URBIS

SYDNEY METRO PITT STREET SOUTH OVER STATION DEVELOPMENT

Response to Submissions (SSD 10376 & SSD 8876-2)

Prepared for

PITT STREET DEVELOPER SOUTH PTY LTD

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URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Jacqueline Parker
Associate Director	Ashleigh Ryan
Senior Consultant	Nazia Pokar; Rosie Sutcliffe
Project Code	P0017535
Report Number	Response to Submission Issue

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1. INTRODUCTION

This 'Response to Submissions' Report (**RtS**) has been prepared by Urbis on behalf of Pitt Street Developer South Pty Ltd to address the matters raised by government agencies, the public and community organisation groups during the public exhibition of the proposed Sydney Metro Pitt Street South Over Station Development (**OSD**) State Significant Development (**SSD**).

The Department of Planning, Industry and Environment (**DPIE**) issued a letter to the applicant on 08 July 2020, requesting a response to the comments raised during the public exhibition period for both the concept modification (**SSD-8876-Mod-2**) and the detailed SSD development application (**DA**)(**SSD-10376**).

This RtS provides a response to the comments raised in the submissions as they relate to both SSD-8876-Mod-2 and SSD-10376. For the most part, the submissions received are relevant to both applications as they are interrelated (i.e. the detailed design is contained within the modified building envelope), in addition to submissions relating to works approved under the Sydney Metro Critical State Significant Infrastructure Approval (**CSSI Approval**).

Where applicable, this RtS provides consolidated responses to the submissions received which are relevant to both applications. Conversely, separate responses are provided for each application where the submissions received are only relevant to one application.

1.1. OVERVIEW

Both applications were on public exhibition from 4 June 2020 to 1 July 2020. During this period, submissions were received from NSW government agencies, local Council and other key public authorities. The submissions received from public authorities included those from:

- Environment Protection Authority
- Sydney Airport Corporation
- Civil Aviation Safety Authority
- Department of Planning, Industry and Environment - Water
- Department of Planning, Industry and Environment - Biodiversity and Conservation Division
- Transport for New South Wales (**TfNSW**)
- Roads and Maritime Services Division of TfNSW
- Sydney Metro
- Police NSW
- Fire NSW
- City of Sydney
- Sydney Water
- Heritage Council of NSW

In addition, submissions were received from neighbouring property owners and residents, the broader community, and an elected representative. The key matters raised in the agency and public submissions include:

- Solar access to neighbouring residences
- Privacy and visual impacts to neighbouring residences
- View impacts to neighbouring residences
- Amenity of proposed apartments
- Building separation
- Achievement of sustainability objectives for the proposed development and neighbouring residences

- Interface with the adjacent heritage items, including the Edinburgh Castle Hotel
- Overshadowing and solar protection of Hyde Park
- Wind impacts from the proposal on neighbouring properties
- Commentary on overall architectural quality of the proposed design

This RtS provides an in-depth and holistic response to the above key matters and all other matters raised by public authorities and community submissions. Specific design changes are also proposed to the development in response to the submissions received. Revised specialist documentation to support the revised scheme are provided in support of the RtS which includes:

- Amended detailed SSD DA Architectural Plans (**Appendix A**)
- Supplementary Architectural Design Report prepared by Bates Smart (**Appendix B**)
- Supplementary Landscape Design Report prepared by Sue Barnsley Design (**Appendix C**)
- Supplementary Solar Access and Overshadowing Analysis prepared by Walsh Analysis (**Appendix D**)
- Revised Transport and Accessibility Impact Assessment prepared by Aurecon (**Appendix E**)
- Vertical Transport Additional Detail prepared by LCI (**Appendix F**)
- Amended Design Integrity Report prepared by Urbis (**Appendix G**)
- Natural Ventilation Technical Details prepared by CPP (**Appendix H**)
- Response to Waste Management Feedback prepared by TTM (**Appendix I**)
- Presentation and minutes of meeting held with Sydney Metro Design Review Panel (**Appendix J**)

1.2. CONCLUSION

The content contained in this RtS and the EIS previously submitted on the 19 May 2020, demonstrates that both the concept modification and subsequent detailed proposal provides a unique opportunity for residential housing within Sydney City taking advantage of the approved Sydney metro project, with the airspace created as part of the Pitt Street South site to be developed for the purposes of a Build-to-Rent (BTR) OSD.

The proposed design amendments provide a suitable considered response to address the amenity issues raised by DPIE, governmental agencies, the public and community groups including Century Tower and Princeton Apartments which have resulted in the following design refinements to the OSD tower (as submitted) including:

- **Reduced building envelope with smaller floor plates:** to maximise building separation to the Princeton Apartment building.
- **Redesign and re-purposing of Level 6 communal open space:** to address privacy concerns raised by Princeton Apartment residents resulting in an area which is not accessible to residents. It will provide a landscaped green space that provides a pleasant outlook and increased visual amenity for occupants of both the Princeton Apartments and the proposed residential building.
- **Amendments to the layout of apartments on the south eastern corner of the building:** to reduce potential overlooking into Princeton Apartments and to accommodate a balcony relocation to its northern side. Whilst the reduced balcony does not meet the minimum ADG area, this is a preferred outcome whereby the internal apartment area meets the ADG provisions, whilst the balcony relocation provides for increased privacy to and views from Princeton Apartments.
- **Changes to the Glassfibre Reinforced Concrete (GRC) on the building façade:** mainly relating to the number of elements proposed, the size and location. These amendments will allow for better alignment of the GRC with window locations. Accordingly, this modification to the design will also enable the requested 12m building setback to Princeton Apartments to be facilitated without comprising the architectural design integrity of the building.

