NSW GOVERNMENT | sydney METRO

City & Southwest

VICTORIA CROSS OVER STATION DEVELOPMENT

SUBMISSIONS REPORT

SEPTEMBER 2018

VOLUME 1

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Executive Summary

Executive summary

Sydney Metro

Sydney Metro is Australia's biggest public transport project. A new stand-alone metro railway system, this 21st century network will deliver 31 metro stations and 66 kilometres of new metro rail for Australia's biggest city — revolutionising the way Sydney travels. Services start in the first half of 2019 on Australia's first fully-automated railway.

Sydney Metro was identified in Sydney's Rail Future, as an integral component of the *NSW Long Term Transport Master Plan*, a plan to transform and modernise Sydney's rail network so it can grow with the city's population and meet the future needs of customers. In early 2018, the Future Transport Strategy 2056 was released as an update to the NSW Long Term Transport Master Plan and Sydney's Rail Future. Sydney Metro City & Southwest is identified as a committed initiative in the Future Transport Strategy 2056.

Sydney Metro is comprised of three projects:

Sydney Metro Northwest — formerly the 36-kilometre North West Rail Link. This $8.3 billion project is now under construction and will open in the first half of 2019 with a metro train every four minutes in the peak.

Sydney Metro City & Southwest — a new 30-kilometre metro line extending the new metro network from the end of Sydney Metro Northwest at Chatswood, under Sydney Harbour, through the central business district (CBD) and south west to Bankstown. It is due to open in 2024 with an ultimate capacity to run a metro train every two minutes each way through the centre of Sydney.

Sydney Metro West — a new underground railway connecting the Parramatta and Sydney CBDs. This once-in-a-century infrastructure investment will double the rail capacity of the Parramatta to Sydney CBD corridor and will establish future capacity for Sydney's fast growing west. Sydney Metro West will serve five key precincts at Westmead, Parramatta, Sydney Olympic Park, The Bays and the Sydney CBD. The project will also provide an interchange with the T1 Northern Line to allow faster connections for customers from the Central Coast and Sydney's north to Parramatta and the Sydney CBD.

Sydney's new metro, together with signalling and infrastructure upgrades across the existing Sydney suburban rail network, will increase the capacity of train services entering the Sydney CBD — from about 120 an hour currently to up to 200 services beyond 2024. That's an increase of up to 60 per cent capacity across the network to meet demand.

Sydney Metro City & Southwest comprises two core components — the Chatswood to Sydenham project, and the Sydenham to Bankstown upgrade.

Planning approval for Chatswood to Sydenham was granted in January 2017, and construction has commenced under a Critical State Significant Infrastructure (CSSI) Approval. The CSSI Approval enables construction of buildings which will be integrated with and will sit above the station developments, including at Victoria Cross Station in North Sydney.

Sydney Metro is also currently seeking approval to construct and operate the Sydenham to Bankstown component of Sydney Metro City & Southwest. This project is subject to a separate CSSI Application currently being considered by the NSW Department of Planning and Environment (DPE).

The Project

The Victoria Cross over station development (the Project) comprises a concept State Significant Development Application (concept SSD Application) for the construction of an over station development (OSD) at North Sydney (SDD 8874).

The concept proposal includes a building envelope and development parameters and strategies for a 42-storey commercial building above the southern portal of the approved Victoria Cross Station, and the use of OSD spaces approved within the station under the CSSI Approval. No physical works are proposed under this concept SSD Application. Approval for the physical works and associated final building design will be the subject of a future detailed SSD Application.

The concept proposal would result in the OSD being fully integrated with the station development, and the associated ground plane, and public domain works which will be delivered under the terms of the CSSI Approval.

The delineation of scope of works to be delivered under this concept SSD Application and the CSSI Approval is further discussed in Section 2.2 of this Response to Submissions Report (Submissions Report).

An Environmental Impact Statement (EIS) titled *Victoria Cross Station Over Station Development-Concept State Significant Development Application* was prepared to support Sydney Metro's application for concept approval of the Project in accordance with the requirements of Section 4.22 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Further information on the Project is provided in chapters 1 (Introduction and Project overview) and 2 (Overview of the exhibited development) of this Submissions Report and Chapter 4 of the EIS.

Consultation on the Environmental Impact Statement

The EIS supporting the concept SSD Application was placed on public exhibition by DPE for a period of 28 days, from 25 May – 22 June 2018.

During the exhibition period, members of the community, relevant government agencies and key stakeholders were able to review the EIS and its accompanying studies online or at the static display location at North Sydney Council (Council).

They were able to make a written submission to DPE for consideration in its assessment of the Project. During the public exhibition period, the community was also able to participate in consultation and engagement activities undertaken by Sydney Metro.

The consultation activities undertaken by Sydney Metro included:

- two community drop-in information sessions
- train station handouts
- doorknocking immediate neighbours to inform them of the exhibition

- direct engagement by place managers
- media release
- email alerts
- Sydney Metro project website updates
- information stall at Kirribilli Markets
- development of an EIS overview document titled Victoria Cross Over Station Development Concept State Significant Development Application Environmental Impact Statement Overview.

Key stakeholders and government agencies were also briefed during the exhibition period.

During the preparation of this Submissions Report, further consultation has been undertaken with the Government Architects Office NSW (GANSW), Council and DPE to discuss issues raised in submissions, and to better inform the response to those issues.

Further information on consultation undertaken is provided in Chapter 3 (Community and stakeholder consultation) of this Submissions Report.

Overview of submissions

During public exhibition of the concept SSD Application, 60 submissions were received by DPE. Of these submissions, 10 were from government agencies, Council and other key stakeholders, and the remaining 50 were received from members of the local community, interest/community groups, and businesses.

Key issues for government agencies, Council and key stakeholders included:

- local impacts, and integration with local government land use planning
- impact on the local character, amenity and accessibility
- resolution of future building design, including in relation to the stepped building envelope, neighbouring heritage buildings, crime prevention and security, and civil aviation requirements
- management and mitigation of construction noise

Sydney Metro's response to key issues raised in each government agency, key stakeholder and council submissions are provided in Chapter 5 (Response to government agency, key stakeholder and Council submissions) of this Submissions Report.

Key issues for the community included:

- overdevelopment of the site
- lack of public domain and open space
- overshadowing impacts to the public domain
- impacts to surrounding heritage listed buildings
- impacts to neighbouring properties, including concerns regarding visual privacy and view loss
- inadequate stakeholder consultation.

During preparation of this Submissions Report, meetings were held with Council, the Committee for North Sydney, and the Wollstonecraft Precinct Committee to better understand their objections to the concept proposal, and to inform Sydney Metro's response to the issues raised in each submission.

Sydney Metro's response to key issues raised in the community submissions is provided in Chapter 6 (Response to the issues raised in community submissions) of this Submissions Report.

A number of issues raised in the submissions fall outside the scope of this concept SSD Application, and are relevant to the CSSI Approval and the scope of work that will be delivered under that approval. These include the following issues:

- extent and quality of the public domain / public open space
- inadequacy of the through-site link and pedestrian circulation
- lack of connection between North Sydney Station and the metro station
- suggested acquisition of neighbouring land to be incorporated into the proposal.

These matters are discussed in further detail in Section 2.2 (Clarification of Project scope) of this Submissions Report.

The amended project

Sydney Metro has modified the concept proposal to simplify the design of the building envelope that projects over the Miller Street setback. This modification is in response to a request from DPE to reconsider the building envelope form and to address a number of issues raised in submissions, including the impact of the stepped building envelope on the Miller Street streetscape and the impact on views to neighbouring heritage buildings.

The amended project replaces the stepped element of the building envelope which projected 4.5 metres over the Miller Street setback (in three, 1.5 metre-wide horizontal elements) with a simplified and regular articulation zone (i.e. an area within which the future building form could occupy), which projects a maximum of 4.5 metres over the Miller Street setback. The building envelope exhibited with the EIS and the amended building envelope are illustrated in Figures i and ii overleaf.

This amendment to the building envelope means greater flexibility for the design expression of the future building. The amendment has been considered by Sydney Metro's Design Review Panel (DRP). It was supported subject to the future building demonstrating design excellence, and satisfying a number of specific design and environmental considerations. These requirements have been incorporated into an updated version of the Victoria Cross Design Guidelines (Appendix C) and are discussed in Chapter 7 (Amended project) of this Submissions Report.

To support this amendment to the building envelope, an update Clause 4.6 Variation Request has been prepared (Appendix Q) seeking a variation to the Miller Street setback provisions in Clause 6.4 of North Sydney Local Environmental Plan 2013 (NSLEP 2013).

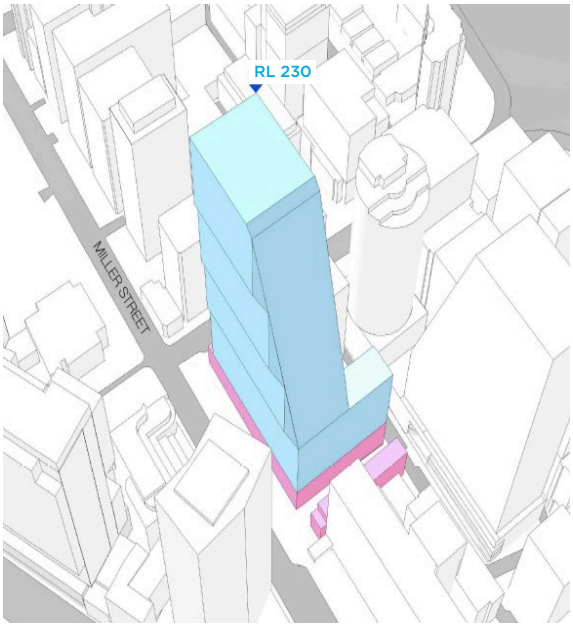


Figure i — Exhibited building envelope

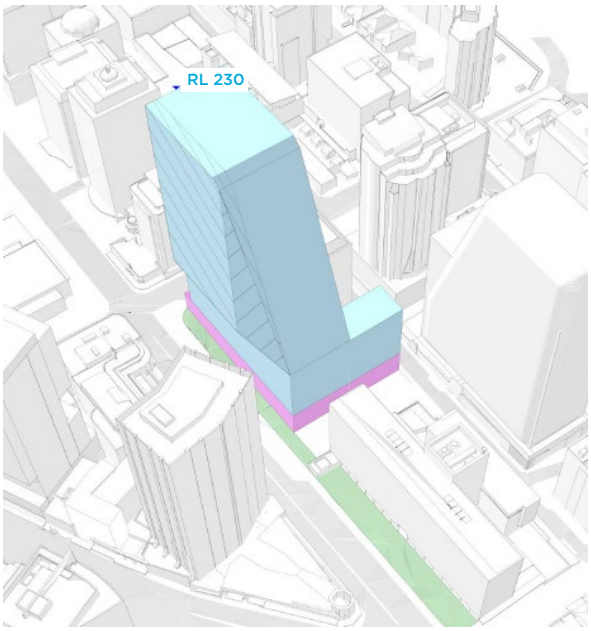


Figure ii — Amended building envelope

The amended project also includes an updated Design Excellence Strategy (Appendix B) which specifically responds to further consultation with the GANSW during the exhibition of the EIS. These changes clarify the role of the Design Excellence Evaluation Panel (DEEP) and include the incorporation of benchmark projects as a reference for the future design of Victoria Cross to demonstrate relevant design quality aspirations for the site.

Further information on the amended project is provided in Chapter 7 (Amended project) of this Submissions Report.

Additional information

To assist in the final assessment of the concept SSD Application, DPE requested additional information or clarification be provided on the following matters:

- how built form will reinforce the urban character and aesthetically integrate with the urban context
- clarification of the design rationale and justification for the projecting tower elements on the Miller Street elevation
- an assessment of view impacts for west facing apartments above level 22 in the Alexander Apartments building
- further clarification of issues raised during stakeholder consultation and how the proposal has responded to issues raised.

These matters are responded to in Chapter 8 (Additional information and assessment) of this Submissions Report. Sydney Metro has updated the Consultation with Stakeholder's Report (Appendix D) to incorporate a new section specifically identifying and responding to the issues raised during consultation undertaken by Sydney Metro prior to the lodgement of the EIS. In addition to this, a supplementary Visual Impact Study (Appendix G) of potential view impacts from level 22 and above of the Alexander Apartments building (formerly known and referred to in the EIS as the Beau Monde Apartment building) has been prepared to illustrate the impact of the concept proposal on existing west facing views.

In order to respond to issues raised in submissions, this Submission Report also includes the following studies:

- Streetscape and Visual Impact Study — Miller Street (Appendix E)
- Shadow Study (Appendix F)
- Setback Study (Appendix H)
- Streetscape and Visual Impact Study — Denison Street (Appendix I)
- Commercial Floorplate Study (Appendix J)
- Building Envelope Study (Appendix P).

Environmental impact statement

Potential impacts resulting from the amended project would generally be reduced or be consistent with impacts of the exhibited Project as described in the EIS. The environmental impacts are considered in Chapter 8 (Additional information and assessment) and Chapter 9 (Environmental impact assessment of the amended project) of this Submissions Report.

Next steps

DPE on behalf of the Minister for Planning will review the EIS, submissions received, and this Submissions Report. Once DPE has completed its assessment, a draft assessment report will be prepared for the Secretary of DPE.

The assessment report will then be provided to the Minister for Planning for consideration and determination. The Minister for Planning will then make a determination, with any conditions considered appropriate.

The Minister for Planning's determination, including any conditions of approval and the Secretary's report, will be published on DPE's website immediately after determination, together with a copy of this Submissions Report.

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Introduction and Project Overview

CHAPTER ONE

1. Introduction and Project Overview

This chapter provides an overview of the concept SSD Application and outlines the purpose and content of this Submissions Report.

1.1 Introduction

Sydney Metro is Australia's biggest public transport project. A new stand-alone metro railway system, this 21st century network will deliver 31 metro stations and 66 kilometres of new metro rail for Australia's biggest city — revolutionising the way Sydney travels. Services start in the first half of 2019 on Australia's first fully-automated railway.

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Sydney Metro West — a new underground railway connecting the Parramatta and Sydney central business districts. This once-in-a-century infrastructure investment will double the rail capacity of the Parramatta to Sydney central business district (CBD) corridor and will establish future capacity for Sydney's fast growing west. Sydney Metro West will serve five key precincts at Westmead, Parramatta, Sydney Olympic Park, The Bays and the Sydney CBD. The project will also provide an interchange with the T1 Northern Line to allow faster connections for customers from the Central Coast and Sydney's north to Parramatta and the Sydney CBD.

Sydney's new metro, together with signalling and infrastructure upgrades across the existing Sydney suburban rail network, will increase the capacity of train services entering the Sydney CBD — from about 120 an hour currently to up to 200 services beyond 2024. That's an increase of up to 60 per cent capacity across the network to meet demand.



Figure 1.1 — Sydney Metro alignment

Sydney Metro City & Southwest comprises two core components — the Chatswood to Sydenham project, and the Sydenham to Bankstown upgrade.

A Critical State Significant Infrastructure (CSSI) Application for the Chatswood to Sydenham component was approved by the Minister for Planning in January 2017 and construction has commenced.

This component includes delivering new 15.5-kilometre twin tunnels from Chatswood, under Sydney Harbour through Sydney's CBD to Sydenham, with six new metro stations, together with new underground platforms at Central.

The CSSI Approval includes below and above ground structures necessary for the delivery of each station. The approval also enables the construction of over station development (OSD) which will be integrated with and will sit above the stations, including at Victoria Cross Station in North Sydney.

The CSSI Approval also includes the delivery of all public domain works, pedestrian and vehicular access and circulation through the site to ensure the development appropriately integrates with the surrounding public domain and road network.

Sydney Metro is also seeking approval to construct and operate the Sydenham to Bankstown component of Sydney Metro City & Southwest. This project is subject to a separate CSSI Application currently being considered by the NSW Department of Planning and Environment (DPE).

The Victoria Cross over station development (OSD) project (the Project) comprises a concept State Significant Development (SSD) Application for the construction of an OSD at North Sydney.

The concept proposal includes a building envelope and development parameters and strategies for a 42-storey commercial building above the southern portal of the approved Victoria Cross Station. It also includes the use of OSD spaces approved within the station under the CSSI Approval and for the OSD to be fully integrated with Victoria Cross Station. No physical works are proposed under this concept SSD Application.

1.2 Planning context

While Victoria Cross Station and OSD will form a single integrated station development, the planning pathways defined under the *Environmental Planning and Assessment Act 1979* (EP&A Act) require separate assessment for each component of the development. 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). This concept SSD Application is being made under Part 4 of the EP&A Act and comprises a 'concept application' under section 4.22 of the EP&A Act. It forms the first stage of the Project and sets the planning framework against which a future detailed SSD application for the Victoria Cross OSD will be assessed. The detailed SSD Application will be lodged in the future for the final design and construction of the development.

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) identifies development considered to be State Significant. Under the criteria in Clause 19(2) of Schedule 1 of the SRD SEPP, this concept application is SSD, as it is within a rail corridor, is associated with railway infrastructure, is for the purpose of commercial premises and has a capital investment value of over $30 million. This development is therefore, State significant development for the purposes of Section 4.36 of the EP&A Act.

The EP&A Act requires that an Environmental Impact Statement (EIS) be prepared for SSD, including particulars of the location, nature and scale of the development and an assessment of the development's environmental impact under section 4.15 of the Act. The EIS must be prepared in accordance with the requirements referred to in the EP&A Act and the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) including the Secretary's Environmental Assessment Requirements (SEARs) for the preparation of the EIS.

This EIS has been exhibited by DPE and is now under assessment by DPE. The concept SSD Application will be determined by the NSW Minister for Planning.

A graphic illustrating the CSSI and SSD development process and the associated development applications is provided in Figure 1.2 below.

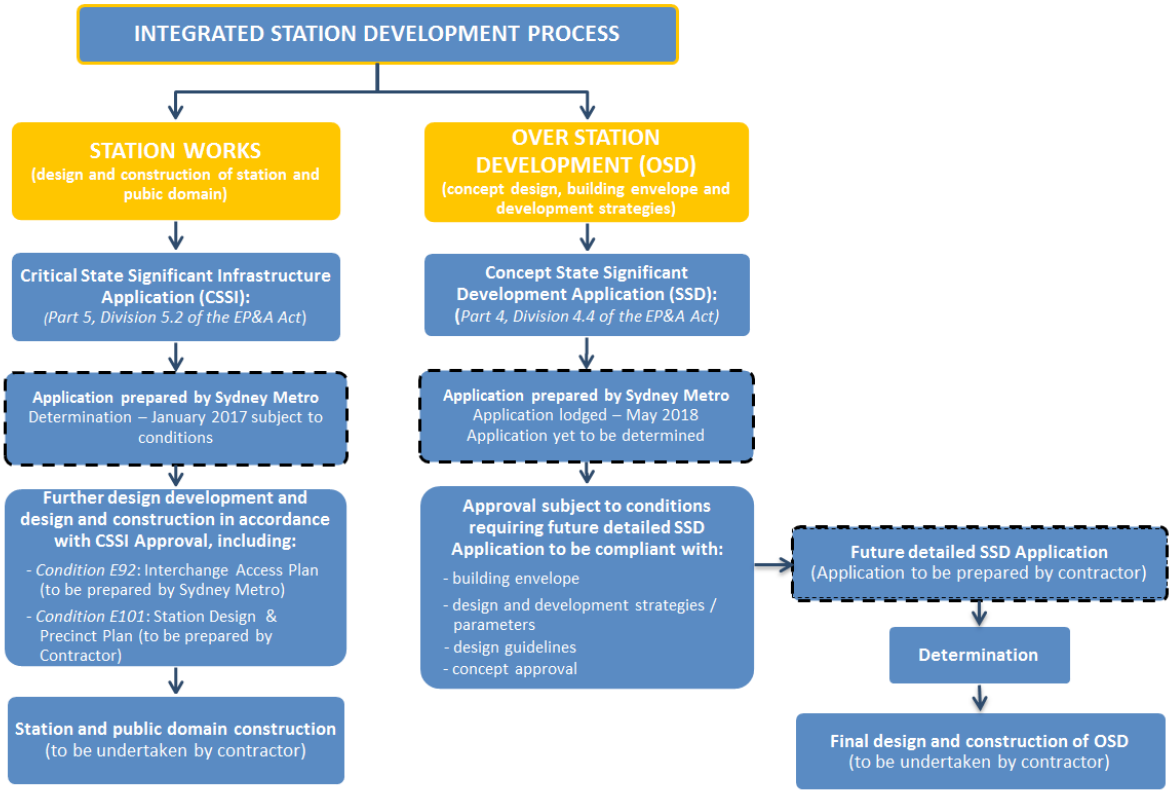


Figure 1.2 — CSSI and SSD development process

1.3 Overview of the Project

The concept SSD Application for Victoria Cross Station (southern portal) seeks approval for the following:

- a commercial building envelope
- a maximum building height of reduced level (RL) RL 230 or 168 metres (approximately 42 storeys) for the high rise portion of the building envelope and RL 118 or 55 metres (approximately 13 storeys) for the low rise portion of the 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 for commercial premises including office, retail and business premises

- use of the conceptual OSD space provisioning (both above and below ground) within the approved Victoria Cross Station (CSSI Approval) including areas such as the OSD lobby, basement parking, end-of-trip facilities (i.e. change rooms and shower facilities), services and back-of-house facilities
- car parking for a maximum of 150 parking spaces for OSD use over four basement levels.

The concept SSD Application also seeks approval for the future subdivision (if required) and strategies to guide the detailed design of the future OSD, including pedestrian and vehicular access, utility service provision, management of stormwater and drainage, public art and the achievement of ecologically sustainable development. The application is also accompanied by a Design Excellence Strategy and Design Guidelines to which the future detailed design would need to respond.

The building envelope as proposed in the EIS and a photomontage of the indicative OSD design are shown at Figure 1.3 and Figure 1.4, respectively.

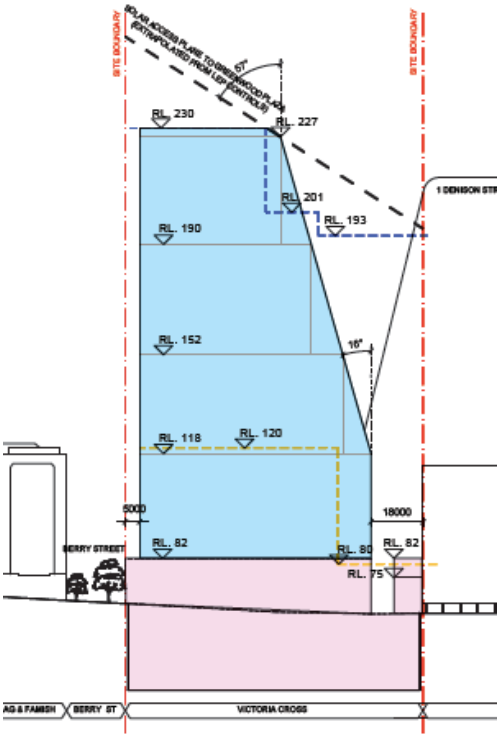


Figure 1.3 — The proposed OSD building envelope

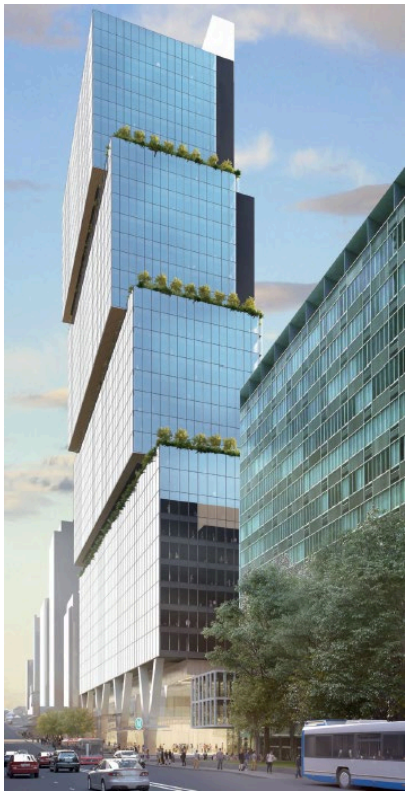


Figure 1.4 — Indicative OSD design

1.4 Changes to the Project as exhibited

In its response to submissions raised during the public exhibition period and by DPE in its assessment, Sydney Metro proposes the following changes associated with the amended project compared to the Project presented in the EIS:

- amendment to the building envelope to include an articulation zone, supported by an amended Clause 4.6 Variation Request
- updates to the Victoria Cross Design Guidelines
- a revised Design Excellence Strategy
- an updated Consultation with Stakeholders Report.

These changes are discussed below.

1.4.1 Simplification of the building envelope — articulation zone

DPE has requested further design rationale and justification for the building envelope form, and has questioned the appropriateness of the building envelope closely reflecting the architectural form of the indicative OSD design (refer to Figures 1.3 and 1.4 above) in respect to elements of the building envelope that project over the Miller Street setback area.

A number of submissions were raised about the built form when viewed in the context of surrounding heritage items (including the Rag & Famish Hotel and the MLC building) and the broader Miller Street streetscape.

To address this feedback Sydney Metro proposes to simplify the section of the building envelope that projects over the Miller Street setback. The amended design replaces the stepped elements of the building envelope with a simplified and regular articulation zone that projects a maximum of 4.5 metres over the Miller Street setback and is splayed at the south western edge to avoid additional overshadowing of the Miller Street Special Area.

The articulation zone defines the area of the building envelope within which the future building can occupy and which would project over the Miller Street setback area. Figures 1.5 and 1.6 below illustrate the exhibited building envelope and amended building envelope, respectively, with the hatched area in Figure 1.6 illustrating the extent of the new articulation zone.

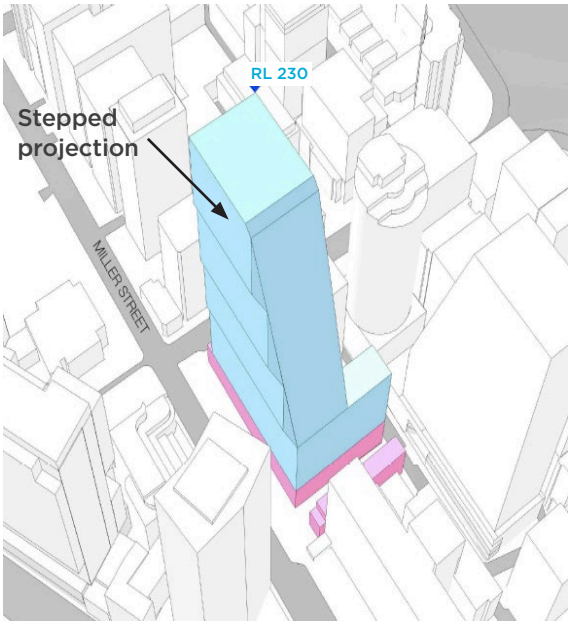


Figure 1.5 — Exhibited building envelope

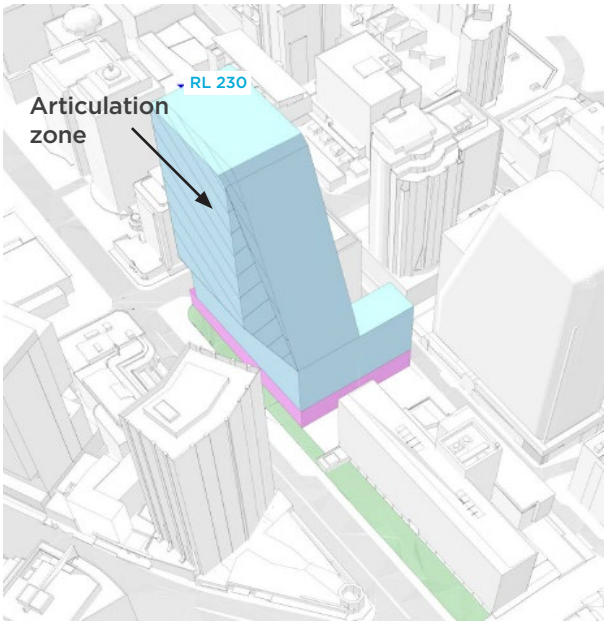


Figure 1.6 — Amended building envelope

The amendment to the building envelope has been considered by Sydney Metro's Design Review Panel (DRP) and is supported subject to a number of design and environmental considerations relevant to the future detailed design of the OSD, as detailed in Section 3.4 of this Response to Submissions Report (Submissions Report).

To support the building envelope change, the following has been submitted with this Submissions Report:

- updated architectural drawings illustrating the building envelope (Appendix A)
- an updated Clause 4.6 Variation Request (Appendix Q) seeking a variation to the Miller Street setback provisions in Clause 6.4 of North Sydney Local Environmental Plan 2013 (NSLEP 2013), given the articulation zone (similarly to the exhibited stepped envelope form) will project a maximum of 4.5 metres into the Miller Street setback area.

1.4.2 Victoria Cross Design Guidelines

To respond to the design change proposed above, new guidelines have been included in an updated version of the Victoria Cross Design Guidelines (Appendix C).

The new guidelines reflect recommendations from the Sydney Metro DRP that the future building form must achieve design excellence, and specifically identify that the building may occupy some, but not all, of the articulation zone.

The guidelines also require that the future building form within the articulation zone satisfy specific design and environmental considerations including overshadowing, maintaining sky view, alignment with the datum or height of the MLC building, and the amenity and microclimate of the public domain.

The land use provisions in the Victoria Cross Design Guidelines have also been amended to incorporate new guidelines that encourage a diversity of retail uses within the OSD, which will add to the vitality and quality of the development as a destination. This amendment specifically responds to concerns raised by the GANSW, Council and in community submissions.

1.4.3 Design Excellence Strategy

During exhibition of the EIS, consultation was undertaken with the GANSW. Feedback from this engagement has resulted in a revised Design Excellence Strategy which is included in this Submissions Report (Appendix B). Amendments to the strategy have clarified the role of the Design Excellence Evaluation Panel (DEEP) and incorporated benchmark projects as a reference for the future design at Victoria Cross to demonstrate relevant design quality aspirations for the future OSD.

1.4.4 Consultation with Stakeholders Report

DPE has requested that further information be provided in relation to how Sydney Metro addressed issues raised by stakeholders prior to the lodgement of the concept SSD application. An updated Consultation with Stakeholders Report, incorporating a new section specifically identifying the issues raised during early consultation, is included in the Submissions Report (Appendix D). This updated Consultation with Stakeholders Report identifies the issues raised during this consultation and describes how the concept proposal has responded to these issues.

Further details in respect to the amended project and the exhibited EIS are provided in Chapter 7 (Amended project) of this Submissions Report.

1.5 Additional information supporting this report

In response to a request for further information by DPE and in order to respond to key issues raised in submissions, a number of additional studies have been prepared by Sydney Metro to illustrate and supplement the response to submissions. Additional information is listed below:

- Streetscape and Visual Impact Study — Miller Street (Appendix E)
- Shadow Study (Appendix F)
- Supplementary View Impact Study — Alexander Apartments building (Appendix G)
- Setback Study (Appendix H)
- Streetscape and Visual Impact Study — Denison Street (Appendix I)
- Commercial Floorplate Study (Appendix J)
- Building Envelope Study (Appendix P).

Further detail on the above additional information is provided in Chapter 8 (Additional information and assessment) of this Submissions Report.

1.6 Purpose and structure of the report

During public exhibition of the concept SSD Application, 60 submissions were received by DPE. The Secretary of DPE provided copies of the submissions to Sydney Metro with a formal request for a written response to the issues raised.

This Submissions Report responds to the issues raised during the exhibition period, proposes changes to the concept proposal as exhibited (as described in Section 1.4 above), and responds to additional information requests from DPE (as identified in Section 1.5 above).

Sydney Metro has considered all submissions made pursuant to the requirements of the EP&A Act. This report provides Sydney Metro's formal Response to Submissions from government agencies, stakeholders and the community in accordance with the Clause 85A of the EP&A Regulation 2000.

The structure and content of this Submissions Report are outlined in Table 1.1.

Table 1.1 – Structure of this Submissions Report

Chapter	Description
Chapter 1	**Introduction and Project overview (this chapter)** Provides an overview of the concept SSD Application and outlines the purpose and content of this Submissions Report.
Chapter 2	**Overview of the exhibited development** Provides an overview of the Project as exhibited, including associated clarifications regarding the scope of the concept proposal and the Project elements approved under the terms of the CSSI Approval.
Chapter 3	**Community and stakeholder consultation** Provides details of the consultation, and community and stakeholder engagement activities carried out by Sydney Metro during the exhibition of the concept SSD Application.
Chapter 4	**Submissions received** Provides a summary of the submissions received during public exhibition of the concept SSD Application.
Chapter 5	**Response to government agency, key stakeholder and Council submissions** Identifies issues raised by government agencies, key stakeholders and Council, and provides responses to those submissions.
Chapter 6	**Response to the issues raised in community submissions** Identifies issues raised by the community, including businesses and other stakeholders, and provides responses to those submissions.
Chapter 7	**Amended project** Provides detail on the changes to the concept proposal as exhibited, including a description of the amended project compared to the Project described in the exhibited EIS.
Chapter 8	**Additional information and assessment** Provides additional information in response to key issues raised in submissions and responds to the request from DPE for additional information, together with an assessment of environmental impacts.
Chapter 9	**Environmental impact assessment of amended project** Provides an amended environmental risk rating and revised mitigation measures for the amended project.
Chapter 10	**Conclusion** Provides concluding statements on Sydney Metro's response to submissions and amendments to the concept SSD Application.

Acronyms and Abbreviations

A full list of is provided after Chapter 10.

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Overview of the exhibited development

CHAPTER TWO

2. Overview of the exhibited development

This chapter provides an overview of the concept proposal as described in the EIS and provides an outline of key features of the proposed building envelope, supporting strategies, Project objectives, and key potential environmental impacts identified in the EIS. It also provides clarification regarding information presented in the EIS and in particular, work which is already approved and will be delivered under the terms of the CSSI Approval.

2.1 Overview of the development proposal as described by the Environmental Impact Statement

2.1.1 Location of the site

The site is located at the south-east corner of the intersection of Miller Street and Berry Street, in North Sydney CBD. It is situated directly above the future Victoria Cross Station southern portal. The site is in the North Sydney local government area (LGA).

The location of the exhibited Project is shown in Figure 2.1 below.



Figure 2.1 — Location plan

2.1.2 Project objectives

The Project objectives are to:

- support the NSW Government's planning strategies and objectives, including the Greater Sydney Region Plan, A Metropolis of Three Cities (2018) and the North District Plan (2018)

- support Council's strategies and objectives for the area as outlined in Council's Sydney Metro Planning Study (2016), North Sydney Centre Capacity and Land Use Strategy (2017) and the accompanying North Sydney Centre Planning Proposal giving effect to the strategies' recommendations
- enable the development of a world-class office building that caters to the needs of North Sydney's skilled workforce
- build on the strength of the North Sydney CBD as one of Sydney's primary office markets
- enhance customer experience and urban amenity through the development of an integrated design concept that ensures delivery of a quality public domain area with strong connections to the surrounding area
- create an urban environment that drives high usage of the new metro rail, responding directly to the principles of transit oriented development
- provide the opportunity to deliver the OSD as early as possible, with the aim of opening concurrently or shortly following completion of the metro station
- provide a built form that minimises overshadowing impacts to surrounding public domain areas (known as 'Special Areas') and dwellings outside North Sydney CBD
- enable a design that responds sensitively to surrounding heritage items.

2.1.3 Description of the development

The concept SSD Application (SSD 8874) seeks concept approval in accordance with section 4.22 of the *EP&A Act* for OSD above the approved Victoria Cross Station (southern portal). Key elements of the exhibited Project are as follows:

- building envelope as illustrated in Figure 2.2 below
- maximum building height of RL 230 or 168 metres (approximately 42 storeys) 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
- maximum 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 for commercial premises, including commercial office, retail and business premises
- use of the conceptual OSD space 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 (i.e. change rooms and shower 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 utilities and services provision
- strategies for the management of stormwater and drainage
- a strategy to achieve an 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).

