

# **HERITAGE IMPACT ASSESSMENT REPORT**

APPENDIX O





# Sydney Metro City & South West

## Victoria Cross Over Station

### Development:

Heritage impact assessment

<b>Applicable to:</b>	Sydney Metro City & Southwest
<b>Author:</b>	OCP Architects P/L
<b>Owner</b>	Transport for NSW
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## 1.0 Introduction

### 1.1 Purpose of this report

This report supports a concept State Significant Development Application (concept SSD Application) submitted to the Department of Planning and Environment (DP&E) pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The concept SSD Application is made under Section 4.22 of the EP&A Act.

Transport for NSW (TfNSW) is seeking to secure concept approval for a commercial office tower above the Victoria Cross Station, otherwise known as the over station development (OSD). The concept SSD Application seeks consent for a building envelope and its use as a commercial premises (office, business and retail), maximum building height, maximum gross floor area, future subdivision (if required), pedestrian and vehicular access, circulation arrangements and associated car parking and the strategies and design parameters for the future detailed design of development.

TfNSW proposes to procure the construction of the OSD as part of an Integrated Station Development package, which would result in the combined delivery of the station, OSD and public domain improvements. The station and public domain elements form part of a separate planning approval for Critical State Significant Infrastructure (CSSI) approved by DP&E on 9 January 2017.

As the development is within a rail corridor, is associated with railway infrastructure and is for commercial premises with a Capital Investment Value of more than \$30 million, the project is identified as State Significant Development (SSD) pursuant to Schedule 1, 19(2)(a) of the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP).

This report has been prepared to specifically respond to the Secretary's Environmental Assessment Requirements (SEARs) issued for the concept SSD Application for Victoria Cross OSD on 30<sup>th</sup> November 2017 which states that the Environmental Impact Statement (EIS) is to address the following requirements relating to heritage:

*Provide a detailed heritage impact statement (HIS) that identifies and addresses the extent of heritage impact of the proposal on the site and surrounding areas, including the locally listed MLC building and Rag & Famish Hotel.*

This report aims to:

- Describe the existing site and the context, assess its significance;
- Describe the proposed planning envelope for the OSD; and
- Assess the impact of the proposal on the heritage significance of the heritage items in the vicinity of the subject site.

## 1.2 Overview of the Sydney Metro in its context

The New South Wales (NSW) Government is implementing *Sydney's Rail Future*, a plan to transform and modernise Sydney's rail network so that it can grow with the city's population and meet the needs of customers in the future (Transport for NSW, 2012). Sydney Metro is a new standalone rail network identified in *Sydney's Rail Future*.

Sydney Metro is Australia's biggest public transport project, consisting of Sydney Metro Northwest (Stage 1), which is due for completion in 2019 and Sydney Metro City & Southwest (Stage 2), which is due for completion in 2024 (Refer to **Figure 1**).



**Figure 1:** Sydney Metro alignment map.

Stage 2 of Sydney Metro includes the construction and operation of a new metro rail line from Chatswood, under Sydney Harbour through Sydney's CBD to Sydenham and on to Bankstown through the conversion of the existing line to metro standards.

The project also involves the delivery of seven (7) new metro stations, including at North Sydney. Once completed, Sydney Metro will have the ultimate capacity for 30 trains an hour (one every two minutes) through the CBD in each direction - a level of service never seen before in Sydney.

On 9 January 2017, the Minister for Planning approved the Sydney Metro City & Southwest - Chatswood to Sydenham application lodged by TfNSW as a Critical State Significant Infrastructure project (reference SSI 15\_7400), hereafter referred to as the CSSI Approval.

The CSSI Approval includes all physical work required to construct the CSSI, including the demolition of existing buildings and structures on each site. Importantly, the CSSI Approval also includes provision for the construction of below and above ground structures and other components of the future OSD (including building infrastructure and space for future lift cores, plant rooms, access, parking and building services, as relevant to each site). The rationale for this delivery approach, as identified within the CSSI application is to enable the OSD to be more efficiently built and appropriately integrated into the metro station structure.

The EIS for the Chatswood to Sydenham component of the City & Southwest project identified that the OSD would be subject to a separate assessment process.

Since the CSSI Approval was issued, Sydney Metro has lodged four modification applications with DP&E to amend the CSSI Approval as outlined below:

- Modification 1- Victoria Cross and Artarmon Substation which involves relocation of the Victoria Cross northern services building from 194-196A Miller Street to 50 McLaren Street together with inclusion of a new station entrance at this location referred to as Victoria Cross North. 52 McLaren Street would also be used to support construction of these works. The modification also involves the relocation of the substation at Artarmon from Butchers Lane to 98 – 104 Reserve Road. This modification application was approved on 18 October 2017.
- Modification 2- Central Walk which involves additional works at Central Railway Station including construction of a new eastern concourse, a new eastern entry, and upgrades to suburban platforms. This modification application was approved on 21 December 2017.
- Modification 3 - Martin Place Station which involves changes to the Sydney Metro Martin Place Station to align with the Unsolicited Proposal by Macquarie Group Limited (Macquarie) for the development of the station precinct. The proposed modification involves a larger reconfigured station layout, provision of a new unpaid concourse link and retention of the existing MLC pedestrian link and works to connect into the Sydney Metro Martin Place Station. It is noted that if the Macquarie proposal does not proceed, the original station design remains approved. This modification application was approved on 22 March 2018
- Modification 4 - Sydenham Station and Sydney Metro Trains Facility South which incorporates Sydenham Station and precinct works, the Sydney Metro Trains Facility South, works to Sydney Water's Sydenham Pit and Drainage Pumping Station and ancillary infrastructure and track and signalling works into the approved project. This modification application was approved on 13 December 2017.

Given the modifications, the CSSI Approval is now approved to operate to Sydenham Station and also includes the upgrade of Sydenham Station.

The remainder of Stage 2 of the City & Southwest project (Sydenham to Bankstown) proposes the conversion of the existing heavy rail line and the upgrade of the existing railway stations along this alignment to metro standards. This part of the project, referred to



as the Sydenham to Bankstown Upgrade, is the subject of a separate CSSI Application (Application No. SSI 17\_8256) currently being assessed by DP&E.

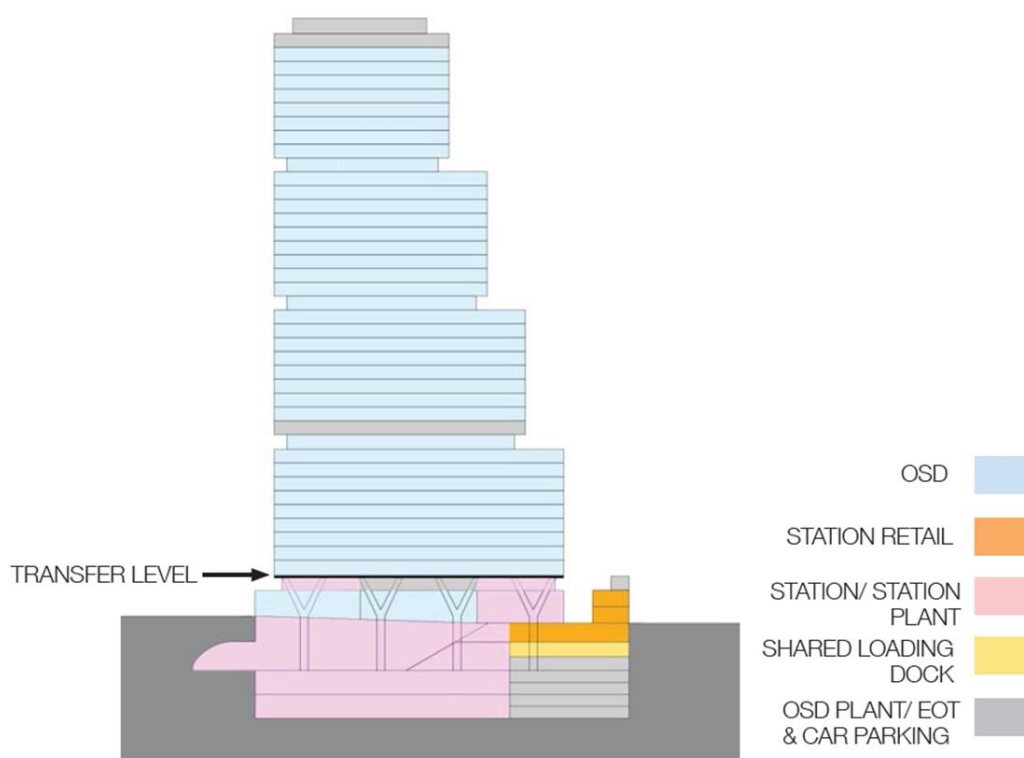
### 1.3 Planning relationship between Victoria Cross Station and the OSD

While the Victoria Cross Station and OSD will form an Integrated Station Development, the planning pathways defined under the *Environmental Planning & Assessment Act 1979* require separate approval for each component of the development. In this regard, the approved station works (CSSI Approval) are subject to the provisions of Part 5.1 of the EP&A Act (now referred to as Division 5.2) and the OSD component is subject to the provisions of Part 4 of the EP&A Act.

For clarity, the approved station works under the CSSI Approval include the construction of below and above ground structures necessary for delivering the station and also enabling construction of the integrated OSD. This includes but is not limited to:

- Demolition of existing development
- Excavation
- Station structure including concourse and platforms
- Lobbies
- Retail spaces within the station building
- Public domain improvements
- Pedestrian through-site link
- Access arrangements including vertical transport such as escalators and lifts
- Structural and service elements and the relevant space provisioning necessary for constructing OSD, such as columns and beams, space for lift cores, plant rooms, access, parking, retail and building services.

The vertical extent of the approved station works above ground level is defined by the 'transfer slab' level (which for Victoria Cross is defined by RL 82), above which would sit the OSD. This delineation is illustrated in **Figure 2**.



**Figure 2:** Delineation between Metro station and OSD

The CSSI Approval also establishes the general concept for the ground plane of Victoria Cross Station including access strategies for commuters, pedestrians and workers. In this regard, pedestrian access to the station would be from Miller and Denison Streets and the commercial lobby would be accessed from Miller Street. Retail uses (approved under the CSSI Approval) would be located on the ground floor of the development at both the Miller Street and Denison Street levels activating the through-site link. Separate consent would be sought in the future for the fit-out and specific use of this retail space.

Since the issue of the CSSI Approval, TfNSW has undertaken sufficient design work to determine the space planning and general layout for the station and identification of those spaces within the station area that would be available for the OSD. In addition, design work has been undertaken to determine the technical requirements for the structural integration of the OSD with the station. This level of design work has informed the concept proposal for the OSD. It is noted that ongoing design development of the works to be delivered under the CSSI Approval would continue with a view to developing an Interchange Access Plan (IAP) and Station Design Precinct Plan (SDPP) for Victoria Cross Station to satisfy Conditions E92 and E101 of the CSSI Approval.

The public domain improvement works around the site would be delivered as part of the CSSI Approval.

## 1.4 The site

The Victoria Cross OSD site is located at the southeast corner of the intersection of Miller and Berry Streets, North Sydney, above the southern portal of the future Victoria Cross Station (refer **Figure 3**). The site is located in North Sydney CBD, which is identified as part of Sydney's "Harbour CBD" (along with Sydney CBD) in the *Greater Sydney Region Plan (2018)*. It is the third largest office market in Sydney and is a key component of Sydney's Global Economic Corridor.



**Figure 3:** Victoria Cross Station location plan.

The site is located in the North Sydney Local Government Area approximately 3km north of Sydney CBD, 5km southeast of Chatswood and 2km southeast of St Leonards.

The site (refer to **Figure 4**) is irregular in shape, has a total area of approximately 4,815 square metres and has street frontages of approximately 37 metres to Berry Street, 34 metres to Denison Street and 102 metres to Miller Street.



**Figure 4:** The Site.

The site comprises the following properties:

- |                                 |                                                                    |
|---------------------------------|--------------------------------------------------------------------|
| • 155–167 Miller Street         | SP 35644 (formerly Tower Square)                                   |
| • 181 Miller Street             | Lot 15 in DP 69345, Lot 1 & Lot 2 DP 123056 and Lot 10 in DP 70667 |
| • 187 Miller Street             | Lot A in DP 160018                                                 |
| • 189 Miller Street             | Lot 1 in DP 633088                                                 |
| • Formerly part 65 Berry Street | Lot 1 in DP 1230458                                                |

## 1.5 Overview of the proposed development

This concept SSD Application comprises the first stage of the Victoria Cross OSD project. It will be followed by a detailed SSD Application for the design and construction of the OSD to be lodged by the successful contractor who is awarded the contract to deliver the Integrated Station Development.

This concept SSD Application seeks approval for the planning and development framework and strategies to inform the future detailed design of the OSD. It specifically seeks approval for the following:

- A building envelope as illustrated in the **Figure 5**



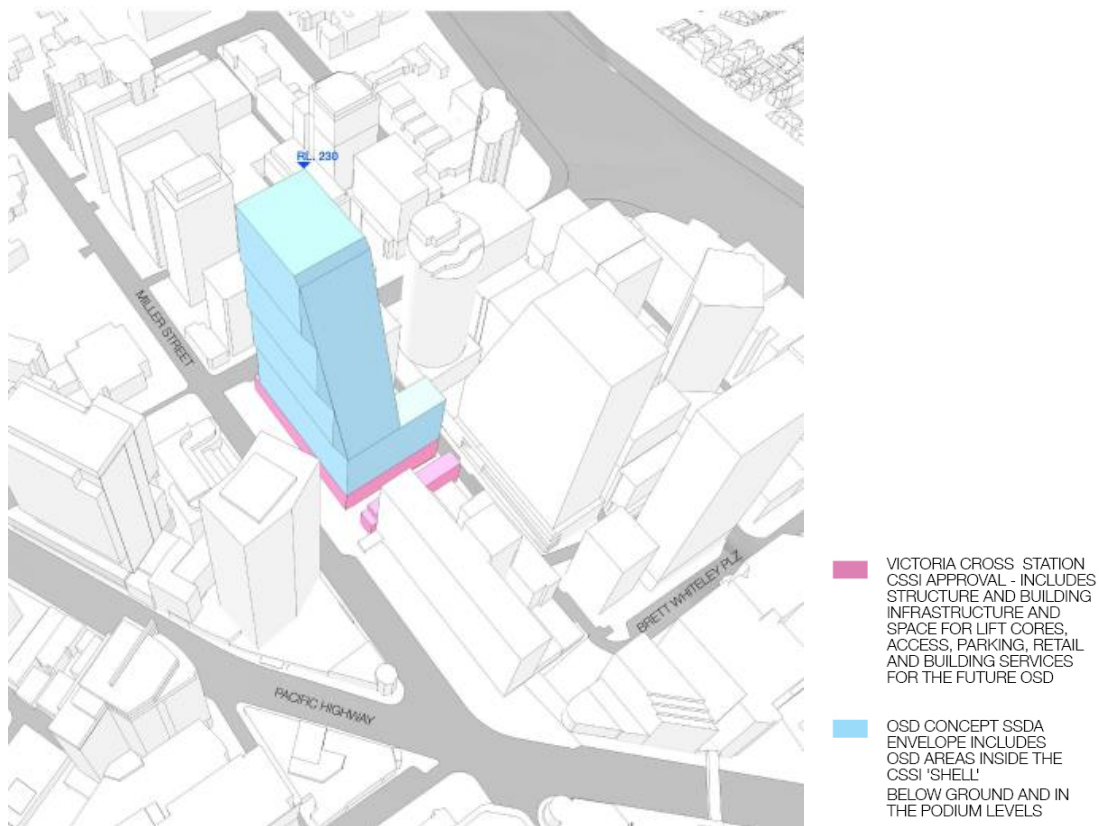
- A maximum building height of RL 230 or 168 metres (approximately 42 storeys, comprising 40 commercial storeys and 2 additional storeys for the roof top plant) for the high rise portion of building envelope and RL 118 or 55 metres (approximately 13 storeys) for the lower rise eastern portion of the building envelope
- A maximum gross floor area (GFA) of 60,000 square metres for the OSD component, which is equivalent to a floor space ratio of 12.46:1
- Use of the building envelope area for commercial premises including commercial office, retail and business premises
- Use of the conceptual OSD space provisioning within the footprint of the CSSI Approval (both above and below ground), including the OSD lobby and associated retail space, basement parking, end-of-trip facilities, services and back-of-house facilities
- Car parking for a maximum of 150 parking spaces over four basement levels with an additional 11 parking spaces allocated to the station retail approved under the terms of the CSSI Approval
- Loading, vehicle and pedestrian access arrangements from Denison Street
- Strategies for utility and services provision
- Strategies for the management of stormwater and drainage
- A strategy for the achievement of ecologically sustainable development
- Indicative signage zones
- A strategy for public art
- A design excellence framework
- The future subdivision of parts of the OSD footprint (if required).

