amended Architectural plans also include amendments to the design of the station related developed below the transfer level as per SSI-7400. These design updates are included with the proposed modification for consistency, however it is noted that consent is not sought within the Section 4.55(1A) application for these amendments relating to the SSI approval.

Since the preparation of the SSI-7400 Environmental Impact Statement, Preferred Infrastructure Report and Mod 1 Submissions Report, the integration of the OSD and metro station elements at Victoria Cross has progressed through design development. As such consistency assessments have been prepared and approved to capture this design development shown below the transfer level. These consistency assessments include:

- Consistency Assessment TfNSW14 - approved in February 2019 (TfNSW 14),
- Consistency Assessment (VC-019) - approved in July 2019 (VC-01),
- Consistency Assessment VC-03 (2021) - approved in Dec 2021 (VC-02), and
- Consistency Assessment VC-04 (2021) - approved in Aug 2021 (VC-03).

3.3. PROPOSED AMENDMENTS TO CONDITIONS OF CONSENT

This section outlines the proposed modification to the description of the approved development and conditions of consent included in SSD-10294. The proposed modifications are shown by a strike through for deleted text and *red* for new text.

The modification application proposes to vary conditions of consent A2, B44, D5, D10 and D11 in relation to the approved plans and the current construction hours parameters.

3.3.1. Approved Plans

In relation to the proposed design modifications, the proposed updates to condition A2 Terms of Consent in relation to the plans for approval are included at **Appendix G**.

3.3.2. Construction Hours Modification

Condition D3 of the consent SSD-10294 sets out the approved construction hours for the SSD project. Condition D5 permits certain limited works to occur outside of the specified hours, being:

- activities undertaken by the Police or a public authority for the delivery of vehicles, plant or materials, and
- emergency activities to avoid the loss of life, damage to property or to prevent environmental harm.

However, Condition E44 of the CSSI consent provides for variations to standard construction hours which are more extensive than the current SSD-10294 consent provisions outlined above. Condition E44 of the CSSI approval states as follows:

Variation to Standard Construction Hours

E44 Notwithstanding Condition E36 construction associated with the CSSI may be undertaken outside the hours specified under those conditions in the following circumstances:

(a) for the delivery of materials required by the NSW Police Force or other authority for safety reasons; or

(b) where it is required in an emergency to avoid injury or the loss of life, to avoid damage or loss of property or to prevent environmental harm; or

(c) where different construction hours are permitted or required under an EPL in force in respect of the construction; or

(d) construction that causes LAeq(15 minute) noise levels:

i. no more than 5 dB(A) above the rating background level at any residence in accordance with the Interim Construction Noise Guideline (DECC, 2009), and

ii. no more than the noise management levels specified in Table 3 of the Interim Construction Noise Guideline (DECC, 2009) at other sensitive land uses, and

iii. continuous or impulsive vibration values, measured at the most affected residence are no more than those for human exposure to vibration, specified in Table 2.2 of Assessing Vibration: a technical guideline (DEC, 2006), and

iv. intermittent vibration values measured at the most affected residence are no more than those for human exposure to vibration, specified in Table 2.4 of Assessing Vibration: a technical guideline (DEC, 2006); or

(e) where a negotiated agreement has been reached with a substantial majority of sensitive receivers who are within the vicinity of and may be potentially affected by the particular construction, and the noise management levels and/or limits for ground-borne noise and vibration (human comfort) cannot be achieved. All agreements must be in writing and a copy forwarded to the Secretary at least one (1) week before the works commencing; or

(f) construction approved through an Out of Hours Work Protocol referred to in Condition E47, provided the relevant council, local residents and other affected stakeholders and sensitive receivers are informed of the timing and duration at least five (5) days and no more than 14 days before the commencement of the works.

It is proposed to modify Condition D5 of the SSD consent to align with Condition E44 of the CSSI consent given the integrated nature of the SSD and CSSI project, especially as both the SSD and CSSI projects are being delivered entirely by a single contractor. Accordingly, it is considered appropriate that the same out of hours works parameters are set between the two projects for consistency. This approach will support a whole-of-precinct management approach that has been applied to other conditions within the SSD-10294 consent.

The modification application will seek the inclusion of four additional circumstances (refer to proposed Condition D5(c)-(h) below) where construction could be undertaken outside of the standard hours approved in Condition D3 (the CSSI project manages these additional works via the Sydney Metro out of hours works protocol enabled by Condition E47 of the CSSI consent). These additional circumstances are proposed to enable site efficiencies for construction activities required outside of standard working hours, such as utility works, hoarding installation and works with a high risk to public.

Included in **Appendix B** is a summary of the types of activities which are proposed to be undertaken outside of hours in accordance with each proposed new element of Condition D5(c)-(h) (as below), as well as their anticipated duration. The Construction Environmental Management Plan (**CEMP**) to be updated to fulfil the requirement of Condition C16 of the SSD consent will outline the process for considering, assessing and managing work on the project that is undertaken outside of standard construction hours, including the types and durations of anticipated activities.