As this is a staged development under section 4.22 of the EP&A Act, future approval would be sought for the detailed design and construction of the OSD. Accordingly, no demolition or additional ground level building works to expand the building footprint is proposed under this concept SSD Application. Work on the ground plane of the site (including public domain works) and construction up to the transfer level is already approved under the terms of the CSSI Approval (refer to further detail in Section 2.2 below).

Architectural drawings illustrating the exhibited proposed building envelope and indicative OSD design (which illustrate one possible design solution) are provided at Appendix D and Appendix E, respectively of the EIS.

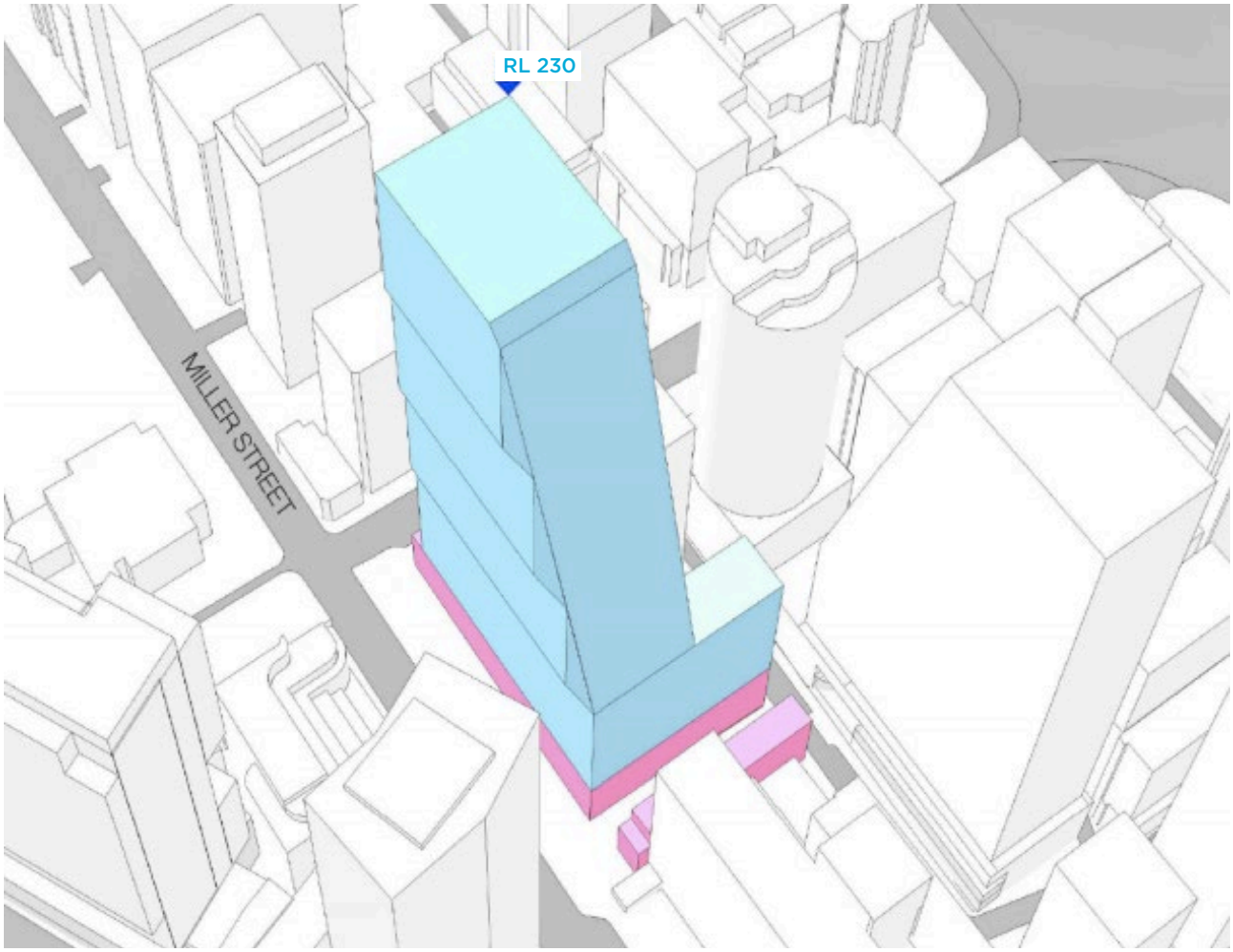


Figure 2.2 — Exhibited proposed building envelope (axonometric diagram from south-west)

2.1.4 Project need and benefits

Victoria Cross Station is in the heart of the North Sydney CBD — a growing commercial and residential precinct.

The new station supports the continued growth of North Sydney, adding to the vibrancy of the area through new employment and retail opportunities, improved pedestrian connections and high quality outdoor spaces.

This concept SSD Application supports the benefits of the future Victoria Cross Station by proposing a commercial building directly above the station site. Additional commercial uses in this location would strengthen the North Sydney CBD and would align with the North District Plan by maximising land use opportunities provided by the station.

This concept SSD Application responds to the need for revitalisation of the commercial stock in North Sydney CBD. Without renewal of commercial office stock, there is a risk that the overall

quality of the North Sydney office market will deteriorate over time and diminish North Sydney's role as one of Sydney's prime office markets. This SSD Application responds positively to this issue by providing a framework for a world-class office building above a future metro railway.

The EIS submitted with the concept SSD Application demonstrates how the future OSD would integrate with the structure, architecture and public domain works to be delivered under the terms of the CSSI Approval. As a concept, this integrated station development is considered to provide significant benefits to the North Sydney CBD by:

- improving accessibility to fast and reliable public transport
- improving the site's connectivity with neighbouring developments (including new developments under construction)
- supporting planned public domain upgrades and further commercial growth of the North Sydney CBD.

The integrated station development would deliver a significant amount of retail floor space – addressing the needs of visitors, customers and workers to the site. It would also support activation of the CBD outside standard working hours. Refer to further discussion in Section 2.2.5 of the below.

2.1.5 Summary of potential environmental impacts and mitigation measures

The potential adverse impacts identified in the EIS for the exhibited Project are summarised in Table 2.1. Relevant strategies and mitigation measures to address these potential impacts have been included in Chapter 8 (Assessment of environmental impacts), Chapter 11 (Framework for the management of design and environmental impacts) and Chapter 13 (Mitigation measures) of the exhibited EIS.

Table 2.1 – Summary of potential environmental impacts

Issue	Potential impact
Visual/view impacts	• Visual impacts from surrounding streetscape and key vantage points • View loss from neighbouring residential building
Overshadowing	• Increase in shadows to surrounding public domain and Special Areas • Increase in shadows to surrounding residential properties including to properties outside North Sydney CBD
Privacy	• Potential overlooking to neighbouring residential buildings and sensitive uses
Traffic and transport	• Increased traffic on local roads during construction and operation • Conflict with normal pedestrian and vehicle operations during construction
Heritage	• Potential impact on significance of heritage items • Impact on views to heritage items
Noise and vibration	• Increased noise and vibration associated with construction, including from vehicles and machinery • Increase in noise and vibration associated with emissions from building plant and services during operation • Increase in noise associated with vehicle movements during operation

Issue	Potential impact
Infrastructure and utilities	• Adequate connection to infrastructure and utilities • Adequate capacity to service building
Flooding	• Potential flooding of development • Adequate stormwater management for development
Reflectivity	• Adverse solar reflectivity glare to motorists and pedestrians
Contamination	• Exposure of contamination or hazardous materials during construction
Wind Impacts	• Adverse wind environment along surrounding streets, station entries and through-site link • Adverse wind environment to outdoor areas in the OSD, including outdoor terrace levels
Crime and public safety	• Anti-social and criminal behaviour
Environmental and construction management	• Noise, dust, air quality, waste management and traffic impacts
Biodiversity	• Impact on street trees
Waste	• Waste production associated with construction activities and operation of future building
Ecological sustainable development (ESD)	• Carbon emissions • Energy consumption • Thermal comfort of building occupants
Accessibility	• Adequate access for people with a disability
Social impacts	• General disruption to community associated with large-scale construction • Potential anti-social behaviour associated with operation of the various tenancies
Property and land use	• Compatibility between OSD uses and station/surrounding use
Business impacts	• Loss of established tenants on site • Impacts on surrounding business during construction and operation due to loss of amenity • Altered access and visibility to surrounding businesses during construction
Water quality	• Potential erosion and sediment impacts on drainage system during construction • Impacts on quality of stormwater discharge into drainage system during operation
Air quality	• Dust associated with construction activities • Emissions associated with construction vehicles • Emissions associated with entering and exiting vehicle traffic • Plant and equipment emissions during operation
Cumulative impacts	• Cumulative impacts (traffic, noise, dust, etc.) associated with concurrent construction of station and OSD, and other development in the area • Cumulative impacts (traffic, noise emissions, etc.) during concurrent operation of station and OSD, and other development in the area

2.2 Clarification of Project scope

A number of submissions received indicated that the scope of the Project and its interface with the scope of the station works requires further clarification. The following section provides this additional clarification.

2.2.1 Delineation between station and OSD

Since exhibition of the EIS, it has been identified that further clarification is required regarding the scope of the Project, specifically the statutory planning delineation between the approved metro station and OSD.

Section 1.2.3 of the EIS outlines the planning relationship between Victoria Cross Station and the OSD. The CSSI Approval includes construction of below and above ground structures necessary for delivery of the station (northern and southern portals of Victoria Cross Station) and also enabling work for an integrated OSD. Works approved under the CSSI Approval include, but are not limited to the following:

- demolition of existing development
- excavation
- station structure including the concourse and platforms
- lobbies
- retail space 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 relevant space provisions necessary for constructing the OSD, such as columns and beams, space for lift cores, plant rooms, access, parking, retail and building services.

The proposed OSD building envelope, which is the subject of this concept SSD Application, is located entirely above the already approved station envelope. The base of the building envelope, including its alignment, allows for the appropriate integration of the station and OSD from an architectural, structural and operational perspective. The OSD is governed by the design of the station, in particular as to where primary structural elements such as tower columns and lift cores are located.

The delineation between the station works approved under the CSSI Approval and OSD (which is defined by this concept SSD Application) is generally defined by the 'transfer level', which is located approximately four storeys above Miller Street and five storeys above Denison Street, as illustrated in Figure 2.3 below.

The proposed building facilitated by this concept SSD Application is located four to five storeys above ground level. However, it is noted this application seeks concept approval for the use of certain spaces below the transfer level – such as the OSD lobby, retail space and parking. The physical spaces (or cold shell / base building) in which these uses are contained will be designed and constructed under the CSSI Approval.

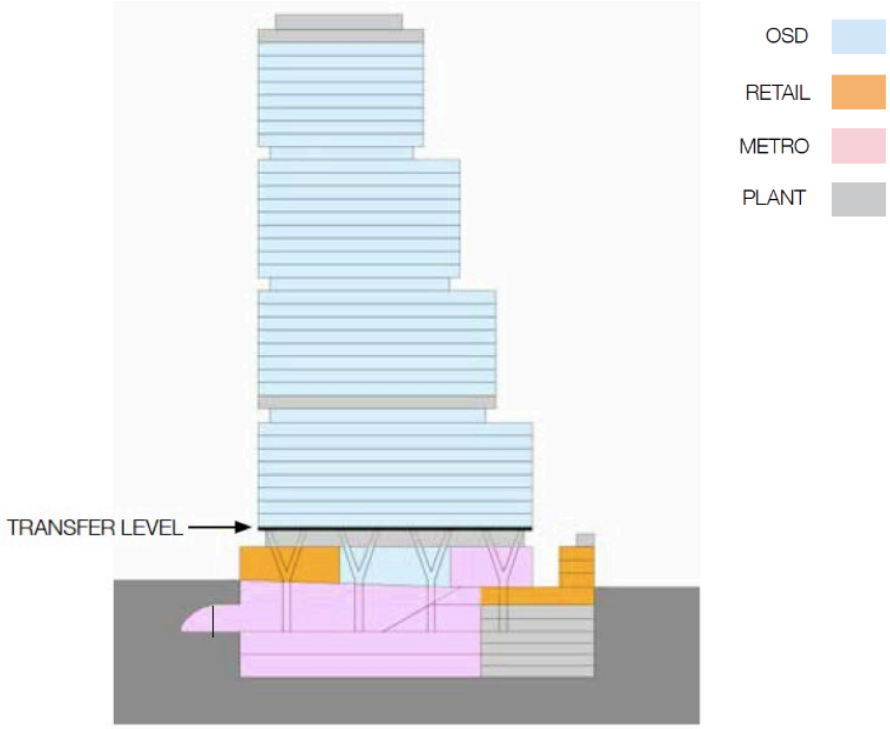


Figure 2.3 — Delineation between station and OSD

The relationship between the CSSI Approval and concept SSD Application was included in the EIS and is detailed below in Table 2.2. This table identifies what components of the overall Project would be undertaken as part of the SSD Application and the CSSI Approval.

Table 2.2 — Planning pathway relationship between concept SSD Application and the CSSI Approval

Component	Concept SSD Application	CSSI Approval
Building envelope above station (i.e. above transfer slab)	•	
Uses within OSD envelope (commercial premises including office and retail)	•	
Use of OSD spaces conceptually approved within the station (below and above ground) including: • OSD lobby and adjoining retail space to the north (i.e. non-station retail) • OSD parking and loading • OSD end-of-trip facilities (i.e. change rooms and shower facilities) • back-of-house facilities including building plant, waste and service rooms	•	
Demolition and excavation		•
Station and OSD structure (i.e. structural elements, building grids, column loadings, building infrastructure and services up to the transfer level)		•
Non-OSD uses within the station including station retail		•
Public domain works and landscaping		•
Through-site link		•
Space for future lift cores, access, parking and building services for OSD		•
Provision for the connection of OSD utilities		•

2.2.2 Station design and public domain work

As identified in Table 2.2, all built form, up to the transfer level – including the station design and public domain work – would be designed and delivered under the CSSI Approval. The design resolution of these station elements would be addressed through preparation of an Interchange Access Plan (IAP) and Station Design and Precinct Plan (SDPP). These plans are required by Conditions E92 and E101 respectively under the CSSI Approval. Under the terms of these conditions, the final design of the public domain, through-site link, building form (including footprint and architecture) and entries/access, station design and spatial arrangements for the OSD will be resolved and approved.

Conditions E92 and E101 require the following (as summarised):

- **IAP — Condition E92:** the preparation of a IAP for the station to inform the design of transport and access facilities and services, including footpaths, cycleways, passenger facilities, parking, traffic and road changes, and integration of public domain and transport initiatives around and at each station. The IAP is required to be prepared in consultation with the Traffic Transport Liaison Group (comprising representatives from Roads and Maritime Services [RMS], Council, transport operators, emergency services) and the Sydney Metro DRP.

  Given the station is only one component of the integrated station development at Victoria Cross and all public domain and interchange access works would be delivered under the CSSI Approval, the IAP will need to demonstrate that it represents an appropriate end-state solution i.e. it satisfies the requirements of both the station and OSD.

- **SDPP — Condition E101**: requires that the SDPP present an integrated urban and place-making outcome for each station / end-state element, including but not limited to: the identification of specific design objectives, principles and standards for the project (including to maximise the amenity of public spaces and minimise the footprint of the project); landscaping and building design; and opportunities for public art and interpretation. The SDPP is to be prepared in collaboration and consultation with relevant stakeholders including but not limited to Council, DPE, Chambers of Commerce and the local community.

Sydney Metro will prepare the IAP, while the SDPP for Victoria Cross Station will form part of the detailed design of the integrated station development prepared by the contractor. Sydney Metro has developed a reference design for Victoria Cross Station to determine the space planning, general layout and technical requirements for the structural integration of the OSD and station. The final design for the station and its integration with the OSD will be subject to further refinement in accordance with the terms of the CSSI Approval. The final design for the OSD will also be subject to a future detailed SSD Application where its integration with the station and public domain will need to be demonstrated.

2.2.3 Site boundaries

A number of submissions suggested changes to the Project relating to land outside of the development site, including the pedestrianisation of Miller Street; the incorporation of 65 Berry Street into the Project site; and construction of an underground connection between Victoria Cross Station and the existing North Sydney Station.

Victoria Cross was acquired by Transport for NSW (TfNSW) specifically for the purpose of constructing Sydney Metro. TfNSW's land acquisition capabilities pursuant to the *Transport Administration Act 1988* (Schedule 1, Part 3, Clause 11), are limited to the acquisition of land specifically for transport infrastructure or services. The acquisition of additional land is outside the scope of the acquisition powers afforded to TfNSW under the *Transport Administration Act* and would be surplus to the transport infrastructure requirements of Sydney Metro.

The development site comprises the following eight allotments as identified in the EIS, and this Submissions Report does not seek to change the extent of the development site:

- 155–167 Miller Street: SP35644
- 181 Miller Street: Lot 15 DP69345, Lots 1 & 2 DP123056, Lot 10 DP70667
- 187 Miller Street: Lot A DP160018
- 189 Miller Street: Lot 1 DP633088
- Formerly part 65 Berry Street: Lot 1 DP1230458

This concept SSD Application occupies the airspace of these eight allotments above the 'transfer level', as illustrated Figure 2.3. (with the exception of the use of certain spaces below the transfer level, as identified in Section 2.2.1 above). Any development outside of this site falls outside the scope of this concept SSD Application.

2.2.4 Concept versus detailed development application

A number of submissions identified that further clarification was required regarding the application's classification as a 'concept' development application.

A concept development application (this application) under section 4.22 of the EP&A Act, proposes no physical works, materials or finishes, it seeks to establish a building envelope in which future physical works can occur. The envelope is only defined by specific heights and setbacks.

An indicative OSD design including architectural drawings and photomontages was prepared as part of the concept SSD Application (Appendix E of the EIS) for information purposes, and to illustrate one possible design solution for a building that could fit within the proposed envelope. This concept SSD Application does not seek approval for the indicative OSD design.

A detailed SSD Application would be submitted for the physical OSD building in the future. This application would be required to fit within the envelope proposed by this concept SSD Application and would be subject to a comprehensive development assessment and consultation process under the relevant approval pathway.

Future detailed design for the OSD would be required to comply with strategies detailed in the EIS, (including those in relation to environmental sustainability, stormwater and drainage, utility and services provision and public art) and would be subject to the terms of Sydney Metro's revised Design Excellence Strategy (as amended by this Submissions Report — refer to Chapter 7).

Compliance with Project-specific Design Guidelines (as amended by this Submissions Report — refer to Chapter 7) would also be required. The OSD design would need to demonstrate full integration with the station design and final ground plane arrangements, which are to be resolved through the preparation of the SDPP and IAP, as detailed in Section 2.2.2 above.

2.2.5 Retail floor space outside the station building

The concept SSD Application for the Victoria Cross OSD seeks approval for a maximum GFA of 60,000 square metres and the use of the building envelope for commercial premises including office, retail and business (refer to Section 4.5 of the EIS).

The indicative OSD design submitted as part of the concept SSD Application (refer to Appendix E of the EIS) illustrates one potential design solution for the OSD within the constraints of the proposed building envelope. The land use mix and indicative design include an opportunity for a small retail tenancy at the northern end of the Miller Street ground floor level adjacent to, and integrated with the commercial office lobby entry. The remainder of the retail uses illustrated in the indicative design are associated with the station component of the development (CSSI Approval) and activate the Miller Street through-site link and the station entry off Denison Street.

The area schedule (Appendix F) in the EIS identified that a maximum of 4,500 square metres of retail floor space would be conceptually allocated to the station (to be delivered under the CSSI Approval) and based on the indicative design, that approximately 262 square metres would be allocated to the OSD retail. However, the final quantum of retail GFA in the integrated station development may vary and will be subject to further resolution through the preparation of the SDPP and the future detailed SSD Application for the OSD. For the OSD, the mix of retail and commercial floor space will be capped at 60,000 square metres, as detailed in the description of the development in Section 2.1.3 above.

Through further consultation with the Sydney Metro DRP (as required by Sydney Metro's Design Excellence Strategy) opportunities to maximise retail floor space within the development will be considered. The successful contractor appointed to deliver the OSD will be responsible for developing a retail strategy for the site which best responds to market and community needs.

Separate approval will be required for the future fit-out and first use of the retail space(s) in both the station and OSD components of the development.

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Community and stakeholder consultation

CHAPTER THREE

3. Community and stakeholder consultation

This chapter describes community and stakeholder consultation undertaken during and following the exhibition period, and future consultation proposed. A summary of key issues raised during consultation is also provided.

3.1 Overview

Sydney Metro has implemented a comprehensive community and stakeholder consultation program to engage proactively with local communities and key stakeholders. Stakeholder and community consultation for Sydney Metro is an ongoing process that commenced with the release of *Sydney's Rail Future* in 2012.

Sydney Metro City & Southwest has been consulting with the community and key stakeholders since June 2014. Feedback from consultation activities has played an important role in informing and scoping the design of the concept proposal for the Victoria Cross OSD and the EIS.

Sydney Metro's approach to consultation is described in Section 5.1 (Community consultation) of the EIS. Consultation activities undertaken prior to exhibition of the EIS are described in Section 5.1.2 (Consultation during preparation of this SSD Application) and Section 5.2 (Outcomes of consultation) of the EIS.

The following sections describe consultation undertaken by Sydney Metro during public exhibition of the EIS, and consultation that would be undertaken during future project stages.

3.2 Consultation associated with the public exhibition of the EIS

The EIS was placed on public exhibition by DPE for a period of 28 days from 25 May – 22 June 2018.

The EIS and accompanying technical reports and plans were made available on DPE's website at **majorprojects.planning.nsw.gov.au** and on the Sydney Metro project website at **sydneymetro.info**

Hard copies of the EIS were available at the following locations:

- North Sydney Council Customer Service Centre
- Stanton Library, North Sydney.

Copies of the EIS were also available at the community information sessions, and a Project model was on display at the North Sydney Council Customer Service Centre.

Submissions on the proposed concept were received by DPE during the exhibition period and responses to them are presented in chapters 5 and 6 of this Submissions Report.

3.2.1 Consultation activities

The following consultation activities were undertaken to support exhibition of the EIS:

- doorknocking neighbouring properties
- two community information sessions and one market event
- stakeholder briefings
- email updates to Project database
- station handouts
- direct engagement with local communities by Sydney Metro place managers
- community contact and information points (Project phone and email).

Further details of the above activities are outlined below.

3.2.2 Community contact and information points

Table 3.1 outlines the community contact and information points for the project.

Table 3.1 – Community contact and information points for the project

Activity	Detail
Community Information line (toll free)	1800 171 386
Community email address	sydneymetro@transport.nsw.gov.au
Website	www.sydneymetro.info
Postal address	Sydney Metro City & Southwest: PO Box K659 Haymarket, NSW 1240

3.2.3 Community information sessions and market day

The Project team hosted two community information sessions and attended one market day where information about the concept proposal was made available.

The community was invited to attend these events and meet expert members of the Project team and have any questions answered.

Table 3.2 outlines the date, time and location of the community market day and information sessions. A total of 124 visitors attended the three events.

Table 3.2 – Community information sessions

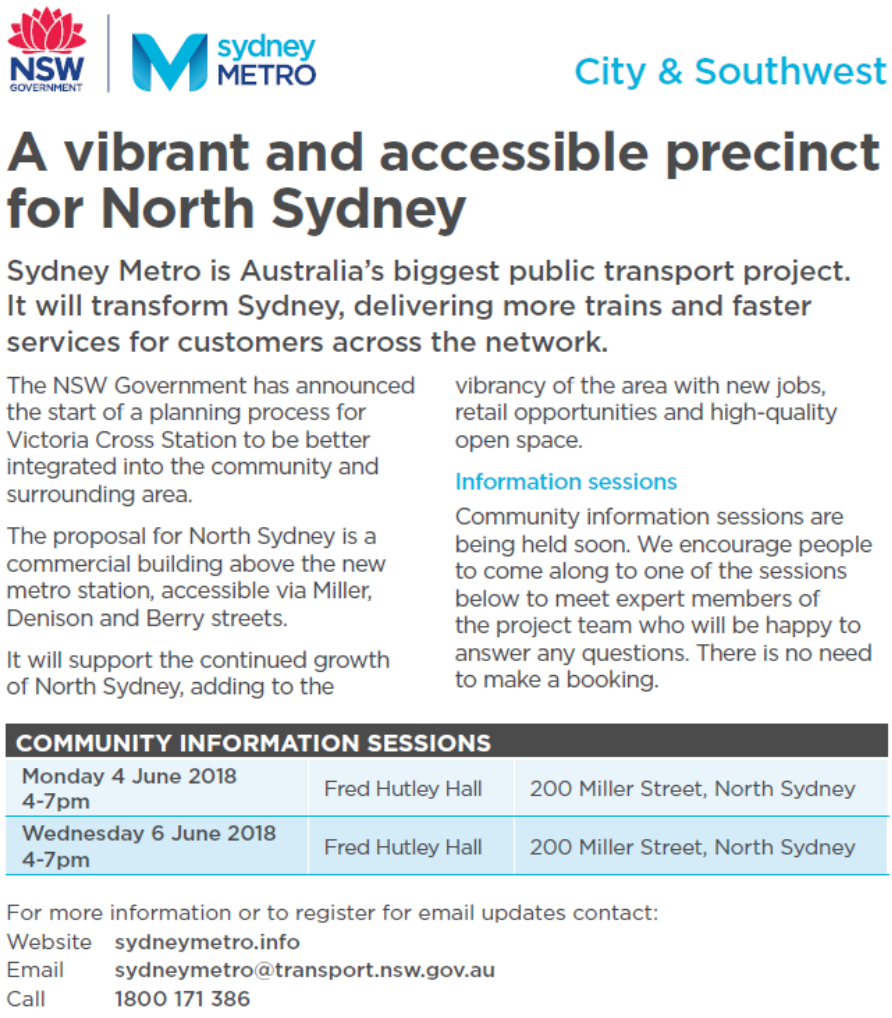
Date	Location	Attendance
26 May 2018: 8.30am–3pm	Kirribilli Markets	70 engagements
4 June 2018 4–7pm	North Sydney Council: Fred Hutley Hall	30 engagements
6 June 2018 4–7pm	North Sydney Council: Fred Hutley Hall	24 engagements

3.2.4 Engagement summary

- **Station handouts:** A total of 500 project flyers were distributed to customers at North Sydney Station on 30 and 31 May 2018. A copy of the project flyer is provided at Appendix K.
- **Letterbox drops:** A total of 7,000 project flyers were distributed on 24 May 2018 to residents and businesses within a 500-metre radius of the Project site
- **Doorknocks:** Residents and businesses within 100 metres of the Project site were doorknocked on 28 May 2018, to inform them of the exhibition and consultation. During this process, 388 project flyers were also distributed
- **Place managers:** During the exhibition period, place managers engaged the local community (including residents, tenants and businesses) by phone, email or doorknocks to:
    - ensure they were aware of the EIS
    - invite them to community information sessions
    - ensure they had the information needed to make a submission.
- **Property specific consultation:** During the exhibition period emails were sent to the Strata Manager and the former secretary of the Strata Committee of the Alexander Apartments building offering a Project briefing
- **Email alerts to the Project mailing list:** an email was sent to the 6,000+ community members on the Sydney Metro City & Southwest project database list for the entire project and the over 550 community members registered on the Victoria Cross North and South distribution list on 24 May, 7 June and 15 June 2018. The email advised of the EIS exhibition dates and encouraged recipients to visit the Project website for more information.
- **Project website update:** Information about the EIS exhibition and associated consultation activities was made available on the Project website at **sydneymetro.info** and Facebook page

- **Media release**: a media release was issued prior to the exhibition of the concept SSD Application. A copy of the media release is provided at Appendix K
- **Newspaper advertisements**: advertisements were placed in the newspaper by Sydney Metro to advise the public of the community information sessions:
    - *Australian Chinese Daily* — Thursday, 24 May and Friday, 1 June 2018
    - *Mosman Daily* — Thursday, 24 May 2018 and Thursday, 31 May 2018
    - *North Shore Times* — Thursday, 24 May 2018 and Thursday, 31 May 2018

  An example of the advertisement is provided at Figure 3.1.



NSW GOVERNMENT | sydney METRO

City & Southwest

A vibrant and accessible precinct for North Sydney

Sydney Metro is Australia's biggest public transport project. It will transform Sydney, delivering more trains and faster services for customers across the network.

The NSW Government has announced the start of a planning process for Victoria Cross Station to be better integrated into the community and surrounding area.

The proposal for North Sydney is a commercial building above the new metro station, accessible via Miller, Denison and Berry streets.

It will support the continued growth of North Sydney, adding to the vibrancy of the area with new jobs, retail opportunities and high-quality open space.

Information sessions

Community information sessions are being held soon. We encourage people to come along to one of the sessions below to meet expert members of the project team who will be happy to answer any questions. There is no need to make a booking.

COMMUNITY INFORMATION SESSIONS		
Monday 4 June 2018 4-7pm	Fred Hutley Hall	200 Miller Street, North Sydney
Wednesday 6 June 2018 4-7pm	Fred Hutley Hall	200 Miller Street, North Sydney

For more information or to register for email updates contact:

Website **sydneymetro.info**
Email **sydneymetro@transport.nsw.gov.au**
Call **1800 171 386**

Figure 3.1 — Newspaper advertisement

3.2.5 Display materials

A range of display materials were prepared and made available at the community information sessions. These included:

- information boards providing general information on Sydney Metro City & Southwest, the concept proposal including key features, the planning process and how to make a submission. A copy of the information boards is provided at Appendix L
- Sydney Metro video
- copies of the EIS
- various Sydney Metro newsletters and brochures
- project flyer
- an EIS overview document (refer to Section 3.2.6 below for details).

3.2.6 EIS overview document

A summary of the EIS was prepared to support the community information sessions. The EIS overview document included:

- information on the Project and Sydney Metro
- a summary of the EIS assessment
- a series of diagrams and artist's impressions for the Victoria Cross OSD to provide an indication of the scope, scale and key features of the concept proposal and its integration with Victoria Cross Station and the surrounding public domain.

A copy of the EIS overview document is provided at Appendix M.

3.3 Key issues raised at community information sessions

Issues or comments raised by visitors at information sessions are captured and summarised in Appendix N of this Submissions Report.

Sentiments from the public provided a mix of feedback both in support and objection to various aspects of the proposal. The issues raised in objection generally reflect the sentiments documented in Chapter 6 of this Submission Report.

3.4 Consultation during the preparation of this report

During exhibition of the EIS and the preparation of this Submissions Report, Sydney Metro continued to undertake consultation with a number of stakeholders and community groups as described below:

- **DPE:** Sydney Metro attended a meeting convened by DPE with the Committee for North Sydney on 19 July 2018. Keys issues raised at the meeting are consistent with the formal submission from the Committee for North Sydney made to DPE during the exhibition period. Refer to further details provided in Chapter 6 of this Submissions Report.
- **GANSW:** Sydney Metro continued to consult with the GANSW regarding refinement of Sydney Metro's Design Excellence Strategy, which was submitted as part of the EIS. As a result of this consultation further changes have been made to clarify the role of the DEEP and to incorporate benchmark projects as the reference for the future design at Victoria Cross.

  Further discussion is provided on these updates in sections 5.2 and 7.2 of this Submissions Report. The updated Design Excellence Strategy is provided at Appendix B.
- **North Sydney Council:** Since lodgement of the concept SSD Application a meeting was held with Council on 29 June 2018 to discuss issues raised at the Council meeting on 25 June 2018 (refer detail in Section 5.11 of this Submissions Report).

  An additional meeting was convened on 30 July 2018 to discuss the concept proposal including the quantum of public open space proposed on the site, and opportunities for increased public access to the development including the potential for the OSD to incorporate community uses, rooftop bars and/or restaurants. These matters are further considered in chapters 5 and 7 of this Submissions Report.
- **Sydney Coordination Office:** Further consultation was undertaken with the Sydney Coordination Office (SCO) following lodgement of the concept SSD Application. Feedback received from SCO included minor comments in relation to haulage routes and haulage times for the future construction of the OSD. SCO will continue to be consulted during design development of the project, including in relation to haulage routes and preparation of the detailed Construction Environmental Management Plan, which would be submitted with the further detailed SSD Application.
- **Committee for North Sydney:** a meeting was convened with the Committee for North Sydney on 10 July 2018. The purpose of this meeting was to provide an opportunity for committee members to discuss their concerns regarding the concept proposal directly with Sydney Metro. Keys issues raised at the meeting were consistent with the formal submission from the Committee for North Sydney made to DPE during the exhibition period. Refer to further details provided in Chapter 6 of this Submissions Report.

- **Sydney Metro DRP:** the proposed change to the building envelope incorporating an 'articulation zone' (as described in Section 1.4.1 above) was presented to the Sydney Metro DRP on 7 August 2018. The DRP supported the proposed change to the building envelope on the basis that the future building may utilise some (but not all) of the articulation zone subject to demonstrating design excellence. The DRP also recommended that the future assessment of that building element satisfy a number of specific design and environmental considerations.

  Refer to further detailed discussion on the articulation zone and an assessment of its environmental impact in Chapter 7 of this Submissions Report.

3.5 Ongoing consultation and engagement activities

Sydney Metro will continue to work with stakeholders and the community to ensure they are informed about the Project and have opportunities to provide feedback to the Project team.

A list of the proposed activities and timing is provided in Table 3.3.

Table 3.3 — Ongoing consultation and engagement activities

Activity	Timing	Design	Delivery	Operation
Awareness and marketing campaign to engage future customers	Ongoing	●	●	●
Community events	Ongoing	●	●	
Community information sessions	As required	●		
Community communications strategy	Prior to construction	●	●	
Construction complaints management system	Prior to construction	●	●	
Construction notifications	Seven days prior to construction starting		●	
Doorknocks	As required	●	●	
Email updates	Relevant milestones	●	●	
Enquiries and complaints hotline	Ongoing	●	●	●
Fact sheets	As required	●	●	●
Engagement with stakeholders including government, peak bodies and local businesses	As required; relevant milestones	●	●	
Media releases	Relevant milestones	●	●	

Activity	Timing	Design	Delivery	Operation
Newsletter	Relevant milestones	●	●	
Newspaper advertising	Relevant milestones	●	●	
Operation communications plan	Prior to operation			●
Place managers	Ongoing	●	●	
Project briefings and presentations	Relevant milestones	●	●	
Project overview document	Relevant milestones	●	●	
Site signage	Prior to construction		●	
Social media updates	As required; relevant milestones	●	●	●
Website, animations and online forums	Ongoing	●	●	

3.6 Next steps

Sydney Metro will continue to engage with the community about the concept SSD Application including design development, staging of works and integrated relationship between the Victoria Cross Station and the OSD.

The contractor awarded the contract to deliver the integrated station development at Victoria Cross will be responsible for the preparing the future detailed SSD Application for the OSD and for resolving the design integration with the station through the preparation the SDPP required by Condition E101 of the CSSI Approval. A final IAP would also need to consider the SDPP to satisfy Condition E92 of the CSSI Approval. As detailed in Section 2.2.2, the community will continue to be provided with opportunities to make enquiries and provide feedback during these stages of the Project development.

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Submissions Received

CHAPTER FOUR

4. Submissions received

This chapter provides a summary of the submissions received, including a breakdown of respondent type, number of submissions received, and key issues raised in submissions.

4.1 Respondents

During the exhibition period the community and stakeholders were invited to provide feedback in the form of submissions on the concept SSD Application. Submissions were coordinated and managed by DPE, and registered and uploaded onto the DPE website. Submissions were accepted by electronic online submission or post, and were forwarded to Sydney Metro for review and consideration. A total of 60 submissions were received.

A breakdown of submissions by respondent type is provided in Table 4.1.

Table 4.1 – Submissions received by respondent type

Submitter type	Number of submissions
Government agencies and key stakeholders	
NSW Government departments/agencies	7
North Sydney Council	1
Other key stakeholders	2
Subtotal	10
Community	
Community members	40 (includes 12 form letters from the Wollstonecraft Precinct Committee)
Community or interest groups	8
Businesses	2
Subtotal	50
Total submissions	60

4.2 Overview of submissions — government agencies and key stakeholders submissions

Ten submissions were made by government agencies and key stakeholders during the exhibition period. Feedback included a range of issues relevant to their respective areas of interest and responsibility. A summary of each agency's submission is provided below.

