

The background of the entire page is a detailed architectural rendering of the proposed Sydney Metro Victoria Cross Over Station Development at night. The central focus is a tall, modern skyscraper with a distinctive facade of vertical glass and metal panels, illuminated from within. It stands prominently against a dark blue twilight sky. To the right, another tall building is visible, and in the distance, the Sydney Harbour Bridge and city skyline can be seen. The foreground shows a busy urban intersection with a multi-lane road, pedestrian crossings, and surrounding buildings, all rendered with realistic lighting and shadows to show the building's integration into the city environment.

SYDNEY METRO VICTORIA CROSS OVER STATION DEVELOPMENT

CONCEPT SSD DA MODIFICATION APPLICATION PLANNING REPORT

OCTOBER 2019

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Stephen White
Associate Director	Ashleigh Ryan
Consultant	Jack Kerstens
Project Code	P7580
Report Number	Final_Planning Report

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DECLARATION

SUBMISSION OF PLANNING REPORT

This planning report has been prepared generally in accordance with Schedule 2 of the *Environmental Planning and Assessment Regulations 2000*.

Planning Report prepared by:

Name	Stephen White (Director) Master of Urban Development and Design, University of NSW Bachelor of Science (Economy Geography) (Hons), University of NSW Ashleigh Ryan (Associate Director) Bachelor of Planning (Hons 1), University of NSW Jack Kerstens (Consultant) Bachelor of Regional and Town Planning (Hons), University of Queensland, QLD
Address	Urbis Pty Ltd, Angel Place, Level 8, 123 Pitt Street, Sydney NSW 2000

Applicant and Land Details:

Applicant	Lendlease (Victoria Cross) Pty Limited C/- Urbis Pty Ltd
Address	C/- Angel Place, Level 8, 123 Pitt Street, Sydney NSW 2000
Land Details	<ul style="list-style-type: none">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 (Lot A/DP 160018)189 Miller (lot 1/DP 1230458)Formerly part 65 Berry Street (Lot 1/DP 1230458)
Project	Section 4.55(2) modification to the State Significant Development Concept Approval (SSD 17_8874) for a commercial mixed-use Over Station Development above the new Sydney Metro Victoria Cross Station.

Declaration:

I/We certify that the contents of the planning report, to the best of our knowledge, has been prepared as follows:

- In accordance with the requirements of the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (State and Regional Development) 2011;
- Containing all available information that is relevant to the environmental assessment of the development, activity or infrastructure to which the statement relates; and
- The information contained in this report is true in all material particulars and is not misleading.

Name	Stephen White, Director	Ashleigh Ryan, Associate Director	Jack Kerstens, Consultant
Signature			
Date	29 August 2019	29 August 2019	29 August 2019

GLOSSARY AND ABBREVIATIONS

Abbreviation	Meaning
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
CMP	Construction Management Plan
Consent	Development Consent
Council	North Sydney Council
CPTED	Crime Prevention Through Environmental Design
CSMP	Construction and Site Management Plan
CSSI	Critical State Significant Infrastructure
CTMP	Construction Traffic Management Plan
DA	Development Application
DPE	NSW Department of Planning and Environment (Title of NSW Department of Planning, Industry and Environment prior to 1 July 2019)
DPIE	NSW Department of Planning, Industry and Environment
DRP	Design Review Panel
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPA	NSW Environment Protection Authority
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i>
ESD	Ecologically Sustainable Design
GANSW	NSW Government Architect's Office
GFA	Gross Floor Area
HIA	Heritage Impact Assessment
IAP	Interchange Access Plan
LGA	Local Government Area
NCC	National Construction Code
NSDCP	<i>North Sydney Development Control Plan 2013</i>
NSLEP	<i>North Sydney Local Environmental Plan 2013</i>

Abbreviation	Meaning
OSD	Over Station Development
PIR	Preferred Infrastructure Report
RMS	Roads and Maritime Services
SEARs	Secretary's Environmental Assessment Requirements
SDPP	Station Design and Precinct Plan
SEPP	State Environmental Planning Policy
SEPP 55	<i>State Environmental Planning Policy No.55 – Remediation of Land</i>
SEPP 64	<i>State Environmental Planning Policy No. 64 – Advertising and Signage</i>
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development
TfNSW	Transport for New South Wales
Urbis	Urbis Pty Ltd
WSUD	Water Sensitive Urban Design

EXECUTIVE SUMMARY

This planning 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 (**SEARs**) dated 30 November 2017 included at **Appendix A** and should read in conjunction with the supporting technical documents provided at **Appendix B – Appendix Q**.

This report has been prepared in accordance with the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and provides an assessment of the proposed modification against the relevant considerations contained within Section 4.55(2) of the EP&A Act.

SYDNEY METRO

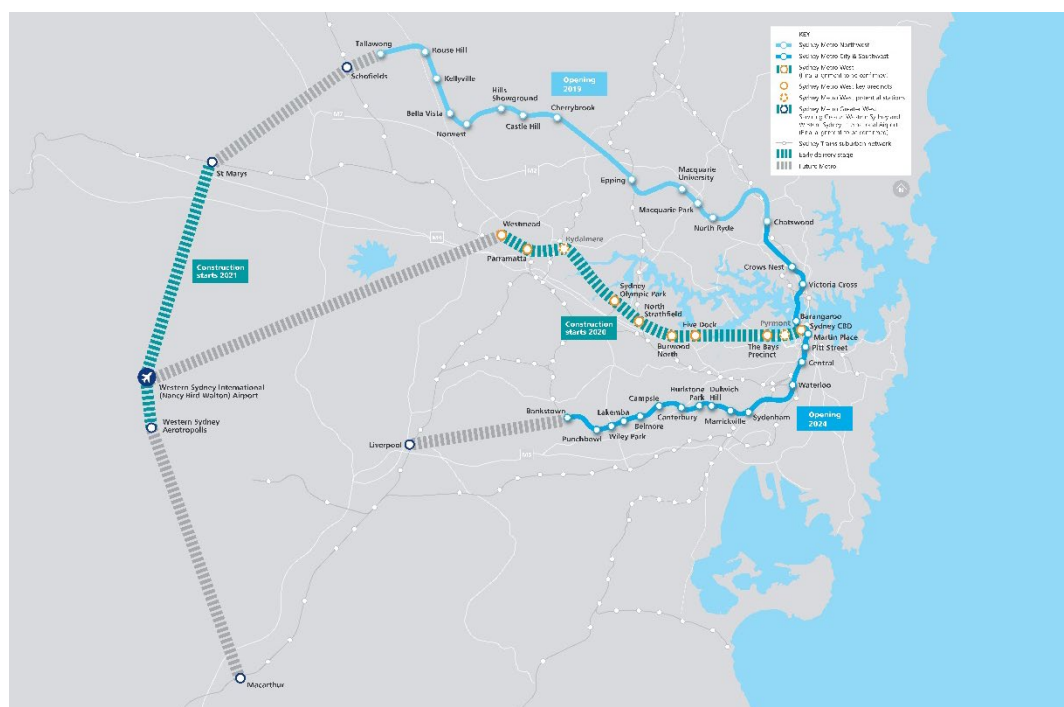
Sydney Metro is Australia's biggest public transport project. Services started in May 2019 in the city's North West with a train every four minutes in the peak. Metro rail will be extended into the CBD and beyond to Bankstown in 2024. There will be new metro railway stations underground at Crows Nest, 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 66 km 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 1 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 improvements with the metro station structure for appropriate integration with the OSD.

With regards to CSSI related works, any changes to the “metro box envelope” and public domain will be pursued in satisfaction of the CSSI conditions of approval and do not form part of the scope of the Concept SSD DA for the OSD.

Figure 1 – Sydney Metro Alignment Map



Source: Sydney Metro

THE PROPOSAL

The Minister for Planning granted development consent to the Concept SSD Development Application (**DA**) (SSD 17_8874) 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.

Sydney Metro appointed Lendlease (Victoria Cross) Pty Ltd (**Lendlease**) as the preferred development partner to deliver the Victoria Cross Station OSD. As a result of ongoing design development between Lendlease and Sydney Metro minor modifications to the approved building envelope are now required to respond to functional brief requirements and recommendations of the design excellence process.

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

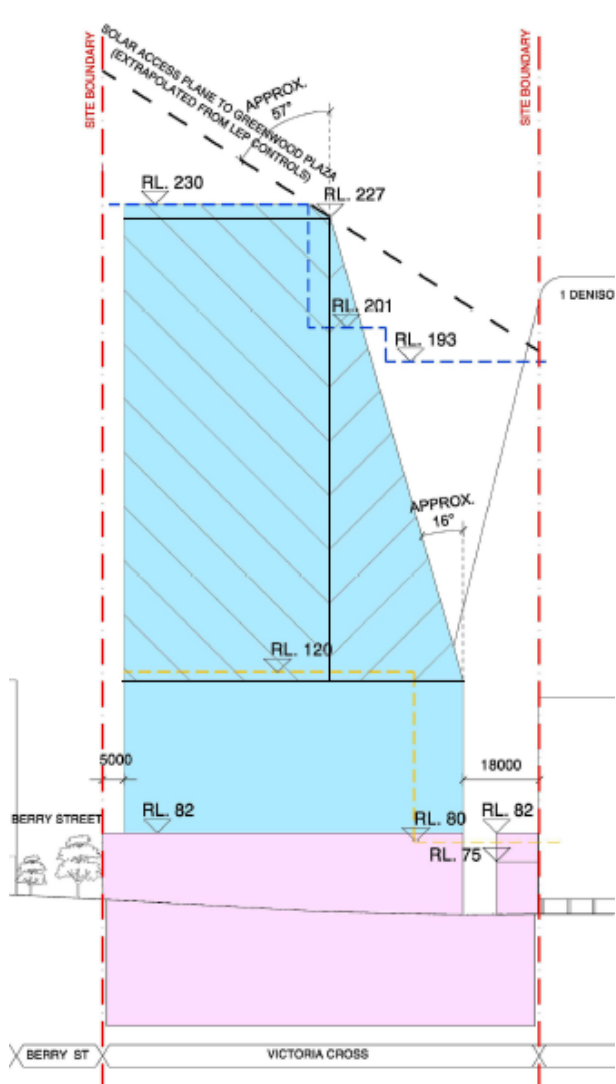
- Reduction in the massing and overall dimensions of the building cantilever above the Miller Street special area setback;
- Relocation of building massing from the low-rise levels of the tower, north of the through-site link, to the high-rise levels of the tower;
- Reduction of the Berry Street setback from 5 metres to 4.5 metres, extending the building envelope marginally to the north; and
- Increase in the total GFA permitted for the OSD to 61,500 sqm.

It is noted that the Concept SSD DA instrument of approval does not approve any physical works commencing on 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.

The proposed modifications to the OSD building envelope are illustrated in **Figure 2**. The building envelope drawings as proposed to be modified denote the Victoria Cross Station CSSI approved works or “metro box” in pink, whereas the OSD envelope is shown in light blue.

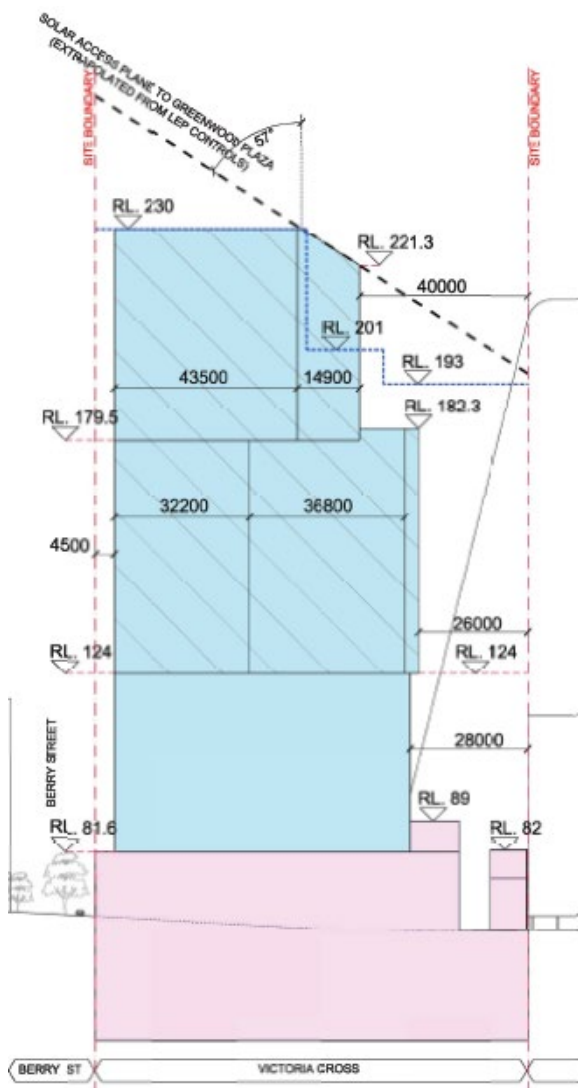
It is noted that some minor changes have occurred within the pink CSSI “metro box” component. These changes have been approved through the ‘consistency assessment’ process under the CSSI Approval and are not within the scope of this modification to the OSD building envelope (see **Figure 2**).

Figure 2 – Concept Building Envelope Modification (Western Elevation)



Picture 1 – Approved Building Envelope

Source: Bates Smart



Picture 2 – Modified Building Envelope

Source: Bates Smart

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)

References within this report to the Sydney Metro Victoria Cross Station site relate to the Sydney Metro Victoria Cross Station southern site only. This concept SSD DA modification application does not relate to the Sydney Metro Victoria Cross Station northern site located on the north eastern corner of the MacLaren Street and Miller Street intersection.

PLANNING CONTEXT

The EP&A Act establishes the assessment framework for SSD, and Section 4.36 indicates that a state environmental planning policy may declare a development to be SSD. The *State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)* identifies development that is SSD, SSI (including critical) and regionally significant development. As the proposal is for the purposes of a 'commercial premises' associated with railway infrastructure and has a capital investment value (**CIV**) of more than 30 million, it is classified as SSD pursuant to clause 19(2), Schedule 1 of the SRD SEPP.

The Minister for Planning, or their delegate, is the consent authority for the SSD DA. Accordingly, this modification application is lodged with the NSW Department of Planning, Industry and Environment (NSW DPIE) for assessment under Section 4.55(2) of the EP&A Act.

Section 7 of the planning report considers all applicable strategic and statutory planning legislation in detail.

KEY PLANNING ASSESSMENT

This planning report responds to the SEARs requirements issued for the development (refer **Section 1.6**) and provides an assessment of the relevant planning instruments, policies and guidelines and demonstrates that the proposal does not result in any unreasonable environmental impacts.

The assessment demonstrates that the impacts resulting from the proposed development are commensurate with the impacts resulting from the originally approved development. Specifically, the proposed modifications to the Concept Approval are considered reasonable because:

- The project remains consistent with NSW Government and North Sydney Council policies including the Greater Sydney Region Plan, the North District Plan and recent amendments to North Sydney Local Environmental Plan 2013.
- The proposed modifications remain generally compliant with key development standards pertaining to bulk, density and scale.
- The proposed modifications reduce the bulk and scale of the building from the Miller Street Special Area, the through-site link, and Denison Street.
- The proposal enhances appreciation of existing built heritage compared to the approved scheme by increasing separation to the adjacent MLC local heritage building.
- The project will continue to provide a range of benefits to the region and State as a whole through the provision of additional significant commercial floor space within the OSD to facilitate employment generation with excellent access to public transport and services.
- The modified envelope results in largely reduced visual and view impact to surrounding residents and public open spaces within the vicinity of the site.
- The modified envelope does not result in a net increase in overshadowing to Special Areas and Public Recreation zones such as the Miller Street Special Area, Greenwood Plaza and Brett Whiteley Plaza. Furthermore, the proposal does not pose any additional unreasonable impacts to the solar access of nearby residential properties.
- The project remains suitable for the site maximising integration with the new Sydney Metro Victoria Cross Station, leveraging significant NSW government investment in public transport to the site.

In light of the above, the project remains in the public interest providing significant benefits from the proposed development, and therefore it is considered that the modified OSD building envelope should be approved.

1. INTRODUCTION

1.1. OVERVIEW

This planning 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 (**SEARs**) dated 30 November 2017 as discussed with the Department of Planning, Industry and Environment (DPIE) on 18 March 2019 (see **Section 5.2**).

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 of the tower, north of the through-site link, to the high-rise levels of the tower, increasing the setback of the tower from the MLC building by 10 metres;
- Reduction of the Berry Street setback from 5 metres to 4.5 metres, extending the building envelope marginally to the north; and
- Increase in the total GFA permitted for the OSD to 61,500 sqm.

It is noted that the Concept SSD DA instrument of approval does not approve any physical works commencing on 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. STRATEGIC PROJECT NEED

As identified in the *Greater Sydney Region Plan* (2018), Sydney's population is forecast to grow to eight million by 2056. Sydney Metro responds to the transport demand that will accompany this growth with its plan to deliver a new standalone railway with 31 stations and more than 66 kilometres of new rail. Once completed, Sydney Metro, along with other signalling and infrastructure upgrades across the existing networks, will increase the capacity of Sydney's train services from approximately 120 per hour today up to 200 services beyond 2024 – a 60 per cent increase resulting in an extra 100,000 train customers per hour in the peak. The project was endorsed by the NSW Government as a key component of *Sydney's Rail Future: Modernising Sydney's Trains* (2012) and is a committed initiative within the *Future Transport Strategy 2056*.

Victoria Cross Station is a key new station on the Sydney Metro network. This station will provide a new focal point for the North Sydney CBD, extending the rail catchment north within the North Sydney CBD and

reducing overcrowding at North Sydney Station. The station will also improve access to North Sydney's highly-skilled job market and education facilities and improve pedestrian access in the area.

The modification application facilitates the lodgement of the Detailed SSD DA which capitalises on the introduction of Sydney Metro by providing for a commercial tower integrated with the future Victoria Cross Station. Additional commercial uses in this location will strengthen North Sydney's role as a primary office market in an internationally competitive Sydney and will align with a key action in the *North District Plan* by maximising the land use opportunities provided by the new Victoria Cross Station.

The modification application also supports the Detailed SSD DA which responds to the need for revitalisation of the commercial stock in North Sydney CBD. As detailed in Urbis' recent *North Sydney Commercial Centre Study* (2015) prepared for North Sydney Council, the ageing office accommodation and an increase in the standard thresholds for office accommodation grades have combined to diminish the level of prime quality stock in the North Sydney Centre. Without the renewal of the commercial office stock, there is a risk that the overall quality of the North Sydney office market will deteriorate over time and diminish North Sydney's role as one of Sydney's prime office markets. The detailed proposal and associated modification application respond positively to this issue by providing the framework for a world-class office building in an ideal location directly above future high-frequency public transport.

The modification application's consistency with key strategic plans, strategies and policies is discussed in detail in **Section 7** of this EIS.

1.3. NEED FOR THE MODIFICATION

The modification application to the approved Concept SSD DA 8874 (building envelope) forms part of a broader planning process to realise the vision for an Integrated Station Development at the subject site. The proposed building envelope amendment sought within the modification application seeks to facilitate the following outcomes:

- Maximise integration of the OSD with the new Victoria Cross Metro Station and associated public realm areas, improving connectivity for the surrounding community living, working or visiting the site;
- Reduce elements of the approved building envelope's massing which conceal the retail laneway;
- Relocate commercial floor space in the southern portion of the site (above retail laneway) to the top of the tower to provide higher amenity for visitors to and occupants of both the retail floor space and commercial floor space;
- Ensure enhanced appreciation of existing built heritage by increasing separation to the adjacent MLC heritage building;
- Improve intuitive wayfinding through defining built form elements;
- Maximise solar access to the metro, through-site link (retail laneway) and surrounding significant public open space areas; and
- To achieve design excellence in accordance with the endorsed Design Excellence Strategy prepared in accordance with Condition A28 of the Concept SSD DA.

The proposed modification provides a positive contribution to the subject site, delivering on its vision to transform North Sydney CBD by creating a functional landmark development that acts as a 'new public heart' and exhibits architectural design excellence which is centred around the Sydney Metro Victoria Cross Station.

1.4. OVERVIEW OF THE MODIFICATION

The modification application seeks changes to the description of the proposed development, approved OSD building envelopes referenced in Condition A2 and Condition A17, and the maximum GFA permitted for the OSD within Condition A18.

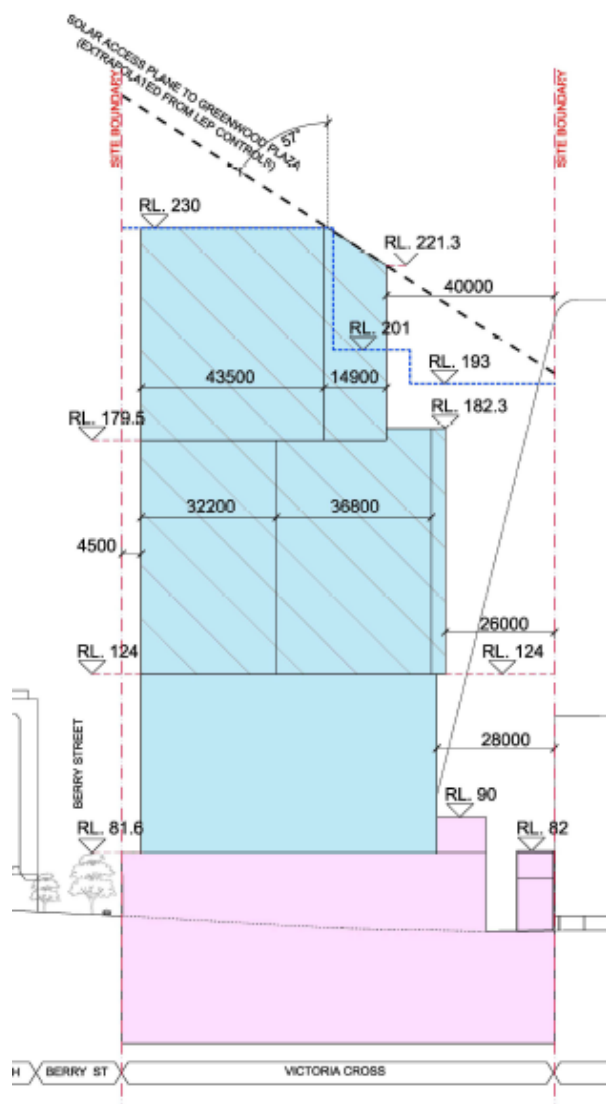
No changes are proposed within this modification application to the approved maximum height of the building envelope at RL 230, approved indicative land uses, strategies for design excellence, or Part B of the consent for conditions to be satisfied in future detailed DA(s).

The proposed modifications to the approved building envelope can be summarised as:

- 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 of the tower to the high-rise levels of the tower. Specifically, additional setbacks and lower building forms are proposed to the through-site link and Denison Street.
- Reduction of the Berry Street setback from 5 metres to 4.5 metres, extending the building envelope marginally to the north.
- Lowering of the base of the tower by 400mm from RL 82 to RL 81.6.

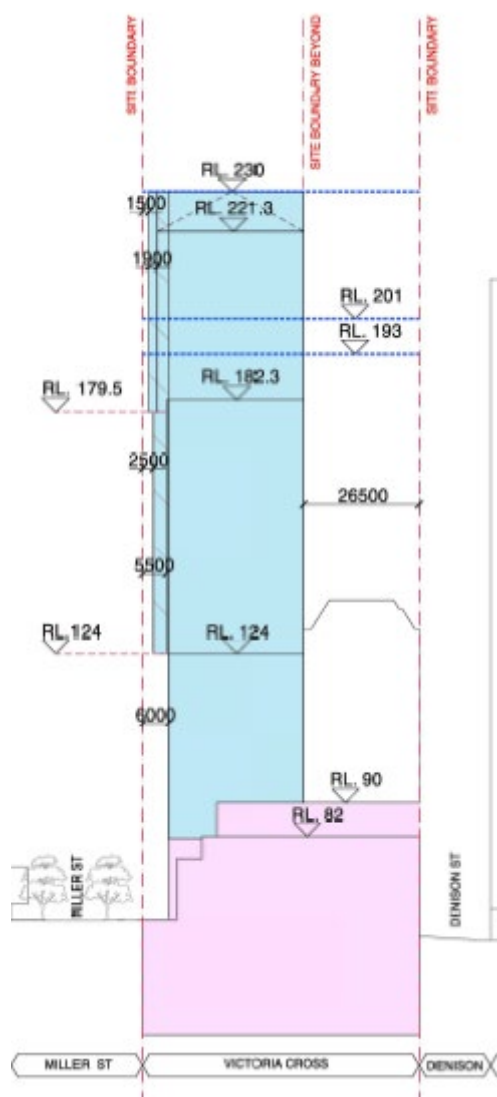
The OSD building envelopes as proposed to be modified are included at **Figure 3** below.

Figure 3 – Building envelope as proposed to be modified



Picture 3 – Proposed Western Elevation

Source: Bates Smart



Picture 4 – Proposed Southern Elevation

Source: Bates Smart

1.5. REPORT STRUCTURE

This planning report provides the following:

- A description of the site and surrounding context, including identification of the site, existing development on the site and surrounding development;
- A description of the consultation undertaken with respect to the proposal and proposed amendments to the approved envelope;
- A detailed description of the proposed modifications to the approved development;
- A justification for the modification;
- An assessment of the development as proposed to be modified against the **relevant strategic and statutory planning controls**; and
- An assessment of environmental and community impacts of the proposed modifications and the proposed mitigation measures.

1.6. SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

This report has been prepared having regard to the SEARs dated 30 November 2017 (**Appendix A**). Specifically, this report provides a response to the following relevant requirements.