The suggested modifications to the wording of Condition D5 will:

- Provide DPE with an approved approach to allowing pre-approved work scenarios to be completed outside of the approved construction hours, without inundating DPE with out-of-hours works requests,
- Mitigate project delays associated with obtaining out-of-hours approvals from DPE,
- Account for risk to public from project works,
- Include provision for community agreements, in line with the existing/locally accepted CSSI approach,
- Account for direction from roads authorities and utility providers, and
- Provide an opportunity for DPE to approve other identified scenarios that may arise on a case by case basis.

In support of the proposed variation to out of hours construction activities, this Modification is accompanied by:

- Construction Management Information prepared by Lendlease (**Appendix B**)
- Environment, Health & Safety Management Plan prepared by Lendlease (**Appendix C**)
- Construction Noise & Vibration Management Plan prepared by Wilkinson Murray (**Appendix D**)
- Construction Noise & Vibration Impact Statement prepared by RWDI (**Appendix E**).

Hours of Construction

D5.(1) Activities may be undertaken outside of ~~these~~ the hours if required specified in conditions D3 and D4 under the following circumstances:

- (a) ~~by the Police or a public authority for the delivery of vehicles, plant or materials required by NSW Police or a public authority for safety reasons;~~ or*
- (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or*
- (c) construction that causes LAeq (15 minute) noise levels:*
 - (i) no more than 5 dB(A) above the rating background level at any residence in accordance with the Interim Construction Noise Guideline (DECC, 2009), and*
 - (ii) no more than the noise management levels specified in Table 3 of the Interim Construction Noise Guideline (DECC, 2009) at other sensitive land uses, and*
 - (iii) continuous or impulsive vibration values, measured at the most affected residence are no more than those for human exposure to vibration, specified in Table 2.2 of Assessing Vibration: a technical guideline (DEC, 2006), and*
 - (iv) intermittent vibration values measured at the most affected residence are no more than those for human exposure to vibration, specified in Table 2.4 of Assessing Vibration: a technical guideline (DEC, 2006); or*
- (d) where a negotiated agreement has been reached with a substantial majority of sensitive receivers who are within the vicinity of and may be potentially affected by the particular construction, and the noise management levels and/or limits for ground-borne noise and vibration (human comfort) cannot be achieved. All agreements must be in writing and a copy forwarded to the Secretary at least one (1) week before the works commencing; or*
- (e) as directed by a roads authority to undertake works outside of standard hours, where those activities during standard hours would result in a high risk to road network operational performance; or*
- (f) carrying out works that during standard hours would result in a high risk to construction personnel or public safety, based on a risk assessment carried out in accordance with AS/NZS ISO 31000:2009 "Risk Management"; or*

- (g) *the relevant utility service operator has advised the Proponent in writing that carrying out the works and activities during standard hours would result in a high risk to the operation and integrity of the utility network; or*
- (h) *as otherwise approved by the Secretary.*

D5.(2) The CEMP (or CFEMP) approved under condition B42, or relevant sub-plan, must identify the types and durations of activities proposed to be undertaken in each of the circumstances set out in D5(1)(c)-(g). The CEMP, or relevant sub-plan, must:

- (a) include provision for a construction noise and vibration impact statement that forecasts construction impacts on surrounding receivers;*
- (b) identify the types of mitigations required for receivers based on the various levels of forecast noise and vibration impacts, including:*
 - (i) community notification and consultation requirements,*
 - (ii) individual briefings,*
 - (iii) noise monitoring,*
 - (iv) specific respites,*
 - (v) other alternate arrangements as agreed with individual receivers.*

Construction Noise Limits

D10. ~~The development must be constructed~~ In accordance with condition B45, the development must be constructed in accordance with to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved CNVMP.

This amendment is proposed to avoid contradiction with condition B45(iv)-(viii), which outlines the approach of noise management 'to apply' the EPA *Interim Construction Noise Guide (ICNG)*, rather than 'to achieve' construction noise management levels detailed in the ICNG.

As intended by the ICNG, management approaches required under condition B45(viii) specifically reference instances where ICNG noise objectives cannot be met and that additional mitigations will be required, as per the ICNG. This proposed modification is supported by the Acoustic Memorandum prepared by RWDI at **Appendix F**.

As per the ICNG, noise management levels are not 'achieved', rather they are triggers to implement noise management measures in order to mitigate impacts.

D11. Subject to condition D5, the Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the subject site or surrounding residential precincts outside of the construction hours of work outlined under condition D3.

This amendment is proposed to account for the allowances of Condition D5, and to avoid any contradiction of conditions.

Construction Environmental Management Plan

B44. The CFEMP and any associated Sub-Plans should be revised:

- (a) at each key stage of the works;*
- (b) in response to future development consents;*
- (c) in response to major changes in site conditions or work methods; and*
- (d) in support of licence variations as necessary; and*
- (e) before commencing activities outside of standard construction hours, as set out in condition D5 (c)-(g).*

This proposed modification is to ensure the CFEMP and/or relevant sub-plans are updated to account for any changes to the construction approach accounting for activities set out in condition D5(c)-(g), and any modifications to SSD-10294.

