

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-8874 MOD 1 Sydney Metro Victoria Cross OSD – Stage 1 Concept
Applicant	Lendlease (Victoria Cross) Pty Limited
Consent Authority	Minister for Planning and Public Spaces

Decision

The Minister for Planning and Public Spaces has, under section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (**the Act**) modified the consent subject to the recommended conditions.

A copy of the instrument of modification and conditions is available [here](#).

A copy of the Department of Planning, Industry and Environment's Assessment Report is available [here](#).

Date of decision

6 July 2020

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report
- the prescribed matters under the Environmental Planning and Assessment Regulation 2000
- the reasons given by the consent authority for the grant of the original consent;
- the objects of the Act;
- all information submitted to the Department during the assessment of the development application and additional information considered in the Department's Assessment Report
- the findings and recommendations in the Department's Assessment Report
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision. Additional reasons for making the decision are also recorded in the Department's Assessment Report.

The key reasons for granting the modification are as follows:

- the proposal is consistent with the strategic planning framework for the North Sydney Centre which leverages increased transport and employment capacity to be delivered by the new Victoria Cross Metro station.
- the proposed commercial office tower has a capital investment value of \$315,022,149 and will deliver approximately 450 construction jobs and 4,900 operational jobs at the new transport hub.
- the development achieves a high standard of design and is consistent with the approved Design Guidelines.
- the variations to the NSLEP height of building and Miller Street setback development standards are acceptable in this instance as the resulting modified building envelope and detailed building design represent a redistribution in building mass and reduction in bulk when compared to the approved Concept.
- the proposal improves the relationship with the adjoining heritage item (MLC Building) and amenity of surrounding public domain areas, including the station plaza and through-site link to Denison Street by increasing the southern tower setback from 18 m to 28 m and by reducing the height of the podium adjacent to the Denison Street station entrance by 29 m (50%).
- the proposal maintains or improves solar access and views from surrounding residential developments and the public domain areas when compared to the concept approval.

• **Attachment 1 – Consideration of Community Views**

The Department exhibited the Environmental Impact Statement for the project from 1 November until 28 November 2019 (28 days) and received 15 submissions, including 6 objections and 1 in support of the project.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include bulk and scale, public domain and benefits, amenity impacts and car parking. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Bulk and scale</i></p> <ul style="list-style-type: none"> the bulk and scale of the proposal is excessive. the Miller Street setback does not comply with the minimum 6 m setback standard in the NSLEP. a conventional built form should be adopted with the tower setback from the podium. no justification for the additional GFA or reduction in the Berry Street setback. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> the proposal maintains a 6 m setback to Miller Street at the ground plane up to a height of RL 126 (approximately 60 m) and would continue to achieve the public domain outcomes envisaged under Council's planning controls. the bulk and scale proposed is consistent with the increased scale and density envisaged by recent amendments to the North Sydney Local Environmental Plan 2013. the proposal is comparable in scale and character with other developments in the North Sydney Centre. Recent tower developments in the North Sydney Centre are not representative of conventional podium and tower forms. the proposal is consistent with the approved Design Guidelines. detailed visual impact assessment concludes the proposal will have acceptable outcomes when viewed from key public vantage points, streetscapes and surrounding residential properties.
<p><i>Public domain and benefits</i></p> <ul style="list-style-type: none"> the proposal should include additional open space, wider pedestrian links and underground connection to North Sydney train station. the proposal should offer more community and civic functions. the proposal will result in pedestrian congestion in the immediate area. the proposal lacks any real public benefit. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> the approved station and surrounding public domain is subject to a separate infrastructure approval (CSSI 7400) which contains requirements for an Interchange Access Plan (IAP) and Station Design Precinct Plan (SDPP) to inform their final design. the Department accepts the building footprint of the OSD is structurally constrained by the approved station box and its design integrates with the approved station and its surrounding public domain. the Applicant amended Traffic Impact Statement has demonstrated the proposed OSD will not result in any unreasonable pedestrian impacts on the surrounding precinct to the satisfaction of TfNSW. The proposed OSD will be delivered by the Applicant together with the approved Metro station as an integrated station development. The integrated station development will provide additional open space, improvements to public domain and a community hub space. <p><i>Condition</i></p> <ul style="list-style-type: none"> The Department has recommended a condition that requires the Applicant submit an Operational Plan of Management for the Hub space prior to the use of the OSD. The Department adopted recommended conditions from TfNSW with respect to pedestrian traffic.
<p><i>Amenity impacts on public and private land</i></p> <ul style="list-style-type: none"> overshadowing of the Miller Street Special Area and Brett Whitely Place overshadowing of residential 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> the proposal incorporates a stepped building height, a 40 m upper tower setback to the southern boundary and a 3 m eastern side setback to mitigate overshadowing impacts to both public and private spaces. The Department's assessment finds the proposed

<p> dwellings outside of the North Sydney Centre</p> <ul style="list-style-type: none"> • overshadowing of Alexander Apartments • view loss to Alexander Apartments and the Miller. 	<p> modifications and detailed design will further increase the southern setback from 18 m to 28 m, widening the view corridor from the Alexandria Apartments to the south-west and there will be no change in view impacts to The Miller.</p> <ul style="list-style-type: none"> • The Department’s assessment finds the overshadowing impacts of the proposal on the adjoining residential developments and public domain areas are acceptable. The proposal would not increase shadows on key public spaces, Brett Whiteley Place and Greenwood Plaza when compared to the Concept Approval. • The proposal would retain 2 hours of solar access at midwinter to the Alexander Apartments and remains compliant with the Apartment Design Guide.
<p><i>Provision of car parking</i></p>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • the proposed 150 car spaces comply with the local planning controls, which permit up to 154 car spaces. • the proposal results in a reduction in on-site car parking from the previous 208 parking spaces that existed on the site prior to demolition. • the proposal remains consistent with the number of car parking spaces permitted under the concept approval.