The total GFA for the Integrated Station Development including the station GFA (i.e. retail, station circulation and associated facilities) and the OSD GFA is 67,000 square metres and is equivalent to a FSR of 13.9:1.

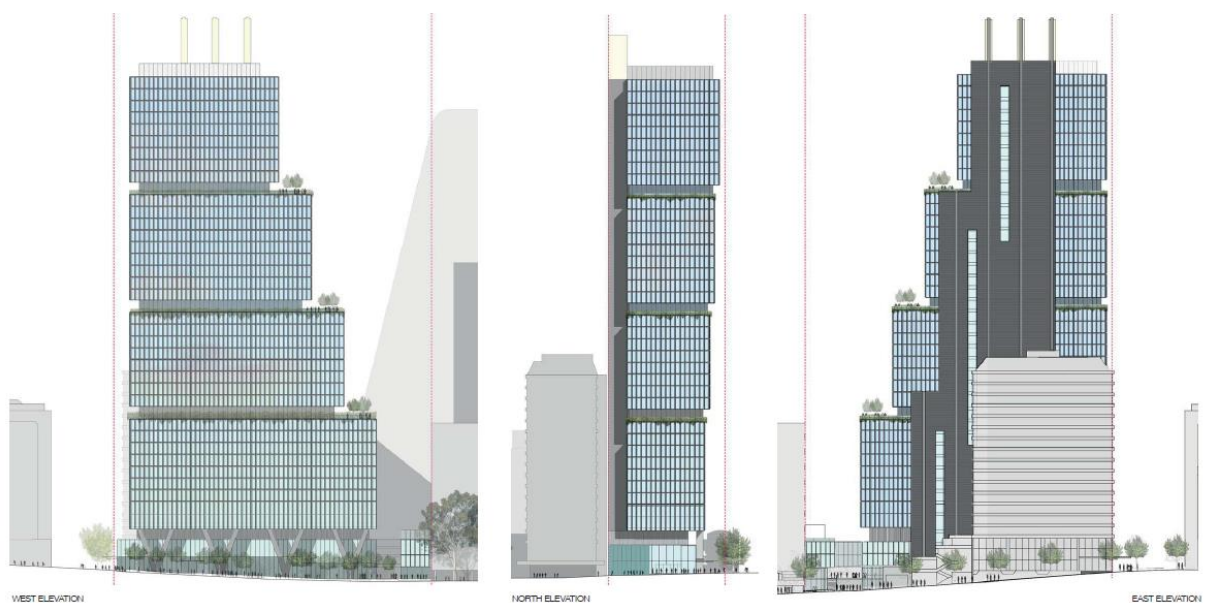
A drawing illustrating the proposed building envelope is provided in **Figure 5**. The concept SSD Application includes an indicative design for the OSD to demonstrate one potential design solution within the proposed building envelope (refer to **Figure 6**).

Victoria Cross Station is to be a key station on the future Sydney Metro network, providing access to the growing North Sydney Central Business District (CBD). The proposal combines the Metro station with a significant commercial office tower, contributing to the North Sydney skyline. The OSD would assist in strengthening the role of North Sydney as a key component of Sydney's global economic arc and would contribute to the diversity, amenity and commercial sustainability of the CBD.

It is noted that Victoria Cross services building and new station entrance at Victoria Cross North do not form part of the concept SSD Application.



**Figure 5:** Proposed Victoria Cross OSD building envelope



**Figure 6:** Victoria Cross indicative OSD design

## 1.6 Report limitations

This report is limited to an investigation of the European built heritage in the vicinity of the site. It is based on a visual inspection of the site and its surroundings in conjunction with a review of available information on heritage items in the vicinity of the site, sourced via web based information.

This report has not assessed the impact on the heritage item at 187 Miller Street. This building was approved for demolition under the CSSI Approval for the Metro Station (SSI 15-7400). Furthermore, as all demolition and excavation will be undertaken under the terms of the CSSI Approval, this report does not address impacts on archaeological sites.

## 1.7 Authorship

The report was prepared by OCP Architects Pty Ltd, written by Bianca Hollo and reviewed by Otto Cserhalmi.

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## 1.8 Methodology and terminology

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

## 2.0 Heritage management framework

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

The subject site also contains an item of local heritage significance, referred to below as the shop at 187 Miller Street. However, this building has been approved for demolition in accordance with the CSSI Approval for the construction of the Sydney Metro City & Southwest, including Victoria Cross Station, and these works are now completed.

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

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



Item name	Address	Significance	Item No. (NSLEP 2013)	SHR listing No.
Technical School)	High Street			

\*Approved for demolition as part of CSSI Approval for Victoria Cross Station.



**Figure 7:** Aerial view of the subject OSD site within the North Sydney Centre. The boundary of the OSD site is shown with the dotted line. Heritage items are shaded and labelled with their heritage item number as per the NSLEP 2013 and SHR.

Source: SIX Maps 2016.

The relevant heritage provisions of *North Sydney Local Environmental Plan 2013* (NSLEP 2013) apply to the development of the site as a matter of consideration under Section 79C of

the *Environmental Planning and Assessment Act 1979*. As the subject site is not located within the curtilage of any heritage items listed on the State Heritage Register, the *Heritage Act 1977* does not apply to the proposed development.

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

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

- North Sydney CBD Planning Proposal (PP\_2017\_NORTH\_002\_00);
- *North Sydney CBD Capacity and Land Use Strategy*, 2017;
- *Sydney Metro Planning Study*, Crows Nest and North Sydney, 2017.

## 3.0 Historical context

The historical outline provided below in **Sections 3.1 to 3.5** has been summarised from the history provided in the North Sydney entry of the Dictionary of Sydney written by Leonie Masson in 2010.<sup>1</sup>

### 3.1 Early development

The area that is now known as North Sydney had been identified as an eligible site for a township as early as 1828 as land that had not yet been disposed of in various land grants. A plan prepared by Sir Thomas Mitchell in 1828 included suggestions for streets and subdivisions, a reserve and a great road towards the north of the colony and Broken Bay. This plan was disregarded. However, in response to demands and several petitions to purchase land in the area, the land was resurveyed in 1836. By 1838, the basic road structure of the town centre was established on a traditional 10-chain grid, with Berry, Mount, Blue and Lavender streets running east-west and Miller and Walker streets running north-south.

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

The township was named St Leonards and was formally gazetted in 1838. The township is thought to have been named after St Leonards (near Hastings in Britain) by Sir Thomas Mitchell when he surveyed the district in 1828. The present name of North Sydney was adopted by the alderman of the newly consolidated borough in 1890. Although there was a strong sentiment attached to the name St Leonards, Alderman Clark proposed the name North Sydney, arguing that it would give the new borough more prestige if they wanted to borrow more money.<sup>2</sup>

### 3.2 North Sydney 1840s-1910s

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

St Leonards Park, originally envisaged by Mitchell in his 1828 plan of the township, was designed and planned by Alderman William Tunks. The area bordering the park, south from Ridge Street to Berry Street between Miller and Alfred streets developed as an upper-middle-class neighbourhood. Here prominent businessmen, parliamentarians and doctors built grand Victorian and Federation houses on large blocks. Many of these houses were

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<sup>1</sup> Leonie Masson, 2010. North Sydney, Dictionary of Sydney, accessed 9 September 2016 from [http://dictionaryofsydney.org/entry/north\\_sydney](http://dictionaryofsydney.org/entry/north_sydney)

<sup>2</sup> John Griffin, North Sydney Diamond Jubilee Souvenir & Programme, North Sydney Municipal Council, North Sydney, 1928, p 33, as cited in Leonie Masson, 2010. North Sydney, Dictionary of Sydney.



demolished from the 1960s onwards, however some remain on the northern end of Walker Street and in Ridge Street overlooking St Leonards Park, and within the school grounds of Monte Sant' Angelo Mercy College and Wenona.



**Figure 8:** 1860s photograph of North Sydney looking towards Mount and Miller Streets, taken by Dr Robert Ward.  
*Source: North Sydney Council, Picturing North Sydney Collection, File 000/000154.) (Copyright – Mitchell Library.*

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

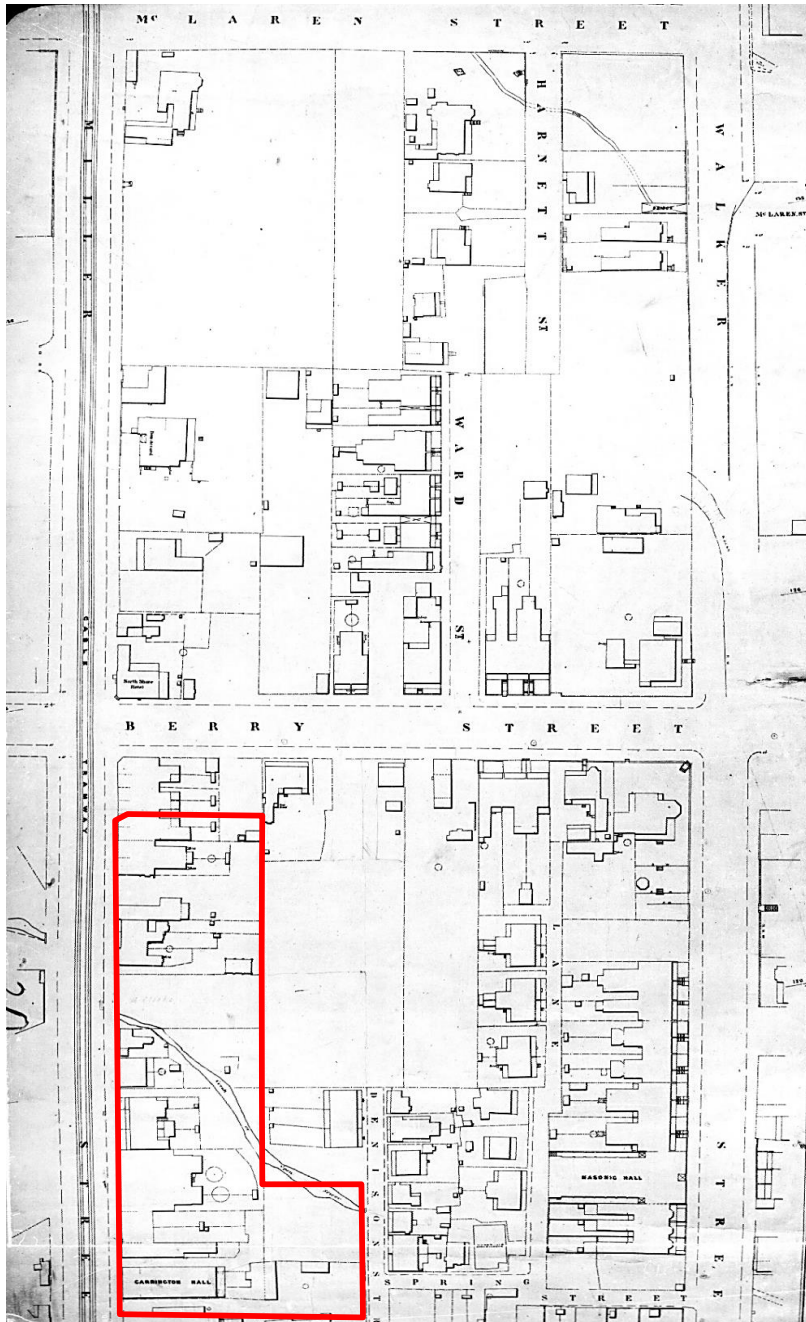
The Borough of St Leonards was formalised in 1869 with the establishment of local government to administer the township and providing utilities and services such as gas, water, roads, garbage collection, sewage and sanitation. The boroughs of East St Leonards, St Leonards and Victoria were amalgamated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

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

During the mid-1880s, the intersection of Miller and Mount Streets and Lane Cove Road (later known as the Pacific Highway) was the commercial and civic centre of the township. This intersection was later referred to as Victoria Cross. Development of the town centre was further boosted by the construction of the cable tramway between Miller Street and the ferry wharf at Milsons Point, via Miller and Alfred Streets. During this period, North Sydney saw the development of banks, public buildings and shops in the civic precinct. The Post

Office, Court House and Police Station complex, designed by government architect James Barnett were opened in 1886.

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



**Figure 9:** Detail of 1890s Block Plan of North Sydney, showing the tramway along Miller Street and development in the town centre between Miller, Berry, McLaren and Walker Streets. The study area is outlined in red. *Source: Sydney Water Board Maps, Stanton Library File /000029, dated 4 February 1892*

### 3.3 North Sydney 1910s-1940s

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

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

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

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

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

### 3.4 The Rag & Famish Hotel

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

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



**Figure 10:** The Rag & Famish Hotel on Berry Street in c.1860. *Source: The Face of North Sydney photo archives, LH REF PF851. (Copyright – Mitchell Library)*

### 3.5 North Sydney in the post war period and late 20<sup>th</sup> Century

The relatively lower cost of land in the area (compared with the Sydney Central Business District) attracted several large companies to build their headquarters in North Sydney. The Headquarters of the Mutual Life and Citizens Assurance Company (MLC Limited) was constructed on Miller Street and opened in 1957. AMP built their offices on the corner of Blue and Miller Streets.

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

The construction of the Warringah Expressway which opened in 1968 resulted in the demolition of approximately 500 houses and shops.

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

The late 20<sup>th</sup> Century building boom in North Sydney led to the destruction of much of the 19<sup>th</sup> Century township with Victorian and Federation shops, terraces, houses and public buildings disappearing from the streetscape. A number of resident action groups were formed as a result of the increasing dissatisfaction with the extent of development and loss of amenity and heritage. In the 1980 local government election, two thirds of North Sydney



Council was replaced and Ted Mack was elected Mayor. This was followed by a period of re-assessment of planning controls to take into account the needs of residents alongside the large labour force working within the suburb. Much of the development carried out during the latter part of the twentieth century contributed to the formation of the character of the suburb today as an important commercial centre and business district within the Sydney region.

### 3.6 MLC Building

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

The following historical summary of the MLC Building was summarised from a history prepared by the ACT Heritage Council in June 2015.<sup>4</sup>

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

The MLC Building on Miller Street in North Sydney was constructed in 1957 to the design of Bates Smart and McCutcheon. The building, which is now 60 years old, was the first high-rise office block in North Sydney and was the largest building in North Sydney for many years after its construction. The MLC Building was also Australia’s biggest building at the time with the biggest air-conditioning system and its own power plant. It also included the first of the MLC weather beacons that became a signature of the buildings and led the way for future weather systems that now appear on many buildings.

Revolutionary at the time, the building used a lightweight construction system that used prefabricated sections that could be dry-connected in a modular system, allowing the building to be quickly and economically erected. This paved the way for a series of buildings across Australia based on the same design.

MLC buildings were erected in Geelong (1953), Ballarat (1954), Brisbane (1955, extended in 1959), Wollongong (1956), Adelaide (1957), North Sydney (1957), Newcastle (1957), Perth (1959), Shepparton (1959), and Canberra (1958, extended 1963).