3.4. SUBSTANTIALLY THE SAME DEVELOPMENT

Based on the description of the proposed modifications in Section 3.1, it is considered the proposal is substantially the same development as that to which consent was originally granted, as is required by section 4.55(1A) of the Act.

The key principles of the approved development remain unchanged with the proposed development including:

- The design, construction and operation of a new commercial office tower with a maximum building height of RL 230 or 168 metres (42 storeys). The commercial tower includes 61,500sqm of GFA, excluding floor space approved in the CSSI.
- Physical integration with the approved Sydney Metro works including:
 - Structures, mechanical and electronic systems, and services; and
 - Vertical transfers.
- Use of spaces within approved Sydney Metro envelope for the purposes of:
 - Retail tenancies;
 - Commercial office lobbies and space;
 - 161 car parking spaces within the basement for the purposes of the commercial office and retail use with a maximum of 150 of those car parking spaces relating to the OSD;
 - End of trip facilities; and
 - Loading and services access.
- Provision and augmentation of utilities and services.
- Provision of rooftop business identification signage zones.
- Stratum subdivision (staged).

The proposed modifications do not substantially change the development for which consent was originally granted under SSD-10294 the reasons outlined below:

- The development will remain consistent with the land use objectives for B3 Commercial Core zone.
- The OSD will continue to consist of commercial land uses.
- The building height and built form remain consistent with the development approved.
- The GFA remains consistent with that approved.
- The general operation of the development remains unchanged.

4. STATUTORY CONTEXT

This section of the report provides an overview of the key statutory requirements relevant to the site and the project as proposed to be modified. It identifies the key statutory matters which are addressed in detail within **Section 6**, including the power to grant consent, permissibility, other approvals, pre-conditions and mandatory considerations.

4.1. STATUTORY REQUIREMENTS

Table 4 categorises and summarises the relevant requirements in accordance with the DPE *State Significant Development Guidelines*.

Table 4 Identification of Statutory Requirements for the Project

Statutory Relevance	Action	Consistency with Approved Development
<i>Power to grant approval</i>	In accordance with clause 19(2), Schedule 1 of <i>State Environmental Planning Policy (State and Regional Development) 2011</i> , development within a rail corridor or associated with railway infrastructure that has a CIV of more than \$30 million for the purpose of commercial premises are classified as SSD.	<p>The proposed modification to the approval of SSD-10294 will remain consistent with the provisions of the SEPP and is appropriately characterised as SSD.</p> <p>It is noted that <i>State Environmental Planning Policy (State and Regional Development) 2011</i> has now been replaced by <i>State Environmental Planning Policy (Planning Systems) 2021</i>. Clause 19(2) of Schedule 1 remains as previously worded being:</p> <p>19 Rail and related transport facilities</p> <p>(2) Development within a rail corridor or associated with railway infrastructure that has a capital investment value of more than \$30 million for any of the following purposes —</p> <p>(a) commercial premises or residential accommodation,</p> <p>(b) container packing, storage or examination facilities,</p> <p>(c) public transport interchanges.</p>
Permissibility	The site is zoned B3 Commercial Core in accordance with the <i>North Sydney Local Environmental Plan 2013 (NSLEP 2013)</i> . Commercial premises are permissible with consent in the B3 Zone.	The proposed modification remains permissible within the B3 zone.
Other approvals		

Statutory Relevance	Action	Consistency with Approved Development
<i>Biodiversity Conservation Act 2016</i>	Clause 2 of section 7.9 of the <i>Biodiversity Conservation Act 2016</i> requires a DA for SSD to be accompanied by a Biodiversity Development Assessment Report (BDAR).	<p>A request seeking a waiver for the requirement for a BDAR associated with SSD-10294 was submitted to the NSW DPE on 24 April 2019. This was accompanied by an assessment of the proposal development against the relevant provisions of the <i>Biodiversity Conservation Act 2016</i> and the <i>Biodiversity Conservation Regulation 2017</i>.</p> <p>A BDAR waiver was issued by the NSW DPE and Office of Environmental Heritage on 17 May 2019, thus determining a BDAR was not required as part of the SSD DA.</p> <p>It is understood that DPE is satisfied that the Modification application can rely on the BDAR waiver issued for SSD-10294.</p>

4.2. PRE-CONDITIONS

The relevant pre-conditions to exercising the power to grant approval were outlined in the EIS for the original SSDA and are summarised in **Table 5** below. Given the minor nature of the proposed modification, these matters are not required to be addressed within this report.