4.2.1 Government Architect NSW

Two submissions were received from the GANSW in relation to the proposal, with the second submission clarifying comments made in the first submission. The submissions cover a range of amenity and urban design issues, including potential impacts to the amenity of existing neighbouring residential developments. The submission recommends a number of architectural elements (including architectural roof features, western stepping of the façade and the southern planted sky gardens) be informed by further design development and consideration as part of any future development application. The submission also identified that further environmental analysis of wind conditions be undertaken as part of any future development application and that the retail

development be informed by planning, operational and commercial analysis in order to ensure the creation of a vibrant retail hub.

The submissions include the GANSW support for the Sydney Metro Design Excellence Strategy and recommend that the State Design Review Panel review the future detailed SSD Application during its design development.

4.2.2 NSW Office of Environment and Heritage — Environment Division

The submission from NSW Office of Environment and Heritage (OEH) advised that a formal response is not required as the proposal does not include any biodiversity, natural hazards or Aboriginal cultural heritage.

4.2.3 NSW Health (Northern Sydney Local Health District)

The submission from NSW Health identified that two childcare centres are in close proximity to the site and the Monte Sant' Angelo Mercy College will be impacted by construction noise. NSW Health recommends that feasible and reasonable noise mitigation measures be employed to ensure that the NSW Interim Construction Noise Guideline (2009) Noise Management Levels (NMLs) are met at all receivers. Engagement with the childcare centres and the college is also recommended to implement appropriate noise mitigation and management measures.

4.2.4 Heritage Council of NSW

The submission from the Heritage Council of NSW acknowledges that the OSD will be subject to further detailed design. The submission makes a number of recommendations to inform the future design development including that the building envelope be setback in line with the MLC building and that the maximum building height be reduced. The submission also recommends that consideration be given to the interpretation of the former Victorian shopfronts along Miller Street.

4.2.5 NSW Police Force

The submission from the NSW Police Force included a number of recommendations for the future detailed design aimed at reducing opportunities for crime based on Crime Prevention Through Environmental Design (CPTED) strategies.

4.2.6 NSW Environment Protection Authority

The submission from the NSW Environment Protection Authority (NSW EPA) advises that an Environmental Protection Licence under the *Protection of the Environment Operation Act 1997* (POEO Act) is not required and furthermore, confirms that the NSW EPA is not the appropriate regulatory authority for the Project under the POEO Act.

4.2.7 Civil Aviation Safety Authority

The submission from the Civil Aviation Authority advised that approval will be required from the Department of Infrastructure, Regional Development and Cities as the proposal will infringe prescribed airspace for Sydney Airport. The submission also identifies a number of specific issues which should be considered in future planning and development of the project.

4.2.8 Department of Infrastructure, Regional Development and Cities

The submission from the Department of Infrastructure, Regional Development and Cities (DIRDC) confirms that the maximum height of the concept proposal will penetrate the Outer Horizontal Surface of the Obstacle Limitation Surface (i.e. the prescribed airspace for Sydney Airport under the Airport (Protection of Airspace) Regulations (1996) by 74 metres Australian Height Datum (AHD) and accordingly, the construction of the building constitutes a 'controlled activity' under Section 182 of the *Airports Act 1996*. The submission advises that the 'controlled activity' into the prescribed airspace of Sydney Airport to a maximum height of 230 metres AHD is approved in this instance subject to conditions.

4.2.9 Ausgrid

The submission from Ausgrid advised that it consents to the development subject to a number of conditions relating to conduit installation, earthing, and proximity of existing network assets.

4.2.10 North Sydney Council

Council made a submission which is identified as an objection to the concept SSD Application. The submission contends that a proposal of this significance and magnitude has the potential to have fundamental impacts on the Council's city shaping aspiration.

The submission from Council raised the following areas of potential improvement and reconsideration for the concept proposal:

- promotion of a public plaza of a size and characteristic that provides a much needed heart for the North Sydney CBD
- that the development application be amended to comply absolutely with the Miller Street setback for the entirety of the façade of the building which faces Miller Street
- that Sydney Metro make approaches to the owners of the existing café between the metro site and the MLC building with a view to including this site in its overall vision for a more pedestrian focused Miller Street environment
- that an appropriate scaled forecourt be provided at the ground plane on the corner of Berry and Miller Streets
- that the proposed development provide a setback to Berry Street which is more consistent with the adjoining setback to 65 Berry Street
- that the proposal be amended to achieve aligning of the Miller Street façade with that of the existing MLC building
- determination of the application should be deferred until the planning proposal is gazetted
- any future signage be 'building or business identification signs' and not advertising or changing light emitting diode (LED) signs
- the ongoing construction traffic should be contained to Miller Street and northern part of Denison Street
- vehicular access should be provided through the car park of the OSD to the MLC site.

In addition to the above issues, the submission from Council also identifies the following concerns with the concept proposal:

- it represents a lost opportunity to integrate the proposed metro with the existing North Sydney heavy rail station
- it lacks open space, public domain or cultural facilities
- 65 Berry Street should be acquired and integrated into the metro station and OSD.
- the width of access into and from the metro site is inadequate.
- the view analysis from Denison Street and the eastern side of Berry Street is inadequate
- integration of bus services has not been considered.

An assessment of each government agency, Council and key stakeholder submissions has been undertaken. The assessment presented in Chapter 5 of this Submissions Report includes the identification of key issues raised in each submission and a detailed response to each issue.

4.3 Overview of submissions — community submissions

The community, including individuals, businesses and community groups, raised a range of issues. Detailed responses are provided in Chapter 6 of this Submissions Report.

All community submissions provided comment/s on the proposal or expressed either their support or objection to the proposal. Of the 50 community submissions received, 36 submissions objected to the proposal, nine supported the proposal and five provided comment(s) on the proposal. Chapter 6 of the report has been structured into three key sections to reflect the nature of the submission (i.e. support, comment or objection).

Of the 36 community submissions objecting to the proposal, eight were from local community groups or precinct groups, and a further 12 were form letters from the Wollstonecraft Precinct Committee. The list below outlines the committees and precinct groups that made a submission during the exhibition period:

- The Wollstonecraft Precinct Committee
- The Waverton Precinct Committee
- The Committee for North Sydney
- The Independent Community Voice
- The Hayberry Precinct Committee
- The Milsons Point Precinct Committee
- The Lavender Bay Precinct Committee
- Edward Precinct Committee.

4.3.1 Summary of issues raised in community submissions

Community submissions were coded into key issues (e.g. public domain and open space) and sub-issue categories. A total of 14 key issues were identified during the initial submissions review in relation to the 36 submissions lodged as objections.

The key issue and sub-issue categories used for coding submissions lodged as objections are provided in the table at Appendix O.

Table 4.2 provides a breakdown of the key issues raised in community submissions which objected to the proposal. Since most submissions raised more than one issue or raised the same issue more than once, the number of issues identified in Table 4.2 is greater than the total number of submissions received. Key issues were raised a total of 449 times. The top three most frequently raised key issues in the community submissions were:

- built form
- pedestrian circulation
- public domain and open space.

Table 4.2 – Summary of key issues raised in community submissions (objections only)

Key issue	Number of times key issue was raised	Percentage of total key issues
Overdevelopment of the site	38	8%
Public domain and open space	58	13%
Built form	70	16%
Overshadowing	22	5%
Heritage	3	1%
Pedestrian circulation	87	19%
Vehicular traffic generation and movement	39	9%
Visual privacy	2	<1%
View impacts	32	7%
Construction impacts	2	<1%
Wind impacts	1	<1%
Consultation	32	7%
Social and economic impacts	39	9%
Other issues	24	5%
Total:	**449**	**100%**

As identified above, a number of community submissions (12 in total) included a form letter developed by the Wollstonecraft Precinct Committee. In order to give a more accurate picture of community sentiment each form letter submission has been treated as a unique submission in Table 4.2 and the submissions summary at Appendix O.

As detailed in Chapter 2 of this Submissions Report, a number of issues raised in the community submissions fall outside the scope of this concept SSD Application. These include issues in relation to the following matters:

- the extent and quality of the public domain/public open space
- inadequacy of the through-site link and pedestrian circulation
- lack of connection between North Sydney Station and the metro station
- the acquisition of neighbouring land to be incorporated into the development site.

Submissions that raised issues outside the scope of the EIS account for approximately 38 percent of all issues raised in community submissions that lodged and objection.

Despite being outside the Project scope, these issues are captured in Table 4.2 and are also addressed in the submissions summary at Appendix O.

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Response to government agency, key stakeholder and Council submissions

CHAPTER FIVE

5. Response to government agency, key stakeholder and Council submissions

This chapter provides responses to the issues raised in submissions provided by government agencies,key stakeholders and Council.

5.1 Overview

Submissions were received from the following government agencies and key stakeholders:

- **NSW Government departments/agencies**:
  - GANSW
  - NSW Office of Environment and Heritage — Environment Division
  - NSW Health (Northern Sydney Local Health District)
  - Heritage Council of NSW
  - NSW Police Force
  - NSW Environment Protection Authority
- **Australian Government departments/agencies:**
  - Civil Aviation Safety Authority
  - Department of Infrastructure, Regional Development and Cities
- **Utility providers:**
  - Ausgrid
- **Council:**
  - North Sydney Council.

The approach to processing and responding to submissions is described in Chapter 4 of this report. Government agencies and key stakeholder submissions are addressed individually below and responses are provided in the following sections.

The issues listed in each section are a summary of key issues raised in each submission. Full details of the issues raised are provided in the complete submissions available on DPE's major projects' website.

Unless otherwise indicated, the mitigation measures referred to in this section are the revised mitigation measures for the amended project, provided in Table 9.3 of this Submissions Report.

5.2 GANSW

The initial submission on the concept proposal by the GANSW dated 27 June 2018 has been supplemented by a further submission dated 17 July 2018. The purpose of this latter submission is to clarify advice and recommendations made in the initial submission. For this reason, only the issues raised in the latter submission are considered below, as they represent the current position of the GANSW in respect to consideration of this concept proposal.

Issue

Generally, the GANSW recognises the introduction of the metro represents a significant investment in North Sydney and the city as a whole. Each metro station presents an opportunity to provide an improved public domain along with better customer experience and associated high quality development to support the amenity, diversity and growth of Sydney.

Response

The comments of the GANSW are noted.

5.2.1 Impact on the amenity of existing residential areas

Issue

The submission advises that whilst the proposed development exceeds the permitted height prescribed by the NSLEP 2013, the proposal is consistent with the changes to population and patronage that the new metro station will bring. Bulk and scale impacts of the proposal should be balanced with benefits, including improvements to the amenity of the precinct through better public domain, activation and permeability.

The submission from the GANSW identifies that the proposal may have impacts on adjacent buildings, including apartments. Further study is recommended to ensure negative impacts are minimised.

Response

The EIS included an assessment of potential impacts to the Alexander Apartment building (i.e. the nearest affected residential building) and the residential areas outside the North Sydney Centre (i.e. Whaling Road, North Sydney) which would be subject to overshadowing impacts from the concept proposal (refer to Section 8.3 Overshadowing and Section 8.4 Privacy of the EIS).

In both instances, the assessment concluded that the concept proposal would not adversely impact the amenity of any dwellings and that compliance with the relevant overshadowing and amenity provisions of NSLEP 2013, North Sydney Development Control Plan 2013 (NSDCP 2013) and the Apartment Design Guide (ADG) was achieved.

As recommended by the GANSW, further detailed assessment of these impacts will be undertaken during the design development and resolution of the future OSD. The concept proposal is an assessment of a building envelope, and full maximisation of the building envelope is unlikely to be achieved. It is anticipated that the impacts to neighbouring development may be further reduced from those identified and assessed in the EIS.

It is noted that an assessment of view impacts for west facing apartments above level 22 in the Alexander Apartments building has been undertaken as part of this Submissions Report at the request of DPE. This assessment (refer to further details in Section 8.2 of this Submissions Report) concludes that the view impacts caused by the proposed envelope are reasonable and acceptable.

Sydney Metro advises that the mitigation measures in Chapter 9 incorporate specific measures to mitigate impacts resulting from the building form including overshadowing, view and privacy impacts.

5.2.2 Proposed building envelope — architectural features

Issue

The submission advises that the proposed building envelope includes architectural features and modelling which are not considered relevant at concept stage. Architectural details should be informed by further design development and provided for review as part of any Stage 2 development application.

Response

The comments of the GANSW are noted. Sydney Metro acknowledges that the architectural resolution of the building will be subject to detailed design development and review in accordance with Sydney Metro's Design Excellence Strategy.

5.2.3 Wind Impacts

Issue

The GANSW submission recommends that wind impacts, particularly on the through-site link, be tested through computational analysis. It is further recommended that detailed environmental analysis be required to support any future Stage 2 development application.

Response

The comments of the GANSW are noted. The Wind Impact Assessment report included in the exhibited EIS identified that further computational analysis and wind tunnel testing would be undertaken as part of the detailed design of the OSD to quantify expected wind speeds and compliance with the Lawson comfort criteria. These requirements are included in the mitigation measures.

5.2.4 Public domain strategies and through-link retail viability

Issue

The submission supports the objectives to create a vibrant retail hub in the through-site link, but advises that strategies to support this require further development and detail. The capacity of the proposal to offer retail units of sufficient amenity and utility to support the desired quality and vibrancy should be supported with planning, operational and commercial analysis.

Response

Sydney Metro agrees that a further detailed analysis of the retail floor space within the integrated station development is required to achieve the desired quality and vibrancy. Through consultation with the Sydney Metro DRP (as required by the Sydney Metro Design Excellence Strategy at Appendix B) opportunities to further consider the retail mix and quality of the retail floor space within the OSD will be provided. The successful contractor appointed to deliver the OSD will be responsible for developing a retail strategy for the site that best responds to market and community needs. Sydney Metro notes that the retail tenancies adjacent to the through-site link are technically 'station retail' and their location, design and interface with the through-site link and the broader

public domain will be considered as part of the SDPP (Condition E101) required under the terms of the CSSI Approval.

The proposed building envelope has been designed to maximise amenity to the through-site link. The indicative OSD design incorporates a retail tenancy on the Berry Street and Miller Street corner of the site, illustrating how the concept proposal could add to the amenity of the site's qualities as a destination.

Sydney Metro has updated the Victoria Cross Design Guidelines (Appendix C) to reflect that during detailed design, consideration must be given to a diversity of retail offerings to the meet the needs of workers, visitors and commuters. A diverse offering of retail at this location would also contribute to the night-time and weekend economy of the North Sydney CBD.

Project mitigation measures have been updated as a result of this feedback, and now include the requirement for a retail strategy to be submitted with the future detailed SSD Application. This includes a requirement to demonstrate how the OSD retail fits into the overall retail strategy for the integrated station development and contributes to the place-making and the vibrancy of the development.

5.2.5 Design Excellence

Issue

The submission advises that further refinement of the design excellence process has been undertaken with Sydney Metro such that overall the Design Excellence Strategy for the site is supported. It is further recommended that the project be reviewed by the State Design Review Panel during the design development of any Stage 2 development application.

Response

The comments of the GANSW are noted. Sydney Metro raises no objection to the project being reviewed by the State Design Review Panel during its design development in the lead up to the lodgement of the detailed SSD Application.

The updated Design Excellence Strategy (Appendix B), documents the ongoing role of the Sydney Metro DRP until approval of the detailed SSD Application (Stage 2) for the OSD. The role of the Sydney Metro DRP up to this approval, includes: to review and provide further advice on the detailed SSD Application prior to its lodgement and during the exhibition of the application. The Strategy identifies that the design integrity obligations for OSD are then handed to State Design Review Panel following approval of the detailed SSD Application.

Further discussion on the updated Design Excellence Strategy is provided in Section 7.2 of this Submissions Report.

5.3 NSW Office of Environment and Heritage — Environment Division

Issue

The submission advises that a formal response from NSW OEH is not required as the proposal does not include any biodiversity, natural hazards or Aboriginal cultural heritage.

Response

The comments of NSW OEH are noted.

5.4 NSW Health (Northern Sydney Local Health District)

Issue

The submission from NSW Health identifies that the Noise and Vibration Impact Assessment Report states that construction noise will exceed the NSW Interim Construction Noise Guideline (2009) noise management levels (NMLs) at five locations. The submission identifies that two childcare centres located at 65 Berry Street (Only About Children) and 105–153 Miller Street (Tree Tops Childcare Centre), and Monte Sant' Angelo Mercy College will be exposed to construction noise which will exceed the NMLs by 20, 10 and 3 dB $L_{Aeq(15\ min),}$ respectively.

The submission recommends that feasible and reasonable noise mitigations measures be employed during construction to ensure that the required NMLs are met at all receivers. Additional consultation with the properties identified above is recommended to mitigate and manage predicted NMLs.

Response

Sydney Metro's Construction Noise and Vibration Strategy (CNVS) has been developed to manage construction noise and vibration for the Sydney Metro City & Southwest project, as outlined in the Noise and Vibration Impact Assessment Report (NVIAR) provided at Appendix N of the EIS. The CNVS provides guidance for managing construction noise and vibration impacts in accordance with the Interim Construction Noise Guideline (ICNG), to provide a consistent approach to management and mitigation across all Sydney Metro projects.

The NVIAR states that the noise predictions for the project construction are conservative, including the NMLs stated for affected properties highlighted in the submission. In this regard, plant is assumed to operate for a full 15-minute period, and all plant which can be reasonably assumed to operate simultaneously are switched on for active use. This represents the worst-case prediction for construction noise in accordance with the ICNG. The NVIAR specifically states that 'It can be expected that noise levels measured during the construction may at times be lower than those

predicted due to variations in instantaneous operating conditions, plant in operation during the measurement and also the location of the plant equipment and acoustic shielding.' Further, Sydney Metro advises that the noise predictions assume no noise mitigation.

The EIS commits to implementing reasonable and feasible noise mitigation in accordance with the ICNG, with the aim of achieving the applicable NMLs. As stated in Chapter 11 (Framework for management of design and environmental impacts) and Chapter 13 (Mitigation measures) of the EIS, if the OSD is constructed at the same time as the station, then any noise exceedances above the NMLs will be managed in accordance with the CNVS. This Strategy includes implementing additional mitigation measures where the standard measures do not reduce the potential impacts to below the applicable NMLs. Further, additional mitigation measures include consultation with affected receivers concerning the timing of noisy works.

Noise mitigation measures will be investigated as the design and likely construction methods are developed as part of the future detailed SSD Application. This will include identifying opportunities to minimise noise during the operational hours of sensitive noise receivers. The outcomes of consultation would be reflected in the Construction Noise Management Plan and/or the detailed site specific Construction Noise and Vibration Impact Statement for the project (which would be prepared prior to specific construction activities, based on a more detailed understanding of construction methods, including the size and type of construction equipment to be used). Sydney Metro advises that its CNVS relevantly addresses the recommendations of NSW Health.

It is also noted that Sydney Metro has recently installed an acoustic enclosure to the outdoor play area of the Only About Children childcare centre at 65 Berry Street. Therefore, the external noise level of 75dB(A) as conservatively predicted in the NVIAR would be mitigated by the enclosure.

5.5 Heritage Council of NSW

5.5.1 Building envelope alignment and view impacts — Miller Street

Issue

The submission from the NSW Heritage Council acknowledges that the concept building envelope is set back from the street edge to provide a wide linear pedestrian space in front of the building and to allow for views to the locally heritage listed MLC building. However, the submission recommends that the building envelope be set back in line with the MLC building to preserve view lines and the context to the MLC building and the locally heritage listed Rag & Famish Hotel.

Response:

The ground plane arrangements, the structural grid and the podium form of the — integrated station development are fundamentally established as part of the station design and, therefore, will be resolved under the terms of the CSSI Approval as detailed in Section 2.2 of this Submissions Report. The OSD building envelope responds to the station box (including its alignment to Miller Street) approved under the CSSI Approval and is required to provide sufficient design flexibility to enable the final OSD design to appropriately integrate with the structural, functional and

architectural design of the station. As detailed in Section 2.2, the station design and associated ground plane arrangements will be resolved through the preparation of the SDPP under the terms of the CSSI Approval.

The current reference design for the station partially aligns with the MLC building and also the predominant setback in Miller Street, resulting in a staggered western building alignment, as illustrated in Figure 5.1. The OSD building envelope responds to this design and also complies with the minimum six-metre setback required for Miller Street in NSLEP 2017, as detailed in Chapter 7 of the EIS, although provision has been made for an articulation zone (refer to Figure 1.5 and 1.6 above).

It should also be noted that the low-rise form along Miller Street at the south end of the site, which forms part of the station development under the CSSI Approval, serves as an intermediary form and provides a transition between the MLC building and the OSD. This is consistent with the setback requirements in NSLEP 2013 and Council's *Sydney Metro Planning Study* (specifically for a development option incorporating a northern tower) and is therefore, considered appropriate and in accordance with Council's vision for the area.

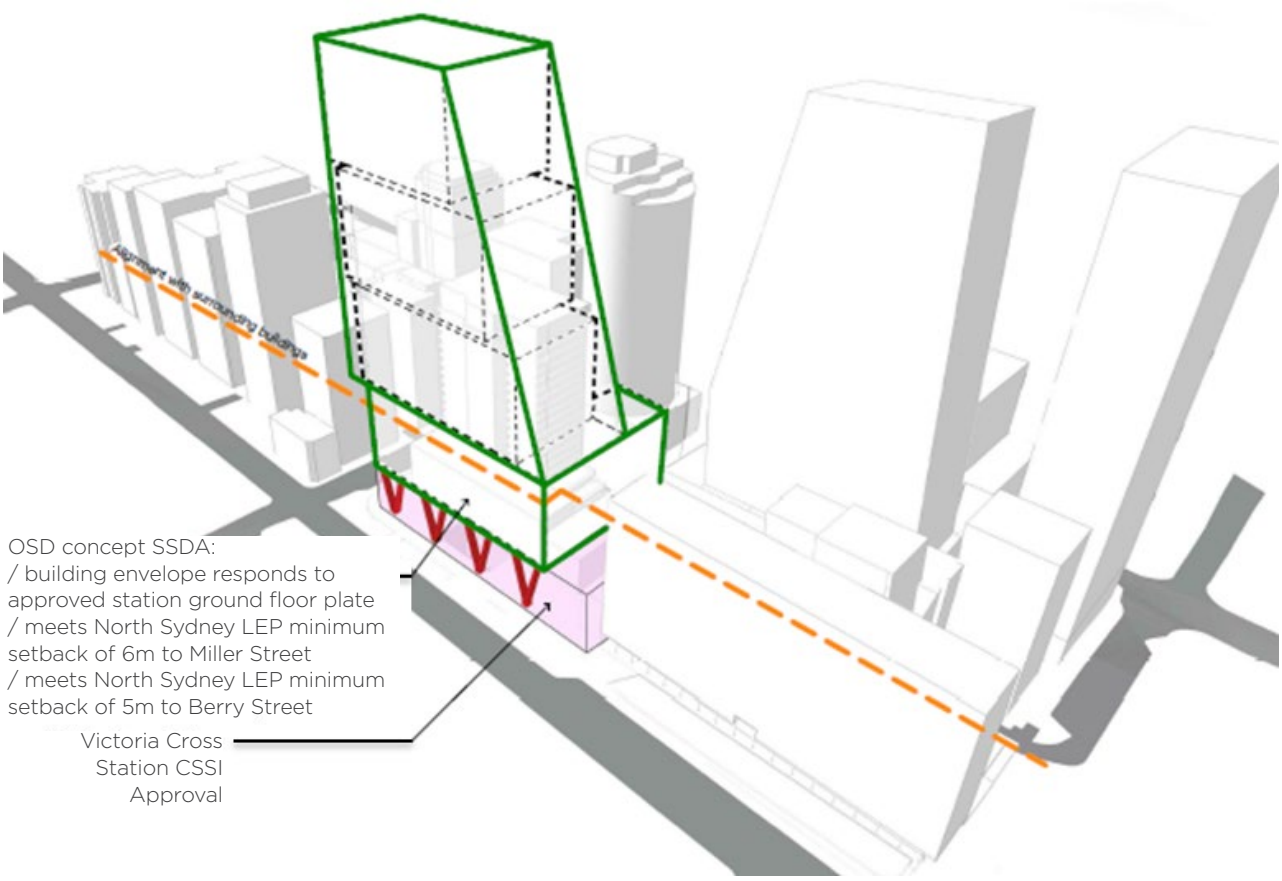


Figure 5.1 — Miller Street building envelope alignment

The view and visual impacts assessment undertaken as part of the EIS and the Heritage Impact Assessment Report (HIA Report) (Appendix O of the EIS), establishes that the proposed building envelope would not have an adverse impact on views to the MLC building or the Rag & Famish Hotel.

A Streetscape and Visual Impact Study (Miller Street) (Appendix E) has been prepared for Miller Street to illustrate impacts of the changed building envelope (i.e. the incorporation of the articulation zone) on views to the MLC building and the Rag & Famish Hotel, and this is considered in Chapter 7 of this Submissions Report. In summary, this assessment concludes that the alignment of the building envelope will not adversely impact views to these buildings and, that the articulation zone which commences at RL 118 is of sufficient height (or datum) above the MLC building and the Rag & Famish Hotel to ensure views to these buildings are not adversely obstructed.

The Victoria Cross Design Guidelines (refer to Appendix C) include principles developed to inform the detailed design of the project. These design principles include a requirement for the future the composition, massing and materiality of the OSD to not visually dominate the low scale and form of the MLC building or the Rag & Famish Hotel. These guidelines will inform the future detailed design of the OSD and ensure an acceptable heritage outcome.

Sydney Metro notes that the Heritage Council provides a representative on the Sydney Metro DRP. The DRP would continue to be consulted during detailed design of the project as set out in the updated Design Excellence Strategy. Members of the Panel (including the Heritage Council representative) would continue to have the opportunity to contribute on heritage related matters as the design progresses.

Issue

The submission recommends that the geometry of the adjacent locally listed MLC building should inform the design of the OSD to respond to the site's context and setting. This submission suggested that this will assist in mitigation visual impacts.

Response

As detailed above, the Updated Victoria Cross Design Guidelines (Appendix C) include controls to ensure the final OSD design provides an appropriate design response to the geometry, form and scale of the MLC building. The ongoing role of the Sydney Metro's DRP, as set out in the updated Design Excellence Strategy will ensure that relevant consideration is given to this matter during the design development of the detailed SSD Application.

5.5.2 View Impact to MLC building — Denison Street

Issue

The submission recommends that the Denison Street frontage should not impact views to the MLC building.

Response

Sydney Metro agrees with the comments of the Heritage Council of NSW. As detailed in Section 5.5.1 above, the Sydney Metro's Victoria Cross Design Guidelines (Appendix C) adequately address requirements with respect to the final form, scale and composition of the OSD and its relationship to the MLC building. The Victoria Cross Design Guidelines also require the OSD to appropriately respond to the pedestrian scale environment of Denison Street.

Sydney Metro has undertaken a view study on the impact of the integrated station development on views to the MLC building from the northern end of Denison Street at the intersection with Berry Street. A series of sketches have been prepared showing the previous (pre-demolition) view to the MLC building and the impact of the building envelope as exhibited (Appendix I). Sydney Metro notes that views to the MLC building from Denison Street will largely be impacted by the station box (given its relative height and relationship to the MLC building), and the impact from the OSD is limited. This matter is discussed in further detail in Section 8.4 of this Submissions Report.

Through further design development of the Station (i.e. through the preparation of the SDPP) and the OSD (i.e. through the preparation of the detailed SSD Application) consideration will be given to the resolution of the integrated station development and its impact on views to the MLC building, including by Sydney Metro's DRP. On this basis, Sydney Metro is confident that the final design solution will minimise impacts on views to the MLC building and provide an appropriate balance with the CBD context and surrounding development.

Further, a HIA Report would be submitted with the future detailed SSD Application and would include an assessment of view impacts on neighbouring heritage items. This matter is addressed in the mitigation measures.

5.5.3 Reduction in building height

Issue

The submission recommends that consideration be given to reducing the maximum height of the building envelope in order to reduce visual impacts on State and local heritage assets.

Response

The proposed maximum height for the building envelope is consistent with Clause 6.3(3) of NSLEP 2013 and the North Sydney Planning Proposal, as detailed in Section 7.4 and Section 7.5 of the EIS. Further, the building envelope complies with the maximum height for the site proposed in the North Sydney Centre Planning Proposal. The building height is also consistent with the key priorities and principles in Council's Sydney Metro Planning Study which, requires that OSD on the site create an iconic building to reinforce the commercial character of North Sydney Centre and be guided by the building heights recommended in the North Sydney Capacity and Built Form Study (which has subsequently informed the heights in the North Sydney Centre Planning Proposal).

The HIA at Appendix O of the EIS, considered the impact of the proposed building height (and the general building envelope form) on neighbouring heritage buildings including local and State listed buildings. It concluded that the height of the building envelope would have a minor visual impact, noting the existing high-rise development in the CBD and given the absence of significant view lines between the sites and State listed buildings.

Subject to compliance with the heritage mitigation measures, Sydney Metro considers the proposed height of the building envelope to appropriately reflect Council's strategic visions for the site and the site context in the North Sydney CBD.

5.5.4 Heritage interpretation

Issue

The submission recommends that consideration be given to providing interpretation of the previous Victorian shopfronts along Miller Street, including the recently demolished 187 Miller Street.

Response

Sydney Metro advises that the approval for the demolition of 187 Miller Street formed part of the CSSI Approval. Conditions E15 (salvage item of heritage listed buildings to be demolished), E16 (preparation of a Salvage Report) and E21 (heritage interpretation) of the CSSI Approval appropriately address the issue raised in the submission. Specifically, Condition E21 requires that a Heritage Interpretation Plan be prepared in consultation with the Heritage Council of NSW and, that the Plan inform the preparation of the SDPP (E101).

The Heritage Council of NSW provides a representative on the Sydney Metro DRP. The Sydney Metro DRP would continue to be consulted during detailed design for Victoria Cross Station, and members of the Sydney Metro DRP (including the Heritage Council representative) would continue to have the opportunity to contribute on heritage related matters as the design progresses.

5.6 NSW Police Force

Issue

The submission from the NSW Police Force identifies that the concept proposal is located in an area which is vulnerable to theft (bicycle, commercial and mail). The submission appends a report incorporating a number of recommendations using Crime Prevention Through Environmental Design (CPTED) strategies.

Response

The comments made by the NSW Police Force regarding the potential for crime in North Sydney are noted. These comments are consistent with the findings of Sydney Metro and documented in the CPTED Assessment Report (refer to Appendix W of the EIS). The CPTED Assessment Report includes an assessment of the crime context and makes a number of recommendations to guide future detailed design of the OSD, as outlined in Section 8.14.1 of the EIS.

Sydney Metro acknowledges the importance of CPTED principles and in particular, their importance in informing the early design development of the project (noting that they are particularly relevant to the design of the ground plane, the public domain and the station). The recommendations made by NSW Police Force will be considered in the future design development of the project and a detailed CPTED Report and Security Risk Assessment Report will be submitted with the future detailed SSD Application.

It is noted that the lighting and security measures for the station and the surrounding public domain will be key elements to be resolved during the preparation of the SDPP under the terms of the CSSI Approval. Condition E104 (lighting) and Condition E105 (CCTV cameras) of the CSSI Approval are also relevant to the safety and security of the site and include a requirement for the NSW Police to be consulted regarding the final placement of CCTV cameras.

5.7 NSW Environment Protection Authority

Issue

The submission from the NSW Environmental Protection Authority (NSW EPA) advises that the proposal does not constitute a Scheduled Activity under Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act) and that an Environmental Protection Licence under the POEO Act is not required.

Response

The comments of the NSW EPA are noted.

Issue

The submission advises that the NSW EPA is not the appropriate regulatory authority under the POEO Act for this proposal and therefore, they have no comment to make.

Response

The comments of the NSW EPA are noted.

5.8 Civil Aviation Safety Authority

Issue

The submission from the Civil Aviation Safety Authority (CASA) advises that the proposal will require approval from the DIRDC as it will infringe prescribed airspace for Sydney Airport. The submission advises that approval from Sydney Airports Corporation Ltd (SACL), which will include comments from CASA and Airservices Australia, are required before referring the application to DIRDC.

The submission from CASA also requests that the DPE consider the land use impact on the Procedures for Air Navigation Service — Aircraft Operations at Sydney Aerodrome and that the development be referred to the procedure design organisation/s responsible for the maintenance of these flight procedures.

Response

The submission from CASA is noted. Sydney Metro notes that approval has been issued by DIRDC for the project, as detailed in Section 5.9 below.

Issue

The submission from CASA also recommends that consideration be given to a number of specific issues in the planning and development of the site in relation to the following:

- referral of proposed structures and cranes (if used in construction) to the procedure design organisation/s responsible for maintenance of instrument flight procedures at Sydney Aerodrome
- compliance with Part 139 of the Civil Aviation Safety Regulations 1998 and the associated Manual of standards, and the *National Airports Safeguarding Framework*
- consultation with the aerodrome's operational management team to manage potential impacts of the development on the aerodrome operations and management.

Response

Recommendations of CASA will be considered in the future design development of the proposal and addressed in the future detailed SSD Application.

5.9 Department of Infrastructure, Regional Development and Cities

Issues

The submission from the Department of Infrastructure, Regional Development and Cities (DIRDC) identifies that the outer horizontal surface of the Obstacle Limitation Surface (OLS) above the site is at a height of 156 metres above the AHD and that the proposal at a maximum height of 230 metres AHD will penetrate the OLS by 74 metres AHD. Accordingly, the submission identifies that the building constitutes a 'controlled activity' under section 182 of the *Airports Act 1996* and approval is required for the controlled activity.

The submission also advises that the controlled activity is approved in accordance with Regulation 14 of the Airports (Protection of Airspace) Regulations 1996 (the Regulations) subject to conditions addressing the following:

- limiting the maximum building height to RL 230 metres AHD inclusive of all lift over-runs, vents, chimneys, aerials, antennae, lightning rods, any rooftop garden plantings, exhaust and flues
- installing obstacle lighting
- advising Airservices Australia of the controlled activity commencing

- obtaining separate approval under the Regulations for any construction equipment (i.e. cranes) required to construct the building
- that SACL be advised by a certified surveyor of the finished heights of the building at the completion of the construction.

Response

Sydney Metro notes the submission from DIRDC. Sydney Metro notes that the building envelope proposed in this concept SSD Application has a maximum height of RL 230 metres AHD, as referenced by DIRDC in its submission. However, this maximum height is identified in Section 4.2 of the EIS as excluding the following items, which will be resolved as part of the future building design:

- communication devices, antennae, satellite dishes, masts, flues, flagpoles, chimneys and the like (which are excluded from the calculation of building height pursuant to the definition of standard definition in NSLEP 2013)
- architectural roof features which are subject to compliance with the provisions of Clause 5.6 of NSLEP 2013.

The final design resolution of these matters will be the subject of further consideration as part of the future detailed SSD Application. Further approval may be required from DIRDC, if a departure from the maximum building height of RL 230 is proposed by the proponent.

5.10 Ausgrid

Issue raised

The submission identifies that the consent authority has an obligation under section 79C of the EP&A Act to consider the suitability of the site for the development. The submission requests that consideration be given to the compatibility of the proposed development with existing Ausgrid infrastructure. Particular consideration should be given to risks of electrocution, fire risks, electric and magnetic fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development.

The submission advises consent for the OSD subject to three conditions relating to the following:

- Condition 1 — conduit installation
- Condition 2 — earthing
- Condition 3 — proximity of works to existing network assets (underground cables).

Response

Sydney Metro notes the comments from Ausgrid and acknowledges the collaborative working relationship to date. Sydney Metro will continue to consult with Ausgrid during the design development of the project, including obtaining any necessary approvals.

It is noted that the Sydney Metro traction system will be designed to minimise any stray current into surrounding buildings and infrastructure. The mitigation measure being considered for the project is to ensure low resistance bonding is adopted to minimise stray currents emanating from the traction system through ground and surrounding structures. Sydney Metro intends to consult further with Ausgrid in relation to this matter to discuss options and develop a co-ordinated approach to this issue that will satisfy Ausgrid's requirements, including compliance with relevant network standards.

The matters detailed in Ausgrid's submission are particularly relevant to the future design detail of the project. As the concept SSD Application does not include excavation, ground anchors or works in the public domain (as these works will be undertaken under the CSSI Approval). Condition 3 recommended by Ausgrid is not considered relevant to the concept SSD Application.

Sydney Metro advises that Ausgrid has been and will continue to be consulted in relation to its infrastructure and assets where there is the potential for these to be impacted by the proposal. Section 8.9 (Utilities, infrastructure and services) of the EIS describes the proposed approach to the management of utilities for the project. Sydney Metro has lodged a maximum demand application with Ausgrid and the subsequent assessment and connection design information has now been provided by Ausgrid.

5.11 North Sydney Council

5.11.1 Design options to promote a public plaza

Issue 1

The submission from Council advocates for design excellence and design options that promote a public plaza of such size and characteristics that provide a much needed heart for the North Sydney CBD including:

- consideration of no building above the station
- the alignment of the setback of any building form with the MLC building (to increase the opportunity for a public plaza)
- full or partial closure of Miller Street between Berry Street and Pacific Highway.

Response 1

Sydney Metro notes the comments from Council. The comments raised above are contrary to Council's endorsed and published vision of the Victoria Cross site. Sydney Metro has developed the concept proposal for the Victoria Cross OSD to align with NSLEP 2013, and the planning policies and controls which apply to this development site, as detailed in Chapter 6 (Assessment of compliance with strategic plans) and Chapter 7 (Assessment of compliance with statutory provisions) of the EIS. This includes the Sydney Metro Planning Study (supported by the North Sydney Capacity and Land Use Study) and the amendments to NSLEP 2013, as reflected in the North Sydney Centre Planning Proposal, both of which have recently been endorsed and/or adopted by Council and reflect Council's vision (at that time) for a significant commercial development above Victoria Cross Station.

Further, it is noted that the building alignment at ground level is consistent with the varied setbacks identified in the Sydney Metro Planning Study for a development option incorporating a northern tower and is consistent with the setback provisions in NSLEP 2013. This matter is discussed in Chapter 8.1 (Built form and setbacks) of the EIS and the building alignment is illustrated in Figure 5.2.

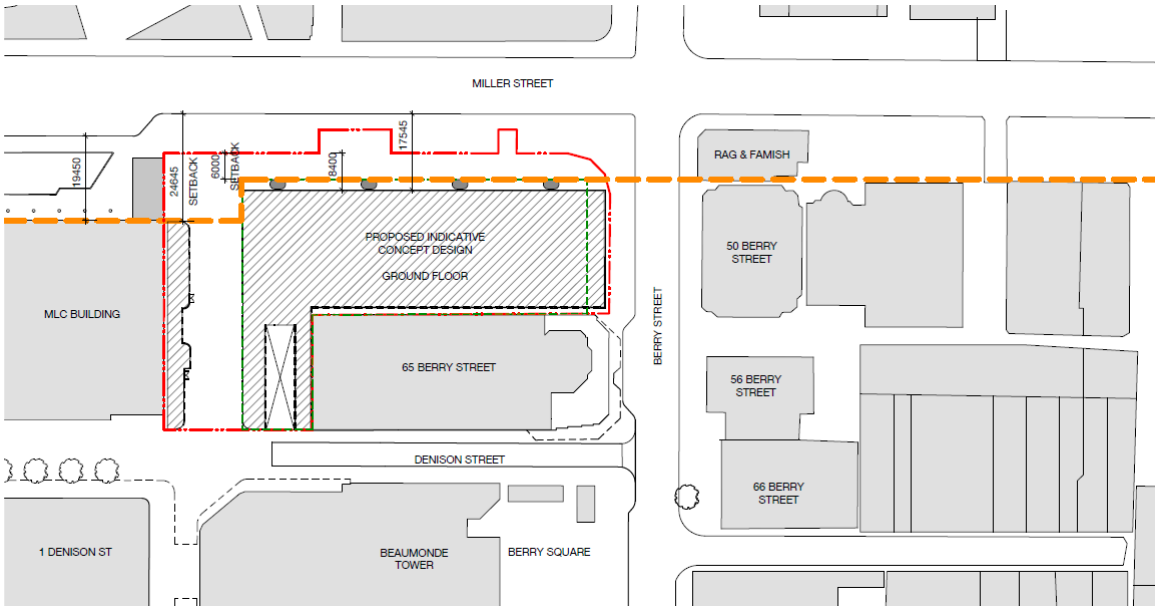


Figure 5.2 — Victoria Cross building alignment (Miller Street)

The design rationale for the OSD building envelope has been established with reference to the design parameters set by the design for Victoria Cross Station, as approved (CSSI Approval). In this regard, the base of the building envelope, including its alignment, allows for the appropriate integration of the station and OSD from an architectural, structural and operational perspective. The future design for the station (through the preparation of the SDPP and IAP) and the OSD (though the preparation of the detailed SSD Application) would be resolved through further design development. The building envelope is considered to establish appropriate outer limits for any future building, and will be subject to a design excellence process.

The design of the public domain and the opportunities to provide a significant station plaza which integrates with the public domain of Miller Street will be considered and refined as part of the preparation of the SDPP. In accordance with the Condition E101 of the CSSI Approval, the SDPP would present an integrated urban and place-making outcome for the integrated station development and would be developed in consideration of relevant Council policies. This plan would be developed in consultation with Council.

These matters raised above are discussed further below, in response to each individual issue raised by Council.

Regarding the issue raised by Council that the Victoria Cross site provides the last opportunity for a public plaza in the North Sydney Centre, Sydney Metro notes that Council is currently preparing a Masterplan for the Ward Street Precinct which includes a new public plaza (referred to as the 'North of Centre Square') incorporating pedestrian links to the north and south of the site, including to Denison Street and the metro station. On this basis, Sydney Metro considers that the Ward Street Precinct, given it includes Council-owned land and its planning is in the early masterplan stages, would provide a significant opportunity for new public open space and amenities for North Sydney CBD.

Issue 2

The submission from Council recommends that the proposal should include a public plaza with characteristics that provide benefits for the North Sydney CBD. Council has commenced work on a Public Domain Strategy which is expected to be exhibited in the short term. The submission advises that this work is based on the recognition that the quality and quantity of the public domain offering in the North Sydney CBD is in urgent need of improvement and upgrade, particularly in the context of the expected growth in the North Sydney CBD over the coming decades. The Sydney Metro project is the single most significant public infrastructure project in the city for decades and provides an opportunity for catalysing transformational improvements to the North Sydney CBD.

Response 2

Sydney Metro acknowledges that the development provides an opportunity to make a considered and significant contribution to the public domain of North Sydney. This includes the opportunity for the Miller Street setback area to function as a key civic space through the creation of a station plaza and its integration with the linear space in front of the MLC building to optimise place making and amenity outcomes for the CBD.

It is the position of Sydney Metro that the provision of open space on the site is constrained by the metro station infrastructure. The station infrastructure including the station entry, plant and structural requirements have the effect of limiting publicly available/accessible space at ground level. As detailed in Section 2.2 and Response 1 above, the proposed building envelope for the OSD has been informed by the station box, ground plane and spatial arrangement already approved under the CSSI Approval. While the station design is subject to further resolution (in consultation with Council) under Terms of Condition E101 of the CSSI Approval, the parameters for the station development have been approved and it is relevant and appropriate that the OSD building envelope align with the approved station box to achieve the requisite structural, operational and architectural integration.

The final form of the station plaza, the improvements to the public domain and the design detail for the east-west through-site link will be delivered as part of the site's redevelopment. These improvements are understood to be key components of Council's Public Domain Strategy for the North Sydney CBD. Sydney Metro will continue to work collaboratively with Council to resolve the detailed design for these civic spaces in preparation of the SDPP.

In response to concerns raised by Council in relation to the public space offering, Sydney Metro has completed an analysis of the current concept design for the integrated station development. This analysis has compared the quantum of public domain and public accessible areas on the site pre-demolition with the current concept design. With reference to Figure 5.3 below, it has been determined that the current integrated station design provides a significant contribution to the public domain of North Sydney CBD including the following:

- In excess of 1,717 square metres of public open space within the boundaries of the site including the Miller Street Special Area and the through-site link. This is equivalent to 35.7 per cent of the overall site and would deliver approximately 200 square metres of additional public open space on the site compared to the former arrangement (i.e. pre-demolition). Taking into account the surrounding public domain (which has a site area of approximately 1,115 square metres) in excess of 2,832 square metres of publicly accessible space would be provided (subject to further design refinement through the preparation of the SDPP).
- The consolidation of the civic space on the Miller Street frontage where it can integrate with the linear space in front of the MLC building, as far as practicable (noting the constraint of the MLC café, as acknowledged by Council in its submission).
- An accessible through site link between Miller Street and Denison Street, which, as detailed in Section 3.4.5 of the EIS, would connect with existing and planned links further to the east including the new development at 1 Denison Street and further east to Walker Street forming a continuous east-west link between Walker and Miller Streets.

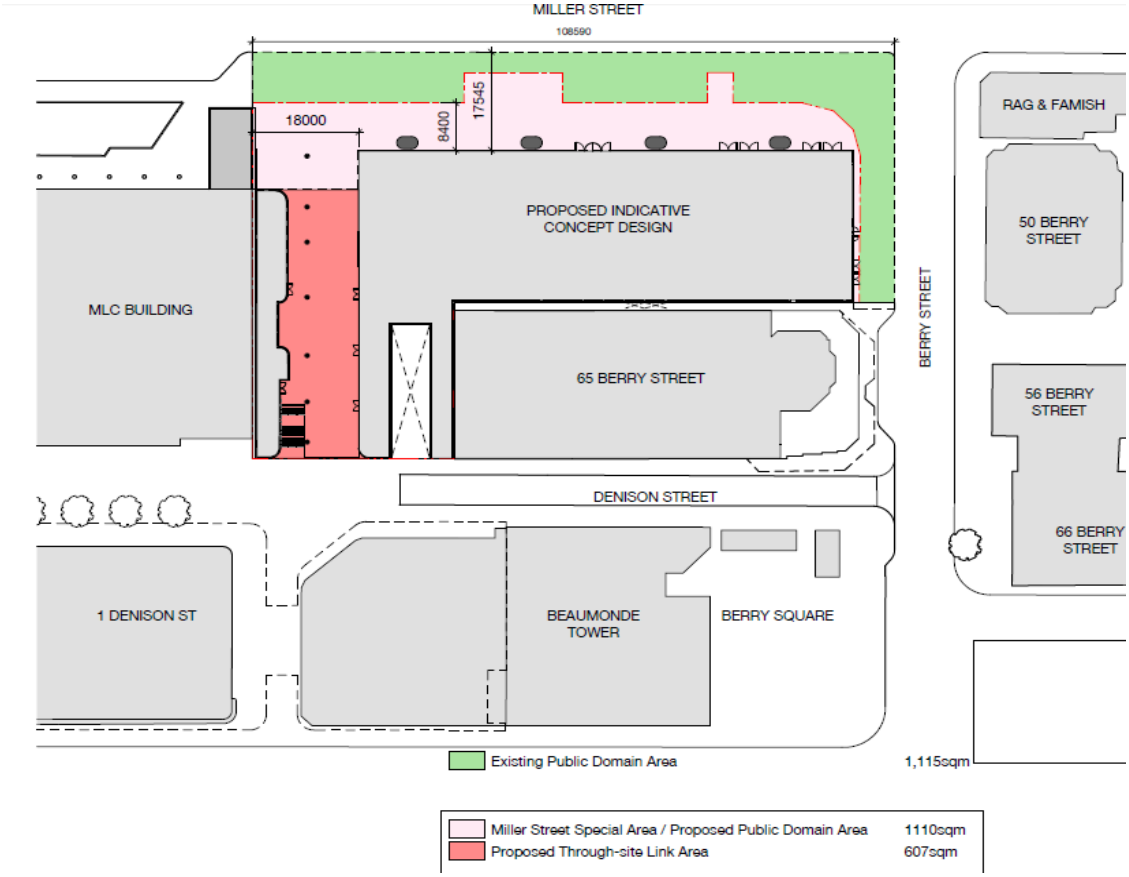


Figure 5.3 — Indicative station design – public domain and open space

Issue 3

The submission from Council advises that it is in the final stage of preparing the North Sydney CBD Transport Masterplan, which seeks to maximise the benefits of the metro and ensure that walking, cycling and public transport mode share is maximised, the mode shift benefits of metro are capitalised upon, and that this contributes to a high amenity, attractive and inviting precinct post metro. The current through traffic function of both Miller and Berry Streets is not aligned with this objective, especially given the location of new plaza/ pedestrian space for the site and anticipated pedestrian traffic at this location in the peak hour.

Response 3

Sydney Metro notes that the partial closure of Miller Street between Berry Street and the Pacific Highway is a matter for Council to pursue with the relevant road authorities. The IAP required to be prepared by Condition E92 of the CSSI Approval would be relevantly designed to respond to the surrounding road network and would be developed in consultation with the Council and the transport agencies. Refer to further discussion in Section 2.2 above.

Sydney Metro acknowledges Council's desire for the transformation of Miller Street into an active and vibrant urban place. Sydney Metro will work collaboratively with Council during the future preparation of the SDPP and IAP to the extent that it relates to the Sydney Metro land and scope of the project.

5.11.2 Compliance with the Miller Street setback

Issue

The submission recommends that the development application be amended to comply with the Miller Street setback for the building on Miller Street. The submission advises that the site is shown on the North Sydney Centre Map as requiring a setback of generally six metres from Miller Street, with an 11.5-metre setback required at the two small, irregular extension in the middle portion of the frontage.

The submission advises that the Clause 4.6 Variation Request submitted with the application is not supported. It is contended that it fails to address the other development standard in the Clause being the 'building height will be less than 1.5 metres'. The building height is significantly higher than the 1.5 metres permitted within the setback. Council's character statement for the North Sydney CBD recommends buildings with podiums have towers set back from the podium edge. The proposed tower is inconsistent with existing surrounding development as well as the future desired character. The building envelope would be out of context with all other buildings in the CBD and along Miller Street. The required setback should be observed for the full height of the tower, as is the case with the Berry Street setback.

Response

As identified in Response 2 to Section 5.11.1 above, the ground plane and spatial arrangements for the site have been set by the CSSI Approval. The OSD building envelope provides a continuation of the station box to enable the structural, operational and architectural integration of the OSD. As detailed in Section 7.4 of the EIS, the building envelope aligns with the CSSI Approval and is consistent with the Miller Street setback up to RL 118 (approximately level 13), at which point the building envelope projects over the Miller Street Special Area (Figure 2.2). The exhibited EIS was supported by a Clause 4.6 Variation Request addressing the non-compliance with the Miller Street setback provisions in Clause 6.4 of NSLEP 2013 (Appendix FF).

Clause 6.4 reads 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.

Sydney Metro contends that the Clause 4.6 Variation Request adequately addresses the provisions of Clause 6.4 of the NSLEP 2013. Its specifically identifies that the proposal is non-compliant with Clause 6.4(2) as it breaches the 1.5-metre height limit and furthermore, it establishes that this breech occurs above RL 118, where the building envelope projects over the Miller Street setback area. As detailed in the Clause 4.6 Variation Request, the impact of the non-compliance would not compromise the objective of Clause 6.4, as the primary intention of the objective is compliance with the Miller Street setback and maintenance of the landscape setting. The proposal is considered to achieve this intent. Given the projection of the building envelope over the Miller Street setback occurs at RL 118, the proposal would still maintain a legible street wall in accordance with the objectives of Clause 6.4.There would be a consistent street wall from ground level to RL 118 that complies with the Miller Street setback.

The Victoria Cross Design Guidelines (Appendix C) require that the final architecture and form of the integrated station development relate to the datum and composition of neighbouring buildings. Through detailed design, Sydney Metro is confident that the architectural resolution of the building can provide a contemporary solution that provides a contextually appropriate design response without necessarily adopting a podium and tower form. It is noted that the current form and character of development in Miller Street is varied and inconsistent, and there is no prevailing podium height or building form to the north or south of the site. Further, recently approved buildings do not demonstrate this form. As such, the proposed development's lack of setback above the RL 118 and lack of a defined podium and tower is not considered to disrupt any prevailing character.

5.11.3 Public domain strategy and removal of MLC café

Issue

The submission from Council recommends that Sydney Metro make approaches to the owners of the existing café between the metro site and the MLC building with a view to including this site in its overall vision for a more pedestrian-focused Miller Street environment.

The submission advises that Council is currently developing a Public Domain Strategy that will be seeking to address the lack of building setbacks to many of the podiums throughout North Sydney CBD. The Strategy will have strict guidelines for new buildings to ensure new developments contribute to an enhancement of the public domain for the CBD and address a growing concern over the lack of amenity, green space and footpath widths throughout the CBD. Victoria Cross provides an opportunity to contribute and set the standard for public domain.

Council's Public Domain Strategy will also be examining the critical sites for solar access. It outlines that the corner of Miller Street and Berry Street is a critical site nominated for its continuous solar access all year round.

The submission contends that the ground plane design of the buildings must account for the location in one of last high amenity spaces in the CBD. The most obvious disruption to the open space / plaza corridor in the current design is the café associated with the MLC building to the south of the Metro site. This small building of just over 100 square metres 'juts out' of the open space / plaza between the existing green corridor of the MLC building and the proposed corridor to be created by Sydney Metro. Whilst it is acknowledged that this café is technically beyond the

boundary of the current development application, it highlights a significant flaw in the vision for the creation of a new high amenity public domain corridor for North Sydney. If nothing else, it reinforces the existing undesirable pinch point which will only experience growth in pedestrian traffic under metro. This small portion of land remaining to function in its current state under the new metro vision, is a significant lost place-making opportunity for North Sydney.

Response

Whilst the indicative public domain treatments are considered in the concept SSD Application as part of the conceptual vision for the site, it is emphasised that the design and construction of the entire public domain area is to be resolved under the terms of the CSSI Approval and does not form part of this application.

The public domain strategy will be addressed through the preparation of the SDPP (E101) and IAP (E92) by the proponent. Council will be consulted during the preparation of these plans under the specific terms of each condition as detailed in Section 2.2 of this Submissions Report.

As acknowledged in the Council submission, the removal of the MLC café is outside the scope of the project. However, opportunities to ensure a high-amenity pedestrian outcome through the connectivity of the linear open space along Miller Street can be explored in consultation with Council during the development of the SDPP.

Sydney Metro acknowledges Council's desire for the transformation of Miller Street into an active and vibrant civic place. As detailed above, Sydney Metro will work collaboratively with Council during the future preparation of the SDPP to the extent that it relates to the Sydney Metro land and scope of the project.

5.11.4 Berry / Miller Street forecourt and building setback

Issue

The submission from Council recommends that an appropriately scaled forecourt be provided at the ground plane on the corner of Berry and Miller Streets in recognition of the pedestrian prominence of this corner, its potential visual relationship to the Ward Street precinct and its solar amenity.

The submission also recommends provision of a setback to Berry Street which is more consistent with the adjoining setback to 65 Berry Street in recognition of the emerging character and potential connectivity to the Ward Street precinct.

Response

The functional and structural requirements of the station and consequential ground planning, means that the equivalent setback to 65 Berry Street cannot be achieved. The station box aligns with the Berry Street site boundary and is necessary to accommodate the structural and servicing requirements for the station. Furthermore, this alignment responds to the location of the northern adit design (i.e. which provides the underground connection to the station). Sydney Metro notes that the built form for the station has been approved under the CSSI Approval. Design will be resolved further through the preparation of the SDPP required to be prepared under Condition E101

of the CSSI Approval. Therefore, this matter is outside the scope of this concept SSD Application.

It is noted that a setback of five metres to the northern boundary is proposed for the OSD building envelope and is consistent with the prescribed setback in the NSDCP 2013.

5.11.5 Miller Street façade alignment

Issue

Council's submission acknowledges that while the proposal complies with the Miller Street setback (at ground level only) as required in NSLEP 2013 and results in a public domain / plaza corridor of some 17 metres wide, the North Sydney CBD has a lack of public open space. The submission states that if appropriately designed, the proposed Miller Street public domain corridor would be an improvement to the previous corridor which was fragmented and disrupted by level changes, steps and various structures. Notwithstanding this, opportunities to increase the setback and align it with the existing MLC setback would be a vast improvement to the setting of the heritage listed MLC building, as well as providing for a more generous public domain corridor for North Sydney as the ground level.

Response

Sydney Metro notes the comments from Council. Issues in respect of the Miller Street façade alignment and open space have been comprehensively addressed in the responses above at 5.11.1 and 5.11.2.

In respect to the impact of the building alignment on the MLC building, as stated above, the ground plane arrangements, the structural grid and the podium form of the OSD are fundamentally established as part of the station design. These will be resolved under the terms of the CSSI Approval as detailed in Section 2.2 of this Submissions Report.

The current reference design for the station partially aligns with the MLC building and also the predominant setback in Miller Street, resulting in a staggered western building alignment, as illustrated in Figure 5.1. The OSD building envelope responds to this design and also complies with the minimum six-metre setback required for Miller Street in NSLEP 2013, as detailed in Chapter 7 of the EIS, although provision has been made for an articulation zone (refer to Figure 7.4). The low-rise form along Miller Street at the south end of the site, which forms part of the station development under the CSSI Approval, serves as an intermediary form and provides a transition between the MLC building and the OSD. This is consistent with the minimum setback required in NSLEP 2013 and Council's *Sydney Metro Planning Study* (specifically for a development option incorporating a northern tower). This is, considered to be appropriate and in accordance with Council's vision for the area.

Refer to further discussion on the building alignment relative to the MLC building at Section 5.5.1 above.

5.11.6 Deferral of SSD Application determination

Issue

The submission from Council identifies that the proposed building envelope complies with the Heights of Building Map in the *North Sydney Centre Planning Proposal* (PP02/2017), with the exception of a small portion of the RL 201 section of the map. Over this section, the proposed building envelope has a maximum height of RL 230, resulting in a maximum non-compliance of 29 metres (or 14 per cent).

The submission notes that Clause 4.6 Variation Request refers to the heights finally adopted by Council in the North Sydney Centre Planning Proposal and not heights as exhibited in that Proposal. The Council advises that the Clause 4.6 Variation Request is not supported under current controls and recommends that determination of the application should be deferred until the planning proposal is gazetted.

Furthermore, Council advises that this approach has been standard practice of Council and reinforced by the Joint Regional Planning Panel and Sydney North Planning Panel. The minor breach of the planning proposal height would be acceptable as there is minimal impact with regard to overshadowing and the bulk and scale of the development is not significantly increased.

Response

The comments of Council are noted by Sydney Metro. Sydney Metro submits that the *North Sydney Centre Planning Proposal* has legal status and as such, is a matter for consideration by the consent authority under section 4.15 of the EP&A Act.

An assessment of the concept proposal against the proposed amendments to the NSLEP 2013 is provided in Section 7.5 of the EIS. This section also acknowledges that the *North Sydney Centre Planning Proposal* would need to be made (gazetted) prior to a determination of the concept SSD Application.

Sydney Metro has reviewed the Clause 4.6 Variation Request submitted with the concept SSD Application and is satisfied that both the provisions of NSLEP 2013 and the amendments to Clause 6.4 proposed in the *North Sydney Centre Planning Proposal* are adequately addressed.

5.11.7 Future building signage

Issue

The submission from Council recommends that future signage associated with the proposed building should be 'building or business identification signs' and not advertising or changing LED signs as required by section 9 of the NSDCP 2013.

The submission advises that the indicative signage zones proposed in the application are consistent with the objectives of *State Environmental Planning Policy 64 — Advertising and Signage* (SEPP 64). The proposal is similar to other signage in the surrounding commercial core and located so as to provide effective communication. The submission acknowledges that the design and materials would be determined at the future detailed SSD Application stage.

Response

Sydney Metro notes that Section 4.16 (Signage) of the EIS identified four opportunities for tenant and building naming rights at the ground floor level and roof level of the building. Further, Section 8.19 (Signage) of the EIS identifies that the proposal is consistent with the provisions of SEPP 64 and the relevant provisions in NSDCP 2013. As identified in the EIS, the signage would be subject to separate approval and would be refined as part of the future detailed design of the building, in accordance with the project specific design guidelines.

On the basis of the above, Sydney Metro notes the comments of Council and confirms that these comments are consistent with the description and assessment of the concept proposal in the EIS.

5.11.8 Management of construction traffic

Issue

Council recommends that the ongoing construction traffic should be contained to Miller Street and the northern part of Denison Street so that the Denison Street plaza can be established for the completion of 1 Denison Street and entry to the new station in Denison Street when it becomes operational.

Response

The concept SSD Application does not seek approval for any construction. Final arrangements for the management of construction traffic would be confirmed at the detailed SSD Application stage in consultation with Council and other relevant stakeholders during preparation of the Construction Traffic Management Framework (CTMF) and the Construction Traffic Management Plan (CTMP).

5.11.9 Vehicular access to MLC site

Issue

Council recommends that vehicular access be provided through the car park of the OSD to the MLC building site in order to provide alternative access for parking and loading.

Response

Provision has been made for a future a breakthrough within the car park of the Victoria Cross integrated station development (soft walls).The current level of station design has provision for a possible future connection to the MLC building. Any future breakthrough and link would be delivered by the adjoining owner. Until this link is realised, building owners and tenants will continue to be responsible for the management of vehicular traffic into and out of their loading dock and car parking facilities.

5.11.10 Integration of Metro with North Sydney Station

Issue

Council contends that the proposal represents a lost opportunity to integrate the proposed metro station with the existing North Sydney station. The submission advises that a link between Victoria Cross Station and Greenwood Plaza (North Sydney Station) would provide weather protection

and increased retail opportunities within this corridor. This would create a sense of additional underground public domain, similar to the Queen Victoria Building experience in Central Sydney.

Response

As identified in Section 4.0 of the EIS, and clarified in Section 2.2 of this Submissions Report, the scope of this concept SSD Application does not extend to works associated with Victoria Cross Station including the ground plane arrangements and pedestrian connections.

Victoria Cross Station is not proposed to provide a significant interchange function with the Sydney Trains network. This capacity is provided at other stations on the Sydney Metro network including Central, Martin Place and Chatswood. As such, there are no current plans to provide an underground connection between Victoria Cross Station and the existing North Sydney Station. Customers wishing to interchange between Victoria Cross Station will be required to utilise existing underground and at-grade connections between the sites.

Sydney Metro is working with Council and other relevant stakeholders regarding the upgrade to Denison Street to provide an optimum outcome for pedestrian movements and access arrangements between stations. This work will be delivered under the terms of the CSSI Approval and is outside the scope of this application.

5.11.11 Lack of open space, public domain or cultural facilities

Issue

Council contends that the proposal lacks open space, public domain or cultural facilities. The previous Tower Square was a successful place where people congregated for lunch and socialising. Council's submission contends that the proposal misses an opportunity to create quality public domain or community facilities at street level to activate this space.

In addition, the submission contends that North Sydney CBD lacks a town hall, performance spaces, meeting spaces, cinema, exhibition spaces and the like that could be incorporated into a significant development such as that being proposed by the NSW Government.

Response

Sydney Metro considers that the proposed commercial uses respond to Council's strategic vision for the site and to the broader vision to improve North Sydney CBD's role as a primary office market in an internationally competitive Sydney. As the concept SSD Application seeks approval for commercial premises on the site, the final mix and configuration of land uses (i.e. retail, office and business premises) will be a matter for the future detailed SSD Application.

It is noted that the commercial use of the OSD is consistent with the Council's Sydney Metro Planning Study, which identifies the site as suitable for a large iconic commercial building to meet premium or A-grade market demand and which will reinforce the commercial character of the North Sydney Centre. Refer to further discussion at Section 5.11.1 above.

Sydney Metro acknowledges Council's desire for the transformation of the Victoria Cross into an active and vibrant urban place. Sydney Metro will work collaboratively with Council during the

future preparation of the SDPP and IAP to maximise opportunities to provide an optimum outcome for public domain and public amenity on the site. This work will be delivered under the terms of the CSSI Approval and is outside the scope of this application.

Refer to the responses above at Section 5.11.1 regarding the quality and quantum of the public domain.

5.11.12 Acquisition and integration with 65 Berry Street

Issue

Council recommends that the proposal should include the acquisition and integration of 65 Berry Street into the metro station and OSD. Whilst the land acquired serves the purpose of the provision of a metro station, Council contends that the acquisition of the adjoining site at 65 Berry Street would represent a vastly superior basis for an OSD to deliver wider benefits befitting North Sydney CBD.

Response

As detailed in Section 2.2.3, the Victoria Cross site was acquired by TfNSW specifically for the purpose of constructing the Sydney Metro. The acquisition of additional land at 65 Berry Street is outside the scope of the acquisition powers afforded to TfNSW under the *Transport Administration Act 1988* and would be surplus to the transport infrastructure requirements of Sydney Metro. The OSD site boundaries have been determined as part of the CSSI Application (and subsequent approval) and the proposed OSD building envelope relates to the airspace above the already acquired development site.

5.11.13 Width of pedestrian access

Issue

Council contends that the width of access into and from the metro station is not sufficient to accommodate pedestrian movement between Miller Street and Denison Street. The station will accommodate approximately 15,000 pedestrian movements in the morning peak. Consideration should be given to the functional width of these access points to provide for the public circulation requirements of the metro station and to maximise the place-making benefits at the site.

Response

As identified in Chapter 4.0 of the EIS and clarified in Chapter 2.2 of this Submission Report, the scope of this concept SSD Application is limited to the OSD (i.e. the OSD structure above the station and the OSD spaces provisioned for within the approved station box, above and below ground level). In this regard, this SSD Application does not extend to works associated with the Victoria Cross Station, the ground plane arrangements and pedestrian connections.

The resolution of the ground plane and pedestrian circulation will be addressed through the preparation of the SDPP (Condition E101) required to be prepared under the terms of the CSSI Approval. Sydney Metro notes that pedestrian forecasts and analysis indicate that there is adequate width to accommodate pedestrian movements to access points and between Miller Street and

Denison Street. Section 6.4.2 (Footpath Capacity) of Appendix P (Transport, Traffic and Parking Assessment Report) of the EIS addressed the footpath capacity near the station entry points. It noted that the forecast increase in pedestrian demand on this footpath would be largely attributed to the introduction of Victoria Cross Station and the planned development of the precinct and the intensification of surrounding development, rather than the OSD.

5.11.14 Inadequate street level view assessment

Issue

Council contends that the application does not include critical street-level views of the proposed OSD from Denison Street and the eastern side of Berry Street. Council contends that these views are important to understand how the proposal will fit into the urban context of North Sydney.

Response

While the View Impact Study in Appendix Y of the EIS does not use Denison Street or Berry Street as specific vantage points, the 14 key vantage points chosen are considered to provide a comprehensive depiction of the visual impacts of the development from the surrounding area. The Visual Impact Assessment Report at Appendix AA of the EIS concludes that the development would be consistent with its CBD context and compatible with surrounding development.

Sydney Metro has undertaken a further view study of the impact of the integrated station development when viewed in the context of Denison Street at the intersection with Berry Street (refer to Appendix I). A series of sketches have been prepared showing the previous (pre-demolition) view and the impact of the building envelope as exhibited (noting the amended building envelope has no impact on this view). Refer to the Streetscape and Visual Impact Study – Denison Street at Appendix I and further discussion in Section 8.4 of this Submissions Report.

5.11.15 Integration of bus services

Issue

Council has raised concern that the integration of bus services has not been fully considered and that B Line bus services to and from the Northern beaches presents an opportunity of linking with this new public transport service. Connecting to Sydney Metro will significantly reduce bus congestion for those travelling across the Sydney Harbour Bridge. This interchange potential should be better considered.

Response

The proposal will not preclude possible future B-line (Northern Beaches) related bus service changes in North Sydney. The future integration of the development (as relevant) will be considered during the preparation of the IAP in accordance with Condition E92 of the CSSI Approval. Refer to further detail regarding the preparation of the IAP and the consultation requirements for its preparation in Section 2.2 of this Submissions Report.

Response to the issues raised in community submissions

CHAPTER SIX

6. Response to the issues raised in community submissions

This chapter provides responses to issues raised in submissions from the community, including community members, local businesses and community/interest groups.

6.1 Overview

The approach to processing and responding to community submissions is described in Chapter 4. Community submissions making comment, in support and in objection to the concept SSD Application are addressed separately below.

Issues listed in each section are a summary of key issues raised in community submissions. Full details of the issues raised are provided in the complete submissions, available on DPE's major projects' website at majorprojects.planning.nsw.gov.au (job ID: 8874).

Unless otherwise indicated, the mitigation measures referred to in this section are the revised mitigation measures for the amended project, provided in Table 9.3 of this Submissions Report.

6.2 Submissions making comment

This section addresses key comments made in community submissions. As detailed in Section 4.3, five submissions were registered with DPE as making a comment on the application.

6.2.1 Retail activation

Comment

That there is a lack of retail activity in North Sydney CBD outside of normal working hours and suggests a number of specific retail uses including low-cost, non-franchised restaurants, a discount chemist, franchised coffee shop, non-franchised hair salon and a major fast food outlet.

Response

The retail suggestions outlined in the submission are noted. This application provides opportunity for additional retail space to activate the Miller Street and Berry Street frontages of the site. This is outlined in Section 2.2.5 of this Submissions Report. Up to 4500 square metres of retail floor space may be delivered under the CSSI Approval. It is considered that this retail space will add to the vitality and activation of the North Sydney CBD. The nature (including type and size) of the retail space is outside the scope of this concept SSD Application and would be subject to a separate assessment and approval process.

Sydney Metro has revised the Victoria Cross Design Guidelines (Appendix C) to incorporate additional controls that encourage an appropriate retail mix that meets anticipated market and community expectations.

6.2.2 Impact on 65 Berry Street, North Sydney

Comment

Concerns regarding the relationship between the lower terrace level of 65 Berry Street and the proposed building envelope have been expressed. Specifically, on the lowest terrace level where and existing child care centre has windows on its east, south and west elevation. The concern is that the concept proposal would enclose the childcare space and reduce the amenity and its suitability as a child care centre. The previous development on the site was setback and lower and allowed significant amounts of daylight to penetrate the terraces and to meet the national quality standard for physical environment.

The submission notes that the physical environment of the centre is a substantial factor in parents choosing to send their children to the centre and also for the centre to meet National Quality Framework and Standards for Child Care Facilities.

The submission requests that the design and setbacks be reviewed and the interface between the proposed envelope and the terraces of 65 Berry Street be reconsidered to allow greater daylight penetration.

Response

Sydney Metro recognises the proximity of the lower terrace areas at 65 Berry Street to the Victoria Cross site. A temporary protective structure to the child care centre as part of the site preparation ahead of station construction commencement has been recently installed. This temporary structure provides for window openings to the south and west walls of the enclosure as well as a number of skylights. This temporary enclosure is intended to remain in place until the completion of station construction in 2024, which is much later than the expiry of the child care centre's lease over this area.

Daylight penetration and outlook to the southern elevation, and to a lesser extent, the western elevation, will be reduced as a consequence of the construction of the station under the CSSI Approval. This Approval permits the station to be constructed to RL 82 with a nil setback to the boundary adjoining the southern alignment of 65 Berry Street and approximately 0.7-metre setback to the western alignment of 65 Berry Street. Figure 6.1 illustrates the extent of the approved station structure (shown in pink) and the proposed OSD building envelope (shown in blue) relative to the childcare centre.

Given the extent of the station construction under the CSSI Approval, it is not considered that the amenity of terrace areas at 65 Berry Street will be materially impacted by this concept proposal. It should be noted that there are no relevant planning controls requiring sunlight to be maintained to the private terraces of commercial buildings in this area. Notwithstanding this, the treatment of the façade to 65 Berry Street would be considered at the detailed SSD Application stage (including by the Sydney Metro DRP). To ensure due consideration is given to this matter, Sydney Metro has revised the Design Guidelines for the project (Appendix C) and the mitigation measures (Chapter 8) to require the future detailed design of the OSD to minimise the potential for amenity impacts to neighbouring properties.

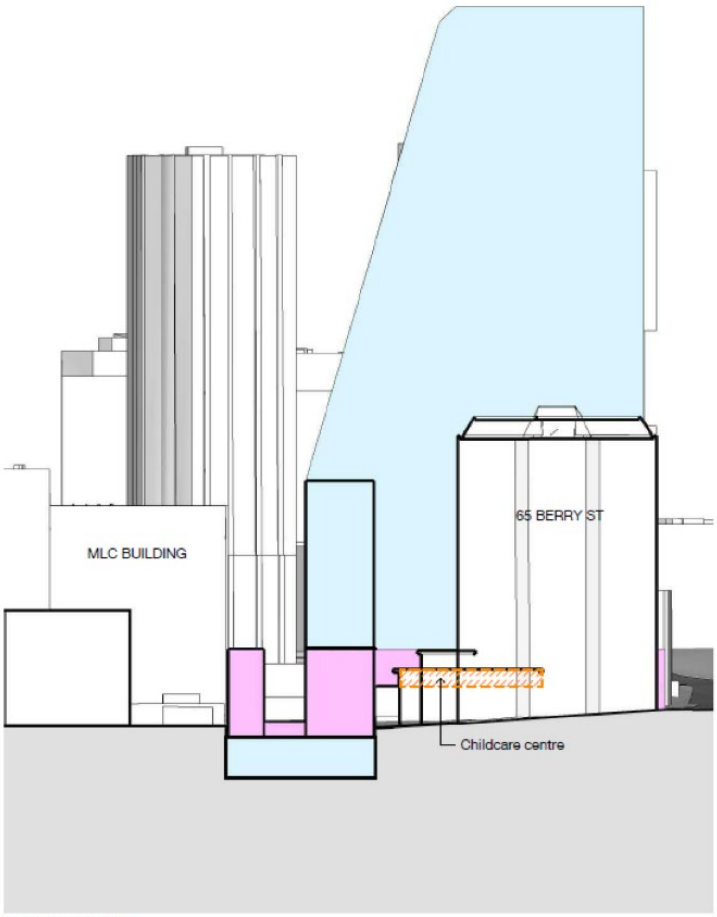


Figure 6.1 — Extent of station construction adjacent to 65 Berry Street (the extent of the approved station structure shown in pink and the proposed OSD building envelope shown in blue)

6.2.3 Pedestrian movement and safety

Comment

Concern is raised regarding the increase in pedestrian/commuter flow resulting from the station. The submission advises that Denison Street currently provides vehicular access to the loading dock and carpark entry of the MLC building and would be obstructed should this area become a pedestrianised laneway. The submission advises this is a significant safety concern for pedestrians and this should be addressed prior to consent being granted.

Response

The comments made in the submission are noted. Pedestrian flow is discussed further in Section 6.3.6.1 of this Submission Report.

Provision has been made for a future vehicle breakthrough within the car park and loading dock area of the Integrated Station Development. The current Metro design (Stage 1 Design)

contemplates that this will enable a possible future connection to the MLC building. Any future breakthrough would enable the removal of vehicle traffic from the southern section of Denison Street. However, its need and delivery falls outside of this application.

Council's *CBD Laneway Concept Plan 2017* sets a vision to manage and reduce vehicle traffic in Denison Street through formalising current shared zone arrangements. The proposal supports this concept and facilitates movement of pedestrian to and from Denison Street. Until this link is realised, it is expected building owners and tenants will continue to be responsible for the management of their loading docks and car parking facilities.

Sydney Metro will continue to work with Council and other relevant stakeholders regarding the upgrade to Denison Street to help provide optimum outcomes for pedestrian movements and access arrangements around the site. This work will be delivered under the terms of the CSSI Approval, which provides allowances for the scope contained in this application.

6.2.4 Public domain and ground plane

Comment

Comments that the corner of Miller and Berry Streets is one of the best public spaces available in North Sydney and the site should be developed into a civic square. Alternatively, it is suggested that the building should be moved to the southeast to allow for a larger public space that aligns with the MLC building. It is suggested that the public space could be enhanced by lifting the building up (i.e. like the Deutsche Bank building in the Sydney CBD) to enable the space to be covered by the building.

Response

As clarified in Section 2.2 of this Submissions Report, the scope of this concept SSD Application is limited to the OSD and does not include works associated with the station box or ground plane. The design and footprint of the station up to RL 82, including ground level setbacks and spatial planning of the ground plane, will be resolved under the CSSI Approval and is subject to further design development and approval through the preparation of the SDPP (Condition E101).

6.2.5 Entry to the Victoria Cross Station

Comment

The main entry to Victoria Cross Station on the corner of Miller and Berry Streets is too small and looks like a thoroughfare rather than a public space. Good urban design is required to ensure this becomes a place for the people.

Response

The design of the Victoria Cross Station entry and the associated public domain will be resolved under the CSSI Approval and is subject to further design development and approval through the preparation of the SDPP (Condition E101). Therefore, this matter is outside the scope of this concept SSD Application. Refer to further discussion Section 2.2 of this submissions Report.

6.2.6 Integration with surrounding development

Comment

The building is not integrated well with its surrounds and below-grade links to enable separation of pedestrians and vehicle traffic should be provided to North Sydney Station and the Ward Street Precinct.

Response

The station's integration with the public domain and neighbouring sites will be resolved under the terms of the CSSI Approval and is subject to further design development and approval through the preparation of the SDPP (Condition E101). Therefore, this matter is outside the scope of this concept SSD Application. Refer to further discussion in Section 2.2 of this Submissions Report.

Victoria Cross Station is not intended to provide a significant interchange function with the Sydney Trains network but instead improve connectivity and support growth in the northern section of CBD. The interchange function with the Sydney Trains network is encouraged at other stations on the Sydney Metro network, including Central, Martin Place and Chatswood. As a result, the interchange function to rail is expected to be minor and is proposed to be accommodated through utilising existing underground and street-level connections between the sites.

6.2.7 Opportunity for increased public amenity

Comment

The building should include greater public amenity. The submission suggests that a concert hall, exhibition centres, even sports facilities should form part of the proposal.

Response

The building should include greater public amenity. The submission suggests that a concert hall, exhibition centres, even sports facilities should form part of the proposal.

The submission's suggestions are noted. It is considered that the proposed commercial uses respond to Council's strategic vision for the site and to the broader vision to improve North Sydney CBD's role as a primary office market in an internationally competitive Sydney. As the concept SSD Application seeks approval for commercial premises on the site, the final mix and configuration of land uses (i.e. retail, office or business) will be a matter for the future detailed SSD Application.

Sydney Metro will work collaboratively with Council during the preparation of the SDPP to maximise opportunities to provide an optimum outcome for public domain and public amenity on the site. This work will be delivered under the terms of the CSSI Approval and is outside the scope of this application.

Refer to further comments made in Section 5.11.1 of this Submissions Report.

6.2.8 Building design

Comment

The design of the building should be environmentally acceptable, for example using greenery and trees.

Response

The submission's suggestion is noted. The development commits to high standards of ecologically sustainable design (ESD). An ESD Report (Appendix Q) was submitted with the EIS and establishes the ESD framework to guide the future detailed SSD Application for OSD. The report identifies minimum ESD requirements as well as world best practice sustainability opportunities for future OSD.

The concept proposal is capable of achieving a high environmental rating. Sydney Metro has committed to achieving a minimum 5 Star Green Star Design (v1.2), 5 Star National Australian Built Environment Rating System (NABERS) Office Energy (Office Base Building) and 4 Star NABERS Water (Office) for the development. The ESD strategy proposes that the future detailed design for the OSD investigate uplifts to 6 Star Green Star, 5.5 Star NABERS Energy and 4.5 to 5 Star NABERS Water.

The final landscape design for the public domain will be resolved through the preparation of the SDPP under the terms of the CSSI Approval and will provide opportunities for planting of trees to contribute to the environmental quality of the site.

6.3 Submissions in support

This section responds to submissions in support of the application. As detailed in Section 4.3, nine submissions were registered with DPE as supporting the application. The reasons for support generally include:

- innovative design
- successful integration of transport and land use
- appropriate scale of development
- retention of solar access to key areas
- opportunity for increased public amenity.

The submissions' support is noted. A number of these submissions provide comment or request clarification on certain matters. Responses to these comments and requests are provided below.

6.3.1 Design of northern station entrance

Comment

Details for the intended design of the northern station entrance should be provided.

Response

The design of the northern station entrance (northern portal) is outside of the scope of this concept SSD Application. As identified in Section 2.2 of this Submission Report, the final design for the northern portal to Victoria Cross Station would be resolved through the preparation of the SDPP for the Victoria Cross Station under the terms of Condition E101 of the CSSI Approval.

Detail regarding the northern portal to Victoria Cross Station can be found by referring to Modification 1 to the CSSI Approval. The modification application, accompanying technical reports and DPE's assessment and determination are available on DPE's website at majorprojects.planning.nsw.gov.au and on the Sydney Metro project website at sydneymetro.info

6.3.2 Design features

Comment

The submission recommends that the following design features should be incorporated into the integrated station development:

- public art
- glass-walled 'nooks' along Miller Street to serve as weather-protected outdoor seating
- wayfinding signage which should be strategically located at building entrances and should be designed to be seen from a distance.

Response

As clarified in Section 2.2 of this Submissions Report, the detailed design of the ground plane, including station entries and Miller Street interface and way-finding, are being dealt with under the CSSI Approval and specifically through the preparation of the IAP (Condition E92) and the SDPP (E101). As detailed in Section 2.2.1 of this Submissions Report, the SDPP will incorporate opportunities for public art and interpretation.

Sydney Metro acknowledges that public art, weather protection and way-finding signage are important elements of the station design and the successful functioning of the station. These issues are relevantly addressed in the Sydney Metro City & Southwest Design Guidelines. This document can be found at sydneymetro.info

Opportunities for public art to be incorporated into the OSD have been addressed in the Built Form and Urban Design Report (Appendix G) of the EIS. The public art strategy identifies opportunities for public art to be located within the through-site link, OSD lobby and Miller Street setback area. Further details regarding public art installation for the OSD will be resolved as part of future detailed SSD Application.

6.3.3 Underground connection to the North Sydney Station

Comment

Questions about provision of an underground connection to the existing North Sydney Station.

Response

The scope of this concept SSD Application, as identified in Section 2.2 of this Submission Report, does not include works associated with the Victoria Cross Station, ground plane arrangements or associated underground connections.

Notwithstanding, Sydney Metro advises that Victoria Cross Station is not intended to provide a significant interchange function with the Sydney Trains network, but instead improve connectivity and support growth in the northern section of CBD. The interchange function with the Sydney Train network is encouraged at other stations on the Sydney Metro network, including Central, Martin Place and Chatswood. As a result, the interchange function to rail is expected to be minor and is proposed to be accommodated through utilising existing underground and street-level connections between the sites.

6.3.4 Building height

Comment

Questions whether additional height is possible, such as 50 or 60 storeys.

Response

The maximum height for the building envelope of RL 230 (approximately 42 storeys) is proposed to align with maximum height nominated in NSLEP 2013 (as amended by the North Sydney Centre Planning Proposal). This height has been determined specifically to prevent overshadowing to the Miller Street Special Area, Greenwood Plaza and residential areas outside the North Sydney Centre in accordance with the provisions of Clause 6.3 (building heights and massing) of NSLEP 2013. Any additional building height on the site would result in a contravention of the height provisions of NSLEP 2013.

6.3.5 Integration with surrounding development

Comment

The detailed design of the building should further consider the Berry Street frontage and seek to activate this street given its role as a key east-west connection and its interface with the future Ward Street Precinct.

Response

The submission's recommendation is noted. The detailed design of the ground plane and the station box up to a height of RL 82 will be resolved through the SDPP (Condition E101) under the terms of the CSSI Approval, as detailed in Section 2.2 of this Submissions Report. Opportunities to activate Berry Street and ensure the integration of the building with neighbouring development will be considered during the detailed design development.

Refer also to the response at Section 6.2.1 above regarding OSD opportunities for retail activation.

6.4 Submissions in objection

This section provides responses to the issues raised by objectors. As detailed in Section 4.3, 36 submissions were registered with DPE as objecting to the concept proposal. The issues raised in these submissions relate to the following general matters:

- overdevelopment of the site
- public domain and open space
- built form
- overshadowing
- heritage impacts
- pedestrian circulation
- vehicular traffic generation and movement
- visual privacy
- view impacts
- construction impacts
- wind impacts
- consultation
- social and economic impacts
- other issues.

These issues are addressed in further detail below.

6.4.1 Overdevelopment of site

6.4.1.1 Floorplate/footprint

Issue

The site is too small for the building footprint and the proposed floor plates are oversized for the site and will encroach onto the Miller Street and Berry Street setback.

Response

The proposal has been designed to allow for commercial floor plates ranging from 1,243 to 2,231 square metres. This is considered appropriate to meet the current commercial market expectation, as well as allowing for maximum design flexibility within the constraints of the building envelope. The provision of large commercial floorplates is consistent with Council's vision for the site

expressed in its Sydney Metro Planning Study which anticipates an A-grade office development on the site. Further, the provision of large commercial floorplates is consistent with the North Sydney Centre Planning Proposal, and specifically, the amended objectives for the North Sydney Centre (Division 6.1), which seek to:

- maximise commercial floor space capacity and employment growth within the constraints of the North Sydney Centre's environmental context
- encourage high-grade commercial floor space with floor plates of at least 1,000 square metres.

The five-metre setback from Berry Street complies with the relevant control in NSDCP 2013. It is acknowledged there is an encroachment into the Miller Street setback area. However, this encroachment occurs at approximately the 13th storey, well above street level. As detailed in both the EIS and the Submissions Report, the proposed encroachment of the setback to Miller Street is not considered to negatively impact on the quality or the functionality of the public domain (or station plaza) in Miller Street.

Further to the above, Sydney Metro has analysed the floor space ratio (FSR) and floorplate sizes of other recently approved development in the North Sydney Centre, as this provides a useful measure of the relevant bulk and scale of development. The Commercial Floorplate Study is provided at Appendix J of this Submissions Report. This Study indicates that the FSR of the concept proposal at 12.46:1, is significantly less other approved developments in the vicinity of the site (completed and under construction), including 100 Mount Street (which has an FSR of approximately 24:1), 1 Denison Street (which has an FSR of approximately 17:1) and 177 Pacific Highway (which has an FSR of approximately 18.6:1). Further, the Study indicates that the low rise floorplate proposed (which has a net lettable area of 2,080 square metres) is significantly less as a percentage of the overall site area (at 43 percent) compared to the other developments (which range from 55-65 percent). On this basis, it is considered that the concept building envelope does not represent an overdevelopment of the site.

6.4.1.2 Small business tenancies preferred

Issue

Large floor plates for major office tenants are not desirable and small business premises should be provided instead in order to promote a vibrant community.

Response

The proposed building envelope has the capability to support large commercial floor plates commensurate with A-grade office space as detailed in the response at Section 6.3.1.2 above. The future design of the building would respond to the commercial market and tenant demands at that time. Opportunities for flexible tenancy layouts and sizes to accommodate a range of business needs could be considered. Ultimately, this is a matter for the OSD developer. The final design will be subject to the subsequent detailed SDD Application.

Sydney Metro notes that there is already a large amount of small floor plate buildings in North Sydney which have more accessible rents (i.e. B-Grade buildings).

6.4.1.3 Tower development unnecessarily linked to the station development

Issue

The proposed commercial building is unnecessarily tied to the station development and primarily serves the interests of the developer rather than the public.

Response

The OSD above the station has been developed as part of the strategy to fund the Sydney Metro infrastructure and create activated precincts around the stations to support their use. The OSD at Victoria Cross in particular would capitalise on the public transport benefits of the Sydney Metro and strengthen North Sydney's role as a primary office market.

The concept proposal for the OSD is considered to be in the public interest for the reasons outlined in Section 10.2 of the EIS including that it would:

- support the concept of a '30 minute' city envisioned in the Greater Sydney Region Plan by co-locating commercial premises with rapid transit infrastructure
- strengthen and complement the commercial core of North Sydney CBD
- provide significant short-term construction employment opportunities (600 jobs) and significant long-term employment opportunities during operation (4,200 workers)
- be coordinated and integrated with existing and planned public domain improvements
- provide a landmark commercial building with high quality architectural design that will positively contribute to the North Sydney skyline.

6.4.1.4 Need for additional commercial floor space

Issue

Additional office development at the site is unnecessary given the presence of significant surrounding office development.

Response

Chapters 5 and 6 of the EIS establish that commercial development on the site is justified as it::

- supports key State strategies, including the Greater Sydney Region Plan and the North District Plan, as detailed in Chapter 6 of the EIS
- drives high usage of the new metro rail, responding directly to the principles of transit orientated development
- supports Council's strategic vision for the site and specifically the provisions of the NSLEP 2013 and the North Sydney Centre Planning Proposal, as detailed in sections 6 and 7 of the EIS. Moreover, the proposal responds to the vision to improve North Sydney CBD's role as a primary office market in Sydney

- aligns with the findings of the North Sydney Centre Capacity and Land Use Study (refer to Section 6.5.1 of the EIS) as it would add to the economic prosperity of North Sydney by providing significant additional commercial floor space in North Sydney
- aligns with Council's Sydney Metro Planning Study which specifically recommends that the site 'provide commercial floor plates commensurate with premium or A-grade market demand' and that future development of the site 'create an icon to reinforce the commercial character of the North Sydney Centre'
- is capable of supporting 60,000 squares of GFA, which is capable of accommodating an estimated 4200 workers and would contribute to North Sydney's job targets under the North District Plan.

Further to the above, reference should be made to the response at section 6.4.1.1 above in relation to the Commercial Floorplate Study.

Issue

Retail space is unnecessary at the site and incompatible with the area, which is primarily for office workers. The retail space should be removed to reduce the bulk of the building.

Response

The inclusion of retail uses was supported by the community and other key stakeholders during the pre-lodgement consultation activities. This is also consistent with the key principles and priorities for place making and centre amenity in Council's Sydney Metro Planning Study and the provisions for the Victoria Cross metro site in Part C, Section 2 (North Sydney Planning Area) of NSDCP 2013 which specifically requires the ground and lower levels of the development to include retail uses. This will maximise activation, avoid excessive inactive frontages and contribute to the vitality of the North Sydney CBD.

6.4.2 Public domain and open space

6.4.2.1 Missed opportunity to provide a park or plaza

Issue

The proposed development misses a unique chance to provide much needed additional public open space at the site, such as a park or civic plaza.

Response

As clarified in Section 2.2 of this Submissions Report, the scope of this concept SSD Application is limited to the OSD and does not include works associated with the ground plane or the public domain. Matters in relation to the ground plane and the provision of open space will be resolved through the preparation of the SDPP for the Victoria Cross Station under the terms of Condition E101 of the CSSI Approval.

Notwithstanding, the concept has been proposed to align with the State and local strategic vision for the site as a high quality commercial development that capitalises on the benefits of Sydney

Metro and supports the North Sydney CBD. It is considered that failing to provide commercial development at the site would miss a unique opportunity to contribute directly to the growth of North Sydney's cluster of high-skilled knowledge-based jobs and would fail to fully leverage the travel benefits of Sydney Metro.

Reference should also be made to the response provided at section 5.11.1 in relation to the Ward Street Precinct.

Issue

An open park should be developed on this site, linking to the open space outside the MLC Centre. Submissions contend that the site is the last of its kind in North Sydney CBD as it not significantly overshadowed due to the low-rise Monte Sant' Angelo College to the north. Also, the wind tunnel effect is relatively small at this location.

Reference should also be made to the response provided at section 5.11.1 in relation to the Ward Street Precinct.

Response

As clarified in Section 2.2 of this Submissions Report, the scope of this concept SSD Application is limited to the OSD and does not include works associated with the ground plane or the public domain. Matters in relation to the ground plane and the provision of open space will be resolved through the preparation of the SDPP for the Victoria Cross Station under the terms of Condition E101 of the CSSI Approval.

Issue

The building should be moved south against the 'blind' wall of the MLC building in order to make additional civic space with solar access in the north of the site.

Response

The northern tiled façade of the MLC building has heritage significance. The proposed 18-metre southern setback functions as a heritage impact mitigation measure opening up the view between the MLC building and the southern edge of the building envelope. A small or nil setback to the MLC building would have reduced heritage outcomes. The design and construction of the entire public domain area is being dealt with under the terms of the CSSI Approval and does not form part of this concept SSD Application.

6.4.2.2 Missed opportunity to provide a park or plaza

Issue

Miller Street should be pedestrianised.

Response

Proposed changes to the function of Miller Street is outside of the scope of this concept SSD Application. The proposal does not require vehicle access from Miller Street and therefore does not prevent modifications to or the closure of Miller Street at a future date by the designated road authority.

6.4.2.3 No public domain strategy

Issue

No public domain strategy was included in the application.

Issue

No public domain strategy was included in the application.

Response

The design and construction of the entire public domain area is being dealt with under the CSSI Approval and does not form part of this application. Therefore, a comprehensive public domain strategy was not required to be submitted with the application. The public domain strategy will be addressed through the preparation of the SDPP (E101) under the CSSI Approval. Refer to further discussion in Section 2.2 of this Submissions Report.

6.4.3 Built form

6.4.3.1 Incompatible with area character

Summary of comment

The development's bulk and scale are out of keeping with the character of the area.

Response

An assessment of the proposal against the desired future character for the North Sydney Planning Area is provided in the NSDCP 2013 assessment provided at Appendix HH of the EIS. The proposal is consistent with the recent amendments to Part C, Section 2 (North Sydney Planning Area) of NSDCP 2013, which were recently endorsed by Council (February 2018).

The site is located in the commercial core of North Sydney CBD, one of Sydney's prime office markets. It is considered the built form is well suited to the existing and future character of the CBD.

6.4.3.2 Excessive height

Issue

The development's height is excessive.

The height should be more consistent with surrounding development.

Response

The proposed maximum height for the building envelope is consistent with Clause 6.3(3) of NSLEP 2013 as detailed in Section 7.4 of the EIS. Further, the proposal complies with the maximum height for the site proposed in the North Sydney Centre Planning Proposal. It is also consistent with the key priorities and principles in Council's Sydney Metro Planning Study which requires that OSD on the site create an iconic building to reinforce the commercial character of North Sydney Centre and be guided by the building heights in North Sydney Capacity and Built Form Study (which has subsequently informed the heights in the North Sydney Centre Planning Proposal).

The assessment of environmental impacts contained in Chapter 8 of the EIS demonstrates that the maximum building height proposed does not result in any adverse environmental impacts including overshadowing to the Miller Street Special Area and residential areas outside of the North Sydney Centre. Further, the height and scale of the development is compatible with the surrounding development (existing and under construction) and the planned vision for the North Sydney CBD.

On the basis of the above, Sydney Metro concludes that the building height is acceptable.

6.4.3.3 Photomontages

Issue

The submitted photomontages of the development are misleading, specifically in terms of the amount of public space along Miller Street is deceptive, the nature of the three-storey 'colonnade' along Miller Street and the nature of the through-site link.

Response

The photomontages were prepared to give an accurate representation of an indicative OSD design for a potential future development at the site.

As shown in the architectural drawings of the OSD at Appendix E of the EIS, there is a minimum width requirement for the public space (station plaza) on Miller Street of approximately 17metres from building line to kerb line, which is determined by the Miller Street Special Area, defined in the NSLEP 2013. This is reflected in the building envelope and the indicative OSD design submitted with the concept SSD Application. The indicative OSD design shows that the building's structural columns sit just in front of the building line and there is no outdoor circulation or a colonnade behind the columns.

The artist impressions are considered to accurately represent the indicative design. In this regard, they show the column alignment directly in front of the glazing line and there is no colonnade. Additionally, the open space / station plaza in Miller Street is directly in front of the columns and is considered to be accurately reflected in the artist impressions.

6.4.3.4 Building should align with MLC building

Issue

The proposed building should align with MLC building along Miller Street.

Response

Refer to Section 5.5.1 of this Submissions Report.

6.4.3.5 Non-complying setbacks

Issue

The development's setback to Berry Street is non-compliant with Council's control.

Response

As discussed in Section 6.4.1.1, the proposed five-metre setback to Berry Street is consistent with the minimum setback required in NSDCP 2013 and Council's Sydney Metro Planning Study (specifically for a development option incorporating a northern tower). It is considered appropriate and in accordance with Council's vision for the area.

6.4.3.6 Other issues relating to building form

Issue

The development should incorporate 65 Berry Street to provide a better balance between built form and open space.

Response

As detailed in Section 2.2.2, the Victoria Cross site was acquired by TfNSW specifically for the purpose of constructing the Sydney Metro. The acquisition of additional land at 65 Berry Street is outside the scope of the acquisition powers afford to TfNSW under the *Transport Administration Act 1988* and would be surplus to the transport infrastructure requirements of Sydney Metro. The site boundaries have therefore been determined as part of the CSSI Application (and subsequent approval) and the proposed OSD building envelope relates to the airspace above the already acquired development site.

Issue

The application fails to provide a detailed urban analysis as required by the Secretary Environmental Assessment Requirements (SEARs).

Response

The Built Form and Urban Design Report at Appendix G of the EIS provides a detailed urban design analysis and has addressed the requirements of the SEARs. This is also referenced in Section 8.1 of the EIS.

Issue

The building should be designed with elderly and disabled persons in mind.

Response

The Accessibility and DDA Impact Statement at Appendix X of the EIS found that all areas of the proposed OSD would comply with or are capable of complying with relevant requirements including Disability Discrimination Act, the Building Code of Australia 2016 and the relevant Australian Standards.

The mitigation measures for the project require that the accessibility of the OSD be considered through design development and addressed in the future detailed SSD Application.

6.4.3.7 Building should align with MLC building

Issue

The proposed building should align with MLC building along Miller Street.

Response

Refer to Section 5.5.1 of this Submissions Report.

6.4.3.8 Non-complying setbacks

Issue

The development's setback to Berry Street is non-compliant with Council's control.

Response

As discussed in Section 6.4.1.1, the proposed five-metre setback to Berry Street is consistent with the minimum setback required in NSDCP 2013 and Council's Sydney Metro Planning Study (specifically for a development option incorporating a northern tower). It is considered appropriate and in accordance with Council's vision for the area.

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Issue

The application fails to provide a detailed urban analysis as required by the Secretary Environmental Assessment Requirements (SEARs).

Response

The Built Form and Urban Design Report at Appendix G of the EIS provides a detailed urban design analysis and has addressed the requirements of the SEARs. This is also referenced in Section 8.1 of the EIS.

Issue

The building should be designed with elderly and disabled persons in mind.

Response

The Accessibility and DDA Impact Statement at Appendix X of the EIS found that all areas of the proposed OSD would comply with or are capable of complying with relevant requirements including the *Disability Discrimination Act 1992*, the *Building Code of Australia 2016* and the relevant Australian Standards.

The mitigation measures for the project require that the accessibility of the OSD be considered through design development and addressed in the future detailed SSD Application.

6.4.4 Overshadowing

6.4.4.1 Overshadowing of public open space

Issue

The proposal will result in overshadowing of surrounding public open spaces, in particular the Miller Street Special Area.

Response

As discussed in Section 8.3 of the EIS and demonstrated in the detailed shadow studies at Appendices I to K of the EIS, the concept proposal would result in some overshadowing to two public open spaces, being the Miller Street Special Area and Brett Whiteley Plaza. In both cases, the overshadowing would be extremely minor and would comply with the relevant provisions of NSLEP 2013. This is because the integrated station development does not result in a net increase in overshadowing to the Miller Street Special Area or Brett Whiteley Plaza when assessed against the environment of the site before demolition and redevelopment commenced. Specifically, the worst-case scenario for Miller Street Special Area is 33 square metres of overshadowing for 10-minutes shortly after 12pm on March 21. The worst-case scenario for Brett Whiteley Plaza is a small shadow cast on an existing awning for approximately 25 minutes around 12pm on June 21, as detailed in Section 8.3 of the EIS.

As detailed in the assessment provided in the EIS, minor overshadowing would not affect the amenity of users of public space and in fact, the integrated station development would result in a net increase in direct sunlight to these special areas. This is due to the previous development on the site (ie. pre- demolition and redevelopment) casting more shadow to the special areas than that which would result from the over station development (even noting the proposed building envelope represents the maximum impact which would be reduced through detailed design).

The extent of overshadowing to the special areas remains unchanged as a result of the minor change proposed to the building envelope to simplify its western alignment through the introduce of an articulation zone. This matter is discussed in further detail in chapters 7 and 8 of this Submissions Report. A Shadow Study of the Miller Street Special Area is provided at Appendix F of this Submissions Report.

6.4.4.2 Overshadowing of the MLC building

Issue

The development would overshadow the MLC building and thereby reduce the amenity of workers in the building.

Response

Given the MLC building's orientation in relation to the site, the proposed OSD building envelope would cause minimal overshadowing to the MLC building's windows. As demonstrated by the shadow diagrams submitted with the application (Appendix H of the EIS), additional overshadowing to the MLC building would primarily occur during the midday hours. This overshadowing would be largely confined to the building's tiled (windowless) northern façade, not to its primary east and west facing windows.

It is also noted that overshadowing to commercial development is generally not a significant issue in the assessment of development applications in CBD locations. There are no development controls protecting the solar access of office workers in North Sydney CBD.

6.4.4.3 Overshadowing of Alexander Apartments building

Issue

The proposed development would overshadow the Alexander Apartments..

Response

As discussed in Section 8.3.6 of the EIS, at mid-winter (worst-case scenario) the proposed building envelope would cast additional shadow over the upper portion of the west façade of the Alexander Apartment building beginning at 2pm. This additional overshadowing would be minimal and would not contravene any relevant control. The additional overshadowing would be consistent with the design guidance and criteria in the Apartment Design Guide (ADG), even though the ADG does not technically apply to the assessment of commercial development.

6.4.4.4 Overshadowing of residential areas to the west

Issue

The development would overshadow residential areas to the west of the site.

Response

As shown in the Shadow Study (Appendix L) submitted with the EIS, the residential areas to the west of the site would not be overshadowed by the building envelope.

6.4.5 Heritage impact

6.4.5.1 Impacts on heritage items

Issue

The development would have adverse impacts on surrounding heritage items including the MLC building and Rag & Famish Hotel.

Response

The HIA Report (Appendix O) submitted with the EIS concludes that the concept for the OSD would have minor impact on the surrounding heritage items. The proposed building envelope was specifically designed to relate sensitively to these items and includes:

- a large 18-metre south setback which opens up views to the building's significant tiled northern façade and allows for 'breathing space' for the building
- a lower form extending to Denison Street that reflects the height of the MLC building
- the base of the stepped building envelope (now the articulation zone) aligning with the datum of the MLC building and Rag & Famish Hotel.

The HIA Report makes a number of recommendations for the future design of the OSD to ensure that the proposal is sensitively designed to respond to neighbouring heritage items. This includes through referencing the heights of these buildings and the selection of materials and finishes to complement the character of heritage items. These recommendations have been relevantly incorporated into the project's mitigation measures and will be considered in future detail design of the OSD.

The Heritage Council of NSW provides a representative on the Sydney Metro DRP. The Sydney Metro DRP would continue to be consulted during detailed design of the OSD, and members of the Sydney Metro DRP (including the Heritage Council representative) would continue to have the opportunity to contribute on heritage related matters as the design progresses.

References should also be made to the response at 5.5.1 above.

6.4.5.2 Adequacy of the heritage impact statement

Issue

The submitted Heritage Impact Statement is inadequate in detail.

Response

The HIA Report (Appendix O) submitted with the EIS has relevantly addressed the SEARs for the project. The assessment undertaken as part of the EIS considers the potential for impacts to all listed heritage items within and in the immediate vicinity of the site including the locally listed MLC building and the Rag & Famish Hotel.

The HIA Report was 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 the methodology for assessing heritage impact. The HIA Report has been structured to consider the relevant heritage management framework, the site's historic context, relevant statements of significance and to provide an assessment of heritage impact including to consider relevant statutory controls applying to the site. The HIA also makes relevant recommendations based on the heritage impact assessment to ensure an acceptable heritage outcome is achieved through the subsequent detailed SSD Application. On this basis, the HIA is considered to be adequate. It is also noted that the Heritage Council of NSW has not raised concerns with the quality of the assessment.

A HIA would be submitted with the detailed SSD Application for the physical building and would be required to address the recommendations made in the HIA Report, which are incorporated into the projects mitigation measures, to ensure the OSD achieves a positive heritage outcome for the site.

6.4.6 Pedestrian circulation

6.4.6.1 Link to North Sydney Station

Issue

An all-weather pedestrian link should be provided between Victoria Cross Station and the existing North Sydney Station.

Response

As clarified in Section 2.2 of this Submissions Report, the scope of this concept SSD Application is limited to the OSD and does not include works associated with the Victoria Cross Station, ground plane arrangements or associated connections.

Regardless, it is noted that Victoria Cross Station is not intended to provide a significant interchange function with the Sydney Trains network, but instead improve connectivity and support growth in the northern section of CBD. The interchange function with the Sydney Train network is encouraged at other stations on the Sydney Metro network, including Central, Martin Place and Chatswood. All of these designated stations offer easy weather protected connections. As a result, the interchange function to rail is expected to be minor and is proposed to be accommodated through utilising existing underground and street level connections between the sites.

6.4.6.2 Footpath / through-site link capacity

Issue

The existing footpath capacity is inadequate to accommodate the additional pedestrian traffic generated by the new station.

Response

Pedestrian forecasts and analysis indicate that there is adequate width to accommodate pedestrian movement to the access points and between Miller Street and Denison Street. Section 6.4.2 (footpath capacity) of the Traffic, Transport and Parking Report included at Appendix P of the EIS specifically addressed this issue.

Increase in pedestrian demand on the surrounding footpaths is largely attributed to the introduction of Victoria Cross Station and the planned development of the precinct (including the intensification of surrounding development) rather than the OSD to which this application relates.

Council's current planning is setting a vision to manage and reduce vehicle traffic in Denison Street through formalising the current shared zone arrangement. The proposal supports this concept and facilitates the movement of pedestrian to and from Denison Street. Sydney Metro will continue to work with Council and other relevant stakeholders to help provide an optimum outcome for pedestrian movement and access arrangements within North Sydney CBD.

It is also noted that the public domain design, including pedestrian circulation arrangements, is being dealt with under the CSSI Approval and falls outside the scope of this application. Refer to further discussion in Section 2.2 of this Submissions Report.

Issue

The width of the pedestrian through-site link is inadequate to accommodate the pedestrian traffic generated by the station.

Response

As outlined in Section 2.2 of this Submissions Report, the design of the pedestrian through-site link and all access arrangement to the station is being dealt with under the CSSI Approval and does not form part of this application. The integration of the station development with surrounding streets will be considered through the preparation an IAP (Condition E92) and the SDPP (Condition E101) under the terms of the CSSI Approval. Refer to further discussion in Section 2.2 of this Submission Report.

Pedestrian forecasts and analysis provided as part of this concept SSD Application indicate that the current footpaths are adequate to accommodate pedestrian movement to the access points and between Miller Street and Denison Street (refer to Section 6.4.2 (footpath capacity) of the Traffic, Transport and Parking Report included at Appendix P of the EIS).

6.4.6.3 Removal of MLC café to improve pedestrian flow

Issue

The existing café structure projecting out from MLC building should be removed to enable better pedestrian flow to station.

Response

The removal of buildings adjacent to the site is outside the scope of this concept SDD Application. The developments integration with surrounding public domain will be considered through the preparation of the SDPP (Condition E101). Pedestrian circulation needs in particular will be addressed within the IAP (Condition E92) and as part of the design process under the terms of the CSSI Approval. Refer to further discussion in Section 2.2 of this Submission Report.

Pedestrian forecasts and analysis provided as part of this application indicate that the current footpaths are adequate to accommodate pedestrian movement to the access points and between Miller Street and Denison Street (refer to Section 6.4.2 [footpath capacity] of the Traffic, Transport and Parking Report included at Appendix P of the EIS).

6.4.6.4 Underground access from surrounding streets

Issue

Underground access should be provided from surrounding streets, such as Berry Street and the opposite side of Miller Street.

