



# Pitt Street South Over Station Development

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State Significant Development Assessment

SSD 8876 MOD 2

SSD 10376

February 2021



Published by the NSW Department of Planning, Industry and Environment

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

Title: Pitt Street South Over Station Development

Subtitle: SSD 8876 MOD 2 & SSD 10376

Cover image: *Station Entrance on Bathurst Street (Source: EIS)*

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# Glossary

Abbreviation	Definition
<b>AHD</b>	Australian Height Datum
<b>CIV</b>	Capital Investment Value
<b>Council</b>	City of Sydney
<b>CSSI</b>	Critical State Significant Infrastructure
<b>Department</b>	Department of Planning, Industry and Environment
<b>EESG</b>	Environment, Energy and Science Group
<b>EIS</b>	Environmental Impact Statement
<b>EPA</b>	Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>FRNSW</b>	Fire and Rescue NSW
<b>LEP</b>	Local Environmental Plan
<b>Minister</b>	Minister for Planning and Public Spaces
<b>OSD</b>	Over Station Development
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>Planning Secretary</b>	Secretary of the Department of Planning, Industry and Environment
<b>RtS</b>	Response to Submissions
<b>SEPP</b>	State Environmental Planning Policy
<b>SSD</b>	State Significant Development
<b>SSI</b>	State Significant Infrastructure
<b>TfNSW</b>	Transport for NSW

# Executive Summary

The Pitt Street Metro station is one of the seven new stations approved as part of the new Sydney Metro City and Southwest Metro lines. On 25 June 2019 the Minister for Planning approved an SSD for the Concept Development Application for an over station development (OSD) (SSD 8876) at the site. The approval includes a maximum building envelope, maximum building height, car parking for a maximum of 34 parking spaces and conceptual land uses. The proposed OSD will be delivered together with the station as an integrated station development, creating a new transport hub within the Sydney CBD.

This report provides a concurrent assessment of a:

- modification application to the Pitt Street South OSD concept approval (SSD 8876 MOD 2) to permit architectural encroachments beyond the approved building envelope and include retail premises as a permitted use within the podium
- State significant development (SSD) application (SSD 10376) for the design and construction of a residential tower above the southern entrance of the Pitt Street Metro station.

The Applicant is Pitt Street Developer South Pty Ltd and the site is located within the City of Sydney local government area. The Capital Investment Value (CIV) for the development is \$149,880,000 and the development would generate 350 construction jobs and 30 operational jobs.

## Engagement

The Department publicly exhibited both proposals between 4 June and 1 July 2020 (28 days) and received a combined:

- 87 public submissions (85 objections, one in support and one providing comments)
- comments from Council and 11 public agencies

Council did not object to either proposal, however it requested further consideration be given to the proposed clearance and internal arrangements of the loading dock, awning design, signage, window design, ESD commitments, bicycle parking, stormwater quality, flooding information, and integration with Council's footpath.

The key issues raised in the public submissions included amenity impacts to neighbours including overshadowing, privacy, view loss, and noise. Concerns were also raised about consistency with the concept approval, visual appearance, building separation, heritage impacts and the importance of independent assessment/determination.

In response, the Applicant submitted a Response to Submissions (RtS) which provided further justification and additional information to address the issues raised in submissions. This included further justification for the proposed built form, building separation, internal residential amenity and impacts on the adjoining residential development (refer to **Section 6**).

Council and Government agencies provided further comments and advice which informed the Department's recommended conditions in **Appendix D**.

## Assessment

The Department has considered the merits of the proposal, the issues raised in submissions as well as the Applicant's response to those submissions.

The Department considers the proposal is acceptable, subject to conditions, for the following reasons:

- the development would provide additional housing within the Sydney CBD with convenient access to jobs, services and public transport as envisaged in the Eastern City District Plan
- the proposal would achieve design excellence as:
  - it is supported by the Sydney Metro Design Review Panel
  - it incorporates high quality materials and finishes to integrate with the approved Metro Station and to reflect the fabric of nearby and adjacent heritage items
  - its height, bulk and scale are compatible with the character of tower developments in Sydney CBD and consistent with expectations under the Concept Approval
- the proposal fully complies with the height and FSR development controls in the Sydney Local Environment Plan 2012 (SLEP 2012) and with notable reductions in building bulk at the podium levels and the eastern tower setback compared to the approved envelope.
- while the proposal includes some variations from the approved concept envelope (up to 450mm variation on some elevations), the variations are considered to be minor and acceptable as they provide façade elements that articulate and improve the appearance of the building, provide privacy screening for neighbours, and have been demonstrated to result in no additional impacts in terms of bulk and scale
- while the proposal results in overshadowing impacts to neighbours located immediately to the south of the site, the extent of overshadowing is reasonable given redevelopment of the site complies with the height and FSR controls for the site under the SLEP 2012. Further, the proposal includes increased setbacks from the eastern boundary to improve solar access to the neighbouring dwellings.
- the proposal would not result in any adverse impacts on the surrounding road or pedestrian network. It proposes no onsite car parking which would maximise public transport use and minimise traffic movements at this highly accessible location.
- the proposal includes appropriate ESD initiatives and sustainability measures, targeting minimum environmental standards of 5 Star Green Star Design and As-Built, as well as exceeding BASIX requirements.

## Conclusion

Following its detailed assessment, the Department supports the proposal because it is consistent with strategic planning objectives for the CBD and will deliver additional housing opportunities directly above the new transport hub. The proposed built form is compatible with the character of Sydney CBD and it integrates with the new Pitt Street Metro Station to deliver a high-quality built form that would make a positive contribution to the building stock in this part of the CBD.

While the proposal result in overshadowing impacts to the neighbours to the south, the Department considered the extent of the impacts are reasonable and acceptable given the proposal fully complies with the SLEP 2012 height and FSR controls and would cast less shadows than the approved building envelope for the site. The Department is also satisfied that the additional information provided in the RtS with respect to built form and amenity impacts, together with the recommended conditions of approval, appropriately address the remaining concerns raised in submissions.

The Department concludes the proposal is in the public interest and recommends that the applications be approved subject to the conditions of consent.

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# 1 Introduction

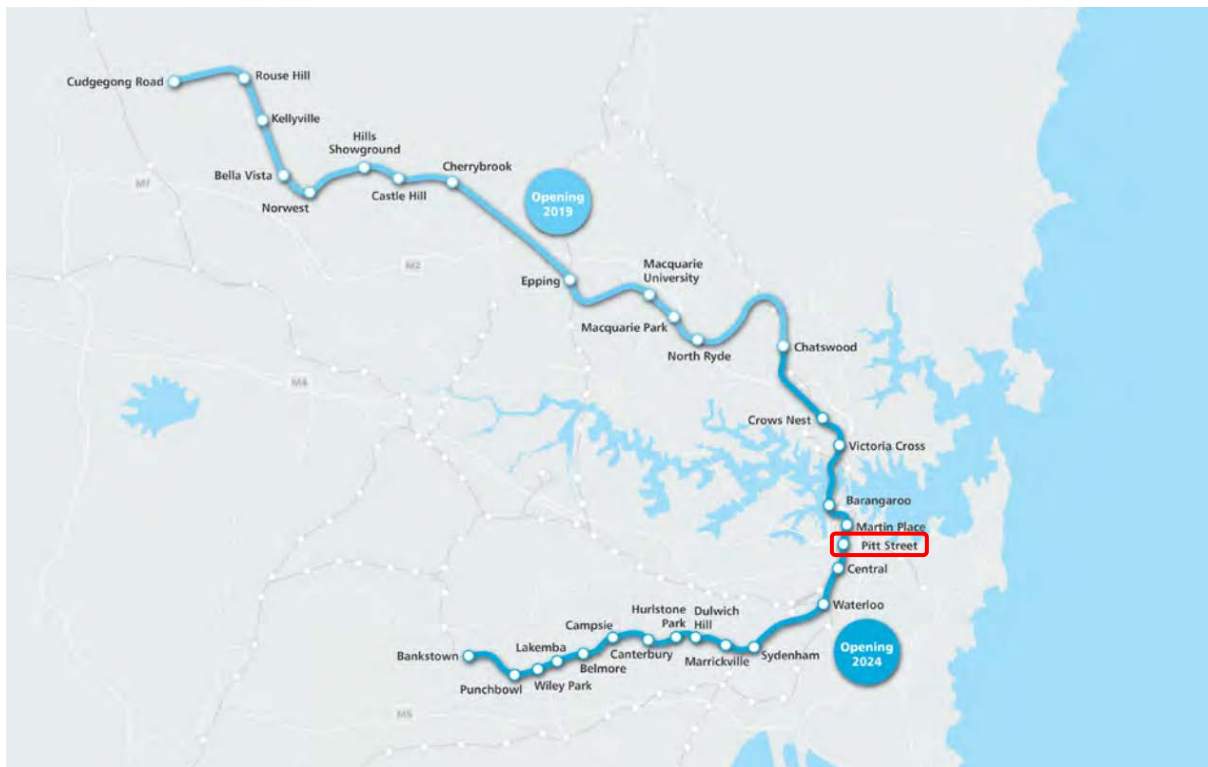
1.1.1 This report provides a concurrent assessment of a modification application to the Pitt Street South over station development (OSD) concept approval (SSD 8876 MOD 2) and a State significant development (SSD) application (SSD 10376) for the design and construction of a residential tower above the southern entrance of the Pitt Street Metro station, Sydney.

1.1.2 The proposal seeks:

- modifications to the concept approval to permit architectural embellishments, awnings and balustrade to encroachments beyond the approved building, and include retail premises as a permissible use within the podium
- development consent for the design, construction and operation of a 39-level residential (built-to-rent) tower, comprising 234 dwellings, end of trip facilities, signage zones, stratum subdivision and a food and drink premises within the Metro station podium.

1.1.3 The Applicant is Pitt Street Developer South Pty Ltd and the proposal is located within the City of Sydney local government area (LGA). The Capital Investment Value (CIV) for the development is \$149,880,000 and would generate 350 construction jobs and 30 operational jobs.

1.1.4 The Pitt Street Metro station is one of the seven new stations approved as part of the Critical State Significant Infrastructure (CSSI) approval (CSSI 7400) for the Sydney Metro City and Southwest Metro between Chatswood and Sydenham (Figure 1).



**Figure 1 |** Regional Context Map (Base source: EIS)



## 1.2 The Site and Surrounds

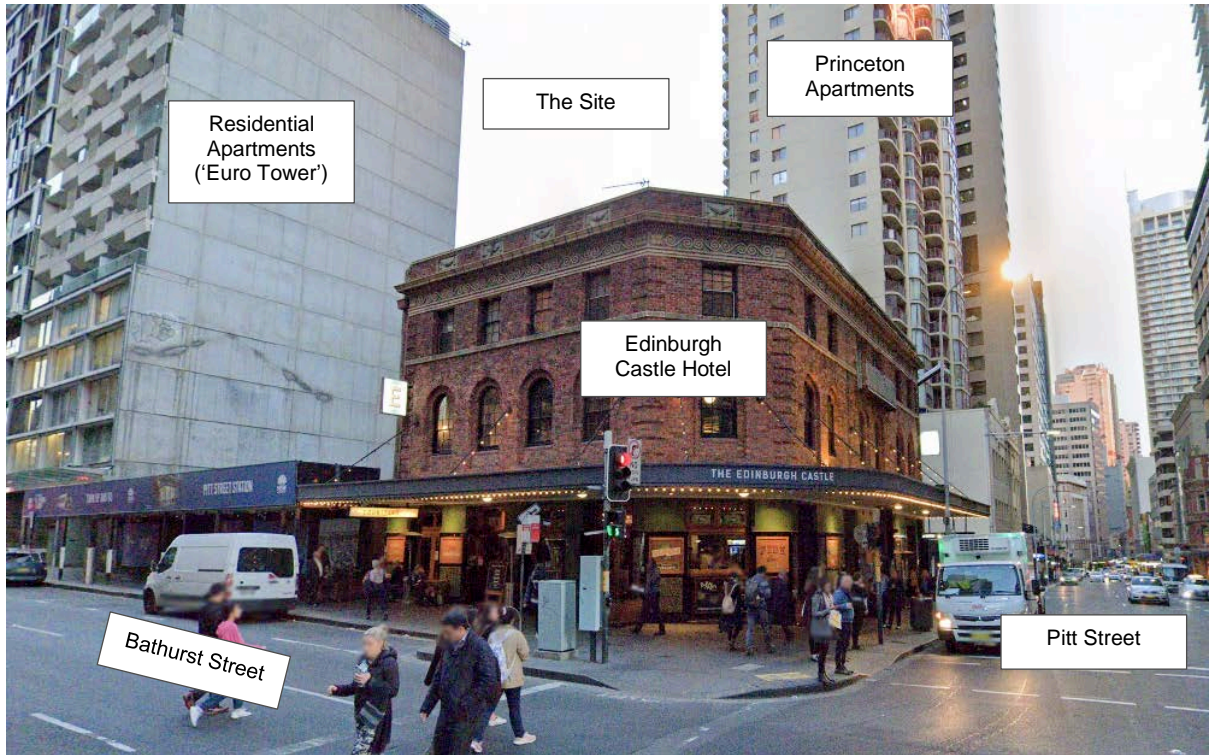
- 1.2.1 The site is situated on the southeast corner of the Bathurst Street and Pitt Street intersection, Sydney (see Figure 2). The site is an irregular L shaped allotment with street frontages of approximately 32 m to Pitt Street and 24 m to Bathurst Street, and overall site area of approximately 1,710 m<sup>2</sup>.



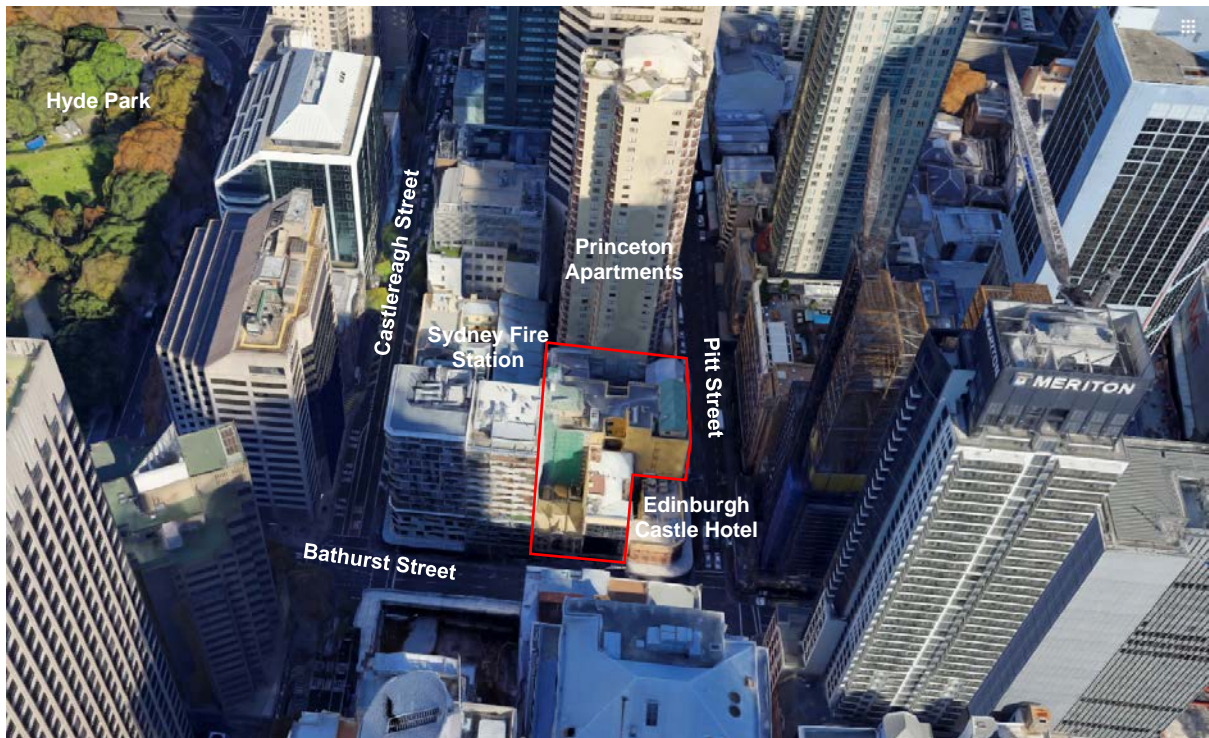
**Figure 2 | Local Context Map (Source: EIS)**

- 1.2.2 The site is centrally located within the Sydney CBD which forms part of the City of Sydney LGA. The Sydney CBD is Sydney's largest commercial precinct, followed by Parramatta CBD and North Sydney CBD, and is part of the eastern economic corridor.
- 1.2.3 The area is characterised by a consolidated commercial core, contributing to global financial, professional education and innovation sectors estimated to provide a skilled labour force of 500,000 jobs by the year 2036 and high-density residential development, public open spaces and mixed-use precincts.
- 1.2.4 The immediate context is characterised by a mix of mid to high density commercial and residential developments, combined with lower scale heritage items and retail developments.
- 1.2.5 The L-shaped site wraps around the heritage listed, three-storey Edinburg Castle Hotel (Figure 3).
- 1.2.6 Immediately to the south of the site is a high-density residential apartment tower (Princeton Apartments) (Figure 4), with additional high-density residential and commercial buildings further to the south along Pitt Street.
- 1.2.7 Immediately to the East of the site are high density residential apartment buildings and the heritage-listed Sydney Fire Station fronting Castlereagh Street (Figure 5).





**Figure 3 | Local Context (Source: Google Street View)**



**Figure 4 | Local Context (Source: Google Maps)**





**Figure 5 | Sydney Fire Station (Source: EIS)**

- 1.2.8 Other heritage buildings immediately opposite the site include the Former Sydney Water Head Office building on Pitt Street, and Speedwell House on Bathurst Street, and the former YMCA Building on the opposite corner of Pitt and Bathurst Streets.
- 1.2.9 The area is also characterised by numerous high-rise buildings. Notably, opposite the site on Pitt Street is the Greenland Centre. It is currently under construction to deliver a mixed-use 67 storey (RL 235) retail and residential building and heritage conservation and adaptive reuse of the former Sydney Water building for a completed Primus Hotel.
- 1.2.10 Castle Residences (116 Bathurst Street) is to the north-east of the site. It is a 36 storey (143.70) mixed use retail, hotel and residential development is currently under construction.
- 1.2.11 Other large-scale buildings in the vicinity of the site are illustrated in Figure 6.



**Figure 6 | Surrounding High Rise Development (Source: EIS)**

### 1.3 Approval History

#### 1.3.1 Sydney Metro City and Southwest Metro (CSSI 7400)

1.3.2 On 9 January 2017, the Minister for Planning granted infrastructure approval (CSSI 7400) for the construction and operation of the Sydney Metro City and Southwest Metro between Chatswood and Sydenham, including approval for 16.5km of rail lines, a tunnel under Sydney Harbour, links with the existing rail network, metro stations and associated infrastructure (**Figure 1**).

1.3.3 The CSSI approval as it relates to the Pitt Street Station provides for:

- demolition of existing buildings on the site
- excavation of the rail tunnel, concourse and platforms
- concept for an aboveground station and related uses up to a height of RL58.75

- provision of structural supports and services for future over station development
  - public domain works such as station entry and works on footpaths and road reserve areas.
- 1.3.4 Seven requests to modify the CSSI approval have been determined by the Department and an eighth request is currently under assessment. The approved modifications relate to works at other locations, including Victoria Cross, Central Station, Martin Place, Sydenham Station and Metro Facility and Blues Point construction site acoustic shed.
- 1.3.5 **Pitt Street South over Station Development – Concept Application (SSD 8876)**
- 1.3.6 On 25 June 2019 the Minister for Planning approved an SSD for the Concept Development Application for Pitt Street South OSD (SSD 8876). The approval includes:
- a maximum building envelope, including street wall and setbacks for the over station development
  - a maximum building height of RL 171.6 metres
  - podium level car parking for a maximum of 34 parking spaces
  - conceptual land use for either one of a residential or a commercial scheme (not both).
- 1.3.7 The building envelope established for the OSD is depicted in **Figure 7** and **Figure 8** and relates to development above the approved metro station box (i.e. above RL 58.75) but is subject to some additional requirements as set out in the conditions of the approval. It consists of podium levels above the metro station box including an area for structural support (the ‘structure reservation zone’) to a height of RL 71.25 and a tower above the podium, with the top of the tower chamfered or angled to comply with the Hyde Park sun access plane requirements.
- 1.3.8 The approval also allows for internal construction, fit out and use of parts of the approved station metro box for OSD related purposes. The approved delineation between SSD and CSSI works and the structure reservation zone is shown in **Figure 9**.
- 1.3.9 The Concept Approval also sets out parameters and matters for consideration in relation to the detailed development of the site, including design excellence and built form, heritage, neighbour amenity, traffic and access, noise, internal amenity, wind impacts, stormwater and flooding, ESD, utilities, construction impacts and fire management.
- 1.3.10 The concept approval has been modified on one occasion. On 28 March 2019, SSD8879 MOD 1 approved a modification to correct an administration error and to amend the environmental performance targets.

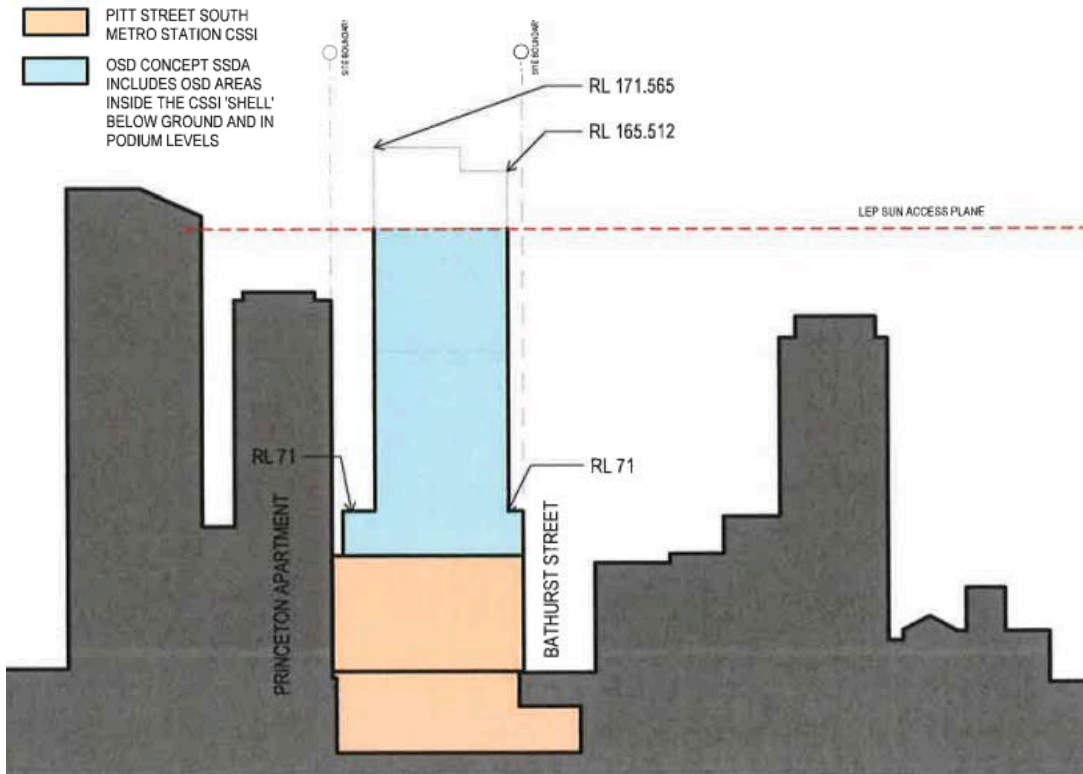


Figure 7 | Approved building envelope (north-south section) (Source: SSD 8876 Approved Plans)

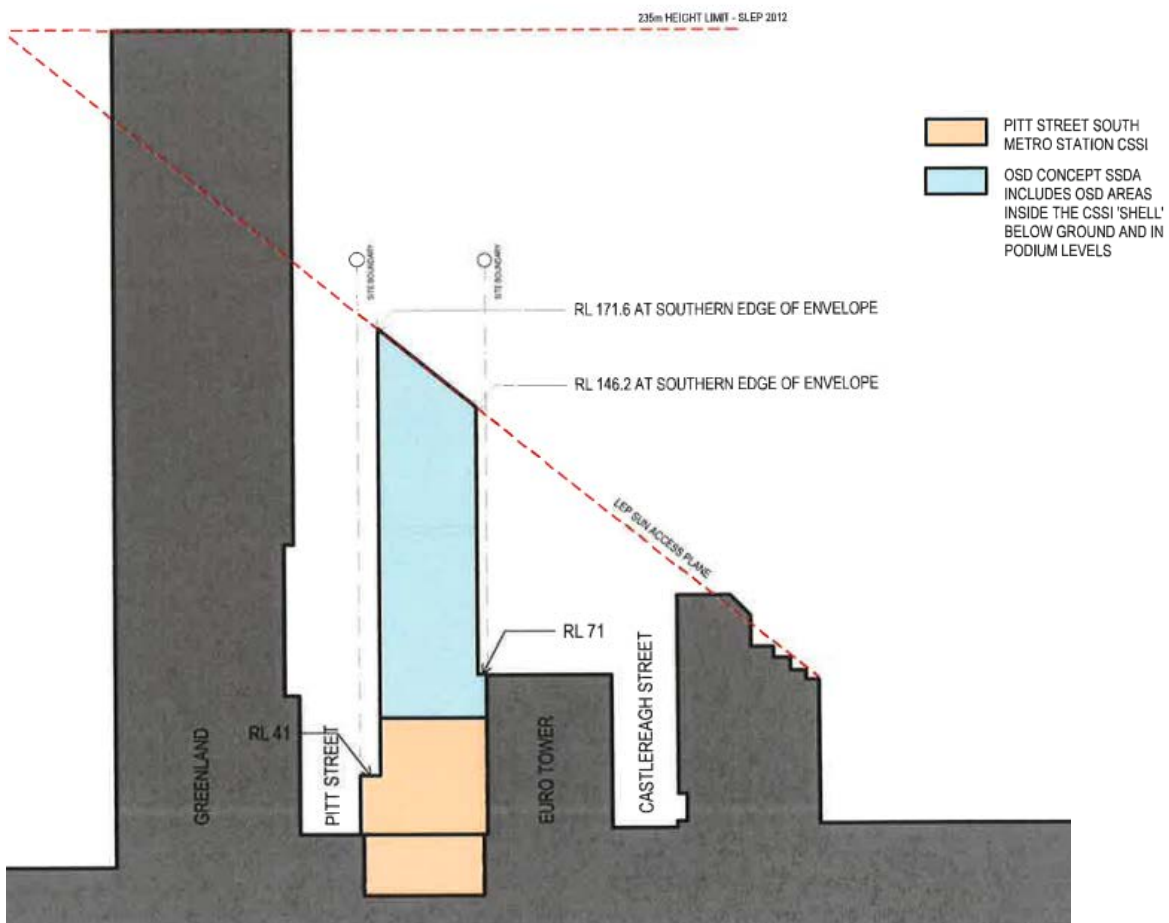
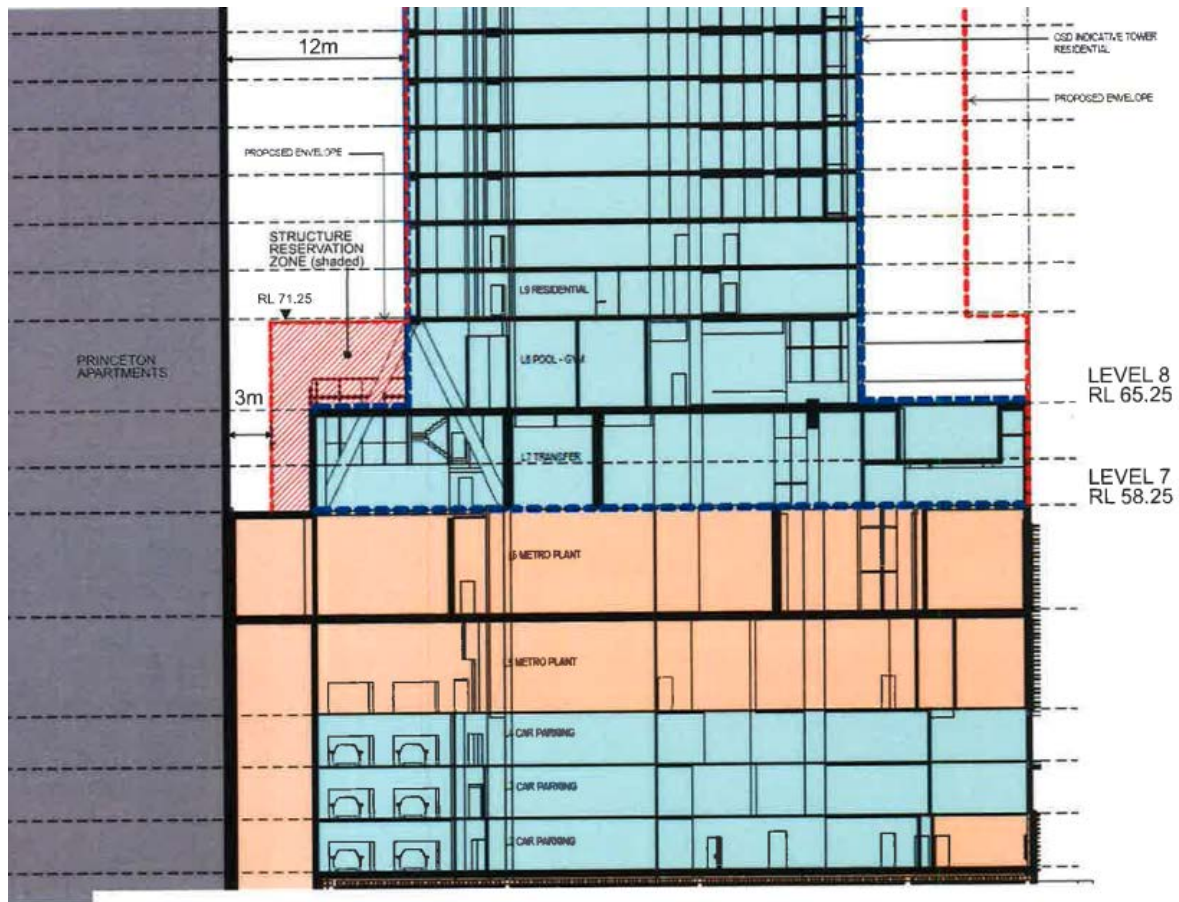


Figure 8 | Approved building envelope (east-west section) (Source: SSD 8876 Approved Plans)





**Figure 9 |** Approved delineation between OSD and station uses (north-south section) and 'structure reservation zone' (in red) (Source: SSD 8876 Approved Plans)

## 2 Project

- 2.1.1 The proposals involve the modification of the Pitt Street South concept approval and the detail design and construction of a residential tower above the metro box, including retail and communal residential spaces within the approved metro box.
- 2.1.2 The proposed modification to the concept approval involves permitting architectural embellishments to project beyond the approved building envelope and the inclusion of retail premises as a permissible use within the metro box.
- 2.1.3 The detail design SSD involves the construction and operation of a 39-level residential (built-to-rent) tower, comprising 234 dwellings, end of trip facilities, signage zones, stratum subdivision and a food and drink premises within the metro box.
- 2.1.4 A link to the Applicant’s modification application and SSD documents is provided at **Appendix A**. The key components of the proposal (as amended by the RtS) are summarised at **Table 1** and depicted in Figure 10 to Figure 17.