Table 5 Pre-conditions

Statutory Reference	Pre-condition
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport & Infrastructure SEPP)</i> - Part 2.3, Division 5 Electricity transmission or distribution, Subdivision 2 Development likely to affect an electricity transmission or distribution networks	The SSDA was subject to Subdivision 2 as development likely to affect an electrical transmission or distribution network. Existing Ausgrid infrastructure was confirmed to be sufficient to accommodate supply the new substations for the OSD, however consultation was undertaken with Ausgrid to determine additional connection locations.
<i>Transport & Infrastructure SEPP</i> - Part 2.3, Division 15 Railways, Subdivision 2 Development in or adjacent to rail corridors	The development is on land adjacent to a rail corridor, and as such pursuant to clause 2.98 of the SEPP the SSDA was referred to TfNSW as the relevant rail authority for the Sydney Metro City & Southwest rail corridor.
<i>Transport & Infrastructure SEPP</i> - Part 2.3, Division 17 Roads and traffic, Subdivision 2 Development in or adjacent to road corridors	Pursuant to clause 2.122 and Schedule 3 of the SEPP, NSW Roads and Maritime Services (RMS) were consulted on the SSDA, with the commercial GFA greater than 10,000sqm.

Statutory Reference	Pre-condition
<i>State Environmental Planning Policy (Industry and Employment) 2021</i> – Chapter 3 Advertising and signage	The SSDA sought consent for indicative signage zones. Clause 3.6 of the SEPP requires that a consent authority must not grant consent to display signage unless it is consistent with the objectives of the policy and complies with the assessment criteria contained within Chapter 1. An assessment of the indicative signage zones against the relevant provisions was included within the SSDA.
<i>Environmental Planning and Assessment Act 1979</i> – Clause 4.24 Concept development consent	Determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site.

4.3. MANDATORY CONSIDERATIONS

Table 6 outlines the relevant mandatory considerations to exercising the power to grant approval which were considered in the original SSDA.

Table 6 Mandatory Considerations

Statutory Reference	Mandatory Consideration	Section in Modification Report
Consideration under the EP&A Act and Regulation		
Section 1.3	Relevant objects of the EP&A Act	Section 7
Section 4.15	Relevant environmental planning instruments	
	<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> – Remediation of Land	N/A
	<i>State Environmental Planning Policy (Industry and Employment) 2021</i> – Advertising and signage	N/A
	<i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</i>	N/A
	<i>North Sydney Local Environmental Plan 2013</i> (NSLEP 2013)	Section 6
	Relevant draft environmental planning instruments	
	<i>Draft State Environmental Planning Policy (Environment)</i>	N/A
	Relevant planning agreement or draft planning agreement	
	None relevant to the proposed development	N/A
	Development control plans	Section 6
	<i>North Sydney Development Control Plan 2013</i> (NSDCP 2013)	
	The likely impacts of that development	Section 7

Statutory Reference	Mandatory Consideration	Section in Modification Report
	Including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.	
	The suitability of the site for the development	Section 7
	The public interest	Section 7
Section 4.24	Concept Approval SSD-17_8874, granted 18 December 2018	Section 6
Section 4.55	<p>The proposed development is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).</p> <p>The proposed development results in minimal environmental impact.</p>	Section 3
Mandatory relevant considerations under EPIs		
NSLEP 2013	<p>Objectives and land uses for B3 Commercial Core Zone</p> <p>Part 4 – Principal development standards</p> <p>Part 5 – Miscellaneous provisions</p> <p>Part 6 – Additional local provisions</p>	Sections 6 & 7
Considerations under other legislation		
<i>Biodiversity Conservation Act 2016</i>	The likely impact of the proposed development on biodiversity values as assessed in the Biodiversity Development Assessment Report (BDAR).	N/A
Development Control Plans		
NSDCP 2013	<p>Clause 2.10 of the Planning Systems SEPP states that development control plans (whether made before or after the commencement of this Policy) do not apply to SSD.</p> <p>As such, there is no requirement for assessment of the proposal against the NSDCP 2013 for this SSDA.</p> <p>Notwithstanding this, consideration has been given to the following provisions:</p> <p>Part C, Section 2 – North Sydney Planning Area</p>	Section 6
Concept Approval		
Concept Approval SSD-17_8874	Consistency of project with concept approval	Section 6

5. ENGAGEMENT

Stakeholder engagement has been undertaken by the Applicant during the preparation of the Modification Report. This included direct engagement and consultation with:

- North Sydney Council
- Department of Planning and Environment
- Sydney Metro.

Meetings were held with North Sydney Council on 31 May and 30 September 2021. A meeting was held with DPE on 26 July 2022.

A summary of the responses to issues raised by stakeholders during the engagement process is provided in

Table 7. Each of the issues has been categorised in accordance with DPE guidelines.

