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GM(CIS)

28 November 2019

Dear James

SYDNEY METRO VICTORIA CROSS OVER STATION DEVELOPMENT

Thank you for the opportunity of commenting on the two Victoria Cross over station development applications. The first being the Section 4.55(2) application to modify the SSD consent (SSD17_8874) (Council ref: DA.349/19/2) and the second being the development application for the over station development by Lend Lease (SSD_10294) (Council ref: DA.350/19).

The applications were reported to Council at its meeting of 25 November 2019 and Council resolved as follows:

1. **THAT** Council make a submission to the State Significant Development Applications for the Victoria Cross Metro Over Station Development.
2. **THAT** the discussion and assessment contained in this report, be the basis of Council's submission to the Department of Planning, Industry & Environment.
3. **THAT** Council support the use of Miller Street along the frontage of the Metro site for a loading/construction zone during the Metro and Metro OSD construction period.
4. **THAT** consideration be given to closing Miller Street between Berry Street and the Pacific Highway to ensure public safety and pedestrian amenity.
5. **THAT** the NSW Government note the critical role of creating safe, comfortable and high amenity pedestrian spaces in association with Metro and Council's ongoing efforts to create these with the Laneways Masterplan and continued advocacy for the conversion of Miller Street to a pedestrian space.
6. **THAT** Council request the Department of Planning, Industry & Environment to impose a site-specific condition which requires legal vehicular and pedestrian access through the Metro and Metro Over Station Development sites to the MLC building.
7. **THAT** Council's submission reiterate the inadequacy of the proposed public benefits particularly the paucity of space for the community.

A copy of the Council report is attached for your information.

Section 4.55(2) application to modify the SSD consent (SSD17_8874) (Council ref: DA.349/19/2)

Council raised a number of concerns with the OSD application when it was notified in June 2018. Concerns were raised about the public domain and setbacks to Miller and Berry Streets. Metro advised that these were matters that related to the station component rather than the OSD.

Council strongly objected to the breach of the 5m Miller Street setback above the podium and this was approved by the Department although it is inconsistent with all recent developments in the area that have setbacks of towers behind the podium setback.

Council did not support the Miller Street setbacks approved by a Clause 4.6 (variation to development standard) request. The proposed changes to the envelope and shape of the tower might be an improvement but are still not supported. Council character statement controls requires a podium with tower setback of 5m. The podium height consistent with the MLC is considered acceptable.

The proposal features a reverse podium which is inconsistent with every recent development in the CBD and Council's character statement for the CBD as part of its DCP. The articulation of the tower could occur within the 5m setback behind the podium building line at RL 118 with a weighted average of 5m at least. Council could consider a variation of the entire setback less than the weighted average of 5m or at least in line with the podium. The tower should not be closer to the street than the proposed podium but setback to be consistent with all of the other buildings in the CBD. This would also assist in reducing the building's dominance to Miller Street.

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

The proposed modifications remain generally compliant with other 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 amendments made to the area through-site link is of interest and clearly a benefit.

The proposal enhances appreciation of existing built heritage compared to the approved scheme by increasing separation to the adjacent MLC local heritage building.

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 modifications to the Concept approval are considered reasonable and an improvement subject to the tower being setback on the Miller Street faced to at least be in line with the podium.

Development Application for the over station development (SSD_10294) (Council ref: DA.350/19)

There are two issues that require further attention with regard to the OSD application.

The breach of the Miller Street setback above the podium is unacceptable as it is inconsistent with Council's controls and all recent commercial buildings surrounding the site. The only reason to cantilever the floor plates on the Miller Street façade is to maximise the floor area potential of the site. This may set an undesirable precedent for future commercial buildings that are likely in the near future. The articulation of the tower could occur within the 5m setback behind the podium building line at RL 118 with a weighted average of 5m at least. Council could consider a variation of the entire setback less than the weighted average of 5m or at least in line with the podium. The tower should not be closer to the street than the proposed podium but setback to be consistent with all of the other buildings in the CBD. This would also assist in reducing the building's dominance to Miller Street.

The development does not adequately safeguard a potential future underground connection south into the MLC Building to enable future consolidation of vehicular entrances to loading zones and facilitate safe pedestrianisation of Denison Street. There is no commitment for the access to be made available in the future to allow vehicle access to the MLC site. This is in the public interest to ensure no conflicts with pedestrians entering or exiting the site and the Metro station and using the Denison Street Plaza. The alternative access for MLC would be entry from Denison Street that would have a severe impact on the public domain in Spring Street, Denison Street, Mount Street and Brett Whiteley Place.