Table 1 – Summary of SEARs Requirements

Relevant Secretary Requirement	Section Addressed
1. Environmental Planning Instruments, Policies and Guidelines	Section 7
2. Land Use, Gross Floor Area and Floor Space Ratio	Section 8.1 ; Urban Design Report at Appendix C ; and as outlined within the concurrent Detailed SSD DA (SSD-10294) which seeks consent for the construction of the development
3. Design Excellence	Section 8.5 ; Endorsed Design Excellence Strategy at Appendix Q
4. Built Form and Urban Design	Section 8.1 ; Urban Design Report at Appendix C
5. Integration with Sydney Metro Station infrastructure	Section 4.4 ; Section 8.4
6. Amenity	<p>Solar Access and Overshadowing: Section 7.2.4; Section 8.3; Urban Design Report at Appendix C</p> <p>View impact: Section 8.2; Visual and View Impact Assessment at Appendix M</p> <p>Wind Analysis: Section 8.6 and Pedestrian Wind Environment Study at Appendix F</p> <p>Noise and Vibration: Section 8.6 and Noise and Vibration Assessment at Appendix K</p>
8. Heritage	Section 8.6 and Heritage Impact Statement at Appendix E

Relevant Secretary Requirement	Section Addressed
9. Transport, Traffic, Parking and Access	No change proposed; addressed within the concurrent Detailed SSD DA (SSD-10294) which seeks consent for the construction of the development
10. Ecologically Sustainable Development	Section 8.6 and ESD Report at Appendix D
11. Biodiversity	Section 7.2.2 and within the BDAR Waiver at Appendix O
13. (SIC) Public Benefits, Contributions and/or Voluntary Planning Agreement	Section 7.1.1
14. Prescribed airspace for Sydney Airport	Section 8.6 ; Aeronautical Impact Assessment at Appendix N
15. Utilities	No change proposed; addressed within the concurrent Detailed SSD DA (SSD-10294) which seeks consent for the construction of the development
16. Staging	No change proposed; addressed within the concurrent Detailed SSD DA (SSD-10294) which seeks consent for the construction of the development
17. Consultation	Section 5 ; Pre-Consultation Report at Appendix P

1.7. OTHER APPROVALS

In addition to the approvals noted elsewhere in this document, other approvals will be required in the future to permit the construction of the OSD. These approvals may include, but are not limited to, the following:

- Approvals under the *Roads Act 1993* (including Section 138 approvals) may be required in the construction scenario where the station has been completed while OSD works are ongoing. A consent under section 138 of the *Roads Act 1993* cannot be refused if it is necessary for carrying out SSD that is authorised by a development consent and is substantially consistent with the consent.
- An environment protection licence under the *Protection of the Environment Operations Act 1997*. An environment protection licence under Chapter 3 of the *Protection of the Environment Operations Act 1997* cannot be refused if it is necessary for carrying out SSD that is authorised by a development consent and is substantially consistent with the consent.
- A compliance certificate issued under Section 73 of the *Sydney Water Act 1994*.
- Approval for Obstacle Limitation Surface (**OLS**) protrusion under the *Airports (Protection of Airspace) Regulations* to ensure construction and the proposed building do not interfere with operations and safety of Sydney Airport.
- The Outer Horizontal Surface of the OLS across the site is 156m AHD, and therefore, the proposed building envelope (230m AHD) will require approval under the *Airports (Protection of Airspace) Regulations*. The modification application is accompanied by an Aeronautical Impact Assessment (**Appendix N**) to address the OLS penetration.

2. BACKGROUND

2.1. SYDNEY METRO

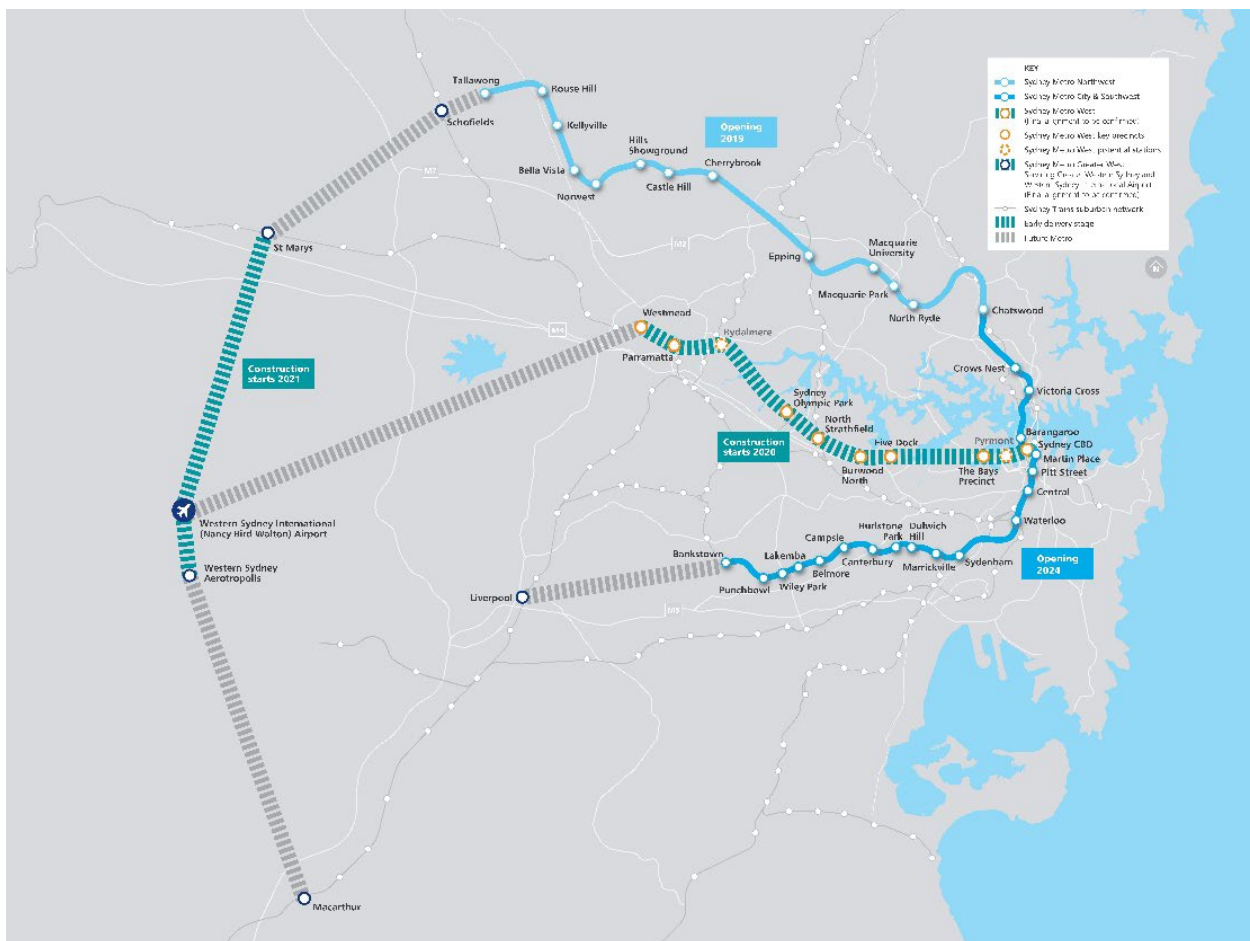
Sydney Metro is Australia's biggest public transport project. Services started in May 2019 in the city's North West with a train every four minutes in the peak. Metro rail will be extended into the CBD and beyond to Bankstown in 2024. There will be new metro railway stations underground at Crows Nest, 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 66 km 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 **Figure 4** 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 improvements with the metro station structure for appropriate integration with the OSD.

With regards to CSSI related works, any changes to the “metro box envelope” and public domain will be pursued in satisfaction of the CSSI conditions of approval and do not form part of the scope of the Concept SSD DA for the OSD.

Figure 4 – Sydney Metro Alignment Map



Source: Sydney Metro

2.2. CSSI APPROVAL SYDNEY METRO CITY & SOUTHWEST (SSI 15_7400)

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 CSSI Approval granted consent for:

Construction and operation of a metro rail line, approximately 16.5 kilometres long (of which approximately 15.5 kilometres is located in underground rail tunnels) between Chatswood and Sydenham, including the construction of a tunnel under Sydney Harbour, links with the existing rail network, seven metro stations, and associated ancillary infrastructure.

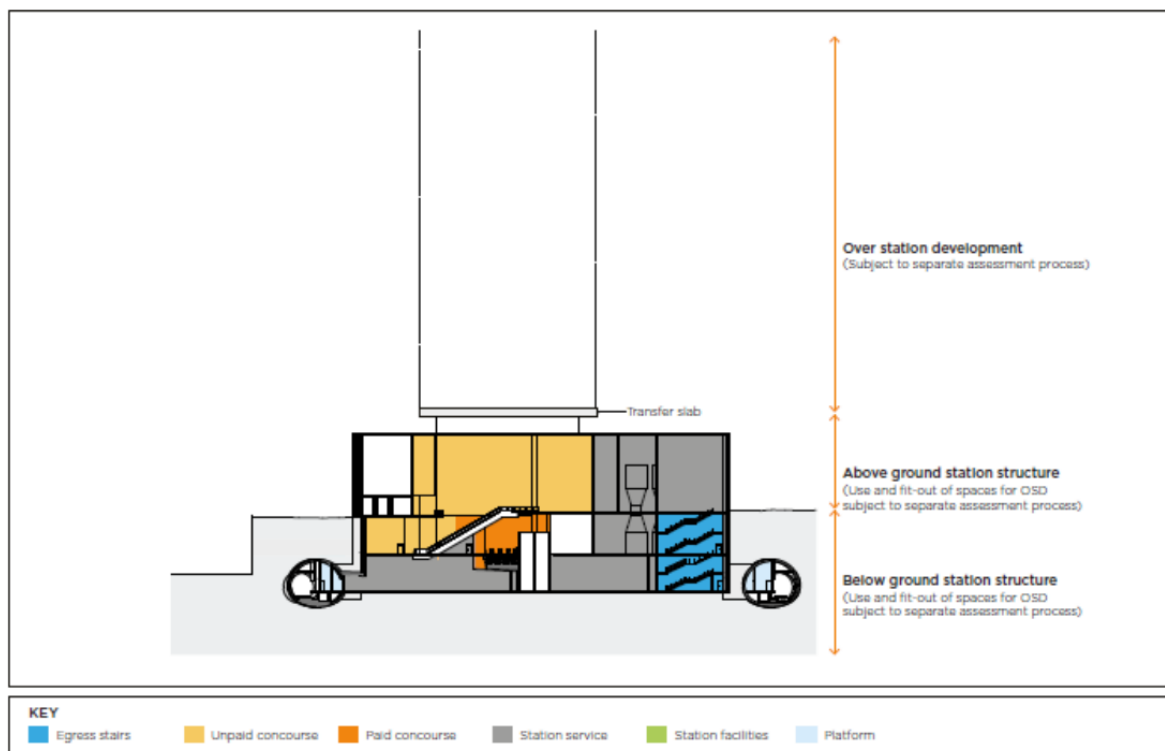
The terms of the CSSI Approval include all works required to construct each of the Sydney Metro stations, including the Victoria Cross Station. Except to the extent described in the EIS or Preferred Infrastructure Report (**PIR**) submitted with the CSSI application, any OSD buildings and uses, do not form part of the CSSI Approval and will be subject to the relevant assessment pathway prescribed by the EP&A Act.

As such, the only physical components of the Sydney Metro Victoria Cross Station OSD that are included within the CSSI Approval are structural elements to support the OSD, and the suitable spatial allocation within the 'metro box' envelope for OSD components. Consent for the use and fit-out of OSD spaces within the 'metro box' are subject to the terms of a separate approval.

The design and delivery of all public domain works within and surrounding the site will be subject to the satisfaction of conditions of the CSSI Approval, notably within approval of a Station Design and Precinct Plan (**SDPP**) required by Condition E101, and an Interchange Access Plan (**IAP**) required by Condition E92. Accordingly, the Concept SSD DA for the Victoria Cross Station OSD does not include conceptual public domain works or works required to construct the CSSI Victoria Cross Station, including though not limited to the through-site link and street setback embellishment works.

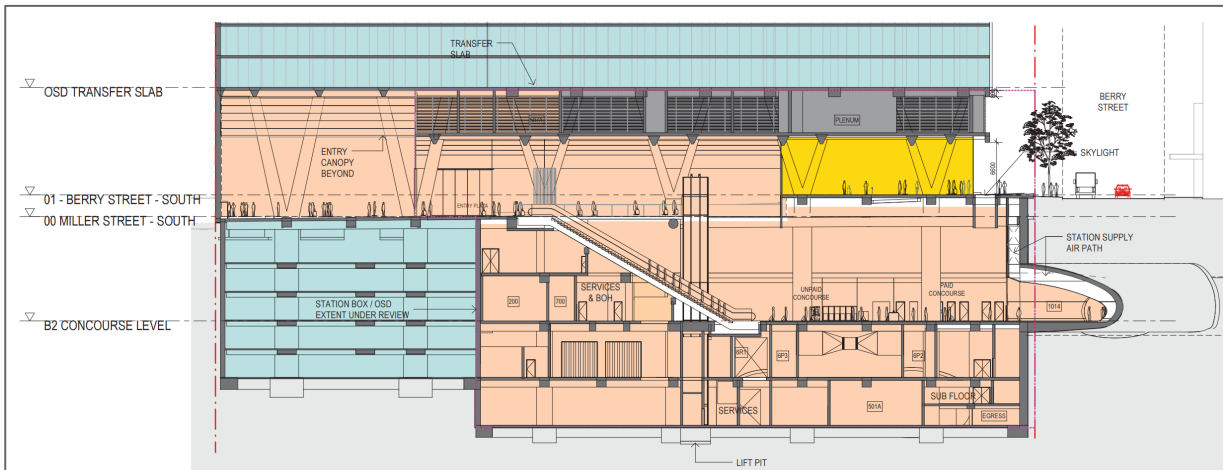
The extent of the approved CSSI Victoria Cross Station works is generally described as being up to the 'transfer slab' level, as outlined on page 139 of the CSSI EIS and page 15 of the PIR, and is illustrated at **Figure 5**. This figure makes it clear that the transfer slab is effectively the defining line between the above ground station or 'metro box' (the subject of the CSSI Approval) and the OSD the subject of the Concept Approval and this modification application. The delineation between the metro box and OSD is discussed further in **Section 4.4**.

Figure 5 – Typical over station development interface



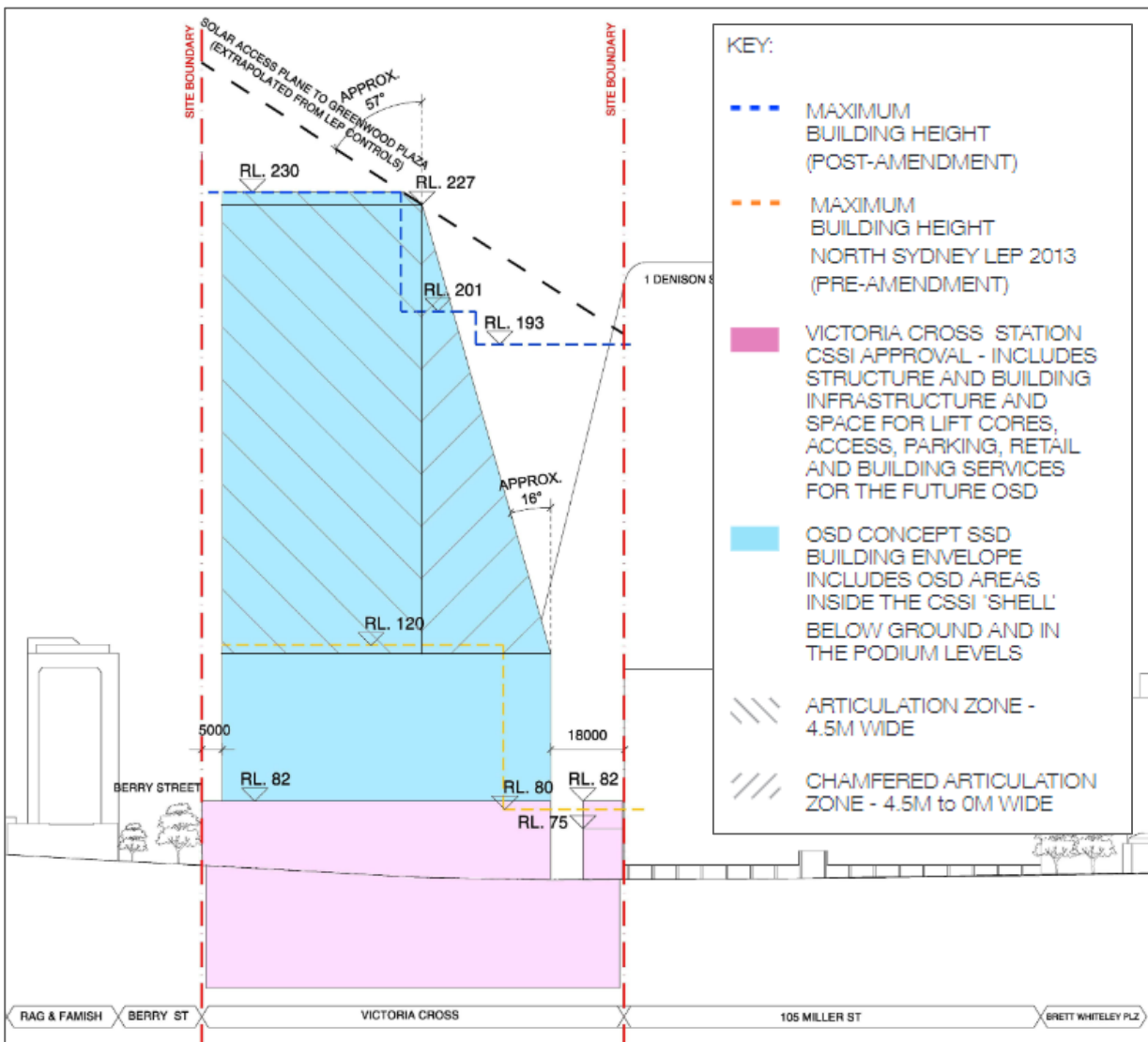
Source: Environmental Assessment Report under Section 115ZA of the EP&A Act, Dec 2016

Figure 6 – Indicative Victoria Cross Station OSD Interface – As described in CSSI Approval



Source: Sydney Metro CSSI PIR

Figure 7 - Indicative Victoria Cross Station OSD Interface – As described in Concept SSD Approval

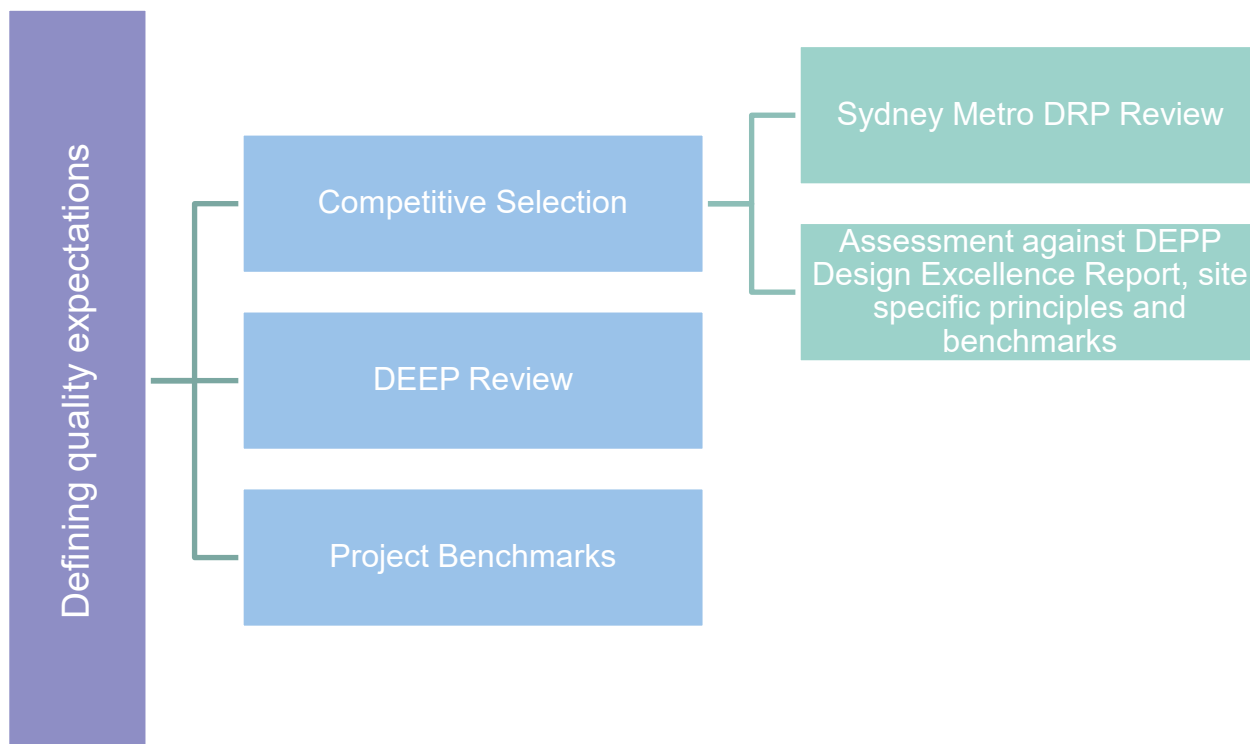


Source: Bates Smart

2.3. DESIGN DEVELOPMENT AND DESIGN EXCELLENCE PROCESS

The Concept SSD DA included a Design Excellence Strategy and a set of specific Design Guidelines for the Victoria Cross Station OSD. These documents were established to guide the detailed design of the future OSD and ensure a high quality of design was achieved for the site and other over station developments.

The endorsed Design Excellence Strategy is included at **Appendix Q**. The Design Excellence Strategy comprises a multi-phase process including a competitive selection which involved an Expression of Interest (**EOI**) and Request for Tender process, benchmarking studies, and continued design review by a Design Excellence Evaluation Panel (**DEEP**) and subsequently the Sydney Metro Design Review Panel (**DRP**). A summary of the design excellence process undertaken is illustrated in the figure below.



A critical objective of the competitive tendering process was to review alternative approaches to the Victoria Cross Station southern site and strive for design excellence for the OSD project. Following the approval of the Concept SSD Proposal and completion of the EOI and Request for Tender process, Lendlease and its architect Bates Smart (the Architect) were chosen as the successful development partner for the Sydney Metro Victoria Cross Station OSD.

Since the selection of Lendlease as the development partner for the Victoria Cross Station OSD, the applicant has presented to the Sydney Metro DRP nine times. Throughout this process the DRP has provided ongoing design review of the proposed Victoria Cross Station OSD proposal to ensure design excellence and integrity have been achieved.

The specific details of the consultation undertaken to achieve design excellence in accordance with the Design Excellence and Design Guidelines is outline in **Section 5**, with a detailed discussion of the proposal's design excellence included at **Section 8.5**.

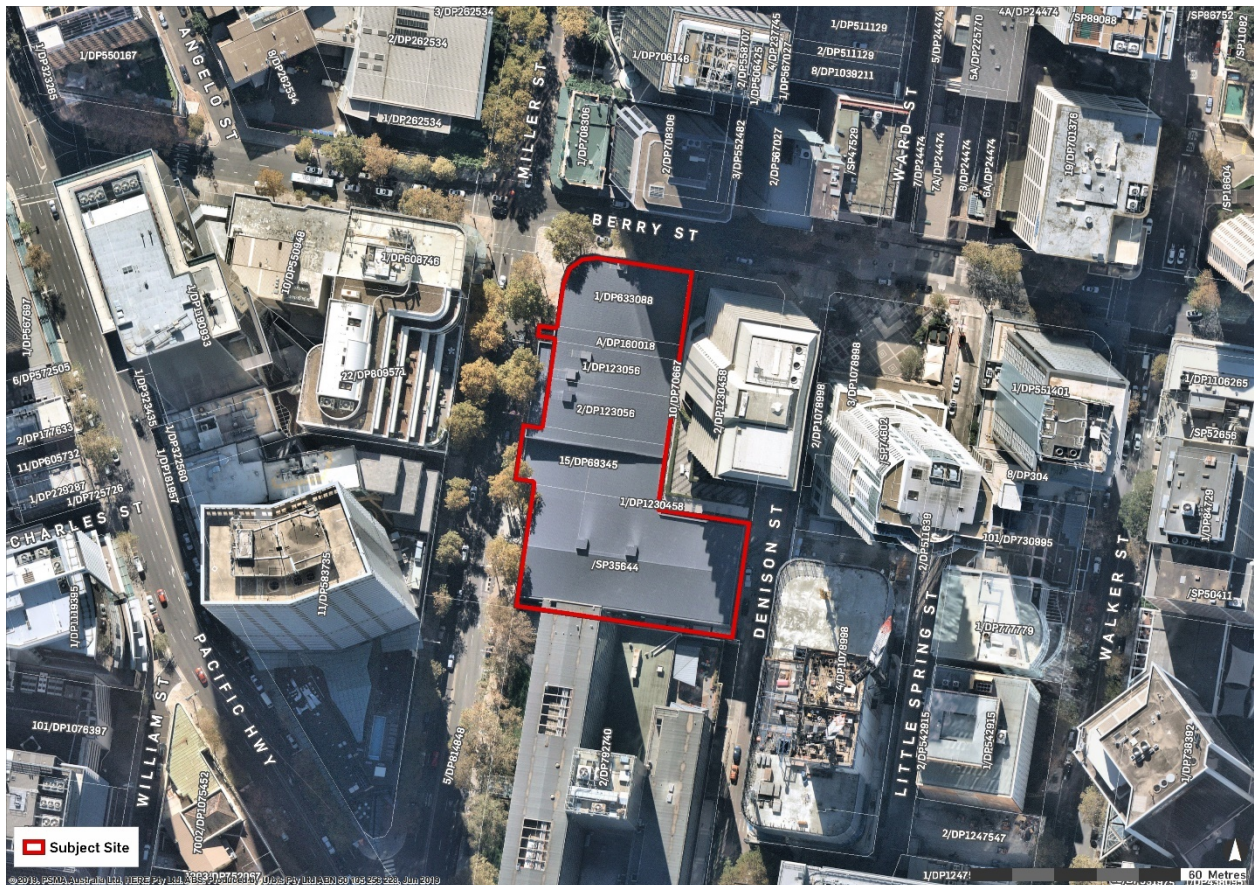
3. SITE ANALYSIS

3.1. SITE CONTEXT AND LOCATION

The site is situated on the south-east corner of the Berry Street and Miller Street intersection (see **Figure 8**), North Sydney. The site is an irregular shaped allotment with street frontages of approximately 37 metres to Berry Street, 34 metres to Denison Street and 102 metres to Miller Street, yielding an overall site area of approximately 4,815 square metres.

The Miller and Berry Street frontages contain a series of street trees within the footpath areas.