Table 7 Community and Stakeholder Views

Issue	Applicant Response
Strategic Context	
N/A	
Project and Key Alternatives	
<ul style="list-style-type: none"> ▪ Noise impacts on residents 	<ul style="list-style-type: none"> ▪ Out of hours works will be low impact works with noise limited by controls under D5(c) condition or as agreed via the community agreement. (This does not include emergency / Authority directed out of hours works). ▪ A Construction Environment Management Plan (CEMP), prepared for the Secretary's approval, will identify mitigations, including noise and vibration management.
<ul style="list-style-type: none"> ▪ Light impacts on residents 	<ul style="list-style-type: none"> ▪ Out of hours works will not significantly increase lighting to the construction site. Lighting for out of hours activities will be task specific only. Examples of activities requiring light include temporary lighting on the structure to enable finishing of concrete, task lighting within the building to enable fit out/ façade works. Other lighting will be emergency / security lighting which is always on. ▪ The CEMP, prepared for the Secretary's approval will be extended to identify mitigation of light impact on residents.
<ul style="list-style-type: none"> ▪ Road closures impact on residents ▪ Impact on traffic considering multiple development occurring concurrently in the precinct 	<p>The out of hours works framework specifically looks to improve the project's impact on traffic and residents (road closures and generally) by, under proposed D5(e) condition, allowing for activities to be carried out outside of hours that would have otherwise resulted in a high risk to road network operational performance.</p>

Issue	Applicant Response
<ul style="list-style-type: none"> Impact of continuous work and importance of respite periods 	<ul style="list-style-type: none"> Community agreements for out of hours works would include agreements for respite periods in respect of intrusive noisy works. The CEMP, prepared for the Secretary's approval will identify mitigations including the specific respites where required.
<ul style="list-style-type: none"> Why exception to working hours limitations required and proposal benefits to residents 	<ul style="list-style-type: none"> The Victoria Cross building is unique given it is an integrated station development (ISD) project. The station works (below Level 4) already has an out of hours framework in place which has been agreed under the CSSI approval. The proposal seeks to extend this out of hours arrangement for the over station development works (Level 4 to Level 41) given the over station development works are integrated and will be built concurrently with the station works. The proposal would provide: <ul style="list-style-type: none"> a precinct management approach continuity for community and stakeholders an efficient construction program (including fit out works) - this is an essential requirement for Sydney Metro, ensuring that the majority of high-risk activities are complete in time for station opening. An efficient program will also provide relief for neighbours sooner an ability to manage high-risk activities within a safer period that minimises risk and inconvenience to traffic and passers-by. The framework for out of hours work is constructed in a way to ensure impact to the community is carefully considered and meaningful community consultation would be carried out. The following contribute to this: <ul style="list-style-type: none"> CEMP - Construction Environment Management Plan CNVIS - Construction Noise and Vibration Impact Statement CCS - Community Communications Strategy Community agreement for out of hours.
<ul style="list-style-type: none"> Plan of sensitive receivers, access points, key areas of work and proposed activities to be provided 	<p>Provided to North Sydney Council at the meeting on 30 September 2021 and consistent with that identified in reporting supporting the SSDA approval.</p>
<ul style="list-style-type: none"> Summary of community agreement process for the out of hours activities to be provided 	<ul style="list-style-type: none"> The community agreement process for the out of hours activities would be the same as that carried out for the station works.

Issue	Applicant Response
	<ul style="list-style-type: none"> ▪ The Victoria Cross ISD (VCISD) Stakeholder and Community Liaison team practice advanced notice and proactive engagement with the local community. ▪ The VCISD community agreement process is as follows: <ul style="list-style-type: none"> – identify properties for consultation – demonstrate three attempts with all stakeholders via different methods, including: <ul style="list-style-type: none"> • door knocks • phone calls • meetings with body corporate • email follow ups. – achieve 65% agreement from surrounding community – review agreement with stakeholders every six months.
Statutory Issues	
N/A	
Future Community Engagement	
N/A	
EIS Matters	
<ul style="list-style-type: none"> ▪ Lendlease to include definition of out-of-hours activities in modification application. 	Included at Appendix B .
<ul style="list-style-type: none"> ▪ Lendlease to address how out-of-hours traffic and noise would be managed (including considering the activities of neighbouring developments) in the modification application. 	Please see Section 6, Appendix D and E .
<ul style="list-style-type: none"> ▪ Lendlease to review the sensitive receivers' criteria for OSD works, especially in context of after-hours works and include an update of sensitive receivers in the modification application where relevant. 	Included at Appendix D and E .
<ul style="list-style-type: none"> ▪ Lendlease to make clear in the modification application amendments sought in relation 	Please see Section 3 and Appendix A .

Issue	Applicant Response
to clarifications on the architectural plans.	
Beyond Scope or Issues Not Relevant to Project	
N/A	

6. ASSESSMENT OF IMPACTS

This section provides a comprehensive summary of the updated technical studies undertaken to assess the potential impacts of the proposed modifications and the updated mitigation, minimisation and management measures recommended to avoid unacceptable impacts.

The detailed technical reports and plans prepared by specialists and appended to the Modification Report are individually referenced within the following sections.

6.1. ASSESSMENT OF IMPACTS

This section of the report addresses the matters which require a standard assessment. It outlines the findings of the assessment and the key mitigation measures used to ensure compliance with the relevant standards or performance measures.