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

<sup>4</sup> ACT Heritage Council, June 2015. *Background Information, Former MLC Building, 161 London Circuit*. Accessed 12 September 2016 from [http://www.environment.act.gov.au/\\_data/assets/pdf\\_file/0005/663926/Former-MLC-Building.-Block-1-Section-14-CITY-Background-Information.pdf](http://www.environment.act.gov.au/_data/assets/pdf_file/0005/663926/Former-MLC-Building.-Block-1-Section-14-CITY-Background-Information.pdf)





**Figure 11:** The MLC Building in 1957. *Source: The Face of North Sydney photo archives, LH REF PF1679. (Copyright - Max Dupain & Associates)*

## 4.0 Physical description

### 4.1 Context

The subject site (155-189 Miller Street) is located on one of the major north-south oriented thoroughfares of North Sydney that was originally developed as one of the high streets of the township of St Leonards. Today, Miller Street forms part of the North Sydney Central Business District (CBD) and contains predominantly high-rise and medium rise commercial office buildings, intermingled with public buildings, educational establishments, pubs, restaurants and shops.

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

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

Immediately to the south of the subject site lies the MLC Building which is listed as an item of local heritage significance in the North Sydney LEP 2013 (**Figure 12**). Opened in 1957, the MLC Building is a fourteen storey cubiform office block constructed from a rigid steel frame with hollow steel floors. The building façade is comprised of curtain walls of glass and anodized aluminium spandrels which is characteristic of the Post-War International style in which the building was designed.



**Figure 12:** The MLC Building. *Source: OCP Architects, 2016*

The Rag & Famish Hotel, located on the north-eastern corner of Berry and Miller Streets, is a two storey painted brick hotel constructed in the Federation Free Classical Style (**Figure 13**). The building features tiles to the dado at ground level, a metal awning which extends along the Miller and Berry Street elevations, paired double hung sash windows with sixteen

pane upper lights with coloured glass, string courses and a decorative parapet featuring two pediments.



**Figure 13:** The Rag & Famish Hotel on the corner of Miller and Berry Streets and the heritage listed commercial office building at 201 Miller Street behind. *Source: OCP Architects, 2016*

Further to the north of the Rag & Famish is a twenty-two storey office building constructed of precast concrete on a single storey plinth in the Twentieth Century International architectural style (refer to **Figure 13** and **Figure 29**). The building, distinguished by its high window frames and grid form of the façade, forms a distinctive element within Miller Street and the North Sydney CBD.

Also in close proximity to the subject site is the Monte Sant Angelo College, on the north-western corner of Miller and Berry Streets (**Figure 14** and **Figure 15**). The school, which is listed as an item of local heritage significance in the NSLEP 2013, contains a collection of nineteenth and early twentieth century buildings including an early mansion, chapel and Mercy Hall. The south-eastern portion of the site closest to the intersection of Miller and Berry Streets is occupied by a modern three storey building. The school is contained behind a high brick wall along Miller and Berry Streets.





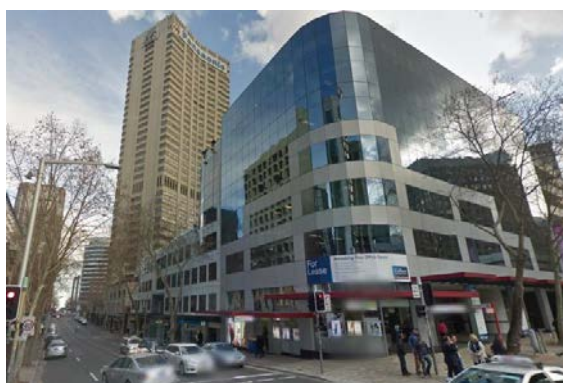
**Figure 14:** View towards Monte Sant Angelo School from the corner of Miller and Berry Streets. *Source: Google Street View*



**Figure 15:** View of Monte Sant Angelo School from Miller Street. *Source: OCP Architects, 2016*

The opposite side of Miller Street between Berry Street and the Pacific Highway is comprised of a 4-8 storey commercial building and a high-rise commercial development, known as North Point Tower, that consists of a podium tower above a 2-3 storey component fronting Miller Street which incorporates a mix of retail outlets (refer to **Figure 16**). This site is currently under redevelopment.

Further to the south, on the intersection of Miller and Mount Streets and the Pacific Highway is the former North Sydney Post Office and Court House. This two storey Victorian Free Classical rendered brick building with a four and a half storey corner clock tower occupies the prominent corner location within the North Sydney CBD (refer to **Figure 17**).



**Figure 16:** View south along Miller Street showing the mid and high-rise commercial buildings directly opposite the subject site. *Source: Google Street View, 2016*

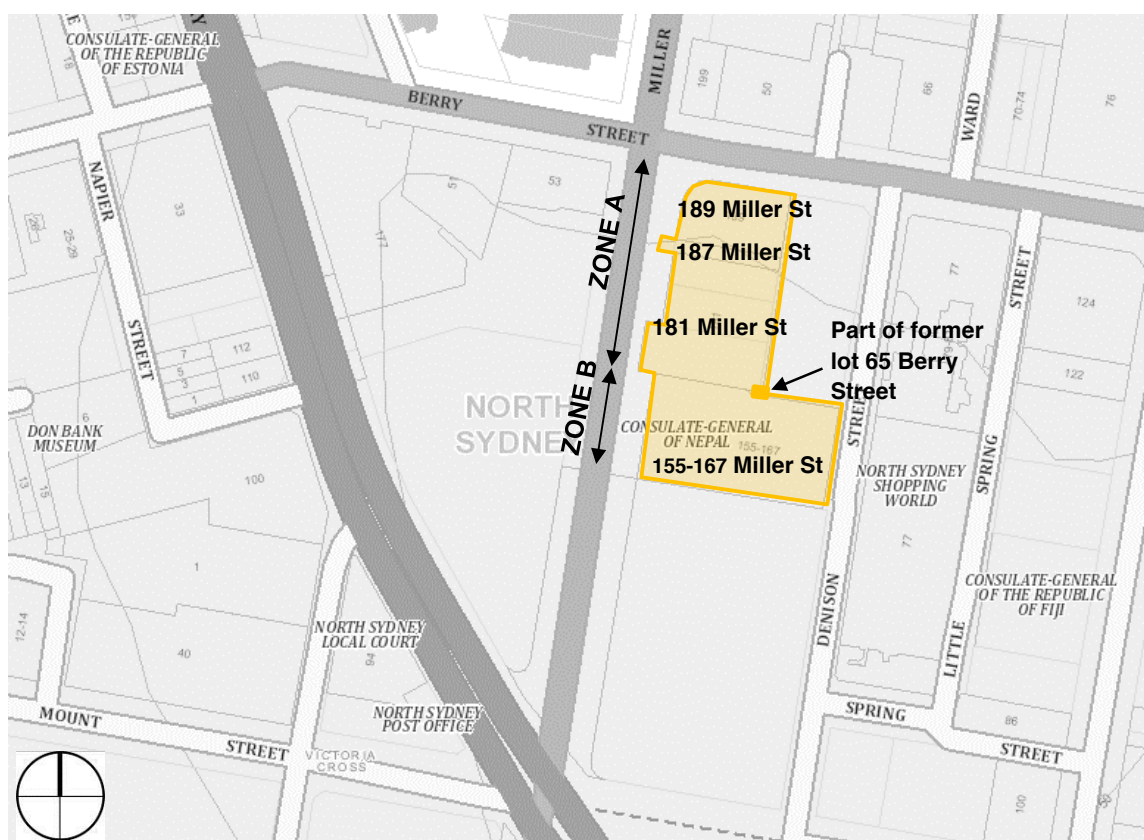


**Figure 17:** View of the North Sydney Post Office building on the corner of Miller Street and the Pacific Highway. *Source: OCP Architects, 2016*

## 4.2 The site

Prior to the commencement of demolition works (CSSI 15\_7400), the site was characterised by two visually distinct zones; the northern section of the site (Zone A) and the southern section of the site (Zone B). Zone A was comprised of the two mid-rise office towers constructed during the 1970s and 1980s and the Jewellery Shop constructed in the Victorian era (**Figure 20**) which protruded forward of the office towers. Zone B was comprised of the two storey Tower Square Shopping Centre (**Figure 19**).

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



**Figure 18:** Map of 155-189 Miller Street, North Sydney, showing the site location shaded in yellow, and individual properties.  
Source: Six Maps, 2016





**Figure 19:** View looking north along Miller Street in 2016, prior to the commencement of demolition works, showing Tower Square on the southern end of the subject site and the mid-rise commercial office building at 181 Miller Street. *Source: OCP Architects, 2016*



**Figure 20:** View of the subject site in 2016, prior to the commencement of demolition works, showing the Victorian Shop at 187 Miller Street. *Source: OCP Architects, 2016*



**Figure 21:** View of the subject site at the intersection of Miller and Berry Streets showing the commercial office building on the corner and the protruding blank side wall of the Victorian shop in 2016, prior to the commencement of demolition works. *Source: OCP Architects, 2016*



**Figure 22:** View south along Denison Street showing the rear of the Tower Square shopping centre in 2016, prior to the commencement of demolition works. The rear of the MLC Building is shown in the distance. *Source: OCP Architects, 2016*

## 4.3 Views

Views to the site are available from Miller Street, from both the north and the south (refer to **Figure 23** and **Figure 24**). The availability of views to the site from the south is enhanced by the large setback of the MLC Building from Miller Street. The site is also visible from various points along Berry Street and Denison Street.

With consideration for the site's proximity to streets and laneways and the existing views that are currently available, any new development on the site would be seen from multiple viewpoints. Furthermore, any new development would be seen by occupants of neighbouring medium rise commercial buildings as well as numerous high-rise office and residential towers throughout the North Sydney CBD.



**Figure 23:** View looking north from south of the Pacific Highway on Miller Street, showing the location of the subject site in the distance.

*Source: OCP Architects, 2016*



**Figure 24:** View south along Miller Street showing the location of the subject site in the distance.

*Source: OCP Architects, 2016*

## 5.0 Statements of significance

### 5.1 Statement of significance for heritage items on the site

The following statement of significance for the shop at 187 Miller Street North Sydney has been sourced from the online database of the Heritage Division, NSW Office of Environment and Heritage.

#### 5.1.1 Shop – 187 Miller Street

*One of the few remaining Victorian shopfronts on Miller Street and the last in this vicinity. An interesting example of its type, with attractive detailing. Provides a strong contrast to the surrounding multi-storey commercial buildings. Important reminder of the continuity of retailing over time in this vicinity.*



**Figure 25:** Shop at 187 Miller Street.  
Source: State Heritage Inventory Listing Sheet

**NOTE:** Whilst this building is still listed as a heritage item on the North Sydney LEP 2013, the building was approved for demolition under the CSSI Approval for the construction of Victoria Cross Station. Condition E16 of the CSSI Approval (SSI 15\_7400) outlines the requirement for a Salvage Report, including archival recording to be prepared for the interior, exterior and setting of the shop at 187 Miller Street, North Sydney. This building has now been demolished.

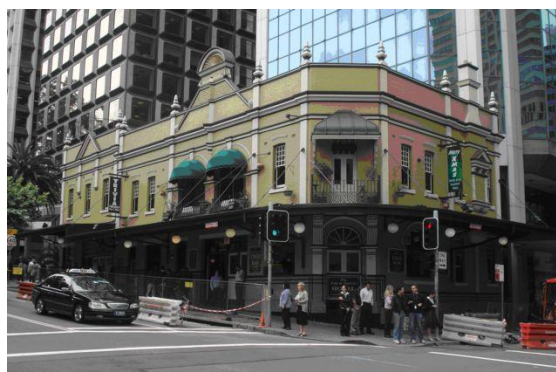
### 5.2 Statements of significance for heritage items in the vicinity of the site

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



### 5.2.1 The Rag & Famish Hotel

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



**Figure 26:** The Rag & Famish Hotel – 199 Miller Street.  
Source: State Heritage Inventory Listing Sheet

### 5.2.2 MLC Building

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



**Figure 27:** The MLC Building.  
Source: State Heritage Inventory Listing Sheet

### 5.2.3 Monte Sant Angelo Group

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



**Figure 28 :** Monte Sant Angelo Group.  
Source: State Heritage Inventory Listing Sheet

#### 5.2.4 Commercial Building – 201 Miller Street

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

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



**Figure 29:** Commercial Building - 201 Miller Street.  
Source: State Heritage Inventory Listing Sheet

#### 5.2.5 North Sydney Post Office and Court House (former Police Station)

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

*North Sydney Post Office is associated with the development of postal services in the North Sydney area from 1854. As such, the current Post Office is **associated with the growth of the area during the mid:nineteenth century.** North Sydney Post Office is historically significant because it is also associated with the development of communications services in the North Sydney (originally called St Leonards) area during the late nineteenth century, as the growing population required improved services.*



**Figure 30:** North Sydney Post Office and Court House  
Source: State Heritage Inventory Listing Sheet

*North Sydney Post Office is also historically significant because it is associated with the NSW Colonial Architect's Office under James Barnet, which designed and maintained a number of post offices across NSW between 1865 and 1890.*

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

*North Sydney Post Office is also considered to be significant to the community of North Sydney's sense of place.*

### 5.2.6 Former Bank of NSW

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



**Figure 31:** Former Bank of New South Wales.  
Source: State Heritage Inventory Listing Sheet

### 5.2.7 Façade of S. Thompson Building – 67A Mount Street

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



**Figure 32:** Façade of S Thompson Building.  
Source: State Heritage Inventory Listing Sheet



### 5.2.8 House – 67-69 Mount Street

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



**Figure 33:** Façade of shopfront at 67-69 Mount Street.  
Source: State Heritage Inventory Listing Sheet

### 5.2.9 Former Fire Station

*Original Fire Station for North Sydney and relic of operations from horsedrawn technology.*

*Indicative of period Fire Brigade organisations and activity. Fine example of a small regional government building and an example of Victorian Italianate architecture.*

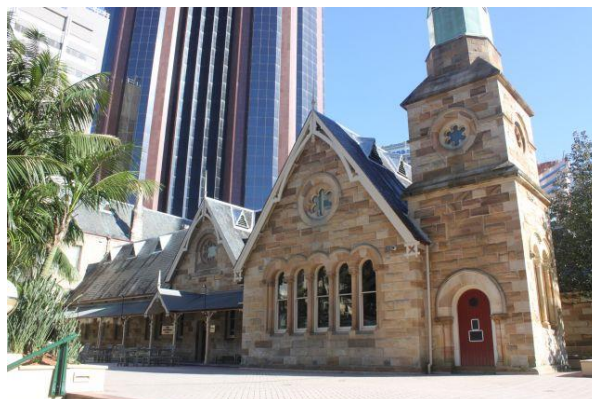


**Figure 34:** Former Fire Station.  
Source: State Heritage Inventory Listing Sheet

### 5.2.10 North Sydney Technical High School (former)

The Greenwood Hotel is a **rare and unique example of Gothic and Romanesque Revival styles** and remains substantially intact from 1908. The earliest wing of the school was built to the design of architect George Mansfield, a prominent architect of the time, and is an exceptional example of his work.

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



**Figure 35:** Former North Sydney Technical High School.  
Source: State Heritage Inventory Listing Sheet

The Greenwood Hotel was the first state school erected on the north shore of Port Jackson and was the first technical school on the north shore. The fact that the school was used continuously for educational purposes from 1877 to 1969 is of high significance and has created a strong cultural meaning to people in the area. The **sandstone structure is now surrounded by open landscaping and urban development elements and the nearby towers are set away from the Greenwood Hotel**. This space has become an important urban precinct for retailers, office workers and locals, and is well utilised as a pedestrian thoroughfare and a place to meet and relax. The two remaining Moreton Bay Fig trees retain the setting of the Greenwood Hotel and the landmark qualities of the area. The sandstone building is a scarcity of architectural type and is relatively intact. The age of the building relates to the predominant fabric of North Sydney and the building fabric itself demonstrates this historical significance. **The school and its open setting with fig trees are landmarks of North Sydney and engender a high degree of public esteem in relation to its local and schooling history.** (Tropman & Tropman Architects 2008)

## 6.0 The proposal and assessment of heritage impact

### 6.1 Design options – floor plate studies

A number of different design options for the overall configuration and building layout for the Victoria Cross OSD were developed during the preliminary design development phase. These design options were analysed against a set of criteria including a range of commercial objectives, urban design and heritage considerations, public domain benefits, the relationship with the metro station, and compliance with the *North Sydney LEP 2013*.