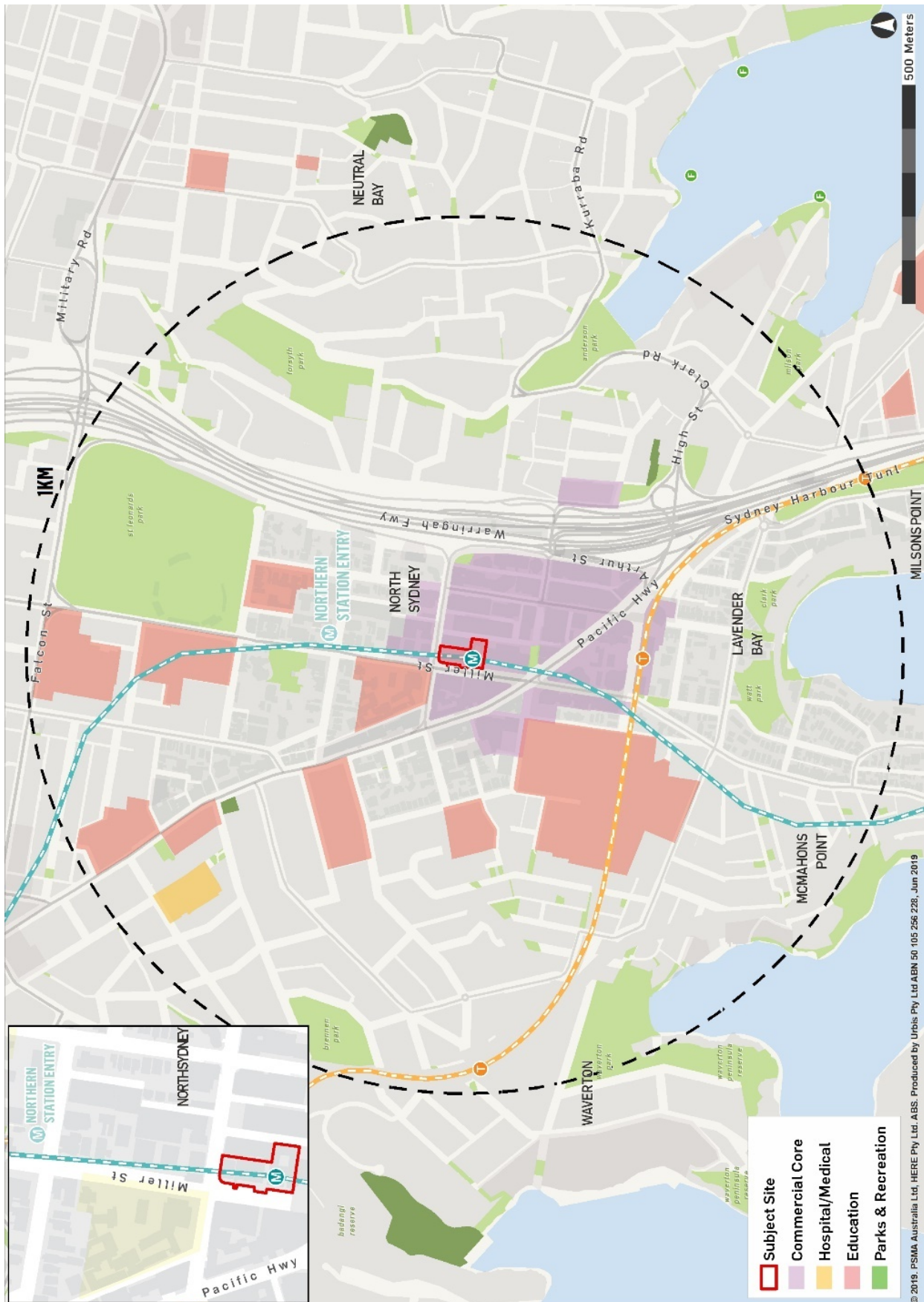
Figure 8 – Aerial of the Subject Site



The site is centrally located within the North Sydney Centre which forms part of the North Sydney Local Government Area (LGA). The North Sydney CBD is situated approximately 3 kilometres north of Sydney CBD and 5 kilometres southeast of Chatswood (refer **Figure 9**).

North Sydney Centre is a “strategic centre” as identified in Sydney’s overarching strategic plan, *A Plan for Growing Sydney*. It is Sydney’s third largest commercial precinct, after Sydney CBD and North Ryde/Macquarie Park, functioning as a fundamental component of the cities Global Economic Corridor. The area is characterised by a consolidated commercial core (with key public open spaces), views to Sydney Harbour and Sydney CBD, a skilled labour force and surrounding high-amenity residential and mixed-use precincts.

Figure 9 – Location Map of Subject Site



3.2. LEGAL DESCRIPTION

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)

The allotments include a series of easements affecting parts of the land for stormwater drainage and sewer, as outlined within the Site Survey included within the Concept SSD DA EIS. The existing easements however do not impede the approved development as proposed to be modified.

3.3. EXISTING DEVELOPMENT

Prior to the demolition of all buildings across the site under the terms of CSSI Approval, the site was previously occupied by a mix of low-rise retail and mid-rise office developments. These are briefly discussed below:

- **155-167 Miller Street (formerly Tower Square)** – Previously comprised a two-storey shopping centre between Miller and Denison Street, including restaurants, cafes, retail shops, basement parking and an outdoor eating area;
- **181 Miller Street** – Previously comprised a 14-storey commercial tower with a frontage to Miller Street. Retail premises occupied the lower levels with office spaces above. There was a consistent setback with no pronounced podium;
- **187 Miller Street** – Previously comprised a two-storey shop (Jewellers) with frontage to Miller Street. The Jewellery shop was listed as a heritage item in *NSLEP 2013*;
- **189 Miller Street** – Previously comprised a seven-storey commercial building with frontage to Miller Street. Retail premises occupied the lower levels with office spaces above. There was a consistent setback with no pronounced podium; and
- **Part 65 Berry Street** – Previously comprised an access way to 65 Berry Street and no buildings / structures. The site was bounded by external walls of Tower Square and 65 Berry Street.

The previous site conditions displayed a pattern of development with very little consistency in scale, form or alignment. Mid-rise commercial buildings were abutting low-rise retail/food and drink premises, intertwined with an outdoor eating area.

Denison street is frequently used by pedestrians as a thoroughfare during peak times and is anticipated to support increased pedestrian traffic once Victoria Cross Station is constructed. The current pathway conditions are narrow and illegible due in part to the presence of construction hoardings, and overall is considered to be a poor interface for pedestrians and vehicles using the road.

As discussed, all the buildings / structures previously on the site have now been demolished under the CSSI Approval for the Victoria Cross Station. Construction of the Victoria Cross Station is currently underway on the site and the site is occupied by a large temporary shed structure (see **Figure 10**).

Figure 10 – Site Photos



Picture 5 – View from the north-west at the Miller and Berry Street intersection



Picture 6 – View from the north-west at Berry Street



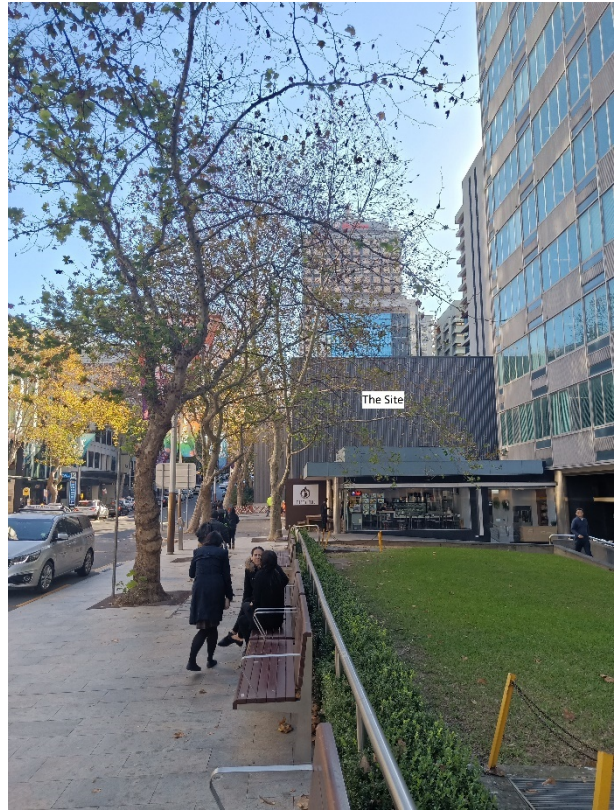
Picture 7 – View from the West (Miller Street)



Picture 8 – Internal view from the east (Denison Street)



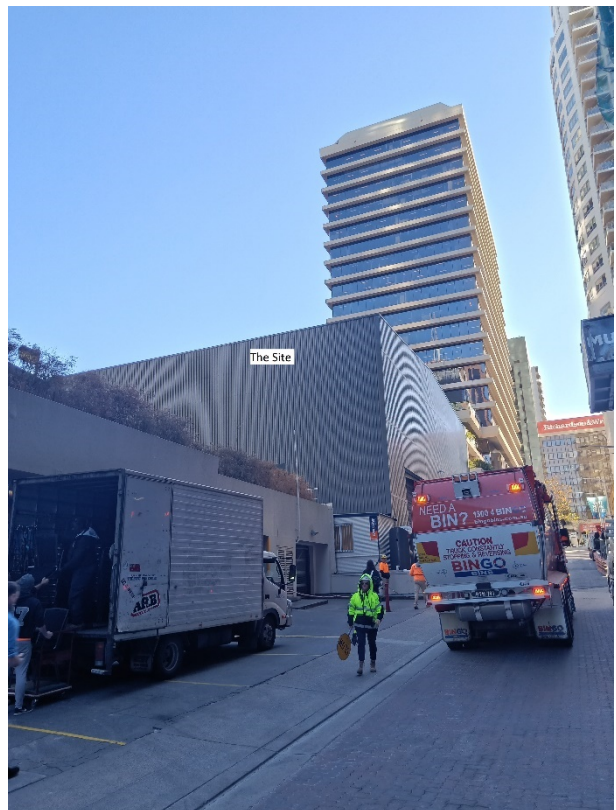
Picture 9 – View from the south-west



Picture 10 – View from the south (MLC Building)



Picture 11 – View of the southern portion from the north-east (Denison Street)



Picture 12 – View of the southern portion from the south-east (Denison Street)

3.4. SURROUNDING DEVELOPMENT

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 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. 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 11** below.

Figure 11 – Key Surrounding Developments



Picture 13 – MLC Building (immediately south)



Picture 14 – Genworth Building (to the south)



Picture 15 – Rag and Famish Hotel (to the north)



Picture 16 – Brett Whiteley Place (to the south)

The recent emergence of a high-density commercial built form typology within the North Sydney centre is strengthening a future high-rise commercial core character to which this proposal will positively contribute towards. Recently completed or currently under construction large scale office buildings are illustrated in **Figure 12**, with notable high-rise developments listed below:

- 1 Denison Street (RL. 213) – A-grade commercial tower DA approved and currently under construction (Bates Smart);
- 100 Mount Street (RL. 200) – A-grade commercial tower DA approved and currently under construction (SOM and Architectus);
- 177 Pacific Highway (RL. 195) – A-grade commercial tower completed 2016 (Bates Smart); and
- 77 Berry Street (RL. 180) – Alexander Apartments, an existing residential tower.

Figure 12 – Surrounding High Rise Built Form



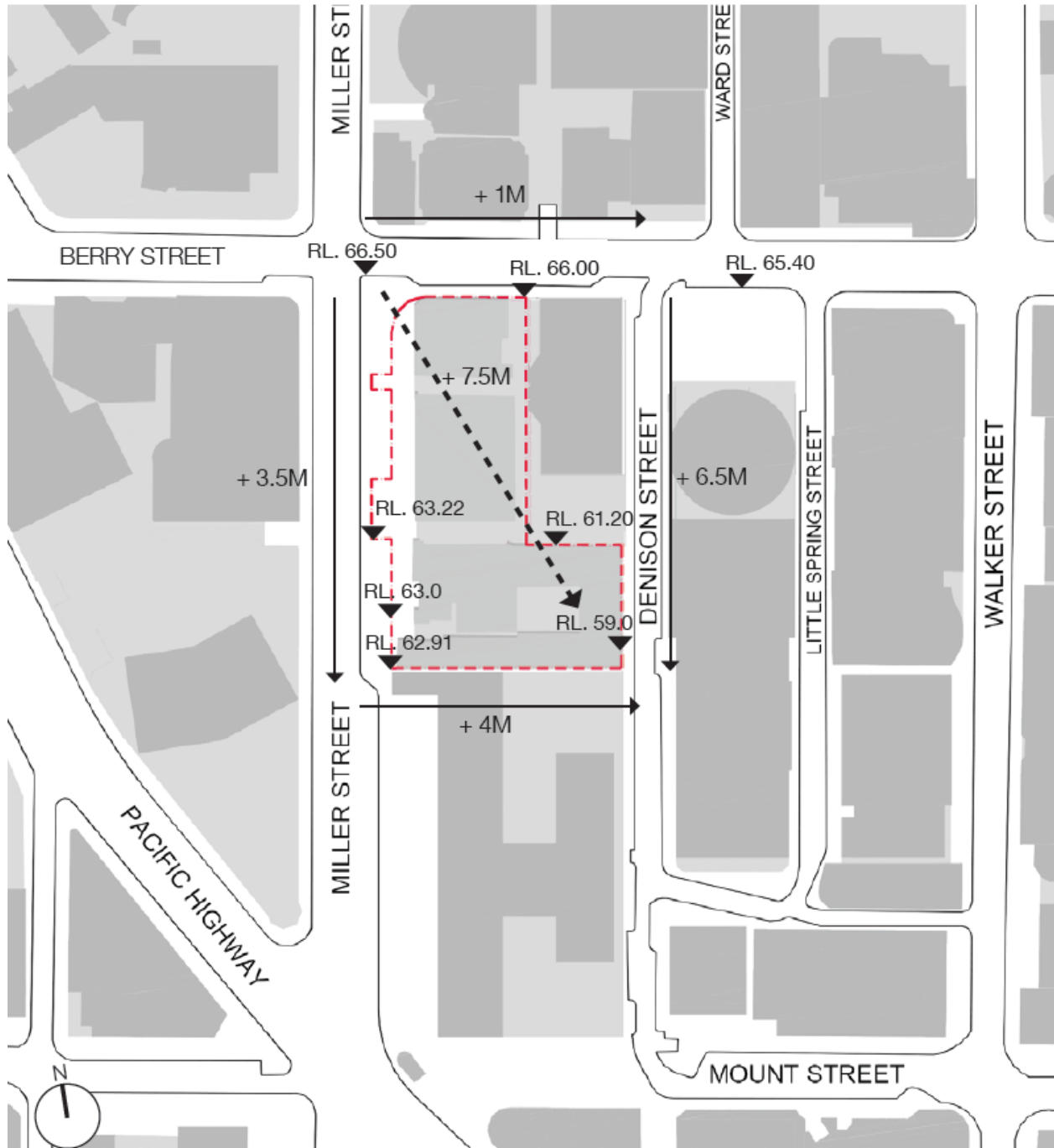
Picture 17 – 1 Denison Street (left), 100 Mount Street (centre) and 177 Pacific Highway (right)

Source: Bates Smart

3.5. TOPOGRAPHY

The site has an area of approximately 4,815 sqm and a fall of approximately 7.5 metres towards the south-east corner (see **Figure 13**). This slope occurs from a high point on the corner of Miller Street and Berry Street of RL 66.5m (AHD), to a low point on the Denison Street frontage of RL 59m (AHD). The southern end of the Miller Street frontage can be considered a mid-point of the slope at RL 63m (AHD).

Figure 13 – Topography of the Site



Source: Bates Smart

3.7. TRANSPORT AND ACCESSIBILITY

3.7.1. Public Transport

The site is well connected in the context of existing public transport opportunities available within North Sydney CBD and evidently, future transport opportunities, being situated above Victoria Cross Station currently under construction. Predominantly, there are two forms of public transport existent in North Sydney, including the North Sydney Train Station to the south of the site and the Sydney Bus services. Surrounding public transport opportunities are shown in **Figure 15**.

Bus

There are numerous bus services within the surrounds of the subject site with Miller Street currently operating major bus stops for suburban bus routes which connect to the North Shore and T1 North Shore Line, Northern Beaches and Northwest suburbs. The site is also proximate to the Pacific Highway and Harbour Bridge which connects to the Sydney CBD and southbound services.

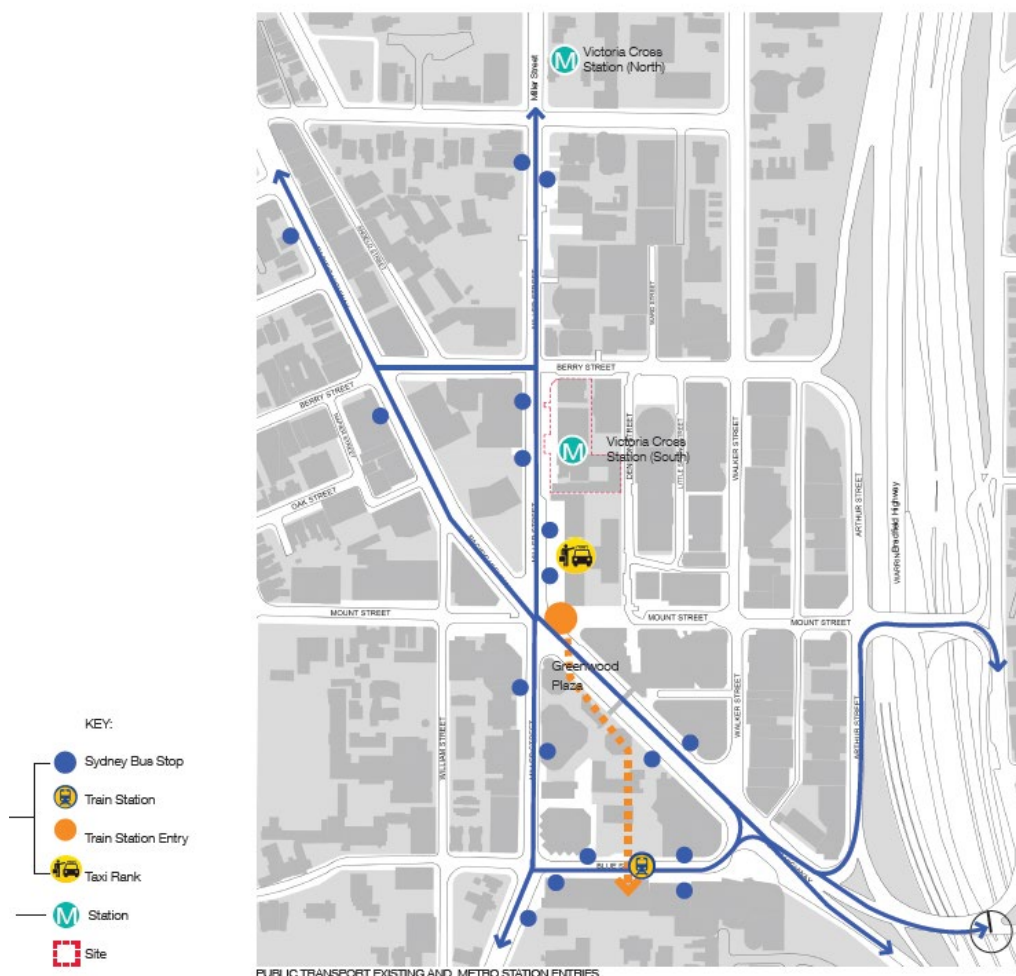
Rail

The North Sydney train station is situated in close walking distance approximately 400 metres to the south of the site. The North Sydney Station is on the North Shore Line which links Hornsby to the Sydney CBD (south) and connects to Parramatta / Penrith to the west. An entry providing access to the train station currently exists on the corner of Mount Street and Miller Street via Greenwood Plaza.

Ferry

The McMahon's Point ferry stop is situated approximately 1.2 kilometres to the south of the site and provides access to Circular Quay and Parramatta.

Figure 15 – Surrounding Public Transport Opportunities



Source: Bates Smart

3.7.2. Road Network

The surrounding road network has provisions for vehicular access, loading and parking. In particular, a discussion is provided of the three (3) following roads which border the site.

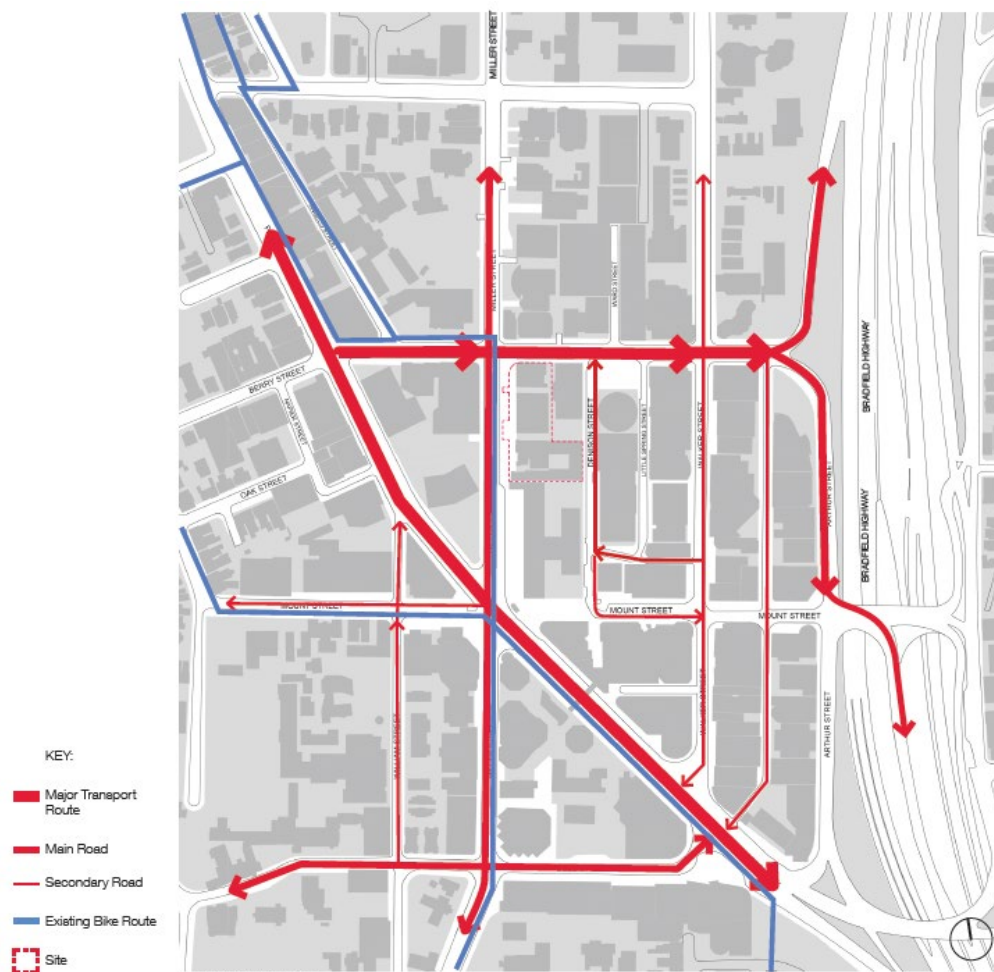
- **Berry Street:** The site is bound by Berry Street to the north and has an east-west alignment. It is Classified as a State Road to the east where it intersects with both the M1 Motorway/Sydney Harbour Bridge and the Pacific Highway off Arthur Street. The street is one way flowing to the east with four lanes, some of which are subject to time restricted parking.
- **Denison Street:** The site is bound by Denison Street to the east which runs between Mount and Berry Streets. It is a one-way vehicular street which provides access to a private carpark and the MLC building.
- **Miller Street:** The site is bound by Miller Street to the west which is the primary north-south vehicular street through North Sydney. The road connects Blues Point Road in the South and Crows Nest in the north. It comprises a traffic lane, bus/loading zone lane and on-street parking.

3.7.3. Bicycle Network

The site is proximate to a network of on-road marked and off-road (shared paths) bicycle routes within the surrounds as illustrated in **Figure 17** above. Miller Street has a key cycling route running through North Sydney which links to routes on Berry and Mount Streets. Cycle routes run south from the Miller and Mount Streets in two directions towards North Sydney Station, McMahon's Point Ferry stop and the Sydney Harbour Bridge.

North Sydney Council is currently working on various major cycling projects that will improve the existing network connections to the Sydney Harbour Bridge and Sydney CBD (*North Sydney Integrated Cycling Strategy 2014*). Once completed, this will provide a greater connection between the two CBDs. **Figure 16** below illustrates the surrounding vehicle and bicycle network surrounding the site.

Figure 16 – Vehicle and Bicycle Movement Network



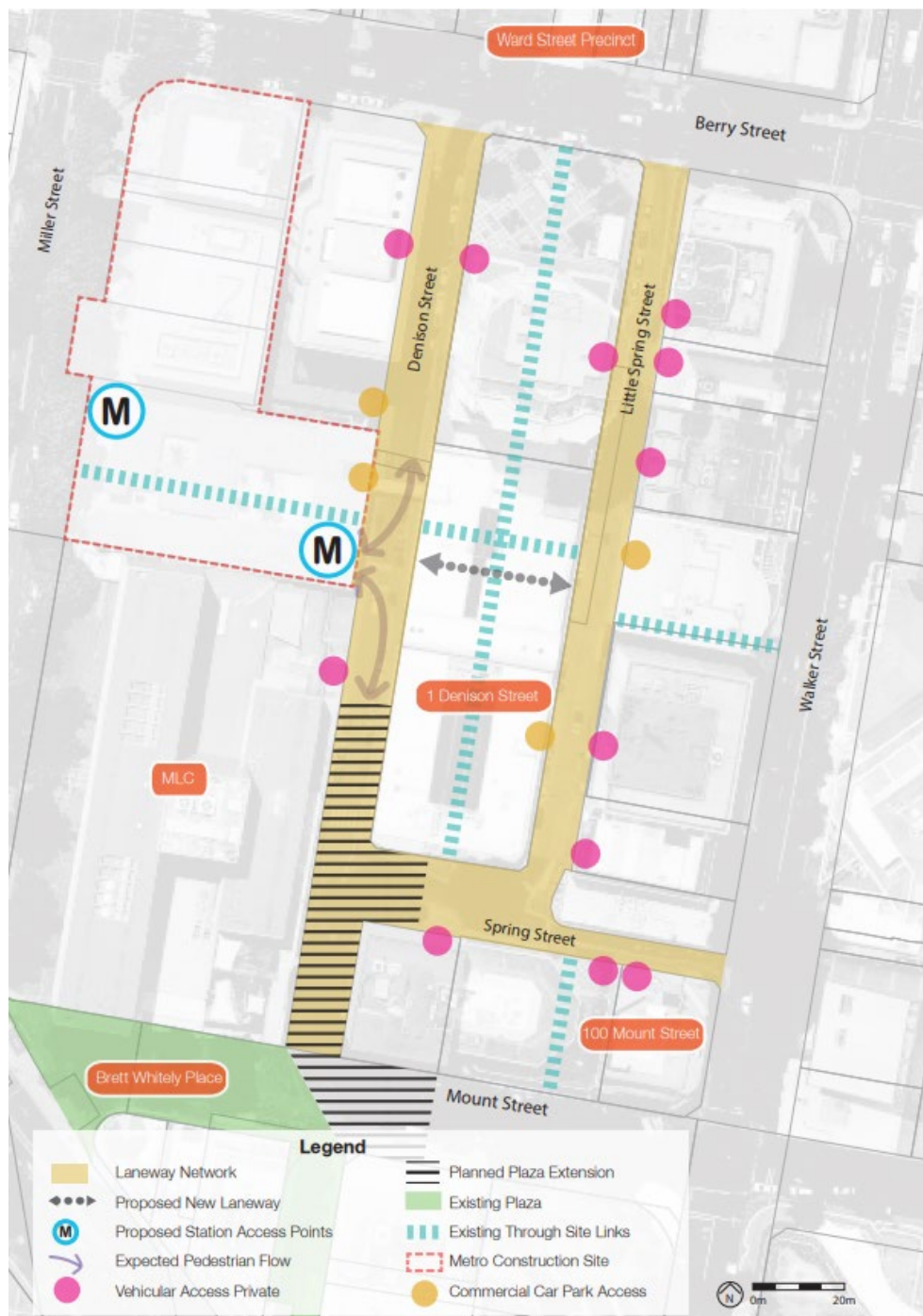
Source: Bates Smart

3.7.4. Pedestrian Network

The surrounding road network provides pedestrian access to the site and surrounding areas. The three surrounding streets, notably, Miller Street, Denison Street and Berry Street all feature dedicated footpaths. Predominantly, Miller Street acts as a major thoroughfare for pedestrian movement, providing access to and from North Sydney Train Station and bus stops within the vicinity.