**Table 1 | Main Components of the Project**

<b>Proposed Modification (SSD 8876 MOD 2)</b>	
<b>Aspect</b>	<b>Description</b>
<b>Built form</b>	<ul style="list-style-type: none"> <li>• permit architectural embellishments, including awnings and balustrades to project beyond the approved building envelope</li> </ul>
<b>Land uses</b>	<ul style="list-style-type: none"> <li>• permit retail premises within the metro box</li> </ul>
<b>SSD Application (SSD 10376)</b>	
<b>Aspect</b>	<b>Description</b>
<b>Built form</b>	<ul style="list-style-type: none"> <li>• construction of a 39-level residential tower (maximum building height of RL 165.15 or 141 m) above the approved CSSI metro box</li> <li>• Integration with the approved CSSI metro box including fit out and use of some spaces within the metro box</li> </ul>
<b>GFA</b>	<ul style="list-style-type: none"> <li>• 21,995 m2 (excluding floor space constructed under CSSI approval)</li> </ul>
<b>Land uses</b>	<ul style="list-style-type: none"> <li>• residential flat building accessed from Pitt Street, including 234 dwellings and associated communal spaces</li> <li>• a food and drink premises on Level 2 (access on Bathurst Street)</li> </ul>
<b>Vehicular access and parking</b>	<ul style="list-style-type: none"> <li>• bike parking and end of trip facilities (210 resident and 24 visitor spaces)</li> </ul>

- shared loading dock and associated facilities

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**Employment**

- 350 construction jobs
- 30 operational jobs

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**CIV**

- \$149,880,000

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**Subdivision**

- Stratum Subdivision to create three lots: the station lot, the commercial and residential OSD lot, and an airspace lot

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**Signage zones**

- Below awning signage zones on Pitt Street
  - Above awning signage zone on Bathurst Street
-



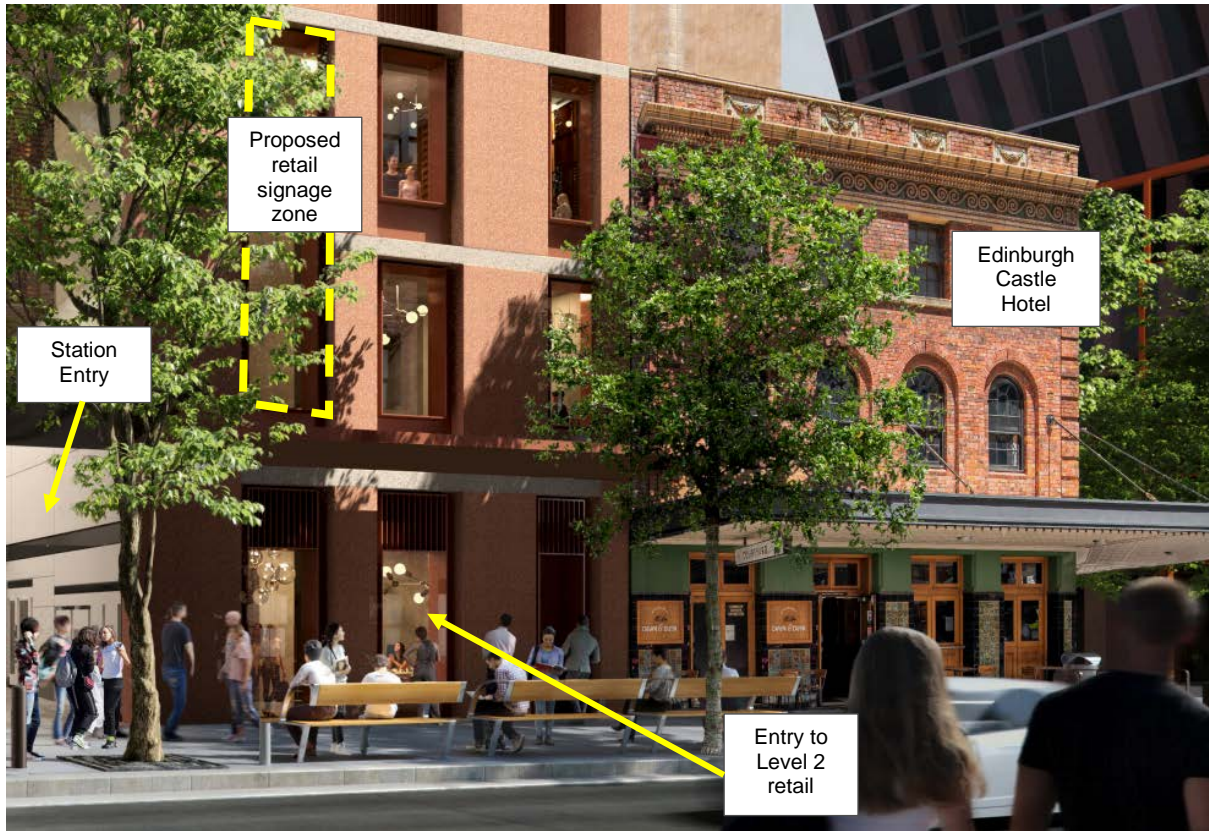
**Figure 10** | Proposed development as viewed from the north-west (Source: Updated RTS).



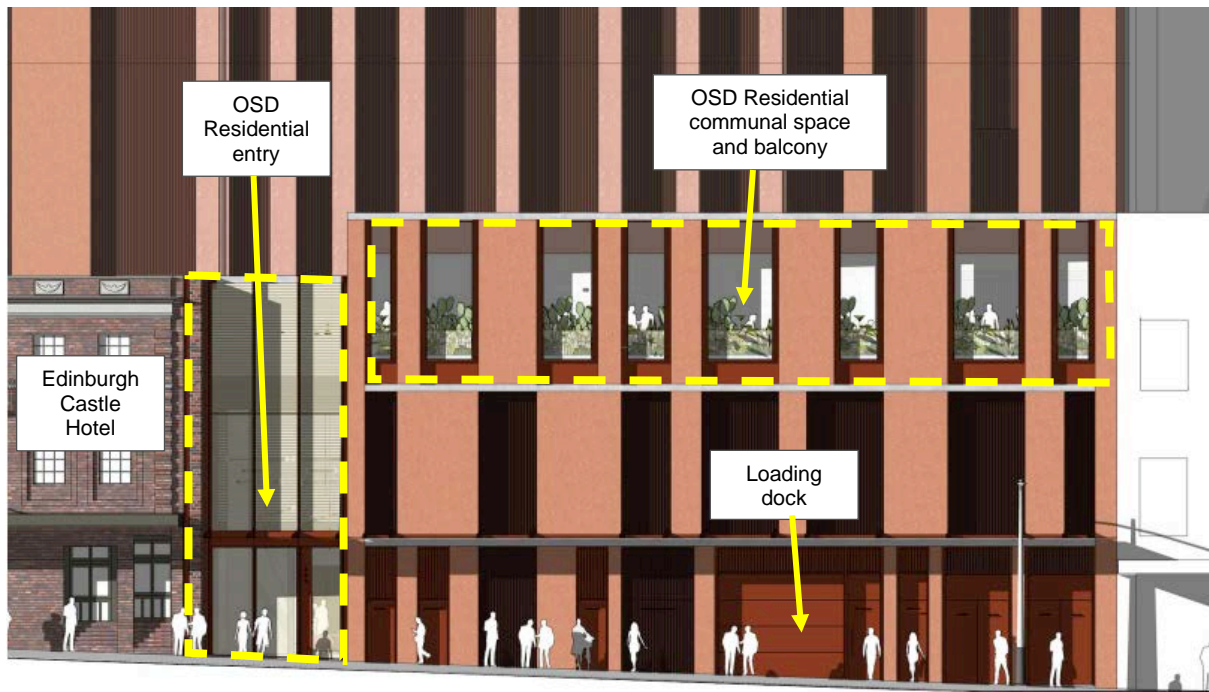


**Figure 11** | Proposed development as viewed from the south-east (note: this image reflects the proposal as lodged, there have been subsequent minor changes to façade design, balcony locations and podium landscaping (Source: EIS)





**Figure 12** | CSSI Metro Station box as viewed from Bathurst Street showing location of entry to the level 2 Retail (food and drink) premises and the proposed associated signage zone sought under this application (Source: RTS)



**Figure 13** | CSSI Metro Station box as viewed from Pitt Street showing location of entry to the OSD residential development (Source: RTS)



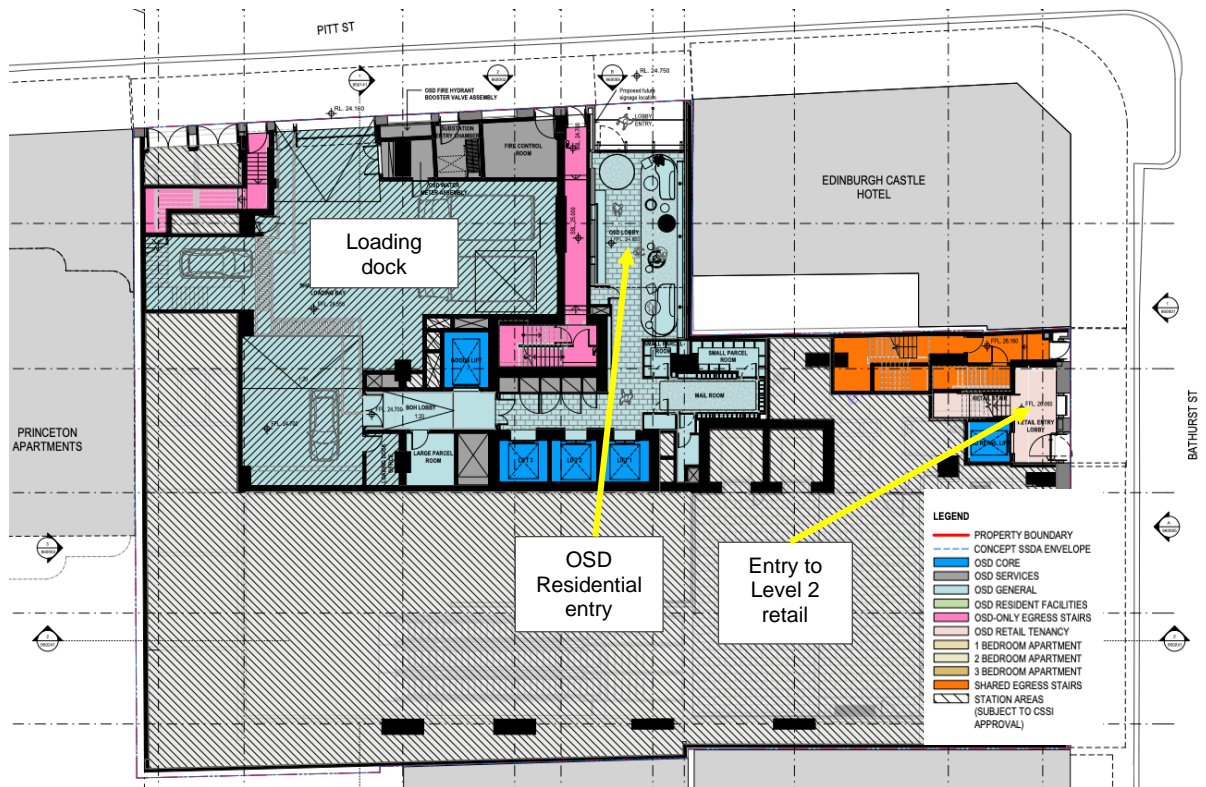


Figure 14 | Ground Floor Plan showing location of entries to the OSD development (Source: RTS)

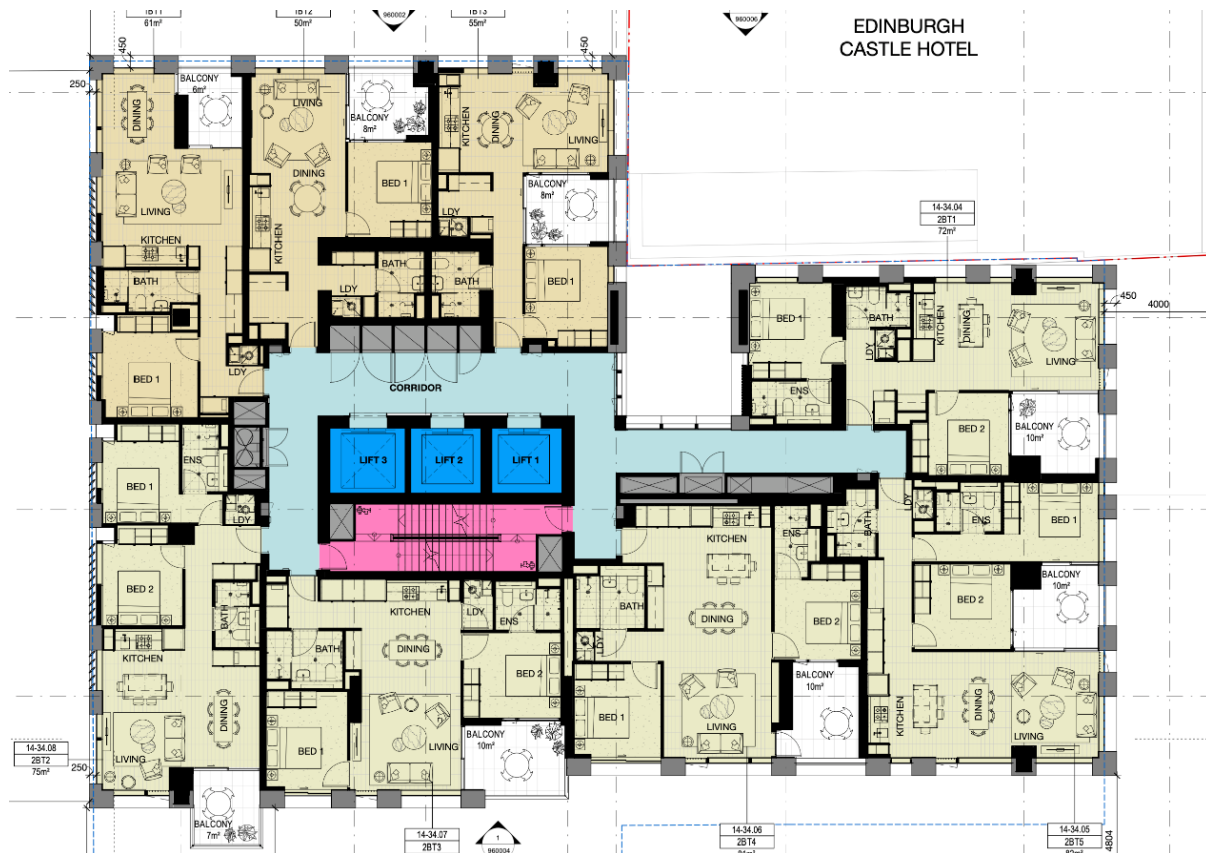
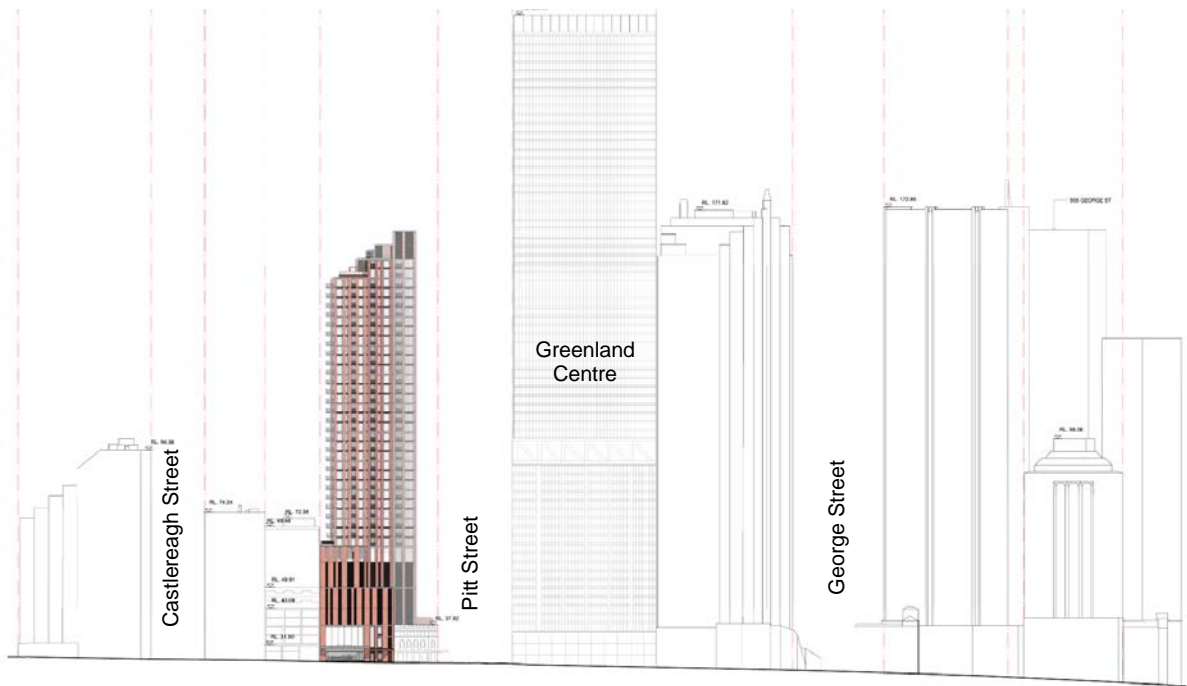
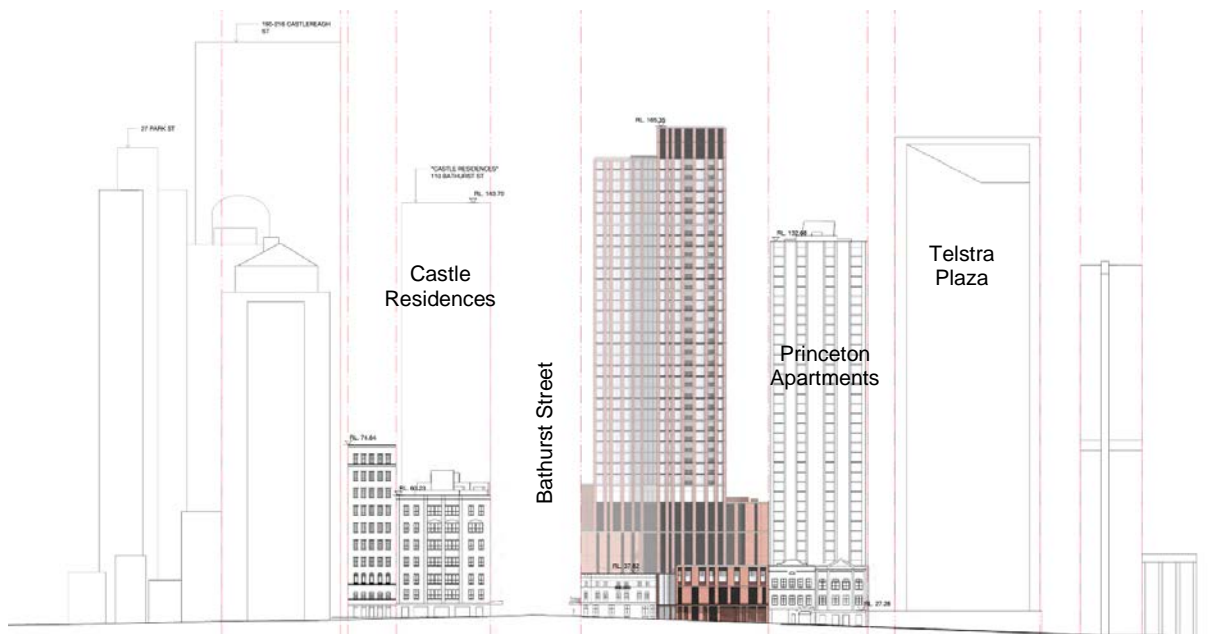


Figure 15 | Typical Tower Floor Plan (Source: Updated RTS)



**Figure 16 | Bathurst Street elevation in wider context (Source: Updated RTS)**



**Figure 17 | Pitt Street elevation in wider context (Source: Updated RTS)**

## 3 Strategic context

### 3.1 Greater Sydney Region Plan: A Metropolis of Three Cities

- 3.1.1 The *Greater Sydney Region Plan: A Metropolis of Three Cities* (Regional Plan) sets out the NSW Government's vision, through the Greater Sydney Commission, for Sydney to be "...a metropolis of three cities where the people of Greater Sydney live within 30 minutes of their jobs, education and health facilities, services and great places." These cities are the Western Parkland City, the Central River City and the Eastern Harbour City.
- 3.1.2 Ten directions underpin the Regional Plan which focus on infrastructure and collaboration, liveability, productivity, sustainability and implementation. The overall direction of which is to manage population growth and support economic growth and environmental sustainability.
- 3.1.3 The proposal is consistent with the Directions and Actions of the Regional Plan, as it:
- Provides additional residential accommodation in a highly accessible CBD location
  - Maximises opportunities presented by the Pitt Street Metro station to improve home and work connections and support the 30-minute city.

### 3.2 Eastern Harbour City

- 3.2.1 The Greater Sydney Commission has prepared District Plans to inform regional and local-level planning and assist the actions of State agencies. The aim of the District Plans is to connect local planning with longer-term metropolitan planning for Greater Sydney.
- 3.2.2 The Pitt Street South Metro station is located within the Eastern City District. The Eastern City District Plan contains key priorities for infrastructure that are relevant to the proposed development including:
- Planning Priority E1 - Planning for a city supported by infrastructure
  - Planning Priority E5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport
  - Planning Priority E10 - Delivering integrated land use and transport planning and a 30-minute city
- 3.2.3 The proposal is consistent with the above priorities as it would facilitate the construction of a high-quality residential building in an area with strong public transport connections and integrated employment opportunities, contributing to the vision for a 30-minute city.

### 3.3 Future Transport Strategy 2056

- 3.3.1 The Strategy was published by Transport for NSW to align with the Greater Sydney Commission's Regional Plan and sets out a transport vision, directions and outcomes framework for NSW to guide transport investment and policy. The aim is to achieve greater capacity, improved accessibility to housing, jobs and services and continued innovation. A planned and coordinated set of actions is set out to address challenges faced by the NSW transport system to support the State's economic and social performance over 40 years.
- 3.3.2 The proposal is consistent with the key outcomes of the Strategy as the proposal:

- encourages the use of active transport options by providing bicycle parking spaces and end-of-trip facilities in lieu of car parking
- provides residential accommodation above the future Sydney Metro Pitt Street station delivering economic benefits for Sydney by enhancing connectivity between businesses, dwellings and people
- provides an opportunity to boost the city's productivity by allowing residents to access jobs faster and more reliably.

### **3.4 Sydney Metro City and Southwest Project**

- 3.4.1 Sydney Metro is Australia's largest public transport project and a city-shaping project. The Sydney Metro City to Southwest stage of the project has an investment value over \$11 billion. With this significant public investment in transport infrastructure comes a number of benefits and opportunities for placemaking and transit-oriented development to provide jobs, homes, a new public domain and community infrastructure around new stations.
- 3.4.2 The proposal would take advantage of the Government's investment in public transport by locating additional residential accommodation immediately above the new Pitt Street Metro Station.

## 4 Statutory Context

### 4.1 State significance

- 4.1.1 The proposal is SSD under section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as the development is permissible with consent and has a CIV in excess of \$30 million (\$149.8 million) for the purpose of residential development associated with railway infrastructure under clause 8 of State Environmental Planning Policy (State and Regional Development) 2011.
- 4.1.2 In accordance with section 4.5 of the EP&A Act and clause 8A of the State Environmental Planning Policy (State & Regional Development) 2011, the Independent Planning Commission (Commission) is declared the consent authority for the SSD application as more than 50 public submission by way of objection were received.
- 4.1.3 The Commission may also determine the section 4.55(2) modification request concurrently with the SSD application, in accordance with the then Minister for Planning's delegation dated 14 September 2011.

### 4.2 Permissibility

- 4.2.1 The site is located within the B8 Metropolitan Centre zone under the Sydney Local Environmental Plan (LEP) 2012. The proposed residential tower and food and drink premises are permissible with consent. See **Appendix C** for the Department's detailed assessment against the zone objectives.

### 4.3 Other approvals

- 4.3.1 Under sections 4.41 and 4.42 of the EP&A Act, a number of other approvals are either integrated into the SSD approval process and consequently are not required to be separately obtained for the proposal or are required, but must be substantially consistent with any development consent for the proposal (e.g. approvals for any works under the Roads Act 1993).
- 4.3.2 The Department has consulted with the relevant public authorities responsible for integrated and other approvals, considered their advice in its assessment of the proposal, and have included suitable conditions in the recommended conditions of consent (see **Appendix D**).

### 4.4 Mandatory Matters for Consideration

- 4.4.1 Section 4.15(1) of the EP&A Act outlines the matters that a consent authority must take into consideration when determining development applications. These matters are summarised as:
- the provisions of any environmental planning instruments (including draft instruments), development controls plans, planning agreements, the Environmental Planning and Assessment Regulation 2000
  - the likely environmental, social and economic impacts of the development
  - the suitability of the site for the development
  - any submissions
  - the public interest, including the objects in the EP&A Act and the encouragement of ecologically sustainable development (ESD).

4.4.2 The Department has considered all of these matters in its assessment of the proposal, as well as the Applicant's consideration in its EIS and RtS, as summarised in **Section 6** and **Appendix C** of this report.

#### **4.5 Planning Secretary's Environmental Assessment Requirements**

4.5.1 The Department is satisfied that the EIS and RtS adequately address the Planning Secretary's Environmental Assessment Requirements (SEARs) to enable the assessment and determination of the Stage 2 detailed development application. Furthermore, the Department considers that the proposed concept modification remains consistent with the SEARs issued for the original concept application.

#### **4.6 Biodiversity Conservation Act 2016**

4.6.1 Under section 7.9(2) of the Biodiversity Conservation Act 2016 (BC Act), SSD applications are *"to be accompanied by a biodiversity development assessment report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values"*.

4.6.2 On 20 April 2020, the Environment, Energy and Science Group (EESG) determined that the proposed development is not likely to have any significant impact on biodiversity values and that a BDAR is not required. The Department supported EESG's decision and on 23 April 2020 determined that the application is not required to be accompanied by a BDAR as the site is located within Sydney CBD and is approved for the construction of Sydney Metro rail and station with excavation and construction already underway.



# 5 Engagement

## 5.1 Department's engagement

5.1.1 In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the proposed concept modification and SSD application between 4 June and 1 July 2020 (28 days):

- on the Department's website
- at NSW Service Centres
- at Sydney of Sydney Council's office.

5.1.2 The Department placed a public notice in the Sydney Morning Herald and The Daily Telegraph on 3 June 2020 and notified adjoining landowners, previous submitters to the concept approval and relevant Government agencies in writing.

## 5.2 Summary of submissions

5.2.1 The concept modification application received 56 submissions (43 objecting, two supporting and 10 providing comments), including:

- 10 from Government agencies
- support from Council
- 45 from the public.

5.2.2 The SSD application received 89 submissions (84 objecting and 13 providing comments), including:

- 11 from Government agencies
- comments from Council
- 85 from the public.

5.2.3 A summary of agency submissions are provided in **Table 2** and a link to all submissions is provided at **Appendix A**.

**Table 2 | Summary of Agency Submissions**

Heritage NSW	
<b>EIS (8876 MOD 2)</b>	Heritage NSW did not object to the proposal, however provided the following comments: <ul style="list-style-type: none"><li>• The proposal will overshadow Hyde Park (listed on the State Heritage register). While the extent of the proposed protrusions beyond the concept building envelope is negligible in terms of the overall scheme, Heritage NSW reiterates its strong support for compliance with the sun access plane controls in Sydney LEP 2012.</li><li>• No comments in relation to proposed inclusion of retail premises</li></ul>
<b>EIS (10376)</b>	Heritage NSW did not object to the proposal, however provided the following comments:

- Reiterates recommendations that the proposal comply with the sun access plane controls in Sydney LEP 2012
- Acknowledges the well-considered podium façade design to respond to the surrounding context, but notes only limited information on how the western facade responds to the heritage listed Sydney Water Board Building and the character of Pitt Street
- Recommends conditions in relation to archival recording, ongoing consultation with Heritage NSW and noise and vibration controls.

<b>RtS (10376)</b>	Heritage NSW: <ul style="list-style-type: none"> <li>• Acknowledges that the building results in only minor additional overshadowing of Hyde Park, that the shadows fall after 2.30pm, being outside the period of protection (10.00.am to 2.00 pm) and that shadows fall on a treed portion of the park and not a primary passive recreation area</li> <li>• reiterated the previously recommended conditions of consent</li> </ul>
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### **TfNSW**

<b>EIS (8876 MOD 2)</b>	TfNSW has no comments
<b>EIS (10376)</b>	TfNSW did not object to the proposal, however provided the following comments: <ul style="list-style-type: none"> <li>• The design results in conflicts between vehicles and cyclists within the loading dock</li> <li>• Recommended amendments to bicycle parking and end of trip facilities</li> <li>• Recommended conditions for updated Green Travel Plan, Transport Access Guide, a Construction Pedestrian and Traffic Management Plan. Loading and Servicing Management Plan</li> </ul>

<b>RtS (10376)</b>	TfNSW noted safety concerns in relation to cyclist and vehicle conflicts have not been resolved and therefore recommended conditions requiring a road safety audit of the loading dock, a safety plan, and an application for safety mirrors within the road reserve. Previously recommended conditions were also confirmed as appropriate, with minor amendments.
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### **DPIE, Environment, Energy and Science Group (EESG)**

<b>EIS (8876 MOD 2)</b>	EESG has no comments
<b>EIS (10376)</b>	EESG did not object to the proposal, however provided the following comments: <ul style="list-style-type: none"> <li>• Confirmed a Biodiversity Assessment Report Waiver was approved on 20 April 2020</li> <li>• Advises it has no comments in relation to flooding</li> </ul>
<b>RtS (10376)</b>	EESG reviewed the RtS and has no comments

### **CASA**

<b>EIS (8876 MOD 2 &amp;10376)</b>	CASA did not object to the proposal
<b>RtS</b>	CASA has reviewed the RtS and has no concerns

### Sydney Airport

**EIS (8876 MOD 2 &10376)** Sydney Airport did not object to the proposal and advises it grants approval for construction of the building within prescribed airspace to a maximum height of RL 171 AHD. Conditions are recommended in relation to notifications to Airservices Australia, separate approval for construction cranes and certification of building height following construction.

### Sydney Metro

**EIS & RtS (both applications)** Sydney Metro has no comments and concurrence of Sydney Metro is not required

### Sydney Water

**EIS (8876 MOD 2 &10376)** Sydney Water had no comments, noting it has already issued the requirements to obtain a Section 73 certificate directly to the developer.

**RtS** Sydney Water has reviewed the RtS and is satisfied

### Police NSW

**EIS (8876 MOD 2 &10376)** Police NSW recommend the Applicant consult with a private security company and consider all relevant counter terrorism aspects for the building

### Fire NSW

**EIS (10376)** Fire NSW confirmed it has no comments

### Environment Protection Authority (EPA)

**EIS (8876 MOD 2 &10376)** EPA confirmed it has no comments

### DPIE, Water

**EIS (8876 MOD 2 &10376)** DPIE Water confirmed it has no comments

## 5.3 Key Issues – Council

5.3.1 A summary of Council's submissions is provided in **Table 3**.

**Table 3 | Summary of Government agency submissions**

### City of Sydney Council (Council)

**EIS (8876 MOD 2)** Council advises it supports the proposal.

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**EIS  
(10376)**

Council does not object to the proposal, but provided the following comments:

- Recommends the proposal be revised to accommodate Council's waste collection vehicles and resolve issues with loading and servicing arrangements
- Recommends awnings be redesigned with a downturned edge and a continuous awning on Pitt Street as required by SDCP2012. Further information is required in relation to relationship between a substation and awning
- Signage above the Bathurst Street façade is inconsistent with SDCP2012 and is not supported
- Window design should be revised to improve natural ventilation
- Further information is required in relation to window maintenance
- Plans should reference BASIX and NatHERs commitments
- Additional bike parking is required and alternative measures are required for safe bike access to the parking area
- Further information is required in relation to the heritage interpretation plans for the proposal and the Metro Station Project and in relation to archaeological study and excavation finds
- Further information is required in relation to the Water Quality Assessment
- The Flood Impact Assessment should be updated to determine the flood planning levels for the site in accordance with Council's policy
- Further information is required in relation to levels, gradients and disabled access entrances
- Hostile vehicle management should occur on site not within the public domain
- Separate approval is required for works within the public domain
- Conditions are recommended in relation to landscape consistency, and a Construction Traffic management Plan

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**RtS**

Council notes the RtS aimed to address concerns previously raised by Council, and provided the following comments:

- as the proposal not been revised to accommodate Council's waste collection vehicles a condition is recommended requiring the building owner contract with a private waste removal service
- reiterates the signage above the Bathurst Street façade is inconsistent with SDCP2012 and should be the subject of a separate application
- window design still requires revision to improve ventilation
- NatHERS information remains outstanding
- bike parking and access issues are unresolved

## 5.4 Key Issues - Public Submissions

5.4.1 The Department received a total of 87 submissions from the community (noting 11 individuals made a separate submission for each application and 32 submissions advised they related to both applications, but were only submitted once), including one from a special interest group, and one from a City of Sydney Councillor. Of the submissions received, one was in support of the application, one provided comments and 85 objected to the proposal. **Table 4** and **Table 5** provide a summary of the submissions

**Table 4 | Summary of submissions (excluding duplicate submissions)**

Submitters	Number	Position
<b>Community</b>	<b>85</b>	
<ul style="list-style-type: none"> <li>&lt; 5 km</li> </ul>	77	Object
	1	Comment
	1	Support
<ul style="list-style-type: none"> <li>&gt; 5 km</li> </ul>	6	Object
<b>Special Interest</b>	<b>2</b>	
<ul style="list-style-type: none"> <li>Owners Corporation for Princeton Apartments</li> <li>Cllr Craig Chung (City of Sydney)</li> </ul>	2	Object
	<b>Total</b>	<b>87</b>

**Table 5 | Summary of submissions (excluding duplicate submissions)**

Issue	%
Overshadowing impacts to adjoining development, including associated impacts (sustainability impacts, increased heating / cooling costs and mental health and wellbeing impacts)	<b>95</b>
Building Separation	<b>80</b>
Privacy Impacts	<b>69</b>
Overshadowing of Hyde Park	<b>63</b>
View Loss	<b>42</b>
Internal Amenity of the proposed development	<b>23</b>
Design / Appearance	<b>19</b>
Heritage Impacts	<b>19</b>

#### 5.4.2 Other issues raised in individual submissions:

- Acoustic Impacts
- There should be independent assessment and determination of the application
- Impacts to communal open space
- Ventilation Impacts
- Use of the property for rental only / build to rent accommodation
- Street Activation
- Parking and Traffic Impacts
- Wind impacts
- Overshadowing of the streets

### 5.5 Response to submissions and further amendments

5.5.1 Following the exhibition period, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions.

5.5.2 On 25 September 2020, the Applicant submitted its Response to Submissions (RtS) which amended the proposal by:

- amending the façade design to reduce the extent of encroachment on the approved envelope
- amendments to apartment and balcony layouts to reduce privacy impacts
- amendments to the Level 6 communal open space

5.5.3 It also provided further justification and clarification for the proposed development. The RtS was accompanied by additional overshadowing analysis, ventilation details, updated traffic assessment and updated design reports.

5.5.4 The RtS was made publicly available on the Department's website and was referred to relevant Government agencies and Council. An additional five submissions were received from Government agencies and a further submission was received from Council (refer to **Table 2** and **Table 3**).