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

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

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

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

The stratum lot would require the owner of 105 Miller Street to pay for all construction costs for making of the opening between the sites; provide for a maintenance agreement; and provide for fire safety between buildings

The right of way would provide for a link at the Denison Street level to ensure a safe and comfortable environment to and from Metro for pedestrians.

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

Construction Management Plan

A draft Construction and Site Management Plan (CSMP) has been prepared by Lendlease which details the procedures and processes associated with the overall construction methodology for the proposed development. The applicant is responsible for delivering the construction of project works including the Metro Station works and the OSD works.

As such, it is in the applicant's interest to ensure construction management of the OSD is in alignment with and does not conflict with construction work required for the Sydney Metro and the Victoria Cross Station Work.

Importantly, traffic management and control will be established for all major roads and interfaces areas across the project site. Control and mitigation measures include traffic controllers, warning lights and pedestrian boom gates at all site access/egress and construction zones.

Generally, a pedestrian access route will be provided around the southern site along Berry Street and Miller Street where pedestrian/vehicle crossover areas are manned by gates and qualified traffic controllers.

The Victoria Cross CTMP presented with the DA, shows a loading/construction zone within what is currently Miller Street's eastern footpath. This footpath is proposed to be narrowed to below 2.5m in places with a gantry and works accommodation provided overhead. This narrow, below gantry footpath is shown running along the Metro site boundary transitioning to kerbside near the intersection of Miller Street and Berry Street.

Although the proposed CTMP would retain the two southbound traffic lanes, it would also:

- provide a very narrow pedestrian facility for the volume of pedestrians that currently use Miller Street's eastern footpath (particularly in the evening peak when queuing bus passengers on the western footpath limit the flow of pedestrians along the opposite side of Miller Street);
- limit visual connectivity, due to the "dog-leg" in the proposed footpath, further impacting the security and amenity of pedestrians;
- require significant tree removal (for later replacement) along the site frontage; and
- limit the width of the gantry area adjacent to the construction/loading zone, which would result in the provision of unsightly multi-deck site accommodation structures around the Miller Street/Berry Street junction.

An alternative approach to the Metro CTMP was broadly identified in Council's Metro Planning Study (2017), which states:

“Metro construction offers the opportunity to trial a partial closure of Miller Street.”

For the Metro CTMP, it is recommended that the Metro loading/construction zone be provided in Miller Street's southbound kerbside lane along the length of the Metro site for the duration of the construction period (2020-2024). This would reduce southbound lanes on Miller Street to a single mixed-traffic lane. Modelling undertaken as part of the development of the North Sydney CBD Transport Masterplan showed that this would not significantly impact intersection level of service due the majority of traffic in the kerbside lane north of Berry Street turning left on to Berry Street to access the Warringah Freeway.

Locating the loading/construction zone in the kerbside lane would:

- allow for provision of a wider pedestrian facility, with no dogleg;
- increase opportunities for retention of street trees; and
- limit the visual impact of above gantry site accommodation on Miller Street and Berry Street.

Reducing the number of traffic lanes on Miller Street is also a step towards the Vision for Miller Street (Miller Plaza) identified in the North Sydney CBD Transport Masterplan (2018) and the North Sydney CBD Public Domain Strategy (2019).

Conditions E77 and E92 of the Metro planning approval require the Metro project team to consult Council to inform traffic and transport management measures during construction and operation of the Victoria Cross Metro Station. This includes developing an Interchange Access Plan for Victoria Cross Station. Council officers are currently collaborating with TfNSW/RMS to inform the development of this Interchange Access Plan. Reducing the capacity and function of Miller Street for vehicle traffic through footpath widening, including the eventual creation of Miller Plaza, are integral to these discussions.

It is worth noting that Miller Street is a classified arterial road. As such, approval for a loading/construction zone in the Miller Street carriageway will require the approval of TfNSW/RMS and the commentary provided above would constitute Council's view as a stakeholder. Provision of swept path diagrams, showing that buses turning from Berry Street into Miller Street will not be impacted by the Metro loading/construction zone, should be included in the applicant's CTMP submission to TfNSW/RMS.

Lastly, whilst the accessibility benefits of Metro are acknowledged and welcomed, Council has expressed strong disappointment regarding the inadequacy of the proposed public benefits particularly the paucity of space for the community. There is space identified as "the Hub" within the podium, the ultimate use of which is unclear. The design of this appears to lend itself to be a very privatised space most likely to be utilised by future tenants. A strong community/civic presence in this building, given the public function of Metro, is a missed opportunity in the overall city building potential of the proposed development.

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

Yours sincerely



STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES