

27 November 2019

Jim Betts
Secretary, NSW Department of Planning, Industry and Environment
320 Pitt Street
Sydney, NSW, 2000

Attention: James Groundwater

RE: Submission - Sydney Metro Victoria Cross OSD - Stage 2 Development Application

This submission has been prepared by Ethos Urban on behalf of IOF Custodian Pty Ltd ATF Miller Street North Sydney (Landowner), the owner of the site at 105-153 Miller Street North Sydney. It relates to State Significant Development Application SSD-10294, identified as the Sydney Metro Victoria Cross Over Station Development (OSD).

As a significant owner and investor in the North Sydney CBD, the Landowner supports the commercial redevelopment of underutilised sites, particularly those exhibiting architectural merit and transit oriented development principles, such as the proposed OSD. Whilst the Landowner supports SSD-10294 in principle, there are two matters raised in previous correspondence and approvals (SSD 8874) relating to vehicular access and pedestrian safety which the Department of Planning, Industry and Environment (the Department) is requested to consider more closely in its assessment. These matters are set out below:

1. OSD Concept Design Guidelines - *"Parking and Servicing, 4: The development should safeguard a potential future underground connection south into the MLC Building to enable future consolidation of vehicular entrances to loading zones and facilitate safe pedestrianisation of Denison Street"*
2. SSD-10294 SEARs - *"Describe consultation undertaken with the owners of the MLC Building regarding basement vehicle access via shared connection or future breakthrough panel"*

We note that a potential connection has been addressed with swept-path diagrams (refer Appendix T of the EIS), however there is no consideration of practical and design matters relating to a future connection in either the Applicant's EIS or Traffic Impact Assessment.

Given that connection is critical to the safety of pedestrians entering or exiting the Metro Station site and their proposed use of the Denison Street Plaza per the North Sydney Council Public Domain Strategy, we encourage the Department to consider including Conditions of Consent that allow the Landowner to utilise the proposed soft spot in the event of a future development application for 105-153 Miller Street. Such conditions should acknowledge the substantial public benefit arising from providing the joint access point and provide certainty to the Landowner as to its capacity to rely on a connection without commercial negotiation.

To that end, the Landowner proposes the following conditions for consideration:

1. *The Proponent must ensure there sufficient structural and other support in place to ensure the possibility of constructing a means of vehicular access between the two sites;*
2. *Should the owner of 105 Miller Street obtain development consent to the redevelopment of 105 Miller Street subject to conditions of consent requiring vehicular access to be via the OSD site:*
 - a. *The owner of the OSD site must permit the owner of 105 Miller Street to construct the opening between the two properties in order for vehicular access to 105 Miller Street to be via the OSD site;*
 - b. *Prior to the grant of the first occupation certificate for 105 Miller Street, the Owner of the OSD Site) must expeditiously do all things necessary including, but not limited to, executing documents, plans or providing other assistance to enable the registration of an easement on the title of the land comprising the OSD in favour of 105 Miller Street which by its terms will allow vehicles (including service vehicles) that wish to enter and exit 105 Miller Street to enter the OSD site from Denison Street and use the entry and exit ramps and a pathway through the basement levels up to the property boundary of 105 Miller Street;*

- c. *Prior to the grant of the first occupation certificate for 105 Miller Street, the Owner of the OSD site must ensure that any vehicular control system installed on the entry and exit ramps of the OSD site is modified to permit vehicles to enter and exit 105 Miller Street via the ramps and basement levels.*

We thank the Department for considering this submission as part of the exhibition process. Should you have any queries regarding this submission letter, please do not hesitate to contact the undersigned.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'L. Feltis', written in a cursive style.

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