Denison Street also features considerable north-south pedestrian movement, which is proposed to be dedicated pedestrianised access from Mount Street to the future lower station entry under Council's *Central Laneways Masterplan* (2016) (**Figure 17**). This further reinforces the significance of the proposed through-site link in the southern portion of the Victoria Cross OSD site, running from Miller Street to Denison Street.

Figure 17 – Victoria Cross – Public Domain and Open Space Laneways



Source: Extract from Sydney Metro Planning Study, adopted 16 May 2016 (North Sydney Council)

3.8. OPEN SPACE AND SPECIAL AREAS

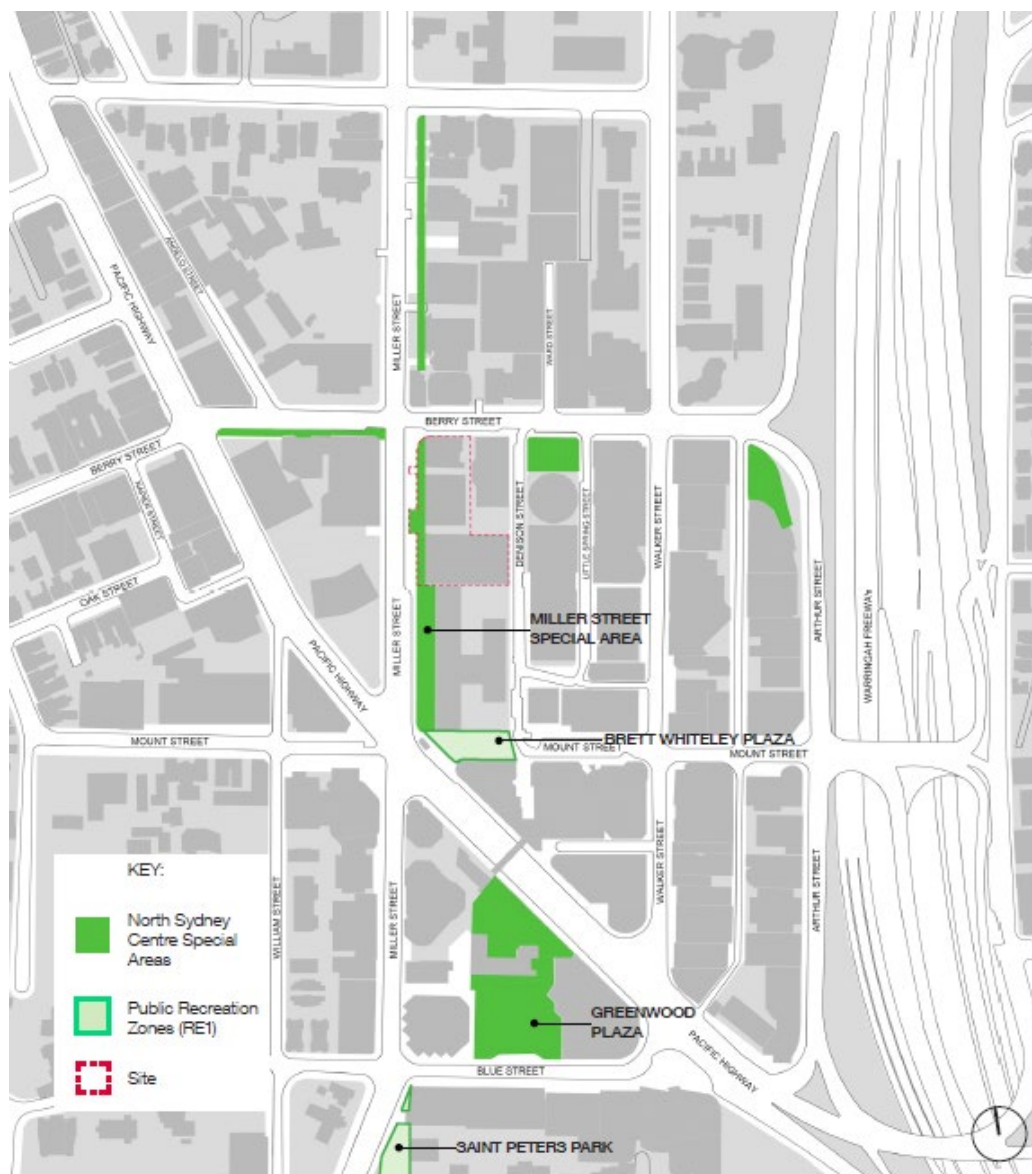
A number of key public recreation areas and special character areas protected under the local planning controls within the North Sydney Centre are located within proximity to the site (**Figure 18**). These include areas to the south of the site such as Brett Whiteley Plaza and Greenwood Plaza which are commonly used as an open space and lunchtime destination for workers, residents and site visitors. An urban open space area is also located to the east of the site on the corner of Berry and Denison Street at the norther end of the Alexander Apartments.

In addition to these public recreation zones and special areas, the site is proximate to various public open space opportunities including:

- St Leonards Park – A major open space area located approximately 450 metres to the north which includes North Sydney Oval, Bon Andrews Oval, The Greens North Sydney (bowls club) and a public playground; and
- The open space area within the Council library precinct located to the north-west of the site on Miller Street.

Furthermore, a new open space area, 'The Central Square' will be established to north of the site as part of the Ward Street Master Plan initiated by Council.

Figure 18 – Public Recreation Zones and Special Areas



Source: Bates Smart

An objective of *North Sydney Local Environmental Plan 2013 (NSLEP)* is to prevent a net increase in overshadowing to Special Areas and Public Recreation Zones as a result of increased building heights and massing. The NSLEP also has controls pertaining to the maintenance of the established setback and landscaped setting on the eastern side of Miller Street between McLaren Street and Mount Streets, referred to as the “Miller Street Setback”. These controls for North Sydney Centre contained within the NSLEP and are discussed in detail in **Section 7.2.4**.

3.9. UTILITIES AND INFRASTRUCTURE (SERVICES)

The site is located within an established urban area and currently contains all necessary services including electricity, gas, water, communications, drainage and sewerage. Furthermore, future development on the site has the availability to be connected to these services when required. The Detailed SSD DA lodged concurrently with this modification application provides a detailed discussion of the required utility and service infrastructure provisions associated with the detailed design and future use of the OSD.

4. PROPOSED MODIFICATION DEVELOPMENT

4.1. DESCRIPTION OF THE PROPOSED MODIFICATION

The Section 4.55(2) modification application seeks to amend the Concept building envelope and associated architectural drawings approved on 18 December 2018 by the Minister under application number SSD 17_8874. As discussed in **Section 1.1** of the report, the changes proposed to the building envelope include:

- Reduction in the massing and overall dimensions of the building cantilever (articulation zone) 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 OSD from 60,000sqm to 61,500sqm.

The proposed modifications to the building envelopes are illustrated in **Figure 19**, **Figure 20** and **Figure 21**. The building envelope drawings as proposed to be modified denote the Victoria Cross Station CSSI approved works or “metro box” in pink, whereas the OSD envelope is shown in light blue. As illustrated in the figures below, some changes have occurred within the pink CSSI “metro box” component. It is noted that these changes have been approved through the ‘consistency assessment’ process under the CSSI Approval and are not within the scope of this modification application to the OSD building envelope.

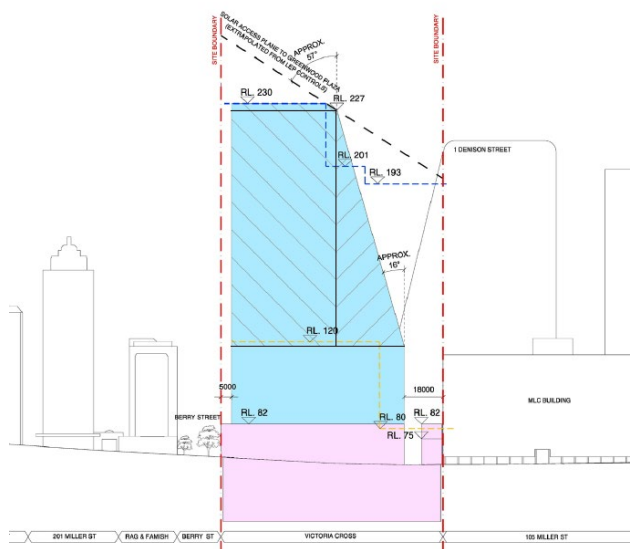
Modification at Western Elevation

The proposed west elevation illustrates that an additional setback to the southern property boundary will be delivered as a result of the proposed modification application, from 26 metres between RL 124 and RL 182.3 (mid-section), to 28 metres adjacent the MLC Building above the ‘metro box’ to RL 124 (previously 18 metres). This increased setback is a result of the relocation of building massing from above the through-site link to the high-rise levels of the tower. A slight variation in the building heights of the southern portions of the tower are proposed to accommodate this re-massing and is discussed in more detail in **Section 8.1**. However, there is no change in the overall approved building height of RL 230.

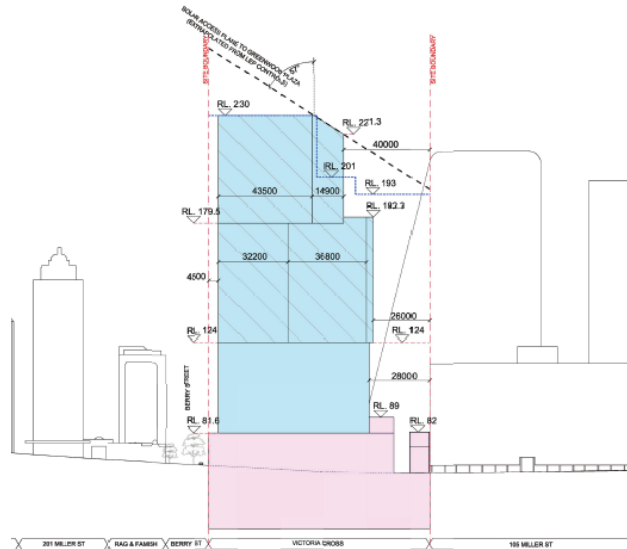
The proposed OSD envelope has a maximum height of RL 230 which is concentrated towards the north portion of the site. This steps down to a height of RL182.3 towards the southern end of the site. The maximum height of the tower remains below the solar access plane to Greenwood Plaza.

As illustrated in the western elevation there is also a minor reduction in the proposed tower setback to Berry Street of 500mm (from 5 to 4.5 metres) as a result of the proposed modification.

Figure 19 – Concept Building Envelope Modification West Elevation



Picture 18 – Approved Building Envelope West Elevation



Picture 19 – Modified Building Envelope West Elevation

Modification at Southern Elevation

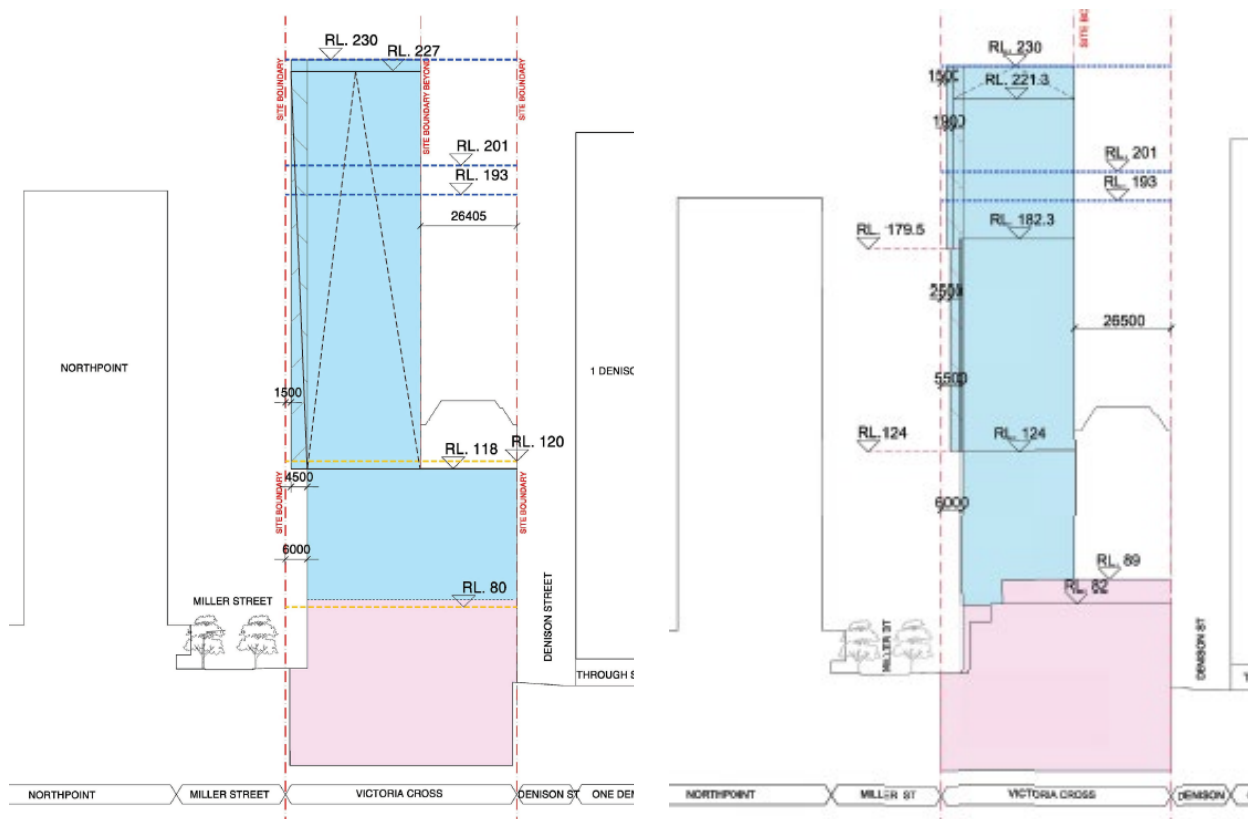
The proposed south elevation illustrates that the modified building envelope maintains a 6-metre setback to Miller Street at the lower-levels of the commercial tower (up to a height of RL124, an increase of 6 metres compared to the approved cantilever). From RL 124 to RL 179.5, the tower projects up to 3.5 metres towards Miller Street, proposing an increased setback of 2.5 metres (previously 1.5 metres) throughout the mid-rise section of the tower. Above RL 179.5 the building envelope maintains a 1.5 metre setback to Miller Street.

As a result of the proposed modification to the Miller Street setback, there is an envelope reduction above the Miller Street Special Area compared to the building envelope approved within SSD 17_8874.

The lower levels of the modified OSD envelope features a significantly increased tower setback of 26.5 metres from the Denison Street property boundary, where the approved podium form projected to the site boundary to a height of RL 118. As a result of the proposed reduction of OSD volume at Denison Street, the perception of massing and scale at the through-site link and along Denison Street is reduced and the human-scale at these streets is improved compared to the approved building envelope.

The significant reduction in the building bulk of the lower-levels and re-massing to high-levels of the tower also allows for a greater separation distance to the neighbouring local heritage item, the MLC Building, and greater solar penetration to the through-site link. This provides improved usability of the laneway and facilitates appreciation of the local heritage significance. Similarly, the modified cantilever arrangement presents a less intrusive built form to the Miller Street Special Area setback.

Figure 20 – Concept Building Envelope Modification South Elevation

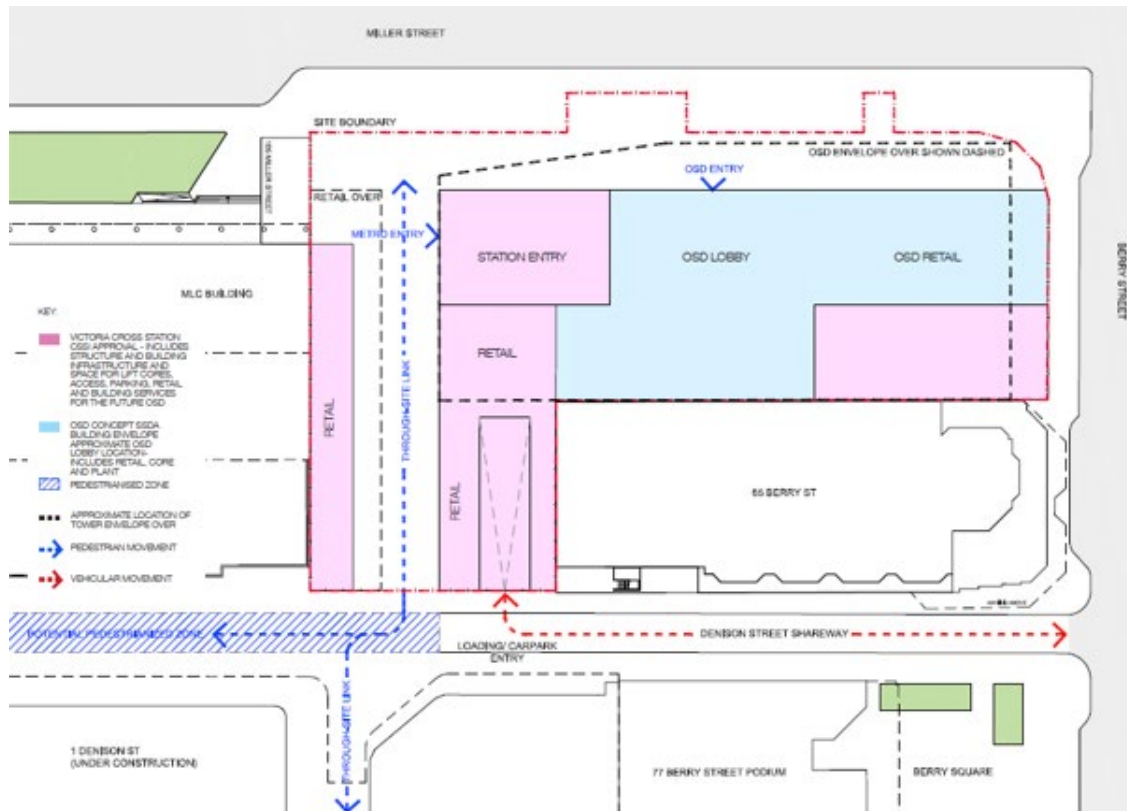


Picture 20 – Approved Building Envelope South Elevation Picture 21 – Modified Building Envelope South Elevation

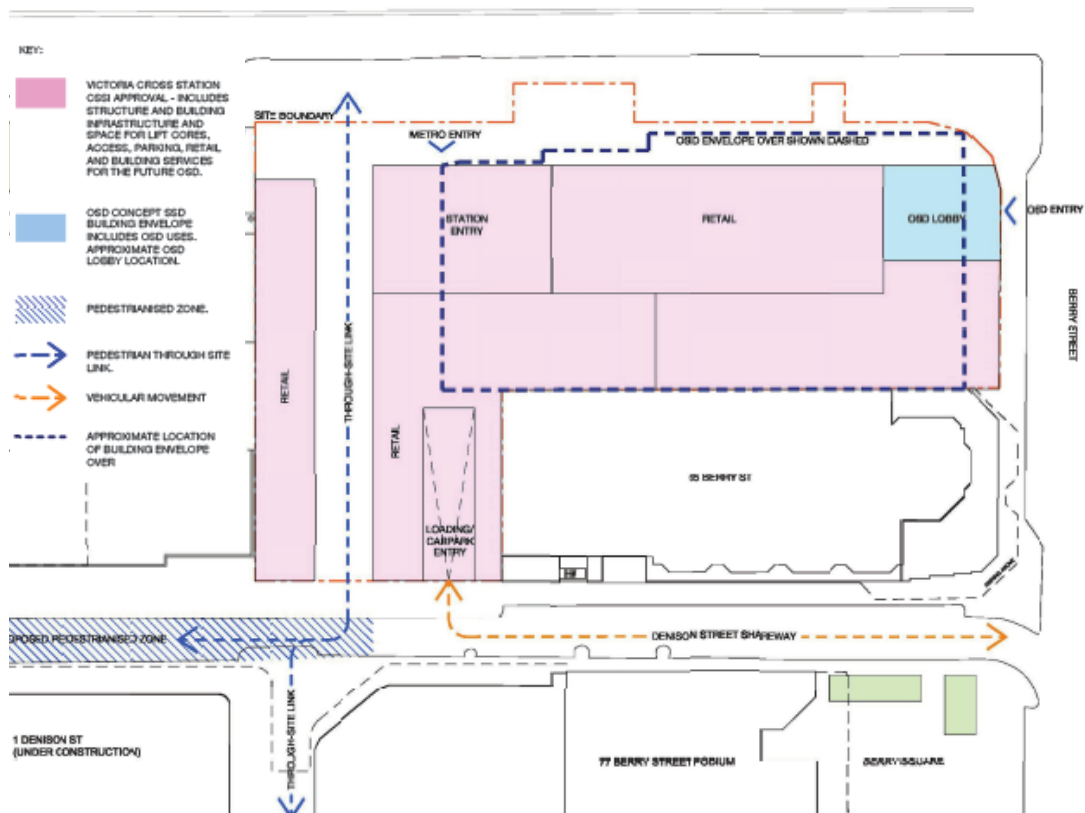
Access Arrangements

Figure 21 illustrates the indicative ground floor layout of the approved building envelope and a revised ground floor layout which responds to the proposed modified building envelope with the station entry and low-scale building continuing to define the northern edge of the through-site link and maintaining vehicular access to the site from Denison Street. Under this layout the OSD commercial lobby location is relocated to the corner of Berry and Miller Street to maximise the extent of retail activation along the Miller Street Special Area. As illustrated within the indicative floor plans included at **Appendix C**, the majority of the commercial office lobby has been raised to level one.

Figure 21 – Indicative Ground Floor Plans of Approved and Proposed Building Envelopes



Picture 22 – Approved Building Envelope Indicative Ground Floor Plan



Picture 23 – Proposed Building Envelope Indicative Ground Floor Plan

Source: Bates Smart

The Modified Building Envelope Plans provided at **Appendix B** include a notation which enable provisions for a 500mm flexible zone on the northern and southern elevations of the building envelope to allow for non-habitable architectural detailing and expression (e.g. sunshades).

It is noted that the modification proposed to the Concept SSD DA building envelope does not seek consent for any physical works commencing on site. As discussed, a Detailed SSD DA seeking consent for the detailed design and construction of the OSD has been submitted to the DPIE concurrently with this Concept SSD DA modification application.

4.2. NUMERIC OVERVIEW OF PROPOSED CHANGES

The key numeric components of the indicative OSD Design are summarised in **Table 2** below.

Table 2 – Numerical Overview

Component	Approved Stage 1 Concept Proposal (SSD 8874)	Proposed Stage 1 Amended Building Envelope	Change
Site Area	4,815 sqm	4,815 sqm	NIL
Maximum Height	168 metres (RL 230)	168 metres (RL 230)	NIL
Number of Indicative Storeys	40 commercial storeys and two additional storeys for rooftop plant	42 storeys (including non-trafficable plant levels)	NIL
OSD Gross Floor Area (GFA)	60,000 sqm	61,500 sqm	+ 1,500 sqm
Site FSR	12.46:1	12.77:1	+0.31
OSD Envelope Street Setbacks	North (Berry Street): 5 metres	North (Berry Street): 4.5 metres	-0.5 metres
	South:	South:	
	<ul style="list-style-type: none"> 18 metres (MLC Building) 	<ul style="list-style-type: none"> 26 metres (nearest); 28 metres (MLC Building) 	+ 8-10 metres
	East: zero	East: zero	NIL
	West (Miller Street):	West (Miller Street):	
	<ul style="list-style-type: none"> 6 metres (lower levels); 1.5 metres (mid and high-rise levels). 	<ul style="list-style-type: none"> 6 metres (lower levels); 2.5 (mid-rise levels); 1.5 (high-rise levels). 	<ul style="list-style-type: none"> NIL (lower) +1 metre (mid) NIL (high-rise)

4.3. MODIFICATIONS TO CONDITIONS OF CONSENT

The conditions of Concept Approval SSD 8874 outlined in **Table 3** below are required to be amended as part of this modification application. Text to be removed is shown by ~~strike through~~ and text to be added is shown in **red**. In summary, the amendments to conditions are necessary to support the modified building envelope.

Table 3 – Amendments to Conditions of Consent SSD 8874

Condition	Amendment Proposed																					
SCHEDULE 1																						
Development:	<p>Concept Development Application for 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, providing:<ul style="list-style-type: none">Approximately 40 commercial storeys and 2 additional storeys for rooftop plant for 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 60,000m² 61,500m², excluding station floor space;Basement car parking for a maximum of 150 parking spaces.																					
SCHEDULE 2																						
PART A – CONDITIONS OF CONSENT FOR CONCEPT DEVELOPMENT APPLICATION																						
Terms of Consent																						
A2	<p>The development may only be carried out:</p> <ul style="list-style-type: none">a) In compliance with the conditions of this consent;b) In accordance with all written directions of the Planning Secretary;c) In accordance with the EIS and Response to Submissions;d) In accordance with the approved plans in the table below: <table><tr><th colspan="3">Architectural Drawings – Building Envelope prepared by Bates Smart</th></tr><tr><th>Dwg No.</th><th>Name of Plan</th><th>Date</th></tr><tr><td>A01.001, Rev 3 7</td><td>Building Envelope – Indicative Ground Floor Plan</td><td>08.08.18 5.07.19</td></tr><tr><td>A01.002, Rev 3 7</td><td>Building Envelope – Miller Street Elevation</td><td>08.08.18 5.07.19</td></tr><tr><td>A01.003, Rev 3 7</td><td>Building Envelope – East West Section</td><td>08.08.18 5.07.19</td></tr><tr><td>A01.004, Rev 3 7</td><td>Building Envelope – North West Axonometric</td><td>08.08.18 5.07.19</td></tr><tr><td>A01.005, Rev 3 7</td><td>Building Envelope – South West Axonometric</td><td>08.08.18 5.07.19</td></tr></table>	Architectural Drawings – Building Envelope prepared by Bates Smart			Dwg No.	Name of Plan	Date	A01.001, Rev 3 7	Building Envelope – Indicative Ground Floor Plan	08.08.18 5.07.19	A01.002, Rev 3 7	Building Envelope – Miller Street Elevation	08.08.18 5.07.19	A01.003, Rev 3 7	Building Envelope – East West Section	08.08.18 5.07.19	A01.004, Rev 3 7	Building Envelope – North West Axonometric	08.08.18 5.07.19	A01.005, Rev 3 7	Building Envelope – South West Axonometric	08.08.18 5.07.19
Architectural Drawings – Building Envelope prepared by Bates Smart																						
Dwg No.	Name of Plan	Date																				
A01.001, Rev 3 7	Building Envelope – Indicative Ground Floor Plan	08.08.18 5.07.19																				
A01.002, Rev 3 7	Building Envelope – Miller Street Elevation	08.08.18 5.07.19																				
A01.003, Rev 3 7	Building Envelope – East West Section	08.08.18 5.07.19																				
A01.004, Rev 3 7	Building Envelope – North West Axonometric	08.08.18 5.07.19																				
A01.005, Rev 3 7	Building Envelope – South West Axonometric	08.08.18 5.07.19																				
Building Envelopes and Maximum Height																						

Condition	Amendment Proposed	
A17	<i>The maximum height for the development shall be consistent with the building envelope elevation plans for the building as detailed below:</i>	
	Part	Maximum Height – RL to Australian Height Datum
	Tower maximum height	RL 230
	Southern edge/extent of tower chamfer along southern edge	RL 221.3 - RL 227
	Eastern podium form	RL 118
Maximum Gross Floor Area		
A18	<i>The maximum GFA for the over station development shall not exceed 60,000 61,500 sqm.</i>	

4.4. RELATIONSHIP BETWEEN OSD (SSD) & STATION (CSSI) COMPONENTS

The CSSI Approval provided a delineation between the station works approved under the CSSI approval and the OSD.

Section 2.2 of this report outlines the scope of works approved under the CSSI for Victoria Cross Station (SSI 15_7400), including:

- Demolition of all existing structures and vegetation removal;
- Bulk earthworks and excavation;
- Remediation activities;
- Primary station works, including both structural elements and service provisions below the 'transfer slab' (e.g. lift cores, access, parking etc.);
- Public domain works;
- Station retail tenancies; and
- Ancillary facilities relating to the operation of the Sydney Metro.

Condition A4 of the CSSI Approval states that, “except to the extent described within the CSSI EIS and PIR, any over station development, including associated future uses, does not form part of this CSSI and will be subject to the relevant assessment pathway prescribed by the EP&A Act”.

‘Over Station Development’ (**OSD**) is defined in the CSSI Approval as follows:

Includes non-rail related development that may occupy land or airspace above, within or in the immediate vicinity of the CSSI but excluding spaces and interface works such as structural elements may be constructed as part of the CSSI to make provision for future developments.

The internal fit-out and use of the CSSI interface areas and the OSD areas are not covered under the CSSI Approval. Page 16 of the CSSI PIR states the following:

The Environmental Impact Statement further indicates that over station development above the transfer slab would be subject to a separate assessment process. For clarity, the specific use and fit-out of the spaces below the transfer slab (above ground level, at ground level and below ground level – refer Figure 2-3) does not form part of the project and would be subject to a separate assessment process.

The Concept SSD DA therefore approved the OSD building envelope (maximum building height and property setbacks), indicative land uses, and the maximum GFA for the OSD though did not relate to the construction of the ‘metro box’ up to the transfer slab level.

The height of the 'metro box' at RL 81.6 with a stepped height at RL 89 as shown in Pictures 21 and 23 is provided for under the CSSI Approval and does not form part of the proposed modification of the Concept SSD DA. All works above this transfer level form part of the OSD.

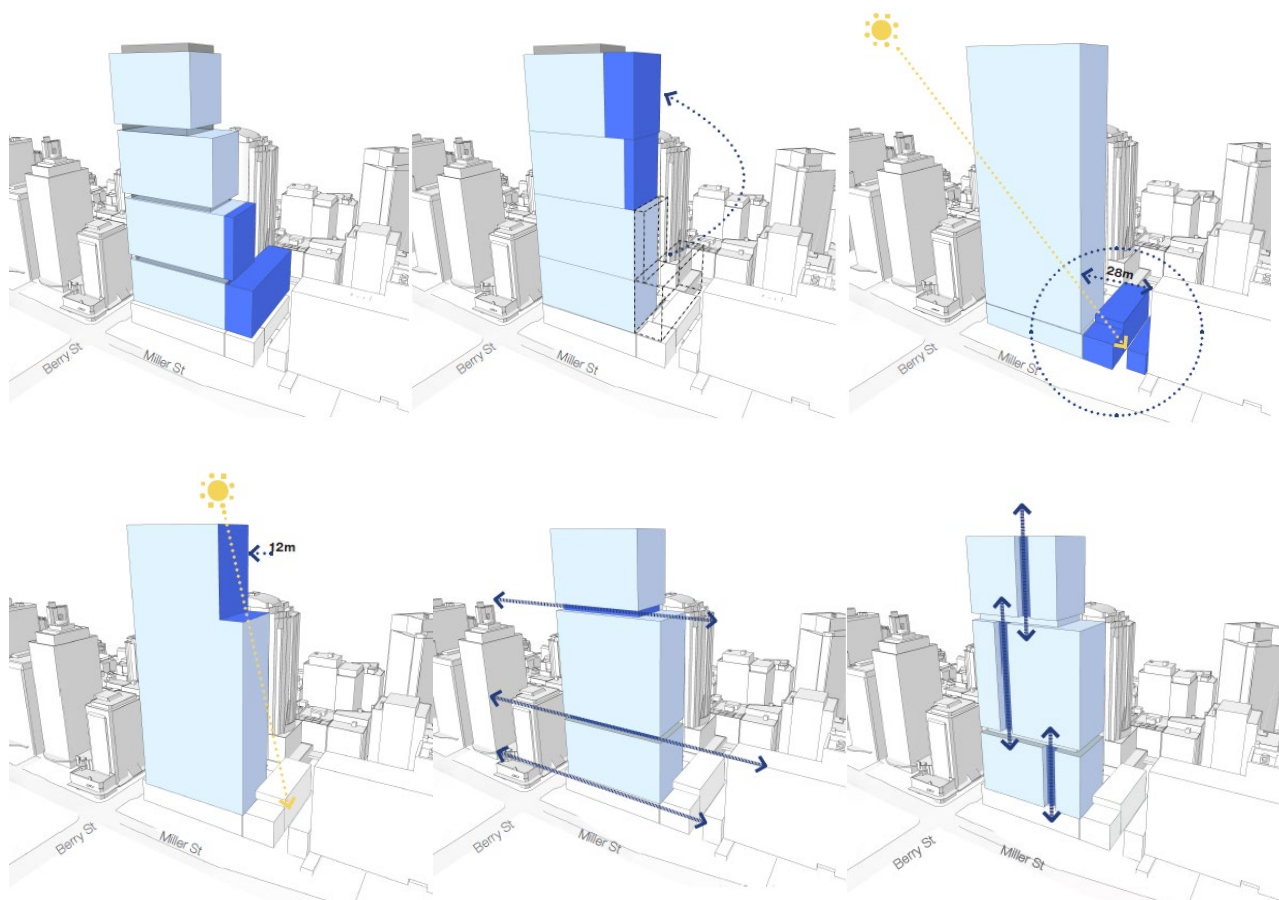
As the OSD building envelope was originally approved above the 'metro box' at the through-site link interface in the Concept SSD DA, the removal of this OSD envelope results in a reduced building massing and impact to the through-site link over the Sydney Metro Victoria Cross Station southern entrance. There is a reduction in building massing north of the through-site link notwithstanding the height of the 'metro box' has marginally increased as per the satisfaction of conditions within the CSSI Approval. This change is not the subject of the Concept SSD DA.

4.5. URBAN DESIGN DRIVERS

As illustrated within the Urban Design Report included at **Appendix C**, the proposed changes to the approved Victoria Cross Station OSD building envelopes have been driven by the following rationale.

1. Clearly articulate the Metro Station entry and retain laneway, previously concealed beneath 9 storeys of a commercial office building presenting as a 14-storey scale to the northern side of the laneway;
2. Revise massing to mitigate the need for a glass roof above the retail laneway;
3. Relocate commercial floor space to the high-rise tower to provide higher amenity for visitors and occupants of the retail floor space and commercial floor space;
4. Increase separation between the OSD and MLC Building and increase amenity for occupants and visitors to retail areas in the laneway;
5. Ensure no additional overshadowing to the Greenwood Plaza Special Area and the Miller Street Special Area;
6. Provide horizontal and vertical articulation that takes design cues from adjacent heritage items.

Figure 22 – Proposed building envelope moves



Source: Bates Smart

4.6. BUILT FORM GUIDELINES

In order to realise the vision for an integrated station development for the Victoria Cross site, a set of design principles relating to built form, integration, movement and open space have been developed to guide the planning and design of the building envelopes (Concept and modified envelope), and the future detailed design of the OSD.

As part of satisfying conditions of the CSSI Approval and Concept SSD DA, Sydney Metro have revised the Victoria Cross Station OSD Design Guidelines (May 2019) which will inform the detailed design of the proposed commercial office tower and OSD project. The principles for the Victoria Cross Station OSD are to:

- Deliver a high-quality built form that:
 - *exhibits design excellence;*
 - *is identifiable as a landmark building;*
 - *is architecturally integrated with the overall Metro Station design, yet distinctly identifies the Metro Station and the OSD entries at the ground plane;*
 - *responds sympathetically to the existing character of neighbouring buildings, including surrounding heritage items;*
 - *provides a podium that responds to and integrates with the public domain and the Metro Station;*
 - *minimises privacy and solar access impacts on the surrounding residential uses;*
- Protect and enhance the surrounding public domain by:

- *Minimising any additional overshadowing from the building or any associated plant, lift overruns, or architectural roof feature;*
- *Ensuring pedestrian comfort in and around the building through managing the potential for wind impacts; and*
- *Providing appropriate setbacks along street frontages in recognition of the established and emerging urban context.*
- Provide for an A grade with premium services office use, supported by a range of complementary uses, to revitalise and activate the public domain.

The OSD building envelopes, as proposed to be modified will remain consistent with the above built form design principles. Specifically, the proposed modifications to the approved envelope supports the achievement of these design principles by:

- Accommodating an indicative scheme that achieves design excellence;
- Relocates building massing to the high-rise floor plates, contributing to the perception of the building massing as an identifiable landmark building within the North Sydney skyline;
- Responds sensitively to adjacent heritage items, specifically by increasing the setback to the MLC Building to the south;
- Provides a podium that does not dominate the public domain, specifically by reducing the street wall height adjacent to the through-site link and Denison Street and by increasing the height of the 6 metre Miller Street setback area;
- Improved pedestrian comfort around the building by reducing potential wind drafts along the through-site link and by providing additional retail and active frontages along Miller Street; and
- Accommodating floor plates that are more suitable for A grade/ premium grade commercial office tenants.

4.7. COMMERCIAL FLOOR PLATES

Notwithstanding the proposed OSD building envelope is geometrically smaller than the approved OSD building envelope, the modified building envelope can accommodate an increase in approved GFA for the OSD component of the development from 60,000 sqm to 61,500 sqm through design efficiency.

The minor increase (2.5%) in commercial GFA has occurred as a result of the re-massing and further detailed design iterations of the indicative scheme which have realised better utilisation of space within the tower and the end of trip facility envelopes. Effectively, less space is required for the consolidated structural arrangement and detailed floor plate designs of the indicative scheme which has minimised the need for several internal columns and has increased the usable commercial / office space.

The indicative scheme discussed in **Section 4.8** below illustrates that the modified building envelope can achieve an A-grade commercial office building providing large contiguous commercial floor plates with GFAs ranging from 1,595 sqm to 1,843 sqm. Commercial office floor plates for the indicative scheme have been designed with consideration of the tower core situated to the east side of the tower form which allows for a single contiguous floor space to the west.

4.8. INDICATIVE SCHEME

The Detailed SSD DA, lodged concurrently with this modification application, seeks consent for the detailed design of OSD situated within the modified envelope, integration with the approved CSSI proposal (structural, mechanical systems, services etc.), and the use of the OSD spaces located within the approved CSSI 'metro box'. This includes use and fit-out of retail tenancies, OSD commercial office lobbies and spaces, basement parking, end-of-trip facilities and loading facilities, and access to services provisions.

For the purposes of this modification application, the detailed plans submitted with SSD-10294 represent an indicative scheme that can be accommodated within the Concept SSD DA building envelopes as proposed to be modified. The indicative scheme represents a detailed design option within the maximum building envelope that supports the design vision and principles for the site. The indicative scheme has also been

used to determine the proposed maximum GFA for which consent is sought as part of this modification application.

The indicative scheme presents as three stacked volumes that are horizontally articulated with reference to neighbouring significant built forms and scales whilst progressively projecting forward towards Miller Street. Vertical expressions which alternate between low, mid and high-rise volumes further break up the built form. A single consolidated tower core traverses the rear elevation (east) externally, providing the building with a structural and vertical circulation spine which includes windows to allow solar penetration to individual levels. A photomontage of the indicative scheme that fits within the proposed building envelope is included at **Figure 23**.

Figure 23 – Artists Impression of Indicative OSD Design



Source: Bates Smart

5. CONSULTATION

To inform the preparation of the Detailed SSD DA EIS and this modification request, the applicant and its consultant team have undertaken pre-lodgement consultation with key stakeholders, including though not limited to:

- Relevant community groups;
- Surrounding owners/occupiers;
- NSW Government Architect's Office (**GANSW**);
- NSW Department of Planning, Industry and Environment (**DPIE**);
- North Sydney Council (**Council**);
- Sydney Airport Corporation Limited / Civil Aviation Safety Authority;
- Sydney Water;
- Roads and Maritime Services (**RMS**); and
- Sydney Metro Design Review Panel (**DRP**);

Community and stakeholder engagement sessions have been documented within the Pre-Consultation Report included at **Appendix P** and are further detailed in the following sections.

5.1. COMMUNITY CONSULTATION

Community consultation has been undertaken with the relevant community groups, including the local community, and surrounding land owners / occupiers. This has occurred throughout all stages of the development approval process from CSSI to Concept SSD DA, and all the way through to the Detailed SSD DA.

Various strategies were implemented to ensure collaborative community involvement in the project. Including emails to subscribers and stakeholders, stakeholder briefings, website information, newspaper advertisements, community newsletters, and community information sessions. Specific community consultation actions undertaken are summarised in the table below.

Table 4 – Summary of community consultation activities

Activity	Content	Date
Email to subscribers including stakeholders	Offered briefing with project team to discuss integrated station development project update including proposed modifications to the Concept SSD Approval as well as the detailed design of the OSD.	16 May 2019
One on one stakeholder briefings	Carried out stakeholder briefings with surrounding land owners, interest groups, members of parliament, and local schools to present a project overview including proposed modifications to the Concept SSD Approval as well as the detailed design of the OSD and discuss project status and relevant items coordination as well as to receive feedback on integrated station development.	Various meetings February – June 2019
Website information	Provided project update and seek community and stakeholder feedback on integrated station development. Promotion of Community Information Sessions at Fred Huntley Hall, North Sydney.	May 2019

Activity	Content	Date
Newspaper Advertisements	Provided project update and sought community and stakeholder feedback on integrated station development	North Shore Times: 16 May 2019 23 May 2019 Mosman Daily: 16 May 2019 23 May 2019
Community newsletter (issued to residents and businesses within 500m radius of the site)	Provided an overview of planning approvals pathways, planning timelines, how to provide feedback and invitation to Community Information Sessions at Fred Hutley Hall in North Sydney.	13 May 2019
Integrated station development booklet	Provided information about integrated station development detailed design, planning approvals pathways, planning timelines and project phases and how to provide feedback.	May 2019
Community information sessions	Displayed project information including artist's impressions, planning approvals pathways overview and timeline, station entrances, OSD, public realm and how to provide feedback and a formal feedback submission to the DPIE. Made available expert members of the project team to provide in person project overview and answer questions from the community members.	Thursday 23 May 2019 Saturday 25 May 2019

The comments raised from the community consultation undertaken that are relevant to the proposed modifications to the Concept SSD DA sought within the modification application, related to:

- Tower height
- Overshadowing
- Architectural design
- Construction

The community consultation strategy and all content (responses) received during the throughout is included at **Appendix P**. A summary of the matters raised by the community during consultation that relate to the proposed modification to the approved building envelope and the proposal's response is included in **Table 5**.

Table 5 – Summary of responses to community consultation matters

Matters Raised	Proposals Response / Document Reference
Suggestion for reduction in building height to match the elevation which 'steps' up Miller Street (heading north towards McLaren Street) similar to buildings along Pacific Highway, North Sydney.	Maximum building height was approved under Concept Approval SSD 17_8874 and is generally consistent with the stepped building height control stipulated within the NSLEP. The proposal is situated in the context of a number of large-scale commercial buildings in the North Sydney CBD, including the following high-rise buildings recently completed and under

Matters Raised	Proposals Response / Document Reference
	construction: 1 Denison Street, 100 Mount Street and 177 Pacific Highway. The building height supports the employment function of North Sydney Centre by enabling the provision of significant commercial floor space, some 61,500 square metres of premium commercial floor space above a new Metro station. An assessment of the impacts of the height of the proposed modification is discussed in Section 8.1 .
I like the design of the building and the height is not out of place.	Noted
Concern for overshadowing impacts to Miller Street and green spaces.	Overshadowing has been carefully considered as part of the design development for the building. As demonstrated through the shadow diagrams included at Appendix C and as described at Section 8.3 , the modified building envelope will achieve no net additional overshadowing when compared to the previous shadowing conditions within Miller Street Special Areas.
Suggestion for the site to be reconfigured to maximise the amount of public space that received the most sunlight.	The maximum building height and general site plan was approved under Concept Approval SSD 17_8874. The proposed modifications to the approved building envelope removes bulk and massing from the lower levels of the building to create a pedestrian scale to the through-site link and improve solar access to this link.
Suggestion to change the proposed building's architectural design to reduce the 'brutal' style with more articulation.	While this comment is more relevant to the detailed design of the tower under the Detailed SSD DA, we note that the building envelope has been designed to incorporate significant articulation, both vertically and horizontally. The north and south elevations provide modulation in their profile. In response to feedback, the façade has been further developed to enhance the architectural design as part of the Detailed SSD DA.
I like the design of the building and the height is not out of place. There appears to be good pedestrian access and [well] placed in the setback and alignment of the building.	Noted. Setbacks and alignments have been carefully considered to ensure pedestrian access requirements are met and that the overall design is well resolved in its context.
Suggestion for Miller Street to remain open during construction.	While construction is a relevant matter for consideration in a Concept SSD DA, we note that no changes are proposed to the construction management methodology included in the Concept SSD DA. Detailed construction management will be addressed within the Detailed SSD DA.
The Committee for Sydney noted the proposal and provided support for the proposed modification to the building envelope which enables improvements to laneway connectivity and visual relief for heritage listed MLC building. The Committee for	Noted.

Matters Raised	Proposals Response / Document Reference
Sydney also supports the benefits of an integrated transport solution.	
The main concerns from the Committee for North Sydney centred around the proposed uses and design. Committee for North Sydney noted concerns with the proposed design scheme and advocated for changes to the development which included increasing the public value on the site including public space (in particular the spaces that had maximum sunlight) and changing the proposed building uses to include more community uses and amenity.	The applicant committed to consider the Committee for North Sydney recommendations and keep them informed about the project as the detailed design evolves. The comments noted by the Committee for North Sydney are not within the scope of the proposed Concept SSD DA modification application, which does not seek any changes to the proposed area of public open space on the site. We note that the proposed modifications to the lower levels of the tower will result in improvements to the pedestrian scale and amenity of the proposed through-site link to be delivered within the CSSI.
Charter Hall expressed concerns with the development's relationship to the 65 Berry Street property, in particular the eastern set back.	The proposed modification to the Concept SSD Approval does not propose to amend the approved tower setback at this location.

5.2. GOVERNMENT AGENCIES

The applicant and their consultants have engaged with the relevant Government agencies throughout the preparation of the Concept SSD DA modification application as outlined in **Table 6** below.

Table 6 – Summary of feedback from government agencies

Agency / Meeting Details	Matters Raised	Response / Reference
NSW Government Architects Office (GANSW)	Government Architect's Office was invited to a one on one briefing session with the DPIE on the 18 March 2019, however sent an apology and was not in attendance at the meeting. The Government Architect is a member of the Design Review Panel and the Acting Government Architect has reviewed the project through this forum.	Design excellence has been reviewed through the Sydney Metro DRP as described in detail at Section 5.3 .
NSW Department of Planning, Industry and Environment (DPIE) – 18 March 2019	DPIE provided technical commentary on the future planning processes and considerations including the need for a SEARs request for the Detailed SSDA.	This modification application follows clearly the statutory planning pathway as agreed with DPIE staff and makes clear the proposed scope of modifications to the Concept Approval.
North Sydney Council <ul style="list-style-type: none"> 28 February 2019 	<ul style="list-style-type: none"> Generally North Sydney Council officers were positive about the Integrated Station Development however would like to be involved in 	The applicant has committed to ensure the public realm aligns with

Agency / Meeting Details	Matters Raised	Response / Reference
<ul style="list-style-type: none"> 8 March 2019 19 March 2019 1 May 2019 17 May 2019 14 June 2019 	<p>the evolution of the design detail particularly the public domain aspects.</p> <ul style="list-style-type: none"> Concern that the developed design's removal of the rooftop over laneway would have adverse impact on the 'microclimate' of laneway. Council was consulted on progress of technical project matters including stormwater detention co-ordination, and construction management. Council officers generally supported the design, noting the proposed envelope was an improvement to the Concept SSD Approval reference scheme and they support the fine grain architectural response of the laneway, the Hub initiative and the tower facades response to the MLC building façade. Council noted it would like to continue to be involved in the evolution of the design detail and raised concern on the following: <ul style="list-style-type: none"> The tower's western façade steps out toward Miller Street resulting in massing over public spaces Scale of the OSD foyer on the corner of Miller and Berry Streets Northern Metro entrance buildings mass and façade treatment Awning provisions Solar access to Miller and Berry Streets public spaces Basement design in consideration of Council's Denison Street vision Pedestrian movements and Miller Street public domain design's circulation provisions 	<p>the Council's aspirations for public space in the area.</p> <p>The wind conditions of the laneway have been validated through revised wind modelling as discussed at Section 8.5.</p> <p>The applicant understands the desire for community facilities and retail that respond to the need in the local area to be incorporated and is committed to exploring this further. The applicant made a commitment to continue to consult with Council Officers as the detailed design progresses.</p>
<p>North Sydney Councillors</p> <ul style="list-style-type: none"> 2 September 2019 	<ul style="list-style-type: none"> The applicant presented an overview of the ISD project including an update on design development, such as the proposed modifications to the 	<p>The applicant confirmed its commitment to continue to consult with North Sydney Council officers on relevant elements as the design progresses. The applicant</p>

Agency / Meeting Details	Matters Raised	Response / Reference
	<p>Concept SSD Approval as well as the detailed design of the OSD. An overview of the project's activation and public domain strategy was also presented.</p> <ul style="list-style-type: none"> The applicant and the Councillors discussed the wider North Sydney Council's vision for North Sydney and the strategy for Victoria Cross' surrounding precinct. The North Sydney Councillors noted the proposal and provided support for the ISD as the integrated transport solution provides opportunities to benefit the Council's vision for North Sydney and the precinct strategy 	<p>also confirmed that discussions would continue throughout the project to ensure North Sydney Councillors remain well informed.</p>
<p>Sydney Water</p> <ul style="list-style-type: none"> 26 February 2019 2 April 2019 30 April 2019 4 May 2019 	<ul style="list-style-type: none"> Initiation of the Sydney Water Section 73 approval process to deliver and protect Sydney Water infrastructure works in order to service the Station and OSD works above street level. Presented an update on services design proposal. The applicant to further refine the design proposal and submit formal notice of requirement for S.73 for the Metro and the OSD / retail components of the project. The applicant provided an overview of the Integrated Station Development to the Water Service Coordinator. Discussion about project co-ordination and timing moving forward was carried out. The applicant will continue design development and follow the process discussed. The applicant is committed to continue consulting with Sydney Water throughout the project. 	<p>No specific implications for the proposed modification application.</p>
<p>Sydney Coordination Office (Including RMS) – 6 March 2019</p>	<p>No specific implications for the proposed modification application.</p>	

Agency / Meeting Details	Matters Raised	Response / Reference
Ausgrid – 4 March 2019	No specific implications for the proposed modification application.	
Telstra – 29 May 2019	No specific implications for the proposed modification application.	
Jemena <ul style="list-style-type: none"> • 4 March 2019 • 16 April 2019 • 2 May 2019 	No specific implications for the proposed modification application.	

Under section 4.55(2)(b) of the EP&A Act the consent authority must consult with the relevant Minister, public authority or approval body in respect of a condition imposed as a requirement of a concurrence to the consent. We therefore anticipate that the NSW DPIE will further consult with government agencies such as Ausgrid, TfNSW, and the RMS as part of the assessment of the modification application.

For further discussion of one-on-one stakeholder briefings, please refer to the Pre-Consultation Report at **Appendix P**.

5.3. SYDNEY METRO DESIGN REVIEW PANEL

To inform the preparation of the Detailed SSD DA for the detailed design of the proposed OSD project, the scheme has been presented to the Design Excellence Evaluation Panel (DEEP) and Design Review Panel (DRP) nineteen times, nine times since the appointment of Lendlease as the development partner, to seek feedback and to confirm design integrity.

The matters raised by the DEEP and DRP that relate to the detailed architecture of the building are addressed within the Detailed SSD DA, and do not relate to the proposed modification application to the Concept SSD DA. There are also a number of matters relevant to the CSSI works including awnings, public domain and podium facades and these will be resolved through the Station Design Precinct Plan (condition E101 of the CSSI Approval).

6. SUBSTANTIALLY THE SAME DEVELOPMENT

Under section 4.55(2)(a) of the EP&A Act the consent authority must be satisfied that the development as proposed to be modified by the modification application is substantially the same development for which consent was originally granted.

The development as proposed to be modified can also be considered 'substantially the same development' as the development for which consent was originally granted as:

- No changes are proposed to the approved land uses across the site;
- The development as proposed to be modified remains classified as SSD as it remains development for the purposes of significant commercial premises within a rail corridor or associated with railway infrastructure;
- The increases in the approved maximum GFA (by 2.5%) is numerically insignificant and is a by-product predominantly from detailed design rather than an increase in the total volume of the approved building envelope;
- The increases in the approved maximum GFA (by 2.5%) has no more than a negligible to minimal environmental impact during the future operation of the development in terms of additional working population, traffic, waste etc;
- There is an improved environmental performance outcome associated with the modified development, compared with the approved development in terms of wind impact, view impacts and visual impact to public places and improved outcome for the adjacent heritage items; and
- The proposed development retains the ecologically sustainable development commitments required by the Concept SSD DA.

Further, the key reasons provided for granting consent to the development application as documented by the Minister for Planning (or their delegate) remain true for the development as proposed to be amended. Specifically, the development as proposed to be modified satisfies the following points.

- The development is consistent with NSW Government and North Sydney Council policies including the Greater Sydney Regional Plan, the North District Plan and recent amendments to NSLEP as described within **Section 7**. The proposal is permissible with consent and generally compliant with the key development standards that govern bulk, density and scale.
- The future development would provide a range of benefits for the region and the State as a whole, including significant employment generation with additional GFA compared to that approved, on a site within the North Sydney CBD with excellent access to services and public transport.
- The impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level as concluded in **Section 9**. Specifically, the proposed modifications to the proposed building envelope result in negligible changes to visual and view impacts to surrounding residential buildings, result in negligible changes to overshadowing of public places, and result in improved visual impacts by reducing massing above and adjacent to public places.
- The modified development has been closely reviewed by the Sydney Metro Design Review Panel, which overall supports the changes and design direction.
- Weighing all relevant considerations, the project is in the public interest.

As a result, the proposed modification is essentially or materially the same as the development for which consent was originally granted under the Concept Approval.

7. STRATEGIC AND STATUTORY CONTEXT

Under section 4.55(3) of the EP&A Act the consent authority must take into consideration the relevant matters to the application referred to in section 4.15(1) of the EP&A Act. The following section provides an assessment of the development as proposed to be modified against the relevant environmental planning instruments. An assessment of the environmental impacts of the proposed modified development identified in this section is set out in **Section 8**.