5.5.5 Following advice from the Design Review Panel, the Applicant further amended the proposal on 20 November 2020 and provided further information on 18 December 2020. The revised scheme amended the façade design by reinstating the depth of the concrete columns as per the original application and increasing the number of concrete columns within the facades, thereby providing a greater solid to window ratio. Minor amendments were also proposed to commercial bicycle parking arrangements. Additional information including further overshadowing analysis, BASIX and NATHERS assessments were also provided.



## 6 Assessment

### 6.1 Key Assessment Issues

6.1.1 The Department has considered the EIS, the issues raised in submissions and the Applicant's RtS in its assessment of the proposal. The Department considers the key assessment issues associated with the proposal are:

- built form
- amenity impacts to Princeton Apartments
- internal residential amenity
- heritage
- design excellence
- traffic, parking and loading access

6.1.2 All other issues associated with the proposal have been considered in **Section 6.8**.

### 6.2 Built Form

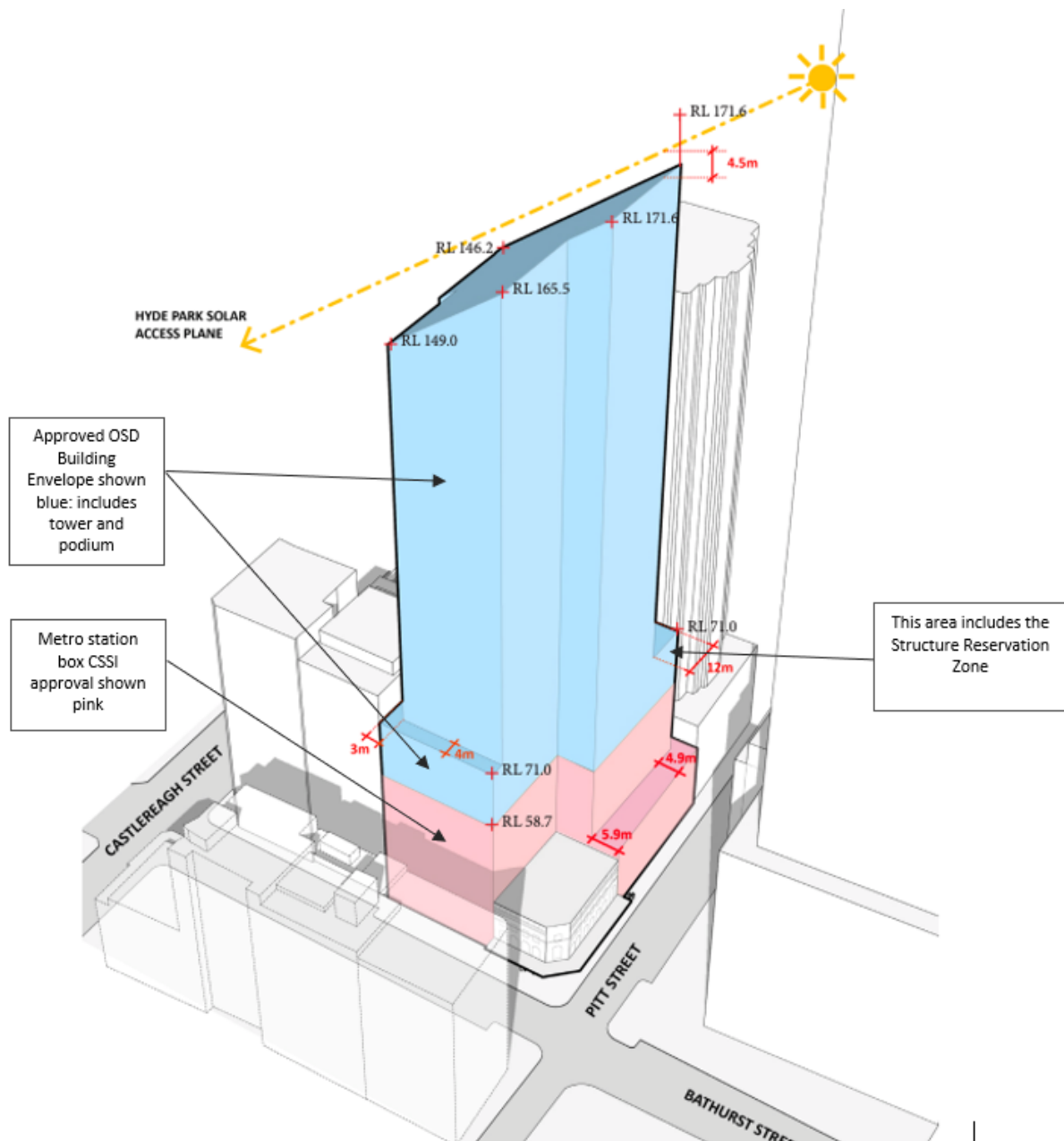
6.2.1 The approved Concept Plan established a permitted building envelope on the site. It included:

- OSD podium levels above the approved station Metro box (RL 58.75 – RL71.0)
- inclusion of a 'Structure Reservation Zone' at the podium levels with a setback of 3 metres from the southern boundary
- an OSD tower envelope above the podium from RL 71.0 to RL 171.6 with upper levels setback in accordance with the Hyde Park Solar Access Plane, and general tower setbacks of:
  - 4m to Bathurst Street
  - 3m to the eastern boundary
  - 12m to the southern boundary (Princeton Apartments)
  - Varied setback to Pitt Street (4.872 m to 5.9 m).

6.2.2 The Applicant stated the proposed development occupies approximately 87 % of the approved building envelope. However, the proposed façade treatments will encroach on the approved building envelopes on the southern, western and northern facades. The Applicant therefore seeks to modify the approved concept envelope to permit the encroachments (Figure 21 and Section 6.2.7).

6.2.3 The Department also notes Condition A15 of the Concept Approval requires the proposal to be contained within the approved building envelope and Condition B3 requires the proposal to mitigate potential impacts when compared to the approved building envelope.

6.2.4 Importantly, the proposed building otherwise complies with Concept Approval and it fully complies with the SLEP development controls, including the building height set by the sun access plane and the floor space ratio controls as detailed in Appendix C.



**Figure 18 | Approved Building Envelope (Base Source: EIS)**

6.2.5 Having reviewed the design of the proposed building against the approved building envelope and the requirements under the Concept Approval, the Department considers the key issues in relation to the proposed built form are:

- the proposed concept plan modification: building envelope encroachments
- the podium height and structural reservation zone (Condition B3(d) of concept approval)
- the articulation of the roof form (Condition B3(g) of concept approval)
- the sun access plane (Hyde Park).

6.2.6 The Department's considerations of these issues are further discussed below under the relevant heading.

6.2.7 **Proposed Concept Plan Modification: Building Envelope Encroachments**

6.2.8 The proposal includes façade elements which project beyond the approved building envelope by 10 mm up to 450 mm. The encroachments relate to the proposed Glass Reinforced Concrete (GRC) columns within the facade.

6.2.9 Condition A15 of the Concept Approval requires future buildings to be fully contained within the approved building envelope. As such the Applicant proposed to modify the condition A15 to permit the proposed encroachments, as follows:

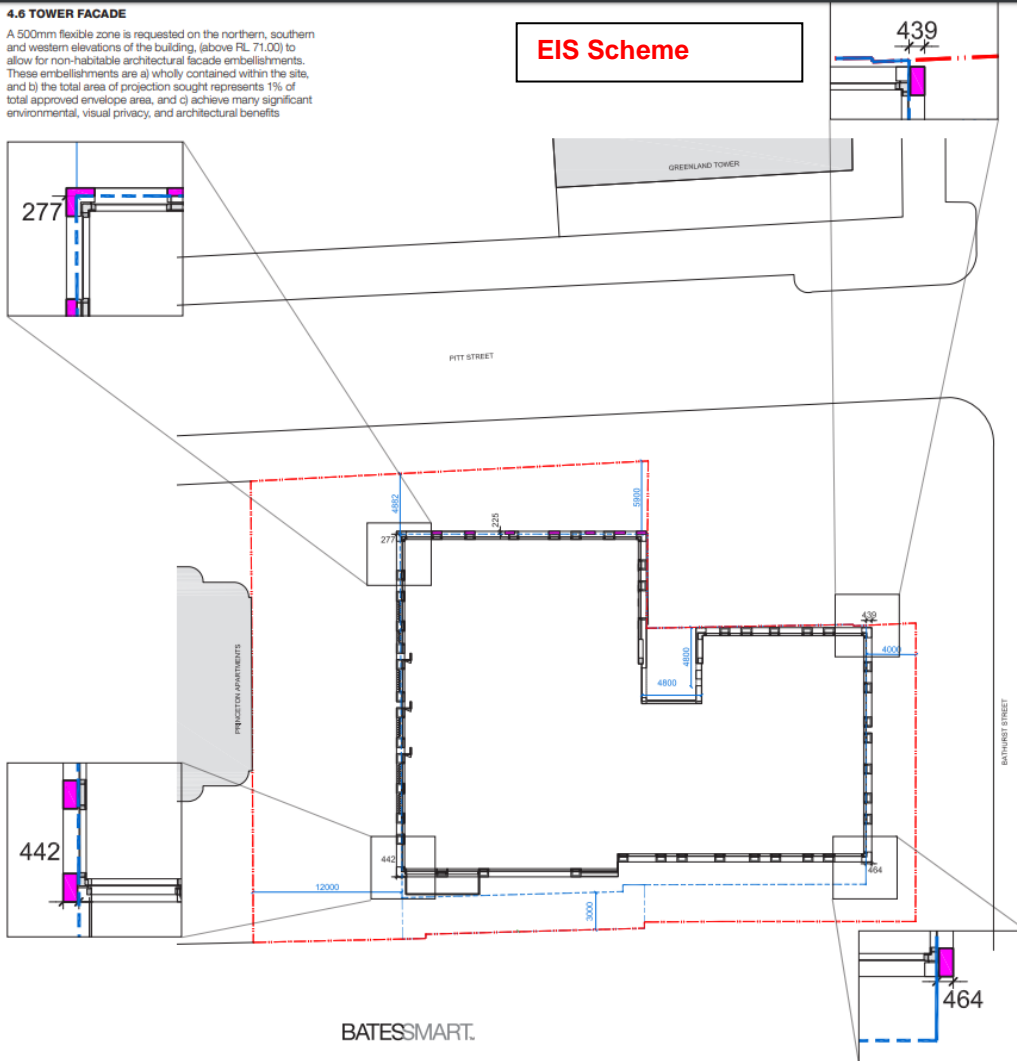
*A15 Future development application(s) for the development must demonstrate that the building is contained within the building envelopes consistent with the plans listed in Condition A2 and as modified by this consent **with the exception of architectural façade features and elements, including balustrades and awnings, embellishments within the Articulation Zone***

6.2.10 Public submissions raised concerns with the encroachments, particularly with those on the southern façade, resulting in the tower being closer to the Princeton Apartment than anticipated by the concept approval.

6.2.11 In response, the Applicant reduced the encroachments, particularly along the southern elevation where the maximum encroachment was reduced from 442 mm to 150 mm as shown in **Figure 19** and **Figure 20**. The Applicant also explained that the encroachments on the southern elevation, adjacent to Princeton Apartments are due to the irregular site boundary and the approved station structure below. More detailed survey carried out since the Concept Approval confirmed that while the approved building envelope sits fully within the site, but it is not perfectly parallel to the boundary. The proposed building is setback 12m at the western end of the elevation as envisaged by the Concept Approval (also see **Section 6.3.5**)

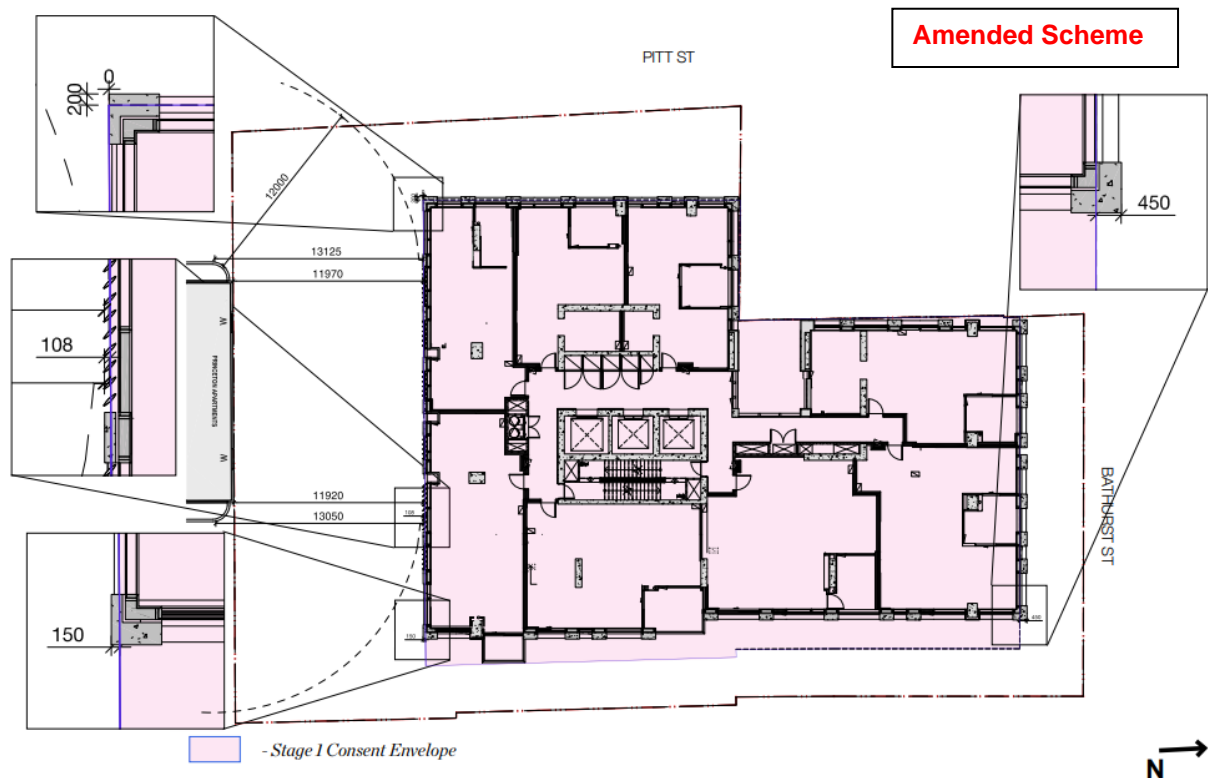
**4.6 TOWER FACADE**

A 500mm flexible zone is requested on the northern, southern and western elevations of the building, (above FL 71.00) to allow for non-habitable architectural facade embellishments. These embellishments are a) wholly contained within the site, and b) the total area of projection sought represents 1% of total approved envelope area, and c) achieve many significant environmental, visual privacy, and architectural benefits



**Figure 19 | Plan showing encroachments beyond approved building envelope (Base Source: EIS)**





**Figure 20 |** Typical tower floor plan showing location of encroachments beyond approved building envelope (Base Source: Additional Information submitted Dec 2020)

6.2.12 The Department has carefully considered the proposed encroachments beyond the approved building envelope as well as the issues raised in public submission and is satisfied the proposal is acceptable as:

- the projecting GRC columns are an integral feature of the façade design, providing articulation to the tower, integration with the design of the metro station and a contemporary relationship with the heritage character of the area.
- the encroachments are minor extending less than half a metre towards Bathurst Street, 20cm towards Pitt Street and up to 15 cm towards the south
- the window line fully complies with the approved building envelope
- the proposed encroachments will not be discernible when viewed from Pitt Street and Bathurst Street
- the Applicant has submitted additional solar analysis to confirm the encroachments, particularly on the Pitt Street elevation would not result in significant overshadowing impacts and overall, the proposed building results in less overshadowing than the approved building envelope (see **Section 6.3.5**)
- privacy impacts would be appropriately mitigated by privacy screens as further discussed under **Section 6.3.12**.

- visual impacts resulting from the encroachments would be offset by improved setbacks on the southern elevation as further discussed under **Section 6.3.55**.
- the Sydney Metro DRP reviewed the encroachments at its meeting on 18 August 2020 and was satisfied the encroachments are minor and create no adverse impacts on privacy and solar access.

6.2.13 The Department is therefore satisfied the proposed encroachments are minor and would not result in any perceptible adverse impacts on the visual bulk, scale or overall appearance of the development. Further, as considered in **Sections 6.2** and **6.3**, the encroachments would not result in any unacceptable amenity impacts to neighbouring buildings.

6.2.14 The Department therefore supports the proposed amendments to Condition A15 of the Concept Approval and the proposed encroachment through the approved building envelope. However, the Department recommends the condition be further amended to:

- remove the reference to awnings as the RtS scheme does not include any awnings that project beyond the OSD building envelope
- remove the reference to articulation zone and instead detail the extent of the permitted encroachments beyond the approved building envelope, for clarity

6.2.15 The Department recommends the Concept Plan be amended as follows:

*A15 Future development application(s) for the development must demonstrate that the building is contained within the building envelopes consistent with the plans listed in Condition A2 and as modified by this consent **with the exception of architectural façade features and elements, including balustrades, which, subject to remaining within the site, may protrude beyond the building envelope by up to 150 mm on the southern façade, by up to 200mm on the western façade and by up to 450 mm on the northern façade.***

#### 6.2.16 Podium Height and Structural Reservation Zone

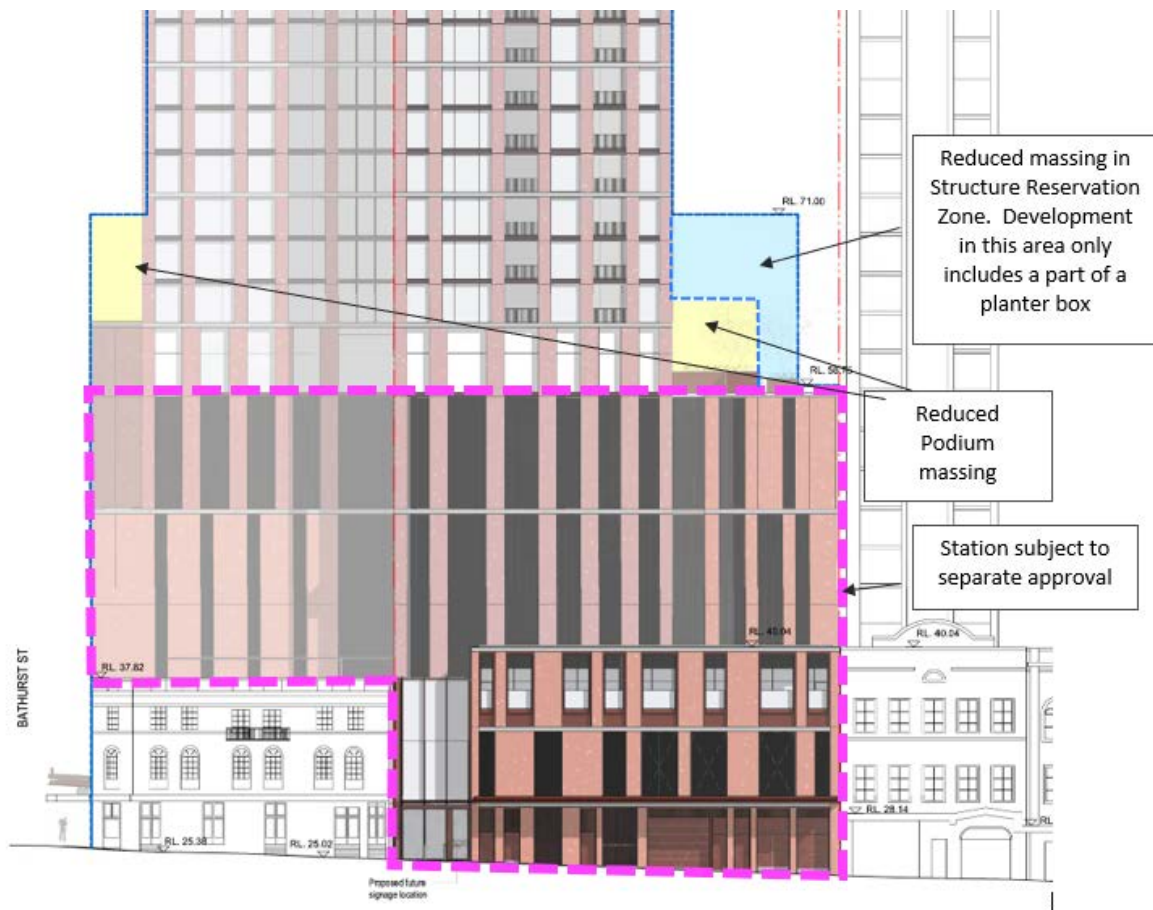
6.2.17 The approved building envelope permits podium levels above the approved station Metro box between RL 58.75 – RL71.0.

6.2.18 The approved building envelope also includes a structure reservation zone within the southern setback adjacent to the Princeton Apartments. The structure reservation zone is an area reserved for structural supports that may be required to enable the construction of the OSD tower above the Metro Station. The zone is defined in Condition A17 and A18 of the Concept Approval and shown in **Figure 19** and **Figure 20**.

6.2.19 Condition B3 (d) limits the structure reservation zone to be used for structural supports and plant/services only and that, alternative options should be considered before any built form is proposed in the zone. The condition also requires any structure or built form within the structure reservation zone to be designed to minimise its impacts on the outlook and amenity of the adjoining Princeton Apartments.

6.2.20 The Department notes the proposed building only includes one podium level above the metro box rather than the 3-4 levels permitted by the Concept Approval (see **Figure 21**). The detailed proposal was also able to achieve an appropriate load transfer through alternative methods and therefore includes no development in the structural reservation zone other than part of a planter box illustrated in **Figure 21** below.

6.2.21 The Department considers the reduced podium would result in an improved visual relationship with the surrounding smaller scale buildings (also refer to discussion in **Section 6.5** with respect to adjoining heritage items) and also reduce its potential amenity, outlook and solar impacts on Princeton Apartment (see **Section 6.3.25**)



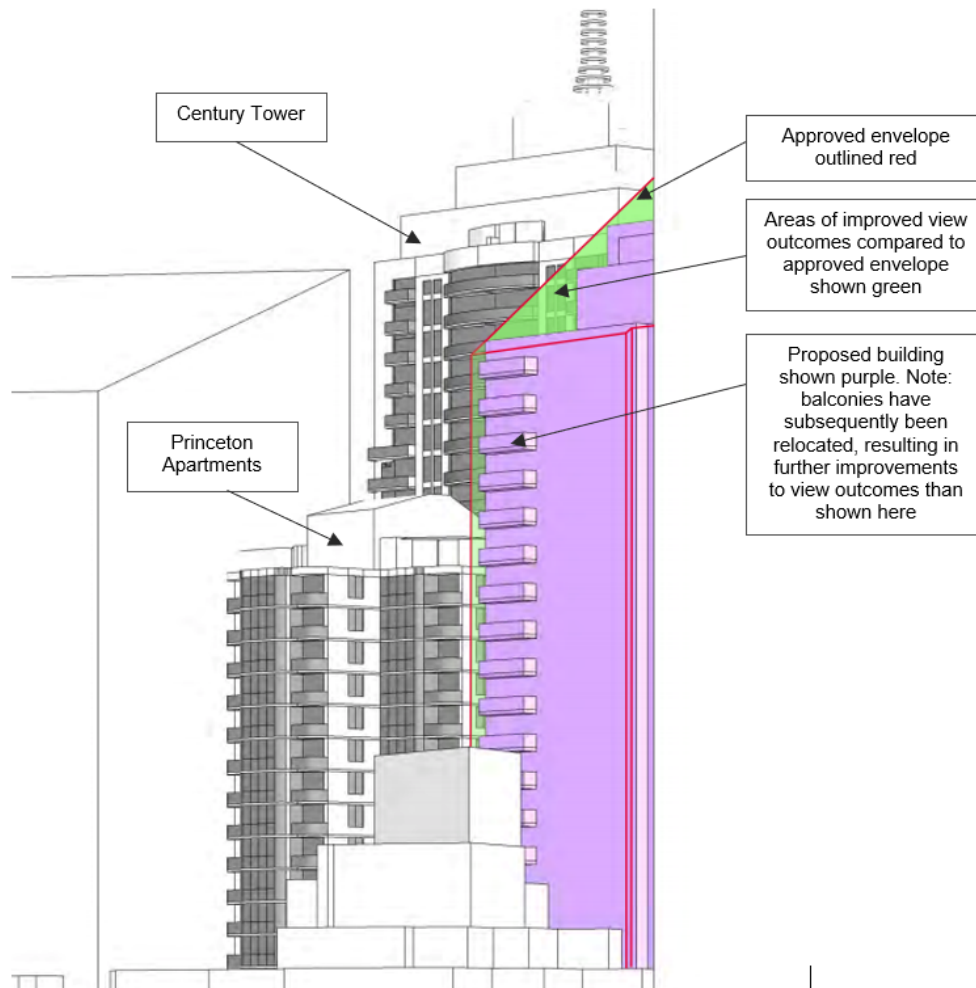
**Figure 21 | Part of Pitt Street Elevation showing location of approved Structure Reservation Zone (Base Source: Updated RTS)**

6.2.22 The Department is therefore satisfied that the reduced massing of the structural reservation zone would mitigate amenity impacts on the adjoining premises and result in an improved development outcome compared to the concept approval. The Department is therefore satisfied that the intention of Condition B3(d) and the Design Guidelines has been achieved and is acceptable.

### 6.2.23 Roof Articulation

6.2.24 Condition B3 (g) of the Concept Approval requires the design and articulation of the roof of the development to consider opportunities to retain views to St Mary's Cathedral from Century Tower (343-357 Pitt Street, Sydney).

6.2.25 The Concept Approval anticipated the proposal would have view impacts to the Century Tower and the Greenland Centre, which were considered reasonable based on the applicable planning controls. However, the Department also identified there may be some opportunity, depending on roof design, to retain some partial views to St Marys cathedral for some of the upper level apartments in Century Tower.



**Figure 22 | Views towards Century Tower from the top of St Marys Cathedral Spire (Base source: RTS)**

- 6.2.26 The Applicant submitted a detailed view impacts analysis with its RtS. The analysis demonstrates that only six apartments would have their views of the Cathedral affected by the design of the roof form.
- 6.2.27 The Department notes these apartments currently enjoys partial views of the Cathedral and the approved building envelope would remove these partial views from two apartments and reduce views from four others.
- 6.2.28 As shown in **Figure 22**, the proposed stepping of the building at the roof level would result in improved views of the Cathedral from the upper levels of Century Tower compared to the approved building envelope. All six affected apartments would continue to retain partial views to Cathedral as a result of the articulation of the roof forms despite some reduction in the angle of views.
- 6.2.29 The Applicant’s View Impact Analysis was also presented to the DRP on 18 August 2020. The DRP confirmed that a reasonable attempt has been made to increase the number of Century Tower apartments retaining views of St Mary’s Cathedral thorough articulation of the roof form.
- 6.2.30 The assessment also demonstrated that the increased eastern setback would also improve views for apartments at the lower levels. The Department also notes the balconies shown in **Figure 22** have subsequently been relocated, resulting in further improvements to views than shown.

- 6.2.31 The Department is therefore satisfied the proposal would not result in any adverse view impacts beyond those anticipated by the Concept Approval and appropriate consideration has been given to the articulation of the upper level massing to retain views to St Mary's Cathedral from Century Tower consistent with Condition B3(g) of the Concept Approval.
- 6.2.32 **Sun Access Plane (Hyde Park)**
- 6.2.33 The approved building envelope is designed to comply with the Sun Access plane contained in the SLEP 2012, which protects solar access to Hyde Park between 12.00 noon and 2.00 pm on any day of the year and the amenity of the park during high use lunchtime periods. The Concept Approval also contains Design Guidelines (clause 4 (Built Form above the Podium)), which require the proposal to minimise overshadowing impacts on adjoining residential development and Hyde Park.
- 6.2.34 Overshadowing of Hyde Park and the associated amenity and heritage impacts was a key concern raised in community submissions.
- 6.2.35 Heritage NSW also raised concern about the proposal overshadowing the Park and recommended the development comply with the sun access plane control set by SLEP2012 (a series of sloping planes over the CBD adjacent to the park which buildings should not exceed or encroach in order to protect solar access to Hyde Park).
- 6.2.36 In response, the Applicant amended the scheme by relocating some balustrades so that the proposal fully complies with the approved building envelope and the SLEP 2012 sun access plane control. The amended proposal results in no overshadowing between 12.00 noon and 2.00 pm at any time of year and only minor overshadowing of a treed area at the edge of the park after 2.30 pm. The overshadowing impacts at mid-winter can be seen in **Figure 23**.
- 6.2.37 Following submission of the RtS, Heritage NSW acknowledged the building complies with relevant solar access controls, would only result in minor additional overshadowing of an area of the park covered by trees after 2.30 pm, would not affect primary recreation areas, and did not raise any further concerns with the shadowing impacts of the proposal.
- 6.2.38 The Department is satisfied the modified building envelope fully complies with the sun access plane control set by SLEP2012. The Department also notes the proposal fully complies with the Design Guidelines which require no additional overshadowing of the Park between 12.00 noon and 2.00 pm midwinter and maximise solar access between these times at other times of the year.
- 6.2.39 While the proposal would result in some additional overshadowing impacts between 2.30 and 3.00 pm in the winter months, the Department considers the overshadowing impact is minor and acceptable as it would be limited to a small area at the edge of the Park which contain trees, that already cast shadows below.





**Figure 23 |** Midwinter shadowing impacts of proposal shown in purple. Shadow impacts of approved building envelope shown orange (Base source: RTS)

6.2.40 The Department also accepts that the proposal would result in less overshadowing of the Park than the approved building envelope due to the proposed tower having an additional 1.8 m eastern (side) setback and the stepped roof form.

6.2.41 The Department is therefore satisfied the overshadowing impacts of the proposal on the park are minor, fully in accordance with applicable controls, less than anticipated by the Concept approval, and would not materially affect the amenity of the park or its heritage values.

#### 6.2.42 **Conclusion**

6.2.43 The Department considers the proposed encroachment of the building facades are minor and would be offset by other areas of reduced building massing which result in improved amenity outcomes overall, for the site and surrounds.

6.2.44 The Department's assessment also found the proposed built form presents a reduction in building massing when compared to the approved envelope, as it:

- significantly reduces the extent of development in the 'Structure Reservation Zone', which now includes a planter box to improve amenity outcomes for the adjoining residence, Princeton Apartments.
- only includes one podium level above the metro box rather than the 3-4 levels permitted by the Concept Approval, resulting in an improved visual relationship with the surrounding smaller scale buildings (refer to discussion in **Section 6.5**)
- appropriately steps the massing of the roof to sit comfortably below the solar access plane and improve view outcomes for adjoining developments and Hyde Park.
- provides appropriate articulation and setbacks within the approved building envelopes to improve view outcomes and solar access outcomes for adjoining properties (refer to discussion in **Section 6.3.25**).

6.2.45 The Department is therefore satisfied the proposed built form is acceptable because it is consistent with the approved building envelope and its design is considered to further mitigate external impacts.

## 6.3 Amenity impacts to Princeton Apartments

6.3.1 The majority of public submissions were made by owners and occupants of the Princeton Apartment building. Princeton Apartments is a residential flat building on Pitt Street located immediately to the south of the site and is built to the common boundary with the subject site.

6.3.2 Apartments in the building are primarily oriented east or west facing but apartments do include some north facing windows on the common boundary with the site. Currently the north facing windows enjoy an outlook over the site and good levels of solar access due to the previous development on the site being only a few storeys tall.



**Figure 24 | Princeton Apartment Building** (Base source: Google Earth)

6.3.3 Building separation between the proposed building to the adjoining Princeton Apartments, and the resulting impacts for the amenity was the key concern raised in public submissions.

6.3.4 The Department considers the key issues relating to amenity impacts to Princeton Apartment are:

- building separation
- privacy impacts
- solar access
- views / outlook.

### 6.3.5 Building Separation

6.3.6 The approved building envelope is setback 12 m from the common boundary with the Princeton Apartments with the exception of the Structure Reservation Zone discussed in **Section 6.2.16**. This

would result in a 12 m separation from the Princeton Apartments, noting the Princeton Apartment building is built on the common boundary.