6.1.1. Built Form and Urban Design

The proposed built form modifications are detailed in the Architectural Plans (**Appendix A**) prepared by Bates Smart.

Potential Impacts

The modification proposes minor amendments to the tower façade at upper levels. The modification with the potential for the greatest built form impact is the introduction of an additional window at Level 27. The introduction of additional glazing is not considered to have any impact on the approved design intent of the façade design. The design principles for the articulation of the facades will remain as approved, particularly in relation to vertical and horizontal expressions. The proposed glazing will be of the same materials as approved.

Other design modifications relate to the height of balustrade at the Level 29 terrace and louvers and fins at roof and roof parapet level. These modifications will not have any impact on the overall built form and design when viewed from public domain surrounding the site. The proposed modification will maintain the approved design principles for the tower roof form and the building's appearance in the North Sydney skyline. These modifications will also be of the same selection of materials as approved.

In accordance with the vision for the site established through the SSDA, the proposed modification will continue to deliver a landmark development which seamlessly interacts with the Sydney Metro public infrastructure. The proposed development delivers a built form that is responsive to the context of the existing and future desired character of the site and the surrounding area of the North Sydney CBD. The design responds to the site-specific constraints and opportunities of the site and features of the surrounding area which are evolving over time. The orientation, height, setbacks, street walls, activation and articulation of the proposed development will continue to integrate with the context of the existing and future desired character of the site and North Sydney CBD as approved.

6.1.2. Transport and Accessibility

The type of construction activities proposed to be undertaken as part of the proposed amendment to condition D5 are set out in the Construction Management Information prepared by Lendlease (**Appendix B**).

Potential Impacts

In relation to construction traffic management, any potential traffic impacts associated with the proposed amendment to works permitted out of hours will be managed under the approved Construction Management Plan for the development (doc ref. SMCSWSVI-LLC-SVC-CM-PLN-000153). The Construction Management Plan sets out provisions in relation to pedestrian and traffic management and stakeholder management and communication. As such, any potential construction traffic and pedestrian impacts in relation to the proposed modification will be adequately managed through the existing approved construction management measures.

In relation to operational traffic and accessibility, this is assessed in **Section 6.2** below.

6.1.3. Noise and Vibration

A Construction Noise & Vibration Management Plan prepared by Wilkinson Murray is provided at **Appendix D**, a Construction Noise & Vibration Impact Statement prepared by RWDI is provided at **Appendix E** and an Acoustic Memorandum prepared by RWDI is provided at **Appendix F**.

The objectives of the Construction Noise & Vibration Management Plan (**CNVMP**) are to minimise unreasonable noise and vibration impacts on residents and businesses, and to avoid structural damage to buildings or heritage items as a result of construction vibration. The plan aims to support active community communication and maintain positive, cooperative relationships with schools, childcare centres, local residents and building owners. The CNVMP will be updated to address SSD aspects prior to construction.

The Construction Noise & Vibration Impact Statement (**CNVIS**) has been prepared in accordance with construction noise requirements detailed in the CNVMP. The CNVIS assessed construction noise and vibration impacts, including specific mitigation measures identified through consultation with affected sensitive receivers.

Potential Impacts

The CNVMP and CNVIS assesses airborne construction noise, groundborne construction noise and vibration and construction road traffic noise. The CNVMP and CNVIS find that expected noise and vibration impacts can be effectively managed with the mitigation measures proposed. Overall the CNVMP finds that:

- Construction traffic noise is expected to be no more than 2 dB above current traffic noise levels.
- Construction vibration is expected to comply with human comfort values nominated in this assessment and on this basis the risk of building damage (even cosmetic) is negligible to all building structures including heritage.
- Groundborne noise is expected to exceed criteria at a limited number of receivers. These exceedances may be generally managed with Letterbox Notifications, with additional mitigation potentially required for Channel 9.
- Airborne noise is expected exceed criteria at several receivers, however, no specific additional mitigation measures are required for residential receivers within standard hours. Exceedances at non-residential receivers may be managed with Letterbox Notifications and Monitoring.
- Based on the findings of the assessment within this CNVMP, Lendlease undertook specific consultation on noise and vibration management and respites with the following receivers prior to construction noise and vibration impacts commencing:
 - 1 Dension Street, North Sydney (Channel 9)
 - 176 Walker Street, North Sydney (Wenona School)
 - 128 Miller Street, North Sydney (Monte Sant' Angelo College)
 - 243 Miller Street, North Sydney (residence).

Overall, the CNVIS finds that:

- Results indicate that airborne noise impacts from these out of standard hours works will likely exceed the established Noise Management Levels at various times. Additional mitigation measures are proposed to manage this for residential receivers.
- Exceedances at non-residential receivers may be managed with letterbox notifications and monitoring.
- Sleep disturbance impacts have been assessed and are predicted to be generated by deliveries and power tools mainly during the last two stages of construction. Exceedances are expected to be minor and can be efficiently managed.
- Construction vibration is expected to comply with human comfort values nominated in this assessment and on this basis the risk of building damage (even cosmetic) is negligible to all building structures including heritage-listed structures.