The building layout options, prepared by Bates Smart Architects, explored various possibilities for development above the Victoria Cross Station (refer **Figure 36** below). Options 1A, 1B and 1C involve the construction of one rectangular shaped commercial building on different parts of the site. Options 2A and 2B involve the construction of two rectangular shaped commercial buildings; one building on the northern part of the site with its longest elevation along Miller Street and another building along the southern boundary of the site between Miller Street and Denison Streets. Options 3A and 3B involve the construction of one large L-shaped building with a substantial setback from the northern site boundary.

Whilst the proposed OSD has an L shaped floor plate at the lower levels of the building, the option selected for the concept SSD Application most resembles option 1C as the main high-rise component is concentrated on the northern portion of the site. The heritage consideration of the proposed OSD envelope and compliance with the relevant statutory controls is discussed further in Sections 6.3 and 7.0 below.

The development of the site for the Sydney Metro City & Southwest Victoria Cross Station also encompasses public domain elements including a pedestrian through site link between Miller and Denison Streets and a lower scale retail building adjoining the southern site boundary. These elements will be delivered as part of the CSSI Approval and therefore, do not form part of this concept SSD Application.



**Figure 36:** Excerpt from Section 5.1 of the Victoria Cross Urban Design Report showing the floor plate studies of the different design options explored for the Victoria Cross OSD site.

Source: Bates Smart Architects, 2016

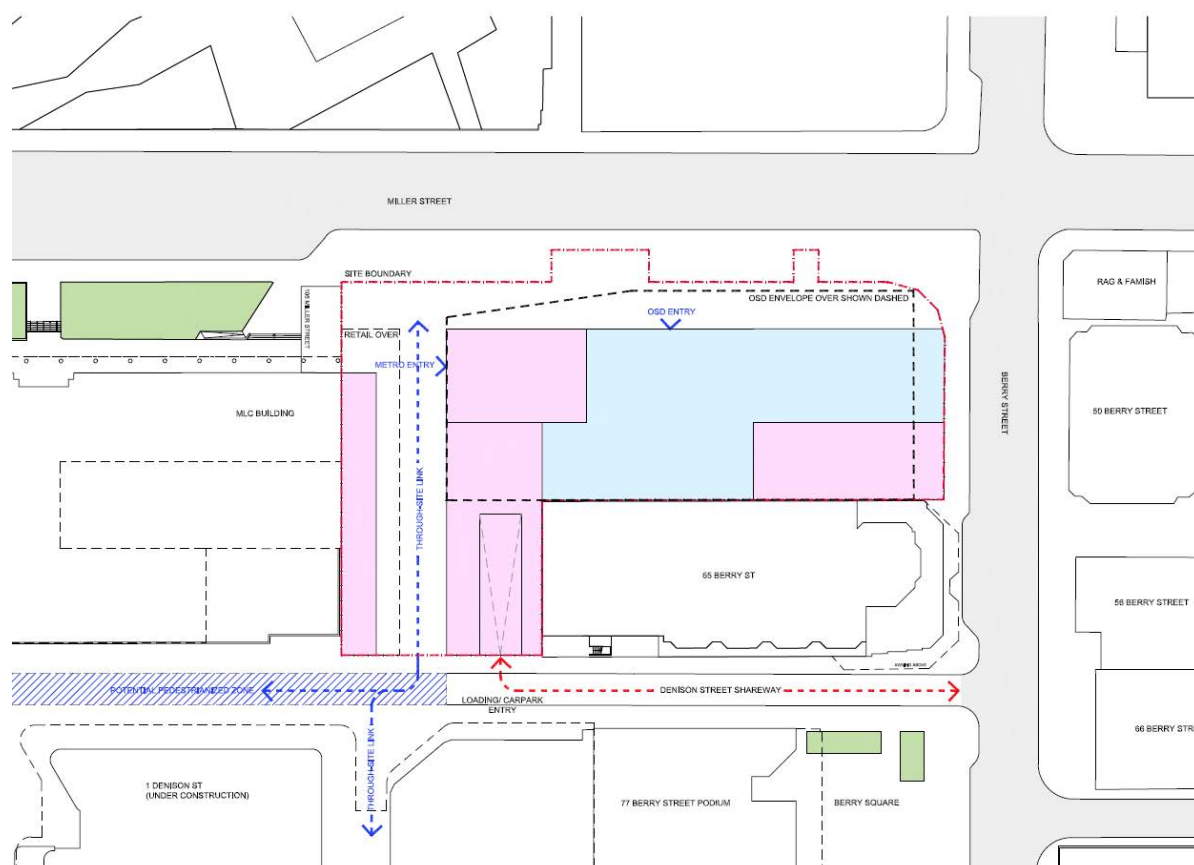
The proposed building envelope is discussed further in **Section 6.2** below.

## 6.2 The Proposal

The concept SSD Application seeks approval for a maximum building envelope for the Victoria Cross OSD together with a framework to inform the detailed design of the development (shown in **Figure 37** to **Figure 40** below). The indicative OSD design prepared by Bates Smart Architects (shown in **Figure 41** and **Figure 44 - Figure 50** below) represents one potential built form outcome for the OSD. However, as this application seeks approval for the building envelope only, the detailed design of the building, including the form, architectural detailing and materials would be further refined as part of future detailed design SSD Application(s).

The concept proposal involves a commercial development over the planned Victoria Cross Station. The proposed OSD excludes the metro station itself, the station entrance and concourse, and the retail spaces which flank the through site link (as shown shaded pink in **Figure 37** below). The indicative ground floor plan and proposed OSD envelope is shown in **Figure 37** to **Figure 40** below). Whilst the ground floor is part of the CSSI Approval for the Metro Station, the ground floor plan in **Figure 37** below illustrates elements such as the OSD lobby that will be located on the ground floor.



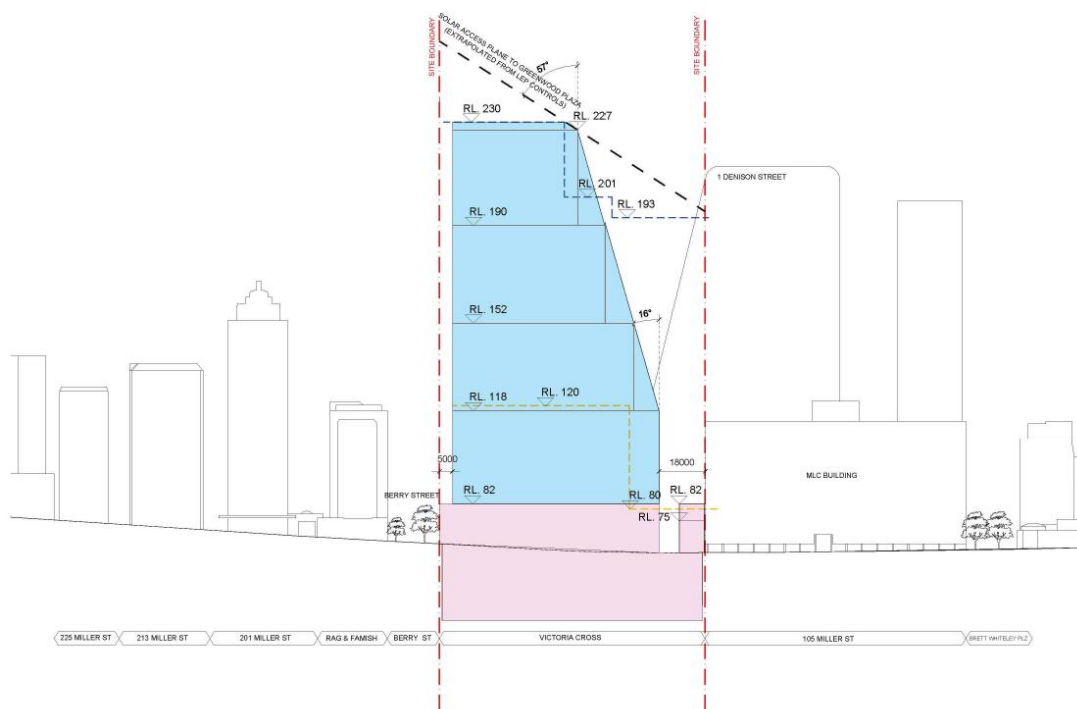


KEY:

- VICTORIA CROSS STATION CSSI - INCLUDES STRUCTURE AND BUILDING INFRASTRUCTURE AND SPACE FOR LIFT CORES, ACCESS, PARKING, RETAIL AND BUILDING SERVICES FOR THE FUTURE OSD
- OSD CONCEPT SSDA, APPROXIMATE OSD LOBBY LOCATION- INCLUDES RETAIL, CORE AND PLANT
- PEDESTRIANISED ZONE
- ... APPROXIMATE LOCATION OF TOWER ENVELOPE OVER
- PEDESTRIAN MOVEMENT
- VEHICULAR MOVEMENT

**Figure 37:** Indicative ground floor plan showing the location of the Metro Station entry, OSD entrance and retail areas at street level. The plan shows the proposed floor plan of the OSD development and the adjoining lower-scale retail building.

Source: Bates Smart Architects, 2017



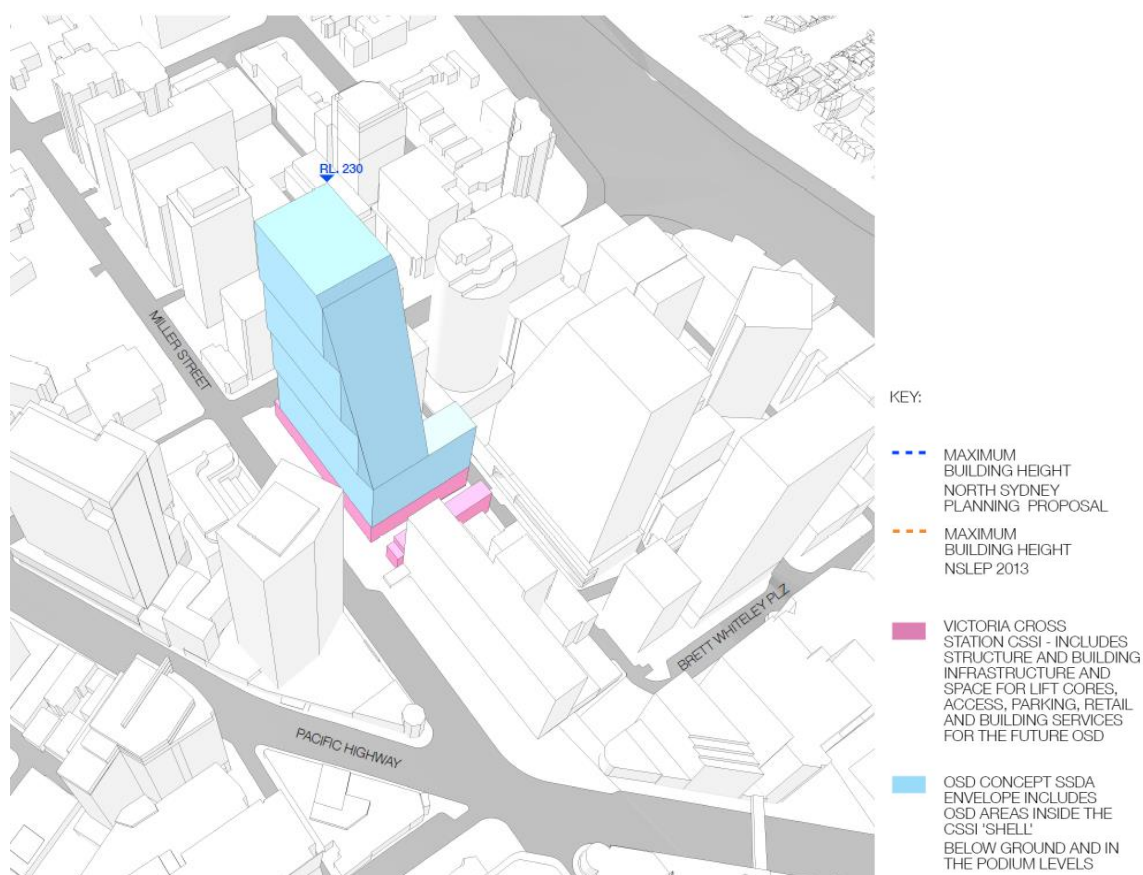
#### KEY:

- MAXIMUM BUILDING HEIGHT NORTH SYDNEY PLANNING PROPOSAL
- MAXIMUM BUILDING HEIGHT NSLEP 2013
- VICTORIA CROSS STATION CSSI - INCLUDES STRUCTURE AND BUILDING INFRASTRUCTURE AND SPACE FOR LIFT CORES, ACCESS, PARKING, RETAIL AND BUILDING SERVICES FOR THE FUTURE OSD
- OSD CONCEPT SSDA ENVELOPE INCLUDES OSD AREAS INSIDE THE CSSI 'SHELL' BELOW GROUND AND IN THE PODIUM LEVELS

**Figure 38:** View of the proposed OSD building envelope from Miller Street showing the maximum height of the building at RL 230 at the northern portion of the site and height of RL 118 at the southern end of the OSD, where the building is setback 18m from the northern elevation of the MLC Building. This sketch demonstrates that the proposed OSD envelope is below the extrapolated Greenwood Plaza Solar Access Plane, shown in the black dashed line.

Source: Bates Smart Architects, 2017





**Figure 40:** Sketch showing the proposed envelope for the main high-rise OSD building as well as the 3-4 storey retail building at the southern end of the site in relation to the surrounding high-rise context of North Sydney CBD.

Source: Bates Smart Architects, 2017

The lower levels of the OSD building have an L-shaped floor plate with a frontage to Miller, Berry and Denison Streets, whilst the upper levels of the building are concentrated on the western side of the site fronting Miller and Berry Streets. The proposed envelope for the high-rise OSD building has a maximum height of RL 230 on the corner of Miller and Berry Streets, the northernmost part of the site. The height of the building envelope slopes down towards the south to a height of RL 118 with a medium-rise building form extending through to Denison Street.

The 18m setback of the proposed building envelope from the northern elevation of the MLC Building provides an appropriate heritage and urban design response by providing 'breathing space' between the MLC Building and the proposed OSD, and by maximising daylight to the through site link.

Together with the redevelopment of 1 Denison Street, the approved Victoria Cross Station and proposed OSD, as an integrated station development, are envisioned as the catalyst for the revitalization of Miller and Denison Streets. The redesign of public spaces and laneways



as part of these major developments would provide major improvements to the public domain and amenity for pedestrians on Miller and Denison Streets.



**Figure 41:** Three-dimensional render prepared by Bates Smart Architects showing the indicative design of the OSD building over the Victoria Cross Station entrance on Miller Street. The image also shows the through-site link and the 4 storey retail building at the southern end of the site (note that the fourth storey is setback behind the façade of the MLC Building).  
Source: Bates Smart Architects, 2017

## 6.3 Assessment of heritage impact

### 6.3.1 Demolition of existing buildings

The demolition of all of the buildings on the Victoria Cross site was approved in January 2017 under the CSSI Approval for the Sydney Metro City & Southwest Chatswood to Sydenham project. Therefore, the assessment contained within this report has not addressed the impact of the demolition of these buildings.

Nevertheless, it should be noted that the removal of the heritage listed shop at 187 Miller Street enables the development of a wide pedestrian avenue along Miller Street which will result in significant improvements to the public domain and enhanced views to heritage items to the north and south of the site.

### 6.3.2 Scale and architectural form

The overall scale and architectural form of the proposed OSD building envelope is consistent with the existing character of the North Sydney CBD in terms of the heights of the various OSD building elements and the setbacks to the surrounding streets. In arriving at this form,

various options were explored by TfNSW (refer to **Section 6.1** above), with the current proposal being considered the best outcome for this particular site. This proposal, of all the options explored, enables the maximum amount of separation between the high-rise element of the proposed development and the MLC Building whilst maintaining adequate setbacks from Miller Street in order to enhance views to the heritage listed Rag & Famish Hotel.