- 6.3.7 As discussed earlier in **Section 6.2.7**, the proposed modification to the Concept Approval, includes GRC columns within the proposed façade which encroach on the 12 m setback by up to 150 mm at the south eastern corner of the proposed building. This would result in the proposed development having a setback of 11.85 to 12 m from the common boundary with Princeton Apartments.
- 6.3.8 Public submissions considered that a 24 m building separation should be provided to meet requirements of the ADG.
- 6.3.9 The Department notes the ADG requires a minimum 24 m separation distance between habitable rooms but it specifies that half of the distance is to be provided on the development site to allow equal distribution of the building separation between sites. ADG building separation requirements also reduce to 18 m between habitable and non-habitable rooms and 12 m between non-habitable rooms, reflecting the key objective of the required building separation distance is to maintain privacy between developments.
- 6.3.10 While the proposed modification would result in a setback of 11.85 to 12 m from the common boundary, the Department considers the relevant objectives of the control have been achieved, despite the numerical departure, because:

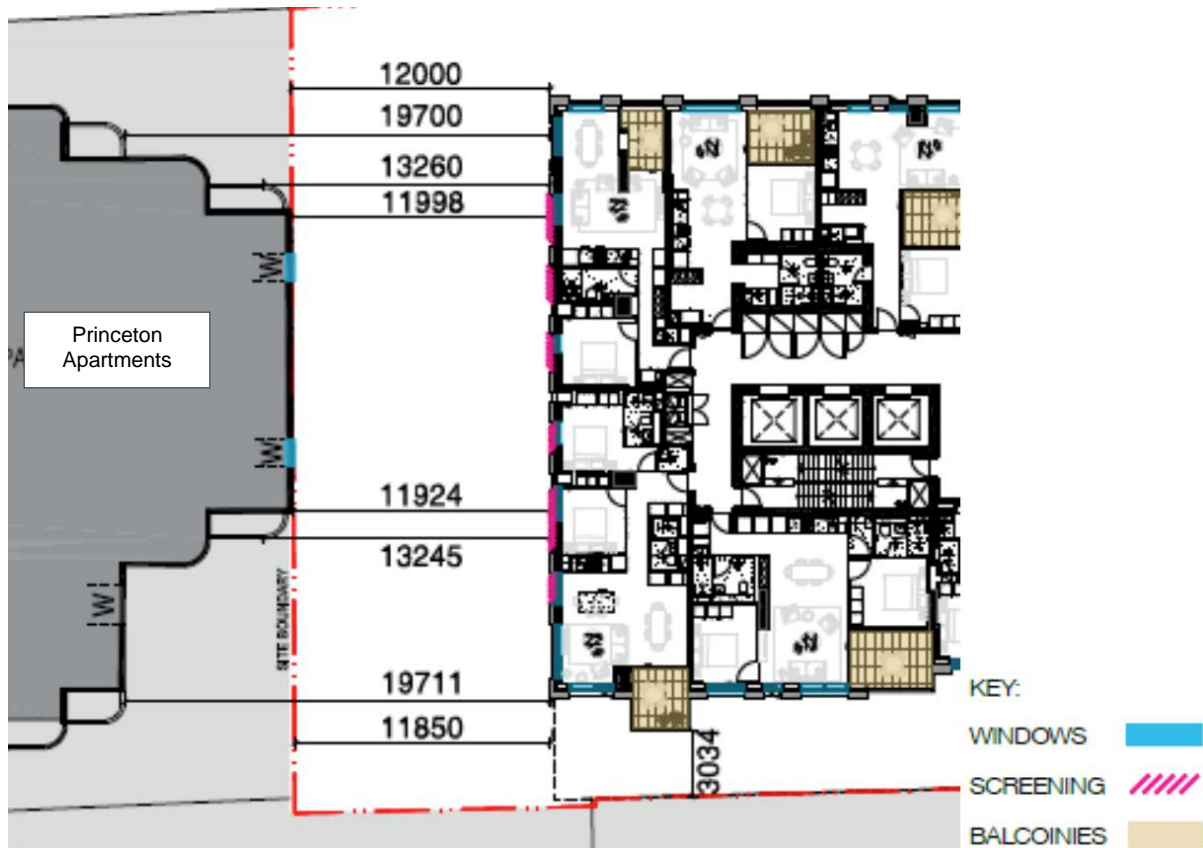
- *Equitable sharing of building separation between sites:*

the Department is satisfied the predominant 12 metre setback achieves the objective of providing an equitable share of building separation between the sites. Further, the Department considers that it is not intended or reasonable for the controls to require some developments to contribute more than their equitable share of the building separation requirements.

- *Reasonable levels of external and internal privacy:*

the glass line of the proposed windows complies with the 12 m setback requirement. Only the façade treatments including privacy screening protrude beyond the 12 m setback line (encroaching 1 – 8 cm at the closest point to Princeton Apartments as shown in **Figure 25**). As the minor non-compliance improves privacy outcomes, this objective of the control is also considered to be achieved.





**Figure 25 |** Building separation distances (in mm) between proposed building and Princeton Apartments (Base source: RTS)

6.3.11 The Department is therefore satisfied that the proposed building separation is acceptable having considered the requirements of the ADG which specify only 50% of the required building separation distance is required to be provided by the development site. Further, the encroachments on the 12 m setback are considered to be minor and would not prevent the proposal achieving the amenity and privacy objectives that underlined the building separation criteria in the ADG.

**6.3.12 Visual and Acoustic Privacy**

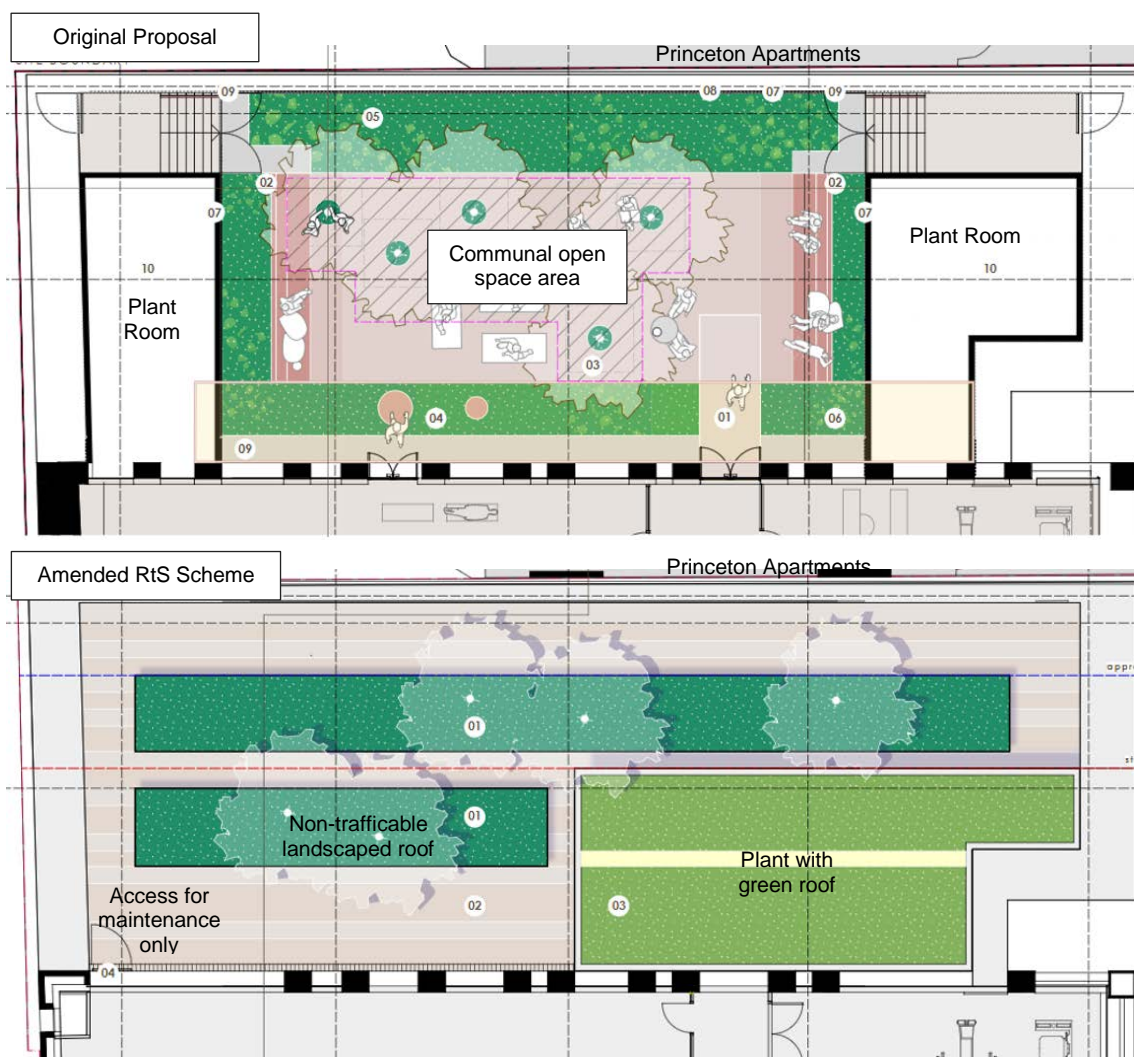
6.3.13 Public submissions raised concern with the potential visual privacy impacts of the proposal on the Princeton Apartments. In particular, concerns were raised about overlooking from the proposed Level 6 communal open space area, south facing apartment windows and from balconies in close proximity to the Princeton Apartments.

6.3.14 Public submissions also raised concerns with the potential operational acoustic impacts on the Princeton Apartments, including noise from the Level 6 communal open space area, noise due to the proposed building setback and operable windows in the southern elevation, and noise from plant rooms in close proximity to the boundary.

6.3.15 In response, the Applicant amended the proposal by:

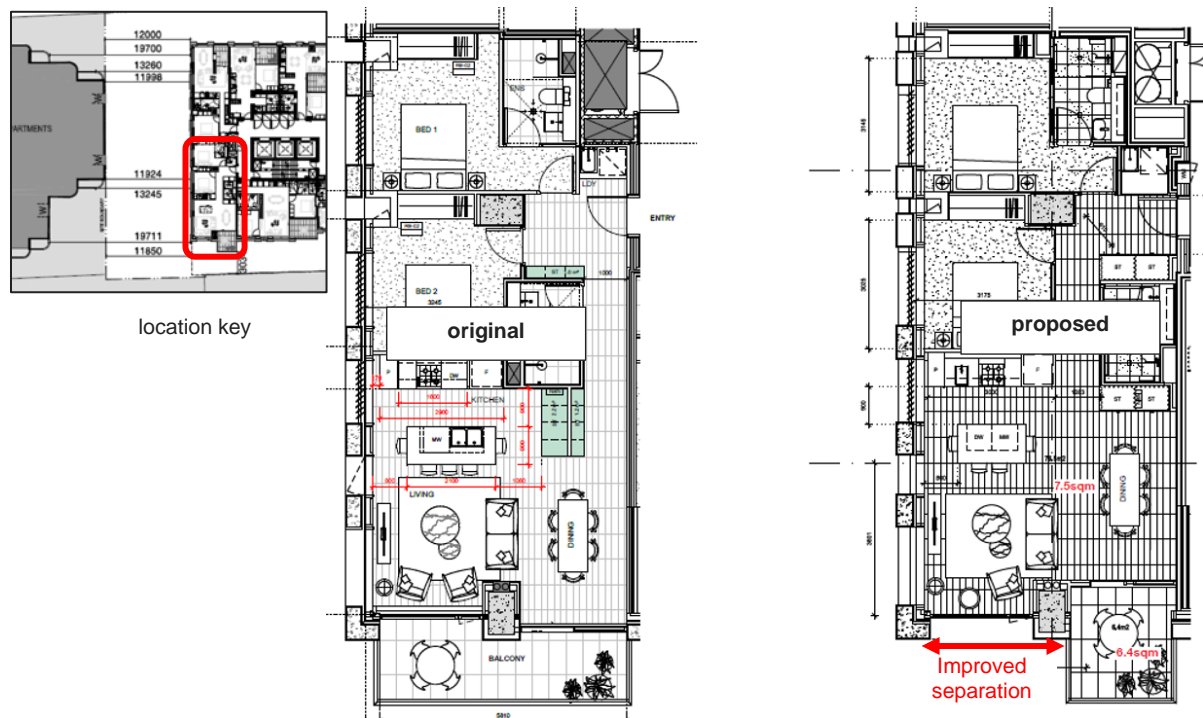
- deleting the Level 6 communal open space terrace in favour of a landscaped open space that would not be accessible for residents and would include plantings to restrict views to the Princeton Apartment Building (Figure 26)

- relocating the balcony on the south-eastern unit of each level away from the Princeton Apartment building (Figure 27)
- removing a blade located within the recessed ventilation slots in the southern façade to address concerns about acoustic impacts from a potential wind whistle that could be created by the blade
- relocating the Level 6 plant rooms away from the boundary
- ensuring privacy screening in the form of external fixed louvres are provided to the bedroom windows facing towards the Princeton Apartments to direct views from these rooms away from windows directly opposite on the adjoining site
- ensuring all windows on the southern elevation facing Princeton Apartments are not operable (natural ventilation to the affected bedrooms would be supported by separate slot windows).



**Figure 26 |** Proposed Level 6 landscaped terrace showing the change from the original scheme (above) to the proposed scheme (below) (Base source: RTS)





**Figure 27 |** Change to southeast corner dwellings from the original scheme (left) to the proposed scheme (right) (Base source: RTS)

- The Department considers the proposal has incorporated reasonable measures to mitigate privacy impacts to the Princeton Apartments, including careful consideration of design and location of windows and privacy screening. The Department also notes the design of the windows and associated screenings were presented to the DRP on several occasions. The DRP advised that:
  - *the Panel supports that visual privacy is achieved through the noted vertical louvres to the apartment windows facing the Princeton Apartments, and*
  - *the minor encroachments outside the building envelope create no adverse impacts on privacy*

6.3.16 The Department considers the proposed units adjacent to the Princeton Apartments are unlikely to result in material acoustic impacts, because:

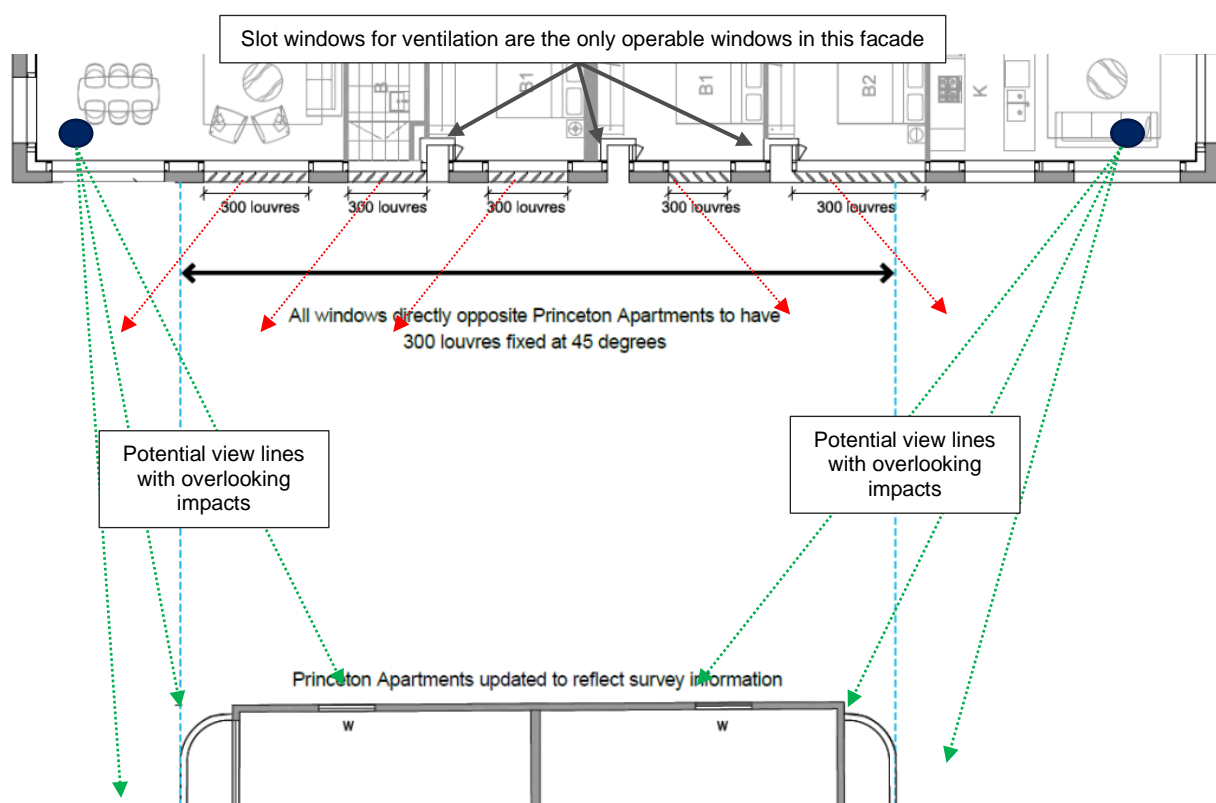
- the only operable windows on the south side of the building are from bedrooms (three bedrooms on each level) provided to meet ventilation requirements
- the windows fully comply with building setback requirements, and do not face towards the Princeton Apartments, but rather face towards a ventilation slot within the southern facade to ensure there is no direct acoustic transmission (**Figure 28**).
- the Princeton Apartment windows are located directly on the boundary of the site and are not permitted to be operable under the BCA, therefore limiting noise transmission between the two sites.

6.3.17 The Department also accepts the proposed amendments in the RtS scheme in conjunction with the proposed privacy screening would assist in maintaining a reasonable level of privacy between the proposed apartments and the Princeton Apartments. Further, the replacement of the communal open

space with a landscaped garden would improve amenity and outlook for both developments and reduce potential acoustic impacts.

6.3.18 However, the Department considers the south-facing living room and kitchen windows would result in unnecessary overlooking impacts, which can be mitigated by the addition of fixed privacy louvres (similar to those proposed for the bedroom windows) or obscured glazing (**Figure 28**). The Department considers provision of additional louvres or obscured glazing to these windows would not result in any material adverse outcomes for the proposed development but would have a significant benefit for the privacy of the neighbours to the south. A condition has been recommended accordingly.

6.3.19 Subject to this condition, the Department is satisfied the proposal would not result in unacceptable outcomes for the visual privacy of the Princeton Apartment building.



**Figure 28** | View lines from the proposed development towards Princeton Apartments and location of operable slot windows (Base source: RTS)

6.3.20 **Noise impacts from plant**

6.3.21 The acoustic assessment submitted with the EIS considered the impacts of noise emissions from plant on the site. Since the acoustic assessment was prepared, the Department notes the re-arrangement of the Level 6 terrace design has resulted in the plant being located further from the boundary with the Princeton Apartments.

6.3.22 The acoustic assessment established project amenity noise levels for the emission noise from plant noise in accordance with the EPA's Noise Policy for Industry and advised that mechanical plant noise emissions could be controlled to ensure the recommended noise limits are complied with. It recommended mitigation measures that could be implemented at the detailed design phase including

procurement of quiet plant, use of silencers or attenuators for air discharge / intake, acoustic screens and enclosures. The Acoustic Assessment also recommended a full and detailed assessment undertaken at both the detailed design phase and compliance testing following installation.

6.3.23 The Department has therefore recommended conditions requiring the Applicant to design mitigation measures to ensure plant would comply with the project noise levels established by the acoustic assessment and to undertake a noise monitoring program of the mechanical plant to verify that the measured noise levels of the plant do not exceed the established noise criteria.

6.3.24 The Department is satisfied that, subject to recommended conditions, the potential noise generated by proposal can be managed to comply with the relevant criteria.

6.3.25 **Solar Access**

6.3.26 The proposed building would result in overshadowing impacts to surrounding buildings, particularly to the Princeton Apartments located immediately to the south of the site.

6.3.27 The shadowing impact of the proposal was the primary concern raised in public submissions, with 95% of submissions raising shadowing impacts to Princeton Apartments as an issue.

6.3.28 Submissions noted the additional built form consideration under Condition B3 of the Concept Approval, which states, “*the detailed development application shall address the following built form considerations*” and more specifically subclauses:

*“(e) a varied setback from the Pitt Street boundary of the site, with the articulation of built forms be designed to minimise solar impacts to the living rooms of Princeton Apartments”*

and

*“(h) for a residential scheme, achieve compliance with the requirements of State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development and the accompanying Apartment Design Guide”*

6.3.29 Some submissions also considered the proposal did not comply with the ADG solar access objectives and the abovementioned subclause of the Condition B3 and therefore should not be approved.

6.3.30 In response, the Applicant undertook additional analysis on the solar impacts and benefits of various design options between 9 am – 3 pm midwinter.

6.3.31 A summary of solar access to Princeton Apartment is provided in **Table 6** below:

**Table 6 | Solar Access to Princeton Apartments**

Amount of Sun (minutes)	Number of Apartments receiving solar access		
	Existing	Approved Concept Building Envelope (including 3m eastern setback)	Proposed Development
0	34	50	47
1-30	1	17	15
31-60	1	13	17
61-90	6	13	14
91-120	17	17	17
120+	57	6	6

(Source: Applicant’s additional solar analysis – December 2020)

### 6.3.32 **Approved Building Envelope**

6.3.33 The relevant ADG objective in relation to overshadowing of neighbouring properties provides that “Overshadowing of neighbouring properties is minimised during mid-winter”. There are no design criteria for this objective, but design guidance is provided. Relevantly, the guidance includes:

- *Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbours is not reduced by more than 20%*
- *If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in Section 3F Visual privacy*

6.3.34 The Approved Building Envelope as identified in the Department’s previous assessment would reduce the solar access to Princeton Apartments by more than 20%. In its previous assessment, the Department found:

- where an adjoining property does not currently receive the required hours of solar access, the ADG recommends solar access should not be reduced by more than 20%. However, due to the Princeton Apartment’s lack of setback from its northern boundary and the permissible density at this central Sydney location, strict compliance with the ADG solar access provisions is not a reasonable expectation
- increasing building separation from the common boundary (increased southern setback) would not improve solar access to Princeton Apartments due to the orientation and layout of the apartments, having living room windows and balconies oriented away from the site
- shadow modelling found an increased setback from the site’s western or Pitt Street boundary would result in limited improvements to solar access to Princeton Apartment.

6.3.35 Notwithstanding, the Department recommended the building envelope be setback 3 m from the eastern boundary of the site (increased from nil) as part of the Concept Approval, which would result in an additional 30 minutes of solar access to 26 apartments in the Princeton Apartments.

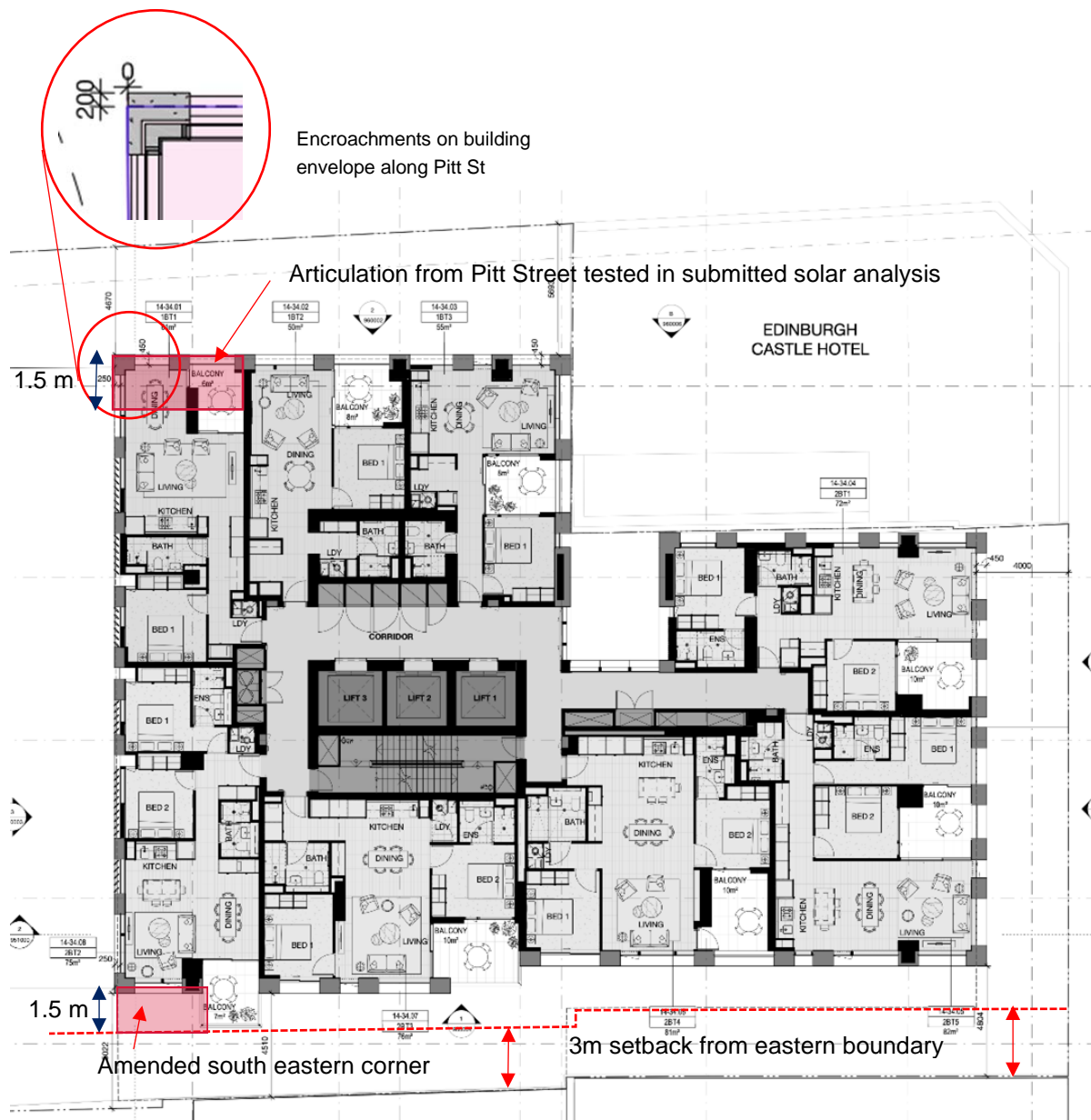
6.3.36 Further, any subsequent application was also required to meet Condition B3 (e) which requires design of the proposed building to consider “*a varied setback from the Pitt Street boundary of the site, with the articulation of built forms be designed to minimise solar impacts to the living rooms of Princeton Apartments*” to ensure any additional opportunity to improve solar access to Princeton Apartments through better design was considered.

### 6.3.37 **Condition B3(e) and design options**

6.3.38 The Department’s previous assessment of the Concept Approval is based on planning principles established in *The Benevolent Society v Waverley Council* [2010] NSWLEC 1082 at 133-144, which are also relevant to the current proposal. The planning principles requires the consideration of:

- the ease with which sunlight access can be protected is inversely proportional to the density of development
- the amount of sunlight lost should be taken into account, as well as the amount of sunlight retained
- overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines
- for a window, door or glass wall to be assessed as being in sunlight, regard should be had not only to the proportion of the glazed area in sunlight but also to the size of the glazed area itself.

- 6.3.39 While density and other site constraints have not materially changed since the Concept Approval, the Department has required the Applicant to further consider design options with respect to Condition B3(e) and to demonstrate the proposal is sensitively designed to reduce overshadowing impacts to Princeton Apartments.
- 6.3.40 The Department notes the intention of Condition B3(e) was to minimise the amount of overshadowing of Princeton Apartments. The condition requires the Applicant to address the built form consideration of an articulated Pitt Street façade.
- 6.3.41 The Department notes the submitted solar analysis included a comparison between providing an articulated Pitt Street façade as referenced in Condition B3(e) and the proposed alternative design solution of providing a greater eastern boundary setback.



**Figure 29 | Possible stepped building arrangement to achieve a varied Pitt Street setback (Base source: Amended RtS Plans)**

- 6.3.42 The Department notes the submitted solar analysis identified, at mid-winter between 9 am to 3 pm:



- an additional 1.5 m western setback (hypothetical scheme as identified in **Figure 29**) from the Concept Approval for the southwest corner apartments would result in 9 apartments (within the Princeton Apartments) receiving an additional 3 minutes each when compared to the Concept Approval, resulting in a **27 minute gain**.
- the equivalent additional setback from eastern boundary for the southeast apartments results in 12 apartments (within the Princeton Apartments) receiving an additional 5 minutes each compared to the Concept Approval, resulting in **60 minutes gain**.

6.3.43 Based on the result of the submitted analysis, the Department is satisfied the application has met the requirements of Condition B3(e) of the Concept Approval, because it has considered a varied setback on Pitt Street and any solar access benefit to Princeton Apartments. However, the analysis demonstrates the proposed design solution achieves a better solar access outcome for Princeton Apartments compared to a design involving further articulation of the Pitt Street façade.

6.3.44 The proposed built form with an increased setback from the eastern boundary, particularly from its south eastern corner would increase solar access gain to Princeton Apartments when compared to a varied setback to Pitt Street.

#### 6.3.45 **Encroachment on building envelope along Pitt Street**

6.3.46 The proposed encroachments on the approved building from 200mm up to 210 mm along Pitt Street (see **Section 6.2.1**) is identified to affect two minutes of solar access to 9 apartments in Princeton Apartments, resulting in a total of 18 minutes loss.

6.3.47 These encroachments were removed in the RtS scheme by reducing the depth of the façade from 450 mm to 250 mm. The amendment however was not supported by the DRP, because the DRP considered a reduction in depth of the GRC diminished the overall architectural quality of the façade and created a potential impact on east and west facades regarding solar control.

6.3.48 The Department accepts the advice of the DRP and considers the solar impacts of the proposed encroachment on the approved building (between 200mm and 210 mm along Pitt Street) is acceptable in this instance, because the impact is offset by other design elements further mitigating overshadowing impacts to Princeton Apartments, particularly the increased eastern setback.

6.3.49 The Department therefore supports the current scheme which would continue to seek approval for the encroachments as discussed in **Section 6.2.7**.

#### 6.3.50 **Conclusion**

6.3.51 Overall, the Department considers the proposal is sensitively designed to reduce overshadowing impacts to Princeton Apartments and on balance, its impacts are acceptable in this case, because:

- the proposal will provide 168 minutes of additional solar access to Princeton Apartments when compared to the Concept Approval.
- the increased setback from the south east corner was a result of reconfiguring the proposed south eastern apartments. The DRP considered a number of other options for the south eastern apartment but considered the current scheme has the right balance of amenity for the proposed apartments and amenity impacts to Princeton Apartments (also see **Section 6.4**)

- the proposed balconies from the south east corner were amended and reduced, which is identified in the submitted solar analysis to increase the area of windows on Princeton Apartments that will receive solar access (See **Figure 30**)

6.3.52 the reduction of the podium form as discussed in **Section 6.2.16** of this report would increase solar access to lower level apartments fronting Pitt Street in the Princeton Apartments as illustrated in **Figure 31**.

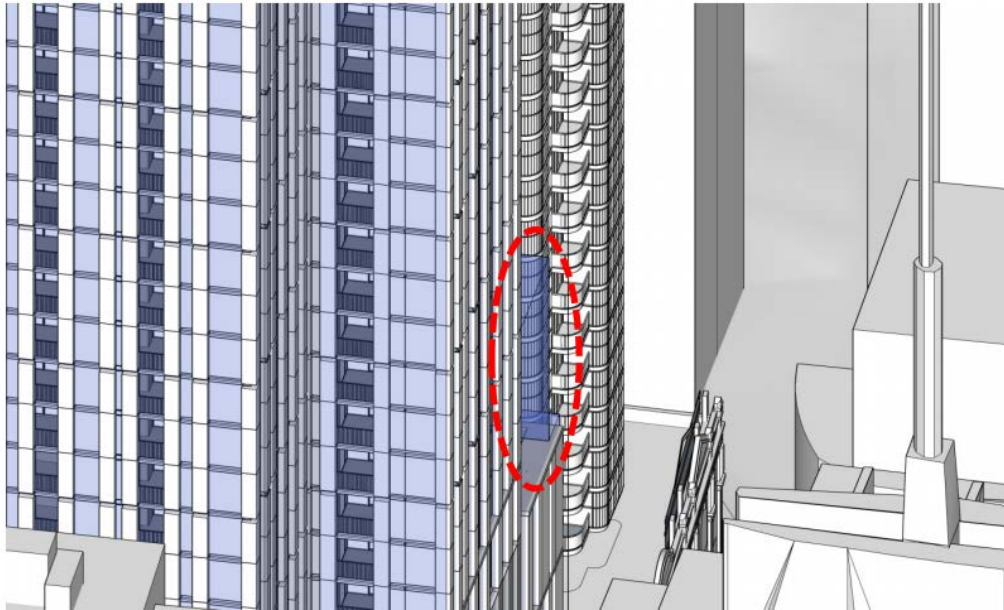
6.3.53 While the Department acknowledges the proposal would result in overshadowing and a loss of amenity for the occupants of the Princeton Apartments, the extent of the impact is considered to be commensurate with the level of development permitted under the planning controls applying to the site and reasonable given the site's CBD context.

6.3.54 Further, the extent of the impact has been reduced compared to the approved building envelope on the site, and the Department is satisfied the building has been appropriately designed to minimise shadowing of the neighbouring premises, where possible.



Image 3 - Showing increased quantum of sun due to reduced balcony widths.