Mitigation Measures

The CNVMP and CNVIS set out standard and additional mitigation measures to appropriately manage the potential noise and vibration impacts of the proposal for additional out of hours construction activities in accordance with the *NSW Interim Construction Noise Guideline*.

6.1.4. Amenity

The Environmental Impact Statement for SSD-10294 included an assessment of the potential impacts of the proposed development in relation to visual privacy, solar access and overshadowing.

Potential Impacts

The proposed minor design amendments to the built form will not result in any material change in impacts in relation to amenity. The proposed design amendments do not increase the overall height of the building and the additional window proposed will not impact on the amenity of local residents.

Regarding potential amenity impacts in relation to noise and vibration, refer to **Section 6.1.3** above.

6.2. MINOR ASSESSMENT IMPACTS

Table 8 summarises the matters which required a minor assessment of the proposal as modified.

Table 8 Minor Assessment Impacts

Issue	Findings	Mitigation Measures
Consistency with Stage 1 Concept Approval	<p>The Stage 1 Concept Approval as modified (SSD-8874 MOD1) gives consent for the Victoria Cross Over Station Development including:</p> <ul style="list-style-type: none"> a maximum building envelope, including street-wall and setbacks for the over station development a maximum building height of RL 230, or 168 metres a maximum gross floor area (GFA) of 61,500m², excluding station floor space basement car parking for a maximum of 150 parking spaces. <p>The proposed minor modifications maintain consistency with the Concept Approval.</p>	N/A
Land Use and Gross Floor Area	No change to the approved land use or gross floor area is proposed by the modification application, as such any associated impacts will remain as approved.	N/A
Design excellence	In relation to conditions B5 and B6 of SSD-10294, DPE confirmed on 2 August 2022 that the proposed design changes do not require review by the DRP as they would not have an impact on the Design Excellence elements of the approved development (Appendix H).	N/A

Issue	Findings	Mitigation Measures
Integration with Sydney Metro Infrastructure	The proposed modifications will not make any material change to the integration of the OSD with the Sydney Metro infrastructure. As such, any associated impacts will remain as approved.	N/A
Ecologically Sustainable Development (ESD)	The proposed installation of solar panels on the tower roof as part of the modification application are to benefit to the ESD impacts of the development. In accordance with conditions of consent B21 and F16, the development will continue to achieve a minimum of a 6 Star Green Star As-Built rating.	N/A
Heritage	The proposed minor amendments will not have any material impact on the heritage impacts of the proposed development as approved.	N/A
Utilities	The proposed minor amendments will not have any material impact in relation to utilities and any associated impacts of the proposed development as approved.	N/A
Public Benefit and Contributions	The proposed minor amendments will not have any impact on the approved public benefits and contributions of the development.	N/A
Prescribed Airspace for Sydney Airport	The modification application does not include any proposed increase height to the proposal and therefore there will be no impact in relation to the airspace approval.	N/A
Biodiversity	It is understood that DPE is satisfied that the Modification can rely on the BDAR waiver issued for SSD-10294 on 17 May 2019.	N/A

6.3. MINIMAL ENVIRONMENTAL IMPACT

Section 4.55(1A) of the EP&A Act requires that, an application to modify a consent under this part, demonstrate that it results in minimal environmental impact. As detailed in **Section** Error! Reference source not found. of this report, the proposal has been accompanied by various consultant reports each attached in the appendix of this report that consider the impacts of the proposed modification.

It is concluded that from the above and accompanying technical reports, the proposed modification is considered to give rise to only a minimal environmental impact in accordance with 4.55(1A) of the EP&A Act.

7. JUSTIFICATION OF MODIFIED PROJECT

This section of the report provides a comprehensive evaluation of the modified proposal having regard to its economic, environmental and social impacts, including the principles of ecologically sustainable development.

It assesses the potential benefits and impacts of the proposed modifications, considering the interaction between the findings in the detailed assessments and the compliance of the proposal within the relevant controls and policies.

7.1. PROJECT DESIGN

The design of the proposed modification has been carefully considered to ensure any potential impacts of the development are minimised. The proposed modification seeks to meet the objectives of the project in relation to optimising the use of the site to create a world-class commercial office tower with flexible floorplates that can meet the needs of diverse tenants. The proposal supports the strategic objectives for the North Sydney CBD by providing additional employment floor space to strengthen the role and presence of North Sydney as a major commercial centre and providing a high-quality built form which sits harmoniously within its context.

The proposed modifications result in minor design amendments that would be largely imperceptible from the public domain. The proposal remains consistent with the approved design under SSD-10294 and the Concept Approval.

7.2. STRATEGIC CONTEXT

The development as modified is entirely consistent with the strategic context including *A Metropolis of Three Cities*, *North District Plan*, *Future Transport Strategy 2056* and *Better Placed Design Policy*.