Since the commencement of the *North Sydney LEP 2013*, a number of planning studies have been prepared by North Sydney Council in order to provide a framework for the future development of North Sydney CBD. The overall scale and architectural form of the proposed OSD building envelope has been developed with consideration of the *Sydney Metro Planning Study* prepared for Crows Nest and North Sydney in February 2017 and the *North Sydney Centre Capacity and Land Use Strategy* which was adopted by Council on 1 May 2017.

### ***Sydney Metro Planning Study***

The *Sydney Metro Planning Study* was developed with the objective of providing a guide for the future planning and development of the metro station sites and their immediate surrounds. As part of the site analysis for Victoria Cross, the *Sydney Metro Planning Study* outlines a range of priorities and principles for the future development of the site, including public domain outcomes, place-making and amenity, connectivity, commercial prestige and the provision of an exceptional built form. Furthermore, a number of opportunities were identified for the future development of the site. The table below provides a summary of these development opportunities, where relevant, and provides a discussion of how the proposed OSD envelope relates to these design principles.

**Table 2:** Discussion of the built form opportunities for Victoria Cross outlined on page 47 of the *Sydney Metro Planning Study*.

Built form opportunities	Discussion
<p>1. MLC Alignment:</p> <p>Aligning the built form to the iconic MLC Building to create a wide linear pedestrian / open space.</p>	<p>While the built form of the OSD is not aligned with the MLC Building, the building form and massing of the proposed OSD envelope has been developed in response to the Miller Street Setback controls outlined in clause 6.4 of the NSLEP 2013, as well as the predominant 'building wall' along Miller Street created by the consistent alignment of medium and high-rise buildings to the north of the subject site. The setback of the proposed OSD in line with these buildings contributes to a more cohesive urban environment within the North Sydney Centre.</p> <p>While the proposed OSD envelope protrudes forward of the MLC building, the 6m setback of the lower levels of the OSD would still provide a wide linear pedestrian / open space along Miller Street and therefore, is consistent with the aim of this built form principle.</p> <p>The proposed 6m setback to Miller Street and the 18m separation between the OSD and the southern property boundary will retain and improve significant views towards the MLC Building from the north (refer <b>Figure 47</b>, <b>Figure 49</b>).</p>
<p>2. Miller Street Setback Alignment:</p> <p>Aligning the built form to the Miller Street Setback (as required under LEP 2013) would facilitate a northern tower form, thereby 'freeing up' the southern end of the site for a lower scale built form and possible through site link / plaza.</p>	<p>The Miller Street Setback controls contained within the NSLEP 2013 require a 6m setback to Miller Street along the site frontage.</p> <p>The lower section of the proposed OSD envelope complies with this setback requirement to a height of RL118. The upper levels of the building provide a 4.5m overhang over Miller Street. The reduced setback to the upper levels of the proposed OSD occur above the MLC Building which has a height of RL 114 and therefore, would not impact on views to the MLC Building.</p>
<p>3. Northern Tower:</p> <p>A commercial tower at the northern end of</p>	<p>The proposed OSD envelope has been designed in accordance with this principle.</p>

the Metro site facilitates large floor plates and provides a prominent corner presence at Miller and Berry Streets.	
<p>4. Southern Tower:</p> <p>A tower form at the southern end of the site produces a large commercial floor plate and facilitates a lower scale northern built form element that may align with / mirror the form and scale of the MLC Building.</p>	<p>The proposed OSD envelope does not include a tower form at the southern end of the site.</p> <p>The construction of a tower on the northern portion of the site is considered to be a better built form outcome as it allows for greater separation and breathing space between the OSD and the heritage listed MLC building.</p>
<p>5. Through-site Link / Plaza / Square:</p> <p>A northern tower would allow for a lower scale built form at the southern end, reducing the perceived scale of development on Denison Street. A low to medium rise built form could house a multi-level retail precinct and public through site link between Miller and Denison Streets, offering a level of amenity and human scale development lost with the removal of Tower Square. This would also provide light and air to a newly revitalised Denison Street.</p>	<p>The CSSI Approval includes the development of a lower scale retail building along the southern site boundary and a through site link between Miller and Berry Streets. As noted previously, these elements do not form part of this concept SSD Application.</p>
<p>6. Separation to MLC Building:</p> <p>A northern tower would provide separation to the iconic and heritage listed MLC Building. This separation would also allow for the optimal location of a mid-block through site link to Denison Street and associated opportunities for retail and other activation.</p>	<p>The proposed OSD envelope is setback 18m from the southern site boundary, providing adequate separation from the MLC building and a good level of amenity to the through site link below.</p>
<p>7. MLC Basement and Denison Street Activation (<i>basement design not applicable to OSD</i>)</p>	<p>Not applicable to the OSD.</p>

The design of the proposed OSD envelope has been developed with a clear focus on providing an exceptional built form and positive public domain outcome in a manner that is consistent with the desired development opportunities outlined above. The scale and architectural form of the proposed OSD development in conjunction with the built form



approved under the CSSI, as an integrated station development, is consistent with the priorities and principles identified in the *Sydney Metro Planning Study* through the adoption of the following design elements:

- Setback of the lower levels of the proposed OSD to Miller Street which complies with the Miller Street Setback required under the NSLEP 2013, thereby providing a sense of openness above a wide pedestrian thoroughfare along Miller Street and improving views north and south to the MLC Building and the Rag & Famish Hotel;
- Northern tower element with a lower scale built form at the southern end of the site to provide a transition in height between the high-rise portion of the OSD and the MLC Building;
- Through site link between Miller and Denison Streets and a lower scale retail building along the southern site boundary (Note – this is part of the CSSI Approval);
- Provision of 18m separation between the high-rise OSD built form and the MLC Building;
- Provision of a built form which maintains views towards adjoining and nearby heritage items in terms of the overall scale of the building as well as the heights and setbacks of various building elements;
- Provision of a built form which is consistent with the objectives of the North Sydney Capacity and Land Use Strategy (discussed further below).

### ***North Sydney Centre Capacity and Land Use Strategy***

The *North Sydney Centre Capacity and Land Use Strategy* developed a framework that allows for the growth of the North Sydney Centre to ensure it maintains and improves its status as a resilient, vibrant and globally relevant commercial centre. The relevant strategies have been summarised below, where relating to the consideration of the OSD built form:

- Apply a new height control in the North Sydney Centre (Strategy 1);
- Amend the Special Areas Map to revisit the Miller Street Central and Tower Square special areas to align with the public domain outcomes of the Victoria Cross Metro Station (Strategy 3).

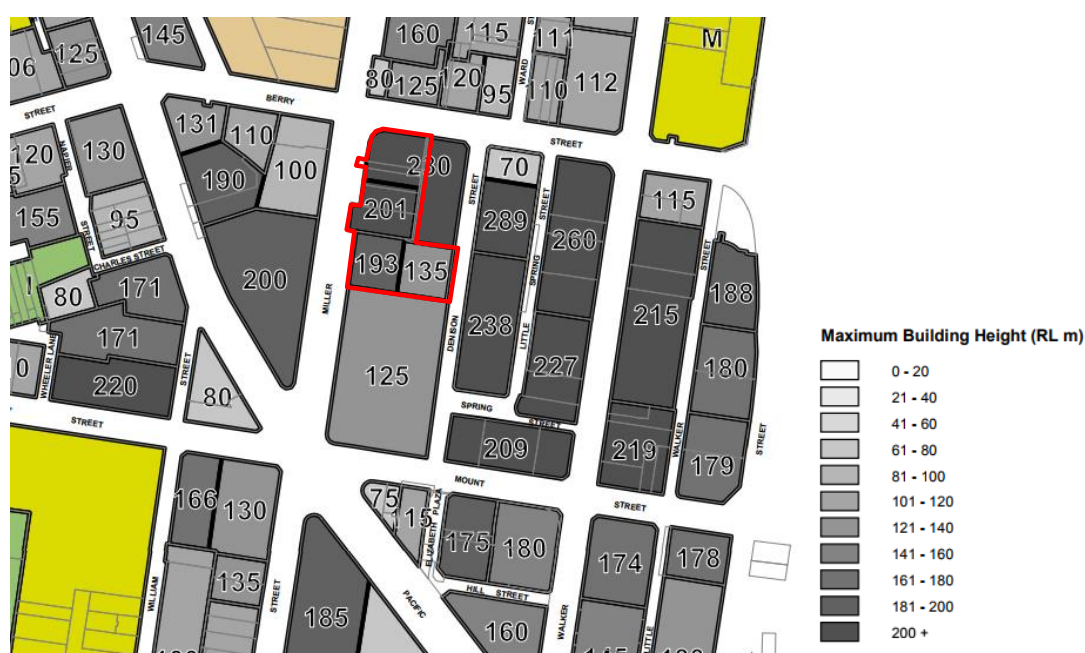
The *North Sydney Capacity and Land Use Strategy* recommended that height controls within the North Sydney CBD be based upon the continued protection of 'special areas' within the CBD and the application of a 10 am to 2 pm mid-winter restriction of overshadowing to residential properties outside of the CBD.

Following on from the recommendations of the Strategy, the North Sydney CBD Planning Proposal outlines new maximum building heights across the Victoria Cross site, with a maximum building height of RL 230 for the northern part of the site with heights of RL 201 and RL 193 proposed for the centre and southern sections of the Victoria Cross site respectively. These heights are illustrated in **Figure 42** below.

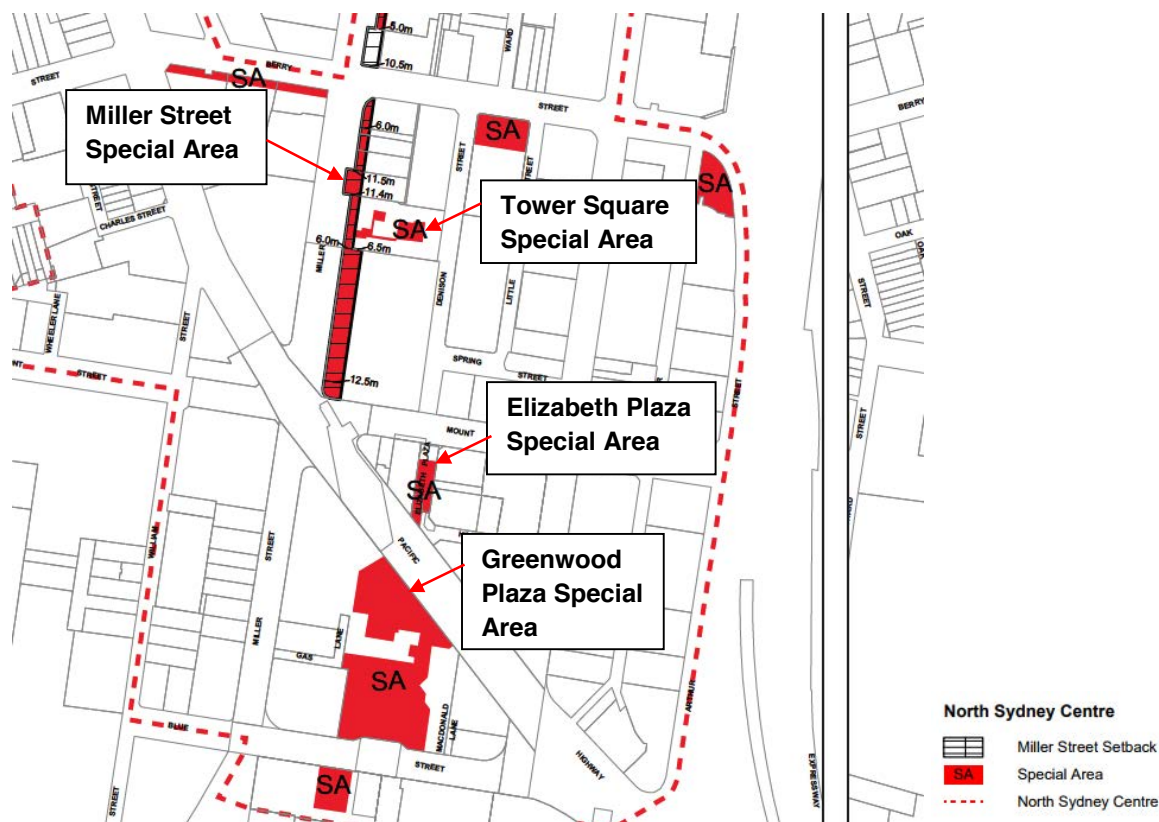
In addition, the North Sydney CBD Planning Proposal allows for the removal of the Tower Square Special Character Area (now redundant due to the demolition of Tower Square) and the Elizabeth Plaza Special Area. As such, the main considerations for the proposed OSD development are the Miller Street and Greenwood Plaza Special Areas.

The proposed height and building form for the Victoria Cross OSD is based on the analysis of overshadowing to Miller Street and Greenwood Plaza which is explored in the shadow analysis diagrams contained within the Built form and urban design report and containing shadow analysis studies undertaken by Virtual Ideas.

The building envelope for the Victoria Cross OSD has a height of RL 230 on the northern portion of the site with a building form that steps down to a height of RL 118. Whilst the proposed building envelope complies with the maximum building height proposed for the northern portion of the Victoria Cross site, the southern portion of the high-rise building envelope exceeds the maximum allowable height limit of RL 201 for the central portion of the Victoria Cross site detailed in the North Sydney Centre Planning Proposal. However, this height is still permissible by virtue of clause 6.3 of the current (and draft) LEP that allows height determined by the overshadowing controls to prevail over that shown in the height of buildings map.



**Figure 42:** Excerpt from the North Sydney Centre Planning Proposal Height of Buildings Map, showing the proposed new building heights across the Victoria Cross site, bound in red.  
Source: North Sydney Council, 2017



**Figure 43:** Excerpt from the North Sydney LEP 2013 North Sydney Centre Map, showing the existing Special Areas within North Sydney. The Tower Square and Elizabeth Plaza Special Areas are proposed to be removed as part of the North Sydney Centre Planning Proposal.

Source: North Sydney LEP 2013

The shadow analysis prepared by TfNSW as part of the built form and urban design report demonstrates that the increased height at the southern end of the high-rise building component would not result in any additional overshadowing to the Greenwood Plaza Special Area, located to the south-east of the Victoria Cross site, between 12pm and 2pm. The solar access plane to Greenwood Plaza is shown on the proposed building envelope plans in **Figure 38** above.

The shadow impact studies included in the Planning Envelope Study also demonstrate that the proposed height and building massing of the OSD envelope would cause very minor additional overshadowing to the Miller Street Special Area. When considered in the context of the integrated station development, including the additional solar access created as a result of the demolition of 187 Miller Street, there would be no net increase in overshadowing to Miller Street.

As described above, the proposal utilises clause 6.3 of the NSLEP 2013 to reach the proposed maximum height of RL 230 metres through an analysis of the built form and overshadowing of the proposed OSD envelope. The proposal is consistent with the objectives and purpose of these controls which will ensure a high level of solar access and public amenity within the North Sydney CBD.

The proposed OSD building envelope is discussed further in Sections 6.3.3 - 6.3.6 below in relation to height, setbacks, views, and impact on heritage items in the vicinity of the site.