7.1. STRATEGIC CONTEXT

The following strategic planning policies have been considered in the assessment of the development as proposed to be modified:

- NSW State Priorities
- Greater Sydney Region Plan
- North District Plan
- Future Transport Strategy 2056 and supporting plans
- Better Placed – an integrated design policy for the built environment of NSW 2017
- Development Near Rail Corridors and Busy Roads Interim Guideline
- Noise Policy for Industry
- Guide to Traffic Generating Development (RMS)
- NSW Planning Guidelines for Walking and Cycling
- North Sydney Section 94 Development Contributions Plan
- Sydney Metro Planning Study 2016 (North Sydney Council)
- North Sydney Centre Capacity and Land Use Strategy 2016
- Draft North of Centre / Ward Street Precinct Masterplan

Consistency with the relevant objectives contained within the abovementioned strategic policies is discussed in further detail below.

Table 7 – Consideration of proposed amendments against strategic planning context

Strategic Plan	Assessment
NSW State Priorities	<p>The NSW State Priorities is the State Government's and Premier's plan to guide policy and decision making across the State. The proposed development as modified is consistent with the relevant key objectives contained within the plan. These include:</p> <p>Creating Jobs: Create 150,000 new jobs by 2019</p> <p>The proposed modification of the tower will increase the amount of GFA available for commercial office uses associated with the OSD, while reducing the overall geometry and volume of the approved building envelope. The proposed tower strengthens the North Sydney commercial district and through supporting a conglomeration of commercial offices will assist in the attractiveness and competitiveness of the North Sydney CBD for businesses operating in NSW.</p> <p>Delivering Infrastructure: Key metropolitan, regional and local infrastructure projects to be delivered on time and on budget</p>

Strategic Plan	Assessment
	<p>The NSW Government has committed to delivering 10 significant infrastructure projects on time and on budget under the NSW State Priorities, including the Sydney Metro to be opened in 2024.</p> <p>The proposal provides a significant development opportunity for the State in conjunction with the Sydney Metro project. The Concept SSD DA supports the delivery of Sydney Metro by facilitating employment growth which is coordinated with the new Victoria Cross Station. The building envelope as proposed to be modified has flexibility to facilitate active ground floor uses, while providing building relief and clear wayfinding to the main Sydney Metro Victoria Cross Station entrance from Miller Street.</p> <p>Better Services: Ensure on-time running for public transport</p> <p>The Sydney Metro Victoria Cross Station will provide additional infrastructure within North Sydney to reduce commuter congestion at North Sydney station and transport overcrowding for north and south bound services. The OSD once constructed, will contribute towards reducing travel and waiting times through the provision of a landmark development above the Victoria Cross Station which attracts the community and transport patrons, while providing additional workers in proximity to public transport.</p> <p>The proposed modifications to the building envelope remain consistent with the goals and objectives set out within the NSW State Priorities.</p>
Greater Sydney Regional Plan – ‘A Metropolis of Three Cities’	<p>A Metropolis of Three Cities is a bold vision for three, integrated and connected cities that will rebalance Greater Sydney – placing housing, jobs, infrastructure and services within easier reach of more residents, no matter where they live. Western Parkland City, Central River City and Eastern Harbour City (building on its recognised economic strength and addressing liveability and sustainability) sets a 40-year vision (to 2056) and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters.</p> <p>The vision for the plan is built on these three 30-minute cities within Greater Sydney, providing improved access through different modes of transport to various job opportunities, services, entertainment and cultural facilities across the metropolitan area. The Eastern Harbour City is well-established, well-served and highly accessible by its radial rail network, with half a million jobs and the largest office market in the region.</p> <p>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 proposal specifically aligns with the regional plan by:</p> <ul style="list-style-type: none"> • Providing a significant amount of premium office space (61,500 sqm) which strengthens the Harbour CBD’s economy globally and nationally; • Comprises a commercial tower and activated podium which supports a diversity of uses for competitive services and entertainment opportunities; and • Maximises opportunities presented by the Sydney Metro Victoria Cross station to improve business to business connections and support the 30-minute city.
North District Plan	The North District covers the local government areas of Hornsby, Hunter’s Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Northern Beaches, Ryde and Willoughby. It

Strategic Plan	Assessment
	<p>forms a large part of the Eastern Harbour City with its economy leaning to the Harbour CBD, which acts as the metropolitan centre for the North District.</p> <p>Planning priorities that directly relate to the proposed Sydney Metro Victoria Cross Station OSD include those discussed below.</p> <p><i>N1 – Planning for a city supported by infrastructure:</i></p> <p>The proposal directly benefits from the development of the Sydney Metro Victoria Cross Station by locating additional employment floor space (up to 61,500 sqm) above the infrastructure. The proposed building envelope accommodates 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 reduced building massing above the Victoria Cross Station entrance at Miller Street provides a legible entrance to the Sydney Metro with improved solar and wind conditions around the site. Further, the proposed relocated OSD commercial lobby entrance allows for additional retail and active frontages to Miller Street.</p> <p>The development facilitated by the Concept SSD DA aligns with the place-based infrastructure service, encouraging active transit methods such as walking and cycling, and evidently the Sydney Metro Victoria Cross station.</p> <p><i>N7 – Growing a stronger and more competitive Harbour CBD:</i></p> <p>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.</p> <p><i>N10 – Growing investment, business opportunities and jobs in strategic centres:</i></p> <p>The proposal delivers premium 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.</p> <p><i>N12 – Delivering integrated land use and transport planning and a 30-minute city:</i></p> <p>By locating additional commercial floor space above the Sydney Metro Victoria Cross station, the proposal contributes to the vision for a 30-minute city. Further, the proposal is considered sustainable as it increases the proportion of trips by public transport, walking and cycling trips to reduce emissions and health.</p>
<p><i>Future Transport Strategy 2056</i></p>	<p>The NSW Governments Future Transport Strategy 2056 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.</p> <p>The strategic location of high-value commercial floorspace above the future Sydney Metro Victoria Cross Station 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</p>

Strategic Plan	Assessment
<p><i>Better Placed – an integrated design policy for the built environment of NSW 2017</i></p>	<p>existing active transport networks to reduce automobile reliance, decreasing congestion and reducing environmental impacts.</p> <p>Better Placed (2017) is an integrated design policy for the built environment, prepared by the Government Architect of 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 includes seven applicable objectives:</p> <ul style="list-style-type: none"> • 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. <p>In conjunction with the Detailed SSD DA design, the modified envelope design has been subject to an extensive design review that involved a collaborative, cyclical and iterative process which has resulted in a better resolved envelope design solution. The proposed modified building envelope accommodates a built form that is sustainable, functional, sensitive to its context and visually distinctive as encouraged by objectives of Better Placed.</p>
<p><i>Development Near Rail Corridors and Busy Roads guideline</i></p>	<p>The Development Near Rail Corridors and Busy Roads guideline assists in the planning, design and assessment of development which is in or adjacent to rail corridors and busy roads. The application of the guideline shares a close relationship with the <i>State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)</i>, supporting specific rail and road provisions contained within.</p> <p>The Guideline relates to development impacted by rail corridors and busy roads, in terms of noise and vibration and air quality, as well as the potential impact of adjacent development on roads and railways, with regards to safety and design issues and excavation, earthworks and other construction related issues. The Victoria Cross Station OSD proposal capitalises on concentrating commercial activities within easy walking distance above the future Sydney Metro station, thus improving accessibility and opportunities for increased rail patronage.</p> <p>With regards to noise and vibration impacts by rail corridors on development and vice versa, the application is accompanied by an Acoustic Statement (refer to Appendix K) which confirms the following:</p> <p><i>The proposed changes will have little effect upon noise and vibration emanating from the development and any changes in noise emissions can be dealt with by changes to the noise mitigation measures to be adopted within the design.</i></p> <p>The design principles which continue to be implemented for the modified Concept SSD DA reinforce the developments integration with the future station and wider public</p>

Strategic Plan	<p>Assessment</p> <p>transport network. Specifically, the modified envelope design does not compromise future integration of the detailed OSD design with the Victoria Cross Station.</p> <p>A Rail Corridor Impact Assessment has been prepared by ARCMAC (Appendix L) to address the potential impacts of the OSD's construction related issues on the Victoria Cross Station (under construction) and future Sydney Metro City and Southwest rail corridor. The primary potential impacts of the OSD relate to structural impacts, earthing and bonding, fire and life safety and building services. These potential impacts have been addressed through both a separated and integrated design solution, depending on the nature of the impact, to ensure the best design solution for both the tower and station below has been implemented.</p>
<i>Noise Policy for Industry</i>	<p>The Environment Protection Authority's (EPA) Noise Policy for Industry (2017) is a strategic document in relation to the assessment and management of industrial activities and associated noise sources. Section 1.5 of the Policy states that it does not apply to industrial uses associated with transportation corridors or construction activities.</p> <p>Notwithstanding, potential noise impacts from the OSD is discussed in further detail in Section 8.6.</p>
<i>RMS' Guide to Traffic Generating Developments</i>	<p>The RMS' Guide to Traffic Generating Developments outlines all aspects of traffic generation considerations relating to developments. The Guide establishes the grounds for traffic impact assessment in terms of daily traffic volumes and peak traffic volumes for office / commercial land uses.</p> <p>The modification proposed to the Concept SSD DA building envelope does not introduce any new issues associated with traffic generation above what has previously been considered under SSD 17_8874. The Detailed SSD DA lodged concurrently with this application includes a traffic and transport impact assessment which considers the strategic context of this Guideline and the statutory context of the Infrastructure SEPP as the basis for assessment.</p>
<i>NSW Planning Guidelines for Walking & Cycling</i>	<p>These guidelines function to improve the consideration of walking and cycling and their role in the creation of sustainable neighbourhoods and cities. The modified Concept DA proposal and ultimate Victoria Cross Integrated Station Development continue to align with these guidelines by improving walkability and bicycle access across North Sydney CBD through the provision of new pedestrian routes, end-of-trip facilities and wayfinding signage. This will contribute to a high-quality pedestrian and cycling environment, which is conducive to use of active transport options by future OSD workers and visitors.</p>
<i>Sydney's Bus Future 2013</i>	<p>Sydney's Bus Future 2013 outlines the NSW Government's long-term plan to deliver an integrated bus network which is simpler, faster and better within Sydney to meet current and future customer needs. The overarching aim is to provide an integrated bus network which seamlessly connects to other transport services and opportunities.</p> <p>With regards to North Sydney, the plan proposes to continue running local services as peak express services for commuters to the Sydney CBD, providing fast, reliable and convenient access from inner Sydney suburbs such as North Sydney, supported by new bus priority on the network.</p>

Strategic Plan	Assessment
<i>Sydney's Cycling Future (2013)</i>	<p>The modified envelope continues to align with these objectives by locating commercial floor space within walking distance of various key bus routes (refer Section 3.7.1).</p> <p>Sydney's Cycling Future (2013) provides a framework for the way cycling is planned and prioritised in Sydney. It aims to grow the number of people cycling for transport by investing in safe, connected networks, making better use of existing infrastructure and fostering the formation of partnerships to develop cycling infrastructure.</p> <p>The policy indicates Transport for NSW (TfNSW) are working with North Sydney Council to deliver the North Shore Link, that will provide a well-connected cycle network which will connect Naremburn Cycleway and the Sydney Harbour Bridge. This would provide improved accessibility for site users and visitors to North Sydney CBD and the OSD, by encouraging people to use cycling as a means of transport with the availability of high-quality end-of-trip facilities. The site currently has access to nearby cycle networks, including cycle lanes/paths on Miller Street (refer to Section 3.7.3).</p>
<i>Sydney's Walking Future (2013)</i>	<p>Sydney's Walking Future (2013) aims to promote walking as a means of effective transport within Sydney by encouraging investment in safe, permeable walking networks. At the time of this plan, North Sydney was ranked third highest in number of walking trips per day with an average walk time of 24 minutes.</p> <p>The surrounding road network provides the site and OSD with pedestrian access largely via Miller Street, Berry Street and Denison Street. Future plans for Denison Street indicate partial transformation of the laneway as a dedicated pedestrian zone (refer to Section 3.7.4).</p>

7.1.1. North Sydney Section 94 Development Contributions Plan

The future OSD is subject to North Sydney Council's contributions requirements under the *North Sydney Section 94 Contributions Plan 2013*. The levy aims to assist the funding of public facilities such as facilities, amenities and services required to meet the needs of an increasing workforce population.

For commercial development, the Plan calculates the levy according to the increase in workers, assuming an average of 20sqm GFA per employee. While the application of the levy is not relevant for the Concept SSD DA, the application of the levy will be calculated on the basis of the concurrent Detailed SSD DA based on the proposed additional commercial floor space.

7.1.2. North Sydney Local Strategic Plans

North Sydney Council (**Council**) has prepared various local strategic plans that are relevant to future development on the Victoria Cross Station OSD site as described in the following section.

Sydney Metro Planning Study 2016

In response to the NSW State Government's planned new metro rail infrastructure, Council prepared the *Sydney Metro Planning Study (2016)* as a guide to establish key opportunities and principles with respect to public domain and built for massing to inform the planning and design of the Victoria Cross and Crows Nest Metro sites located in the North Sydney LGA. The proposal was adopted on 20 February 2017.

With regards to the Sydney Metro Victoria Cross Station, the Study establishes a range of development opportunities for the site and identifies various principles to guide future development on the site. Consistency of the proposed development with the key relevant principles are outlined in **Table 8** it is noted that many of the principles of this study relate to ground level treatments which form part of the CSSI approval.

Table 8 – Modified Concept SSD DAs Consistency with *Sydney Metro Planning Study 2016*

Guiding Principle	Proposal's Consistency
Transport and Movement	
A quality pedestrian connection will be created linking the Metro with Denison Street via the existing Tower Square site.	A through-site link between Miller and Denison Streets which connects to the station is delivered as part of the CSSI approval. An entrance to the Metro is provided at Miller Street (ground level) and at Denison Street (lower ground level). The proposed modified envelope improves the pedestrian experience of these entrances by reducing the bulk and scale of the development adjacent to the public domain.
Providing new cycling infrastructure to encourage active transport.	The indicative scheme includes provision for bicycle storage and end-of-trip facilities. The precise design and construction of these areas forms part of the CSSI Approval and Detailed SSD DA.
Public Domain and Open Space	
New and/or improved public spaces will provide for a number of functions, including pedestrian movement, outdoor dining and passive recreation.	Public domain spaces are provided as part of the CSSI Approval. Notwithstanding, the proposed modified building envelopes facilitate additional ground floor activation and an improved pedestrian experience around the site.
The potential for Miller Street to function as North Sydney's key piece of civic space/ public domain will be maximised.	A significant (min 6 metre) ground level setback is provided at Miller Street expanding the existing public domain surrounding the site. The modified building envelope improves solar access to the Miller Street Special Area compared to development existing on site prior to demolition, while providing a landmark building with streetscape activation, and provides additional height beneath the tower cantilever.
Design of the public domain will make the most of solar access opportunities.	The development results in a net gain in solar access to the Miller Street Special Area (refer to Section 8.3).
An uninterrupted linear space that includes the MLC building setback along the eastern side of Miller Street is a priority.	The buildings setback from Miller Street aligns with the station design and complies with the NSLEP. Whilst not directly in-line with the MLC building, the lower scale retail podium element of the envelope has been modified specifically to run at a continuous height with the building frontage and reduce massing north of the through-site link.
Facilitate the activation of both sides of Miller Street.	The eastern side of Miller Street is activated through the ground / podium level retail uses, station entries and OSD lobby. The proposed modification to the indicative ground plan improves the extent of retail activation on Miller Street compared to the approved scheme.
Land Use	
Support the employment function of North Sydney Centre by providing significant commercial floor space.	The modified concept proposal supports employment through the provision of 61,500 square metres of premium grade commercial floor space above a new Metro station.

Guiding Principle	Proposal's Consistency
Maximise opportunities to incorporate retail and other non-residential floor space at ground level.	The concept allows for retail / commercial uses within the approved CSSI 'metro box'. Ground level activation will be maximised through the provision for use of up to four levels of the CSSI 'metro box' for retail premises.
Restaurant, bar and retail opportunities at and above ground level will contribute to amenity, diversity and place making objectives.	As mentioned above, activation will be maximised through the provision for use of up to four levels of the CSSI 'metro box' for retail premises designed to provide out of business hours destination retail in addition to convenience retail.
Incorporate community uses into above station development.	The modified concept proposal does not seek approval for community uses. However, the OSD envelope has flexibility to provide these uses as part of the Detailed SSD DA.
Built Form	
Facilitate Optimum Public Domain Outcomes	<p>The OSD building envelope has been specifically modified to enhance Special Areas and public open space, including Greenwood Plaza, Miller Street Special Areas and Brett Whiteley Plaza, by avoiding overshadowing to these areas.</p> <p>The ground and podium level setbacks have been designed to comply with the Miller Street Setback. The proposal also features further recession to upper levels of the building, thus preserving the solar access plane to the through-site link.</p>
Contribute to Place Making and Centre Amenity	The ground and podium levels are being delivered through the CSSI Approval the OSD envelope as modified ensures interaction with the ground and podium levels maintaining opportunities for active retail frontages to be delivered as part of the detailed design.
Connect People and Places	A through-site link is provided as part of the CSSI Approval. As mentioned above, the proposal facilitates active frontages of the laneway and provides a lower-rise podium form adjacent to the link to improve the pedestrian environment compared to the approved building envelopes.
Contribute to the Commercial Prestige of North Sydney	The modified concept proposal provides a considerable amount of premium commercial floor space (61,500 sqm) and contiguous commercial floor-plates commensurate with top market demand. The development provides a commercial landmark which reinforces North Sydney's prominence as a CBD with an elite office floor space market. It also capitalises on the significant investment of the Victoria Cross Station and wider Sydney Metro project.
Provide Exceptional Built Form	The proposal has undergone a competitive tendering process and rigorous design excellence / review process to inform the current design (refer Section 2.3). Overall the design is generally consistent with the NSDCP and seamlessly respects adjoining and nearby heritage items as discussed at Section 7.2.5 and Section 8.6 .

North Sydney Centre Capacity & Land Use Strategy 2016

The *North Sydney Centre Capacity and Land Use Strategy* (NSCCLUS) was adopted by the North Sydney Council on 1 May 2017 and forms the final component of Council's comprehensive North Sydney Centre review. Key objectives of the NSCCLUS include:

- Develop a framework that allows for the growth of the North Sydney Centre to ensure it maintains its status as a resilient, vibrant and globally relevant commercial centre;
- Accommodate forecast demand for additional commercial floor space in the North Sydney Centre;
- Inform and respond to district planning, particularly employment and commercial floor space targets for the 'strategic centre';
- Take advantage of planned infrastructure upgrades by intensifying land uses surrounding transport infrastructure; and
- Identify and facilitate specific land uses that contribute to the centre's diversity, amenity and commercial sustainability.

The modified Concept SSD DA is consistent with the above objectives by adding to the economic prosperity of North Sydney through the provision of 61,500 sqm of premium commercial floor space in the North Sydney Centre. Evidently being an OSD, the proposal capitalises on the Sydney Metro City & Southwest planned infrastructure project. Furthermore, in conjunction with the Detailed SSD DA the project will revitalise and improve amenity of the North Sydney Centre by attracting business, adding to the commercial competitiveness of the area and creating a vibrant and integrated work-life destination.

The NSCCLUS has subsequently informed a Planning Proposal by Council to amend the built form controls within the CBD to facilitate the delivery of increased employment space opportunities, enabling the CBD to grow and strengthen as a major commercial hub. The LEP amendments have been gazetted and the proposed building height controls applicable to the site have been gazetted. The proposed building envelopes do not seek any amendment to the maximum height of building control that applies to the site, however a marginal variation is proposed to the RL 201 height control that applies to the mid-rise portion of the tower as described within **Section 7.2.4**.

Stage 2 Draft Ward Street Precinct Masterplan

The Stage 2 draft Ward Street Precinct Masterplan (North Sydney Council, February 2019) relates to an area to the north of the site generally bounded by McLaren Street to the north, Berry Street to the south, Warringah Expressway to the east and Miller Street to the west (**Figure 24**). The draft Masterplan was prepared primarily in response to the impending expiry of the Ward Street car park lease (at which time Council will regain control of the land), a decommissioned substation and the future construction of the Victoria Cross Station OSD. The draft Masterplan recently completed the final public exhibition phase and its adoption by Council is imminent.

The key component of the draft Masterplan is the replacement of the Ward Street car park with multiple new community facilities totalling 4,940sqm, a large central public square totalling 2,080sqm and a smaller Green Square totalling 1,155sqm, supported by two large commercial office towers and active low level retail uses with building heights ranging from 28 to 57 storeys. The draft Masterplan identifies a 'base' maximum height of RL 230 (equivalent to 40 levels), consistent with the maximum height on the subject site, with the potential allowable additional height (up to RL 285 and 57 storeys) being subject to additional public benefit and design excellence tests.

The Victoria Cross Station OSD will complement the vision under the draft Masterplan, and together the two redevelopments will invigorate the northern North Sydney CBD with additional commercial floor space, high quality public domain and improved connectivity to surrounding areas.

The draft Masterplan has been prepared with the understanding of the future OSD building envelope form on the subject site. As the changes proposed do not increase the overall approved height (RL 230), the modified envelope is not considered to result in any land use conflict or amenity issues for the future development of the Ward Precinct envisioned under the draft Masterplan.

Figure 24 – Draft Ward Street Precinct Masterplan



Source: North Sydney Council, 25 February 2019

7.2. STATUTORY PLANNING CONTEXT

The EIS submitted with SSD 17_8874 assessed compliance against the relevant environmental planning instruments as follows:

- *Environmental Protection and Biodiversity Act 1979 (EP&A Act)*
- *NSW Biodiversity Conservation Act 2016*
- *State Environmental Planning Policy (State & Regional Development) 2011*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy No. 55 (Remediation of Land)*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Draft State Environmental Planning Policy (Environment)*
- *North Sydney Local Environmental Plan 2013.*

The proposal's compliance with the relevant statutory provisions is outlined in the following sections. As outlined in the SEARs for the original Concept DA, the statutory provisions contained in the planning instruments listed below have been addressed for the modified Concept SSD DA.

7.2.1. Environmental Planning & Assessment Act 1979 (EP&A Act 1979)

The EP&A Act establishes the assessment framework for SSD, and in Section 4.36 indicates that a state environmental planning policy may declare a development to be SSD. Under section 4.5(a) of the EP&A Act, the Minister is the consent authority for SSD DAs if the Independent Planning Commission has not been declared to be the consent authority for the development by an environmental planning instrument.

The approved Concept SSD DA is a staged development application as per Division 4.4 of the EP&A Act. A Concept DA is one that sets out concept proposals for the development of a site, and for which detailed proposals for separate parts of the site are to be the subject of subsequent development applications. The modification application seeks consent to amend the approved Concept SSD DA approved for the site, while a Detailed SSD DA is concurrently lodged for the detailed design of the development.

The EIS and Response to Submissions Report submitted with the original Concept SSD DA, examined all matters affecting or that are likely to affect the environment by the proposed development. **Table 9** provides an assessment of the proposed building envelope as proposed to be modified against the objects contained within Section 1.3 of the EP&A Act.

Table 9 – Objects of the EP&A Act

Object	Comment / Response
To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources.	The modified concept proposal continues to promote the social and economic welfare of the community and a better environment through delivery of an integrated transport development on the Sydney Metro Victoria Cross Station site.
To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about the environmental planning and assessment.	The ESD commitments made at Appendix D are consistent with those included within the Concept SSD DA. The Detailed SSD DA lodged concurrently with this modification proposal commits to achieving high standards of ecologically sustainable development and is accompanied by a detailed ESD Report.
To promote the orderly and economic use and development of land.	The modified concept proposal promotes the orderly and economic use and development of land through a staged planning process which delivers an integrated design

Object	Comment / Response
	response that responds to the site constraints and complexity of the development. The proposed building envelopes maximise commercial floor space to be delivered on the site while reducing the overall massing of the proposed building envelope.
To promote the deliver and maintenance of affordable housing.	N/A
To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats.	The modified concept proposal is located within an established urban context. In addition, a BDAR waiver has been issued from DPIE which determined the proposal will have no impact on threatened species or their habitats.
To promote sustainable management of built and cultural heritage (including Aboriginal cultural heritage).	The modified proposal respects the significance of surrounding built heritage as outlined in Section 8.6 and the Heritage Impact Assessment (Appendix E).
To promoted good design and amenity of the built environment.	<p>The modified envelope facilitates an OSD which exhibits design excellence and mitigates adverse amenity impacts. The endorsed design excellence strategy is attached at Appendix Q.</p> <p>Furthermore, the Detailed SSD DA lodged concurrently with this proposal further demonstrates the design excellence in the detailed final design.</p>
To promote proper construction and maintenance of buildings, including the protection of the health and safety of their occupants.	The proposal relates only to the modified building envelope concept. The concurrent Detailed SSD DA provides a Construction Site Management Plan (CSMP) which addresses construction staging and impacts.
To promote the sharing of responsibility for environmental planning and assessment between different levels of government in the State.	<p>Relevant Government agencies have been consulted throughout the concept and detailed design processes.</p> <p>It is noted that the Minister is the consent authority as the development is considered SSD.</p>
To provide increased opportunity for community participation in environmental planning and assessment.	An inclusive public consultation strategy has been implemented throughout the project (refer to Section 5 and Appendix P).

Overall, the proposed development as sought to be modified remains consistent with the objects and general terms of the EP&A Act.

7.2.2. Biodiversity Conservation Act 2016

The purpose of the *Biodiversity Conservation Act 2016* 'is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and in the future, consistent with the principles of ecologically sustainable development.' Clause 2 of section 7.9 of the *Biodiversity Conservation Act 2016* requires a DA for SSD to be accompanied by a Biodiversity Development Assessment Report (BDAR).

As part of the original Concept SSD DA, on the 11 May 2018, the NSW Department of Planning and Environment (now **DPIE**) granted a waiver under section 7.9(2) of the *Biodiversity Conservation Act 2016*, concluding that:

- The proposed development is not likely to have any significant impact on biodiversity values; and
- There is no need to submit a BDAR as part of the SSD DA.

A request seeking a waiver for the requirement for a BDAR associated with the proposed Detailed SSD DA, on 24 April 2019. The request was accompanied by an assessment of the Detailed SSD DA proposal against the relevant provisions of the *Biodiversity Conservation Act 2016* and the *Biodiversity Conservation Regulation 2017*.

The assessment determined that the site is within an established urban area known as the North Sydney CBD and has been cleared of all vegetation, buildings and structures and therefore, does not present a habitat that would likely suit the needs of a threatened species. It was identified that there are no endangered populations, threatened species or threatened ecological communities recorded within the site or surrounding locality (NSW ATLAS, 2019). Furthermore, the site and surrounds are not known to connect different areas of habitats for threatened species and thus will not have any likely impact on habitat connectivity.

Overall, the proposal will not have any likely impact on the surrounding natural environment and abundance of species, habitat connectivity, threatened species movement and flight paths of protected animals, nor will it impact upon water quality surrounding the site (sustainability) and the site does not contain abundant vegetation.