Response

Pedestrian forecasts and analysis indicate that there is adequate width on current footpaths to accommodate pedestrian movement to the access points and between Miller Street and Denison Street. Section 6.4.2 (footpath capacity) of the Traffic, Transport and Parking Report included at Appendix P of the EIS specifically addresses this issue.

The provision of underground access is outside the scope of this concept SSD Application. The integration of the station development with surrounding streets will be considered through the preparation of the IAP (Condition E92) under the terms of the CSSI Approval. Refer to further discussion in Section 2.2 of this Submission Report.

6.4.6.5 Student foot traffic

Issue

The application does not consider a large amount of foot traffic from high school and university students and suggests an underground link could be provided to serve this population.

Response

Pedestrian forecasts and analysis indicate that there is adequate width on existing footpaths to accommodate pedestrian movement to the access points and between Miller Street and Denison Street. Section 6.4.2 (footpath capacity) of the *Traffic, Transport and Parking Report* included at Appendix P of the EIS specifically addressed this issue. Furthermore, the provision of underground access is outside the scope of this concept SSD Application.

Further, it is noted that the north portal to Victoria Cross Station, located on the corner of Miller Street and McLaren Street, North Sydney is an approved second entry to the Victoria Cross Station. Given its location relative to education uses, it is expected that it could accommodate student pedestrian movements.

The integration of the development with surrounding streets will be considered through the preparation of the IAP (Condition E92) under the terms of the CSSI Approval, and includes access and safety.

6.4.7 Vehicular traffic generation and movement

6.4.7.1 Traffic generation

Issue

The net traffic generation of 33 vehicles trips per hour at the AM peak is unacceptable.

Response

As explained in Chapter 6 of the Traffic, Transport and Parking Report at Appendix P of the EIS, a net increase of 33 vehicles per hour is a very minor increase and would have no noticeable impacts on the performance of the surrounding road network and intersections.

6.4.7.2 Denison Street capacity

Issue

Denison Street cannot accommodate additional traffic.

Response

As discussed in Section 6.2.1 of the Traffic, Transport and Parking Report at Appendix P of the EIS, road network and intersection operation in the vicinity of the site would not be affected by the predicted minor increase in traffic movements resulting from the integrated station development (net increase of 33 trips in the AM peak hour).

The application commits to the preparation of a services plan to manage the loading dock and car parking operations as part of the future detailed SDD Application. The consideration of impacts on Denison Street (and its planned pedestrianisation by Council) will be assessed at this time when the final car parking numbers for the development are known.

6.4.7.3 Change to road network

Issue

Miller and Walker Streets should be made one-way, creating bus-only streets.

Response

Alterations to the road network are outside the scope of this concept SSD Application and are the responsibility of the relevant roads authority i.e. Council and the Roads and Maritime Services. Matters in relation to the integration of the development with the surrounding road network will be considered through the preparation of the IAP (Condition E92) required by the CSSI Approval. The IAP is required to be prepared in consultation with the Traffic Transport Liaison Committee (comprising representatives from the RMS, Council, transport operators, emergency services) and the Sydney Metro DRP. Refer to further discussion in Section 2.2 of this Submission Report.

6.4.7.4 Bus interchange

Issue

The design does not address the issue of bus interchange, in particular interchange with B-Line buses that terminate in North Sydney.

Response

The comments are noted. Bus stops are strategically located near to proposed Sydney Metro northern and southern entrances on Miller Street. The proposal will not preclude possible future B-line related service changes in North Sydney.

6.4.7.5 Parking

Issue

The proposed parking should be reduced or removed for sustainable transport purposes.

Response

A maximum of 161 parking spaces for the integrated station development (150 of which are proposed for OSD use) would result in a net reduction of 47 parking spaces compared to the previous development at the site. This quantity of parking is consistent with the maximum number of parking spaces permitted under NSDCP 2013.

The final car parking numbers will be determined with the future detailed SSD Application. A number of relevant mitigations measures are recommended to reduce vehicular movements, including a commitment to deliver 800 bike parking spaces (supported by relevant end-of trip facilities), and the adoption of a green travel plan and associated measures to help manage travel demands and support and promote travel by alternative non-car based travel.

Issue

The development does not provide enough parking compared to floor space proposed.

Response

A maximum of 161 parking spaces for the Integrated Station Development (150 of which are proposed for OSD use) is proposed for the integrated station development. This is consistent with the maximum parking allowed in NSLEP 2013 for the OSD and equates to one space per 400 square metres of GFA.

Opportunities for additional parking are constrained by the station design and furthermore, would challenge the current mode share split proposed for the development. This arrangement is considered to respond appropriately to its location above Victoria Cross Station and its high accessibility to various forms of public transport.

6.4.7.6 Access to MLC building

Issue

The development would impinge upon the rights of vehicular access to the rear of the MLC building.

Response

Provision has been made for a future a breakthrough within the car park of the Victoria Cross integrated station development (soft walls) and the current level of station design contemplates a possible future connection to the MLC building. However, any future breakthrough and link would be delivered by others and is outside the scope of this concept SSD Application. The Sydney Metro design is endeavouring to future proof this to occur by others if required.

Building owners and tenants will continue to be responsible for the management of vehicular traffic into and out of their loading dock and car parking facilities. Regardless, the overall integrated

station development would not permanently disrupt rear access to the MLC building. Temporary construction impacts would be addressed at the detailed SSD Application stage in consultation with relevant stakeholders during the preparation of the CTMF and CTMP.

6.4.8 Visual privacy

6.4.8.1 Privacy impacts on the Alexander Apartments building

Issue

The proposal will result in potential privacy impacts to the Alexander Apartments building.

Privacy screens should be provided.

Response

As discussed in Section 8.4.1 of the EIS, the primary tower portion of the OSD building envelope is separated from the Alexander Apartments building by generally 40 metres, which is greater than the 24 metre minimum separation required by the ADG. Where the building envelope extends to Denison Street, the separation is 23 metres, however view lines at this point would be diagonal and therefore, indirect.

The indicative OSD design submitted with the EIS features a windowless building core on the east elevation, which would further mitigate potential privacy impacts. This core location has been set through design development of the station. Additionally, the intervening development at 65 Berry Street would function as a physical obstruction between direct view lines from the OSD to the Alexander Apartment building.

Overall it is considered that privacy screens are unlikely to be required. Privacy impacts would be considered during the design development of the OSD and are included in the project specific Design Guidelines (Appendix C) and the mitigation measures (Chapter 9).

6.4.9 View impacts

6.4.9.1 View lines affected by Miller Street setback

Issue

The stepping Miller Street setback would adversely affect view lines to neighbouring heritage buildings.

Response

The amended project proposes a change to the building envelope to replace the stepped form which projects of the Miller Street setback with a simplified articulation zone. This change is outlined in Section 2.1 of this Submissions Report and is further considered in Chapter 7 of this Submissions Report. It is noted that the articulation zone, which projects over the Miller Street setback area, begins at RL 118, approximately 13 storeys above ground (consistent with the alignment of the stepped form). This allows a primary street wall to be maintained at the lower levels of the building and ensuring that key views will be maintained to surrounding heritage items.

6.4.9.2 View analysis is inadequate

Summary of comment

The submitted view analysis is inadequate because it does not analyse views from Denison Street and from the eastern side of Berry Street.

Response

While the View Impact Study in Appendix Y of the EIS does not use Denison Street or Berry Street as specific vantage points, the 14 key vantage points chosen are considered to provide a comprehensive depiction of the visual impacts of the development from the surrounding area. The Visual Impact Assessment Report at Appendix AA of the EIS concludes that the development would appear consistent with its CBD context and compatible with surrounding development.

Sydney Metro has undertaken a further view study of the impact of the integrated station development on the views from the northern end of Denison Street at the intersection with Berry Street. A series of sketches have been prepared showing the previous (pre-demolition) view to the MLC building and the impact of the building envelope as exhibited. Refer to the Streetscape and Visual Impact Study (Denison Street) at Appendix I and further discussion in chapter8 of this Submissions Report.

A View and Visual Impact Assessment will be submitted with the future detailed SSD Application.

6.4.9.3 View impacts on the Alexander Apartments building

Issue

The proposal will result in adverse view impacts to residents of the Alexander Apartment building.

Response

The Visual Impact Assessment Report at Appendix AA of the EIS, supported by Visual Impact Studies at Appendices Y and Z concludes that the impacts on views from surrounding key vantage points and the neighbouring Alexander Apartments building are acceptable, and are compatible with surrounding development in the North Sydney CBD.

A further assessment of view impacts from level 22 and above of the Alexander Apartments building has been undertaken during the preparation of this Submissions Report at the request of DPE. This assessment concludes that whilst the building envelope will impact on some west facing views from balconies and windows of apartments above level 22, no iconic views will be obscured by the building envelope. Further, given the CBD location of the site, the view impacts caused by the proposed envelope are considered to be reasonable and acceptable. Refer to further discussion in Section 8.2 and the Supplementary View Impact Study at Appendix G of this Submissions Report.

6.4.10 Construction impacts

6.4.10.1 General construction impacts

Issue

General concerns about construction impacts including:

- general noise impacts
- impacts on ingress and egress
- cumulative construction impacts.

Response

The CNVS has been developed to manage construction noise and vibration issues. The CNVS would be implemented to manage construction noise and vibration impacts for the delivery of the OSD where delivery occurs concurrently with and up until completion of the station (i.e. construction Scenarios 1 and 2 as detailed in Section 4.11 of the EIS). For Scenario 3 (i.e. an OSD developed at some stage in the future beyond the completion of the station), the construction-related noise and vibration impacts would be managed in accordance with the applicable guidelines/standards that apply at the time and any relevant conditions of consent.

Arrangements for the management of construction traffic would be confirmed at the detailed SSD Application stage through preparation of a CTMP, as detailed in the construction mitigation measures (refer to Section 9.2 of this Submissions Report). Relevant consultation would be undertaken with Council and the Sydney Coordination Office during the preparation of the CTMP to ensure relevant vehicular ingress and egress, and cumulative impacts are considered and appropriately addressed.

6.4.10.2 Construction staging

Issue

Staging Option 1 (concurrent construction of station and OSD) should not be optional but imperative in order to minimise the duration of construction.

Response

The submission's suggestion is noted. Option 1 is Sydney Metro's preferred option. However, given that the delivery of the OSD could be influenced by property market forces, the other options could also occur, where there is a time lag between completion of the station and completion of the OSD. Further consideration of the construction staging options is provided in Section 8.16 of the EIS, with the framework for construction ultimately being determined by the OSD contractor.

Further details in respect to construction staging will be provided with the future detailed SSD Application and are relevantly addressed in the mitigation measures.

6.4.11 Wind impacts

6.4.11.1 Adverse wind impacts

Issue

The development would exacerbate the wind tunnel effect and result in adverse wind conditions in the area.

Response

Sydney Metro acknowledges that the development has potential to cause wind impacts. These impacts were considered in the Wind Impact Assessment Report at Appendix M of the EIS. The report identifies possible locations for adverse wind impacts resulting from the development. It provides recommendations for future investigations and potential mitigation measures that can be incorporated into the design to reduce wind impacts to an acceptable level.

Further computational analysis and wind tunnel testing would be undertaken as part of the detailed design of the OSD to quantify expected wind speeds and compliance with the Lawson comfort criteria. These requirements are included in the mitigation measures.

6.4.12 Consultation

6.4.12.1 Inadequate consultation

Issue

The pre-lodgement consultation appears to have been a box-ticking exercise rather than a comprehensive process.

Response

Chapter 5 of the EIS provides a summary of the consultation activities that have occurred for the concept proposal. An updated Consultation with Stakeholders Report is submitted with this Submission Report (Appendix D) and documents key issued raised during the pre-lodgement consultation and how these issues have been addressed.

The results of the additional consultation carried out by Sydney Metro since lodgement of the application (i.e. during the public exhibition of the EIS) has been documented in Chapter 3 of this Submissions Report. It is noted that this consultation is additional to the statutory obligations of the consent authority under the EP&A Act.

Sydney Metro is committed to continuous improvement and has welcomed feedback on how to improve communication with the community. Feedback can continue to be made via phone by calling 1800 171 386 or emailing sydneymetro@transport.nsw.gov.au. Every effort has been and would continue to be made to consider any suggestions.

Issue

The Waverton Precinct Committee was not consulted in a meaningful sense despite being listed as being consulted in the EIS.

Response

Sydney Metro has noted the submission from the Waverton Precinct Committee.

Sydney Metro notes that the briefings referred to in the submission regarding stakeholder engagement refer to 'project-wide stakeholder engagement' carried out between 11 June 2014 and 20 April 2018.

Sydney Metro team members did speak to the Chairman of the Waverton Precinct Committee in February 2016 regarding a range of project-wide issues.

Sydney Metro acknowledges that no specific consultation was undertaken with the Waverton Precinct Committee prior to the lodgement of the Victoria Cross EIS.

Issue

The 28-day exhibition period is too short.

Response

The statutory requirement for the exhibition of a SSD Application is 28 days, as defined by the Community Participation Requirements in Schedule 1 of the EP&A Act. DPE is the statutory planning authority for the purposes of the Victoria Cross SSD Application and determined to exhibit the application for 28 days (from 25 May 2018 to 22 June 2018).

6.4.12.2 Stakeholder engagement details not provided

Issue

Comprehensive stakeholder engagement details were not included in the application, as required by the SEARs.

Response

As noted above, Chapter 5 of the EIS provides a summary of the consultation activities that have occurred for the concept proposal. Additional forms of consultation/notification will be considered for any future application for physical works. Further, the results of the additional consultation carried out by Sydney Metro following the lodgement of the concept SSD Application have been documented in Chapter 3 and Appendix N of this Submissions Report.

6.4.13 Social and economic impacts

6.4.13.1 Removal of Tower Square

Issue

The development removes the successful Tower Square, which served as an important community gathering place and does not provide a suitable alternative.

Response

The demolition of Tower Square was approved under the CSSI Approval. In its place, the concept for the integrated station development provides for a retail-activated pedestrian through-site link and active retail frontages to Miller Street, Denison Street and Berry Street. Collectively, these would provide for retail opportunities to replace those lost at Tower Square and satisfy the place-making principles requirements in Council's Sydney Metro Planning Study.

Opportunities for community gathering points including within the Miller Street setback will be further considered through the design development of the SDPP required to be prepared in accordance with Condition E101 of the CSSI Approval.

6.4.13.2 Lack of community/cultural facilities

Issue

The development does not include any community or cultural facilities.

Response

The proposed use of commercial premises aligns with the State and local strategic vision for the site as a major commercial development and capitalises on the transport benefits of Sydney Metro. As the concept SSD Application seeks approval for commercial premises on the site, the final mix and configuration of land uses (i.e. business, retail and office) will be a matter for the future detailed SSD Application. In this regard, the concept SSD application does not preclude future community uses (i.e. a child care centre) being provided within the development.

6.4.14 Other issues

A number of submissions raise discrete issues not closely related to the general categories identified above. These other issues are addressed below.

6.4.14.1 Design Excellence Strategy is inadequate

Issue

The Design Excellence Strategy is inadequate.

The constitution of the Design Excellence Panel has not been provided.

Response

An updated Sydney Metro Design Excellence Strategy (Appendix B) forms part of the amended project and specifically responds to further consultation under with the GANSW during the exhibition of the EIS. As detailed in Section 5.2 of this Submissions Report, the updated Sydney Metro Design Excellence Strategy is supported by the GANSW as providing a robust and relevant design excellence process for integrated station development.

The Sydney Metro DRP was established in August 2016. Since this time, the Sydney Metro DRP has provided independent and impartial design advice lifting the design quality of the Sydney Metro City & Southwest project. The Panel members are design experts who are recognised as advocates for design excellence. The Sydney Metro DRP meets monthly with additional meetings arranged when required. The Sydney Metro DRP is chaired by the NSW Government Architect.

6.4.14.2 Question independence of the DEEP

Issue

The independence of the Sydney Metro DEEP is questioned.

Response

An updated Design Excellence Strategy (Appendix B) forms part of the amended project and specifically responds to further consultation undertaken with the GANSW during the exhibition of the EIS. As relevant to Victoria Cross OSD, these proposed changes have clarified role of the DEEP and incorporated benchmark projects as the reference for the future design at Victoria Cross, which Sydney Metro considers demonstrate relevant design quality aspiration for the future OSD.

The updated Design Excellence Strategy establishes that the members of the DEEP would comprise the following:

- NSW Government Architect as Panel Chair (or alternate Panel member endorsed by Sydney Metro).
- one representative nominated by Government Architect NSW on behalf of DPE
- up to two representatives nominated by Sydney Metro as the Proponent (with nominees being drawn from the Sydney Metro DRP)
- one representative nominated by the local council.

Based on the range of panel members, Sydney Metro considers that their recommendations throughout the tender evaluation process will be sufficiently independent, noting that Sydney Metro only represent two of the five members of the panel.

6.4.14.3 Air rights

Issue

The development is guilty of 'double-dipping' because the Tower Square 'air rights' are already sold.

The development fails to recognise that the 'formal planning process' has already transferred the development rights from Tower Square to '65 Denison Street [sic]'.

Response

The planning controls which applied to Tower Square at that time are no longer relevant to the redevelopment of this site. There are no development restrictions applying to the site pursuant to NSLEP 2013 or on the title of the land reflective of this earlier transaction. To the contrary, Council planning controls encourage the significant commercial development on the site and in this regard, the proposal is consistent with NSLEP 2013 (as amended by the North Sydney Centre Planning Proposal).

6.4.14.4 State Significant Development

Issue

Clarification should be provided regarding the development's classification as State Significant.

Response

The development is classified as State significant development for the purposes of section 4.36 of the EP&A Act as it is declared to be State significant development pursuant to Schedule 1, Clause 19(2) of the SRD SEPP i.e. it is within a rail corridor, is associated with railway infrastructure, is for the purposes of commercial premises and has a Capital Investment Value in excess of $30 million. This matter is address in Section 2.1 (State Significant Development) of the EIS and is addressed in Section 1.2 (Overview of the Project) of this Submissions Report.

6.4.14.5 Naming rights for Victoria Cross Station

Issue

The name of the station should be changed given it is not in the area typically known as Victoria Cross.

Response

The submission's suggestion is noted. The final name for Victoria Cross Station is outside the scope of this concept SSD Application and any name change will need to be determined in the future by the Geographical Names Board of NSW.

6.4.14.6 Sydenham to Bankstown line

Issue

The Sydenham to Bankstown portion of the Sydney Metro infrastructure should be built as an entirely new line rather than as a conversion of the existing line in order to service new populations.

Response

The Sydenham to Bankstown portion of Sydney Metro City & Southwest project is outside the scope of this concept SSD Application.

6.4.14.7 Impact on property values

Issue

The development would reduce property values.

Response

Sydney Metro is unaware of any evidence suggesting that redevelopment of the site would reduce property values in the vicinity of the site. Further, a decline in property values has not been evident along the Epping to Chatswood Rail Line or other underground rail lines in Sydney.

6.4.14.8 Value capture

Issue

Value capture contributions are the preferred payment mechanism for payment of the Sydney Metro infrastructure rather than sale of air rights.

Response

The funding mechanism(s) for Sydney Metro infrastructure is not a relevant matter for consideration in the assessment of this concept SSD Application.

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Amended project

CHAPTER SEVEN

7. Amended project

The term 'amended project' refers to the Victoria Cross over station development with amendments as a result of Submissions received. This chapter provides detail on the changes to the concept proposal as exhibited, including a description of the amended project compared to the Project described in the exhibited EIS.

7.1 The building envelope — articulation zone

The concept SSD Application seeks approval for a building envelope capable of supporting an integrated station development comprising a commercial office development above the Victoria Cross Station. The building envelope defines the three-dimensional volume within which the future OSD can occur.

An axonometric showing the three-dimensional massing of the building envelope, as exhibited with the EIS, is provided in Figure 7.1.

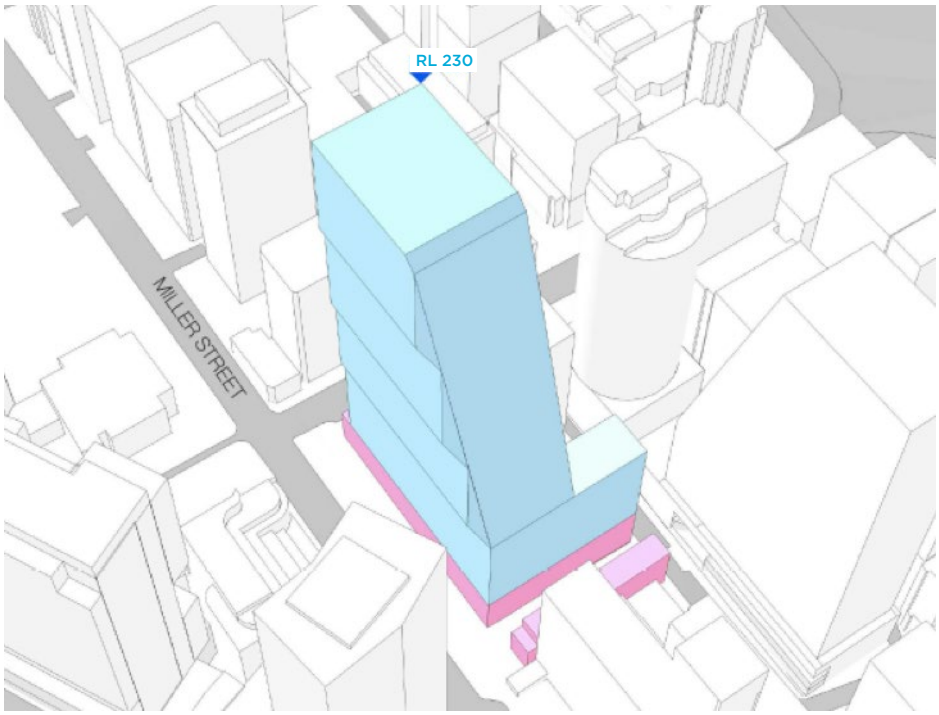


Figure 7.1 — Axonometric of the exhibited building envelope

The design rationale informing the exhibited building envelope is detailed in Section 8.1 of the EIS and is supported by the Built Form and Urban Design Report at Appendix G of the EIS. In summary, the building envelope has been informed by consideration of the relevant strategic plans and statutory planning provisions which apply to the site. The building envelope has also been informed by a detailed consideration of the site context, including neighbouring heritage listed buildings, and the significant change in scale of commercial development in the vicinity and that anticipated by the North Sydney Centre Planning Proposal.

A key feature of the western face of the exhibited building envelope is its stepped setback (as illustrated in Figure 7.1 and at Appendix E) which range from six metres between RL 82 to RL 118 (to align with the setback of the station box) and projects westward towards the western property boundary of the site (that is, toward Miller Street) between RL 118 and the top of the building envelope (RL 230), in three successive 1.5-metre projections. This feature of the building envelope does not comply with Clause 6.4 (Miller Street setback) of the NSLEP 2013, which stipulates that

the setbacks on the eastern side of Miller Street should range from 6 to 11.5 metres, but does result in a better planning outcome for the site. Up to a height of RL 118, the proposed building envelope is compliant with the Miller Street setback.

A Clause 4.6 Variation Request (Appendix FF) was submitted with the EIS and established that the variation to the Miller Street setback was acceptable in the circumstances for the following reasons:

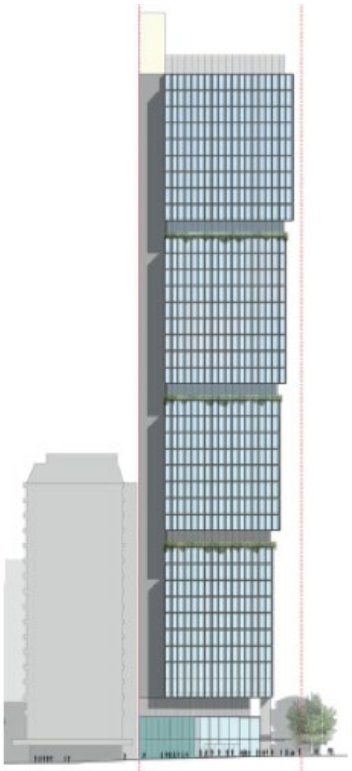
- compliance with the Miller Street setback was unreasonable and unjustified in the circumstances of the proposed development
- there is sufficient environmental planning grounds to justify the contravention, which results in a better planning outcome than a strictly compliant development in the circumstances of the particular case
- the concept proposal is consistent with the objectives of Clause 6.4 and Zone B3 Commercial Core of NSLEP 2013
- the concept proposal is in the public interest
- there are no matters of State or regional planning significance and no significant public benefits in maintaining the setback standard in this case.

As the building envelope represents the maximum volume of the future building form, the Victoria Cross Design Guidelines were prepared by Sydney Metro to specifically provide direction on the architectural resolution of the future OSD, including to ensure that the final built form is compatible in the streetscape, sensitively responds to neighbouring heritage items and has no unacceptable overshadowing impacts to neighbouring public open space including the Miller Street Special Area. Further, Sydney Metro's Design Excellence Strategy sets out the process whereby the DRP would provide advice on the attainment of design excellence through the detailed evaluation of the future building form during its design development phase. In combination, the Victoria Cross Design Guidelines and Sydney Metro's Design Excellence Strategy would ensure a well-considered and scrutinised future building form which would ultimately achieve design excellence, including the highest standard of architecture and urban design.

DPE has requested further consideration be given to the appropriateness and extent to which the stepped projection of the building envelope over the Miller Street setback closely reflects the architecture of the indicative OSD design (i.e. the stepped architectural form, as illustrated in figures 7.2 and 7.3 below). Further investigations have been undertaken in relation to this element of the exhibited building envelope (refer to Appendix E and Appendix P). This includes consultation with Sydney Metro DRP to consider options for simplifying and providing greater design flexibility for the future building form. This has included consideration of the extent of the projection, its impact on the streetscape and views to neighbouring building items (including heritage items), and overshadowing impacts to the public domain. Further, consideration has been given to the building envelope alignment in the context of Miller Street. These matters are discussed in detail in Section 8.1 of this Submissions Report.



Figure 7.2 — Photomontage of indicative OSD design (as exhibited)



NORTH ELEVATION

Figure 7.3 — North elevation of indicative OSD design (as exhibited)

As a result of the above investigations, Sydney Metro has amended the building envelope form to provide greater design flexibility. The amended building envelope form, as illustrated in Figure 7.4, retains the 4.5-metre maximum projection over the Miller Street setback area but replaces the stepped form with a flat, continuous edge. The southern end of the projection is tapered to prevent any additional overshadowing of the Miller Street Special Area. The extent of the building envelope which projects over the Miller Street setback is now referred to as an 'articulation zone' (refer to Appendix P).

As detailed in Section 3.4 of the Submissions Report, Sydney Metro's DRP has considered this amendment to the building envelope, and support the simplification of the building envelope and the incorporation of the articulation zone, subject to the design and environmental requirements detailed in Section 7.3 of this Submissions Report, which have been incorporated into the Victoria Cross Design Guidelines. Further, the DRP has recommended that the future building form not occupy the full extent of the articulation zone. The DRP specifically advised that the development within the articulation zone not be constrained by numerical requirements (i.e. that the building form within the articulation zone not be constrained by a defined quantum of floor space or percentage of the volume within the zone). Instead, it was recommended that the future building design be considered on its merits and be assessed against the specified design and environmental consideration. The capacity of the built form to be accommodated within the amended building envelope will however remain at 60,000 square metres of GFA.

In this regard, the extent of the future building form within the articulation zone is to be determined by its design excellence based on an evaluation and assessment of the following:

- compliance with overshadowing requirements in NSLEP 2013
- respecting the datum of the adjoining MLC building
- maintaining sky view
- acceptable amenity and microclimate in the public domain, particularly in respect to wind impacts.

Drawings illustrating the amended building envelope are included at Appendix A of this Submissions Report, and supersede those submitted with the exhibited EIS. The Submissions Report is also accompanied by a Shadow Study of the Miller Street Special Area (Appendix F). This Study specifically demonstrates that the articulation zone would not cast any additional shadow to the Miller Street Special Area and therefore, that the amended project remains compliant with the provisions of Clause 6.3 of NSLEP 2013.

As detailed above, further consideration and assessment of the building envelope is provided in Section 8.1 of this Submissions Report.

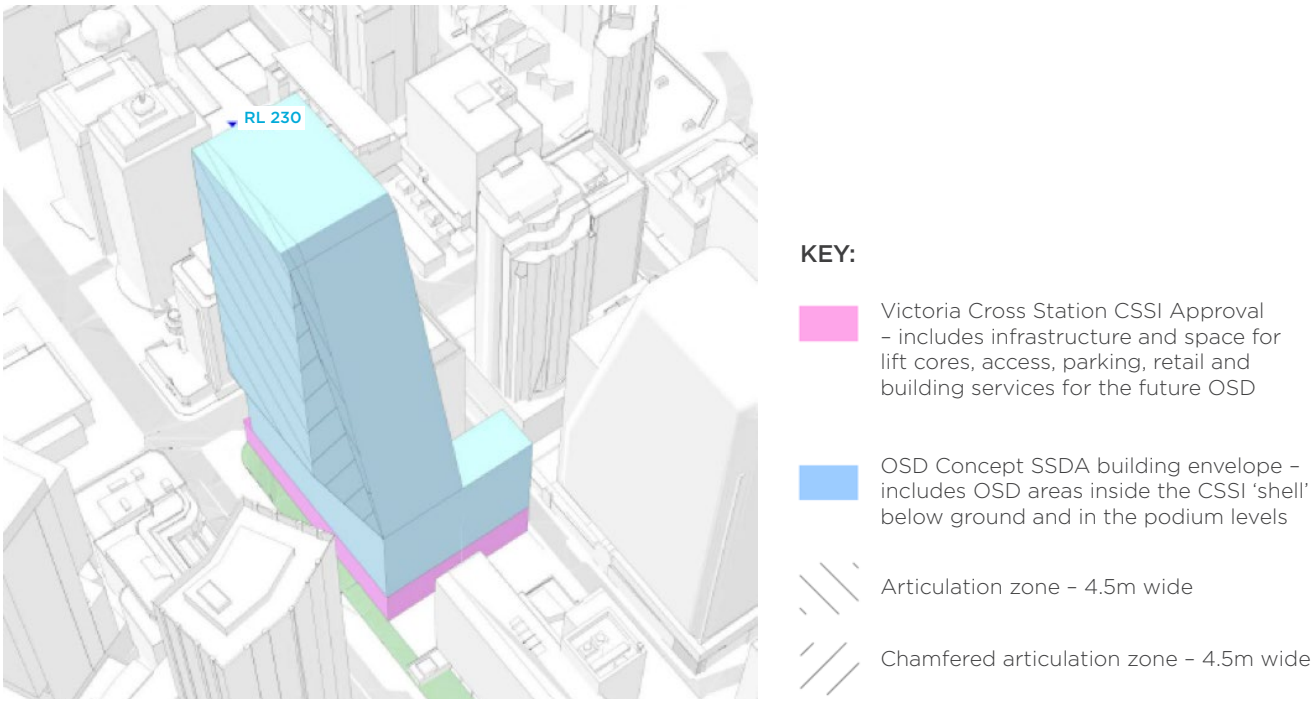


Figure 7.4 — Axonometric view — amended building envelope incorporating the articulation zone

7.2 Design Excellence Strategy

Section 4.8 of the EIS includes a description of the proposed Sydney Metro Design Excellence Strategy for OSD. The Design Excellence Strategy establishes a consistent framework for how Sydney Metro plans to deliver of design excellence to all of its integrated station developments. The exhibited Design Excellence Strategy was prepared in consultation with the GANSW and draws on the GANSW's Better Placed document and the principles of the draft Design Excellence Competition Guidelines.

Following lodgement of the concept SSD Application, further consultation has been undertaken with the GANSW to refine the strategy and in particular, the role of the DEEP through the tender evaluation stage of the project and to incorporate benchmark project which convene the design quality aspirations for OSD.

Specifically, the amendments to Sydney Metro Design Excellence Strategy include the following:

- confirmation that the DEEP Panel Chairperson will brief Sydney Metro's tender review panel
- clarification of Design Excellence Evaluation Panel members
- clarification that the DEEP members are to have design expertise and preferably experience designing major infrastructure projects, train stations or large scale commercial, mixed use or residential buildings
- inclusion of a technical waiver for sites subject to the statutory design excellence requirements of the Sydney LEP 2012
- inclusion of benchmarks for the Victoria Cross OSD and Pitt Street OSD's.

As detailed in Section 6.0 of this Submissions Report, the GANSW has advised of his support for the amended Sydney Metro Design Excellence Strategy.

The updated Design Excellence Strategy is included at Appendix B.

7.3 Victoria Cross Design Guidelines

The Victoria Cross Design Guidelines were submitted with the EIS and have been prepared to provide guidance on the future design of the OSD including in respect to built form, its composition and relationship to the station, the public domain and neighbouring development, including the MLC building and the Rag & Famish Hotel.

Specifically these guidelines reflect the desired future character for the area having considered the relevant provisions of the NSLEP 2013 (as amended by the North Sydney Centre Planning Proposal), the Sydney Metro Planning Study and NSDCP 2013. In particular, the design guidelines seek to respond to the principle transport, public domain, land use and built form provisions in these documents which collectively encourage a significant commercial development on this

site above the metro station, helping ensure that North Sydney maintains its status as a relevant commercial centre, as well as taking advantage of the accessibility provided by existing and planned public transport infrastructure.

Sydney Metro proposes a number of amendments to the Victoria Cross Design Guidelines in response to a number of submissions relating to:

- land use
- building siting, scale and mass
- building design

The relevant amendments incorporated into the Updated Victoria Cross Design Guidelines (Appendix C) are discussed separately below.

7.3.1 Land use

A number of submissions raised concerns with respect to streetscape activation and the capacity of the proposal to provide sufficient and diverse retail offerings to satisfy the broader workers, visitor and commuter needs, and also to enliven the CBD during the weekend and night-time.

In response to these issues, the Victoria Cross Design Guidelines have been updated to require that opportunities to maximise the site activation be explored at the detailed design stage and further, for a retail strategy to be prepared and submitted with the future detailed SSD Application. The strategy is to document how the retail opportunities proposed in the application best respond to the market and user needs and how the OSD retail fits into the overall retail strategy for the integrated station development and contributes to the place-making and the vibrancy of the development.

In line with the above, Guideline 4 and new Guideline 5 have been included in Section 4.1 (land use) in the Updated Victoria Cross Design Guidelines as follows, with the amendments identified in **bold** text, with deletions shown with a ~~strikethrough~~:

4) ~~Where possible, complementary uses which activate the public domain are encouraged.~~ **Where possible, the development should maximise opportunities to incorporate retail, restaurant, bar facilities and other non-residential floor space to promote the activation, amenity, diversity and place-making objectives and contribute to the night-time and weekend economy of the North Sydney CBD.**

5) A retail strategy should be prepared and submitted with the detailed SSD Application which demonstrates how the retail opportunities proposed best respond to the market and users' needs. In addition, the strategy is to demonstrate how the OSD retail fits into the overall retail strategy for the integrated station development and contributes to the place-making and vibrancy of the development.

7.3.2 Building siting, scale and mass

The 'building siting, scale and mass' guidelines in Section 4.2 of the Victoria Cross Design Guidelines have been updated to replace the exhibited building envelope drawings with the amended building envelope drawings detailed in Section 7.1 above. In this regard, Figures 3 and 4 have been updated to include the amended building envelope drawings incorporating the articulation zone.

No further changes to this section of the Victoria Cross Design Guidelines are proposed.

7.3.3 Building design

Two changes are proposed to the 'building design' guidelines in Section 4.3 to address the following matters, as discussed separately below:

- amenity of neighbouring buildings
- articulation zone.

7.3.3.1 Amenity of neighbouring buildings

In response to concerns raised in submissions, Guideline 3 has been updated to include specific reference to the requirement to consider the amenity of neighbouring development in the design and exterior treatment of the future building. The change to Guideline 3 is provided below, with the amendment identified in **bold** text, with deletions shown with a ~~strikethrough~~:

3) The **articulation and exterior design of the** tower form should **consider** ~~be articulated to minimise~~ view **and amenity** impacts for residents of the ~~Beau Monde~~ **Alexander Apartments** building and **neighbouring buildings**.