### 6.3.3 Height

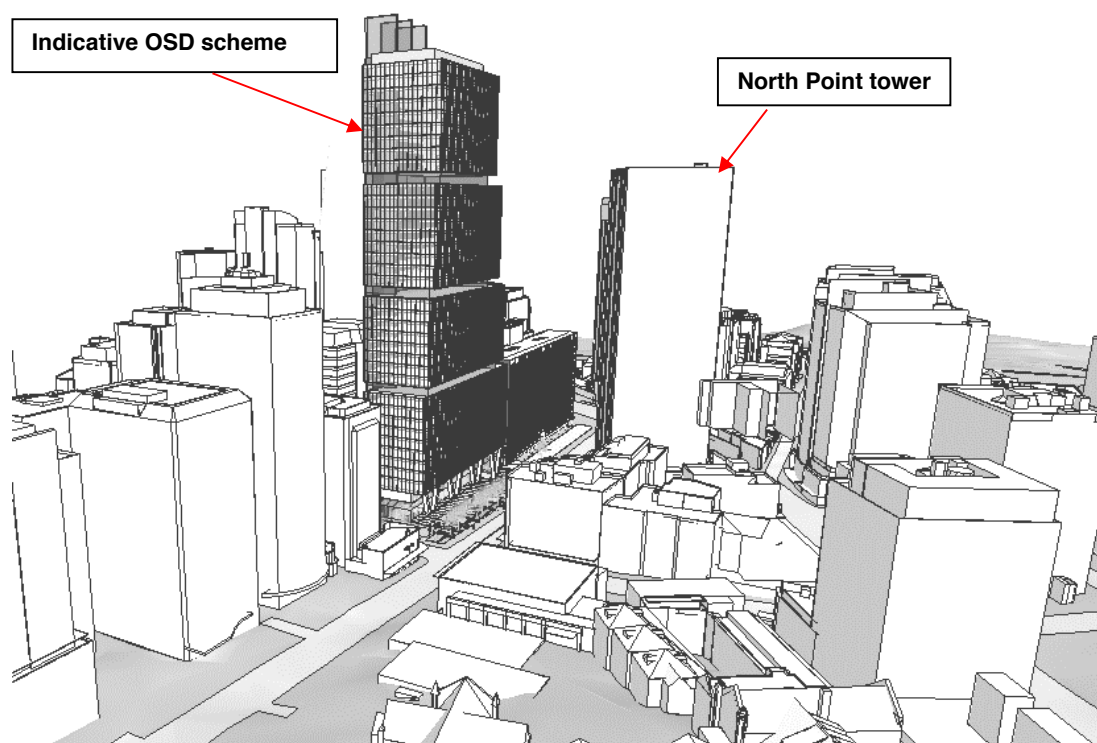
Currently, the tallest building in close proximity to the OSD site in the North Sydney Centre is the North Point tower at 100 Miller Street which has a height of RL 195. Other high-rise buildings within the North Sydney Centre reach heights of RL 180, RL 135 and RL 114. A number of additional buildings, either approved or in the process of construction, will further consolidate the high-rise urban form of the North Sydney CBD. These buildings include the tower at 100 Mount Street, which will be constructed to a height of RL 200 and the tower at 1 Denison Street, which is will be constructed to a height of RL 213. Construction of 1 Denison Street is currently underway.

As stated above, the high-rise component of the OSD building envelope is proposed to be a maximum height of RL 230. Whilst the proposed building envelope for the Victoria Cross OSD is 35m taller than the North Point Tower, and 17m taller than the approved tower at 1 Denison Street, these height differences are negligible when viewed from street level or in the distance. Therefore, the high-rise scale of the proposed development, incorporating approximately 42 storeys and an RL of 230, is consistent with the high-rise setting of the North Sydney CBD.

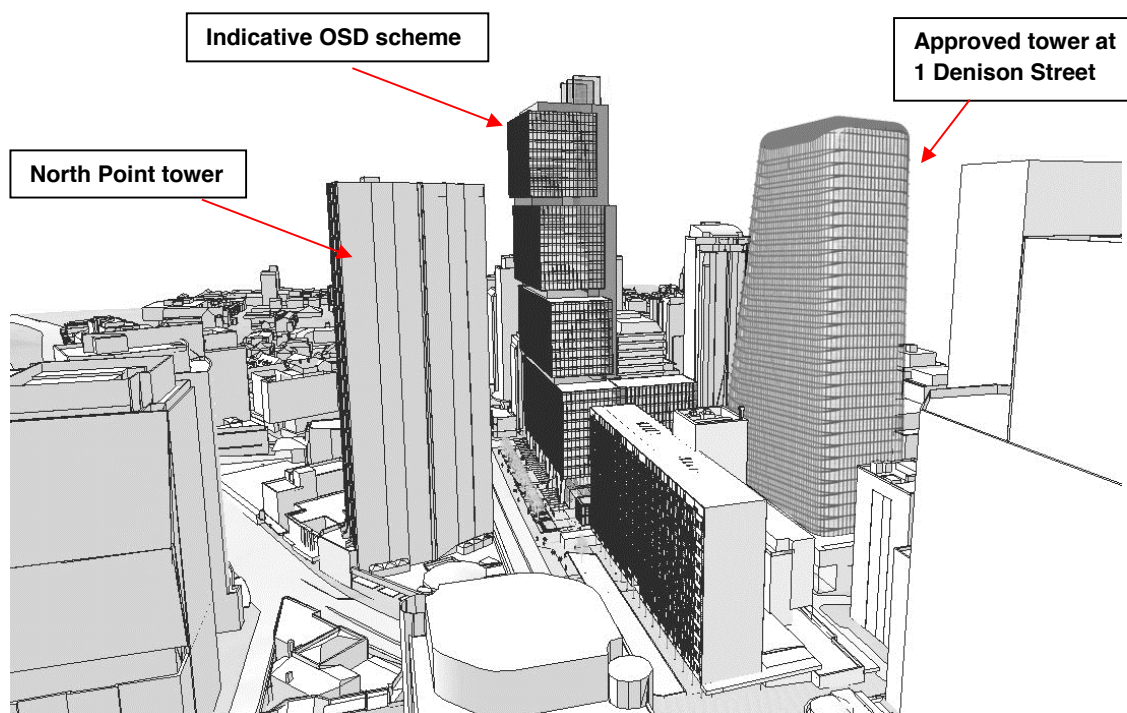
The medium-rise portion of the OSD building envelope fronting Denison Street is proposed to be a maximum height of RL 118. This is considered to be compatible with the existing heights of buildings on the corner of Denison and Berry Streets, including the medium rise building at 65 Berry Street (RL 135), the tower at 79-81 Berry Street (RL 180) and the 14 storey MLC Building (RL 114) to the south of the site. The MLC Building steps down in height from west to east with a visually prominent 8 storey building form fronting Denison Street. The transition in the height of the proposed OSD envelope from north to south provides a response that is both contextually appropriate and sympathetic to the existing built form and streetscape presence of the MLC building on both Miller and Denison Streets.

The views illustrated in **Figure 44 - Figure 50** below show an indicative design for the proposed OSD prepared by Bates Smart Architects to show a potential built form for the development that is within the parameters of the proposed OSD envelope. The form and composition of the indicative OSD scheme provide a sympathetic design response to the height and form of the MLC Building.

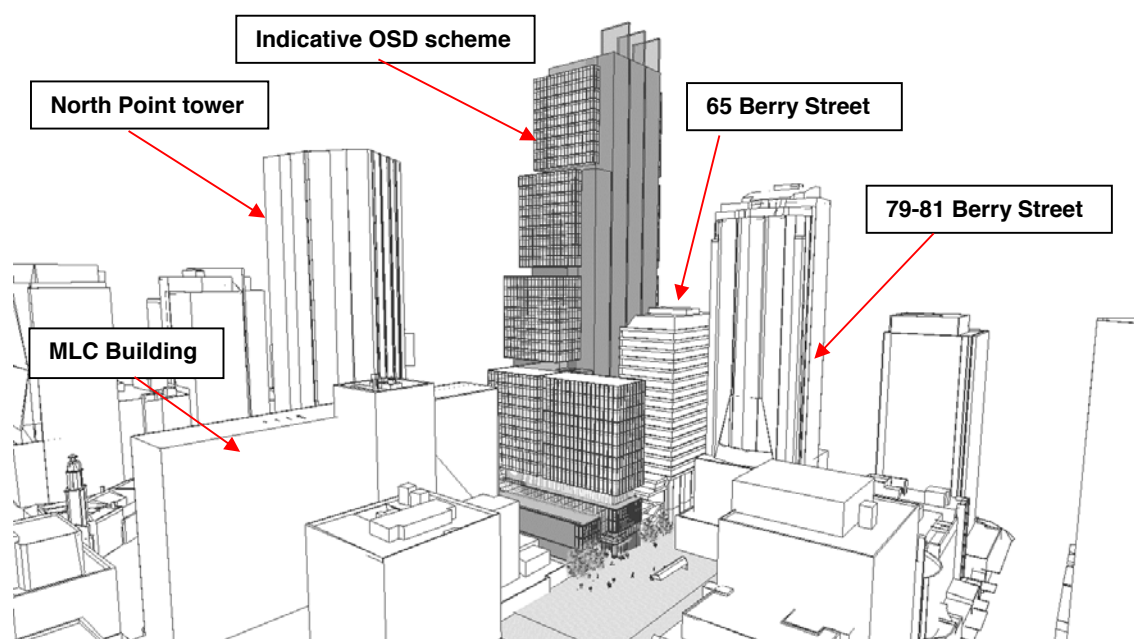




**Figure 44:** Sketch up view of the indicative scheme for the Victoria Cross OSD looking from the north-west.  
Source: Bates Smart Architects, 2017



**Figure 45:** Sketch up view of the indicative scheme for the Victoria Cross OSD looking up Miller Street from the south. The MLC Building, North Point tower and the approved building at 1 Denison Street are shown in the foreground.  
Source: Bates Smart Architects, 2017



**Figure 46:** Sketch up view of the indicative scheme for the Victoria Cross OSD looking up Denison Street from the south-east. The MLC Building, North Point tower and medium-high-rise buildings on the corner of Denison and Berry Streets are indicated by the red arrows.

Source: Bates Smart Architects, 2017

### 6.3.4 Setbacks

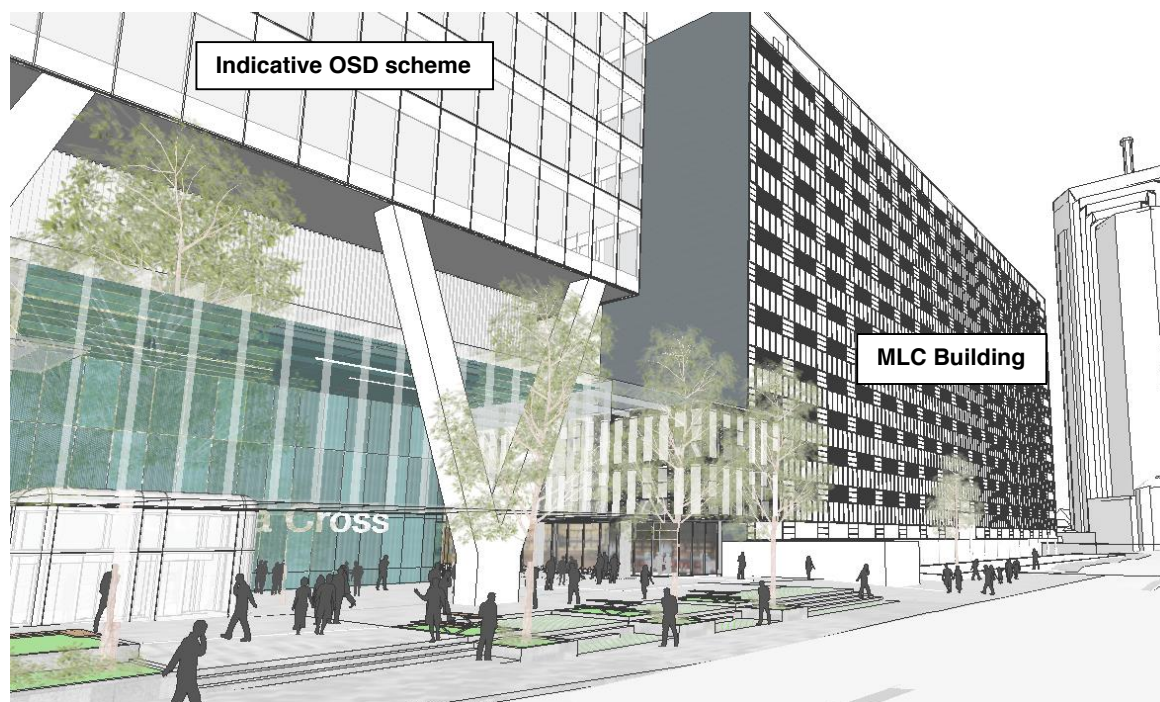
The setbacks proposed as part of the Victoria Cross OSD enable the widening of the Miller Street promenade which would increase the availability of views to heritage items, in particular, the MLC Building to the south of the site on Miller Street and the Rag & Famish Hotel to the north of the site on the corner of Miller and Berry Streets.

The OSD building would be set back approximately 6m from the Miller Street property boundary to a height of RL 118. The upper levels of the proposed OSD envelope provide a 4.5m overhang over the lower levels of the building, creating a setback of 1.5m from the Miller Street property boundary. The reduced setback to the upper levels of the building occur above the MLC Building, which has a height of RL 114, and therefore, would not impact on views towards the MLC Building.

Whilst not part of this concept SSD Application, it is noted that the increased setback of the metro station and OSD building components at ground level would allow for a wider pedestrian thoroughfare along Miller Street and further improvements to the public domain.

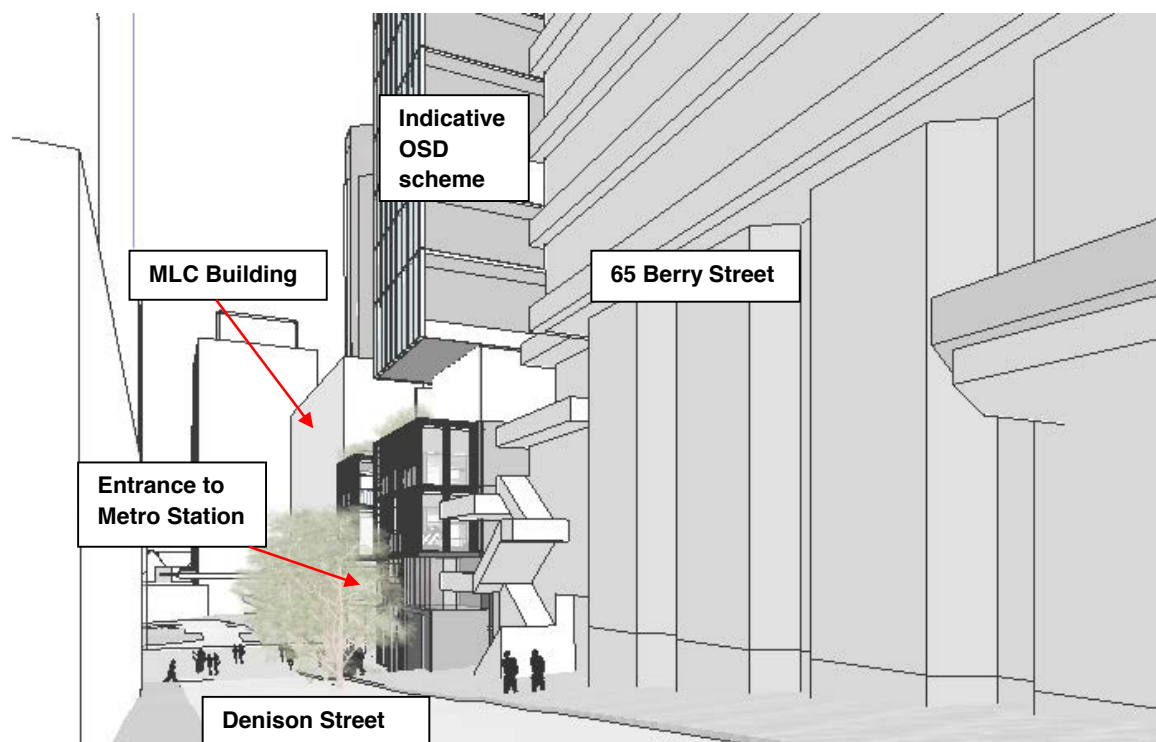
In addition, the proposed OSD would be setback 18m from the southern site boundary adjoining the MLC Building. This 18m separation between the proposed OSD and the MLC Building would retain views of the MLC Building from Miller Street and would provide 'breathing space' between the OSD and the MLC Building which would maximise the amenity and daylight access within the through site link. These setbacks would also enable an appreciation of the landscaped area along Miller Street in front of the MLC Building which

contribute to the heritage significance and streetscape value of this heritage item. As such, the proposed setbacks are generally consistent with the requirements for North Sydney Planning Area detailed in Part C of the *North Sydney DCP 2013*, discussed further in Section 7.2.2 below.



**Figure 47:** Sketch up view of the indicative scheme for the Victoria Cross OSD looking south along Miller Street, showing the view towards the western (front) and northern elevations of the MLC Building provided by the 18m setback of the proposed OSD from the southern site boundary.