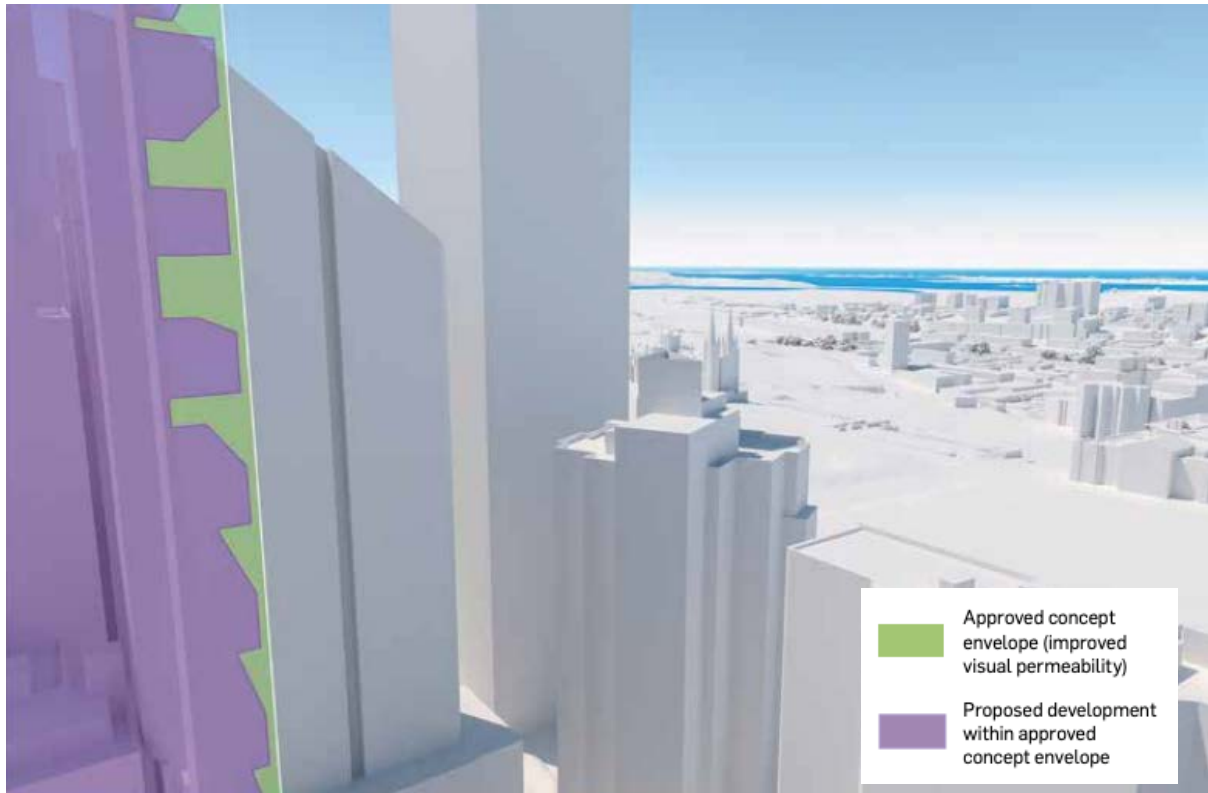
**Figure 30** | The submitted solar analysis identified that windows on Princeton Apartment receiving full sun at 10 am mid winter (Source: Applicant's solar analysis – 17/12/2020)



**Figure 31** | The solar analysis identified the reduced podium would increase solar access to lower level apartments in the Princeton Apartments fronting Pitt Street (Source: Applicant's solar analysis – 17/12/2020)

#### 6.3.55 Views and Outlook

- 6.3.56 A number of public submissions raised concerns with the impact of the development on the views and outlook from the Princeton Apartments.
- 6.3.57 The Applicant submitted a view and visual impact analysis that considered the impact of views on adjoining sites. The analysis demonstrates that the proposal would result in impacts on the outlook of north facing apartments, but it would not affect any existing key views to the east or south east from the Princeton Apartments (**Figure 32**).



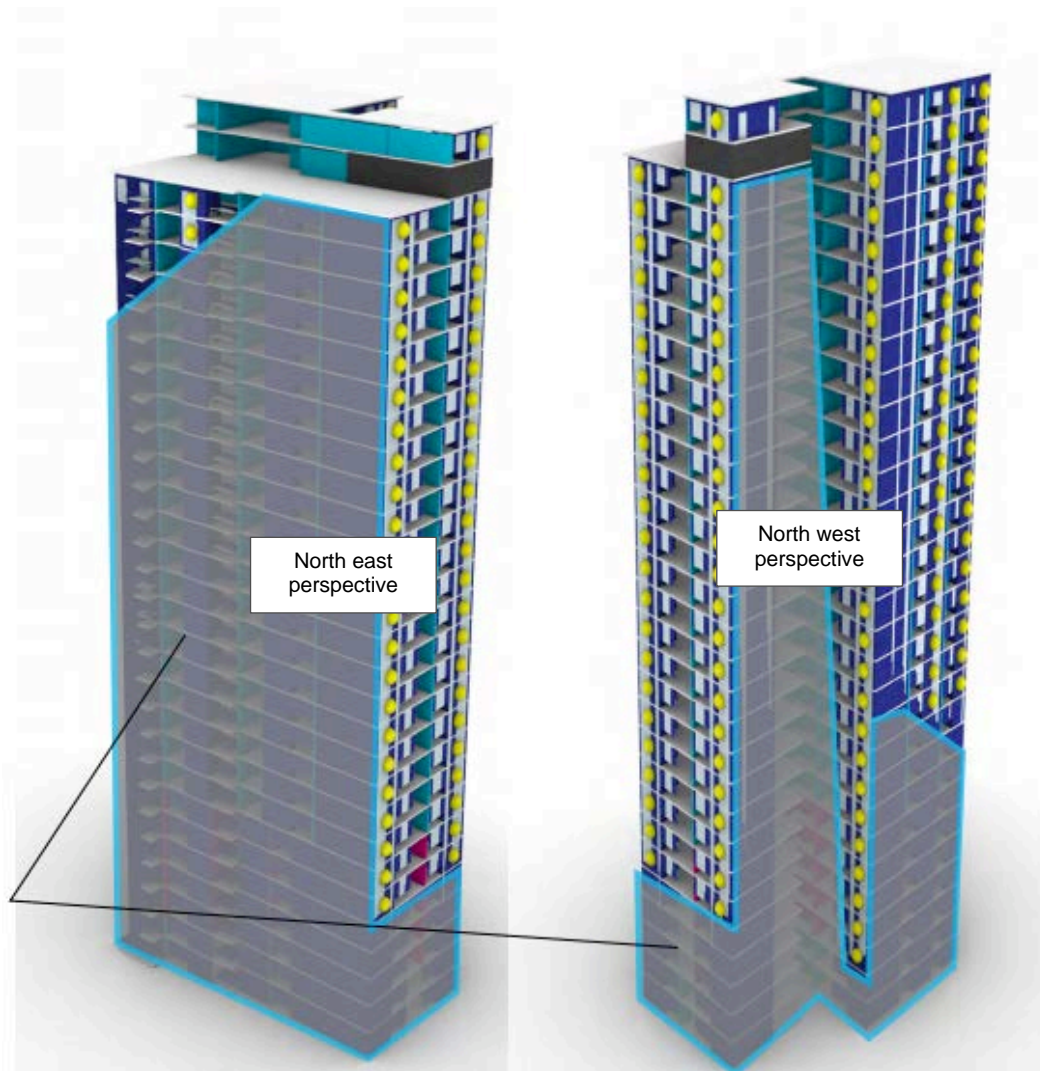
**Figure 32** | View to north-east from Princeton Apartments at high-rise level. Note that plans have been subsequently amended to relocate balconies so that they would have less of a visual impact than shown here. (Source: EIS)

- 6.3.58 The Department notes view impacts were considered in detail in the assessment of the Concept Approval for the building envelope. The Department’s assessment at the time concluded the proposed building envelope was acceptable in terms of view impacts. While it was acknowledged the proposal would affect northern outlook from the adjoining Princeton Apartments, these apartments have primary views to the east or west and would not be impacted by the development.
- 6.3.59 The Department considers that given the proposed building is generally within the approved building envelope, the extent of view impacts would be no greater than those assessed and considered to be acceptable by the Concept Approval.
- 6.3.60 The Department also notes the proposed building has a greater eastern setback than the approved envelope (approximately 5 m as opposed to 3 m as required), and would therefore result in improved views and outlook outcomes for adjoining development compared to the approved envelope (see **Figure 21**). Further, the amended RtS scheme increased the setback of the proposed balconies away from the south eastern corner of the site, the Department considers this amendment will also improve the angle of view from the eastern facing balconies of the Princeton Apartments to water views to the north east.
- 6.3.61 As mentioned in **Section 6.3.12**, the Department also considers the replacement of the previously proposed communal open space on above the podium with a landscaped garden with tree planting will mutually improve the amenity and outlook for both developments, at the lower levels.
- 6.3.62 The Department therefore concludes the proposal will not result in any material view loss impacts and would result in improved outcomes for the outlook of some apartments compared to the concept approval.

## 6.4 Internal Amenity

- 6.4.1 SEPP 65 and the ADG provides planning guidance to ensure acceptable levels of internal amenity are provided to residential flat buildings. Concept Approval condition B3(h) requires the development to address built form considerations, including consideration of compliance with SEPP 65 and the ADG.
- 6.4.2 A number of public submissions raised concerns that the proposed development does not comply with ADG and would not deliver an acceptable level of amenity for its occupants, particularly due to insufficient solar access to the proposed new units.
- 6.4.3 The Applicant submitted a design report with the application (**Appendix A**), which provides a detailed analysis of the proposal's compliance with the design criteria and design guidance of the ADG. The Design Review Panel has also given consideration to internal amenity of the units as part of its review of the design.
- 6.4.4 The Department's detailed assessment of the application against SEPP 65 and the ADG is provided in **Appendix C**.
- 6.4.5 The Department's assessment finds the proposal meets the majority of the ADG design criteria and design guidance for internal amenity, with the exception of provision of solar access to the units and a few inconsistencies in relation to communal open space, unit size, balcony size and circulation. Consideration has been given to each of these matters below. Consideration has also been given to the provision of light and ventilation to some windows due to the location of some windows on the common boundary with the Edinburgh Castle Hotel.
- 6.4.6 The Department's consideration on the proposed building separation from Princeton Apartment and associated privacy issues are discussed in **Section 6.3.5** and not repeated here.
- 6.4.7 **Solar Access**
- 6.4.8 The ADG recommends a minimum of 70% of apartments' living rooms and private open spaces receive 2 hours of direct sunlight between 9 am and 3 pm in mid-winter and no more than 15% of apartments should have no direct sunlight between 9 am and 3 pm mid-winter.
- 6.4.9 The proposal does not comply with the requirement as only 49.6 % of apartments would receive at least 2 hours of solar access between 9am and 3pm at mid-winter and 23.1% of apartments would have no solar access at these times.
- 6.4.10 The Applicant contends that this is a function of the building context with extensive overshadowing caused by surrounding buildings, rather than as a result of the design of the proposal (see **Figure 33**). The Applicant notes that the proposed development does not include any single aspect south facing units, each level includes 3 units with northern orientations, and that all units have been designed to have either east or west facing orientations to maximise opportunities for solar access. Apartments would have improved levels of solar access at other times of the year.





**Figure 33 |** Extent of shadow cast by existing context. Yellow dots represent units that would achieve at least 2 hours of solar access (Source: RtS)

6.4.11 The Department has considered the submitted solar analysis and notes that:

- overshadowing from surrounding buildings prohibits approximately half of the proposed apartments from complying with the ADG solar access requirements. The Department accepts that strict compliance with the ADG requirement of a minimum of 70% of apartments receiving 2 hours of solar access in midwinter is unreasonable in this instance given the sites CBD context and the level of surrounding development.
- design changes recommended by the DRP including the provision of deep GRC columns to improve the architectural quality of the building and recessed balconies to mitigate impacts to neighbours, collectively result in a further 3% reduction in solar access.
- the Department agrees with the DRP's recommendations on these design changes as they would improve the urban design outcome of the building and therefore also accepts the resulting minor solar access reduction.

6.4.12 The Department further notes the:

- design incorporates extensive floor to ceiling glazing to maximise natural light penetration to the units, even if direct solar access is not achieved
- Design Review Panel has considered the application with respect to solar access to the proposed advised “*The Panel accepts that the project team have maximised solar access and amenity to apartments in the context of the challenges presented by this particular site*”.

Based on the above, the Department is satisfied the proposal has been designed to maximise opportunities for solar access. The Department therefore considers the objective of the solar access design criteria contained in the ADG which is “*to optimise the number of units receiving sunlight to habitable rooms, primary windows and private open space*” has been achieved in this case.

#### 6.4.13 Communal Open Space

6.4.14 The ADG design criteria recommends communal open space be provided with a minimum area equal to 25% of the site area. The application as originally lodged included communal open space equal to 27% of the site area in compliance with the control.

6.4.15 However, as discussed in **Section 6.3**, the Level 6 terrace area has subsequently been converted to a non-trafficable landscaped space to improve the amenity outcomes for occupants of the adjacent Princeton Apartments. As a result, communal open space has been reduced to 19% of site area, comprising a roof terrace on Level 3, and balconies on Levels 2 and 6, which all serve as extensions of the indoor communal spaces on those levels.

6.4.16 The Department considers the proposed open space provision is considered acceptable in this case as:

- the non-compliance is relatively minor and it is a direct consequence of improving the amenity outcomes for the adjoining Princeton Apartment building
- the proposal incorporates generous areas of internal communal space including an indoor pool and communal facilities which will provide residents with opportunities for recreation and communal gathering
- the primary open space on Level 35 will have excellent solar access and extensive views towards Hyde Park, providing very good levels of amenity
- as the site is within 200 metres of Hyde Park, residents have good access to public open space for recreation
- the converted area on Level 6, while not available for recreation would be landscaped, including tree plantings, and therefore would contribute to the landscaped appearance of the site and visual amenity for occupants

#### 6.4.17 Unit Size

6.4.18 The ADG design criteria specifies a minimum internal areas for units. All apartments comply with the guidance with the exception of two-bedroom units at the north-western corner on levels 14 to 34 (21 units in total). The apartment has a floor area of 72m<sup>2</sup>, while the ADG recommends 75m<sup>2</sup> for a two-bedroom two-bathroom unit. 70m<sup>2</sup> is recommended for a two-bedroom one-bathroom unit.

6.4.19 The Department considers the variation is minor and is acceptable because the units:

- benefit from the multi-aspects and functional design and will have a good level of solar access, outlook and ventilation
- have two bedrooms and two bathrooms and can achieve technical compliance by deleting a bathroom, but the Department considers this would not improve the internal amenity of the apartments.

The Department is therefore satisfied the proposed units will still achieve the objective of the design criteria in terms of function and amenity despite the numerical departure from the ADG unit size criteria.

#### 6.4.20 **Balcony Size**

- 6.4.21 The balconies in the original application complied with minimum size recommendations, but the design was amended in the RtS, reducing the size of some balconies in order to resolve other design issues.
- 6.4.22 54 out of the 234 apartments would not meet the minimum recommendations of the ADG for balcony size, including a one-bedroom apartment on each level (with a balcony size of 6m<sup>2</sup> instead of 8m<sup>2</sup> recommended by the ADG) and a two-bedroom apartment on each level (7m<sup>2</sup> balcony instead of 10m<sup>2</sup> recommended).
- 6.4.23 As discussed in **Section 6.3**, the two-bedroom apartment at the south-eastern corner of each floor was amended to relocate the balcony away from the adjacent premises to improve amenity outcomes for neighbours. To achieve this, it was necessary either to reduce the size of the balcony or reduce the internal floor area of the apartment below recommended ADG sizes.
- 6.4.24 The Sydney Metro DRP reviewed a number of design options on the layout of the proposed apartments and advised that it supports a reduction in balcony size at this location, but not a reduction in the size of the apartment.
- 6.4.25 The Department considers the proposed 7m<sup>2</sup> balcony would provide an adequate level of amenity as it would provide sufficient space to sit outside, and upper level balconies would receive good levels of solar access and enjoy extensive views. As such, the reduced size can be supported in this case given the improved amenity outcomes for the adjoining site and as the balconies would still achieve the associated ADG objective.
- 6.4.26 The one-bedroom apartment at the south-western corner of each floor was also amended to reduce the balcony size to 6m<sup>2</sup>. The Applicant advises the change was made to ensure internal functionality of the apartment and living room size requirements of the ADG are met. The Department considers the variation would still achieve a reasonable level of amenity consistent with the objective of the criteria and it would also ensure another ADG objective functional internal layouts would be achieved.

#### 6.4.27 **Circulation**

- 6.4.28 The ADG recommends a maximum of eight apartments be provided off a circulation core and the maximum number of units to lift be 40.
- 6.4.29 Most levels comply with the first requirement with seven or eight apartments per level (there is a single circulation core), although Levels 9 to 13 each have nine apartments. This is considered a minor variation and would not result in adverse impacts.
- 6.4.30 Three lifts are provided to service 234 apartments, resulting in an average of 78 units to a lift. The Applicant has submitted a vertical transport analysis which demonstrates that the proposed lifts,

which each have a capacity of 21 people, would result in servicing that meets or exceeds the interval time and handling capacity for a 'luxury' category of residential development under recognised industry standards for lifts.

6.4.31 The Design Review Panel advised it supports the proposed lift numbers on the basis of this information.

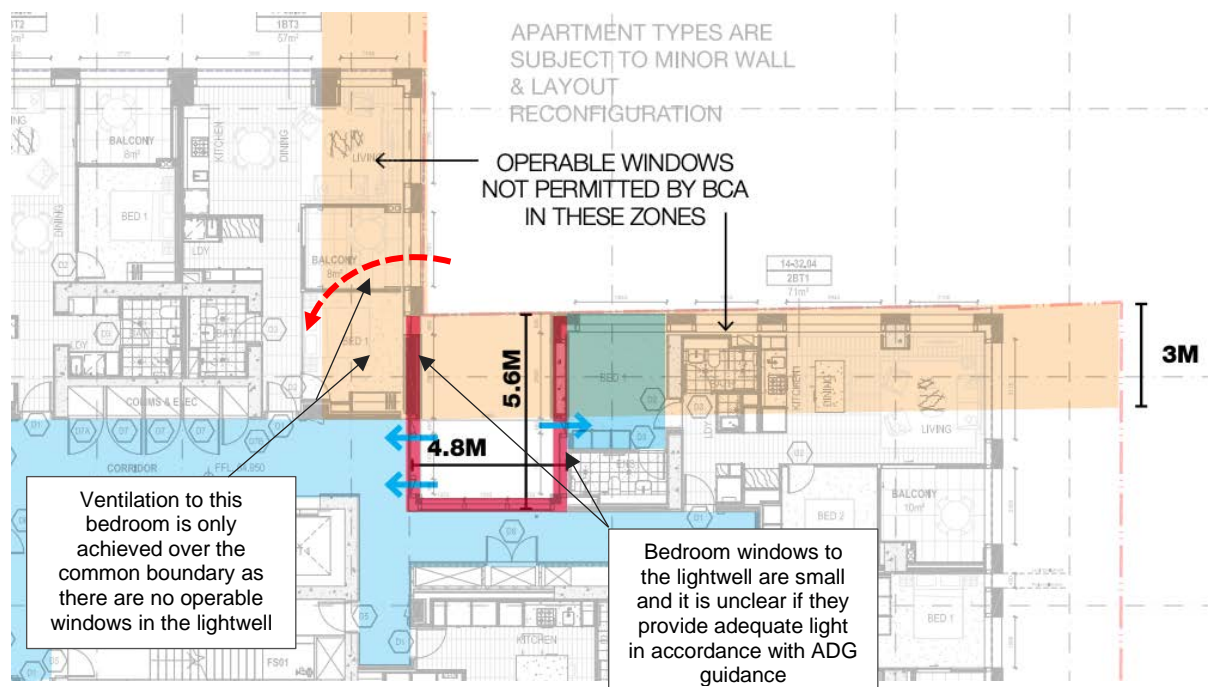
6.4.32 The Department accepts the findings of the submitted vertical transport analysis report and is also satisfied that the proposed lifts would provide adequate levels of service and amenity for future occupants consistent with the relevant ADG objective.

6.4.33 **Light and ventilation to units built to common boundary with Edinburgh Castle Hotel**

6.4.34 The proposed building would build to the common boundary with the Edinburgh Castle Hotel and include windows on the boundary facades. The ADG design criteria recommends a 12 metre setback in order to provide equitable sharing of building separation between neighbouring sites, however the Department approved a building envelope with a nil boundary setback on these boundaries subject to condition B3(b) of the Concept Approval which requires the Application to identify the need for any necessary easement to maintain light and ventilation to those windows.

6.4.35 The Applicant has advised there is no need for an easement. Consistent with the BCA, it is not proposed to have operable windows on this boundary and the applicant considers adequate light and ventilation can be achieved from alternate windows on other facades, including a lightwell in the façade (**Figure 34**)

6.4.36 However, the Department notes the proposal, as designed, does rely on the common boundary for light and ventilation. In particular, one bedroom on each level only achieves ventilation via the balcony, which in turn only receives airflow via the common boundary (see **Figure 34**). Further, both bedrooms adjacent to the light well appear to rely on other windows on the common boundary for light as the size of the windows facing the lightwell do not appear to be equivalent to 10% of the floor area of the room as required by the ADG.



**Figure 34 | Affected facades on common boundary (Source: RtS)**



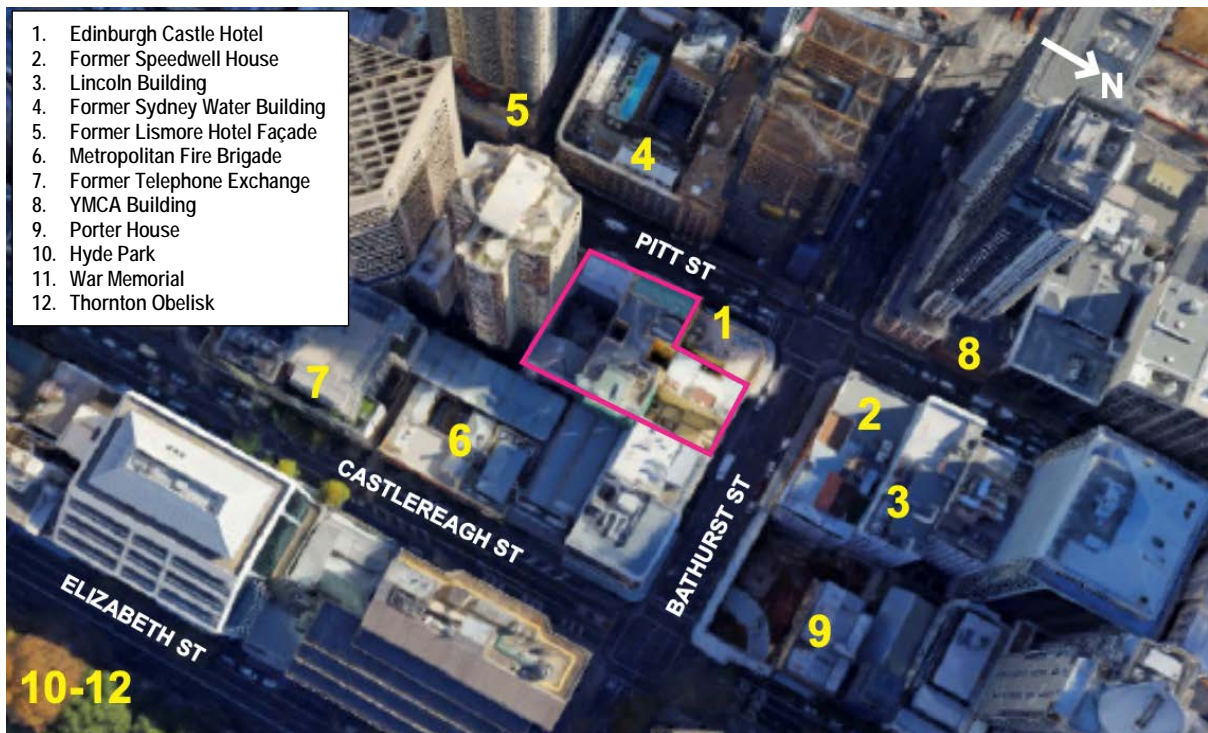
6.4.37 While the Department acknowledges that the potential for redevelopment of the adjoining site is low, it is not impossible and future planning controls may permit substantial redevelopment of that site in the future.

6.4.38 The Department therefore recommends the inclusion of a condition that requires the Applicant to prepare alternative plans to provide ventilation to the affected bedroom via the lightwell or convert the unit to a studio to resolve ventilation issues in the event of Edinburgh Castle Hotel redevelops and be secured by appropriate covenant.

6.4.39 Subject to these conditions, the Department is satisfied adequate light and ventilation would be ensured to the units on the common boundary.

## 6.5 Heritage

6.5.1 The site is not heritage listed, nor is it within a conservation area. However, as described in **Section 1**, the L-shaped site wraps around the heritage listed, three-storey Edinburgh Castle Hotel (**Figure 3**) and adjoins or is in close proximity to a number of other heritage buildings and items (**Figure 35**)



**Figure 35** | Heritage items in the vicinity of the site (Source: EIS)

6.5.2 A Heritage Impact Statement (HIS) and Heritage Interpretation Strategy accompanied the application in accordance with the requirements of condition B8 of the Concept approval.

6.5.3 The HIS considered the design of the proposal having regard to its relationship with surrounding heritage items, including detailed consideration of the relationship with the development to the Edinburgh Castle Hotel as required condition B7 of the Concept Approval. The HIS concludes overall the proposed development will have an acceptable heritage impact and notes:

- there will be no physical impacts on adjacent or nearby heritage items



- the building will not ‘dominate’ or ‘disempower’ the Edinburgh Castle Hotel, whose important features will continue to be legible
- the proposed recessed glass fronted residential lobby provides for visual separation between the Pitt street podium and the Edinburgh Castle Hotel
- the massing, scale, materiality of the proposal to ensure visual sympathy with the Edinburgh Castle Hotel and the character of buildings in the vicinity

6.5.4 The Heritage Interpretation Strategy included recommendations for heritage interpretation concepts in the residential entry / lobby area and the co-working and social lounge on Level 2.

6.5.5 Some public submissions raised concerns that the proposal would result in adverse impacts to the heritage significance of the surrounding buildings and in particular, would dwarf the three storey Edinburgh Castle Hotel resulting in adverse heritage outcomes.

6.5.6 Heritage NSW reviewed the proposal and acknowledged the well-considered podium façade design which it considers responds to the scale and character of the surrounding context. However, it advised only limited information was provided on how the western façade of the Pitt Street podium responds to the Sydney Water Board Building opposite, and to the civic character and rhythm of the street. It recommended conditions in relation to archival recording of the precinct and use of the archival recording in the site’s interpretation. It also recommended conditions in relation to ongoing consultation, implementation and adoption of a Heritage Interpretation Plan and noise and vibration management.

6.5.7 City of Sydney requested more information on the Heritage Interpretation Strategy relative to the Strategy for the SSI Metro Station Project, but otherwise did not raise any concerns with regard to heritage impacts.

6.5.8 In response, the Applicant clarified that the Heritage Interpretation Strategy relates only to the OSD proposal and is separate to the strategy prepared for the Station under the CSSI approval.

6.5.9 The Sydney Metro Design Review Panel also considered the heritage impacts of the proposal on the adjoining Edinburgh Castle Hotel, and in particular, considered the use of brick in the boundary wall with the Hotel and whether the materials would be interpreted as part of the existing hotel or the new development. Ultimately the Panel advised it accepts the proposal for the boundary wall to the Edinburgh Hotel to be composed of recycled bricks with tone and texture similar to the bricks used in the Hotel (seen in **Figure 36**).

6.5.10 GANSW also reviewed the proposal and did not raise any concern with regard to heritage impacts. Further, it advised the podium design responds appropriately to the street wall context and steps to address the scale of its neighbours such as The Edinburgh Castle Hotel.

6.5.11 The Department notes heritage impacts were considered in the assessment on the Concept approval and it was found that:

- podium or street wall building heights and the relationship to the Edinburgh Castle Hotel and other items are established by the CSSI Station approval rather than the OSD
- the OSD would visually recede into the background of the Edinburgh Castle Hotel
- the Pitt Street Entrance to the OSD provides an opportunity to improve visual separation between the station podium and the Hotel

- the OSD will not visually relate to the appreciation of any of the other nearby heritage buildings

6.5.12 The Department considers the key element of the overall built form that will affect adjacent heritage items is the external design of the Metro Station Box, which is not subject to assessment under this application. Nevertheless, due to the integrated nature of the proposals, consideration has been given to the design of the OSD Pitt Street entry within the podium as it immediately adjoins the Edinburgh Castle Hotel. The Department considers the design of this element respects the heritage values of the adjacent item as:

- it steps down in height to relate to the height of the Hotel
- its recessed façade with full height glazing and glazed awning provides visual separation between the hotel and the Station podium
- it incorporates a modern design but materials and finishes complement the building fabric of both the Hotel and the Station podium (as required by Condition B3(f))
- the awning has been designed so that it does not compete visually with the adjacent item while still providing weather protection.



**Figure 36** | Proposed OSD residential entry on Pitt Street between Edinburgh Castle Hotel and Station Podium

- 6.5.13 The recessed entry will not be highly visible within the streetscape and therefore will not materially relate to the Sydney Water Board Building opposite or result in any adverse impacts to the heritage significance of that item.
- 6.5.14 Otherwise, the Department considers the OSD tower would have no other material impacts on surrounding items, noting it would be located above the Metro Station podium and therefore not read in the context of the low scale items, but rather forms part of the typical backdrop of high-rise buildings in this part of the CBD. Further, the Department notes the reduction in the height of the OSD podium above the metro station to a single level, rather than 3 to 4 levels permitted by the Concept Approval results in improved outcomes for the scale of the podium relative to nearby heritage items.
- 6.5.15 The Department is also satisfied the Heritage Interpretation Strategy is appropriate and would provide for interpretation of the heritage values of the site in key common areas.
- 6.5.16 Conditions recommended by Heritage NSW in relation to archival recording, consultation and development of the Heritage Interpretation Plan have been included in the recommendation. Recommended conditions in relation to noise and vibration assessment have been considered in **Section 6.3**.

## 6.6 Design Excellence

- 6.6.1 Clause 6.21 of the Sydney Local Environmental Plan 2012 (SLEP 2012) outlines the provisions for design excellence. Clauses 6.21(1) and 6.21(2) define the objective of delivering the highest standard of architectural, urban and landscape design being applicable to new buildings. Condition B4 and B5 of the Concept Approval also require the provision of a Design Integrity Report demonstrating how design excellence is achieved having regard to a number of matters including the Concept Approval, the Design Guidelines and expert design panel advice.
- 6.6.2 The application is required to adopt and implement the Design Excellence Strategy endorsed by the Concept Approval, including independent review of the development by the State Design Review Panel (State DRP) or an alternative endorsed by GA NSW. Consistent with the Concept Approval, the Design Excellence Strategy incorporates an independent DRP process in lieu of a competitive design process under SLEP 2012, because it is considered to deliver better design outcomes due to the circumstances of the site and relationship with the metro station below.
- 6.6.3 Since the Concept Approval, GA NSW endorsed the Sydney Metro DRP as an alternative to the State DRP (Condition A26). The endorsement was subject to a revised set of terms of reference for the Sydney Metro DRP, which was updated to include an independent panel secretariat and panellist nominated by the City of Sydney Council. The Department notes the Sydney Metro DRP is also providing advice on the design of the Pitt Street Metro Station to assist with achieving an integrated design outcome.
- 6.6.4 The DRP has met on nine occasions since the Concept Approval. The Department notes the DRP provided advice and is satisfied with various aspects of the design, including:
- review of encroachments on the building envelope and revisions to ensure the integrity of the façade design is not compromised
  - Treatment of the boundary wall adjacent with Edinburgh Castle Hotel visible on Pitt Street
  - Interface with Princeton Apartments (southern façade) in relation to privacy and ventilation issues

- Roof form massing and view impacts
- Capacity of the loading dock and lifts
- Solar access compliance with respect to the Apartment Design Guide
- Design of precast façade panels at street level.

6.6.5 Following the Applicant's final presentation to the DRP on 4 November 2020, the DRP confirmed the remaining outstanding matters had been resolved. The DRP also recommended the proposal can achieve design excellence. GANSW acknowledged the work of the DRP and noted the following attributes contribute to the proposal's design excellence:

- The overall massing of the tower and vertical expression as four individual elements with an appropriate contextual response to its neighbours and the city skyline. The design aids the transition between Greenland Tower and adjacent developments while ensuring no additional overshadowing to Hyde Park during control times
- The podium design responds to the street wall conditions of Pitt St and Bathurst and steps to address the scale of its neighbours such as Euro Towers and The Edinburgh Castle. The podium design and tower are well integrated and parts of a unified whole
- The station and OSD structures are efficient and designed to maximise spans around the entries. The services of the station are well integrated into the podium façade and are sympathetic to the streetscape
- The façade has made good use of colour to reinforce the massing diagram and provides a strong response to the heritage context and surrounding brick buildings. The colour is integral to the façade cladding with additional detail provided at the ground level
- The apartment layouts have been designed to balance efficiency with residential amenity. The vertical slot to the western boundary breaks up the massing while allowing light deep into the floor plate and lift lobby. Balconies are well designed to provide outdoor space with good amenity
- The façade has been designed to balance integral shading and daylight. The podium setbacks and horizontal articulation help reduce the impact of wind
- The Station and OSD entries are clearly defined and at an appropriate scale, each with their own separate address
- The development is considerate of immediate residential neighbours in relation to solar access and privacy.

6.6.6 GANSW also recommended changes be made to the depth of the masonry columns on the facades and the colour and finishes of the columns be subject to review as part of the future detailed design. The Applicant subsequently confirmed the depth of the columns have been revised in line with GANSW recommendations and a condition is included to ensure the detailed design will be subject to ongoing design integrity review.

6.6.7 The Department is satisfied the proposal followed the design excellence process endorsed by the Concept Approval and responded to the advice of DRP as demonstrated in the submitted Design Integrity Report. The Department accepts the recommendation of the DRP that the proposal exhibits design excellence for the reasons identified above.

- 6.6.8 The Department has also carried out a detailed consideration of the proposal against the matters with respect to Design Excellence such as built form, façade design, integration with the public domain heritage and amenity as specified in Clause 6.21(4) of SLEP 2012 in **Appendix C**.
- 6.6.9 Overall, the Department's assessment concludes the proposal satisfies the Design Excellence requirements of the SLEP and the proposal would deliver a high standard of architectural and urban design outcome for the site.
- 6.6.10 The Department further recommends a Design Integrity Review process should be put in place where any future design changes, particularly on the key aspects contributing to design excellence can be referred for further advice from the DRP. The recommended conditions for Design Integrity Review is consistent with the endorsed Design Excellence Strategy.

