



Mr Stephen Barry  
Planning Director  
Office of the Independent Planning Commission NSW

cc: [casey.joshua@ipcn.nsw.gov.au](mailto:casey.joshua@ipcn.nsw.gov.au)

Dear Mr Barry

**Pitt Street South Over Station Development (SSD 8876 MOD 2 & SSD 10376)  
Response to the Independent Planning Commission - Conditions**

I refer to your correspondence, dated 7 April 2021, and the Commission's request for the Department's advice on the workability, enforceability and any potential unintended consequences of the suggested amendments to the recommended conditions of consent for SSD 10376.

In response to the Commission's request, the Department has prepared a response in **Attachment A**.

If you have any enquiries, please contact James Groundwater on (02) 8289 6778 or via email [james.groundwater@planning.nsw.gov.au](mailto:james.groundwater@planning.nsw.gov.au).

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Annie Leung'.

Annie Leung

**Acting Director  
Key Sites Assessments**

**Attachment A – Comments on IPC’s suggested amendments to conditions**

<b>IPC suggested amendments</b>	<b>Department’s comment</b>
<p>Additional Condition A34 – imposing new requirements from SEPP (affordable rental housing) for Built To Rent</p>	<p>The recommended condition is a prescribed condition under the EP &amp; A Regulations subsequent to State Environmental Planning Policy Amendment (Build-to-rent Housing) 2021 made on 12 February 2021.</p> <p>The Department notes there is no saving and transitional provision applying to this amendment to the SEPP. As such, the prescribed condition would apply to all Built to Rent Housing developments, including the proposal.</p> <p>The Department recommends the development description be updated to clearly identify the development as Built to Rent Housing.</p>
<p>B9(a) – requirements for obscured glazing or screen to be deleted</p>	<p>The Department’s recommended condition seeks to impose same or similar privacy mitigating measures to south facing living rooms and kitchen windows as those proposed for bedrooms.</p> <p>All other windows (bedrooms) along the southern elevation of the proposed building have been provided with mitigating measures to ensure a reasonable level of privacy is maintained between the development and the adjoining Princeton Apartment.</p> <p>In determining whether to delete B9(a), the Department recommends the following be considered:</p> <ul style="list-style-type: none"> <li>● The affected kitchen and living windows are south facing secondary windows to the same space and would not affect ADG compliance of the proposed apartments in terms of solar access and ventilation.</li> <li>● The deletion of the recommended conditions would mean that potential privacy conflicts between the kitchen and living room areas of the proposed building and Princeton Apartment would not be mitigated in the same manner as the bedrooms along the same southern elevation.</li> </ul>
<p>Additional subclause B9(e) – permits protrusion of GRC for two south eastern unit for up to 200 mm beyond the building line on the eastern façade</p>	<p>Following email correspondence from the Commission on 8 April 2021, it was clarified that the intention of the additional subclause is to require the depth of the GRC columns to be reduced to 200mm (consistent with the depth of those elements on the south façade). The Commission intends on applying this requirement to the GRC elements of the southeast units only to improve the sunlight penetration into those units.</p>

	<p>The Department notes the reduction of the depth of the GRC elements were considered by the Design Review Panel and was not supported. Please refer to the Department’s letter to the Commission on 16 March 2021.</p> <p>The Department further notes solar access to the subject apartments are affected by overshadowing impacts from surrounding developments. In this case, the Department considers reducing the GRC column depth would result in negligible improvement to solar access to these apartments. Please refer to paragraph 6.4.10 and Figure 33 of the Department’s assessment report.</p> <p>Should the Commission be of a mind to reduce the depth of the GRC elements of the subject apartments from 450 to 200 mm, the Department recommends the following wording:</p> <ul style="list-style-type: none"> <li>• <i>The six glass reinforced concrete architectural columns on the eastern façade, as they relate to the two southeast corner apartments on each level of the tower, are to be reduced in depth from 450mm to 200mm, inclusive of a 50mm gap to facade.</i></li> </ul>
<p>B11 – permits additional height up to RL165.35 (from previously RL165.15) and to excludes plants lift overrun and other protrusion from this height limit</p>	<p>The Department considers the adjustment of maximum height limit in Condition B11 to RL 165.35 resulting from minor discrepancies in submitted plans is acceptable.</p> <p>The Department notes the Description of the development should be amended to reflect changes to Condition B11.</p> <p>The Department however does not support the exclusion of plants, lift overrun and other protrusion from this height limit because:</p> <ul style="list-style-type: none"> <li>• It is inconsistent with standard LEP definition of height of building, which is measured to include lift overruns and plants.</li> <li>• Structures above RL 165.35 may breach the Sun Access Plane applicable to the site.</li> <li>• There is no evidence in the application to support additional structures above the maximum height would not cause additional view loss or overshadowing which must be considered prior to consent being granted.</li> </ul>
<p>B21 – to include a reference that documents from the CSSI approval can be used to satisfy the requirements in the condition with respect to site suitability and stability</p>	<p>The Department does not have sufficient information to confirm that documents produced in respect to the CSSI 7400 Approval would have considered the impacts of the subject development on site suitability and stability. The Department, therefore, does not support the inclusion of this additional reference to Condition B21.</p>

	<p>The Department also notes any information to satisfy the terms of the condition is at the discretion of the Accredited Certifier and may include documents produced in respect to the CSSI 7400 Approval.</p>
<p>B38 – adjustment to bicycle parking numbers</p>	<p>The Department notes Level 3 can accommodate a total of 203 bicycle parking spaces as required by Condition B38 and an additional 12 retail bicycle parking can be accommodated on Level 2 (Condition B9 (c)), resulting in a total of 215 spaces.</p> <p>Should the Commission be of a mind to include the 12 retail bicycle parking spaces on Level 3 and reduce the total amount of bicycle spaces to 203, the Department recommends the following wording:</p> <ul style="list-style-type: none"> <li>• <i>A minimum of 203 <del>resident</del> bike parking spaces including 104 dual bike and storage lockers, 75 vertical bike lockers, 12 retail bike racks and 12 residential visitor spaces shall be provided on Level 3. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.</i></li> </ul> <p>Note Conditions to B9(c) and B39 will be required to be deleted to ensure consistency.</p>
<p>E31 – acknowledgement of the existing demolition for archival recording purposes</p>	<p>The Department notes the wording of the condition was recommended by Heritage NSW with the intention to ensure that any archival recording included photographs of the site prior, during and after construction to document the change in relationship with the surrounding State heritage items.</p> <p>The Department acknowledges the previous buildings on site have already been demolished. The Department considers the suggested amendment to Condition E31 is acceptable.</p>