Source: Bates Smart Architects, 2017



**Figure 48:** Sketch up view of the indicative scheme for the Victoria Cross OSD looking south along Denison Street, showing the view towards the MLC Building.

Along Denison Street, the proposed OSD envelope is aligned with the eastern property boundary. This alignment, while consistent with the street alignment of 65 Berry Street, protrudes forward from the upper storeys the MLC Building. However, the 18m setback proposed for the OSD, together with the generous setback of the eastern portion of the MLC Building from the common property boundary would enable ample visual separation between these two buildings and would retain views towards the MLC Building from the north on Denison Street (refer to **Figure 48** above).

Along Berry Street, the setback of the proposed OSD envelope is in line with the existing building alignments to these street frontages and would therefore, not result in any additional impacts on the streetscape or the nearby heritage items.

### 6.3.5 Views

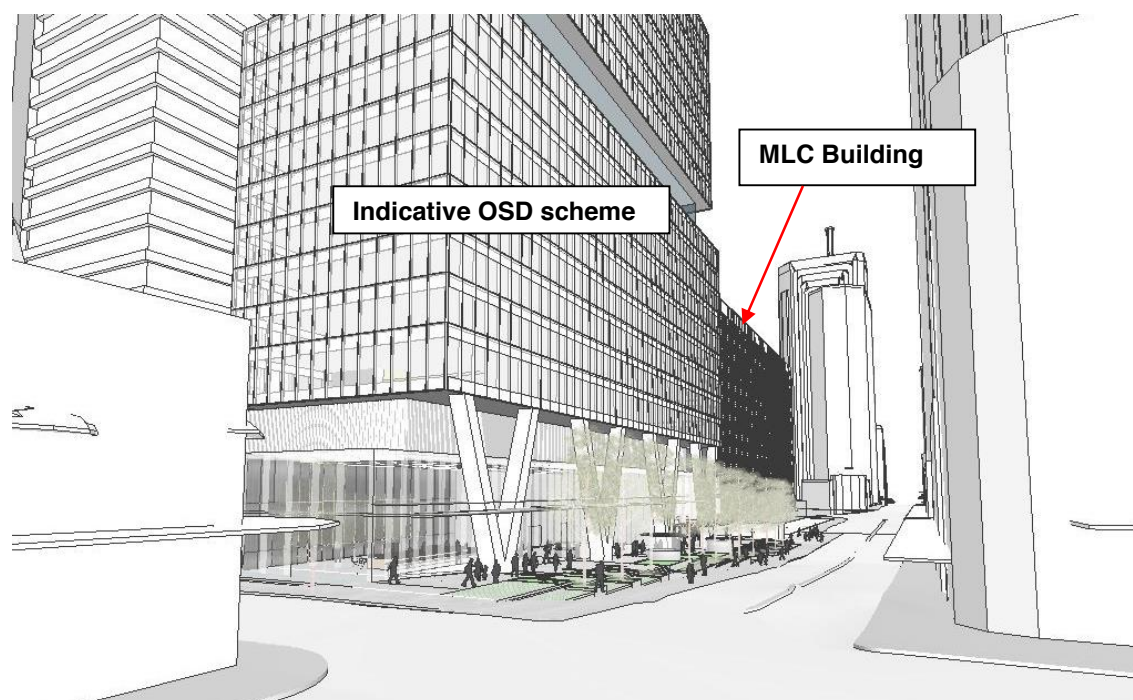
The subject site is located on a prominent corner and is therefore visible from a range of vantage points, often in the context of views to historic buildings in the vicinity of the site.

The proposed OSD envelope provides a more generous setback to Miller Street compared with the alignments of the buildings on the subject site which has now been demolished under the terms of the CSSI Approval. The proposed 6m setback, would improve views to the Rag & Famish Hotel from Miller Street. Furthermore, the proposed setback to Miller Street and 18m separation between the OSD and the MLC Building would maintain significant views of the MLC Building when viewed from the north on Miller and Denison Streets and would allow the tiled northern façade of the MLC Building to be observed.

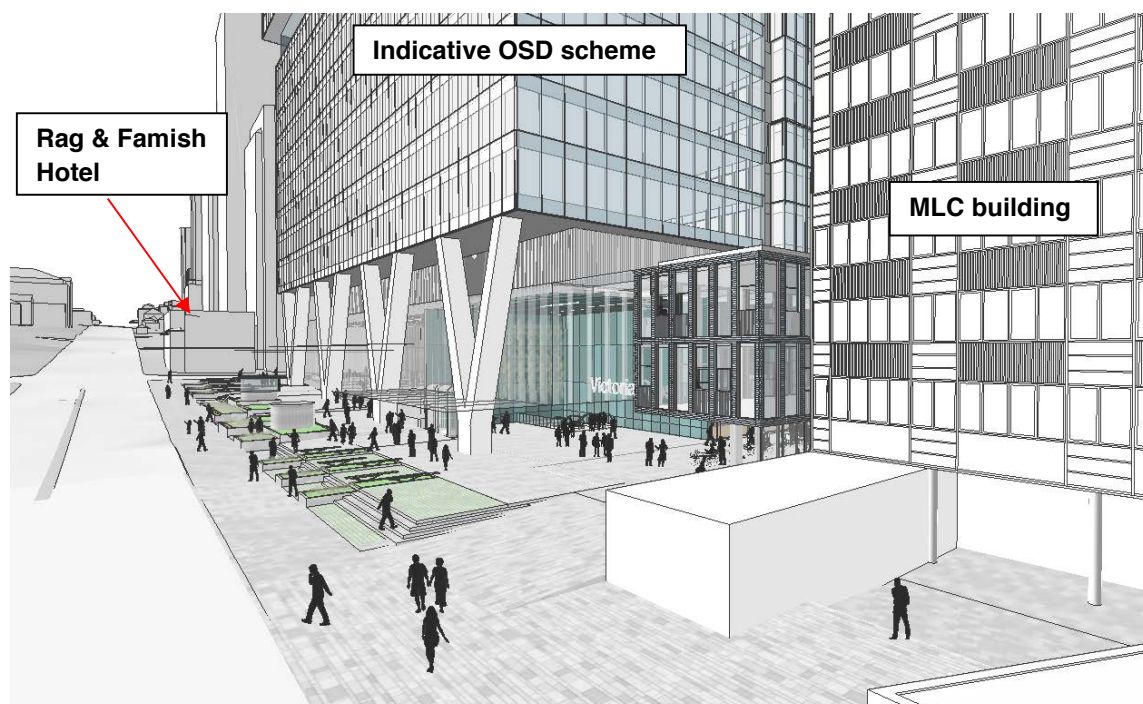


The redevelopment of the site with the proposed 6m setback to the lower levels of the OSD would also improve views along the promenade on the eastern side of Miller Street which would enhance the legibility and continuity of Miller Street as a major pedestrian thoroughfare. This wider setback area would also enable a considerable area for public domain improvements such as landscaping and seating which would improve the pedestrian experience of the urban environment, however, it is noted that these elements will be delivered as part of the CSSI Approval for the Sydney Metro City & Southwest Victoria Cross Station.

Furthermore, whilst it is acknowledged that the station entrance and retail areas at street level do not form part of this concept SSD Application for the OSD, additional opportunities may arise in the future detailed design development of the building to create a sense of openness in the lobby area and the station entrance at ground level to enable improved views the nearby heritage items including the Rag & Famish Hotel and the MLC Building and to introduce a street frontage height that provides a transition between the Victoria Cross site and the surrounding buildings (refer to recommendations in **Section 8.0** below). This approach to the detailed design of the building may further enhance the streetscape presence of these heritage items.



**Figure 49:** Sketch up view of the indicative scheme for the Victoria Cross OSD looking down Miller Street from the north, showing the wide pedestrian thoroughfare created by the setback to Miller Street and the view towards the heritage listed MLC Building.  
Source: Bates Smart Architects, 2017



**Figure 50:** Sketch up view of the indicative scheme for the Victoria Cross OSD looking up Miller Street from the south, showing the wide pedestrian thoroughfare created by the setback to Miller Street and the view towards the heritage listed Rag & Famish Hotel.  
Source: Bates Smart Architects, 2017

### 6.3.6 Impact on heritage items in the vicinity of the site

The proposed building envelope for the Victoria Cross OSD respects the significance of the heritage items in the vicinity of the site in terms of its overall architectural form and setbacks. The impact of the proposed OSD envelope on the heritage significance of the heritage items in the vicinity of the site is discussed in the table below.

**Table 3:** Assessment of the impacts of the proposed OSD envelope on the Heritage Items in the vicinity of the site

Item	Impact	Mitigation	Assessment
The Rag & Famish Hotel [199 Miller Street]	Minor visual impact due to additional bulk and height in close proximity to heritage item.	The increased height and scale of the proposed OSD is mitigated by the proposed setback to Miller Street which provides a wide pedestrian thoroughfare, enabling improved views of the Rag & Famish Hotel from the south along	<p><b>Summary assessment:</b></p> <p>No new adverse impacts.</p> <p>The minor additional impacts are acceptable with mitigation.</p> <p><b>Discussion:</b></p> <p>The two storey Rag &amp; Famish Hotel is currently dwarfed by the scale of the large number of existing medium and high-rise buildings in its immediate vicinity. Given the stark contrast between the scale of the Rag &amp; Famish Hotel and the existing surrounding</p>

Item	Impact	Mitigation	Assessment
		Miller Street.	<p>buildings, the construction of a high-rise tower at the subject Victoria Cross Metro Station site would not result in additional impacts to the Rag &amp; Famish Hotel that are unacceptable in heritage terms.</p> <p>The proposed setback will provide an improved setting and curtilage to the Rag &amp; Famish Hotel, when compared to the buildings on the Victoria Cross site which were approved for demolition under the CSSI Approval.</p>
MLC Building [105-153 Miller Street]	Minor visual impact due to additional bulk and height in close proximity to heritage item.	<p>The impact of the proposed OSD is mitigated by the proposed 6m setback of the lower levels of the OSD to Miller Street, and the 18m separation between the OSD and the MLC building which would retain views of the MLC Building from Miller Street.</p> <p>The 18m separation between the OSD and the MLC Building would retain views to the MLC Building from Denison Streets and would provide views to the northern elevation of the MLC Building from both Miller and Denison Streets.</p>	<p><b>Summary assessment:</b></p> <p>The impacts are acceptable with mitigation.</p> <p><b>Discussion:</b></p> <p>The proposed setbacks enable the retention of the streetscape presentation of the MLC Building, as well as its setting and landscaped areas which positively contribute to the streetscape of Miller Street and the North Sydney Centre in general.</p> <p>It is noted that the reduced setback to the upper levels of the OSD building occur above the MLC Building, which has a height of RL 114, and therefore, would not impact on views towards the MLC Building.</p>
Commercial	No direct impact, no	A number of recommendations	<b>Summary assessment:</b>

Item	Impact	Mitigation	Assessment
Building [201 Miller Street]	visual impact.	are made in Section 8.0 below to ensure that the OSD Building is designed in a manner which complements the character of the existing buildings within the North Sydney CBD in terms of architectural detailing and building materials.	<p>No adverse impact.</p> <p><b>Discussion:</b></p> <p>The heritage listed commercial office building at 201 Miller Street is significant as a highly integrated late 20<sup>th</sup> Century commercial building with distinctive detailing. The overall form and scale of the proposed OSD would not detract from the significant detailing of 201 Miller Street. The setback of the proposed OSD envelope is consistent with the alignment of many of the high-rise buildings on the eastern side of Miller Street, including the heritage listed Commercial Building at 201 Miller Street, and the medium-rise building at 50 Berry Street. Therefore, views towards this building along Miller Street would be retained.</p> <p>Furthermore, the setback of the proposed OSD in line with these buildings contributes to a more cohesive urban environment within the North Sydney Centre.</p>
Monte Sant Angelo Group [128 Miller Street / Lots 1-8, DP 262534]	Minor visual impact due to additional bulk and height in close proximity to heritage item.	A number of recommendations are made in Section 8.0 to ensure that the visual impacts of the OSD are minimised through the detailed design of the building.	<p><b>Summary assessment:</b></p> <p>Minor additional impacts on the setting of this item are considered to be acceptable within the high rise context of the North Sydney Centre.</p> <p><b>Discussion:</b></p> <p>The proposed development would not reduce views towards the significant early brick wall along Miller and Berry Streets.</p> <p>Other significant buildings within this heritage listed group are located further to the north within the school grounds, with limited views corridors between these buildings and the surrounding</p>



Item	Impact	Mitigation	Assessment
			<p>streets. The proposed OSD building would not result in the loss of views into the Monte Sant Angelo site from the surrounding streets. However, when viewed from within the Monte Sant Angelo school grounds, the proposed OSD would be a highly visible element of the North Sydney CBD skyline which affects the setting of the Monte Sant Angelo site.</p> <p>Given the ever-changing form of the North Sydney CBD skyline, the impact of the proposed OSD envelope on the heritage significance of this site cannot not be considered in isolation.</p> <p>In the absence of a high rise tower at the subject OSD site, the approved high-rise towers at 100 Mount Street and 1 Denison Street (currently under construction), would be visible from the grounds of Monte Sant Angelo. The proposed OSD building is situated between the Monte Sant Angelo site and the properties at 100 Mount Street and 1 Denison Street. As such, any high-rise tower constructed on the subject Victoria Cross OSD site would likely obstruct views towards the approved high-rise towers at 100 Mount Street and 1 Denison Street from the grounds of the Monte Sant Angelo school. Therefore, the proposed OSD Building would be visible in place of the approved high-rise towers at 100 Mount Street and 1 Denison Street.</p> <p>It is noted that additional heights and density are proposed for the North Sydney Centre under the North Sydney Centre Planning Proposal (refer Section 6.3.2 above). These changes would apply to numerous sites to the east the</p>

Item	Impact	Mitigation	Assessment
			Victoria Cross site on Denison, Berry and Walker Streets, and would allow for the construction of towers with heights of up to RL 289, which is considerably higher than the proposed Victoria Cross OSD at RL 230.
North Sydney Post Office and Court House (former Police Station) [92-94 Pacific Highway]	No direct impact, very minor visual impact.	Nil.	<p><b>Summary assessment:</b></p> <p>No new adverse impact.</p> <p><b>Discussion:</b></p> <p>The proposed OSD would be visible from the Post Office site. However, given consideration to the context of the densely developed medium and high-rise setting of the North Sydney Centre, the construction of a high-rise tower at the subject site would not have any additional adverse impact on the heritage significance of this item.</p>
Former Bank of NSW [51 Mount Street]	No direct impact, very minor visual impact.	Nil.	<p><b>Summary assessment:</b></p> <p>No new adverse impact.</p> <p><b>Discussion:</b></p> <p>Views towards the subject site from the former Bank of NSW would be largely obstructed by the MLC Building, however, a small section of the southern elevation of the upper levels of the OSD may be visible from the former Bank of NSW. Nevertheless, in the context of the densely developed medium and high-rise setting of the North Sydney Centre, the building form of the proposed OSD would not result in any additional adverse impacts on the heritage significance of this item.</p>
Façade of S. Thompson Building (No 67A)	No direct impact, very minor visual	Nil.	<p><b>Summary assessment:</b></p> <p>No new adverse impact.</p> <p><b>Discussion:</b></p>

Item	Impact	Mitigation	Assessment
[67-69 Mount Street]	impact.		Refer to discussion in relation to former Bank of NSW above.
House [67-69 Mount Street]	No direct impact, very minor visual impact.	Nil.	<p><b>Summary assessment:</b></p> <p>No new adverse impact.</p> <p><b>Discussion:</b></p> <p>This item is located on the same property as the Façade of the S Thompson Building and is adjacent to the former Bank of NSW. Refer to discussion in relation to former Bank of NSW above.</p>
Former Fire Station [86 Walker Street]	No direct impact, very minor visual impact.	Nil.	<p><b>Summary assessment:</b></p> <p>No new adverse impact.</p> <p><b>Discussion:</b></p> <p>Given consideration to the towers at 100 Mount Street and 1 Denison Street which are currently under construction, and the existing building at 79-81 Berry Street, views towards the OSD building from the former Fire Station would be limited to a narrow section of the eastern elevation of the OSD building.</p> <p>In the context of the densely developed medium and high-rise setting of the North Sydney Centre, the building form of the proposed OSD would not result in any additional adverse impacts on the heritage significance of this item.</p>
Greenwood (Former North Sydney Technical High School) [101-103 Miller Street or 36 Blue	No direct impact, very minor visual impact.	Nil.	<p><b>Summary assessment:</b></p> <p>No new adverse impact.</p> <p><b>Discussion:</b></p> <p>This item is located a considerable distance away from the subject Victoria Cross site. Whilst the proposed OSD would likely be visible from the grounds surrounding the Greenwood Hotel, the</p>

Item	Impact	Mitigation	Assessment
Street]			proposed OSD would not result in any additional heritage impacts that are unacceptable, given consideration to the high-rise context of the North Sydney CBD and the towers at 1 Denison Street and 100 Mount Street which are currently under construction.