## **6.7 Traffic, Parking, Loading and Access**

### **6.7.1 Car Parking and Traffic**

- 6.7.2 The application was accompanied by a Traffic and Transport Assessment (TTA). The TTA was updated in the RtS to address concerns raised by the Council in relation turning circles for trucks in the loading dock. One submission raised a concern with the potential for traffic impacts as a result of the proposal.
- 6.7.3 The proposed development does not include any onsite car parking and therefore would result in less traffic impacts than envisaged by the Concept Approval which permitted up to 34 on-site car parking spaces.
- 6.7.4 The TTA demonstrates operational traffic impacts would be limited to those associated with loading and unloading, as well as resident use of taxis and car ride or car share services. The proposal is estimated to generate only 16-27 vehicle trips during peak periods, so there would no discernible impact to the local traffic network.
- 6.7.5 The Department supports the deletion of parking from the development as it is consistent with planning policy aimed at reducing reliance on private vehicles in favour of alternative transport methods.
- 6.7.6 To further encourage use of alternative transport, TfNSW recommends the Green Travel Plan submitted with the application be updated and Travel Access Guide be developed to inform residents of available travel choices. Recommendations are also made in relation to bicycle use and parking (discussed below)
- 6.7.7 The Department is satisfied the proposal would not result in any adverse traffic outcomes and has included the conditions recommended by TfNSW to further reduce reliance on private vehicle usage.

### **6.7.8 Bicycle Parking and Access**

- 6.7.9 The proposal includes bicycle parking for residents, visitors and staff. Parking arrangements were amended in the RtS to respond to concerns raised by Council and TfNSW and subsequently amended following the initial submission of the RTS. The amended scheme includes parking for 234 bicycles including 210 resident bike storage lockers, 12 residential visitor bike racks and 12 retail bike racks on Level 3. Access to the Level 3 bicycle parking area is proposed to be via the loading dock and a goods lift.
- 6.7.10 Council and TfNSW raised concerns in relation to proposed bike parking, including:



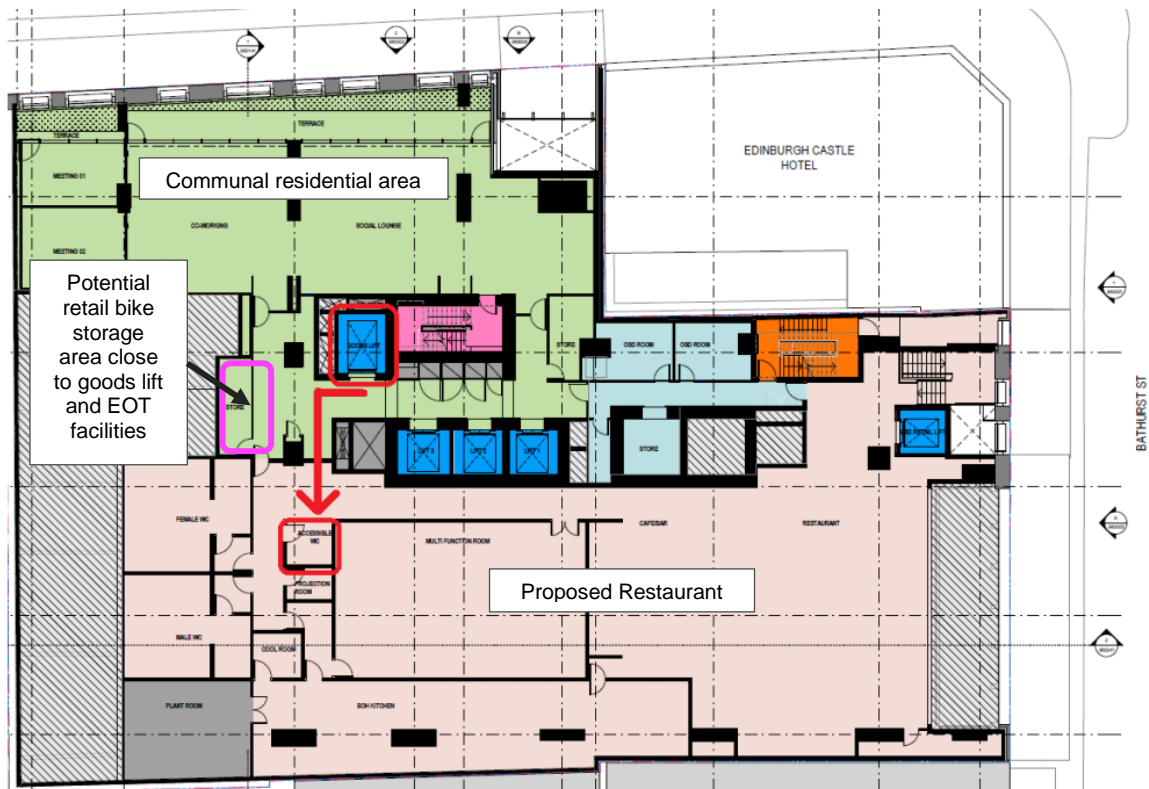
- that there is a shortfall in the bike parking compared to the requirements of Council's DCP which would require 268 spaces in total for the development.
- parking was not indicated on the plans, nor were end of trip (EOT) facilities for the retail / restaurant
- parking has not been provided for couriers
- parking should not rely on on-street racks which are for Metro customers
- access to the resident bicycle parking via the loading dock results in significant safety concerns with conflicts between reversing vehicles and cyclist / pedestrians (including children) as manoeuvring service vehicles must drive and reverse over the identified internal pathway for cyclist / pedestrians within the dock

6.7.11 In response to these issues, the Applicant advised:

- Council's DCP does not apply to SSD developments and bicycle parking exceeds the minimum Green Star requirements.
- Amended plans showing retail bike parking and EOT arrangements were provided
- Courier cyclists will utilise small recessed area at the entrance of the residential OSD main lobby for pickup and delivery
- Convex mirrors, audible and flashing light warning system are proposed to provide visibility for vehicles exiting from the loading dock.

6.7.12 The Department considers the number of bicycle parking spaces provided on the site would be adequate to serve the needs of future occupants, noting it would exceed the requirements for the 5 Star Green Star rating. Further, it would only represent a 13.5% shortfall from Council's DCP requirement which is not considered to be significant or affect the objective of encouraging sustainable transport use. Conditions are recommended to ensure provision of bicycle parking and EOT facilities accordingly. A condition is also recommended to provide a secure courier bike parking space at the residential entry to enable couriers to lock their bicycles in case they are required to enter the building to make a delivery (such as when a concierge is away from the front desk).

6.7.13 However, the Department does not support the provision of retail bike parking in the same area as the residential parking as it could result in security issues (with retail users being able to access the communal residential areas) as well as being remote from the retail EOT facilities. The Department considers there is sufficient space adjacent to the retail EOT facilities that could be converted to retail bike parking (see **Figure 37**) Provision of bike parking in this area would ensure retail staff and visitors would not need access to residential floors and could park their bikes adjacent to the retail EOT facilities and amenities. A condition has been recommended accordingly.



**Figure 37 | Extract from Level 2 floor plan (Source: RtS)**

- 6.7.14 With regard to safety, the Department notes despite the advice provide in the RtS, Council and TfNSW have outstanding concerns in relation to potential conflicts between reversing vehicles and residents using the loading dock to access the bicycle parking. Council advise that the use of flashing lights and audible signals add confusion and reduce pedestrian amenity and should be avoided and that the Applicant should investigate utilising the lobby entry for cyclists instead. TfNSW also advise that audible and flashing light warning systems are not appropriate measures and recommend the Applicant undertake a Road Safety Audit of the loading dock including cyclist movements within the dock and prepare a Pedestrian and Cyclist Safety Plan in consultation with TfNSW.
- 6.7.15 Noting future occupants will include children, the Department considers it is essential that the safety of any movements traversing the loading dock to access the bike parking is ensured. Proposed flashing and audible signals are aimed at alerting pedestrians on the street, and do not address internal movements within the dock. The Department also notes that the loading dock use will be shared with Sydney Metro so the Applicant may not have complete control over the vehicles using the dock at all times. Further, the ground floor layout would not preclude access to the goods lift via the entry lobby.
- 6.7.16 The Department therefore recommends conditions requiring a Road Safety Audit and Pedestrian and Cyclist Safety Plan demonstrating the safety of all users (including children) to the satisfaction of an independent TfNSW accredited road safety auditor, or the access be amended to utilise the lobby entry for cyclists instead of via the loading dock.
- 6.7.17 **Loading Dock Design, Access and Waste Management**
- 6.7.18 The design of the loading dock is subject to and has been determined by the separate CSSI approval. It includes space for up to two small rigid vehicles (SRV) (up to 6.4 metres in length) and two light vehicles (LV). One of the LV spaces will be allocated for the exclusive use of the Metro Station

operations. The shared loading dock will be managed by an onsite loading dock manager and all access to the dock will be via a booking system.

6.7.19 In addition to safety concerns discussed above, TfNSW and Council raise the following concerns with the loading dock:

- Based on Council's DCP, the residential use and restaurant would generate demand for 5 vehicle spaces, however only 3 spaces are proposed. Use of on-street spaces for loading or unloading is not supported.
- A loading and servicing plan should be prepared in consultation with TfNSW
- The loading dock design cannot accommodate Council's waste truck and therefore the approval must be conditioned to require the building owner to engage a private waste contractor
- Safety devices such as proposed convex mirrors to improve views of the footpath and pedestrians for vehicles exiting the site should be located within the site boundary.

6.7.20 In response to these issues, the Applicant:

- Advised that subject to the booking system and on-site dock manger, the proposal will be able to cater for demand for loading spaces
- Advised a loading and servicing plan can be prepared
- Confirmed that the site will be serviced by a private waste contractor
- Confirmed that small private waste vehicles and other vehicles up to 6.4 metres in length would be able to access the dock including manoeuvring within the dock to enter and leave the site in a forward direction
- Convex mirrors can be located wholly within the property boundary.

6.7.21 The Department notes the size of the loading dock is constrained by the existing approval but considers that subject to appropriate management measures, the dock should be able to cater for demand generated by the proposed use on the site. Conditions are recommended requiring a loading and servicing plan and on-site management of the dock at all times that it is in use. Standard conditions requiring all loading associated with the use to be carried out from within the dock, prohibiting access to vehicles greater than 6.4 metres in length, and requiring all vehicles enter and leave the site in a forward direction are also recommended.

6.7.22 As all movements across the footpath would be in a forward direction, the Department considers there is no need for audible and flashing lights, noting Council and TfNSW advice that they are not supported. A condition requiring the proposed convex mirrors be located wholly within the site is also recommended.

6.7.23 Subject to these conditions, in addition to conditions recommended above in relation to cyclist safety, the Department is satisfied the proposed loading dock would be appropriate to service the needs of the development.

## 6.8 Other issues

Issue	Findings	Recommendations
<p><b>Consistency with the Concept Approval</b></p>	<p>The Concept Approval (SSD 8876) sets the parameters for future development on the site and conditions to be met by future applications. Public submissions raised concerns that the proposal is inconsistent with the Concept Approval, particularly Condition B3 which requires the design of the proposed building to consider a number of specific matters, including the ADG and other aspects to its improve design and to further mitigate its potential impacts when compared to the approved building envelope.</p> <p>The Department is satisfied the application has adequacy addressed the requirements of Condition B3, as discussed earlier in the report at:</p> <ul style="list-style-type: none"> <li>• Section 6.2 with respect to the design of the proposed built form</li> <li>• Section 6.3 with respect to articulation of the built form fronting Pitt Street to further mitigate impacts to the Princeton Apartments</li> <li>• Section 6.4 in addressing the requirements of SEPP 65 and the ADG.</li> </ul> <p>The Department has also undertaken a detailed assessment of the proposal against the conditions of the Concept Approval at <b>Appendix C</b> of this report. The Department is satisfied the proposal is consistent with the Concept Approval with the exception of changes subject to the Modification Application which are considered to be acceptable on merit.</p>	<p>No additional conditions required</p>
<p><b>Land Use</b></p>	<p>The Concept Approval permits use of the land for either a residential or a commercial scheme, but not both. It also includes a podium car parking level. The modification application seeks to amend to the Concept Approval to permit retail uses in the podium, regardless of whether a residential or commercial scheme applies to the rest of the site.</p> <p>The proposal seeks approval for a residential scheme that is generally consistent with the Concept Approval. The Applicant has provided justification for the residential land use in accordance with Condition B24. The Applicant argues the residential land use is preferred over a commercial use due to the relatively small floorplates approved under the Concept Plan which are more conducive to residential use.</p> <p>The proposal also seeks to delete the car parking level in favour of a retail (food premises) use at Level 2. The deletion of carparking is supported as discussed in <b>Section 6.6</b>. The Department considers the provision of retail uses on Level 2 would not result in adverse impacts as the retail uses are permissible with consent in the zone, are consistent with the nature of land uses on other nearby sites and the character of the area and the use would not detract from the provision of residential accommodation on the remainder of the site.</p> <p>The Department is therefore satisfied the proposal is generally consistent with the terms of the Concept Approval (as proposed to be amended).</p>	<p>No additional conditions required</p>
<p><b>Build to Rent</b></p>	<p>The Applicant advises it does not seek to strata subdivide the building, but to retain it in single ownership to rent.</p>	<p>No additional conditions required</p>

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Public submissions raised concerns with the proposed development model and suggested the building should have a mix of owner occupants and rental tenancies.

The Department notes there are no planning controls that require the Applicant to strata subdivide the building or sell individual units. The Department also agrees with the Applicant that there is no evidence that problematic rental practices are more likely to be associated with this type of housing than in a traditional strata scheme.

Further, under the draft Housing Diversity SEPP (refer to Appendix C), build to rent housing is recognised as having the potential to provide long lasting community benefits, greater housing choice for tenants, and access to high quality dwellings in a stable rental environment. The Department is therefore satisfied the proposed build to rent scheme is acceptable and consistent with the draft Housing Diversity SEPP.

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**Impacts to Euro Tower**

Condition B3(c) of the Concept Approval requires that consideration be given to the potential amenity impacts to the site's other residential neighbour – Euro Tower at 135 Bathurst Street (refer to Figure 3). The building presents a blank facade without any windows facing towards the site. However, there is potential for the rear facing residential apartments to be affected by the proposal.

No additional condition or amendments required.

The Department notes that while the approved building envelope permits development of the tower up to 3 metres from the eastern site boundary with the Euro Apartments, the proposal exceeds this requirement with a setback of approximately 4.8 metres, thereby reducing the extent of impacts to the Euro Towers compared to the approved building envelope. In addition, the proposal incorporates frosted glazing and privacy screens to restrict overlooking of the rear façade of the building from the lower levels and associated open space. There is no potential for overlooking from the upper levels of the proposed development which would only overlook the roof of Euro Tower building.

Due to the orientation of the site, the proposal results in no overshadowing of the windows to the Euro Tower Building. The Department is therefore satisfied amenity impacts to the Euro Tower have been appropriately considered.

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**Developer Contributions**

The OSD is subject to contributions under the Central Sydney Development Contributions Plan 2013, equivalent to 1% of the development cost.

The Department has recommended a condition requiring contributions be paid in accordance with Council's contributions plan accordingly.

A condition has been recommended requiring payment of contributions in accordance with the Central Sydney Development Contributions Plan 2013.

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**Heritage Floor Space**

Under SLEP 2012, the site is permitted to accommodate 23,595 m<sup>2</sup> of floor space, made up of a base FSR of 8:1 (13,680 m<sup>2</sup>) and additional permitted accommodation floor space of 9,860 m<sup>2</sup> (refer to assessment against SLEP 2012 in **Appendix C**). Combined with the Metro Station, the total GFA on the site would be 22,583 m<sup>2</sup>.

The SLEP also requires 50% of the accommodation floor space to be allocated Heritage Floor Space (HFS). HFS is undeveloped floorspace on a heritage site that is able to be transferred to another site. In this case, the proposal would provide 8,903 m<sup>2</sup> of

A condition has been recommended requiring the Applicant to secure the required heritage floorspace.



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accommodation floorspace and therefore 4,451 m<sup>2</sup> of HFS must be allocated to the site.

To meet this requirement, the Applicant would need to purchase 4,451 m<sup>2</sup> of HFS from a seller of HFS registered with the City of Sydney. The Applicant advises it has not yet purchased the required HFS, but it would accept a standard condition requiring the purchase and transfer of HFS, in accordance with the City of Sydney's standard requirements.

The Department is satisfied the subject to condition, the HFS requirements of SLEP 2012 would be met.

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**Signage**

The proposal includes below awning signage zones for business identification signs that could be provided as exempt development. However, it also includes a large above awning signage zone on the Bathurst Street façade that could accommodate a sign up to 7 metres in height (**Figure 12**). The proposal seeks approval for a signage zone in this location, with the future sign to be subject to a separate application to Council.

A condition is recommended identifying that the above awning level signage zone on Bathurst Street is not approved.

Council raised concern that the proposed above-awning signage is inconsistent with Council's DCP and should not be supported, but rather should be the subject of a separate DA to Council.

The Department notes the proposed signage zone is large, being double storey in height, and that this section of Bathurst Street does not contain any significant signage above the awning level.

On this basis, and noting the inconsistency with Council's DCP, the Department considers that insufficient information has been provided to enable the Department to determine if the size or location of the sign could have an adverse impact on the character of the area or if it would be appropriate in the context of its setting. As a proper assessment cannot be made under State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64), it is considered that the above awning signage zone should not be approved at this stage.

However, this would not prevent the Applicant from lodging a DA for the proposed sign, allowing Council to assess the height and location of the signs in conjunction with the proposed signage design, illumination and character of the area, as required by SEPP 64.

Further, condition B2(a) of the Concept Approval provides that indicative signage zones may be included in relevant detailed applications 'following preparation of a Signage Strategy'. The Applicant has not prepared a signage strategy for the site and considers one is not warranted. Given the terms of Concept Approval require a signage strategy to precede an application for signage zones, approval of a signage zone in this case would be inconsistent with the Concept Approval.

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**Flooding**

Flood impacts and mitigation, including ground floor levels and changes to footpath levels and design, were determined as part of the CSSI approval and are not affected by the proposed development.

No additional conditions or modifications are required.

However, as required by condition B22 of the Concept Approval, a flood impact assessment was submitted with the proposal and it confirms the OSD retail entrance on Bathurst Street and the

residential entrance on Pitt Street would have floor levels at or above the 1 in 100 year (1% AEP) flood level.

Council initially recommended that the assessment be updated to determine the flood planning levels in accordance with Council's Interim Floodplain Management Policy, which recommends flood planning levels at the 1% AEP flood level for retail and commercial uses and 1% AEP + 500mm freeboard for residential floor space.

The Applicant advised that it considered the residential entrance to be acceptable, being consistent with the Council's policy with regard to retail tenancies as it would balance flood protection with street activation and disabled access. All other habitable residential floor space would be provided at the upper levels and therefore easily meets Council requirements.

Following the Applicant's response, Council raised no further concerns with respect to flooding.

While the residential entrance does not provide 500mm freeboard, the Department is satisfied the floor level is appropriate, as it only relates to the entry lobby rather than any habitable residential space, is consistent with the approach for retail and commercial uses, and would enable level access to be provided to the entrance. As such, the Department is satisfied the proposal would not result in any unacceptable flooding risks.

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**Stormwater Management**

As required by Condition B22, a stormwater management plan was also submitted with the application. Roof water will be captured and reused for toilet flushing in the station amenities and for landscape irrigation in the OSD development. Stormwater will also be treated with media filter cartridges. Maintenance of the stormwater system was also addressed by the plan as required.

Council requested additional information in relation to water quality. In response, the Applicant provided MUSIC modelling to Council to demonstrate water quality outcomes would be consistent with Council requirements.

Council subsequently raised no further concerns. The Department is satisfied that the proposal can adequately manage stormwater, subject to conditions.

Standard conditions requiring a detailed stormwater management system plan prior to construction, works as executed plans following construction, and a stormwater quality management plan are proposed

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**Contamination**

The proposed development will not affect soils on the land as the OSD occurs above the approved CSSI station box. The CSSI approval covers all demolition and excavation works on the site and includes requirements to manage contamination and ensure the land is suitable for the proposed use under that approval.

To meet the requirements of SEPP 55 and confirm any required remediation work under the CSSI approval is carried out, to make the site suitable for the proposed development, the Department recommends a Site Audit Statement be obtained confirming the site is suitable for the proposed residential use.

The Department recommends a condition requiring a Site Audit Statement

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**Archaeological Heritage**

Council raised a concern that it was unclear whether archaeological study and excavation have been carried out on the site.

The Applicant confirmed this was a matter for the CSSI approval and described the archaeological assessments and excavation carried out in relation to that approval which found no relevant archaeological finds.

No additional conditions required

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The Department is satisfied that the proposal would not result in any adverse archaeological heritage impacts as the proposed development does not require any excavation or result in any ground disturbance.

**ESD**

Conditions B9 and B10 of the Concept Approval require ESD principles to be incorporated into the design of the proposal. The Conditions also require the building to achieve a 5 Star Green Star Rating, a minimum BASIX energy score of 30 and for it to exceed the minimum BASIX water requirement.

The Department has considered ESD measures in detail at **Appendix C**. In summary, the Department is satisfied the development includes appropriate sustainability measures in accordance with the Concept Approval, including meeting the required environmental standards and BASIX targets.

Standard conditions are recommended to ensure BASIX requirements are met and the 5 Star Green Star rating is achieved.

**Wind**

Public submissions raised concern with potential wind impacts from the development on the street and surrounding buildings.

In accordance with Condition B11 of the concept approval, the application was accompanied by a wind impact assessment which modelled the wind impacts of the development against the relevant wind comfort criteria for the surrounding public domain and proposed open space areas within the site.

The assessment demonstrates that pedestrian areas immediately adjacent to the site would have wind levels suitable for sitting and standing and meet applicable safety criteria without any additional mitigation measures. In two locations on Bathurst Street (further east of the development) the modelling indicated slightly higher wind speeds (suitable for 'business walking') would occur but this was found to be consistent with existing conditions caused by other surrounding buildings rather than attributable to the proposed development.

Within the development itself, the rooftop open space was found to be windy, and the assessment therefore recommended the inclusion of tall balustrades and canopy structures to mitigate wind impacts. These measures have been included in the plans.

Tall balustrades were also recommended for the exposed balconies in the south-east corner of the building. These have not been shown on the plans and therefore a condition is recommended requiring the installation of the balustrades in accordance with the recommendations of the wind assessment.

The RtS also provided additional advice on likely wind impacts to balconies on the adjoining Princeton Apartments. Adjacent balconies on the western side of the building are likely to have slightly improved conditions due to shielding from the proposed development. Adjacent balconies on the eastern side of the building will continue to experience winds from the east which approach unimpeded over Hyde Park.

The Department is satisfied the proposal would not result in unacceptable wind impacts to the public domain and subject to recommended mitigation measures, would provide comfortable open space areas within the site. The Department is also satisfied the proposal would not result in unacceptable wind impacts to neighbours and any impacts would be consistent with those expected by the approved building envelope.

A condition is recommended requiring the provision of screening in accordance with the recommendations of the wind impact assessment

<b>Security and Crime</b>	<p>The application was accompanied by a Crime Prevention through Environmental Design (CPTED) assessment as required by Condition B12 of the Concept Approval.</p>	<p>No additional conditions required</p>
	<p>The Department is satisfied the proposal incorporates appropriate CPTED measures including glazed and well-lit entries to the site to enable passive surveillance and clear lines of sight, security-controlled access to the residential premises and CCTV to monitor building entries.</p>	
<b>Fire</b>	<p>Some public submissions raised concerns that the proposal could potentially result in increased fire hazard risk given its proximity to the Princeton Apartments.</p>	<p>Standard conditions are recommended requiring compliance with the BCA as well as certification of fire safety prior to occupation.</p>
	<p>As required by condition B13 of the Concept Approval, the application was accompanied by a Fire Assessment which confirms that subject to detailed design and the incorporation of appropriate fire safety measures, the proposal would be able to meet the relevant performance requirements of the BCA / National Construction Code. The Application was referred to Fire NSW who raised no concerns with the proposal.</p>	
	<p>The Department is satisfied the proposal, including the building separation from the Princeton Apartments, would not result in unacceptable fire risks, subject to conditions.</p>	
<b>Utilities</b>	<p>As required by condition B19 of the Concept Approval the application was accompanied by Infrastructure reports which outlined utility connections and augmentation. The application was referred to utility providers including Sydney Water and Ausgrid and no concerns were raised with the proposed arrangements. The Department is satisfied the proposal is capable of being serviced in accordance with utility provider requirements.</p>	<p>A standard condition requiring a s73 certificate from Sydney Water and standard advisory note requiring relevant approvals from service providers have been recommended</p>
<b>Construction Impacts</b>	<p>As required by conditions B14, B15 and B17 of the Concept Approval, the Application is accompanied by a Construction Management Plan which has considered the potential construction impacts associated with the proposal, including noise, vibration and traffic.</p>	<p>Standard conditions of consent are recommended requiring construction management plans and management of construction impacts.</p>
	<p>Two public submissions raised concern about construction noise impacts and TfNSW recommended a condition in relation to construction traffic and pedestrian management.</p>	
	<p>The Department considers that subject to appropriate standard conditions in relation to construction management, construction impacts including noise, traffic and emissions can be appropriately mitigated and managed to an acceptable level.</p>	

## 7 Evaluation

- 7.1.1 The Department has assessed the merits of the proposal taking into consideration the issues raised in submissions, as well as the Applicant's response to these, and is satisfied the impacts have been satisfactorily addressed by the proposal and through the Department's recommended conditions.
- 7.1.2 The proposed development has demonstrated it is consistent with the objects of the EP&A Act and the State's strategic planning objectives for the site as set out in the Region Plan and Eastern City District Plan. The proposal will provide additional housing with excellent access to jobs, services and public transport within the Sydney CBD.
- 7.1.3 The Department finds that the proposal provides an appropriate built form in response to the constraints and opportunities that apply to the site including surrounding heritage sites. The development also achieves a high standard of design, is appropriate within its urban context and is supported by the Sydney Metro DRP.
- 7.1.4 The proposal is consistent with the built form envisaged for the site as is it generally complies with the building envelope set by the Concept Plan Approval as well as applicable planning controls for height and scale. Some minor proposed variations from the envelope enable the provision of façade elements that better articulate the building and include privacy screening to mitigate impacts for neighbours.
- 7.1.5 The Department acknowledges the proposal results in substantial overshadowing impacts for neighbours located immediately to the south, however the extent of the impact is considered to be similar to any reasonable development of the site in accordance with the applicable planning controls for building height and scale, and materially less than the impact of the approved building envelope for the site. The Department is therefore satisfied the extent of the impacts are reasonable in the circumstances.
- 7.1.6 The Applicant has demonstrated that the built form achieves the specific design objectives contained in the Pitt Street South OSD Design Guidelines, the conditions and requirements of the concept approval and the relevant objectives of the Apartment Design Guide. The design of the proposal has been amended to respond to the advice of the Sydney Metro Design Review Panel throughout the assessment process and the Department considers that the proposal exhibits design excellence.
- 7.1.7 The Department's Assessment therefore concludes the proposals are in the public interest.



## 8 Recommendations

- 8.1.1 The SSD application is referred to the Independent Planning Commission as more than 50 public objections have been received in response to exhibition of the application. The Department considers the proposal can be approved, subject to conditions of consent (**Appendix D**).
- 8.1.2 The modification request can also be determined concurrently by the Independent Planning Commission under delegation and is referred to the Commission as it interrelates with the assessment of the SSD application. The Department considers the modification can be approved, subject to conditions (**Appendix D**).
- 8.1.3 This assessment report is hereby presented to the Independent Planning Commission for determination.

Recommended by:

Recommended by:



16/02/2021

16/02/2021

**Anthony Witherdin**  
Director  
Key Sites Assessments

**Anthea Sargeant**  
Executive Director  
Regions and Key Sites

## 9 Appendices

### Appendix A – List of referenced documents

#### SSD 8876 MOD 2 – Stage 1 modification application

1. Modification Report
2. Submissions
3. Applicant's Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/34311>

#### SSD 10376 – Stage 2 development application

1. Environmental Impact Statement
2. Submissions
3. Applicant's Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/25471>

### Appendix B – Summary of Department's Consideration of Public Submissions

Table B1 provides a summary of the Department's consideration of the main issues raised in public submissions

Issue	Consideration
<b>Overshadowing</b> The proposal results in extensive overshadowing of Princeton Apartments, and does not comply with ADG requirements for solar access, or the Concept Plan Approval with regard to overshadowing.	<b>Assessment</b> <ul style="list-style-type: none"><li>• The Department acknowledges the proposal would result in overshadowing and a loss of amenity for the occupants of the Princeton Apartments, located immediately to the south of the site. However, this is partly due to current higher than expected levels of amenity given there is no high-rise development on the subject site.</li><li>• The extent of the impact is considered to be similar to any reasonable development of the site in accordance with the applicable planning controls for building height and scale.</li><li>• Further, the extent of the impact is less than anticipated by the approved building envelope on the site, and the Department is satisfied the building has been appropriately designed to reduce bulk in key areas in order to minimise shadowing of the neighbouring premises. In particular, the proposal exceeds the setback requirements of the approved Concept Plan envelope on the eastern elevation as this is the key area of the site that has potential to improve solar access outcomes for neighbouring development. The additional benefits gained from this setback exceed and outweigh any benefits that could be achieved by increasing setbacks on the southern or western (Pitt Street) elevations.</li><li>• In this regard, the Department is satisfied the proposal complies with conditions of the Concept Approval which require consideration of articulation of the Pitt Street façade to improve solar access outcomes, noting the proposed plan results in a better outcome for solar access than articulation of the Pitt Street façade.</li></ul>

- The Department is also satisfied the relevant objective of the ADG that “overshadowing of neighbouring properties is minimised during mid-winter” has also been achieved.

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### **Building Separation**

The proposal does not comply with building separation requirements and should be setback 24 metres from the Princeton Apartment Building

#### *Assessment*

- The Apartment Design Guide requires the building be setback from the site boundary by 12 m or demonstrate it meets the objective of the 12 m setback. There is no requirement for additional setbacks to be provided to offset the proximity of the adjacent building.
- The glass line of the windows comply with the 12 m setback requirement. Only minor façade treatments including screening which would improve privacy outcomes protrude beyond slightly the 12 m setback line. The objective of the control which relates to visual privacy and equitable sharing of separation distances between the sites is therefore achieved. Requiring additional setbacks to achieve 24 m building separation would be contrary to the objective of equitable sharing of building separation between sites.

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### **Privacy**

The proposal will result in adverse privacy outcomes due to a lack of building separation

#### *Assessment*

- The RtS addressed some privacy concerns by deleting the Level 6 communal open space in favour of a non-accessible landscaped open space area and by relocating balconies on the south eastern units away from the Princeton Apartment building.
- In addition, the southern façade includes fixed louvre privacy screening to mitigate potential overlooking from bedroom windows facing towards the in Princeton Apartment building, being the windows in closest proximity to that building.
- The Department considers the privacy objectives of the ADG have been met noting that windows in the development would achieve the required 12 m setback of the visual privacy design criteria in the ADG.
- Nevertheless, the Department also considers there is opportunity to further reduce the potential for overlooking from the site.

#### *Recommended Conditions*

- A condition is recommended requiring provision of additional fixed louvre privacy screening to mitigate potential overlooking from other windows (living rooms and kitchens) on the southern façade facing towards the in Princeton Apartment building.

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### **Overshadowing of Hyde Park**

Overshadowing from the building would result in both amenity impacts and heritage impacts for the park

#### *Assessment*

- The proposal fully complies with the sun access plane control set by SLEP 2012 which is designed to protect solar access to Hyde Park.
  - The proposal also fully complies with the Design Guidelines which require that the building result in no additional overshadowing of the Park between 12 noon and 2 pm midwinter and maximise solar access between these times at other times of the year, noting the proposal results in no overshadowing between 12 noon and 2 pm at any time of year.
  - The proposal results in less overshadowing of the park than the approved Concept Plan building envelope.
  - Shadowing impact have been demonstrated to be very minor, affecting only a very small part of the park that has trees and therefore is already in shadow for a short period of time in mid-winter. The Department is satisfied this very small amount of shadowing would not materially affect the amenity of the park or its heritage values.
-

### View Loss

The proposal would result in a loss of views and outlook from surrounding buildings

### Assessment

- View loss and outlook impacts are a function of the building envelope which has already been established. The previous assessment of the envelope concluded view impacts were acceptable as they can be reasonably anticipated under the planning controls and while the northern outlook from the adjoining Princeton Apartments would be affected, the apartments are primarily oriented east and west and views in these directions will not be impacted.
- The proposal would also result in improved view outcomes for neighbours compared to the approved building envelope due to the stepping in upper level massing and due to an increased setback of the main tower from the eastern boundary.

### Internal Amenity

The proposal does not meet standards for internal amenity including adequate solar access to the units

### Assessment

- Although the proposal does not meet the design criteria for internal solar access (only 51% of proposed apartments would receive 2 hours of solar access mid-winter as opposed to 70% recommended by the ADG), this is a function of the building context with extensive overshadowing caused by surrounding buildings, rather than as a result of the design of the proposal.
- Apartments have been designed with orientations to maximise opportunities for solar access and floor to ceiling glazing also maximises light penetration to the apartments.
- On this basis the Department is satisfied the objective of the solar access design criteria which is “to optimise the number of units receiving sunlight to habitable rooms, primary windows and private open space” has been achieved in this case.
- The proposed design also results in a few minor non-compliances with ADG design criteria in relation to communal open space provision, apartment size, balcony size, vertical circulation and building separation with the Edinburgh Castle Hotel. Subject to a condition to resolve light and ventilation issues on the common boundary with the Edinburgh Castle Hotel, the extent of the variations are shown to result in no unacceptable consequences for the internal amenity of the proposed apartments and the objectives of the ADG are achieved despite the minor variations.