Accordingly, a BDAR waiver was issued by the NSW DPIE and OEH on 17 May 2019, thus determining a BDAR is not required as part of this Detailed SSD DA (refer **Appendix O**). Due to the direct correlation between the modified building envelope proposal and the Detailed SSD DA design, it is considered that clause 2 of Section 7.9 of the *Biodiversity Conservation Act 2016* has been satisfied.

7.2.3. State Environmental Planning Policies (SEPPs)

The relevant *State Environmental Planning Policies* are addressed in **Table 10** below. Overall, the modified Concept SSD DA remains consistent with the relevant SEPPs as originally approved under SSD 8874.

Table 10 – Consistency with Relevant SEPPs

SEPP	Comment
State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)	<p>The SRD SEPP has the purpose of identifying development that is SSD, SSI (including critical) and regionally significant development. Pursuant to clause 19(2), Schedule 1 of the SRD SEPP indicates that the following development is SSD:</p> <p><i>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:</i></p> <ul style="list-style-type: none"> • <i>commercial premises or residential accommodation,</i> • <i>container packing, storage or examination facilities,</i> • <i>public transport interchanges.</i> <p>As the proposal is for the purposes of a 'commercial premises' associated with railway infrastructure and has a capital investment value of more than \$30 million, it is classified as SSD for the purposes of the EP&A Act. The modified Concept SSD DA will be assessed under the relevant provisions of Part 4 of the EP&A Act.</p> <p>It is noted that clause 11 of SRD SEPP 2011 states that Development Control Plans (DCPs) do not apply to SSD applications.</p>
State Environmental Planning Policy (Infrastructure) 2007	<p>The relevant matters for consideration in the <i>Infrastructure SEPP 2007</i> include referral requirements for development. Clause 85 of Division 15 (Railways)</p>

<p>SEPP</p> <p>(Infrastructure SEPP)</p>	<p>Comment</p> <p>indicates that development in or adjacent to a rail corridor must be referred to the relevant rail authority.</p> <p>As per clause 85, the consent authority must provide notice to the relevant rail authority within seven days after the application is made for their consideration prior to the determination of the Detailed SSD DA. The proposal relates to development located within the Sydney Metro City & Southwest Corridor will be referred to the relevant rail authority for comment.</p> <p>Pursuant to clause 104 (Traffic Generating Development) and Schedule 3 of the SEPP, the detailed DA also triggers consultation with the NSW Roads and Maritime Services (RMS), as the proposed commercial GFA is greater than 10,000sqm. The minor numerical increase in GFA (2.5%) is not considered to impact the surrounding road network. Detailed traffic management is to be considered within the Detailed SSD DA.</p> <p><i>Development near Rail Corridors and Busy Roads – Interim Guideline</i> is addressed within Section 7.1. Accordingly, the application is accompanied by a Rail Corridor Impact Assessment (Appendix L) which further discusses the consideration of matters contained within the Infrastructure SEPP.</p>
<p>State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)</p>	<p><i>State Environmental Planning Policy No.55 – Remediation of Land</i> (SEPP 55) provides a State-wide approach to the remediation of contaminated land, and primarily promotes the remediation of contaminated land for the purpose of reducing risk of harm to human health.</p> <p>As all demolition and excavation will be completed as part of the Sydney Metro Victoria Cross Station works, SEPP 55 and potential site contaminants will be addressed in accordance with the relevant conditions of the CSSI approval. Therefore, provisions of SEPP 55 have been wholly addressed through that approval and are not relevant to the Concept or Detailed SSD DA.</p>
<p>State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)</p>	<p>The <i>State Environmental Planning Policy No.64 – Advertising and Signage</i> (SEPP 64) aims to ensure that signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of high-quality design and finish.</p> <p>The modified Concept SSD DA does not seek consent for any physical signage. The concurrent Detailed SSD DA includes an assessment of the indicative signage zones against SEPP 64.</p>
<p>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP) (deemed SEPP)</p>	<p>The Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP) is a regional planning instrument that aims to ensure the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained as a natural and public asset of national significance.</p> <p>The site is located within the Sydney Harbour Catchment area but not within the Foreshores and Waterways area. Therefore, clause 26 of the SREP is relevant to the consideration of the proposed development with regards to the maintenance, protection and enhancement of views. Matters to be taken into consideration in relation to clause 26 include:</p>

SEPP	Comment
	<ul style="list-style-type: none"> • <i>Development should maintain, protect and enhance views (including night views) to and from Sydney Harbour;</i> • <i>Development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items; and</i> • <i>The cumulative impact of development on views should be minimised.</i> <p>A View and Visual Impact Assessment (Appendix M) has been prepared to assess and compare the approved and modified concept proposal's impacts on key views, including views to and from Sydney Harbour. Visual and view impacts are also discussed in further detail in Section 8.2 of this report.</p>
Draft State Environmental Planning Policy (Environment) 2017 (Environment SEPP)	<p>In October 2017 DPIE released an Explanation of Intended Effect (EIE) for the proposed <i>Draft State Environmental Planning Policy (Environment SEPP) 2017</i>. The overarching aim of the <i>Draft Environment SEPP</i> is to combine seven existing SEPPs into a simple, modern and accessible instrument which promotes the protection and improvement of key environmental assets for their intrinsic value and social and economic benefits.</p> <p>Only one of the affected SEPPs, notably the <i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</i>, relates to the modified concept proposal as the site is located within this catchment area. The Concept proposal remains consistent with the Draft Environment SEPP as modified.</p>

7.2.4. North Sydney Local Environmental Plan 2013 (NSLEP)

The *North Sydney Local Environmental Plan 2013* (NSLEP) is the principal local planning instrument applying to the site, establishing the permissible land uses, key development standards, and heritage conservation requirements. It is noted that the approved Concept SSD DA complied with the amended NSLEP development standards with the exception of the height of building control (clause 4.3) and Miller Street setback area (clause 6.4). The Concept SSD DA was supported by two clause 4.6 variations to permit the development, notwithstanding the partial exceedance of these two development standards.

Land Use Zoning and Permissibility

The site is located within the B3 Commercial Core zone under the NSLEP. The objectives of the zone are:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To prohibit further residential development in the core of the North Sydney Centre.*
- *To minimise the adverse effects of development on residents and occupiers of existing and new development.*

The modification proposed to the approved Concept SSD DA building envelope includes a mixed-use commercial OSD which is permissible with consent in the B3 Commercial Core zone. The modified proposal remains consistent with the zone objectives as it:

- Provides various business, office and retail (employment opportunities) land uses in a single tower form which serves the local and wider community and does not propose any residential development;
- Maximises public transport being located above the future Sydney Metro Victoria Cross Station and encourages existing active transit methods / infrastructure in proximity to the site; and

- Minimises adverse amenity impacts on existing and future developments through adequate sun plane access to public domain areas and appreciation / integration of surrounding heritage items.

Development Standards

The modification proposed to the Concept SSD DA has been assessed against the relevant development standards contained within the NSLEP and is discussed in detail below. As a point of reference, the North Sydney Centre Map is illustrated in **Figure 25**.

Figure 25 – North Sydney Centre Map



Source: NSLEP 2013

The modified Concept SSD DA proposal has been assessed against the relevant NSLEP 2013 development standards in **Table 11**.

Table 11 – NSLEP 2013 Compliance of Development Standards

Clause	Control	Proposal / Compliance
4.3 – Height of Buildings	<p>The site is subject to four height controls:</p> <ul style="list-style-type: none"> • RL 230 (north) • RL 201 (central) • RL 193 (south) • RL 135 (east) 	<p>The modified building envelope achieves the objectives of the height of building controls applying to the site by complying with the prevailing Greenwood Solar Access Plane, and by providing a gradation in the building height from the northern portion of the site to the south.</p> <p>The approved Concept SSD DA varied the RL 201 height control for a small part of the envelope as a result of an assessment under clause 4.6 variation provision of the NSLEP. The proposed modified building envelopes also include a partial height variation at the central portion of the site as illustrated on the proposed building envelope plans at</p>

Clause	Control	Proposal / Compliance
		<p>Appendix B. No variation is sought to the RL 230, RL 193, or RL 135 controls.</p> <p>Overall, the revised variation is deemed satisfactory in the context of the previously approved variation. The proposed variation does not result in additional amenity impacts to surrounding sensitive land uses above what has previously been assessed, and importantly does not impact upon the solar access plane to Greenwood Plaza (contained within the NSLEP). As demonstrated within the shadow diagrams included at Appendix B, there is no significant overshadowing resulting from the proposed non-compliance with the RL 201 height control. This is discussed further in Section 8.1.</p> <p>Therefore, complying with the height of building control for the central portion of the site would be unreasonable and unnecessary in the circumstances of the site.</p>
4.4 – Floor Space Ratio (FSR)	No applicable FSR applying to the subject site or North Sydney CBD area.	<p>Nonetheless, the approved maximum for the site under the Concept SSD DA (SSD 8874) is 60,000 sqm.</p> <p>The modified building envelope proposes a total GFA of 61,500 sqm (increase of 1,500 sqm of GFA).</p>
5.10 – Heritage Conservation	<p>The site is within the vicinity of two (2) local heritage items:</p> <ul style="list-style-type: none"> • MLC Building at 105 Miller Street (Item I0893) • Rag & Famish Hotel (I0901) 	<p>As previously discussed, potential heritage impacts associated with the modification are addressed at Section 8.6 and the Heritage Impact Assessment at Appendix E.</p> <p>The proposed building envelope increases the minimum separation between the tower and the MLC building to 28m (increase of 10m). The modified building envelope is considered to have appropriate regard for adjacent heritage items and has flexibility to integrate with the built form of the MLC Building and the Rag & Famish Hotel. This is discussed further in Section 8.1.</p>
DIVISION 6 – NORTH SYDNEY CENTRE		
6.3 – Building Heights and Massing	<p><u>Clause 6.3(2)</u> relates to maximum height of building controls in terms of overshadowing impacts to sensitive uses. Development consent cannot be granted for the erection of a building on land in the North Sydney Centre (refer Figure 26) where development would result in a net increase in overshadowing between 12:00pm and 2:00pm from the March to September equinox to land within Zone RE1 Public Recreation or that is identified as “Special Area”.</p> <p>In relation to the modified building envelope, the relevant protected areas requiring consideration are the <i>Miller Street Special Area</i>, <i>Greenwood Plaza</i>, and <i>Brett Whiteley Plaza</i>. The shadow study comparison of both the approved and modified building envelope provides an analysis of shadow impacts at the summer to winter solstice and equinox, and is included within the Urban Design Report at Appendix C and is discussed in detail at Section 8.3.</p>	

Clause	Control	Proposal / Compliance
		<p>In summary, when comparing the approved and modified envelope:</p> <ul style="list-style-type: none"> • The modifications to the approved building envelopes do not impact overshadowing of the Miller Street Special Area in mid-winter; • Despite the minor portion of overshadowing (25sqm) to the Miller Street Special Area for approximately 10 minutes on the Autumn equinox, the modified envelope does not result in a net increase in overshadowing compared to buildings prior to demolition occurring on the site; • The modified envelope does not result in any overshadowing impacts to Greenwood Plaza; and • There is no additional overshadowing to Brett Whiteley Plaza above what has previously been considered and assessed under the approved envelope. <p>Overall, the shadow study indicates that the modified OSD envelope would not result in a net overall increase in overshadowing to any Special Areas or RE1 zones between 12pm to 2pm between the March and September equinoxes when compared to the previous conditions of the site.</p> <p><u>Clause 6.3(3)</u> allows for consent to be granted for development which exceeds the maximum height of buildings (clause 4.3) provided the consent authority is satisfied that any increase in overshadowing between 9:00am and 3:00pm from the March to September equinoxes will not result in any private open space, or window to a habitable room, located on land outside of the North Sydney Centre, receiving less than 2 hours of direct sunlight or less direct sunlight than it did immediately before commencement of the NSLEP 2013.</p> <p>As similar to the approved building envelope, the modified envelope causes additional overshadowing between 9:00am and 3:00pm in mid-winter to three terrace dwellings on Whaling Road, North Sydney. Although there is some overshadowing to these properties at 3:00pm, it is considered minor lasting for only a short duration and would have negligible impact on the amenity of the dwellings.</p> <p>Specifically, it is recognised that both the approved and modified envelope results in a very minor reduction in direct sunlight to the rear private open space areas of these terrace dwellings on Whaling Road. This minor reduction however does not preclude consent being granted as clause 6.3(3) is not a requirement that must be met by the development, but rather an “in-built” dispensation provision which allows a development to be approved which breaches the height control in clause 4.3, without the need for submission of a clause 4.6 variation request.</p> <p>It is noted that a clause 4.6 variation request for an exceedance of the height controls has been lodged in conjunction with the Detailed SSD DA (submitted concurrently). Clause 6.3(3) is therefore considered irrelevant to the assessment of the proposal as it is not being relied upon for the variation in height. Further, the Concept Approval was submitted and approved with a clause 4.6 variation in relation to the maximum height of the proposal.</p>

Clause	Control	Proposal / Compliance
		<p>Notably, the proposed modification to the approved building envelopes do not change the impact already assessed and deemed acceptable within the Concept SSD DA. Refer to Section 8.3.4 for further discussion of overshadowing impacts.</p> <p><u>Clause 6.3(4)</u> applies to the adjacent land at 105-153 Miller Street (known as the MLC Building) and is therefore not applicable to the site. Notwithstanding, an assessment of the modification proposed on Brett Whiteley Plaza has been provided in Section 8.3.3.</p> <p><u>Clause 6.3(5)</u> establishes considerations that the consent authority must take into account when granting consent. The Concept SSD DA proposal, as modified, continues to respond positively to these considerations in that it:</p> <ul style="list-style-type: none"> • Is compatible with the existing and future scale, form and massing in the North Sydney Centre; • Poses no adverse impacts on the surrounding natural environment; • Poses no additional unmitigated impacts on neighbouring development or development outside the North Sydney Centre; • No additional residential apartments at the Alexander Apartments building are affected by overshadowing impacts; • Would not unreasonably impact upon significant views and vistas as there is no material difference in the new impact compared to the approved Concept scheme (discussed in Section 8.2 and Appendix M); and • Provides an opportunity for the concurrent Detailed SSD DA proposal to enhance the Miller, Berry and Denison Street active frontages and streetscapes in relation to scale, materials and external treatments.
6.4 – Miller Street Setback		<p>This clause requires specific setback requirements on the eastern side of Miller Street between McLaren Street and Mount Street to maintain the landscaped setting of the ‘Miller Street Special Area’. In relation to the subject site, a setback ranging between 6-11.5 metres is required.</p> <p>The modified Concept SSD DA proposal maintains the approved setback for the building envelope up to a height of RL 124 in alignment with the CSSI approved ‘metro box’. From RL 124 to RL 179.5, the tower projects up to 3.5 metres towards Miller Street, proposing an increased setback of 2.5 metres (previously 1.5 metres) throughout the mid-rise section of the tower. Above RL 179.5 the building envelope maintains the approved 1.5 metre setback to Miller Street.</p> <p>The increase in the setback from RL 124 to RL 179.5 is less than the approved envelope projection and reduces the impact of the projection of the tower towards Miller Street which was approved under the Concept Approval.</p> <p>Furthermore, the building envelope is consistent with the objectives of the clause, by establishing a landscaped setting along Miller Street.</p> <p>The approved Concept SSD DA approval was granted with a variation to the Miller Street setback control with a greater projection above the projected area than the modified cantilever arrangement. Therefore, complying with the Miller Street Setback</p>

Clause	Control	Proposal / Compliance
	control above RL 124 would be unreasonable and unnecessary in the circumstances of the site (see Section 8.1).	

7.2.5. North Sydney Development Control Plan 2013 (NSDCP)

In accordance with Section 4.22 of the EP&A Act, a Concept DA can be made to establish the concept proposal for the development of a site to which separate and future detailed proposals adhere to. A Concept Proposal may also be undertaken in lieu of the preparation of a site-specific DCP in accordance with Section 4.23 of the EP&A Act.

The approved Concept SSD DA and the associated Victoria Cross OSD Design Guidelines set the built form parameters for the subject site and act as a site-specific DCP. Together, they establish the parameters for future development in the form of building envelopes and apply detailed objectives and design principles to shape the design development of buildings.

Further, clause 11 of the SRD SEPP states that development control plans do not apply to State significant development.

Notwithstanding, the North Sydney Development Control Plan 2013 (**NSDCP**) provides a reference point for the detailed design of buildings including local design considerations such as waste management, access and loading, and local character. The key areas of the NSDCP that relate to the proposed modification to the Concept SSD DA are outlined below.

Table 12 – Consistency of the proposed development with key provisions of the NSDCP

Section	Details	Response
Part C, 2.1 Central Business District		
Section 2.1.2 Desired future character	P5 Development above the Victoria Cross metro station will provide significant commercial floorspace, as well as retail, dining and community uses that will contribute to the overall amenity and vitality of the CBD.	Complies The concept proposal provides a maximum of 61,500 square metres of commercial floor space, which will contribute to the amenity and vitality of the CBD.
	P8 The Central Laneways precinct will become a major focal point of pedestrian activity and amenity	Complies The concept proposal is located in the Central Laneways Precinct. The overall development is consistent with the desired future character and will enhance the vitality of the precinct, improve connectivity through the establishment of an east-west pedestrian link and provide retail offerings to commuters and the broader community. The proposed modification to the approved building envelope will improve the pedestrian amenity of the through-site lane through reducing the building massing adjacent to the public open space, and removing the need for a glass roof above the through-site link.
2.1.3 Desired built form	P1 Development sites should be of a size which enables the creation of large high-quality floor plates which helps to reinforce the Centre's role as	Complies The proposed building envelope allows for the creation of large, high quality commercial floor

a Global City as identified within the Metropolitan Strategy.	plates. The indicative OSD design includes floor plates ranging in size from 1,595 sqm to 1,843 sqm.
P3 Buildings should be carefully designed to minimise the impact of their height and bulk on surrounding residential areas.	<p>Complies</p> <p>The proposed building envelope as proposed to be modified has been designed to minimise overshadowing impacts on residential areas outside the CBD.</p>
P7 Buildings must be setback to conserve views to, and the setbacks and settings of, heritage items at 86 and 146-150 Walker Street, 94 Pacific Highway (Post Office, 36 Blue Street (Greenwood), 153 Miller Street (MLC Building), 168-172 Pacific Highway and 1-7 Napier Street.	<p>Complies</p> <p>The proposed building envelope provides a 26 to 28-metre setback from the MLC Building, which improves views to the item and also allows for a low-rise building form and pedestrian through-site link at the southern end of the site (to be delivered under the CSSI Approval).</p>
P9 A maximum podium of 5 storeys to all streets, with a weighted setback of 5m above the podium	<p>Does not comply</p> <p>In relation to Berry Street, the proposed building envelope provides a 4.5 metre setback above the station generally in accordance with this control. The reduction in setback does not adversely affect view corridors as demonstrated at Appendix M and as described at Section 8.2, and it results in a negligible additional impact to pedestrian amenity.</p> <p>A significant (26.5m) setback is proposed above the CSSI Approval at Denison Street exceeding the requirement of this control.</p> <p>In relation to Miller Street, the proposed building envelope does not provide a setback above the station. However, this is considered appropriate, as there is no established above-podium setback along Miller Street in the vicinity of the site, as established within the Concept SSD DA EIS.</p>

8. ENVIRONMENTAL ASSESSMENT

Under section 4.55(3) the consent authority must also take into consideration the reasons given by the consent authority for the grant of the original consent. During the assessment of the SSD 17_8874, the DPIE considered a number of key issues including those related to:

- Building envelope
- Scale and density
- Building height
- Miller Street setback
- Views and visual impacts
- Overshadowing
- Integration with Metro Station and related public domain
- Design Excellence
- Other Issues

Each of these matters are considered in the following sections.

8.1. BUILT FORM AND URBAN DESIGN

The OSD building envelope as proposed to be modified will result in a built form that responds to its context, improves the amenity of the public domain surrounding the site, and mitigated external environmental impacts. Specifically, the proposed modifications to the approved development will:

- Relocate building massing to the high-rise floor plates, contributing to the perception of the building massing as an identifiable landmark building within the North Sydney skyline;
- Respond sensitively to adjacent heritage items, specifically by increasing the setback to the MLC Building to the south;
- Provides a podium that does not dominate the public domain, specifically by reducing the street wall height adjacent to the through-site link and Denison Street and by increasing the height of the 6 metre Miller Street setback area;
- Improve pedestrian comfort around the building by reducing potential wind drafts along the through-site link and by providing additional retail and active frontages along Miller Street; and
- Accommodate floor plates that are more suitable for A grade/ premium grade commercial office tenants.

A summary of the key matters of consideration relating to the proposed modification to the approved development relating to built form and urban design is provided at **Table 13**.

Table 13 – Consideration of impacts relating to built form and urban design

Matter	Discussion
Tower envelope	The tower envelope has been reduced in overall volumetric terms from the approved development. The tower remains a tapered form with the maximum height of the tower to the north, however a sharper gradient is delivered to the south in the form of stepped massing. This results in rationale and consistent floor plates for commercial tenants, logical building planning and servicing, and a reduction in massing at the low-rise levels compared to the approved envelope.

Matter	Discussion
Scale and density	The density of the site is proposed to be increased by a maximum 1,500sqm of commercial office floor space compared to the approved development. This increase is numerically insignificant (2.5%) and is not likely to be perceptible within a CBD environment. There is no FSR limit in the CBD and the objectives of the CBD controls in clause 6.1 of the NSLEP include maximising commercial floor space capacity and employment growth within the constraints of the environmental context of the North Sydney Centre. Detailed aspects relating to the population accommodated within the OSD envelope will be provided within the Detailed SSD DA. Further, there is no reduction in the provision of open space, public domain and pedestrian access for the site provided under the CSSI Approval.
Building height	The proposal retains the maximum height of building approved on the site, however within the middle portion of the tower the modified building envelopes will exceed the RL 201 height control. Notwithstanding, the modified building envelope does not result in any net increase of overshadowing to protected places, and is geometrically similar to the extent of non-compliance with the RL 201 height control approved within the Concept SSD DA. This is discussed further in Section 8.2 .
Miller Street setback and massing	The Assessment Report stated that the concept proposal as approved will meet the primary objectives of the setback controls which is to provide a setback at street level with respect to the established streetscape and to contribute to public domain along Miller Street being a highly pedestrianised north-south main street in the North Sydney Centre. The proposal provides a net improvement to the Miller Street setback area. Specifically, the modified building envelope has a reduced cantilever over the Miller Street Special Area.
Berry Street setback and massing	The tower setback has been reduced by 0.5m above the podium. This minor reduction is generally not perceivable from the public domain as outlined in Section 8.2, and is not considered significant given there is no established above-podium setback along Berry Street in the vicinity of the site. The minor reduction in setback maintains separation between the tower and the heritage listed Rag & Famish hotel across the road (see Section 8.6).
Denison Street setback and massing	The proposal results in a net improvement to the presentation of Denison Street. Specifically, the modified building envelope has a reduced street wall to Denison Street from RL 118 to RL 89.

As such the proposed development as sought to be modified is supportable on the grounds of built form and urban design.

8.2. VISUAL AND VIEW IMPACT

The modification application is accompanied by a detailed View and Visual Impact Assessment (**VVIA**) prepared by Urbis using images prepared by Virtual Ideas (refer **Appendix M**). The VVIA provides an assessment of the building envelopes as proposed to be modified from:

- Key vantage points within North Sydney and the public domain (including iconic views from south of Sydney Harbour); and
- Adjacent the residential apartment building, the Alexander Apartments.

Public Domain Views

The VVIA concludes that from the perspective of long-distance views and iconic view from Sydney Harbour, the proposed modifications to the approved building envelope will be virtually unperceivable, and the visual impacts compared to the approved development are negligible.

From the medium-distance views obtained from public locations within North Sydney and neighbouring suburbs, the proposed changes to approved building envelopes range from minor to negligible.

From the perspective of short-distance views obtained to the site from within the immediate surrounding streetscaping (including from the corner of Miller Street and McLaren Street and the corner of Pacific Highway and Miller Street) the modifications to the proposed building envelopes while may be observable are minor in the context of the overall height, massing and scale of the approved building envelope.

Specifically, additional massing can be observed within the high-rise section of the tower from certain views, however this does not obstruct any significant view corridors or solar access to significant public spaces and is therefore considered acceptable within a CBD environment. Further, this impact is mitigated by a reduction in building massing and visual bulk at the low-rise portion of the building which will have a greater impact on pedestrian amenity and public views to the site.

The Department's Assessment Report considered that the approved envelope would be a distinct and significant new element when viewed from the streetscapes to the north and south. The Department considered that the bulk and scale when compared with the maximum envelope permissible within the NSLEP is reduced through envelope features including a large tower setback to the south, the tapered south elevation and lower elements that relate to the sites to the north (Rag and Famish Hotel and others) and south (MLC building). The proposed modification continues to provide these envelope features. While the design of the tapered south elevation is proposed to be modified it essentially provides for reduced bulk at the lower level of the OSD tower which tapers from RL 182.3 to RL 230 in a way that responds to the adjoining MLC building and surrounding environment.

Private Views

The VVIA concludes that impacts resulting from the building envelope as proposed to be modified are predominantly negligible to private residential apartments located within the Alexander Apartments. While the modifications to the building envelope may be perceptible from Apartments such as 1501 (looking south west), 2001 (looking south west), and 2701 (looking south west), the envelope does not obstruct longer-distance views to the Harbour and beyond compared to the approved building envelope.

View impacts to some apartments such as 2015 (looking west and south west) are marginally improved as a result of the proposed modifications to the approved building envelopes.

Views from the Rooftop Level 37 of the Alexander Apartments is however impacted as views towards a portion of the Sydney Harbour tributaries is obstructed as a result of the proposed amendments to the approved building envelopes as illustrated in **Figure 26** below.

Figure 26 – Comparative views from Rooftop Level 37 of Alexander Apartments (looking south west)



Picture 24 – Approved OSD Building Envelope

Source: Visual Impact Photomontage Report



Picture 25 – Proposed OSD Building Envelope

Source: Visual Impact Photomontage Report

It is acknowledged that view impacts from Rooftop Level 37 are significant, however these are considered acceptable insofar as this is the rooftop level which does not provide useable or habitable space for residents. Furthermore, view impacts from Rooftop Level 37 are not any more extensive than the approved building envelope.

Notwithstanding the proposed modifications to the approved building envelope, the Rooftop Level 37 of the Alexander Apartments retains significant views towards Barangaroo and Sydney Harbour tributaries. As such, the proposed modification does not obstruct iconic views and the principles of view sharing have been achieved. Overall the VVIA concludes that the modified concept proposal will have a low visual impact on the existing visual catchment compared to the approved building envelopes. The VVIA concludes that the impacts on views from the Alexander Apartment building is consistent with view sharing principles established in the case of *Tenacity Consulting v Warringah Council [2004] NSWLEC 140*.