As stated above, the proposed building envelope adopts a height and overall building form which is consistent with the densely developed high-rise setting of the North Sydney Centre. The proposed building envelope for the Victoria Cross OSD minimises impacts on the adjacent heritage items and where possible, improves their setting and curtilage and contributes to a more cohesive urban environment within the North Sydney Centre.

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

This proposal, however, does not seek to obtain approval for the detailed design of the OSD building. The recommendations, contained in Section 8.0 below, are made to ensure that an acceptable heritage outcome is achieved through subsequent detailed design proposals which will be part of future SSD Application(s).

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

Compliance of the proposed building envelope with the relevant statutory controls is discussed further in **Section 7.0** below.



## 7.0 Statutory controls

The subject site is located within the vicinity of a number of heritage items. As such, the heritage provisions of the NSLEP 2013 and the *North Sydney Development Control Plan 2013* (NSDCP 2013) have been considered, where relevant to the development of the site at 155-189 Miller Street, North Sydney.

### 7.1 North Sydney Local Environmental Plan 2013

#### 7.1.1 Heritage Conservation – 5.10 NSLEP 2013

##### **Objectives – Clause 5.10 (1)**

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

##### *(1) Objectives*

*The objectives of this clause are as follows:*

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

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

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

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

##### **Requirement for Consent - Clause 5.10 (2)**

Clause 5.10 (2) of the NSLEP 2013 states;

*Development consent is required for any of the following:*

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*

- (i) a heritage item,
- (ii) an Aboriginal object,
- (iii) a building, work, relic or tree within a heritage conservation area,

As stated above, the Victorian Shop at 187 Miller Street is listed as an item of local heritage significance on the North Sydney LEP 2013. The demolition of this building was approved in January 2017 as part of the construction of the Sydney Metro Victoria Cross Station. As this report is focused on the OSD only, the impact of the demolition of this building has not been addressed. The remaining buildings on the site, which are also approved for demolition, are not heritage items. The site is not located within a Heritage Conservation Area.

#### **Effect of Proposed Development on Heritage Significance – Clause 5.10(4)**

Clause 5.10 (4) of the North Sydney LEP 2013 States;

*The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).*

The heritage listed Victorian shop at 187 Miller Street, which forms part of the subject site, was approved for demolition under the CSSI Approval. As such, this report does not consider the effect of the proposed works on the heritage significance of this heritage item.

#### **Heritage Assessment – Clause 5.10 (5)**

Clause 5.10 (5) of the NSLEP 2013 states;

*The consent authority may, before granting consent to any development:*

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

*require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*

The proposed development is located within the vicinity of a number of locally and State listed heritage items. As such, this heritage impact statement has been prepared as a heritage management document to accompany the concept SSD Application for the proposed Victoria Cross Station OSD building envelope. This report has assessed the impact of the proposed building envelope on the heritage significance of the surrounding heritage items in accordance with the requirements of this clause and has found that the proposal would not have an adverse impact on the surrounding heritage items. Furthermore, the minor additional impacts are considered to be acceptable, given the high rise context of the North Sydney CBD.

### 7.1.2 North Sydney Centre – Division 1, North Sydney LEP 2013

#### Miller Street Setback – Clause 6.4

The objectives of clause 6.4 of the North Sydney LEP 2013 are as follows;

- (1) The objective of this clause is to maintain the established setback and landscaped setting on the eastern side of Miller Street between McLaren Street and Mount Street.*
- (2) Development consent must not be granted for the erection of a building on land identified as “Miller Street Setback” on the North Sydney Centre Map unless:*
  - (a) the building height will be less than 1.5 metres, and*
  - (b) the part of the building that will be on that land is used only for access to the building or landscaping purposes.*

The lower levels of the proposed OSD envelope are setback 6m from the Miller Street property boundary to a height of RL 118 in accordance with the Miller Street setback requirement. This setback respects the significant landscape setting of the MLC Building and provides a significant improvement to Miller Street as a major pedestrian thoroughfare, given consideration to the reduced setback of the buildings which existed on the subject site prior to the commencement of demolition works under the CSSI Approval. Between RL 118 and RL 190, the building steps forward in 1.5m increments to a minimum setback of 1.5m from the Miller Street property boundary.

As the reduced setback is to the upper levels of the building only, above a height of RL 118, the proposed building envelope would retain the established landscape setting along the eastern side of Miller Street and is therefore considered to be consistent with the objectives of this clause. Furthermore, the reduced setback to the upper levels of the building occur above the MLC Building, which has a height of RL 114, and therefore, would not impact on views towards the MLC Building.

## 7.2 North Sydney Development Control Plan 2013

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

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

The overall objectives for heritage contained within the NSDCP 2013 are as follows;

- O1 establish a framework for detailed heritage and conservation planning in North Sydney;*
- O2 ensure that Aboriginal heritage and archaeology are taken into consideration;*

- O3 ensure that the assessment of applications for works on or in heritage items, heritage conservation areas and in the vicinity of heritage, are based on the identified heritage significance of the heritage item, conservation area, property, location or place;*
- O4 ensure that supporting documentation is appropriate to the scale of the proposed works and heritage significance of the heritage item, conservation area, property, location or place;*
- O5 facilitate opportunities to improve the understanding and/or appreciation of the heritage significance of any heritage item, conservation area, property, location or place; and*
- O6 encourage sustainable development practices through the reuse and recycling of the existing building stock as appropriate*

This Statement of Heritage Impact report has provided an assessment of the impact of the proposed development on the heritage significance of the heritage items in the vicinity of the site. Due to the scale of the proposed development, the proposed building envelope was developed through an analysis of different floorplate options and various built forms (discussed in section 6.1). These design options were analysed in relation to urban design and heritage considerations, public domain benefits and compliance with the NSLEP 2013. As discussed above, the proposed building envelope maintains significant views to the adjoining heritage listed MLC Building. The proposed setback of the lower levels of the OSD envelope to Miller Street would improve the streetscape value of the heritage listed Rag & Famish Hotel. Furthermore, the building form of the proposed OSD envelope respects the heritage significance and streetscape presence of the MLC Building through the retention of views to the building and the landscaped area along Miller Street in front of the MLC Building.

#### 7.2.1 Development in the Vicinity of Heritage Items – Clause 13.4

The objectives and provisions for development in the vicinity of heritage items, outlined in section 13.4 of the NSDCP 2013 are as follows;

##### Objectives:

- O1 Ensure that new work is designed and sited so as to not detrimentally impact upon the heritage significance of the heritage item and its setting.*

##### Provisions:

- P1 Respect and respond to the curtilage, setbacks, form, scale and style of the heritage item in the design and siting of new work.*
- P2 Maintain significant public domain views to and from the heritage item.*
- P3 Ensure compatibility with the orientation and alignment of the heritage item.*
- P4 Provide an adequate area around the heritage item to allow for its interpretation.*



- P5 Retain original or significant landscape features that are associated with the heritage item or that contribute to its setting.*
- P6 Protect and allow interpretation of archaeological features (as appropriate and relevant).*

The concept development proposal has been designed in accordance with these controls in that it respects the curtilage and setbacks of surrounding heritage items, maintains (and improves upon) public domain views and has provided substantial separation from heritage items in order to enable the ongoing appreciation of the setting and streetscape presence of these buildings.

The proposed 6m setback to the lower levels of the OSD provides a wide promenade along Miller Street, enabling greater visibility of the Rag & Famish Hotel and maintaining views of the MLC Building. As noted previously, the 18m setback of the OSD building from the southern site boundary also maintains views to the MLC Building from Miller and Denison Streets.

It is noted that the proposed OSD would be visible from a number of other heritage items, including the Monte Sant Angelo Group, the Post Office and Court House, and the former North Sydney Technical High School (known as the Greenwood Hotel). The construction of a high-rise building within the parameters of the OSD envelope, in principle, would not result in additional adverse impacts on this heritage listed properties, and the minor additional visual impacts are considered to be acceptable within the context of its setting.

Other heritage items in the vicinity, including the former fire station at 86 Walker Street, the facades at 67-69 Mount Street and the Former Bank of NSW at 51 Mount Street are visually remote from the subject site with few lines of sight between these items and the subject property. Therefore, the proposed OSD envelope would not have an impact on these items.

The impact of the proposed OSD envelope on each heritage item is discussed in more detail in Section 6.3.6 above.

### 7.2.2 North Sydney Planning Area – Part C

The relevant objectives and provisions relating to the development in the Central Business District precinct of the North Sydney Planning Area have been included below, where they relate to heritage;

#### **Views**

- P7 The following views and vistas are to be preserved and where possible enhanced:*

- (a) Views to between (sic) buildings on east side of Miller Street, between Berry and McLaren Streets.

The section of Miller Street between Berry and McLaren Streets is located to the north of the subject site. Nevertheless, as described above, the proposal enables the retention of views along the eastern side of Miller Street.

### **Setbacks**

- P9 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.*

The proposed building envelope is set back sufficiently from the Miller Street site frontage, and is 18m from the MLC Building in order to retain views of the northern elevation of the building. Whilst the proposed OSD will be visible from the grounds of a number of heritage items in the North Sydney CBD, the OSD will not impact in views towards the heritage items in the vicinity of the site.

### **Podiums**

- P11 A maximum podium of 5 storeys to all streets, with a weighted setback of 5m above the podium with the following exceptions:*
- (a) No podium to Arthur Street. North Sydney Development Control Plan 2013 Area Character Statements - North Sydney Planning Area Part C Page C2-9*
  - (b) A maximum podium of 3 storeys to McLaren Street and Miller and Walker Streets north of McLaren Street, with a weighted setback of 3m above the podium.*
  - (c) A podium of between 2 and 3 storeys to Wheeler Lane and Angelo, Charles, Denison, Harnett, Napier, Little Spring and Little Walker Spring, Ward Streets, with a weighted setback of 4m above the podium*
- P12 Podium heights should match or provide a transition in height between immediately adjacent buildings.*
- P13 Podium heights should match the height of adjacent heritage items.*
- P14 Podium height may be reduced to that part of the building devoted to commercial use in mixed-use buildings.*
- P15 If there is no commercial component, and therefore no podium, adequate side separation should be provided for residential amenity.*

The architectural detailing of the podium would be developed further as part of the CSSI Approval and in the future detailed SSD Application(s). The proposed architectural form of the building envelope provides reference to the height of the adjoining MLC Building and is therefore considered to be consistent with the requirements of P13 above. The upper levels of the OSD envelope cantilever 4.5m outwards over the lower levels of the building, resulting in a podium-like treatment of the lower levels of the building to a height of RL 118 which will provide a visual reference to the height of the adjoining MLC Building.

The indicative scheme prepared TfNSW demonstrates that a sympathetic built form can be achieved within the parameters of the building envelope with the establishment of a podium

and architectural detailing which provides a visual reference to the heights of surrounding buildings. However, as the detailed design of the OSD building does not form part of this SSD Application, a number of recommendations have been made to ensure that the detailed design of the OSD is developed in a manner which is sympathetic to the heritage items in the vicinity of the site and the existing character of the North Sydney CBD (refer **Section 8.0**).

Furthermore, the architectural treatment of the lobby and station entrance, to be developed further as part of the detailed design development, may provide further opportunity to introduce a street frontage height that provides a transition between the subject development and surrounding buildings.

#### ***Building design***

*P16 Provide architectural detailing, high quality materials and ornamentation provide a rich visual texture and a symbolic/decorative reference to the history of the place, the building's use or occupant.*

*P17 Provide a visually rich intimate pedestrian environment with active street frontages at ground level.*

In relation to P17 above, the development approved as part of the CSSI Approval involves the creation of an open plaza type entrance to the Sydney Metro Victoria Cross Station and a through site link with a range of retail and food and drink outlets which would provide active frontages to the development at street level.

This development application seeks approval for the proposed building envelope for the Victoria Cross OSD only. The architectural form, detailing and materials will be developed further for future SSD Application(s) as part of the detailed design of the building.

Nevertheless, it is noted that the North Sydney CBD precinct is characterised by a mix of construction periods, architectural styles and building materials for both the buildings and landscape elements within the vicinity. Building materials in the area include pre-cast concrete, face brick and rendered brick, stone, steel and glass. The footpaths in the area are inconsistently paved with sections of brick and stone pavers. With consideration of the existing buildings on the site and the surrounding buildings in the vicinity, building materials such as glass as a predominant external wall material, reinforced concrete, and other high-quality durable building materials are considered to be appropriate. In particular, the use of glass for external walls may create a sense of openness which would provide new opportunities to view the adjoining Rag & Famish Hotel and MLC Building from within the OSD building. (Refer **Section 8.0** below).

## 8.0 Recommendations

The overall scale and architectural form of the building envelope proposed in this concept SSD Application is considered to be acceptable from a heritage perspective. This proposal, however, does not seek to obtain approval for the detailed design of the building, including the architectural detailing and materials, which will be developed further as part of future SSD Application(s). The following recommendations are therefore made to ensure that an acceptable heritage outcome is achieved through subsequent SSD Application(s) for the detailed design of the building:

- 1 The proposed OSD building will occupy a prominent corner site and will form a distinctive element of the North Sydney CBD skyline which will be visible from the grounds of a number of heritage items within the North Sydney CBD. Therefore, any future development application should demonstrate design excellence in terms of the overall architectural form, detailing and materials of the building.
- 2 The OSD building should be detailed to not detract from views towards heritage items and within the locality generally. Colour schemes for the proposed OSD building should be sympathetic to the urban environment and should use neutral colour palette with few colour variants;
- 3 Within the maximum building height of RL 230 generated by the proposed OSD envelope, the design of the building should adopt a range of forms and heights with a view to breaking up the building bulk;
- 4 The future detailed design of the OSD should be developed to provide a visual reference to the heights of surrounding buildings, in particular, the MLC Building, and other medium rise buildings in the vicinity;
- 5 The future detailed design of the development should utilise high quality, well-crafted materials that are durable. Building materials should be selected with consideration of the character of the immediate surrounding built environment and adjoining heritage items. The use of glass as a predominant external wall material, reinforced concrete, and other high-quality durable building materials are considered to be appropriate. In particular, the use of glass for external walls may create a sense of openness which would provide new opportunities to view the adjoining Rag & Famish Hotel and MLC Building from the lower levels of the OSD building;
- 6 The design of the lobby and station entrance, whilst being undertaken separately to the OSD building, should be detailed to create a sense of openness and introduce a street frontage height that provides a transition between the Victoria Cross site and the surrounding buildings;
- 7 The design of the OSD building should incorporate, where relevant, heritage interpretation measures identified in the Heritage Interpretation Plan and Station Design and Precinct Plan which are to be prepared in accordance with E21 and E101 of the Conditions of Approval for the CSSI Sydney Metro City & Southwest Chatswood to Sydenham.



## 9.0 Conclusion

This Statement of Heritage Impact has reviewed the building envelope proposed in the concept SSD Application for the Victoria Cross OSD, incorporating a high-rise commercial building which integrates with the Victoria Cross Station CSSI Approval. Consideration has also been given to the indicative design prepared by Bates Smart Architects which presents a potential built form outcome for the OSD.

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

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

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

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

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