### Recommended Conditions

The Department recommends a condition that requires the Applicant to either:

- secure an easement for light ventilation over the adjoining site; or
- amend the plans to:
  - provide ventilation to the affected bedroom via the lightwell or convert the unit to a studio to resolve ventilation issues; and
  - demonstrate that bedrooms adjacent to the lightwell have windows facing the lightwell which exceed 10% of the room area

### External Design

The proposed building design is ugly, inconsistent with the character of the areas and tall vertical columns and other façade design elements give the impression of a prison block

### Assessment

- The Department notes the endorsement of the design by the DRP and considers that overall the proposal results in a distinctive building of architectural merit that would make a positive contribution to the built forms in this part of the CBD.
- The proposed façade treatments are considered to provide a contemporary and appropriate response to the surrounding context, using materials and colours to complement surrounding heritage building materials and to integrate with the approved CSSI metro box.
- Articulation of the building through stepping in massing and variation in column tone is also considered to add visual interest to the facades.

## Heritage

The proposed building would result in adverse heritage outcomes as it would dwarf the Edinburgh Castle Hotel and other nearby heritage items.

## Assessment

The proposal would not result in any unacceptable heritage outcomes, noting:

- Podium / street wall building heights and the relationship to the Edinburgh Castle Hotel and other items are primarily established by the CSSI Station approval rather than the OSD tower.
- The Pitt Street entrance to the OSD has been carefully designed to respect the heritage values of the hotel, as it steps down in height to relate to the height of the hotel, has a recessed glazed facade which provides visual separation between the hotel and the Metro Station building and incorporates materials and finishes which complement the building fabric of the hotel.
- The size and scale of the tower building is established by the Concept Approval. The Department's previous assessment considered the scale to be appropriate in heritage terms, noting the OSD tower would visually recede into the background of the Edinburgh Castle Hotel and would not visually relate to the appreciation of any of the other nearby heritage buildings.

*Recommended Conditions include:*

Conditions recommended by Heritage NSW in relation to archival recording, consultation and development of the Heritage Interpretation Plan have been included in the recommendation

## Appendix C – Mandatory Matters for Consideration

Decisions made under the EP&A Act must have regard to the objects set out in **Section 1.3** of the Act. A response to the objects is below:

Object of section 1.3 of EP&A Act	Department's Response
a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	<ul style="list-style-type: none"><li>• the proposal promotes the social and economic welfare of the community by providing residential accommodation within a highly accessible site for transport and urban services, and, in doing so, contributing to the achievement of State, regional and local planning objectives</li><li>• the proposal comprises development above the approved station infrastructure and does not have any impacts on the State's natural or other resources.</li></ul>
b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	<ul style="list-style-type: none"><li>• the proposal has integrated ESD principles as discussed below.</li></ul>
c) to promote the orderly and economic use and development of land	<ul style="list-style-type: none"><li>• the proposal represents the orderly and economic use of the land primarily as it will increase residential accommodation near services and public transport.</li><li>• the proposed land uses are permissible and the form of the development has regard to the planning controls that apply to the site, the character of the locality and the context of surrounding sites.</li></ul>



d) to promote the delivery and maintenance of affordable housing	<ul style="list-style-type: none"> <li>the proposal does not affect delivery of affordable housing, but by increasing rental housing supply and choice will assist with improving housing affordability.</li> </ul>
e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	<ul style="list-style-type: none"> <li>the proposal, comprising residential development above the approved metro station, will not have any natural environmental impacts.</li> </ul>
f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	<ul style="list-style-type: none"> <li>the Department considers that the heritage impacts of the development are acceptable, as set out in <b>Section 6</b>.</li> </ul>
g) to promote good design and amenity of the built environment	<ul style="list-style-type: none"> <li>the proposal demonstrates a good design approach to the relevant planning controls and local character. The building has been designed to minimise amenity impacts to neighbours and the surrounding environment and to provide good levels of internal amenity. Other amenity impacts would be managed by either the form of the development or by the recommended conditions of consent for mitigation measures during the construction and operational phase of the development.</li> </ul>
h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	<ul style="list-style-type: none"> <li>the proposal demonstrates that construction work will be undertaken in accordance with national construction standards, relevant regulation and the site-specific construction management plan. Any impacts during this phase will be monitored and managed in keeping with the conditions of consent set out to mitigate any impacts. Ongoing management and maintenance of the development shall be managed by the building management.</li> </ul>
i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	<ul style="list-style-type: none"> <li>the Department publicly exhibited the proposal as outlined in <b>Section 5</b>. This included consultation with Council and other public authorities and consideration of their responses.</li> </ul>
j) to provide increased opportunity for community participation in environmental planning and assessment.	<ul style="list-style-type: none"> <li>the Department publicly exhibited the application which included notifying adjoining landowners, placing a notice in the local press and displaying the application on the Department's website and at the Council's office and Service NSW Centres. The Department also provided the RtS to Council and other relevant agencies and placed the RtS on its website.</li> <li>the engagement activities carried out by the Department are detailed in <b>Section 5</b>.</li> </ul>

### Ecologically sustainable development

The EP&A Act adopts the definition of ESD found in the Protection of the Environment Administration Act 1991. Section 6(2) of the Protection of the Environment Administration Act 1991 states that ESD

requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle;
- inter-generational equity;
- conservation of biological diversity and ecological integrity; and
- improved valuation, pricing and incentive mechanisms.

The development proposes ESD initiatives and sustainability measures in accordance with the Concept Approval, including targeting minimum environmental standards of 5 Star Green Star Design and As-Built rating and 6 Star NABERS Energy rating. The proposal will also exceed BASIX compliance requirements including a 30% reduction in greenhouse gas emissions and 48% saving in potable water consumption.

ESD measures include efficient building systems, high performance facade with low-e double glazing, insulation and fixed shading, energy and water efficient appliances for all apartments, rainwater capture and reuse, close proximity to public transport and amenities, sustainable building materials, waste minimisation measures.

The Department has considered the project in relation to the ESD principles. The Precautionary and Inter-generational Equity Principles have been applied in the decision-making process by a thorough assessment of the environmental impacts of the project. Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act.

#### **Section 4.15(1) matters for consideration**

The matters for consideration under section 4.15 of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act have been considered below. The following represents a summary for which additional information and consideration is provided for in **Section 6** and relevant appendices or other sections of this report and EIS.

<b>Section 4.15(1) Evaluation</b>	<b>Consideration</b>
(a)(i) any environmental planning instrument	A comprehensive assessment of all relevant EPIs by the Department is discussed below this table.
(a)(ii) any proposed instrument	Relevant applicable draft EPIs have also been considered below.
(a)(iii) and development control plan (DCP)	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD. Notwithstanding, where appropriate, consideration has been given to relevant DCP provisions in this assessment.
(a)(iia) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.

(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	Likely impacts are proposed to be appropriately mitigated or conditioned. Refer to <b>Section 6</b> of this report.
(c) the suitability of the site for the development	The site is deemed suitable for the proposed development.
(d) any submissions	Consideration has been given to the submissions received during the exhibition period. See <b>Section 5</b> of this report.
(e) the public interest	The proposal is considered acceptable and within the public's interest. Refer to <b>Section 6</b> .

#### Section 4.55(2) matters for consideration

Section 4.55(2) of the EP&A Act outlines the matters that a consent authority must take into consideration when determining an application that seeks to modify an SSD application. The matters for consideration under section 4.55(2) of the EP&A Act that apply to the modification to the Concept Approval to the ECBH have been considered below.

Section 4.55(2) Evaluation	Consideration
a) satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all)	<p>The proposal seeks to permit architectural encroachments beyond the approved building and include retail premises as a permissible use within the podium.</p> <p>The Department notes the retail use is ancillary to and supports the primary use of the building for residential accommodation, specific built-to-rent.</p> <p>The Department is therefore satisfied that the proposed modification is substantially the same development as the key components of the development remain, being a concept plan for a new residential development.</p>
b) that it has consulted with the relevant Minister, public authority or approval body) in respect of a condition imposed by the Minister, public authority or approval body, and	Not applicable.
c) the application has been notified in accordance with the regulations, and	The modification application has been notified in accordance with the EP&A Regulations. Details of the notification are provided in <b>Section 5.1</b> of this report.

- d) any submission made concerning the proposed modification has been considered
- The issues raised in submissions have been considered in **Section 5** and 6 of this report.

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### **Environmental Planning Instruments (EPIs)**

To satisfy the requirements of section 4.15 of the Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment of the project.

The EPIs that have been considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State & Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No. 55 – Remediation of Land
- Draft State Environmental Planning Policy (Remediation)
- State Environmental Planning Policy No. 64 – Advertising and Signage
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Draft State Environmental Planning Policy (Environment)
- Draft State Environmental Planning Policy (Housing Diversity)
- Sydney Local Environmental Plan 2012

### **State Environmental Planning Policy (State and Regional Development) 2011**

The development is State Significant Development under clause 19 of Schedule 1 of SEPP. In accordance with clause 8A of the SEPP, the Independent Planning Commission is declared the consent authority for the SSD application as more than 50 public submission by way of objection were received.

### **State Environmental Planning Policy (Infrastructure) 2007**

The application was referred to Ausgrid pursuant to the requirements of clause 45 of the SEPP as the Applicant advises the development is expected to affect the electrical distribution network. Ausgrid did not provide a response. The Applicant advises an application for connection has been lodged with Ausgrid and the design of the new electrical supply arrangements will be submitted to Ausgrid for certification. Standard advisory notes have been included in the recommendation requiring relevant service connection applications and satisfactory arrangements for servicing including electricity supply.

The application was referred to Transport for NSW and Sydney Metro as the proposal is within a rail corridor. Sydney Metro confirmed that concurrence is not required under the SEPP and advised that it has no comments on the application.

In accordance with clause 87 of the SEPP, an Acoustic and Vibration Impact Assessment was submitted with the EIS (**Appendix U** of the EIS) which demonstrated the proposed design is capable of compliance with the provisions of the Development Near Rail Corridors and Busy Roads - Interim Guideline and acoustic requirements of the SEPP.

The development does not constitute traffic-generating development under clause 104, as it does not involve more than 300 dwellings. Traffic generation is considered in **Section 6.7**.

#### **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

A BASIX certificate was submitted with the updated RtS, demonstrating the proposal achieves compliance with the BASIX water, energy and thermal comfort requirements under the SEPP and the BASIX targets set by the Concept Approval. The Department recommends a condition of consent requiring compliance with the BASIX certificate.

#### **State Environmental Planning Policy No. 55 – Remediation of Land**

The proposed development will not affect soils on the land as the OSD occurs above the approved CSSI station box. The CSSI approval covers all demolition and excavation works on the site and includes requirements to manage contamination and ensure the land is suitable for the proposed use under that approval. The Department recommends a Site Audit Statement be obtained confirming the site is suitable for the proposed residential use prior to occupation of the development.

#### **Draft State Environmental Planning Policy – Remediation of Land**

The Draft Remediation of Land SEPP proposes to better manage remediation works by aligning the need for development consent with the scale, complexity and risks associated with the proposed works. As the CSSI approval covers all demolition and excavation works on the site, including remediation, the Department considers the proposal would be consistent with the intended effect of the draft SEPP.

#### **State Environmental Planning Policy 64 – Advertising and Signage**

SEPP 64 applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve.

The proposal includes below awning signage zones for business identification signs that could be provided as exempt development. However, it also includes a large above awning signage zone on the Bathurst Street façade that could accommodate a sign up to 7 metres in height. It is considered that insufficient information has been provided to enable an assessment against SEPP 64 and the signage zone has therefore been recommended to be excluded from the approval. Refer to discussion in **Section 6.7**.

#### **State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development**

SEPP 65 aims to improve the design quality of residential developments and encourage innovative design. The Apartment Design Guide (ADG) is closely linked to the principles of SEPP 65 and sets out best practice design principles for residential development. Sections 3 and 4 set out the relevant matters for consideration in the assessment of Development Applications. The Department has assessed the proposal against the design principles of the SEPP and the relevant criteria of the ADG as set out in the following tables.

<b>Design Quality Principles</b>	<b>Department’s Assessment</b>
<b>Context and Neighbourhood Character</b>	The proposal has been designed to respond to its context, including integration with the CSSD Station development, adjacent items and the character of this part of the CBD.



<b>Built Form and Scale</b>	The proposal generally complies with the overall built form and scale established for the site by the Concept Approval: refer to <b>Section 6.2.</b>
<b>Density</b>	The site is ideally located for a high-density development, being in a central CBD location with excellent access to transport and services. The proposal complies with the density (FSR) controls applicable to the site.
<b>Sustainability</b>	The proposal has integrated ESD principles as discussed above in this Appendix. The proposal incorporates good levels of ventilation as recommended by the ADG (discussed below) and adequate solar access given the constraints of the site as discussed in <b>Section 6.4.</b>
<b>Landscape</b>	The proposal has taken advantage of the limited opportunities available for landscaping on the site and has provided landscape areas that would provide good levels of amenity and a pleasant outlook for occupants and neighbours.
<b>Amenity</b>	The proposal will achieve good levels of internal amenity as demonstrated in the following assessment of the proposal against the ADG and as discussed in <b>Section 6.4.</b> The design also seeks to minimise impacts to neighbours and the proposal is considered acceptable with regard to the amenity of neighbours as discussed in <b>Section 6.3.</b>
<b>Safety</b>	Street level access to the OSD is designed to be secure, well lit and to enable casual surveillance between the street and internal areas. Safety within and adjacent to the loading dock is considered in <b>Section 6.7.</b>
<b>Housing Diversity and Social Interaction</b>	The proposal includes a mix of apartment sizes and will add to the diversity and availability of housing within the CBD. It also includes a range of communal spaces to provide opportunities for social interaction amongst the residents.
<b>Aesthetics</b>	Façade design incorporates a variety of materials, colours and textures and responds to its context. Following amendments to the façade design in the revised RtS, the Design Review Panel has confirmed the façade design exhibits design excellence.

<b>ADG – Relevant Criteria</b>	<b>Proposal</b>	<b>Complies</b>
<b>3B Orientation</b>		
<ul style="list-style-type: none"> <li>• Building type/layouts respond to streetscape, optimising solar access</li> <li>• Overshadowing of neighbouring properties is minimised during mid-winter</li> <li>• Ensure solar access to existing buildings which don't achieve ADG sun access criteria is not reduced by more than 20%.</li> </ul>	<ul style="list-style-type: none"> <li>• The proposal will impact solar access to Princeton Apartments as discussed in <b>Section 6.3.</b></li> <li>• The Department considers the impacts as modelled are reasonable having regard to the approved Concept Plan envelope and established planning principles for sunlight.</li> </ul>	no
<b>3C Public Domain Interface</b>		
<ul style="list-style-type: none"> <li>• Transition between public/private without compromising security</li> </ul>	<ul style="list-style-type: none"> <li>• Entry points to the OSD are appropriately designed, incorporating glazing to enable</li> </ul>	yes

<ul style="list-style-type: none"> <li>Amenity of public domain is retained and enhanced</li> </ul>	causal surveillance, and activation to enhance security and amenity	
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### 3D Communal and Public Open Space

<ul style="list-style-type: none"> <li>Communal Open Space has a minimum area equal to 25% of the site area.</li> <li>50% of communal open space has direct sunlight for at least 2 hours midwinter.</li> </ul>	<ul style="list-style-type: none"> <li>Communal open space = 19% of site area</li> <li>More the 50% of the space would receive excellent solar access</li> <li>Refer to discussion in <b>Section 6.4</b>. Open space originally complied but was reduced in the RtS to improve amenity outcomes for neighbours. The proposal is considered acceptable, noting it also incorporates internal communal space (including an indoor pool and communal facilities) and the site is close to Hyde Park which provides accessible public space.</li> </ul>	no yes
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### 3E Deep Soil Zones

<ul style="list-style-type: none"> <li>For sites greater than 1,500 m<sup>2</sup> a minimum of 7 per cent of the site should provide for deep soil zone(s) and a minimum dimension of 6 metres.</li> <li>Where this is not possible, options for acceptable storm water management strategies should be achieved.</li> </ul>	<ul style="list-style-type: none"> <li>The proposal sits above the metro station which has a 100% site coverage and therefore deep soil zone is not possible.</li> <li>The submitted plans and landscaping report identifies there would be planting on level 2, 6 and level 35, with the soil depth provided on the level 6 to be a minimum of 1 m to support tree planting.</li> </ul>	acceptable
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### 3F Visual Privacy

<p>Achieve the following building separation from windows and balconies to side and rear boundaries for habitable rooms</p> <ul style="list-style-type: none"> <li>Up to 12 m / 4 storeys: 6 m</li> <li>Up to 25 m / 8 storeys: 9 m.</li> <li>25+ m / 9+ Storeys: 12 m.</li> </ul>	<ul style="list-style-type: none"> <li>The distance from windows and balconies to side and rear boundaries generally complies with the design criteria for visual privacy (distance from window glass line to boundary).</li> <li>Two apartments (8.06 and 9.08) fall slightly short of the required building separation to Euro Towers to the east, but incorporate appropriate visual screening.</li> <li>Visual privacy is discussed in greater detail in <b>Section 6.3</b> and subject to conditions, the proposal is not considered to result in unacceptable privacy impacts.</li> </ul>	partial
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### 3G Pedestrian Access and Entries

<ul style="list-style-type: none"> <li>Vehicle access points are to be designed to achieve safety, minimise conflicts between pedestrians and</li> </ul>		yes
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vehicles and create high quality streetscapes	<ul style="list-style-type: none"> <li>OSD entries are appropriately designed, accessible and easy to identify.</li> </ul>	
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### 3H Vehicle Access

<ul style="list-style-type: none"> <li>Building entries and pedestrian access connects to and addresses the public domain.</li> <li>Access, entries and pathways are accessible and easy to identify.</li> </ul>	<ul style="list-style-type: none"> <li>Vehicle access is determined by the CSSI Approval. Refer also to discussion in <b>Section 6.7</b> in relation to safety and conflicts. Subject to conditions, the proposal is considered appropriate with regard to vehicle access</li> </ul>	yes
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### 4A Solar and Daylight Access

<ul style="list-style-type: none"> <li>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</li> <li>Minimum of 70% of apartments' living rooms and private open spaces receive 2hrs direct sunlight between 9 am -3 pm in mid-winter in the Sydney Metropolitan Area.</li> <li>Maximum of 15% of apartments have no direct sunlight between 9 am - 3 pm in mid-winter.</li> <li>Daylight access is maximised where sunlight is limited.</li> <li>Design incorporates shading and glare control, particularly for warmer months.</li> </ul>	<ul style="list-style-type: none"> <li>51% of apartments will receive at least 2 hours of solar access between 9am and 3pm.</li> <li>18% of apartments would have no solar access between 9am and 3pm.</li> <li>Façade design incorporates adequate shading control.</li> </ul> <p>Refer to discussion in <b>Section 6.4</b>. It is considered that solar and daylight access has been maximised given the constraints of the site and the overshadowing caused by surrounding buildings.</p> <p>Shading and glare control is considered appropriate given the limited solar access and as the proposal meets relevant requirements of the BASIX certificate.</p>	no
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### 4B Natural Ventilation

<ul style="list-style-type: none"> <li>At least 60% of apartments in the first 9 storeys are naturally cross ventilated</li> <li>Overall depth of a cross over or cross-through apartment is to not exceed 18 metres glass line to glass line</li> </ul>	<ul style="list-style-type: none"> <li>65% of apartments in the first 9 storeys will be naturally cross-ventilated.</li> <li>No cross-over apartments proposed.</li> </ul>	yes
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### 4C Ceiling Heights

<p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <ul style="list-style-type: none"> <li>Habitable rooms 2.7 m</li> <li>Non-habitable rooms 2.4 m.</li> <li>Ground and first floor 3.3m</li> </ul>	<ul style="list-style-type: none"> <li>All habitable rooms have a minimum ceiling height of 2.7m.</li> <li>All non-habitable rooms have a minimum ceiling height of 2.4m</li> <li>Ground floor residential entry has generous ceiling exceeding 3.3m</li> </ul>	yes
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- First floor commercial premises have a ceiling height exceeding 3.3m

#### 4D Apartment Size and Layout

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| <ul style="list-style-type: none"> <li>• Minimum apartment sizes           <ul style="list-style-type: none"> <li>○ Studio 35 m<sup>2</sup></li> <li>○ 1 bedroom 50 m<sup>2</sup></li> <li>○ 2 bedroom 70 m<sup>2</sup></li> <li>○ 3 bedroom 90 m<sup>2</sup>.</li> </ul> </li> <li>• The above requirements increase by 5m<sup>2</sup> for each additional bathroom provided</li> <li>• Every habitable room must have a window in an external wall with a total glass area of not less than 10% of the floor area. Daylight and air may not be borrowed from other rooms.</li> <li>• Habitable room depths are limited to 2.5 x the ceiling height.</li> <li>• In open plan layouts the maximum habitable room depth is 8m from a window.</li> <li>• Master bedroom have a minimum area of 10 m<sup>2</sup> and other bedrooms have 9 m<sup>2</sup>.</li> <li>• Bedrooms have a minimum dimension of 3m (excluding wardrobes).</li> <li>• Living rooms have a minimum width of:           <ul style="list-style-type: none"> <li>○ 3.6 m for studio and one bed</li> <li>○ 4 m for 2 and 3 bed.</li> </ul> </li> <li>• The width of cross-over or cross-through apartments are at least 4m internally.</li> </ul> | <ul style="list-style-type: none"> <li>• Most apartments comply with the minimum required internal areas. 21 of 234 units (the north-western unit on levels 14 to 34) would fall short by 3m<sup>2</sup> (being 72m<sup>2</sup> instead of 75m<sup>2</sup>) but benefit from excellent solar access, outlook, and ventilation having a triple aspect</li> <li>• All habitable rooms have windows which represent more than 10% of the area of the room), although some rooms rely on the common boundary windows (discussed in <b>Section 6.4</b>)</li> <li>• All apartments comply with the 8m to window guidance.</li> <li>• All apartments comply with the minimum ADG bedroom sizes and minimum ADG living room widths</li> </ul> | <p>partial</p> <p>yes</p> <p>yes</p> <p>yes</p> |
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#### 4E Private Open Space and Balconies

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| <ul style="list-style-type: none"> <li>• Primary balconies are provided to all apartments providing for:           <ul style="list-style-type: none"> <li>○ Studio apartments - minimum area of 4m<sup>2</sup></li> <li>○ 1-bedroom - minimum area of 8 m<sup>2</sup> and a minimum depth of 2m</li> <li>○ 2-bedroom - minimum area 10m<sup>2</sup> and a minimum depth of 2m</li> <li>○ 3-bedroom - minimum area 12m<sup>2</sup> and minimum depth 2.5m.</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>• Most balconies satisfy ADG requirements.</li> <li>• 54 out of the 234 apartments would not meet the minimum recommendations of the ADG for balcony size, being either 6m<sup>2</sup> for a 1 bedroom apartment or 7m<sup>2</sup> for a 2 bedroom apartment. The reduced in balcony size is considered acceptable as it would improve amenity outcomes for adjacent development: refer to discussion in <b>Sections 6.3 and 6.4.</b></li> </ul> | <p>partial</p> |
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#### 4F Common Circulation Space

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| <ul style="list-style-type: none"> <li>• Maximum 8 apartments off a circulation core.</li> </ul> | <ul style="list-style-type: none"> <li>• Generally, complies but some lower levels have 9 apartments</li> <li>• Average of 78 units to a lift.</li> </ul> | <p>partial</p> <p>no</p> |
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<ul style="list-style-type: none"> <li>For buildings 10 storeys and over the maximum number of units to a lift is 40</li> </ul>	<ul style="list-style-type: none"> <li>The variations are considered acceptable: Refer to discussion in <b>Section 6.4.</b></li> </ul>	
<b>4G Storage</b>		
<ul style="list-style-type: none"> <li>Studios 4m<sup>3</sup>.</li> <li>1 bedroom 6m<sup>3</sup>.</li> <li>2 bedroom 8m<sup>3</sup>.</li> <li>3 bedroom 10m<sup>3</sup>.</li> </ul> <p>In addition to kitchens, bathrooms and bedrooms</p> <ul style="list-style-type: none"> <li>At least 50% of the required storage is to be provided within the apartment</li> </ul>	<ul style="list-style-type: none"> <li>Apartments are provided with storage as required by the ADG.</li> </ul>	yes
<b>4H Acoustic Privacy and 4J Noise and Pollution</b>		
<ul style="list-style-type: none"> <li>Noise transfer is minimised through the siting of buildings and building layout and minimises external noise and pollution.</li> <li>Noise impacts are mitigated through internal apartment layout and acoustic treatments.</li> </ul>	<ul style="list-style-type: none"> <li>Internal layouts and design are considered appropriate to minimise acoustic impacts</li> <li>Noise impacts to neighbours are considered in <b>Section 6.3</b> and subject to conditions, the proposal is not considered likely to result in adverse acoustic outcomes.</li> </ul>	yes
<b>4K Apartment Mix</b>		
<ul style="list-style-type: none"> <li>Provision of a range of apartment types and sizes.</li> <li>Apartment mix is distributed to suitable locations within the building.</li> </ul>	<ul style="list-style-type: none"> <li>The proposal includes a range of apartment sizes including one bedroom, two bedroom and three bedroom apartments</li> <li>The Apartment mix is distributed throughout the development.</li> </ul>	yes
<b>4M Facades</b>		
<ul style="list-style-type: none"> <li>Building facades provide visual interest along the street while respecting the character of the local area.</li> <li>Building functions are expressed by the façade.</li> </ul>	<ul style="list-style-type: none"> <li>The proposal will achieve a high standard of architectural design and will positively contribute to the character of the area.</li> <li>Facade design is further discussed in <b>Sections 6.2</b> and <b>6.6</b></li> </ul>	yes
<b>4N Roof Design</b>		
<ul style="list-style-type: none"> <li>Roof treatments are integrated into the building design</li> <li>Opportunities to use roof space for residential accommodation or open space are maximised</li> <li>Roof design incorporates sustainability features.</li> </ul>	<ul style="list-style-type: none"> <li>Roof treatments integrate with the building design.</li> <li>Communal space including open space is provided at roof level</li> <li>Photovoltaic arrays are provided on the roof</li> </ul>	yes
<b>4P Planting on structures</b>		
<ul style="list-style-type: none"> <li>Appropriate soil profiles are provided</li> <li>Plant growth is optimised with appropriate selection and maintenance</li> </ul>	<ul style="list-style-type: none"> <li>Raised planters are included to provide soil depth for planting of trees, shrubs and ground covers.</li> </ul>	yes



- Contributes to the quality and amenity of the open space.

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#### 4Q Universal design

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| <ul style="list-style-type: none"> <li>• Universal design features are included in apartment design to promote flexible housing for all community members (Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guidelines silver level universal design features).</li> <li>• A variety of apartments with adaptable designs are provided.</li> <li>• Apartment layouts are flexible and accommodate a range of lifestyle needs.</li> </ul> | <ul style="list-style-type: none"> <li>• 20% of apartments will meet silver level universal design.</li> <li>• The proposal is capable of complying with the other requirements for universal and adaptable design, as all apartments are of a size and layout that allows for flexible use and design and therefore can accommodate a range of lifestyle needs.</li> </ul> | yes |
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#### 4S Mixed Use

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| <ul style="list-style-type: none"> <li>• Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.</li> <li>• Residential levels are integrated within the development, and safety and amenity is maximised for residents.</li> </ul> | <ul style="list-style-type: none"> <li>• In conjunction with the CSSI Station Approval, the proposal provides a mixed use development with active street frontages.</li> <li>• Residential levels are integrated within the development and separate secure entry is provided for residents.</li> </ul> | yes |
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#### 4T Awnings and Signage

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <ul style="list-style-type: none"> <li>• Awnings are well located and complement and integrate with the building design</li> <li>• Signage responds to context and desired streetscape character.</li> </ul> | <ul style="list-style-type: none"> <li>• The OSD entry awning is discussed in <b>Section 6.5</b> and is found to be complementary to its context</li> <li>• As discussed in <b>Section 6.8</b>, a proposed above awning signage zone is not supported as part of this DA as insufficient information is provided to make an assessment of streetscape impacts.</li> </ul> | yes<br><br>no |
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#### 4U Energy Efficiency

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| <ul style="list-style-type: none"> <li>• Development incorporates passive environmental design.</li> <li>• Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.</li> <li>• Adequate natural ventilation minimises the need for mechanical ventilation.</li> </ul> | <ul style="list-style-type: none"> <li>• The Department considers the proposal is acceptable as it is supported by a BASIX Certificate, and ESD assessment demonstrating relevant requirements are satisfied.</li> <li>• The buildings and their individual apartments have been orientated to achieve maximum available solar access, and ventilation as discussed in 4A and 4B of this table.</li> </ul> | yes |
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#### 4V Water management and conservation

<ul style="list-style-type: none"> <li>• Potable water use is minimised.</li> <li>• Urban stormwater is treated on site before being discharged to receiving waters.</li> <li>• Flood management systems are integrated into site design.</li> </ul>	<ul style="list-style-type: none"> <li>• The development will meet BASIX water targets.</li> <li>• Urban stormwater will be treated</li> <li>• Floor levels are designed having regard to flood levels: refer to <b>Section 6.8</b></li> </ul>	yes
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#### **4W Waste management**

<ul style="list-style-type: none"> <li>• Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents</li> <li>• Domestic waste is minimised by providing convenient source separation and recycling.</li> </ul>	<ul style="list-style-type: none"> <li>• Waste management facilities are provided and accessible from the loading area via the good lift where they will not result in adverse impact.</li> <li>• Separate bins allow for normal residential waste to be sorted.</li> </ul>	yes
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### **Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

The land is within the Sydney Harbour Catchment. However, the only relevant matters for consideration are scenic quality and views to and from the Harbour. In response to these matters, the Department notes that the proposal is generally compliant with the envisaged scale, form and siting of the building envelope under the Concept Approval and has no adverse impact on views from the Harbour or views to the Harbour from publicly accessible vantage points.

### **Draft State Environmental Planning Policy (Environment) (draft Environment SEPP)**

The draft Environment SEPP proposes to consolidate seven existing SEPPs and SREPs including SREP (Sydney Harbour Catchment) 2005.

The proposal is consistent with the intended effect and provisions of the draft SEPP as there are no proposed changes to the content of SREP (Sydney Harbour Catchment) 2005 relating to the application.

### **Draft State Environmental Planning Policy (Housing Diversity) (draft SEPP Environment)**

There are current three separate SEPPs (the Seniors SEPP, the Affordable Rental Housing SEPP and SEPP 70) in place to facilitate the delivery of diverse housing types to meet the needs of the people of NSW. The draft SEPP (Housing Diversity) proposes to consolidate and update the Government's housing-related policies.

The draft SEPP (Housing Diversity) seeks to introduce new land use terms to help facilitate housing projects that will stimulate economic recovery. Build-to-rent (BTR) has been identified as an opportunity for stimulus, and the draft SEPP (Housing Diversity) establishes new provisions to support developments of this type.

The proposal is consistent with the intended effect and provisions of the draft SEPP, as the proposal will remain within single ownership and operated by a single management entity, including on-site management, the proposal complies with Council's minimum parking requirements and BTR is proposed to be a compulsory permitted use within the B8 – Metropolitan Centre zone. Further, the proposal has been assessed against the relevant provisions of SEPP 65 and the ADG.

## Sydney Local Environmental Plan 2012 (SLEP 2012)

An assessment of the proposal against the aims, objectives, standards and relevant provisions of SLEP 2012 is set out in the table below.