7.3.3.2 Articulation zone

In response to concerns raised in submissions and DPE's request for reconsideration of the stepped form of the building envelope (Miller Street) and its replacement with an articulation zone, a new Guideline 4 has been drafted. Guideline 4 specifically includes reference to the articulation zone, including the achievement of design excellence required by the Sydney Metro DRP. The new guideline is provided below:

4) **the building form within the 'articulation zone' of the Miller Street frontage of the building envelope (as illustrated in Figure 5) may utilise some (not all) of the nominated zone. The future built form within this articulation zone is to achieve design excellence and be justified through an assessment of the following:**

   a. compliance with overshadowing requirements in NSLEP 2013

   b. respecting the datum of the adjoining MLC building

   c. maintaining sky view

   d. acceptable amenity and microclimate in the public domain particularly in respect to wind impacts.

Additional information and assessment

CHAPTER EIGHT

8. Additional information and assessment

Sydney Metro has prepared additional information and a number of additional studies to specifically support this Response to Submissions Report. This additional information and studies have been prepared to respond to key issues which have been raised in submissions and a request from the DPE in relation to:

- **built form and setbacks**
- **view impact assessment — Alexander Apartment building**
- **response to issues raised during consultation**
- **Denison Street view assessment.**

This chapter documents this additional information and provides an assessment of the additional environmental impacts, where relevant.

8.1 Built form and setbacks

DPE has requested that further consideration and additional justification be provided with respect to the proposed built form and setbacks. This is in relation to the site's context, particularly as viewed along Miller Street, and the desired future character for the North Sydney CBD. Specifically, DPE has requested that additional information be provided to address the following four key issues, to:

- illustrate how the projecting tower elements on the Miller Street elevation respond to the desired future character for the North Sydney CBD
- consider the need for any variation in building set back from Miller Street, in response to the established streetscape, and transition to the Berry Street frontage
- with respect to the Miller Street elevation, clarify the appropriateness and extent to which the proposed building envelope should reflect the indicative scheme
- with respect to the Miller Street elevation, clarify options for an articulation zone and additional design principles that will support innovative design solutions.

A response to the key built form and setback issues raised is provided below.

8.1.1 Response to the desired future character for the North Sydney Central Business District

The desired future character for the North Sydney CBD is set out in the Sydney Metro Planning Study and the NSDCP 2013, and is inherent in the provisions for the North Sydney CBD in NSLEP 2013.

Key principles for the development of the site, as stated in the Sydney Metro Planning Study, promote a proposal for OSD that will contribute to the commercial prestige of North Sydney by providing commercial floor plates commensurate with premium or A-grade market demand; and that will create an icon to reinforce the commercial character of the North Sydney Centre. The Study also supports the facilitation of a sense of place and identity.

Currently, the prevailing urban character in the North Sydney CBD is varied and eclectic. Existing buildings are not defined by a consistent datum for tower or podium height or by consistent street setbacks.

Recently completed or planned developments, such as 177 Pacific Highway and 1 Denison Street demonstrate an emerging character of high quality, contemporary design. These developments comprise individual and unique buildings that contribute to the skyline and a revitalised sense of place for the North Sydney CBD.

The projecting tower elements in the exhibited building envelope on the Miller Street would provide for a similar level of contemporary design expression and identity through the articulation of the Miller Street façade to promote design innovation.

Selective views of the projecting form of the exhibited building envelope on the Miller Street façade are shown in Figure 8.1 (also refer to Appendix E).

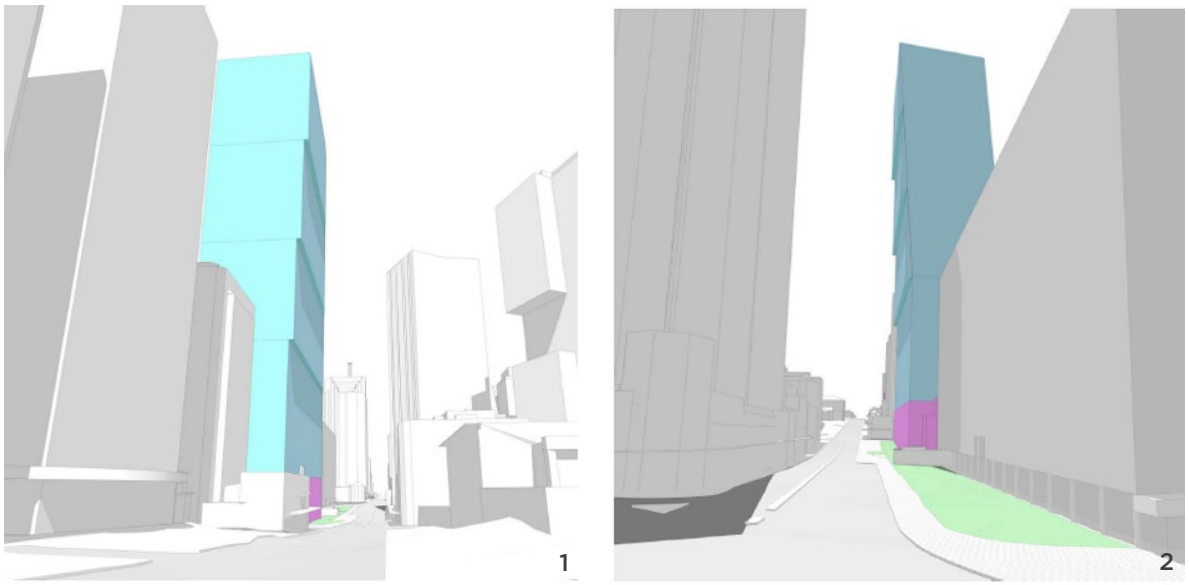


Figure 8.1 — View of building envelope: 1. Looking south along Miller Street from the western side of the footpath, north of Berry Street. 2. Looking north along Miller Street from the junction with Pacific Highway.

The projecting tower elements sought to break the tower into horizontal volumes that reflect both the low scale urban character and the high rise context of adjacent towers. In particular, the building envelope was designed in such a way that the bottom and top of the lowest projecting horizontal volume generally aligns with the height of the Rag & Famish Hotel and MLC building, respectively.

As can be seen in Figure 8.1 and the Streetscape and Visual Impact Study at Appendix E, the scale of the projecting steps in the building envelope was in proportion with the overall built form and scale. Importantly, the projecting steps were contained within the site boundary, with the maximum projection being 1.5 metres inside the site boundary.

The building envelope has been amended as described in Chapter 7 to provide greater design flexibility. The amended building envelope form, as illustrated in Figure 7.4, will retain the 4.5-metre maximum projection over the Miller Street setback area but replaces the stepped form with a flat, continuous edge (refer to Appendix A and Appendix P). The southern end of the projection is tapered to prevent any additional overshadowing of the Miller Street Special Area, with the projected built form over Miller Street representing an articulation zone.

This level of articulation on the Miller Street façade is considered appropriate and a positive contribution to the North Sydney CBD emerging character.

The amended building envelope responds to the desired future character of North Sydney CBD in that it allows for the following:

- a unique building form that responds to the emerging character of North Sydney CBD as a location for tall towers and high quality office development of contemporary design
- the creation of horizontal volumes that are respectful and respond to surrounding development

8.1.2 Setbacks from Miller Street and Berry Street

As detailed above in this Submission Report, the setbacks to Miller and Berry Streets are in accordance with the North Sydney Planning Study, NSLEP 2013 and NSDCP 2013. The setbacks have been proposed to balance a range of site and contextual considerations and are considered to provide an appropriate design response.

The proposed Miller Street setback aligns with the existing, consistent setback of buildings along Miller Street north of the site and shown in figures 8.2 and 8.3.

As noted in the Sydney Metro Planning Study, aligning the built form to the Miller Street setback (as required under LEP 2013) facilitates a northern tower form and a lower scale built form and through site link at the southern end.

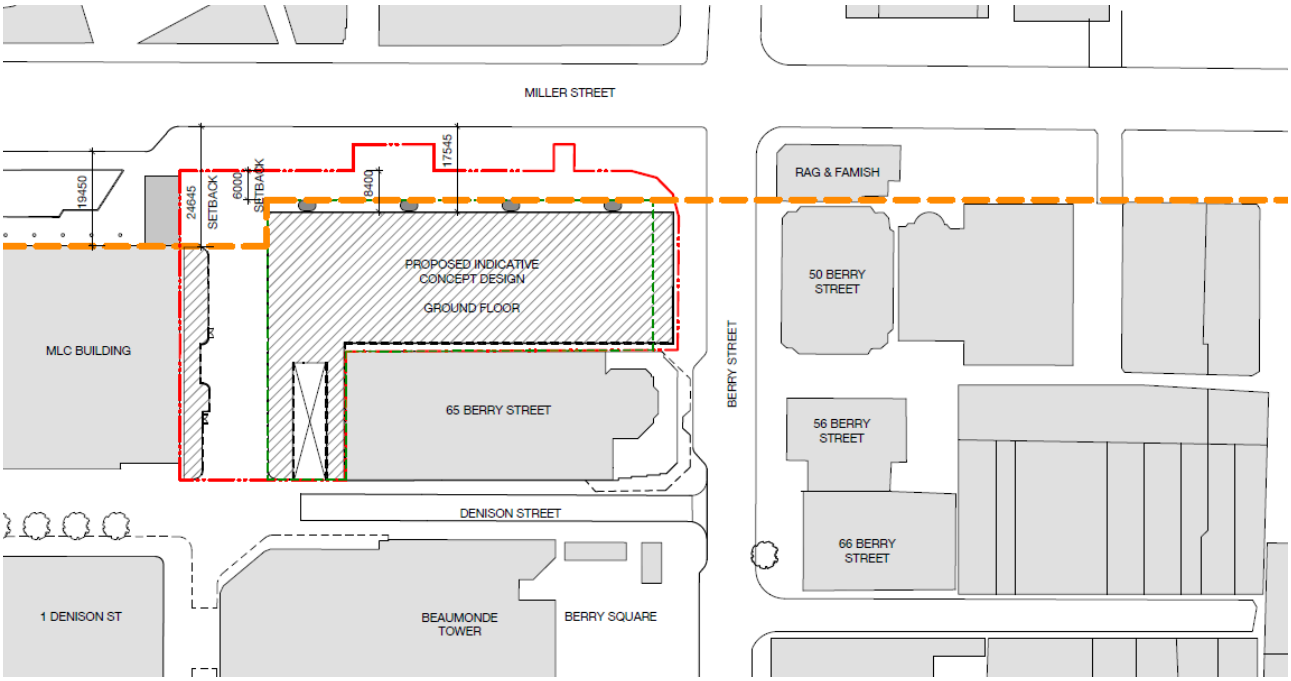


Figure 8.2 — Miller Street setback

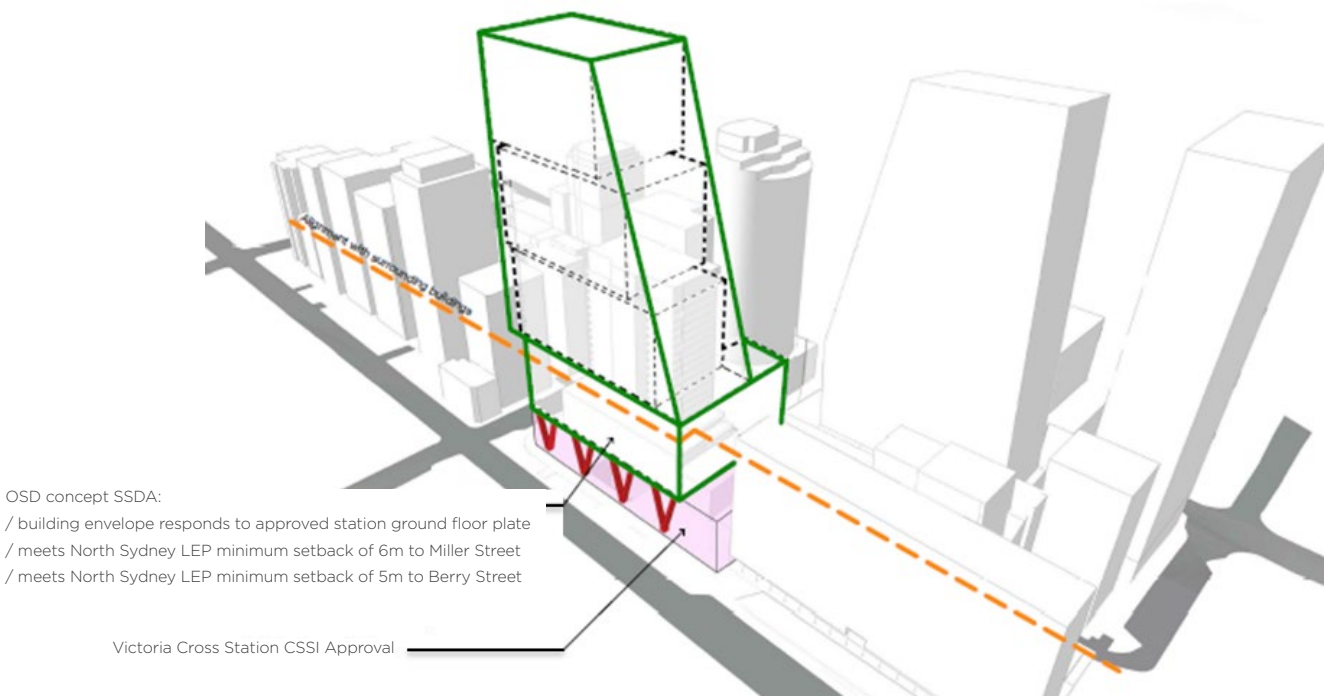


Figure 8.3 — Miller Street building alignment

Other considerations informing the Miller Street setback are:

- the length of the MLC building is unique along Miller Street and will retain its individuality
- an 18-metre setback from the north face of the MLC building to the proposed tower creates a through site link and provides a transition space from the MLC building to the proposed development
- the proposed setback facilitates appropriate commercial floorplates and provides a prominent corner presence at Miller and Berry Streets.

Berry Street currently has a variety of building frontages, setbacks, podium heights, and overall building heights. The proposed setback at Berry Street is consistent with section 2.1.3 of NSDCP 2013 which requires a weighted five-metre setback above the podium, and also responds to the functional and technical requirements of the metro station below. This includes the need to accommodate tunnel ventilation shafts at ground level. The ventilation shafts are located next to the tower core on the Berry Street side and impact the location of the ground level façade at Berry Street. The Berry Street end of the development must also accommodate a substantial station egress stair that must exit onto Berry Street. As such, the spatial requirements of station elements do not allow for a greater setback at the eastern end of the Berry Street frontage.

Overall, the proposed setbacks from Miller Street and Berry Street are appropriate responses to the site conditions for the following reasons:

- the Miller Street setback accord with the NSLEP 2013 (at the lower levels) and responds to the street alignment established by buildings to the north

- the Miller Street setback does not detract from the heritage significant of the MLC building due to the large intervening space between the proposed building envelope and the MLC building
- the Berry Street setback responds to the structural requirements set by the approved Metro station below and is consistent with NSDCP 2013.

8.1.3 Proposed building envelope reflecting the indicative scheme

Articulation of the tower on the Miller Street façade is considered appropriate for the reasons discussed above regarding the future character of the North Sydney CBD. The nature of the envelope on the Miller Street façade, and the extent to which it should reflect the indicative OSD design, has been further considered — particularly its ability to allow for the design expression of the tower. As described in Chapter 7, Sydney Metro has amended the building envelope, as illustrated in Figure 8.4, and retains the 4.5-metre maximum projection over the Miller Street setback area, but replaces the stepped form with a flat, continuous edge. This refinement and simplification of the building envelope allows greater design flexibility and clearer definition of the envelope parameters on the Miller Street façade within the defined articulation zone.

Figure 8.4 (also refer to Appendix P) shows the three key parameters that define the refined envelope. These are the:

- sun access plane to minimise shadow to the MLC building forecourt
- vertical plane to limit projection to a maximum of 4.5 metres from the compliant setback
- height below which the building should be setback to the compliant setback on Miller Street, which aligns with the MLC building height.

The amended building envelope is illustrated at Figure 8.5.

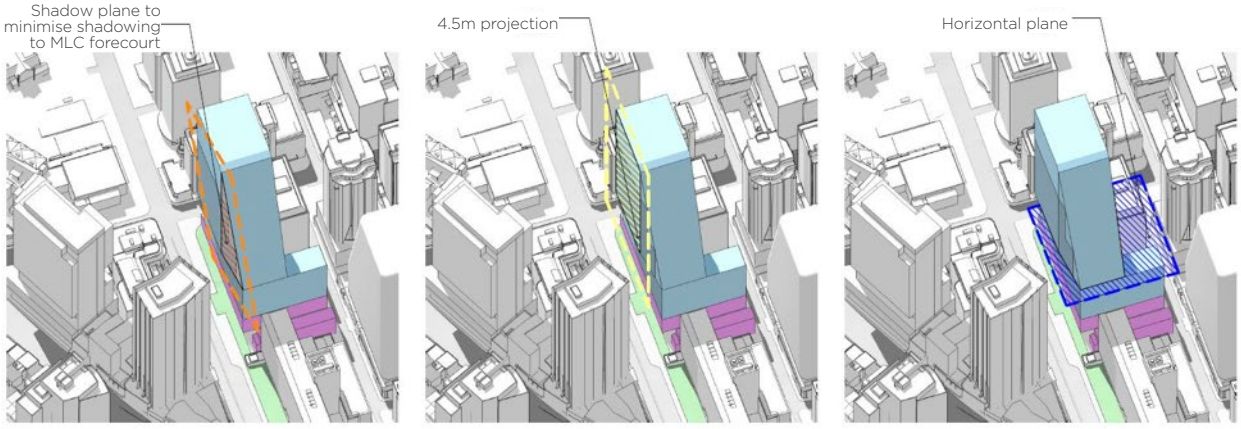


Figure 8.4 — Parameters defining the articulation zone

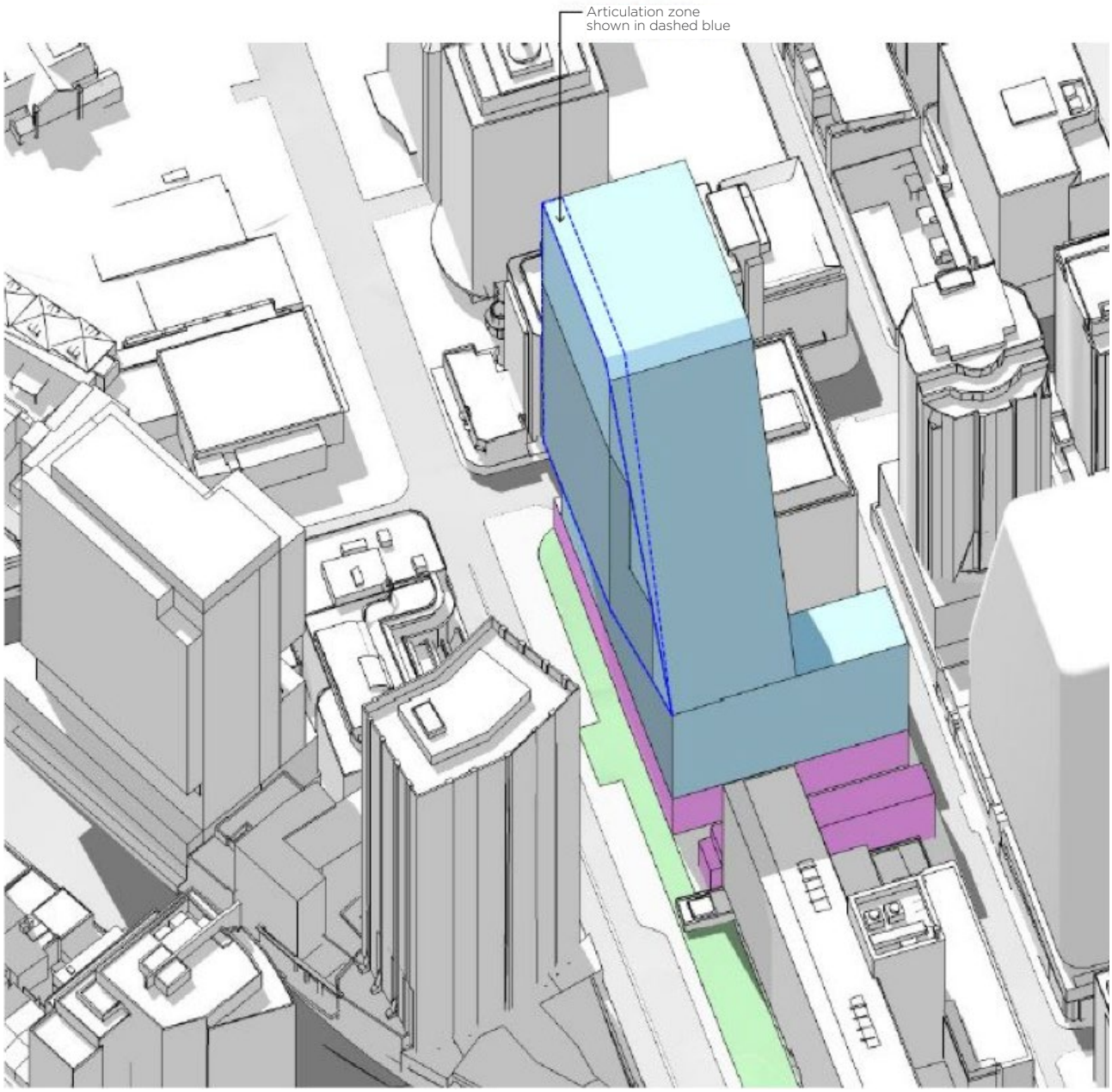


Figure 8.5 — The amended building envelope incorporating the articulation zone

Figure 8.6 and 8.7 below illustrate the visual impact of the articulation zone when viewed from various vantage points along Miller Street from the north and south of the site (also refer to Appendix E). For comparative purposes, these view also illustrate the building envelope (as exhibited) and without the articulation zone or project. These views illustrate that the both the exhibited building envelope and the amended the building envelope will have a minimal impact on the Miller Street streetscape.

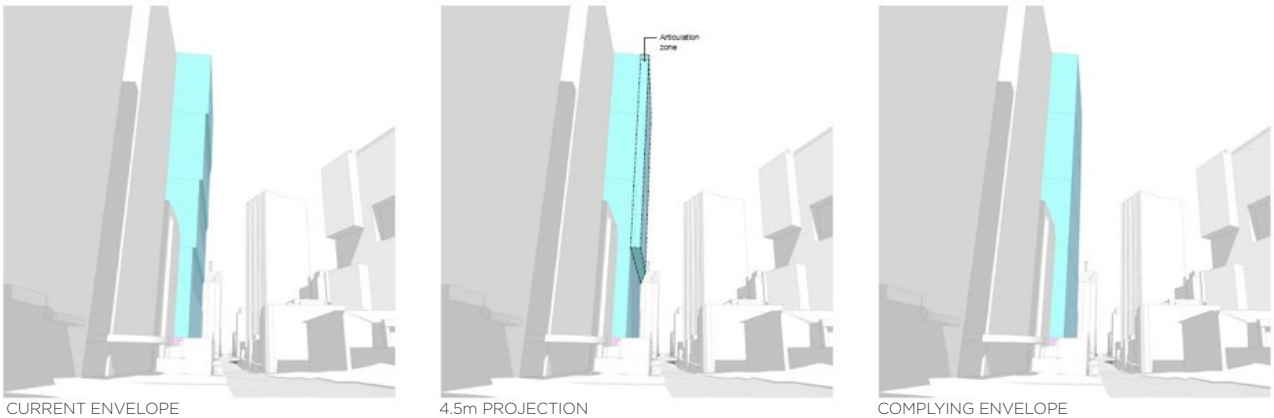


Figure 8.6 — View of building envelope from the eastern side of Miller Street looking south (view location north of Berry Street)



Figure 8.7 — View of building envelope from the eastern side of Miller Street looking north (view location Pacific Highway)

8.1.4 Options for articulation zone and additional design principles

The options for an articulation zone and the appropriate principles for the zone were considered by the DRP. As detailed in Section 7.1 of this Submissions Report, the DRP support the concept of an 'articulation zone' on the Miller Street frontage of the building envelope subject to further assessment of the building form at the future detailed SSD Application stage. As also detailed at Section 7.3 of this Submissions Report, the Victoria Cross Design Guidelines have been amended to include additional design principles for the articulation zone.

8.2 View impact assessment — Alexander Apartments building

8.2.1 Introduction

DPE has requested that further analysis of view impacts to the west-facing apartments within the Alexander Apartments building be provided to assist in the assessment of the concept proposal. It has been requested that the analysis focus on those apartments with living spaces and private open space on the outer edge of the building that are located above level 22 and/or have existing views above 65 Berry Street.

An assessment of view impacts from the Alexander Apartments building (former Beau Monde Apartments) is provided in Section 8.2.2 of the EIS and supported by a View Impact Study (Appendix Z) and a Visual Impact Assessment Report (Appendix AA). As identified in the exhibited EIS, the assessment of view impact from the Alexander Apartments was limited due to restricted access to the building. Despite requests to access the building, the assessment was limited to levels 15, 20, 27 and 37 with a particular focus on view impacts to the south-west from the Alexander Apartments building across the metro site.

DPE has made available to Sydney Metro a number of photographs taken during a site inspection of the premises. This has enabled further analysis of the view impacts for the upper levels of the Alexander Apartments building to be undertaken. A supplementary assessment of view impact is provided below and should be read in conjunction with the Supplementary View Impact Study — Alexander Apartments building (Appendix G), which includes photomontages of key views from the building modelling the existing view — the view impact resulting from an extrapolation of the maximum building heights proposed on North Sydney Centre Planning Proposal and the view resulting from the proposed building envelope.

8.2.2 View impact assessment

The assessment is structured according to the Land and Environment Court's Planning Principle for view sharing in *Tenacity Consulting Pty Ltd v Warringah Council* [2004] NSWLEC 140 (Tenacity case). This is the preferred approach for assessing view impacts in NSDCP 2013.

The assessment has been informed by additional photographs supplied by DPE, including west-facing views from level 21 (Unit 05), level 25 (Unit 01), level 31 (Unit 02) and level 33 (Unit 02).

Step 1: What are the affected views?

The west-facing views from the Alexander Apartments building at level 22 and above (i.e. those views above the current building at 65 Berry Street) generally consist of partial district land views, with some glimpses of the water to the southwest. The views are obscured by nearby commercial towers, namely 100 Miller Street (Northpoint), 177 Pacific Highway, 40 Mount Street and 8—20 Napier Street (Australian Catholic University). The views do not contain any visual icons.

As per the Tenacity case, water views are valued more highly than land views; full views are valued more highly than partial views; and views with icons are valued more highly than views without icons. Based on this criteria, the affected west-facing views would not be characterised as highly valued.

Step 2: From which part of the property are the views obtained?

The views are obtained from the west-facing balconies and windows along the side boundary of the site at 15 levels (i.e., levels 22—36). As per the Tenacity case, the expectation to retain side views is often unrealistic.

Step 3: What is the extent of the impact?

The building envelope would largely obscure or entirely eliminate the west-facing views. This would also be the case if the building envelope massing exactly reflected an extrapolation of the height limits proposed in the North Sydney Centre Planning Proposal. However, it is noted that a number of balconies are designed to have a dual outlook (either in a southerly or northerly direction) and therefore, whilst the west facing views above level 22 would be obscured by the building, view corridors to the south or north are retained in most instances around to the subject site.

Step 4: How reasonable is the development?

The proposed building envelope is a generally complying form in terms of height and setbacks. The building envelope features two variations to setback controls: one along Miller Street and another along Denison Street frontage, neither of which influence the west-facing views from Alexander Apartments building. In terms of height, the development varies from the current and proposed height of buildings map, but it is consistent with Clause 6.3 of NSLEP 2013 (both existing and proposed), which allows for a height variation subject to certain overshadowing considerations. Therefore, the development should be considered a complying form on the matters relevant to this particular assessment.

Given that the envelope is a complying form, the question should be asked, as per the Tenacity case, whether a different design could provide the same development potential while reducing view impacts.

In order to reduce the impacts on west-facing views from the Alexander Apartments building, the envelope would require a reduction in floorplate or height, and a corresponding reduction in development potential. The envelope already provides a tapered southern elevation (not required by controls), which serves to open up some views from the southwest corner of the Alexander Apartments building that would otherwise be obstructed by a typical vertical elevation. Additional tapering or reduction in the envelope's volume or height would limit the capacity of the development to provide the commercial floorplates commensurate with an A-grade commercial office development. In this regard, it would limit the development ability to satisfy the objectives underlying the recent changes prepared and endorsed by Council for the North Sydney CBD (refer to the discussion on the North Sydney Centre Planning Proposal in Section 7.5 of the EIS).

As per the Tenacity case, where the development is a complying form and cannot be redesigned without reducing development potential, the view impact is acceptable and the view sharing reasonable.

Therefore, in regards to the west-facing views enjoyed by residents of the Alexander Apartments building at level 22 and above, it is considered that the view impacts caused by the proposed envelope are reasonable and acceptable. Also importantly, the site is located within the North

Sydney CBD and it is inevitable that some view loss will occur to neighbouring properties as a result of new development. The commercial core of the North Sydney CBD has been identified for accommodating commercial development of a significant density, scale and height. This development outcome is reflected in the North District Plan and more relevantly, the North Sydney Centre Planning Proposal, which has as its underlying objective the maximization of the commercial floor space capacity and the provision of high grade commercial floor plates in order to maintain the status of the North Sydney Centre.

8.3 Response to issues raised during consultation

DPE has requested that further information be provided in relation to issues raised in consultation and how the proposal responds to the issues raised. Furthermore, DPE has requested that the responses identify where amendments have not been made to address an issue and an explanation of the reason(s).

In further consultation undertaken with DPE in relation to this matter, it has been confirmed that an amendment to the exhibited Consultation with Stakeholders Report submitted with the EIS (Appendix BB), incorporating a new section on issues raised during consultation prior to the lodgement of the concept SSD Application, would be adequate to relevantly address this request. Subsequently an updated Consultation with Stakeholders Report, incorporating a new Chapter 6 (Outcomes of consultation), is provided at Appendix D of this Submissions Report. It is considered that this amended report now provides a complete and comprehensive record of Sydney Metro's consultation activities prior to the lodgement of the concept SSD Application.

8.4 Denison Street view assessment

A number of submissions have raised concerns that the EIS did not relevantly consider the built form and massing of the building envelope in Denison Street, and further, that the building envelope would have adverse impacts on views to the MLC building.

The HIA provided at Appendix O of the exhibited EIS, included an assessment of the proposed height of the building envelope, its form in the context of neighbouring development and further, included an assessment of the indicative OSD design. In respect to these matters, the HIA concluded the following:

- The medium-rise proportion of the building envelope fronting Denison Street (RL 118) 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 height of the building 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 the Miller and Denison Streets frontages.

- The building envelope is aligned with the eastern boundary of the site to Denison Street and is consistent with 65 Berry Street. However, the building envelope protrudes forward of the MLC building alignment. Regardless, the 18-metre setback proposed for the building envelope together with the generous setback of the eastern portion of the MLC building would enable ample visual separation between the buildings and would retain views to the MLC building from the north, and would allow (parts of) the tiled façade to be observed.
- NSDCP 2013 does not identify any views or vistas in Denison Street that are required to be preserved or enhanced.

The views illustrated in the HIA show the indicative OSD design for the integrated station development and indicate that the form and composition provide a sympathetic design response to the height and form of MLC building and the surrounding built form context of Denison Street. Furthermore, it is evident that the OSD does not visually dominate these views. The sketch view included in the HIA showing the indicative OSD design (Figure 48) is reproduced below at Figure 8.8.

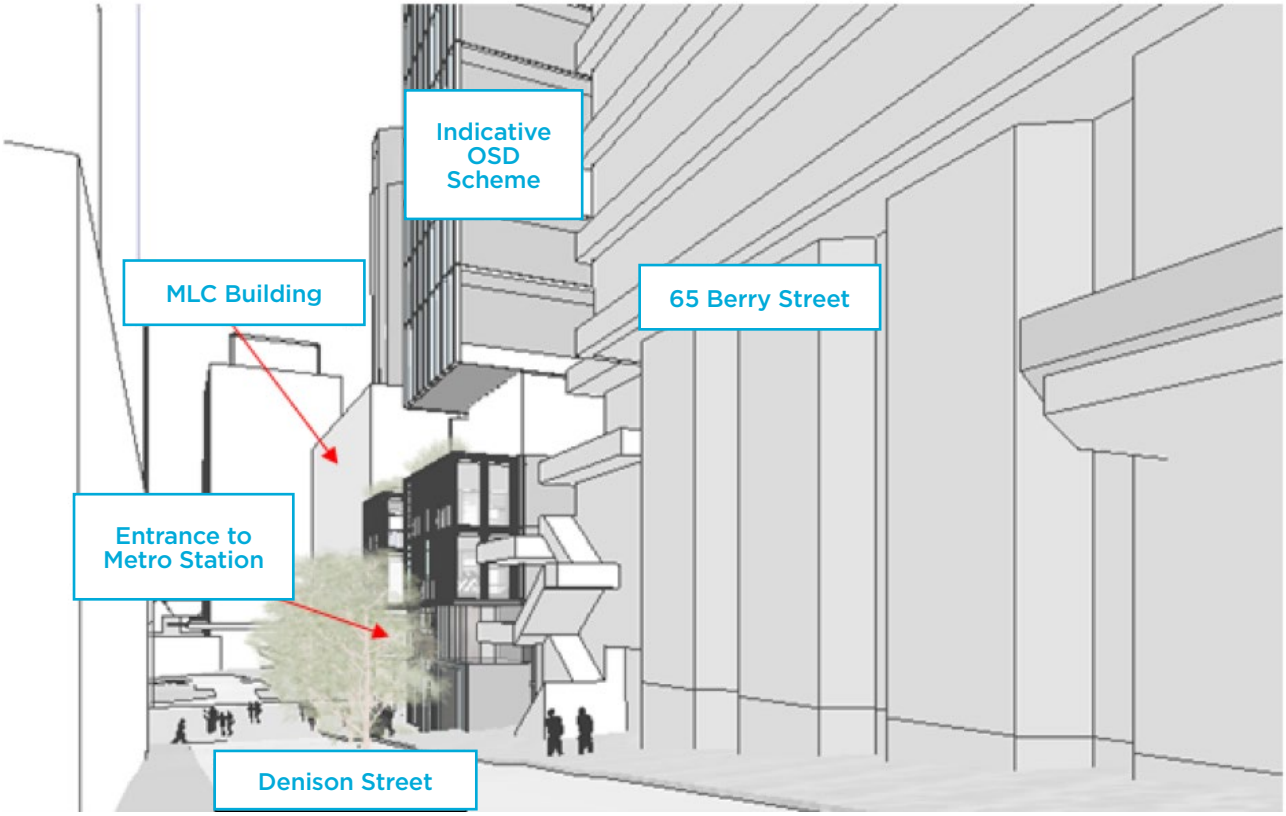


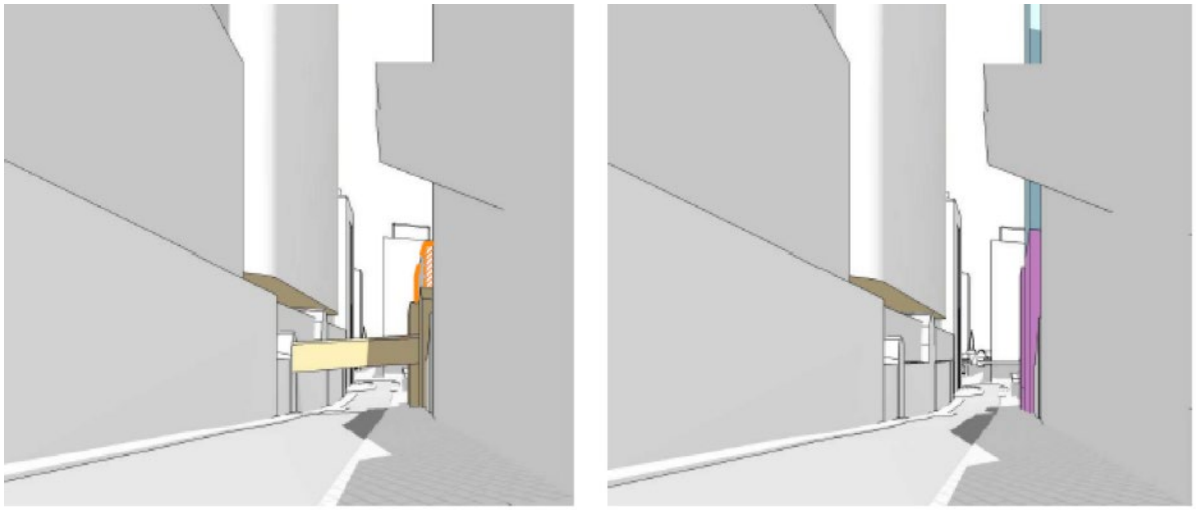
Figure 8.8 — Sketch up view of the indicative OSD design looking south along Denison Street

Having regard to the above, it is considered that the impacts of the building envelope on the streetscape of Denison Street and specifically, the MLC building have been duly considered in the exhibited EIS. Notwithstanding this, Sydney Metro has prepared a Streetscape and Visual Impact Study — Denison Street, which is provided at Appendix I to this Submissions Report. The Study illustrates the visual impact of the integrated station development in the broader context of Denison Street when viewed from the eastern and western sides of Denison Street at its junction with Berry Street. Key figures from the study are provided below at figures 8.9 and 8.10. For comparative purposes, these figures demonstrate the pre-demolition state of the site (left figure) and the integrated station design (right figure).

