

Notice of decision SSD 8874

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

Application type	State significant development
Application number and project name	SSD 8874 Victoria Cross Over Station Development Concept
Applicant	Sydney Metro
Consent Authority	Minister for Planning

Decision

The Minister for Planning has, under section 4.38 of the *Environmental Planning and Assessment Act 1979 (the Act)*, granted consent to the development application subject to the recommended conditions.

A copy of the development consent and conditions is available here:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8874

A copy of the Department of Planning and Environment's Assessment Report is available here:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8874

Date of decision

18 December 2018

Reasons for decision

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

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the objects of the Act;
- all information submitted to the Department during the assessment of the development application and the Department's inspection of adjacent apartments within 79-81 Berry Street, North Sydney;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see Attachment 1).

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

Additional reasons for making the decision are also recorded in the Department's Assessment Report.

The key reasons for granting consent to the development application are as follows:

- *Consistent with NSW Government and Local Policies* – the project is consistent with NSW Government and North Sydney Council policies including the Greater Sydney Region Plan, the North District Plan and recent amendments to North Sydney Local Environmental Plan 2013. The proposal is permissible with consent and generally compliant with the key development standards that govern bulk, density and scale.
- *Benefits* – the project would provide a range of benefits for the region and the State as a whole, including significant employment generation within the North Sydney CBD within a site with excellent access to services and public transport
- *Impacts can be managed* - the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards
- *Community views considered* - the issues raised by the community during consultation and in submissions have been considered and adequately addressed within the Environmental Impact Statement, Response to Submissions and the recommended conditions of consent. Refer to Attachment 1 in this regard
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement (EIS) for the project from 25 May 2018 until 22 June 2018 (28 days) and received 59 submissions, including nine submissions from public authorities and including 35 objections and seven submissions in support of the project.

The Department also undertook a site visit and inspected several apartments within the adjacent Alexander Apartments building to inform the view impact assessment within the Department's Assessment Report.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include bulk and scale of the proposal, proposed Miller Street setback, integration of the development with the Metro station and amenity impacts on public and private land. Other issues raised by the community are addressed in detail in the Department's Assessment Report.

The key issues considered are summarised below.

<i>Issue</i>	<i>Consideration</i>
<p><i>Bulk, scale and density of the proposal</i></p> <ul style="list-style-type: none"> the bulk and scale of the proposal is considered excessive above the public domain, affecting the maintenance of sky view and creating a sense of visual dominance 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> the building envelopes proposed are in response to increased scale and density in the North Sydney Centre from recently adopted amendments to the North Sydney LEP 2013 (NSLEP) the proposal is comparable in scale and character with other developments in the North Sydney Centre detailed visual impact analysis concludes that the proposal will have acceptable outcomes when viewed from key public vantage points and streetscapes. <p><i>Conditions</i></p> <p>Conditions include endorsement of Design Guidelines and a Design Excellence Strategy and requirements to address massing and modulation to reference surrounding buildings and manage bulk, scale and visual impacts.</p>
<p><i>Miller Street setback</i></p> <ul style="list-style-type: none"> the proposed 'articulation zone' cantilevers above, and does not comply, with the 6 m setback standard in the NSLEP the building should be aligned with MLC Building to the south, creating a 12 m setback from Miller Street a conventional built form should be adopted with the tower setback from the podium. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> the proposal will provide a 6 m setback to Miller Street at the ground plane and lower levels to achieve the public domain outcomes envisaged under Council's planning controls the articulation zone was supported by the Department's assessment as it: <ul style="list-style-type: none"> promotes a creative approach for future detailed design to contribute to the skyline of the North Sydney Centre along Miller Street breaks up the scale and massing of the western elevation of the building, as supported by GANSW and the Sydney Metro Design Review Panel recent approvals by Council and the Department for large sites in North Sydney Centre are not representative of conventional podium and tower forms. The Department did not consider the proposed building envelopes to be detractive in the built context. <p><i>Conditions</i></p> <p>Conditions include endorsement of Design Guidelines and a Design Excellence Strategy and a requirement to modulate and express the design of the articulation zone to break up bulk and scale and minimise visual impacts. The Design Guidelines include requirements for the future detailed design to comply with overshadowing requirements, respect the height of the adjoining MLC Building, address sky views and mitigate impacts on the public domain including wind assessment.</p>
<p><i>Integration with Metro station and related public domain</i></p> <ul style="list-style-type: none"> the proposal should include additional open space, wider pedestrian links, underground connection to North Sydney Station and other improvements to the public domain 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> the approved station is subject to a separate approval (CSSI 7400) which contains requirements for an Interchange Access Plan (IAP) and Station Design Precinct Plan (SDPP) to inform the final design of transport and access facilities, including the public domain the Department accepts the building footprint of the OSD is structurally constrained by the approved station footprint. The Department's assessment, however, recommends the Design

<ul style="list-style-type: none"> the corner of Miller Street and Berry Street should have a setback allowing for a wide public open space. 	<p>Guidelines be further revised to accommodate publicly accessible spaces and create active street frontages along the public domain.</p> <p><i>Conditions</i></p> <p>Conditions include requirements to:</p> <ul style="list-style-type: none"> revise the Design Guidelines to support pedestrian capacity, active retail uses and weather protection along Miller Street and Berry Street revise the Design Guidelines to strengthen shared aims and objectives between the CSSI and OSD including the final integration of ground plane conditions that affect the OSD lobby and OSD retail space.
<p><i>Amenity impacts on public and private land</i></p> <ul style="list-style-type: none"> overshadowing of Miller Street footpath overshadowing of the "Miller Street Special Area" in front of the MLC Building overshadowing of residential dwellings to the west and south-east of the North Sydney Centre overshadowing of Alexander Apartments view loss to Alexander Apartments. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> there is an 18 m southern setback and tapered form within the building envelope to mitigate impacts of the OSD by reducing overshadowing to both public and private spaces and maximise views from Alexander Apartments there is a net gain in solar access to public open space and acceptable shadow impact to private land. <p><i>Conditions</i></p> <p>Conditions include endorsement of Design Guidelines which require the future detailed design to comply with overshadowing requirements and minimise view and amenity impacts on the Alexander Apartments.</p>