SLEP Clause	Relevant controls / criteria	Department's Assessment
1.2 – Aims of the Plan	<p>Relevant aims of the Plan include:</p> <ul style="list-style-type: none"> <li>reinforce the role of the City of Sydney as the primary centre for Metropolitan Sydney,</li> <li>promote ecologically sustainable development,</li> <li>encourage the growth and diversity of the residential population of the City of Sydney by providing for a range of appropriately located housing, including affordable housing,</li> <li>ensure that the pattern of land use and density in the City of Sydney reflects the existing and future capacity of the transport network and facilitates walking, cycling and the use of public transport,</li> <li>achieve a high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities,</li> <li>conserve the environmental heritage of the City of Sydney,</li> <li>protect, and to enhance the enjoyment of, the natural environment of the City of Sydney, its harbour setting and its recreation areas.</li> </ul>	<p>The proposal is in keeping with the aims of the SLEP 2012 in that</p> <ul style="list-style-type: none"> <li>the development and rejuvenation of the site will add to the development of the CBD and reinforce its role as the primary centre of Sydney</li> <li>the proposal promotes ESD through building design (5-6 star Green Star and NatHERS ratings) and by locating housing density above a major transport hub</li> <li>the proposal will enable growth of the residential population in an appropriate location with excellent access to transport and services</li> <li>as discussed in <b>Sections 6.5</b> and <b>6.6</b>, the proposed design exhibits design excellence, fits within the desired character of the area and does not result in unacceptable heritage outcomes</li> <li>The proposal has minimal and reasonable solar access and visual impacts on the surrounding natural environment, including Hyde Park (<b>Section 6.2</b>)</li> </ul>
2.3 – Land use zoning	<p>The site is within the B8 Metropolitan Centre. The objectives of the B8 Zone include the following relevant objectives:</p> <ul style="list-style-type: none"> <li>To provide opportunities for an intensity of land uses commensurate with Sydney's global status.</li> <li>To permit a diversity of compatible land uses</li> </ul>	<p>The proposal is permissible with consent and consistent with the objectives of the zone.</p>

	<p>characteristic of Sydney's global status and that serve the workforce, visitors and wider community</p> <ul style="list-style-type: none"> <li>To encourage the use of alternatives to private motor vehicles, such as public transport, walking or cycling.</li> </ul>																
4.3 – Height of buildings	N/A: Building Height is determined by the Concept Plan approval. The approved envelope was designed to comply with the applicable building height controls under SLEP.	The proposal complies with height controls set by the approved building envelope under the Concept Plan approval.															
4.4 – Floor Space Ratio	The subject site is subject to a maximum FSR of 8:1 under the clause	Additional floorspace is also permitted under separate clauses: refer to discussion below in relation to Clause 6.4 and 6.11.															
5.6 – Architectural roof features	Development consent can be granted to development that includes an architectural roof feature that exceeds the maximum height control	The proposed development does not include any architectural roof features which project above the approved building envelope height															
5.10 – Heritage conservation	<p>The consent authority must consider the effect of the proposed development on the heritage significance of a heritage item or conservation area.</p> <p>The consent authority may require a heritage assessment before granting consent to any development on land that is within the vicinity of a heritage item or conservation area.</p>	<p>The site is adjacent to a number of local heritage items including the Edinburgh Castle Hotel and the Metropolitan Fire Brigade. The proposal would also affect Hyde Park and is opposite the former Sydney Water Office Building, both of which are listed State heritage items.</p> <p>A Heritage Impact Assessment has been lodged and the Department has considered this assessment and the views of the NSW Heritage Council in its assessment of the application: refer to <b>Section 6.5</b>.</p>															
6.4 – Accommodation Floor Space	In addition to the 8:1 FSR permitted by clause 4.4, the proposal is eligible for additional floor space equivalent to 4.5:1 for commercial premises and 6:1 for residential accommodation, adjusted according to the proportion of each land use on the site.	<p>Including commercial floor space within the SSI approved metro station, this equates to a maximum permissible floor space of 23,595 m<sup>2</sup> calculated as follows:</p> <table border="1"> <thead> <tr> <th>FSR Control</th> <th>Proportion</th> <th>Allowable GFA</th> </tr> </thead> <tbody> <tr> <td>Base FSR 8:1</td> <td>100% of site area:1710 m<sup>2</sup></td> <td>13,680 m<sup>2</sup></td> </tr> <tr> <td>Retail: 4.5:1</td> <td>3.02% of GFA / site area</td> <td>232 m<sup>2</sup></td> </tr> <tr> <td>Residential 6:1</td> <td>94.38% of GFA / site area</td> <td>9,638 m<sup>2</sup></td> </tr> <tr> <td colspan="2"></td> <td><b>23,595m<sup>2</sup></b></td> </tr> </tbody> </table> <p>The proposal includes a GFA 21,995m<sup>2</sup>. The Applicant advises the SSI approved station would have a GFA of 588m<sup>2</sup>, resulting in a total GFA of 22,583m<sup>2</sup> and therefore complies with the maximum permitted floor space on the site.</p>	FSR Control	Proportion	Allowable GFA	Base FSR 8:1	100% of site area:1710 m <sup>2</sup>	13,680 m <sup>2</sup>	Retail: 4.5:1	3.02% of GFA / site area	232 m <sup>2</sup>	Residential 6:1	94.38% of GFA / site area	9,638 m <sup>2</sup>			<b>23,595m<sup>2</sup></b>
FSR Control	Proportion	Allowable GFA															
Base FSR 8:1	100% of site area:1710 m <sup>2</sup>	13,680 m <sup>2</sup>															
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Residential 6:1	94.38% of GFA / site area	9,638 m <sup>2</sup>															
		<b>23,595m<sup>2</sup></b>															

6.10 & 6.11– Heritage Floor Space	Heritage floor space must be allocated to the site equal to 50% of all additional floorspace achieved as accommodation floorspace under Clause 6.4	The proposal relies on 8,902.6m <sup>2</sup> of accommodation floor space under Clause 6.4 and therefore 4,451m <sup>2</sup> of heritage floor space (HFS) must be allocated to the site.  This relies on the Applicant purchasing 4,451m <sup>2</sup> of HFS from a seller of HFS registered with the City of Sydney. The Applicant advises it has not yet secured purchase of the required HFS, but it would accept a standard condition requiring the purchase and transfer of HFS in accordance with the usual requirements of the City of Sydney. A condition has therefore been recommended.
6.16 – Erection of tall Buildings in Central Sydney	This clause sets out matters for consideration for buildings greater than 55m in height on sites smaller than 800m <sup>2</sup> . The objectives of the clause are to ensure tower development: <ul style="list-style-type: none"> <li>• provides amenity for occupants of the tower and neighbouring buildings,</li> <li>• does not adversely affect the amenity of public places,</li> <li>• is compatible with its context,</li> <li>• provides for sunlight to reach the sides and rear of the tower,</li> <li>• promotes the ventilation by allowing the free movement of air around towers,</li> <li>• encourages uses with active street frontages.</li> </ul>	The site is greater than 800m <sup>2</sup> so the matters for consideration do not apply.  Nevertheless, the proposal is consistent with the objectives of the clause as the development provides appropriate amenity for occupants and neighbours including sunlight and ventilation (refer to <b>Sections 6.3 and 6.4</b> ), does not result in unacceptable impacts to the amenity of public places ( <b>Section 6.2</b> ), and is compatible with its context ( <b>Section 6.2</b> ).
6.17 – Sun Access Plane	The consent authority must not grant development consent to development on land if the development will result in any building on the land projecting higher than any part of a sun access plane taken to extend over the land under this clause.	The proposal complies with the sun access plane that applies to the site.
6.21 – Design Excellence	Consent must not be granted unless the proposal exhibits design excellence. Matters for consideration: (a) design, materials and detailing appropriate to building type and location,	The proposal is considered to exhibit design excellence as discussed in Section 6.6 having regard to the matters for consideration as follows:  (a) the proposed new buildings exhibit a high-quality architectural design that incorporates materials and detailing appropriate for a contemporary residential tower and suitable to its location and integration with the CSSI



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(b) external appearance and impact on public domain,	station approval and retained adjoining heritage buildings.
(c) impacts on view corridors,	(b) the building presents a high-quality design to the public domain including at its interface with Bathurst Street and Pitt Street where the proposal is designed to integrate with the station development and promote activation. The site's public domain is also subject to the Station Design Precinct Plan (Condition E101 of CSSI 7400) of the separate infrastructure approval (CSSI 7400) for the Metro Station. (c) Refer to discussion in <b>Sections 6.2</b> and <b>6.3</b> . The Department's assessment concludes the proposal will have acceptable view impacts consistent with the approved Concept Plan.
(d) the following matters: (i) the suitability of the land for development, (ii) the existing and proposed uses and use mix, (iii) heritage issues and streetscape constraints,	(d) (i) (ii) Being zoned to permit residential and retail uses and previously identified under the Concept approval as appropriate, the land is suitable for the proposed residential tower and retail development (iii) Heritage and streetscape issues are considered in <b>Section 6.5</b> and the Department is satisfied the proposal responds appropriately to the heritage values of the adjacent sites and will not result in any adverse streetscape or heritage character impacts.
(iv) location of any tower and relationship with other towers	(iv) the location of the tower and its separation from adjoining towers is considered in detail in <b>Sections 6.2</b> and <b>6.3</b> and the Department is satisfied the tower will achieve acceptable building separation consistent with the outcomes envisaged by the approved Concept Plan building envelope
(v) bulk, massing, modulation of buildings, (vi) street frontage heights,	(v) (vi) The location, bulk, massing of the building and height at the street frontage is considered appropriate and consistent with the Concept approval. The building also incorporates appropriate modulation to provide visual interest and respect heritage values of surrounding sites (refer to <b>Sections 6.2</b> and <b>6.5</b> ).
(vii) impacts, including solar access, shadowing, sustainable design, privacy, noise, wind and reflectivity,	(vii) Impacts are considered throughout the assessment. Subject to conditions to reduce opportunities for overlooking, the proposal is not considered to result in any unacceptable environmental impacts beyond those envisaged by the Concept Plan approval.
(viii) ecologically sustainable development,	(viii) Refer to discussion above in this Appendix: the development proposes ESD initiatives and sustainability measures in accordance with the Concept Approval.
(ix) access, circulation, pedestrian network	(ix) The proposal does not affect public access and circulation around and through the site, which is established by the CSSI Station Approval. Consideration has been given to access through the loading dock and associated safety for cyclists in <b>Section 6.7</b> .
(x) impact on /improvements to public domain	(x) Refer to (b) above.

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	<p>(xi) special character areas (xii) ground level interface between the building and the public domain,  (xiii) excellence and integration of landscape design.</p> <p>A competitive design process is required the development unless the consent authority is satisfied that such a process would be unreasonable or unnecessary in the circumstances</p>	<p>(xi) The site is not in a special character area. (xii), The ground level interface is appropriate. Glazed façades at the ground level to OSD entrances express the internal activities and assist with activating the facade. (xiii) podium landscape design is considered to appropriately integrate with the design of the building and provide a pleasant outlook and amenity for future occupants and neighbours.</p> <p>The need for a competitive design process was considered in the assessment of the Concept Plan. The Department concluded a competitive design process would be unreasonable or unnecessary for a range of reasons, including that Sydney Metro's Design Excellence Strategy includes a process for competitive selection in place of a competitive design, and due to the complexity and technical expertise required for over station development, the proposal is not conducive to a design competition.</p>
<p>7.15 Flood Planning</p>	<p>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:</p> <ul style="list-style-type: none"> <li>• is compatible with the flood hazard of the land, and</li> <li>• is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</li> <li>• incorporates appropriate measures to manage risk to life from flood, and</li> <li>• is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</li> <li>• is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</li> </ul>	<p>Flood impacts and mitigation, including ground level floor levels and changes to footpath design, were determined as part of the SSI approval.</p> <p>A Flooding and Stormwater Management Plan was submitted as part of this application and includes consideration of ground floor levels at the entrances to the OSD components. The Department has considered the flooding in <b>Section 6.8</b> and is satisfied the proposal is compatible with the flood hazard and would not result in unacceptable flooding risk.</p>

7.16 – Air Space Operations	The consent authority must not grant development consent for the development, if the relevant Commonwealth body advises that the development will penetrate the Limitation or Operations Surface and should not be constructed.	Sydney Airport advises it grants approval for construction of the building within prescribed airspace to a maximum height of RL 171 AHD, subject to conditions in relation to notifications to Airservices Australia, separate approval for construction cranes and certification of building height following construction.
7.20 – Development requiring or authorising preparation of a development control plan	Development consent must not be granted to development in Central Sydney for a site of more than 1,500m <sup>2</sup> or height greater than 55 metres unless a development control plan has been prepared for the land. A CP is not required if the consent authority is satisfied that such a plan would be unnecessary.	Section 83C of the EP&A Act provides that this obligation is satisfied by a staged development application. The approval of the Concept Plan for the site which sets the building envelope and the matters to be considered as part of the detailed application, therefore satisfies this requirement. The Design Quality Guidelines (considered below) also serve the same function as a DCP.

### Pitt Street South Over Station Development Design Quality Guidelines

The Guidelines were created to guide the design of development on the site. The Guidelines were updated in June 2019 and approved by the Department in August 2019 in satisfaction of condition A24 of the Concept Approval. Condition B1 provides that future applications shall address compliance with the Design Guidelines. The Applicant's EIS and Design Integrity Report provides a comprehensive assessment of the proposal against the guidelines. The following provides a summary assessment against the key guidelines applicable to this OSD proposal.

Relevant Design Quality Guideline	Department's Assessment
Recognition of the contextual relationship with surrounding heritage listed items	The proposal has been designed to respond to its context, including integration with the CSSD Station development, adjacent items and the character of this part of the CBD.
Integration of the over station design to enhance podium articulation and improve legibility of the station entrance	The proposal includes podium façade materials which distinguish the OSD entrance and adds to the articulation the podium. The proposal does not affect the station entrance which has been designed to be highly legible.
Creating a built form transition between Greenland Tower and other adjacent developments, particularly Telstra Building (320 Pitt Street) and 116 Bathurst Street	The stepped form of the upper building elements assists in creating the building scale transition
Maximising solar access to the public domain, through  a) Design and articulation of the built form above the podium to ensure no additional overshadowing to Hyde Park on June 21st, between 12pm and 2pm	The proposal does not result in any shadowing of Hyde Park between 12.00 and 2.00 at any time of the year and does not result in impact to surrounding pedestrian environments beyond those envisaged by the Concept Plan approval.

b) Creation of opportunities to protect solar access to surrounding pedestrian environments.	
c) Maximise solar access between 12 noon - 2pm throughout other times of the year	
Optimising views from the development to Hyde Park and Sydney Harbour	Proposed apartments are oriented to take advantage of views to Hyde Park and Sydney Harbour.
Consideration of privacy implications to surrounding residential buildings, including the Princeton Apartments and 135-137 Bathurst Street	The design also seeks to minimise privacy impacts to neighbours as discussed in <b>Section 6.3</b>
Maximise sunlight access and views for adjoining and surrounding properties	Sunlight Access and view impact to neighbouring premises are considered acceptable and consistent with impacts envisaged by the Concept Plan Approval as discussed in <b>Section 6.3</b> .
Street setbacks above the podium (RL 71) of:	The proposal complies with the 4 metre setback to Bathurst Street
a) a minimum 4 metres to Bathurst Street.	Setbacks to Pitt Street encroach beyond the setbacks approved by the Concept Plan and although the elevation includes articulation on the Pitt Street facade, the proposal does not include setbacks on this elevation to improve solar access outcomes to living rooms on the adjoining site. Nevertheless, the proposal includes other measures to improve solar access outcomes and therefore the intention of the guidelines is achieved. Refer to discussion in <b>Section 6.3</b> .
b) a varied setback be provided from Pitt Street to align with setbacks for the Princeton Apartments.	Setbacks generally align with the setback of the Princeton Apartments.
c) articulation of built forms from the Pitt Street boundary of the site should be designed to maximise solar access to the living rooms of Princeton Apartments between 9am-3pm at winter solstice	
Use of materials that reflect the function of elements above the podium, distinguishing them from the surrounding context and providing a simple design resolution within the city skyline	Façade design incorporates a variety of materials, colours and textures and responds to its context. The Design Review Panel has confirmed its support of the façade design, subject to the amendments made in the updated RtS.
Provision of landscaping throughout the design, laying spaces of relief and referencing landscaping of the precinct	The proposed landscape strategy incorporates landscaping on 3 levels to enhance the design and amenity of the proposal.
Achievement of SEPP 65 & ADG requirements	Consideration of SEPP 65 and the ADG is outlined above. Variations from the ADG design criteria are considered acceptable as the objectives of the ADG are achieved as discussed in <b>Section 6.3</b> .
Design and articulation of roof forms must consider retention of view to St Mary's Cathedral from Century Tower	Consideration has been given to views of St Marys Cathedral from Century Tower. The proposed stepping in building massing at the upper levels results in some improved view outcomes for occupants of Century Towner compared the approved Concept Plan envelope. Refer to <b>Section 6.4</b> .
Side and rear setback above the podium of:	Complies with and exceeds the 3 m continuous eastern boundary setback requirement.
a) a minimum 3m continuous setback to the eastern boundary	A small encroachment into the 12 metre setback is discussed in <b>Section 6.3</b> and is considered to be acceptable as it would result in no discernible impacts to the neighbours.
b) a minimum 12 metres above the podium with permitted reduction to	The structural reservation zone and therefore the extent of building massing in close proximity to the

minimum 3 metres within the structure reservation zone in accordance with Condition A17 for essential structural support and service to integrate the over station development with the station below. Alternative options must be considered before any built form is proposed within the structure reservation zone. Any structure or built forms within the structure reservation zone must be designed to minimise its impacts to the outlook and amenity of the adjoining Princeton Apartments

Princeton Apartments has been significantly reduced in size and therefore results in improved outcomes for neighbours amenity compared to the Concept Plan as approved. Refer to discussion in **Section 6.3**.

## Appendix D – Consistency with Concept Approval

Concept Approval	Department’s Assessment
<b>Building Envelopes and Maximum Height</b>	
A15. Future development application(s) for the development must demonstrate that the building is contained within the building envelopes consistent with the plans listed in Condition A2 and as modified by this consent.	The SSD application was accompanied by a section 4.55(2) modification application seeking to permit encroachments beyond the approved building envelope for the purposes of architectural embellishments and balustrade Res. The SSD application complies with Condition A15, as proposed to be amended.
A16. Building height is to be measured in accordance with the definition under Sydney Local Environmental Plan 2012.	The SSD application complies with the minimum 3 metre eastern boundary setback requirement.
A17. The minimum setback to the east/rear of the site for the OSD is to be a minimum of 3 metres above podium (RL 71) to provide additional solar access to Princeton Apartments as modelled in the RtS Supplementary Overshadowing Impact Sensitivity Analysis Report as Option 2.	The SSD application includes no development in the structural reservation zone other than part of a planter box. The minor encroachment of part of a planter box, allows for plantings that would improve amenity outcomes for the adjoining premises. The Department is therefore satisfied that the intention of Condition B3(d) and the Design Guidelines has been achieved and is acceptable.
A18. The structure reservation zone is identified on the plan titled structure reservation zone dated 3 May 2019. The zone cannot be used for any Gross Floor Area (as defined under Sydney Local Environmental Plan 2012) and must be reserved for essential structural support and services to integrate the OSD and the approved station under separate consent CSSI 7400.	
<b>Maximum Car Parking</b>	
A19. The maximum number of car parking spaces for the Over Station Development is 34 spaces	The SSD application does not propose any car parking spaces for the OSD.
<b>Built Form and Urban Design</b>	
B1. The detailed development application(s) shall address compliance with:	The SSD application was accompanied by a Design Integrity Report and Urban Design Report, which addressed the Design Guidelines and advice provided by the Sydney Metro Design Review Panel.
(a) the Design Guidelines as endorsed by the Planning Secretary pursuant to Condition A24 and A25	



<p>(b) the Design Excellence Strategy as endorsed by the Planning Secretary pursuant to condition A26, including the advice of the Sydney Metro Design Review Panel, the Pitt Street South Design Excellence Evaluation Panel as contained within the Design Excellence Report and State Design Review Panel (or approved alternative under Condition A26).</p>	
<p>B3. The detailed development application shall address the following built form considerations:</p> <p>(a) integration with the approved Metro station</p> <p>(b) identify the need for any necessary easement to maintain light and ventilation if windows are proposed on the common boundary with the Edinburgh Castle Hotel (294 – 294B Pitt Street, Sydney)</p> <p>(c) consider any potential amenity impacts to the rear facing residential apartments of Euro Tower (135-137 Bathurst Street)</p> <p>(d) the structure reservation zone is only to be used for non-gross floor area (including structural supports and plants/services relating to the integration with the approved station), alternative options should be considered before built form is proposed in the zone. Any structure or built forms within the structure reservation zone must be designed to minimise its impacts to the outlook and amenity of the adjoining Princeton Apartments</p> <p>(e) a varied setback from the Pitt Street boundary of the site, with the articulation of built forms be designed to minimise solar impacts to the living rooms of Princeton Apartments</p> <p>(f) the selection of materials is to be complementary to the existing development context and respectful of heritage items in the site's vicinity</p> <p>(g) articulation of roof forms must consider opportunity to retain view to St Mary's Cathedral from Century Tower (343 - 357 Pitt Street, Sydney)</p> <p>(h) for a residential scheme, achieve compliance with the requirements of State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development and the accompanying Apartment Design Guide</p> <p>(i) wind mitigation measures arising from compliance with Condition B11 below.</p>	<p>The SSD application was accompanied by an Urban Design Report which illustrated how the proposed OSD integrates with the approved Metro box.</p> <p>A condition has been recommended ensuring the necessary provisions are in place to maintain light and ventilation should the Edinburgh Castle Hotel site be redeveloped (see <b>Section 6.4.6</b>)</p> <p>The Department considers the impacts on Euro Tower are acceptable (see <b>Section 6.8</b>).</p> <p>The SSD application includes no development in the structural reservation zone other than part of a planter box. The minor encroachment of part of a planter box, allows for plantings that would improve amenity outcomes for the adjoining premises. The Department is therefore satisfied that the intention of Condition B3(d) and the Design Guidelines has been achieved and is acceptable (see <b>Section 6.2.2</b>).</p> <p>The SSD application proposes an alternative solution for minimising solar impacts to Princeton Apartments in lieu of a varied setback to Pitt Street (see <b>Section 6.3.3</b>)</p> <p>The Department considers the use of materials and finishes complement the surrounding heritage items and are appropriate for context of the site.</p> <p>The Applicant's RtS included a view impact assessment from Century Tower (see <b>Section 6.2.3</b>) The Department is satisfied the proposal would not result in any adverse view impacts beyond those anticipated by the Concept Approval.</p> <p>The Department has undertaken a detailed assessment of the proposal against the relevant design criteria and objectives of the ADG (see <b>Section 6</b>) and considers the proposal is acceptable having regard to the context and the envisaged development potential of the site.</p> <p>The SSD application was accompanied by a Wind Assessment, prepared by CPP,</p>

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which concluded the proposal would not have any unreasonable impacts on the amenity of the surrounding public domain, adjoining development or proposed dwellings subject to appropriate mitigation measures.

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### Design Review Panel

- B4. Prior to the lodgement of any Detailed Development Application, the Applicant is to submit a Design Integrity Report (DIR), to the satisfaction of the Planning Secretary, that demonstrates how design excellence and design integrity will be achieved in accordance with:
- (a) the design objectives of the Concept Development Application;
  - (b) consistency with the approved Design Guidelines as amended by Condition A24;
  - (c) the DEEP's Design Excellence Report;
  - (d) the advice of State Design Review Panel (or approved alternative under Condition A26); and
  - (e) the conditions of this consent.
- B5. The Design Integrity Report (DIR) as required by Condition B4 must include a summary of feedback provided by SDRP (or alternative approved in accordance with Condition A26) and responses by the Applicant to this advice. The DIR shall also include how the process will be implemented through to completion of the approved development.

The SSD application was accompanied by a Design Integrity Report, which was subsequently amended by the RtS.

The Design Integrity Report adequately addressed the matters for consideration under Condition B4.

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### LAND USE

- B6. Future detailed development application(s) for the over station development must identify the proposed land use scheme being either a residential development or a commercial development (one or the other, not both).

The SSD application seeks approval for a residential scheme.

The application was also accompanied by a section 4.55(2) modification application seeking to permit a food and drink premises within the Metro station box, associated with the operation of the residential development.

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### HERITAGE IMPACT ASSESSMENT

- B7. Future detailed development applications must:
- (a) seek to mitigate impacts of the vertical street walls above the Edinburgh Castle Hotel at 294 - 294B Pitt Street where the building footprint above the podium wraps around the building. Materiality and façade articulation of the podium should respond to the heritage item.

The SSD application was accompanied by an Urban Design Report which illustrated the interface with Edinburgh Castle Hotel. In addition, the Design Integrity Report outlined the design process which led to the proposed interface with the Edinburgh Castle Hotel.

Further, the SSD application was accompanied by Heritage Impact Statement and Heritage Interpretation Strategy,

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| <p>(b) demonstrate how the height of the podium responds to the adjacent locally heritage listed Edinburgh Castle Hotel.</p>                                                                                                                                                                                                                                                                                       | <p>consistent with the requirements of Condition B8.</p> |
| <p>B8. Future detailed development application(s) shall include a detailed Heritage Impact Assessment and a Heritage Interpretation Strategy for the proposed works, prepared in consultation with the Heritage Council of NSW and City of Sydney Council. The Heritage Impact Assessment must address the recommendations of the concept stage Heritage Impact Statement dated August 2018 prepared by Urbis.</p> |                                                          |

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## ENVIRONMENTAL PERFORMANCE / ESD

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| <p>B9. Future detailed development application(s) must demonstrate how the principles of ecologically sustainable development (ESD) have been incorporated into the design, construction and ongoing operation of the proposal. The ESD credentials of the detailed development application shall be in accordance with the framework, targets and visions of the ESD Report lodged with the EIS prepared by GHD (August 2018) and updated Addendum report dated 2 November 2018.</p> | <p>The SSD application was accompanied by an ESD report, prepared by Cundall, demonstrating the proposal would achieve a 5 star Green Star rating.</p> <p>The SSD application was also accompanied by a BASIX Certificate, consistent with the requirements of Condition B10.</p> |
| <p>B10. For future detailed development application(s) the proposed minimum performance targets for environmental performance are:</p>                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                   |
| <p>(a) If the entire site is a residential building:</p>                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                   |
| <p>(i) Achieve minimum BASIX 30 Energy; and,</p>                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                   |
| <p>(ii) Exceed minimum compliance with BASIX Water.</p>                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                   |
| <p>(b) If the entire site is a commercial / office building:</p>                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                   |
| <p>(i) 5 Star NABERS Energy; and,</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                   |
| <p>(ii) 3.5 Star NABERS Water.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                   |
| <p>(c) Green Star ratings:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                   |
| <p>(i) If the building is predominantly residential, then 5 Star Green Star; or,</p>                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                   |
| <p>(ii) If the building is predominantly office / commercial, then 5 Star Green Star.</p>                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                   |

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## WIND IMPACTS

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| <p>B11. The detailed development application shall be accompanied by a Wind Impact Assessment including computer modelling of the detailed building form. Compliance shall be demonstrated with the Lawson wind comfort criteria through the incorporation of mitigation measures within the detailed design.</p> | <p>The SSD application was accompanied by a Wind Assessment, prepared by CPP, which concluded the proposal would not have any unreasonable impacts on the amenity of the surrounding public domain, adjoining development or proposed dwellings subject to appropriate mitigation measures.</p> |
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## SECURITY AND CRIME ASSESSMENT

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| <p>B12. Future detailed development application(s) shall be accompanied by a Security and Crime Risk Assessment prepared in consultation with NSW Police having regard to NSW Police publication "Safe Places" Vehicle Management: A comprehensive guide for owners, operators and designers" and Crime Prevention Through Environmental Design (CPTED) principles.</p> | <p>The SSD application was accompanied by a CPTED report, prepared by Integral, consistent with the requirements of Condition B12.</p> |
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## FIRE AND RESCUE ASSESSMENT

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| <p>B13. Future detailed development application(s) shall be accompanied by a draft Fire and Rescue Assessment / Engineering Brief for the OSD prepared in consultation with Fire and Rescue NSW providing relevant details of:</p> <ul style="list-style-type: none"><li>(a) The various sectors within the Pitt Street South Metro site served by independent fire systems (such as the OSD, the underground and aboveground metro sector, etc)</li><li>(b) Fire engineering analysis of the pedestrian connection interfaces between the sectors and the sectors themselves, having regard to emergency occupant egress, fire and smoke compartmentation, smoke hazard management and firefighting intervention</li><li>(c) Adequacy of fire and life safety systems within the Pitt Street South Metro site in relation to the fire hazards of the Sydney Metro</li><li>(d) Design of fire hydrant systems for OSD elements that exceed 135m</li><li>(e) Future consultation to be undertaken with Fire and Rescue NSW in respect of the final design and construction of the OSD and operational compatibility of the Pitt Street South Metro site's proposed fire and life safety systems.</li></ul> | <p>The SSD application was accompanied by a Fire Engineering Review, prepared by Warrington Fire, which demonstrates the incorporation of fire safety measures and confirms that subject to detailed design, the proposal will be able to meet the relevant performance requirements of the BCA / National Construction Code.</p> <p>The Application was referred to Fire NSW who raised no concerns with the proposal.</p> |
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## CONSTRUCTION IMPACT ASSESSMENT

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| <p>B14. Future detailed development application(s) shall provide analysis and assessment of the impacts of construction and include:</p> <ul style="list-style-type: none"><li>(a) Construction Traffic Management Plan as per condition B17(b)</li><li>(b) Cumulative Construction Impact Assessment (i.e. arising from concurrent construction activity)</li><li>(c) Noise and Vibration Impact Assessment</li><li>(d) Community Consultation and Engagement Plans</li><li>(e) Construction Waste Management Plan</li></ul> | <p>The SSD application was accompanied by a Construction Management Plan, prepared by CPB Contractors, which has given consideration to the construction impacts associated with the proposal including noise, vibration and traffic.</p> |
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(f) Air Quality Management Plan

The plans referred to above may be prepared as part of a Construction Environmental Management Plan prepared and implemented under the conditions of any consent granted by future development applications, having regard to the Construction Environmental Management Framework and Construction Noise and Vibration Strategy prepared for the Sydney Metro City and Southwest (CSSI 7400).

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**NOISE AND VIBRATION**

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| <p>B15. Future detailed development application(s) must demonstrate the following noise and vibration requirements consistent with the construction works at the site approved under CSSI 7400 can be met:</p> <ul style="list-style-type: none"><li>(a) vibration from construction activities does not exceed the vibration limits set out in the British Standard BS 7385-2:1993 Evaluation and measurement for vibration in buildings. Guide to damage levels from groundborne vibration.</li><li>(b) vibration testing has been conducted before and during vibration generating activities that have the potential to impact on heritage items to identify minimum working distances to prevent cosmetic damage. In the event that the vibration testing and monitoring shows that the preferred values for vibration are likely to be exceeded, the Applicant must review the construction methodology and, if necessary, propose additional mitigation measures.</li><li>(c) advice of a heritage specialist on methods and locations for installing equipment used for vibration, movement and noise monitoring of heritage-listed structures.</li></ul> | <p>The SSD application was accompanied by an Acoustic Report, prepared by Renzo Tonin and Associates, which satisfactorily addressed the requirements of the condition.</p> |
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**TRAFFIC, ACCESS AND CAR PARKING**

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| <p>B16. Future detailed development application(s) shall be accompanied by a Traffic and Transport Impact Assessment.</p> <p>B17. Future detailed development application(s) must include:</p> <ul style="list-style-type: none"><li>(a) Consideration of responsibilities, timing and commitments to the development of car share parking, motorcycle parking and preparation of travel plans</li><li>(b) Construction Traffic Management Plan (CTMP) prepared in consultation with the Sydney Coordination Office and the City of Sydney, and to the satisfaction of the relevant roads authorities. The CTMP shall include, but not be limited to:</li></ul> | <p>The SSD application was accompanied by a Transport and Accessibility Impact Assessment and Service Delivery Plan and Green Travel Plan, which satisfactorily address the requirements of Condition B16 – B18.</p> |
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- (i) haulage movement numbers I routes including contingency routing
  - (ii) detailed travel management strategy for construction vehicles including staff movements;
  - (iii) maintaining pedestrian and cyclist links I routes
  - (iv) independent road safety audits on construction-related traffic measures
  - (v) measures to account for any cumulative activities I work zones operating simultaneously.

B18. Independent road safety audits are to be undertaken for all stages of detailed design development involving road operations and traffic issues relevant to the OSD. Any issues identified by the audits shall be closed out in consultation with the Sydney Coordination Office and the City of Sydney to the satisfaction of the relevant road authorities.

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## UTILITIES

B19. Future detailed development application(s) shall address the existing capacity and any augmentation requirements of the development for the provision of utilities, including staging of infrastructure through the preparation of an infrastructure I utility management plan in consultation with relevant agencies and service providers.

The SSD application was accompanied by a Hydraulic Infrastructure Report, prepared by CJ Arms, which addressed the existing capacity and requirements of the development for the provision of utilities.

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## NOISE AND VIBRATION

B20. Future detailed development application(s) shall be accompanied by a Noise and Vibration Impact Assessment that identifies and provides a quantitative assessment of the main noise generating sources and activities during operation including consideration of noise and vibration impacts associated with commercial development above a train station. Details are to be included outlining any mitigation measures necessary to ensure the amenity of future sensitive land uses on the neighbouring sites are protected during the operation of the development.

The SSD application was accompanied by an Acoustic Report, prepared by Renzo Tonin and Associates, which identified and assessed the main noise generating sources and activities during operation, including consideration of noise and vibration impacts associated with development above the Metro station.

B21. The Noise and Vibration Impact Assessment must address the conclusions and recommendations of the concept stage Acoustic Report dated August 2018 prepared by GHD.

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## FLOODING AND STORMWATER

B22. Future detailed development application(s) shall be accompanied by a Flood Impact Assessment. The Flood Impact Assessment

The SSD application was accompanied by a Stormwater Management Plan, prepared by CJ Arms, which addressed stormwater

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must address the conclusions and recommendations of the concept stage Flooding and Stormwater Management Plan dated August 2018 prepared by GHD and provide the following:

- (a) Compliance with the City of Sydney's Interim Floodplain Management Policy including detailed reasoning for any non-compliances.
- (b) Detailed stormwater and drainage design documentation including overland flow assessment and maintenance.

and flooding impacts associated with the development of the site.

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## REFLECTIVITY

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B23. Future Development Application(s) shall include a Reflectivity Analysis demonstrating that the external treatments, materials and finishes of the development do not cause adverse or excessive glare.

The SSD application was accompanied by an External Reflectivity Assessment, prepared by Inhabit, which demonstrated the development can achieve compliance with a specular reflectance of 20% to the whole façade (100%) without causing adverse discomfort glare.

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## JUSTIFICATIONS FOR LAND USES

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B24. Future Development Application(s) shall include detailed description and analysis for either a commercial or a residential land use concept (not both) and justifications that the selected option is based on careful consideration of the benefits and potential impacts.

The Applicant undertook an analysis of feasible alternative developments for the site. Due to the layout and size of the floor plates, in addition to the current market forces, a commercial proposal was not deemed suitable for the site. The residential option was considered appropriate as the proposal aligns with the zoning objectives and adheres to the strategic vision for the site and surroundings. The proposal also promotes housing diversity and an alternative form of housing within the CBD.

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## Appendix E – Recommended Instrument of Consent/Approval

### SSD 8876 MOD 2 – Stage 1 modification application

<https://www.planningportal.nsw.gov.au/major-projects/project/34311>

### SSD 10376 – Stage 2 development application

<https://www.planningportal.nsw.gov.au/major-projects/project/25471>