8.3. SOLAR ACCESS AND OVERSHADOWING

The modification application is accompanied by a detailed shadow analysis within Section 8 of the Urban Design Report prepared by Bates Smart (refer **Appendix C**). The shadow study illustrates the impacts from the approved and modified building envelope on surrounding Special Areas, RE1 Public Recreation zoned land and residential areas both inside (Alexander Apartments) and outside (Whaling Road) of the North Sydney CBD.

The key criteria for assessing overshadowing impacts are contained within clause 6.3 of the NSLEP 2013, as described at **Section 7.2.4**.

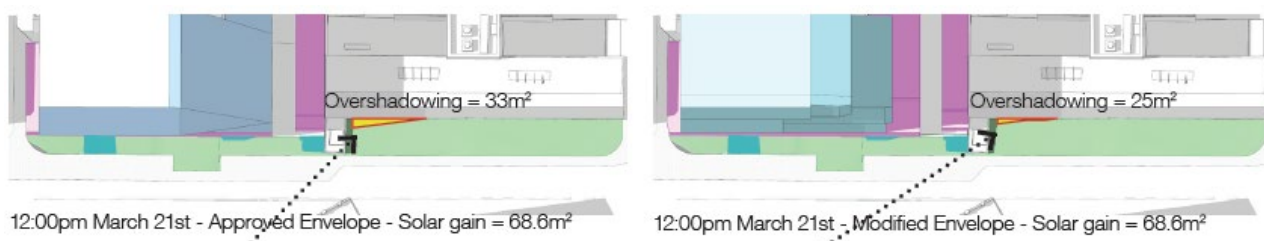
8.3.1. Miller Street Special Area

The shadow analysis for the Miller Street Special Area illustrates the shadows cast by the approved and modified building envelope at 15 minute increments from 12:00pm to 2:00pm at the Autumn Equinox. There is no additional overshadowing impact to the Miller Street Special Area from the proposed modified building envelope during mid-winter or during the Spring Equinox.

The approved OSD building envelope creates overshadowing for approximately 10-12 minutes for an average of 33sqm at 12:00pm on the Autumn Equinox. The modified building envelope creates a small portion of overshadowing for 10 minutes from 12:00pm on the Autumn Equinox (21 March). The average area overshadowed for this short duration is approximately 25sqm. The building envelope as proposed to be modified results in less overshadowing than the approved building envelope which created overshadowing for 10-12 minutes from 12:00pm on the Autumn Equinox with an average area of 33sqm.

When compared to the conditions prior to the demolition of buildings previously on site, the modified building envelope does not result in a net increase in overshadowing on the Miller Street Special Area. Instead, the modified building envelope results in an average net solar access gain of 60.29sqm per minute to the Miller Street Special Area between 12:00pm and 2:00pm on the Autumn Equinox as illustrated below. The Department's Assessment Report considered that the concept proposal complied with the solar access requirements for the Miller Street Special Area in this regard and the proposed modification does not change this average net gain in solar access.

Figure 27 – Comparison of overshadowing impacts on Miller Street Special Area (approved and proposed)



Source: Bates Smart

8.3.2. Greenwood Plaza

The Greenwood Plaza Special Area indicated in green is not overshadowed by either the approved or modified buildings envelopes. As such the modified building envelope proposal maintains the solar access plane to Greenwood Plaza and prevents overshadowing to this area.

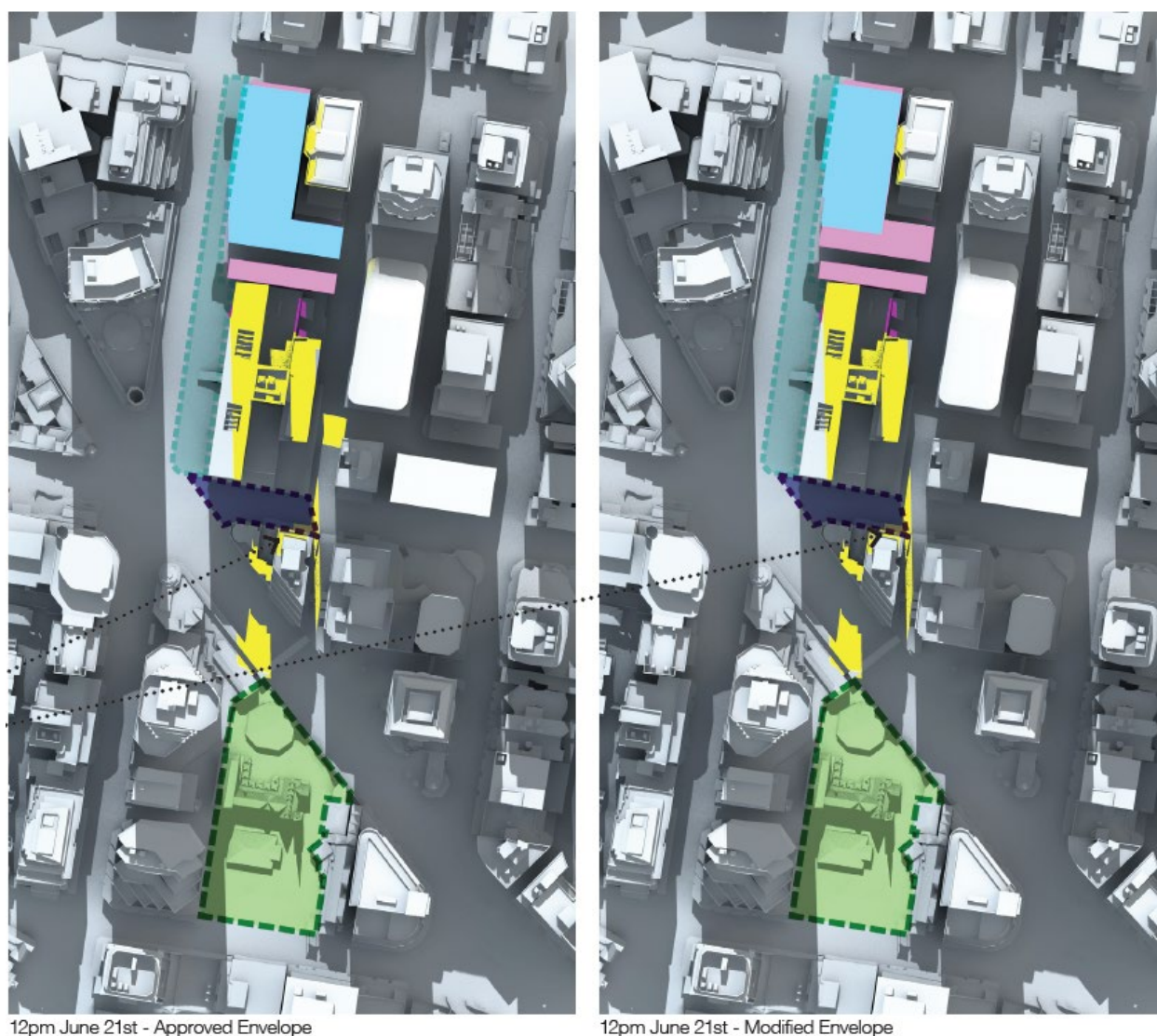
8.3.3. Brett Whiteley Plaza

The shadow analysis for Brett Whiteley Plaza (refer **Appendix C**) illustrates the shadows cast by the approved and modified building envelope at 15 minute increments from 12:00pm to 2:00pm for the winter and summer solstice and equinox.

In summary, there is no additional overshadowing to Brett Whiteley Plaza resulting from the approved or modified buildings envelopes from 12:00pm to 2:00pm on the 21 March and 21 September. However, the shadow diagrams indicate the modified building envelope creates a minor portion of overshadowing (approximately 37sqm) between 12:00pm and 12:30pm on 21 June. It is noted that the shadow cast by the modified envelope does not increase the overshadowing of this area from that previously approved (see **Figure 28**).

The overshadowing extent from both the approved and modified OSD envelope falls on the awning of a shopfront building located in the south-east corner of Brett Whiteley Plaza and not specifically on the plaza itself. Based on this assessment, it is determined that the overshadowing from the modified envelope on the shopfront awning within Brett Whiteley Plaza from 12:00pm to 12.30pm on 21 June does not result in any adverse impacts above what was previously considered and approved under the approved OSD envelope. The Department's Assessment Report noted that no shadow is cast to Brett Whiteley Plaza at the winter solstice with additional shadow falling only on an awning above the Plaza. The proposed modification maintains the provision of solar access at the winter solstice.

Figure 28 – Comparison of overshadowing to Brett Whiteley Plaza



Source: Bates Smart

8.3.4. Residential Areas

Alexander Apartments

The shadow analysis demonstrates that both the approved envelope and modified envelope cause no impact on the Alexander Apartments building on 21 June (Winter Solstice) until approximately 2:30pm. At this time some overshadowing occurs to the western façade of the Alexander Apartments building from Levels 22-24 as a result of the proposed building envelope.

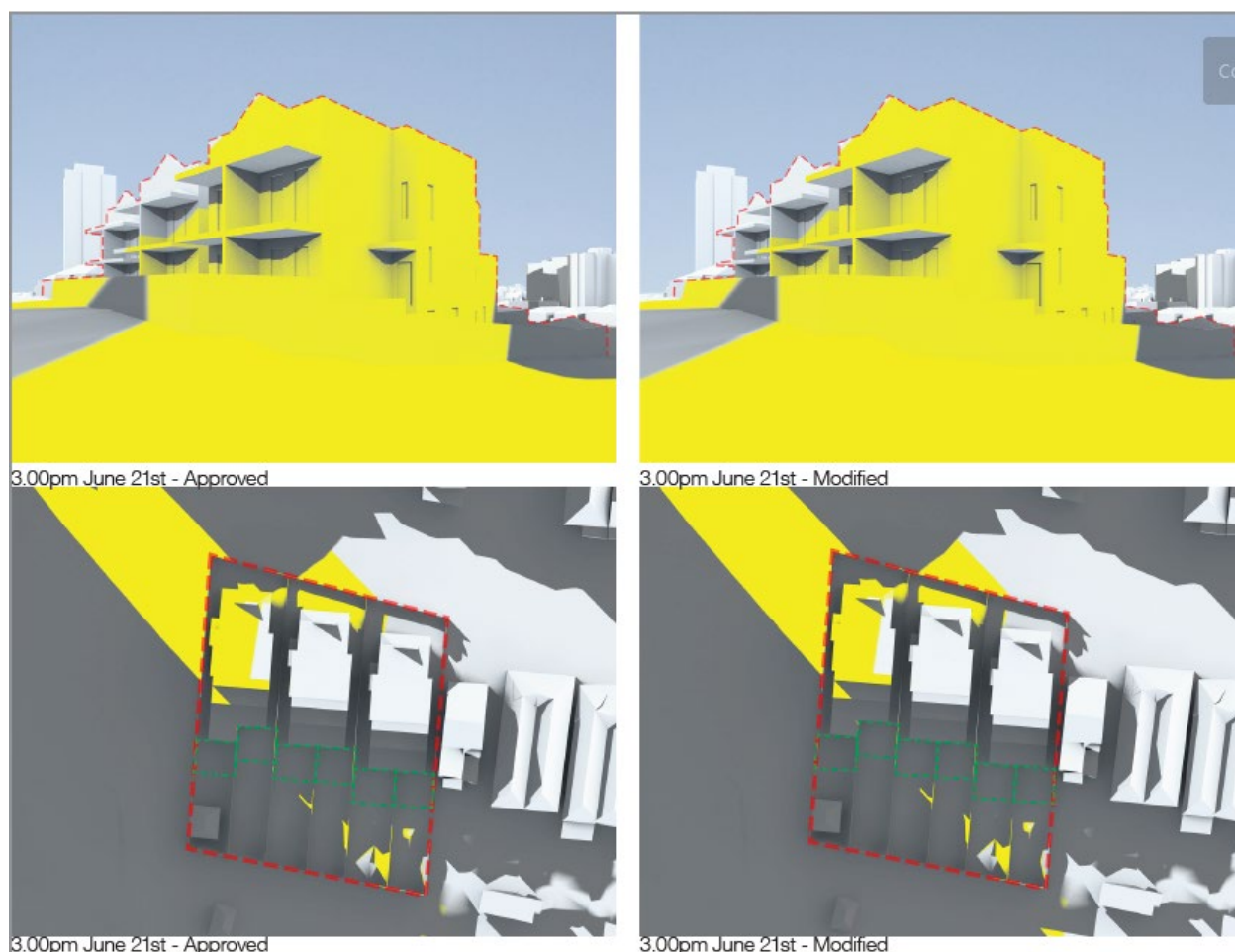
Overall, there is no change in the number of residential apartments with reduced solar access when comparing the approved OSD envelope and the modified building envelope proposed. Both envelopes reduce the total number of apartments by 3 percent of the total number (i.e. 8 out of 145 apartments). As such, the modified building envelope results in no additional overshadowing impacts to the Alexander Apartments above what has been previously assessed and approved under the Concept SSD DA.

Whaling Road

The shadow analysis demonstrates the shadow impact created by both the approved and modified building envelope on residential areas outside the North Sydney Centre. The diagrams indicate that both envelopes create a shadow over three residential properties on Whaling Road at 3:00pm on 21 June. Notwithstanding the overshadowing caused by both envelopes, as discussed previously the modification does not rely upon clause 6.3(3) of the NSLEP for an exceedance of the height control under clause 4.3, but rather a clause 4.6 variation request which has been lodged in conjunction with the Detailed SSD DA (submitted concurrently)

When comparing the impact of the approved and modified envelopes, it is recognised that the extent of the shadows caused by the modified envelope does not increase the shadow impacts previously addressed under the approved OSD envelope (refer **Figure 29**).

Figure 29 – Comparison of overshadowing at the Whaling Road Terraces



Source: Bates Smart

As demonstrated in the shadow diagrams, the dwellings at these three residential properties receive at least two hours of direct sunlight between 12:30pm and 2:30pm on 21 June. The south facing private open space

areas of all the dwellings are already significantly overshadowed from 2:45pm to 3:00pm and aerial images of the properties (*Nearmap 12 May 2019*) indicate that much of the rear yards which are affected by overshadowing contain significant canopy tree vegetation which would impact solar access. It is also noted that Alfred Park situated directly to the west contains a number of significant mature trees that would impact solar access, particularly to the western façade of No. 1 Whaling Road.

Overall, it is considered that the overshadowing impacts to the three residential properties on Whaling Road would not reduce the amenity of these dwellings and specifically, the modified building envelope does not increase the shadow impacts previously assessed as part of the approved envelope.

8.4. INTEGRATION WITH METRO STATION AND PUBLIC DOMAIN

As stated within **Section 2.2**, the design and delivery of all public domain works within and surrounding the site will be subject to the satisfaction of conditions of the CSSI Approval, notably within approval of the SDPP and IAP. Notwithstanding, it is noted that any modification to the approved Victoria Cross Station OSD building envelope could have an impact on the function and amenity of the Metro Station and the surrounding public domain. The proposed modification to the Concept SSD DA maintains an appropriate integration with the Metro Station and the public domain as:

- The proposed modification to the Miller Street tower setback reduces the approved building volume that cantilevers above the public domain;
- The underside of the podium at Miller Street has been raised by 6m to further improve the perception of bulk and scale from the Miller Street public domain;
- The proposed modification to the building massing north of the through-site link will improve wind and solar conditions of the pedestrian thoroughfare and provide a more legible entrance to the Sydney Metro Station;
- The proposed modification to the building massing on Denison Street results in additional sky views from the public domain and a reduction in building scale surrounding the public place;
- The proposed reduction to the Berry Street tower setback from 5 metres to 4.5 metres will not be generally perceptible from the public domain;
- As stated within the Rail Corridor Impact Assessment at **Appendix L**, the proposed modification to the building envelope does not adversely affect the structural design of the OSD tower which has considered potential impacts on the Sydney Metro Station through detailed design;
- As stated within the Rail Corridor Impact Assessment, the proposed Sydney Metro running tunnels sit outside the footprint of the proposed tower envelope; and
- As part of the concurrent Detailed SSD DA, the proposed development is to be assessed against the Victoria Cross Station OSD Design Guidelines (May 2019) which requires a robust consideration of public domain outcomes for the site (which are to be further resolved through the Station Design Precinct Plan).

As such, the development as proposed to be modified remains consistent with the general terms of the CSSI Approval and will be effectively integrated within the Metro Station and detailed public domain.

8.5. DESIGN EXCELLENCE

The detailed design of the Victoria Cross Station OSD has been completed having regard to a series of design excellence principles, strategies, and reviews. The endorsed Design Excellence Strategy included at **Appendix Q** establishes the rigorous process undertaken to ensure that the future detailed design of the tower achieves design excellence. It is noted that the GANSW and the Council support the endorsed Design Excellence Strategy.

The modification application does not seek to amend the Design Excellence Strategy applicable to the site and development. The building envelopes as proposed to be amended do not undermine the ability of the future detailed design to achieve design excellence in accordance with this Strategy. The revised building envelopes have been designed to achieve the following:

- *Integrated design outcomes.*

- *A tower that showcases high quality design and contributes to the skyline.*
- *Response to context including heritage considerations and integration with surrounding built form.*
- *Through site link that is active, supports pedestrian connectivity and contributes to sense of place.*
- *Public domain that successfully resolves changes of levels and creates safe, usable and active public spaces.*
- *Materials and finishes that are high quality and appropriate to context.*
- *Integration of joyful public art that contributes to a good experience of the place.*

Determination of the achievement of design excellence in accordance with the above principles and the Design Excellence Strategy will be part of the Detailed SSD DA assessment.

8.6. OTHER MATTERS

An assessment of the proposed modification relating to other key matters considered as part of the Concept SSD DA, is provided at **Table 14** below.

Table 14 – Consideration of other matters

Matter	Discussion
Heritage	<p>The proposed building envelope increases the minimum separation between the tower and the MLC building by 28m (increase of 10m). The modified building envelope is defined by architectural cues from the height of adjacent heritage items including the MLC Building and the Rag & Famish Hotel.</p> <p>Specifically, the Heritage Impact Assessment prepared by OCP Architects included at Appendix E concludes that the scale and form of the proposed building envelopes is contextually appropriate and that the setback to Miller Street maximises views north and south along Miller Street to the Rag & Famish Hotel. Further, the increased separation between the proposed OSD envelope and the MLC building retains views of the MLC building from Denison and Miller Streets while maximising the amenity and daylight access to the through-site link.</p> <p>The Heritage Impact Statement finds that the overall scale and architectural form of the building envelope proposed in the section 4.55(2) modification application is considered to be acceptable from a heritage perspective. Specifically, the recommendations of the Heritage Impact Assessment submitted with the Concept SSD DA remain relevant for the development as proposed to be modified, and will be satisfied within the Detailed SSD DA.</p>
Ecologically Sustainable Development	<p>The Victoria Cross OSD will continue to target a high level of energy efficiency, a reduction of potable water consumption, a focus on indoor environmental outcomes, waste reduction and low environmental impact materials. The key commitments made within the Concept SSD DA relating to ecologically sustainable development are maintained within the ESD report included at Appendix D.</p>
Wind Assessment	<p>As described within the revised Pedestrian Wind Environment Study at Appendix F, as a result of the proposed building envelope modifications:</p> <ul style="list-style-type: none"> • Conditions along the laneway are similar to the approved envelope, complying with the relevant wind criteria; • The pedestrian comfort conditions on Miller Street remain compliant with the wind criteria; • The pedestrian comfort conditions on Berry Street remain compliant with the wind criteria; • While slightly exceeding the levels resulting from the approved envelope, the proposal will remain compliant with the wind criteria for Denison Street; and • Conditions on the proposed roof terraces (Southern laneway building and Level 29 OSD) comply with the wind comfort criteria. <p>An objective of the proposed revised massing surrounding the through-site link was to provide an alternative to a glass canopy over the through-site link. As concluded within the Pedestrian Wind Environment Study, the proposed design complies with the</p>

Matter	Discussion
	assessment criteria, avoiding the need for a canopy over the laneway as a result of the amended building envelopes.
Noise and Vibration	As concluded within the Noise and Vibration Assessment provided at Appendix K the proposed changes to the approved building envelope will have little effect on noise and vibration emanating from the development and any changes in noise emissions can be dealt with by changes to the noise mitigation measures to be adopted within the Detailed SSD DA. As such, no adverse noise or vibration impacts are anticipated as a result of the proposed modification to the approved building envelopes.
Fire Safety	As concluded within the updated Fire Engineering Statement included at Appendix J , it is possible to satisfy the relevant performance requirements of the National Construction Code (NCC) without major changes to the proposed OSD indicative design. As such, the proposed modification to the approved building envelopes is considered acceptable on fire engineering grounds.
BCA and DDA Compliance	As concluded within the updated BCA Compliance Statement included at Appendix G , and the DDA Accessibility Statement included at Appendix H it is possible to satisfy the relevant performance requirements of the National Construction Code (NCC) without major changes to the proposed OSD indicative design. As such, the proposed modification to the approved building envelopes is considered acceptable on BCA compliance and accessibility grounds. Further detail will be required as part of the Detailed SSD DA.
Construction Management	The proposed modifications to the building envelope do not include any required changes to anticipated construction management associated with the Victoria Cross Station OSD or Metro Station.
Aeronautical impact	As per Condition A20 of the Concept SSD DA, the building must not exceed a maximum height of RL 230 AHD, inclusive of all lift-overruns, vents, chimneys, aerials, antennas, lightning rods, any rooftop garden plantings, exhaust flues etc. The proposed modification to the building envelope does not seek any changes to the uppermost portion of the tower, and does not require any amendment to Conditions A20-A24 of the Concept SSD DA. The Aeronautical assessment provided at Appendix N concludes that the development as proposed to be modified will not adversely affect safety, efficiency or regularity of operations of airport at Sydney Airport.

8.7. SUITABILITY OF THE SITE

The proposed modification will not alter the suitability of the site for the development as established within the Concept SSD DA. The proposed modifications do not seek to alter the proposed land uses across the site, and the proposal remains substantially the same as the development for which consent was granted.

8.8. PUBLIC INTEREST

The proposed modifications relate to tower articulation and revisions to building massing. Given the improved solar and wind conditions within the through-site link, reduction in building massing at Miller Street, the through-site link and Denison Street, and increase in employment floor space on the site, it is considered that the development as proposed to be modified is in the public interest.

9. REVISED AND CONSOLIDATED ENVIRONMENTAL MITIGATION MEASURES

The SEARs require an environmental risk analysis to identify potential environmental impacts associated with the proposal. An Environmental Risk Assessment was provided within the EIS submitted with the Concept SSD DA, as adapted from Australian Standard *AS4369:1999 Risk Management and Environmental Risk Tools*.

Within the environmental risk analysis submitted with the EIS, and as further revised within Section 9.1 of the Response to Submissions Report, the residual impact of the key risks associated with the development remain low/medium. The items contained within the Environmental Risk Assessment and the potential environmental impact of those risks are not altered by the proposed modification of the development sought in the Section 4.55(2) modification application.

Furthermore, no significant changes are required to the mitigation measures consolidated within Section 9.2 of the Response to Submissions Report submitted with the Concept SSD DA as a result of the proposed modifications to the approved development.

The only changes required to the proposed mitigation measures include the references to the supporting documentation as follows:

- 'Built Form and Urban Design' Item – Design Excellence Strategy in Appendix B of the Submissions Report is to be replaced with the Endorsed Design Excellence Strategy in Appendix Q of this Planning Report;
- 'Heritage' Item – Heritage Impact Assessment Report in Appendix O of the Concept SSD DA EIS is to be replaced with the Heritage Impact Assessment in Appendix E of this Planning Report; 'ESD' Item – The ESD Report provided in Appendix Q of the Concept SSD DA EIS is to be replaced with the ESD Report provided in Appendix D of this Planning Report; and
- 'Wind Impacts' Item – The Wind Impact Assessment Report provided in Appendix M of the Concept SSD DA EIS is to be replaced with the Pedestrian Wind Environment Study provided in Appendix F of this Planning Report.

10. JUSTIFICATION AND CONCLUSION

The purpose of the Concept SSD DA was to define the key planning and design parameters and establish the framework and strategies to guide the future delivery of a high-quality office tower which would form a key component of the Victoria Cross Station Integrated Station Development. The Sydney Metro Victoria Cross Station and the OSD would be designed and constructed as one overall building, with scheduled delivery in 2024 to align with commencement of the operation of Sydney Metro.

The Section 4.55(2) modification application seeks approval to amend the approved building envelopes of the OSD to:

- Maximise integration of the new Victoria Cross Metro Station with the OSD and associated public realm areas, improving connectivity for the surrounding community living, working or visiting the site;
- Reduce elements of the approved building envelopes massing which conceals the retail laneway;
- Relocate commercial floor space in the southern portion of the site (above retail laneway) to the top of the tower to provide higher amenity for visitors to and occupants of both the retail floor space and commercial floor space;
- Ensure enhanced appreciation of existing built heritage by increasing separation to the adjacent MLC heritage building;
- Improve intuitive wayfinding through defining built form elements;
- Maximise solar access to the metro, through-site link (retail laneway) and surrounding significant public open space areas; and
- To achieve design excellence in accordance with the endorsed Design Excellence Strategy prepared in accordance with Condition A28 of the Concept SSD DA.

Overall, it is considered that Section 4.55(2) modification application for the OSD warrants approval and remains consistent with the key reasons for granting consent to the Concept SSD DA as:

- The project remains consistent with NSW Government and North Sydney Council policies including the Greater Sydney Region Plan, the North District Plan and recent amendments to NSLEP. The proposed modifications reduce the bulk and scale of the building from the Miller Street Special Character Area, the through-site link, and Denison Street. Notwithstanding the proposed modifications to the consent conditions, the development remains generally compliant with the key development standards that govern bulk, density and scale.
- The project will continue to provide a range of benefits to the region and State as a whole, including significant employment generation on the site with additional OSD commercial floor space proposed within a site with excellent access to public transport and services.
- As demonstrated through this planning report, the proposed modifications to the OSD building envelope do not result in any significant impacts on the community and environment beyond which was originally considered in the assessment of SSD 17_8874. Specifically, the proposed modified envelopes will result in a reduced visual and view impact to surrounding residents and public open spaces immediately surrounding the site.
- The project remains in the public interest.

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APPENDIX A SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS (SEARS)

APPENDIX B MODIFIED BUILDING ENVELOPE PLANS

APPENDIX C URBAN DESIGN REPORT

APPENDIX D ECOLOGICALLY SUSTAINABLE DEVELOPMENT REPORT

APPENDIX E HERITAGE IMPACT ASSESSMENT

APPENDIX F PEDESTRIAN WIND ENVIRONMENT STUDY

APPENDIX G BCA COMPLIANCE STATEMENT

APPENDIX H DDA (ACCESSIBILITY) STATEMENT

APPENDIX I STRUCTURAL ENGINEERING REPORT

APPENDIX J FIRE ENGINEERING REPORT

APPENDIX K ACOUSTIC IMPACT ASSESSMENT

APPENDIX L RAIL CORRIDOR IMPACT ASSESSMENT

APPENDIX M VIEW AND VISUAL IMPACT ASSESSMENT

APPENDIX N AERONAUTICAL IMPACT ASSESSMENT

APPENDIX O BDAR WAIVER

APPENDIX P PRE-CONSULTATION REPORT

APPENDIX Q ENDORSED DESIGN EXCELLENCE STRATEGY