With reference to figures 8.9 and 8.10, it is evident that the impact of the OSD building envelope on views to the MLC building and the streetscape will be minimal. In this regard, views to the MLC building were partially obscured by the former buildings on the subject site and the bridge link, and further, the narrow width of the Denison Street means that the views available to the site are restricted and that the Denison Street façade of the MLC building cannot be fully viewed and appreciated from Berry Street. As evident from these views, the majority of the impact on views to the MLC building from the integrated station development is to a large extent from the station box (shown pink) and not the OSD building envelope and therefore the impact of the OSD building envelope on views to the MLC building and the streetscape will be negligible.

Sydney Metro Design Excellence Strategy puts in place a robust and rigorous design evaluation process for the future building design. This includes compliance with the Victoria Cross Design Guidelines (Appendix C). These guidelines include requirements for the detailed consideration of the final form, scale and composition of the OSD and its relationship to the MLC building. The Victoria Cross Design Guidelines also require the OSD to appropriately respond to the pedestrian scale environment of Denison Street.

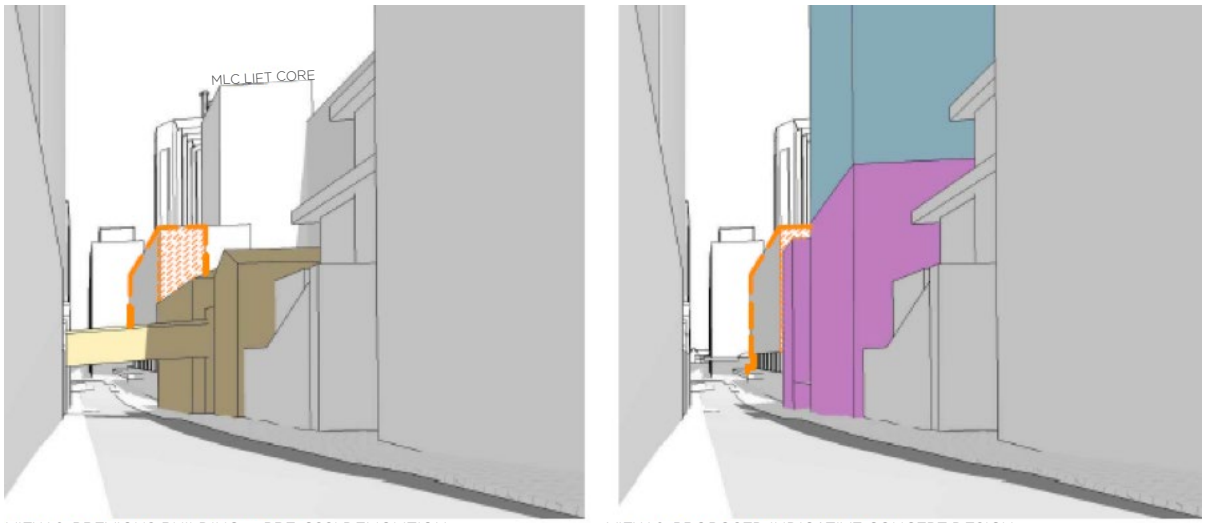
Through the further design development of the station (i.e. through the preparation of the SDPP) and the OSD (i.e. through the preparation of the detailed SSD Application) further considered will be given to the resolution of the integrated station development and its integration into Denison Street, including by Sydney Metro's DRP. On this basis, Sydney Metro considers that the final design solution can minimises impacts on views to the MLC building and provide a high-quality design solution that is compatible with the CBD context and surrounding development.



VIEW 1: PREVIOUS BUILDING — PRE-CSSI DEMOLITION

VIEW 1: PROPOSED INDICATIVE CONCEPT DESIGN

Figure 8.9 — Pre-demolition view (right) and proposed view (left) from the western side of Denison Street at the junction with Berry Street — MLC building shown in orange, pre-demolition building form shown in brown, CSSI Approval shown in pink and OSD building envelope shown in blue.



VIEW 2: PREVIOUS BUILDING — PRE-CSSI DEMOLITION

VIEW 2: PROPOSED INDICATIVE CONCEPT DESIGN

Figure 8.10 — Pre-demolition view (right) and proposed view (left) from the eastern side Denison Street at the junction with Berry Street MLC building shown in orange, pre-demolition building form on subject site shown in brown, CSSI Approval shown in pink and OSD building envelope shown in blue.

Environmental impact assessment of the amended project

CHAPTER NINE

9. Environmental impact assessment of the amended project

This chapter provides an environmental risk rating of the project proposed under this concept SSD Application, as amended by this Submissions Report. It also provides revised mitigation measures.

9.1 Revised environmental ratings

The ERA identifies all potential impacts, the significance of each impact, the manageability of each impact and any potential residual impacts following mitigation. The revisions to the ERA are identified in **bold** text and are limited to the addition of a new item titled 'amenity', otherwise the ERA remains consistent with the ERA contained in Chapter 12 of the exhibited EIS. A full list of the updated mitigation measures is presented in Section 9.2 of this Submissions Report.

As detailed in Chapter 12 of the EIS, the significance of impact is assigned a value between 1 and 5 based on the:

- receiving environment
- level of understanding of the type and extent of impacts
- likely community response to the environmental consequence of the project.

The manageability of environmental impact is assigned a value between 1 and 5 based on the:

- complexity of mitigation measures
- known level of performance of the safeguards proposed
- opportunity for adaptive management.

The sum of the significance and manageability values provides an indicative ranking (between 1 and 10) of the potential residual impacts after the mitigation measures are implemented, in accordance with the risk assessment matrix in Table 9.1.

The ERA has been adapted from Australian Standard AS4369:1999 Risk Management and Environmental Risk Tools.

Table 9.1 — Risk assessment matrix

Significance of impact	Manageability of impact				
	5 – Complex	4 – Substantial	3 – Elementary	2 – Standard	1 – Simple
1 – Low	6 – Medium	5 – Low/Med.	4 – Low/Med.	3 – Low	2 – Low
2 – Minor	7 – High/Med.	6 – Medium	5 – Low/Med.	4 – Low/Med.	3 – Low
3 – Moderate	8 – High/Med.	7 – High/Med.	6 – Medium	5 – Low/Med.	4 – Low/Med.
4 – High	9 – High	8 – High/Med.	7 – High/Med.	6 – Medium	5 – Low/Med.
5 – Extreme	10 – High	9 – High	8 – High/Med.	7 – High/Med.	6 – Medium

Table 9.2 — Environmental Risk Assessment

Item	Phase	Potential Environmental Impact	Significance of impact	Manageability of impact	Residual impact
Visual and Views	Operation	• Visual/view impacts from surrounding streetscape and key vantage points • View impacts on neighbouring residential building	3	2	5 Low/ Medium
Overshadowing	Operation	• Increase in shadows to surrounding public domain and Special Areas • Increase in shadows to surrounding residential properties including to the properties outside the North Sydney Centre	2	2	4 Low/ Medium
Privacy	Operation	• Privacy impacts on neighbouring residential buildings	2	2	4 Low/ Medium
Amenity (general)	**Operation**	• **Amenity impacts to neighbouring development**	**2**	**2**	**4 Low/ Medium**
Traffic and Transport	Construction	• Increased traffic on local roads • Conflict with normal pedestrian and vehicle operations	2	2	4 Low/ Medium
	Operation	• Increased traffic on local roads	2	2	4 Low/ Medium
Aboriginal Heritage	Construction	• Potential impacts on Aboriginal places of significance	1	2	3 Low
Non-Indigenous Heritage	Operation	• Impact on the significance of heritage items in the vicinity	2	2	4 Low/ Medium

Item	Phase	Potential Environmental Impact	Significance of impact	Manageability of impact	Residual impact
Noise and Vibration	Construction	• Increase in noise and vibration associated with construction including from vehicles and machinery	3	2	5 Low/ Medium
	Operation	• Increase in noise and vibration associated with emissions from building plant and services • Increase in noise associated with vehicle movements	2	2	4 Low/ Medium
Infrastructure and utilities	Operation	• Adequate connection to infrastructure and utilities • Adequate capacity to service building	2	2	4 Low/ Medium
Flooding	Operation	• Potential flooding of development • Adequate stormwater management for development	4	2	6 Medium
Reflectivity	Operation	• Adverse solar reflectivity glare to motorists and pedestrians	2	2	4 Low/ Medium
Contamination	Construction	• Exposure of contamination or hazardous materials during construction	1	2	3 Low
Wind Impact	Operation	• Adverse wind environment along surrounding streets, station entries and through-site link • Adverse wind environment to outdoor areas in the OSD including outdoor terrace levels	2	2	4 Low/ Medium
Crime and Public Safety	Operation	• Anti-social and criminal behaviour	2	2	4 Low/ Medium
Environmental and Construction Management	Construction	• Noise, dust, air quality, waste management and traffic impacts	3	2	5 Low/ Medium

Item	Phase	Potential Environmental Impact	Significance of impact	Manageability of impact	Residual impact
Biodiversity	Construction	• Impacts on street trees	1	2	3 Low
Waste	Construction	• Waste production associated with construction activities	2	2	4 Low/ Medium
	Operation	• Waste production associated with operation of the building	2	2	4 Low/ Medium
ESD	Operation	• Carbon emissions • Energy consumption • Thermal comfort of building occupants	2	2	4 Low/ Medium
Accessibility	Operation	• Adequate access for people with a disability	1	3	3 Low
Social impact	Construction	• General disruption to community associated with large scale construction	1	2	3 Low
	Operation	• Potential anti-social behaviour associated with operation of the various tenancies	1	2	3 Low
Property and land use	Construction	• Acquisition of site for development (undertaken through CSSI Approval)	1	2	3 Low
	Operation	• Compatibility between OSD uses and station/ surrounding uses	1	1	2 Low
Business impacts	Construction	• Permanent loss of established tenants on site • Impacts on surrounding business during construction (due to loss of amenity)	2	2	4
	Operation	• Permanent loss of established tenants on site • Altered access and visibility to surrounding businesses • Impacts on surrounding business during operation (due to changes in amenity)	1	2	3 Low

Item	Phase	Potential Environmental Impact	Significance of impact	Manageability of impact	Residual impact
Water quality	Construction	• Potential erosion and sediment impacts on drainage system	2	2	4 Low/ Medium
	Operation	• Impacts on quality of stormwater discharge into drainage system	1	2	3 Low
Air quality	Construction	• Dust associated with construction activities • Emissions associated with construction vehicles	2	2	4 Low/ Medium
	Operation	• Emissions associated with entering and existing vehicle traffic • Plant and equipment emissions	1	2	3 Low
Cumulative impacts	Construction	• Cumulative impacts (traffic, noise, dust, etc.) associated with concurrent construction of station and OSD, and other development in the area	2	2	4 Low/ Medium
	Operation	• Cumulative impacts (traffic, noise emissions, etc.) during concurrent operation of station and OSD, and other development in the area	1	2	3 Low

9.2 Revised mitigation measures

The list of mitigation measures presented in Chapter 13 of the exhibited EIS has been revised based on submissions.

A full list of revised measures to mitigate the potential impacts associated with the concept proposal is provided in Table 9.3. The revisions to the mitigation measures respond to a number of key issues raised in submissions as detailed in the Chapter 7 (Amended project) and Chapter 8 (Additional information and assessment) of this Submissions Report. In addition, the revisions include:

- a number of minor corrections and additions to the content to reference either the EIS or the Submissions Report (as relevant), including where the technical reports are mentioned
- a requirement for a retail strategy to be submitted with the future detail SSD Application
- reference to the updated version of both the Victoria Cross Design Guidelines and the Sydney Metro Design Excellence Strategy, as relevant.

The revisions to the mitigation measures are shown in **bold** text, with deletions shown with a ~~strikethrough~~, otherwise the mitigation measures remain consistent with the exhibited mitigation measures contained in Chapter 13 of the exhibited EIS.

Table 9.3 — Revised mitigation measures

Item	Proposed OSD specific measure	OSD interface issue with CSSI approval
Operation (detailed design) measures		
Built Form and Urban Design	The detailed design of the OSD is to be undertaken in accordance with the **updated** Victoria Cross Design Guidelines **included at Appendix C of the Submissions Report.** ~~included as Appendix CC.~~ The future detailed SSD Application(s) must address the manner in which the design/proposal has responded to the detail within this concept SSD Application and the Design Guidelines. The proposed building envelope has been designed in consideration of minimising overshadowing to Special Areas and impact on the public interface of the station, and responding to the existing built context. Future detailed SSD Application(s) must implement the process outlined in the **updated** Design Excellence Strategy **at Appendix B of the Submissions Report.** ~~detailed at Appendix C.~~	The integration of the OSD with the design of Victoria Cross Station is to be reviewed by the Design Review Panel established under Condition of Approval E100 of the CSSI Approval. The design of the OSD is required to be prepared having regard to the Station Design Precinct Plan required by Condition of Approval E101 of the CSSI Approval.

Item	Proposed OSD specific measure	OSD interface issue with CSSI approval
Visual & View Impacts	The detailed design of the OSD will investigate opportunities to provide further articulation of the built form to minimise visual and view **impacts**. Details are to be demonstrated in the detailed SSD Application. **The future detailed SSD Application is to be accompanied by a detailed View Impact Study and a Visual Impact Assessment Report.**	
Overshadowing	The detailed design of the OSD is not to result in a net increase in overshadowing when assessed against the environment of the site before the integrated station demolition and redevelopment commenced. Details are to be demonstrated in the detailed SSD Application. The detailed design of the OSD must ensure that overshadowing to nearby residential properties is minimised and that the amenity of dwellings outside North Sydney CBD is not unreasonably affected. Details are to be demonstrated in the detailed SSD Application.	
Privacy	No mitigation measures proposed. However, it is recommended in the detailed design of the OSD that the location of the building core be considered to mitigate potential visual and privacy impacts to 65 Berry Street and ~~Beau Monde~~ **Alexander** Apartments building. **Details are to be submitted with the detailed SSD Application.**	

Item	Proposed OSD specific measure	OSD interface issue with CSSI approval
Heritage	Future detailed ~~development~~ SSD application(s) must address how the recommendations made in the Statement of Heritage Impact Assessment Report prepared by OCP Architects (Appendix O **of the EIS**) have been addressed to ensure the development achieves a positive heritage outcome for the site. This includes the following: (a) design excellence in terms of the overall architectural form, detailing and materials of the building. In this regard, the OSD should be detailed to not detract from views towards heritage items and within the locality generally. Colour schemes for the proposed OSD should be sympathetic to the urban environment and should use ä neutral colour palette with few colour variants (b) within the maximum building height envelope, the design of the building should adopt a range of forms and heights with a view to breaking up the building bulk (c) 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 (d) Building materials should be selected with consideration of the character of the immediate surrounding built environment and adjoining heritage items and have regard to opportunities to view the adjoining Rag & Famish Hotel and MLC Building from the lower levels of the OSD (e) The design of the OSD lobby (including the associated retail), 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 (f) Where relevant, design of the OSD should incorporate heritage interpretation measures as identified in the Heritage Interpretation Plan and Station Design and Precinct Plan.	The design of the OSD should incorporate, where relevant, heritage interpretation measures identified in the Heritage Interpretation Plan and Station Design and Precinct Plan required to be prepared by Conditions of Approval E21 and E101 of the CSSI Approval.

Item	Proposed OSD specific measure	OSD interface issue with CSSI approval
Transport, traffic, parking and access	The detailed design of the OSD is required to address the recommendations of the Transport, Traffic and Parking Assessment Report prepared by AECOM (refer to Appendix P **of the EIS**), including: • preparation of a detailed building services plan detailing how the loading dock facilities can be managed and operated for the Integrated Station Development without relying on the local road network Details are to be demonstrated in the detailed SSD Application.	The detailed design of the OSD should be developed in conjunction with the Interchange Access Plan required to be prepared in accordance with Condition of Approval E92 of the CSSI Approval. The detailed design of the OSD and assessment of its impact is to be undertaken in consultation with the Traffic and Transport Liaison Group(s) established under Condition of Approval E77 of the CSSI Approval. Beyond completion of Victoria Cross station, the detailed design of the OSD and its traffic, parking, pedestrian and cycle accessibility impacts would require consultation with and the approval of the relevant roads authority in accordance with the terms of the relevant approval

Item	Proposed OSD specific measure	OSD interface issue with CSSI approval
ESD	The detailed SSD Application should include a detailed ESD Strategy for the OSD which outlines the best practice sustainability initiatives which will be implemented during design and construction of the development. The detailed ESD Strategy will be generally consistent with the proposed targets and indicative features which are included in the ESD Report provided in Appendix Q **of the EIS**. The detailed ESD Strategy will outline minimum standards of sustainability performance which will be achieved during the design and construction of the OSD and align with best practice, including: • 5-Star Green Star Design and As- built Rating • Building envelope and services design to exceed BCA Section J minimum requirements • 5-Star NABERS Energy (Office Base Building) • 4-Star NABERS Water (Office) The ESD Strategy nominates initial sustainability strategies for the future detailed design of OSD which include: • High-performing building envelope elements and façade materials; • Energy-efficient lighting devices and smart control systems; • Comprehensive building operations and facilities management practices; • Extensive energy and water metering and monitoring systems; • Appropriate stormwater and potable water reduction measures; • Utilisation of low-emissions materials and use of recycled materials; • Implementation of responsible • construction practices that manage environmental impacts and reduce construction and demolition waste; and • Recycling and waste handling facilities and procedures.	

Item	Proposed OSD specific measure	OSD interface issue with CSSI approval
Prescribed airspace	The detailed design and SSD application for the OSD is to confirm whether there is any breach of the Obstacle Limitation Surface (OLS). If the OSD breaches the OLS, it would constitute a 'controlled activity' under the Airports Act 1996 and therefore trigger the need for a safety assessment by Sydney Airport Corporation Limited (SACL), Civil Aviation Safety Authority (CASA) and Airservices Australia, with final approval by the Department of Infrastructure and Regional Development (DIRD). Details are to be submitted with the detailed SSD Application.	
Utilities, infrastructure and services	In accordance to the specific requirements of the individual utility service providers, the developer of the OSD will be required to undertake detailed enquiries and arrange for final connections and any associated approvals based on the final design where these final connections cannot reasonably be provided as part of the station works under the CSSI Approval. **Details are to be submitted with the detailed SSD Application.**	The provision of all utility services to the Integrated Station Developed are to be assessed and undertaken (including all approvals and reconfiguration of trunk infrastructure) as part of the station works under Condition of Approval E2 of the CSSI Approval. Where practicable, and having regard to the timing for the delivery of the OSD, permanent utility connections are to be provided to the OSD and capped off within the site. Where this is not practicable, suitable provision of connection pits and conduits shall be provided to avoid the need for future disruption to roadways and pavements as a result of these works.

Item	Proposed OSD specific measure	OSD interface issue with CSSI approval
Stormwater and flooding	**Stormwater** • Council and Sydney Water must be consulted as part of the future detailed SSD Application in order to finalise the OSD stormwater management plan. • Permissible site discharge rates need to be confirmed with Sydney Water and Council as part of the future detailed SSDA Application. • The future detailed SSD Application must achieve Council's water quality targets. **Flooding** The detailed design is to be undertaken in accordance with the following criteria which have been established by the station design team (under the provisions of the CSSI Approval): • OSD retail areas located with the through-site link overland flow path are to be protected to 100-year ARI Flood level. • Lift shafts located within the through-site link overland flow path are to be protected to events greater than 100-year ARI event using automatic flood barriers. • All other entrances are to be set to the 100-year ARI flood level +500-millimetre freeboard.	All flood modelling, impact assessment and mitigation measures for the site are to be undertaken as part of the station works under the CSSI Approval. The detailed design of the OSD should be developed having regard to the flooding requirements in Conditions of Approval E8 and E9 of the CSSI Approval.

Item	Proposed OSD specific measure	OSD interface issue with CSSI approval
Noise and vibration	The detailed design of the OSD is to be undertaken in accordance with the Noise and Vibration Impact Assessment Report included as Appendix N **of the EIS**. The future detailed SSD Application(s) must address the manner in which the design/ proposal has responded to the criteria established within this concept SSD application including the technical assessment at Appendix N **of the EIS**. This includes the following: • The services plant associated with the OSD, including appropriate acoustic treatment, where required, to comply with the criteria. • Sleep disturbance that could arise as a result of the operation of the OSD, with details of reasonable and feasible acoustic treatments, where required to minimise sleep disturbance. • Emergency operations for the OSD building, with appropriate acoustic treatments incorporated into the design, where required, to meet the emergency operations' noise emission criteria • Noise mitigation measures, where required, to minimise the impact of environmental noise emissions from use of the carpark entries and loading docks from Denison Street • All major equipment installed as part of the OSD should be mounted on isolation mounts. All rotary machinery should be accurately balanced both statically and dynamically. Glazing and associated framing system is required to be capable of preventing unnecessary noise intrusion from outside noise sources.	The detailed design of the OSD is to consider cumulative impacts having regard to the noise and vibration requirements under Condition of Approval E41 and E42 of the CSSI Approval

Item	Proposed OSD specific measure	OSD interface issue with CSSI approval
Wind impacts	The recommendations of the Wind Impact Assessment Report prepared by AECOM (Appendix M **of the EIS**) shall be taken into consideration when developing the detailed OSD design. Effects of wind can be mitigated through measures such as façade articulation, inclusion of shading louvres, ground plane landscaping and addition of building awnings. Computational analysis and wind tunnel testing is to be undertaken as part of the detailed design of the OSD and detailed development application stage to quantify expected wind speeds and demonstrate compliance with the Lawson comfort criteria. Measures to ameliorate impacts at ground level and to ensure recognised pedestrian comfort levels are met are to be implemented. **Details are to be submitted with the detailed SSD Application.**	
Public benefits, contributions and voluntary planning agreement	No measures proposed.	
CPTED	The detailed design of the OSD must incorporate CPTED principles relating to natural surveillance, access control, territorial reinforcement and space management, together with consideration of the recommendations of the CPTED Assessment Report prepared by Mecone (Appendix W **of the EIS**). The future detailed SSD Application must address the manner in which the design/ proposal has responded to the CPTED requirements.	
Retail	**The future detail SSD Application is to include a retail strategy. The strategy is to demonstrate how the OSD retail fits into the overall retail strategy for the integrated station development and contributes to the place-making and vibrancy of the development.**	

Item	Proposed OSD specific measure	OSD interface issue with CSSI approval
Waste management	A Waste Management Plan (WMP) is to be prepared and submitted as part of the detailed SSD Application for the OSD addressing the following: • Relevant legislative and Council requirements • Type of waste to be generated • Expected volume per week • Proposed on-site storage and treatment facilities • Destination of waste; and • Information about the ongoing management of waste on-site The WMP is to address the objectives, principles and strategies outlined in the Waste Strategy Report (Appendix U **of the EIS**) to deliver effective waste management.	
Accessibility	The future SSD application must take into consideration the Australian Standards, Building Code of Australia, Federal Disability Discrimination Act (DDA) and Disability (Access to Premises — Buildings) Standards 2010), as relevant, and comply with the recommendations of the Accessibility and DDA Impact Statement (Appendix X **of the EIS**).	
Reflectivity	The detailed design of the OSD will be required to confirm façade treatment and the impact of this treatment in terms of solar reflectivity glare to motorists and pedestrians. Details are to be provided in the detailed SSD Application.	
Construction measures		
General	Construction Environment Management Plans are to be prepared in a manner consistent with the Sydney Metro *Construction Environmental Management Framework* up until completion of the Victoria Cross Station. Beyond that time, Construction Environmental Management Plans are to be prepared in accordance with best practice guidelines and conditions of approval. Details regarding the approach and impacts to be managed during construction are to be submitted as part of the detailed SSD Application.	
Heritage	Details to mitigate impacts to the MLC Building during construction are to be submitted as part of the detailed SSD Application.	

Item	Proposed OSD specific measure	OSD interface issue with CSSI approval
Transport, traffic, parking and access	Construction traffic and transport related impacts of the OSD are to be managed in a manner consistent with the *Construction Traffic Management Framework* (CTMF) established under Condition of Approval N. E81 of the CSSI Approval, until such time as completion of Victoria Cross Station has been reached. Construction Traffic Management Plans (CTMPs) are to be prepared to address the potential traffic and transport related impacts associated with construction and how these impacts will be managed. In the event that construction activities for the OSD occur beyond the practical completion of Victoria Cross Station, a detailed Construction Pedestrian and Traffic Management Plan is to be developed by the proponent in consultation with the relevant roads authority and council during the detailed design stage and details are to be submitted with the detailed SSD Application. Preparation of Construction Traffic Management Plans or Construction Pedestrian and Traffic Management Plans are to take into consideration the preliminary mitigation measures identified in the Preliminary Construction Environmental Management Statement prepared by Sydney Metro (Appendix V **of the EIS**)	The detailed design of the OSD and assessment of its impact is to be undertaken in consultation with the Traffic and Transport Liaison Group(s) established under Condition of Approval E77 of the CSSI Approval, until such time as completion of Victoria Cross Station has been reached. Beyond completion of Victoria Cross Station, detailed design of the OSD and its traffic, parking, pedestrian and cycle accessibility impacts would require consultation with and the approval of the relevant roads authority in accordance with the terms of the relevant approval.

Item	Proposed OSD specific measure	OSD interface issue with CSSI approval
Noise and vibration	The *Construction Noise and Vibration Strategy* (CNVS) would be implemented up until the time of completion of the Victoria Cross Station with the aim of achieving the noise management levels/criteria established within this Concept SSD application including the Noise and Vibration Impact Assessment Report at Appendix N **of the EIS**. In accordance with the CNVS, Construction Noise Impact Statements are to be prepared to address the potential noise impacts associated with construction and how these impacts will be managed. In the event that construction activities for the OSD occur beyond the completion of Victoria Cross Station, a Construction Noise and Vibration Management Plan (CNVMP) is to be developed by the proponent in consultation with the stakeholders and an acoustic engineer during the detailed design stage and details are to be submitted with the detailed SSD Application. In this instance, the CNVMP would be developed in accordance with ICNG or applicable guidelines in force at the time.	Construction Noise and Vibration Impact Statements prepared for the OSD are to consider cumulative impacts having regard to the Construction Noise and Vibration Impact Statements prepared under Condition of Approval E33 of the CSSI Approval.

Item	Proposed OSD specific measure	OSD interface issue with CSSI approval
Waste	A Waste Management Plan is to be prepared as part of the Construction Environment Management Plan, in accordance with provisions included in the Sydney Metro *Construction Environmental Management Framework* up until completion of the Victoria Cross Station. Beyond that time, a Construction Waste Management Plan is to be prepared in accordance with best practice guidelines and conditions of approval. Details regarding impacts to be managed during construction are to be submitted as part of the detailed SSD Application and should include: • The waste management and recycling • mitigation measures as detailed in the Waste Strategy Report (Appendix U **of the EIS**). • The responsibility of key project personnel with respect to implementation of the plan. • Waste management and recycling monitoring requirements. • Procedures for the assessment, classification, management and disposal of waste in accordance with the NSW EPA Waste Classification Guidelines (EPA, 2014). • Compliance record generation and management.	

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Conclusion

CHAPTER TEN

10. Conclusion

This chapter provides concluding statements on Sydney Metro's response to submissions and amendments to the concept SSD Application.

Sydney Metro has considered submissions made in relation to the public exhibition of the concept SSD Application for Victoria Cross OSD. This Submissions Report represents a considered and documented response to all submissions received from members of the community, relevant government agencies and key stakeholders.

In response to issues raised in submissions and the request for further information by DPE, Sydney Metro has amended the project, including the exhibited building envelope and a number of the supporting documents exhibited with the EIS, as follows:

- the building envelope (Appendix A) — to simplify the form of the building envelope that projects over the Miller Street Special Area and to define this section as an 'articulation zone'.
- Updated Victoria Cross Design Guidelines (Appendix C) — to revised the guidelines in relation to the following:
    - land uses (Section 4.1) — to require a diverse retail mix to meet the needs of the customers, visitors and workers to add to the activation and vitality of the site, including at night-time and on weekends
    - building siting, scale and mass (Section 4.2) — to update the building envelope drawings
    - building design (Section 4.3) — to address the amenity of neighbouring buildings
    - building design (Section 4.3) — to incorporate a new guideline for the articulation zone, including incorporating design excellence requirements for assessment against relevant design and environmental considerations.
- Updated Sydney Metro Design Excellence Strategy (Appendix B) — to refine its content in response to further consultation undertaken with the GANSW, including in regard to:
    - the role of the DEEP
    - the incorporation of new benchmark projects which convey the design quality aspirations for OSD.

Further to the above, Sydney Metro has made minor updates the mitigation measures to ensure they relevantly address the cumulative impacts of the amended project.

On balance, the EIS and this Submissions Report collectively demonstrate that the concept proposal is consistent with State, regional and local strategies and policies which apply to the site, and that the future integrated station development will provide significant social and economic benefits to the North Sydney CBD. Furthermore, the OSD will capitalise on its proximity to Victoria Cross Station.

This concept SSD Application comprises the first stage in the planning process for the Victoria Cross OSD project. Through the implementation of the Sydney Metro Design Excellence Strategy, appropriate consideration and scrutiny of the future building form within the constraints of the building envelope and in accordance with the strategies proposed in this concept SSD Application would occur. Sydney Metro is confident this process would result in an integrated station development that achieves the highest standard of architecture and urban design befitting the site's location and its context and that associated environmental impacts can be appropriately mitigated and minimised through this design development process.

It is considered that this concept SSD Application for OSD above the future Victoria Cross Station, as amended by this Submissions Report, warrants approval, consistent with the following reasons stated in the exhibited EIS:

- the proposed commercial land use is permitted with consent and meets the objectives of the B3 Commercial Core zone in NSLEP 2013
- the proposed building envelope supports a gross floor area of 60,000 square metres, which is capable of accommodating an estimated 4,200 workers and would contribute to North Sydney's job targets under the *North District Plan*
- the concept proposal aligns with key State strategies, including the *Greater Sydney Region Plan* and *North District Plan*
- the concept proposal responds positively to key local strategic plans, including the *Sydney Metro Planning Study* and *North Sydney Centre Capacity and Land Use Strategy*
- the concept proposal contributes to the creation of an integrated station development, which will form a new focal point for North Sydney CBD and optimises the land use opportunities afforded by Sydney Metro
- the concept proposal establishes key building envelope controls, including maximum building heights and setbacks, in accordance with local planning controls (including the *North Sydney Centre Planning Proposal*) and which are appropriate to the site's immediate context
- the concept proposal causes no unacceptable overshadowing to key public areas or residential areas
- the concept proposal is sympathetic to the heritage items in the vicinity of the site, including the MLC building and the Rag & Famish Hotel
- the concept proposal minimises impacts on neighbouring development, in particular the Alexander Apartment building, in terms of privacy and views, having regard to relevant planning controls
- the concept proposal has no unacceptable traffic impacts
- the concept proposal allows for a future form that is consistent with the principles of ecologically sustainable development as defined by Schedule 2(4)(4) of the EP&A Regulation
- the concept proposal has positive social and economic impacts
- the site is suitable for future development as would be permitted by the concept proposal.

10.1 Next steps

DPE on behalf of the Minister for Planning will review the EIS, submissions received, and this Submissions Report. Once DPE has completed its assessment, a draft assessment report will be prepared for the Secretary of DPE.

The assessment report will then be provided to the Minister for Planning for consideration and determination. The Minister for Planning will then make a determination, with any conditions considered appropriate.

The Minister for Planning's determination, including any conditions of approval and the Secretary's report, will be published on DPE's website immediately after determination, together with a copy of this Submissions Report.

Acronyms and abbreviations

Acronyms and abbreviations

Term	Acronyms and abbreviations
ADG	Apartment Design Guide
AHD	Australian Height Datum
ARI	Average recurrence interval
Amended project	The Victoria Cross over station development as amended by this submissions report (refer to Chapter 7)
CASA	Civil Aviation Safety Authority
CBD	Central business district
CNVS	Sydney Metro Construction Noise and Vibration Strategy
Concept SSD	Concept State Significant Development Application
Council	North Sydney Council
CPTED	Crime Prevention Through Environmental Design
CSSI	Critical State Significant Infrastructure
CTMF	Construction Traffic Management Framework
CTMP	Construction Traffic Management Plan
DDA	*Disability Discrimination Act 1992*
DEEP	Design Excellence Evaluation Panel
DIRDC	NSW Department of Infrastructure Regional Development and Cities
DPE	NSW Department of Planning and Environment
DRP	Design Review Panel
EIS	Environmental Impact Statement
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2000*
ERA	Environmental Risk Assessment
ESD	Ecological sustainable development
GANSW	Government Architect NSW
GFA	Gross floor area
HIA	Heritage Impact Assessment
IAP	Interchange Access Plan (i.e. Condition 92 of CSSI Approval)
ICNG	Interim Construction Noise Guideline
ICOMOS	International Council on Monuments and Sites
LED	Light emitting diode
LEP	Local Environmental Plan
LGA	Local government area
NABERS	National Australian Built Environment Rating System
NML	Noise management levels

Term	Acronyms and abbreviations
NSDCP 2013	*North Sydney Development Control Plan 2013*
NSLEP 2013	*North Sydney Local Environmental Plan 2013*
NSW EPA	NSW Environment Protection Authority
NSW OEH	NSW Office of Environment and Heritage
NVIAR	Noise and Vibration Impact Assessment Report
OLS	Obstacle Limitation Surface
OSD	Over station development
Project	The Victoria Cross over station development as presented in the EIS
RL	Reduced level
RMS	Roads and Maritime Services
SACL	Sydney Airport Corporation Limited
SCO	Sydney Coordination Office
SDPP	Station Design and Precinct Plan (i.e. Condition 101 of the CSSI Approval)
SEARs	Secretary's Environmental Assessment Requirements
SEPP 64	*State Environmental Planning Policy 64 — Advertising and Signage*
SRD SEPP	*State Environmental Planning Policy (State and Regional Development) 2011*
SSD	State Significant Development
Submissions Report	Response to Submissions Report (this report)
Sydney Metro DRP	Sydney Metro Design Review Panel
Tenacity case	*Tenacity Consulting Pty Ltd v Warringah Council* [2004] NSWLEC 140
TfNSW	Transport for NSW
WMP	Waste Management Plan

VICTORIA CROSS OVER STATION DEVELOPMENT

SUBMISSIONS REPORT

SEPTEMBER 2018

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