7.3. STATUTORY CONTEXT

The relevant State and local environmental planning instruments are outlined in **Section 4**. The assessment concludes that the modified proposal complies with the relevant provisions within the relevant instruments.

7.4. LIKELY IMPACTS OF THE MODIFIED PROPOSAL

The modified proposal has been assessed considering the potential environmental, economic and social impacts as outlined below:

- **Natural Environment:** the proposed modifications address the principles of ecologically sustainable development (**ESD**) in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2021 (the Regulations)* and as outlined below:
 - Precautionary principle: the precautionary principle relates to uncertainty around potential environmental impacts and where a threat of serious or irreversible environmental damage exists, lack of scientific certainty should not be a reason for preventing measures to prevent environmental degradation. The development as modified will not result in any threat of serious environmental damage or degradation.
 - Intergenerational equity: the needs of future generations are considered in decision making and that environmental values are maintained or improved for the benefit of future generations. The proposal maintains the environmental values as approved.
 - Conservation of biological diversity and ecological integrity: The development as modified will not have any unacceptable impacts on the conservation of biological diversity and ecological integrity.
 - Improved valuation, pricing and incentive mechanisms: this requires the holistic consideration of environmental resources that may be affected as a result of the development including air, water and the biological realm. It places a high importance on the economic cost to environmental impacts and places a value on waste generation and environmental degradation. The development will not have any unacceptable environmental impacts in relation to air quality, water quality or waste management.

- **Built Environment:** the proposed modification will continue to deliver a built form that is responsive to the context of the existing and future desired character of the site and the surrounding area of the North Sydney CBD. The design responds to the site-specific constraints and opportunities of the site and features of the surrounding area which are evolving over time. The orientation, height, setbacks, street walls, activation and articulation of the proposed development will continue to integrate with the context of the existing and future desired character of the site and North Sydney CBD as approved.
- **Social:** the proposed modifications will not have any negative social impacts on the basis of the proposed management and mitigation measures outlined in the CNVMP and CNVIS. The proposed modification seeks to improve the overall management of the Victoria Cross construction process.
- **Economic:** the proposed modification will have a positive economic impact through maximising the useability and flexibility of the commercial office space for a wide range of tenants.

The potential impacts can be mitigated, minimised or managed through the measures discussed in detail within **Section 6**.

7.5. SUITABILITY OF THE SITE

The site is considered highly suitable for the modified proposal for the following reasons:

- The project is consistent with the NSW Government and North Sydney Council policies for the site and surrounding area and the NSLEP 2013.
- The proposal is permissible in the B3 Commercial Core zone pursuant to the NSLEP 2013 and delivers 61,500sqm of additional A-grade commercial floor space within the commercial core of the North Sydney CBD to facilitate employment generation in proximity to future transport infrastructure.
- The proposal maximises integration with the new Sydney Metro Victoria Cross Station, leveraging significant NSW government investment in public transport to the site.
- The OSD tower is compatible with the scale of the surrounding existing and future built form typology which currently comprises a mix of medium to high rise commercial office buildings.
- The proposal contributes to the viability of the North Sydney CBD by providing a landmark development which compliments and strengthens the commercial core.

7.6. PUBLIC INTEREST

The development as modified is considered in the public interest for the following reasons:

- The project supports the concept of the '30 minute' city envisioned within State and Regional strategic planning policy by locating a commercial premise proximate to public transport infrastructure.
- The proposal provides significant employment opportunities in the short-term through construction (430-450 jobs) and in the long-term during ongoing operation (4,900 jobs).
- The design of the proposal supports an activated public domain at both day and night with improved pedestrian connectivity and access to new commercial and retail opportunities (shops, bars, cafes, restaurants etc.).
- The detailed design maintains solar access to nearby Special Areas including Miller Street and Greenwood Plaza Special Areas and Brett Whiteley Plaza. Further, the proposal does not pose any unreasonable impacts to the solar amenity of residential properties outside of the CBD.
- The detailed design respectfully integrates with adjacent significant local heritage items such as the MLC Building and Rag & Famish Hotel.
- The detailed design provides an activated podium and public domain which affords increased natural surveillance to ensure minimised anti-social and criminal behaviour within the locality.

Having considered all relevant matters, we conclude the development as modified is appropriate for the site and approval is recommended.

DISCLAIMER

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A

ARCHITECTURAL PLANS

APPENDIX B

CONSTRUCTION MANAGEMENT INFORMATION

APPENDIX C

ENVIRONMENT, HEALTH & SAFETY MANAGEMENT PLAN

APPENDIX D

CONSTRUCTION NOISE & VIBRATION MANAGEMENT PLAN

APPENDIX E

CONSTRUCTION NOISE & VIBRATION IMPACT STATEMENT

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ACOUSTIC MEMORANDUM

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CONDITION A2 TERMS OF CONSENT

APPENDIX H

CONDITION B6 APPROVAL

APPENDIX I

OSD AREA SCHEDULE