Overall, the proposal as sought to be amended by this RtS is in the public interest and should be approved by the NSW DPIE, subject to conditions of consent.

2. SUMMARY OF SUBMISSIONS RECEIVED

Both applications were on public exhibition from 4 June 2020 – 1 July 2020. During this period comments were received from 25 submitters for the concept modification application (SSD-8876 MOD 2) and 99 submitters for the detailed SSD DA (SSD-10376).

All submissions were managed by the DPIE, including registration and uploading the submissions onto the DPIE 'Major Projects' website under the respective *Pitt Street South OSD* project portals.

A further breakdown of the submissions by respondent type and their position is provided in the tables below.

Table 1 Concept Modification SSD DA Submissions Received by Respondent Type

Submitter	**Position**	**Number of Submissions**
Public Authorities and NSW Government Agencies		
Department of Planning, Industry and Environment - Water and the Natural Resources Access Regulator (**NRAR**)	Comment	1
Environment Protection Authority	Comment	1
Biodiversity and Conservation Division	Comment	1
Sydney Airport Corporation	Comment	1
Transport for NSW (**TfNSW**)	Comment	1
Roads and Maritime Services Division of TfNSW	Comment	1
Sydney Metro	Comment	1
Heritage Council of NSW	Comment	1
Police NSW	Comment	1
Civil Aviation Safety Authority	Comment	1
Sydney Water	Comment	1
City of Sydney	Comment	1
SUBTOTAL		**12**
Community and Organisations		
General public	Support	1
General public	Object	12
SUBTOTAL		**13**

Table 2 Detailed SSD DA Submissions Received by Respondent Type

Submitter	Position	Number of Submissions
Public Authorities and NSW Government Agencies		
Environment Protection Authority	Comment	1
Sydney Airport Corporation	Comment	1
Biodiversity and Conservation Division	Comment	1
Transport for New South Wales (TfNSW)	Comment	1
Department of Planning, Industry, and Environment (DPIE) - Water	Comment	1
Police NSW	Comment	1
Civil Aviation Safety Authority	Comment	1
Fire NSW	Comment	1
City of Sydney	Comment	1
Roads and Maritime Services Division of TfNSW	Comment	Duplicate submission
Sydney Water	Comment	1
Sydney Metro	Comment	1
Heritage Council of NSW	Comment	1
SUBTOTAL		**12**
Community and Organisations		
General public	Support	1
General public (includes one local Council representative)	Object	85
Organisation	Object	1
SUBTOTAL		**87**

The applicant's response to the submissions received for both applications is provided in the following sections of this RtS. This RtS is supported by the additional design and technical documentation provided in **Appendices A- K**.

2.1. ACTIONS COMPLETED FOLLOWING EXHIBITION

Since the public exhibition of the proposed concept SSD DA modification application and the detailed SSD DA, the proponent has consulted with government agencies as follows:

- Meeting with the DPIE on 10 July 2020 to discuss the key matters required to be addressed in the response to submissions and the supporting assessment and design analysis required to be demonstrated.

- The proposed development was re-presented to the Design Review Panel (**DRP**) on 18 August 2020 in accordance with the Design Excellence Strategy endorsed under the concept approval. The DRP provided the following feedback:
  - The Panel made previous comments on the boundary encroachments in earlier DRP reviews, and notes there is no adverse design impacts from privacy or shadowing resulting from these, and in principle supports the design approach.
  - However, the Panel noted a reduction in depth of the GRC diminished the overall architectural quality of the façade and creates a potential impact on east and west facades regarding solar control. Reduction in depth hasn't been calibrated to meet the orientation.
  - The Panel supports the use of Level 06 communal open space as a in-accessible predominantly landscaped area and encourages provision of an increased extent of soft landscaping.
  - The significantly low level of solar access to the OSD building is a potentially limiting element of design excellence. The Panel acknowledges that a decision on residential use was made early in the design process, with knowledge that compliance cannot be achieved on the site. The design well and truly faces the challenges of the site and achieves as good a level of solar amenity as it can, given site location and constraints.
  - The Panel supports the studies undertaken to reduce impact on Princeton Apartments from the South East corner apartment balcony but doesn't support a reduction in the proposed apartment size. The Panel would support reduction in balcony size but not size of apartment.
  - Minutes of this meeting are provided at **Appendix J**.

3. AMENDMENTS TO THE PROPOSED DEVELOPMENT

In response to the submissions received, consultation with the DPIE and feedback from the DRP the following design amendments are proposed to the development. The proposed design amendments have been informed by the requirement to improve privacy and amenity to the Princeton Apartments (south of the site), whilst also ensuring that the amenity of the proposed OSD building is not itself adversely compromised.

Design options were considered and tested in terms of built form impacts as well as solar access testing to ensure that the preferred amended design was optimised in regard to external impacts (primarily to Princeton Apartments) and internal impacts (on the proposed residential apartments themselves).

The Supplementary Architectural Design Report prepared by Bates Smart at **Appendix B** presents the design options considered and explains why the preferred options have been adopted.

These key design changes demonstrate a substantive and proactive response that recognises the importance of enhancing privacy and amenity to Princeton Apartments whilst also demonstrating compliance with the SEPP 65 Apartment Design Guide (**ADG**) for the proposed building.

3.1. REDESIGN OF LEVEL 06 COMMUNAL OPEN SPACE

In response to concerns about privacy impacts over Princeton Apartments arising from the Level 06 communal open space this area has been amended to a in-accessible landscaped space. While this area did contribute to valuable communal open space to the development it is acknowledged that the amenity of the space was compromised by low levels of solar access and proximity to habitable windows in the Princeton Apartments' northern facade.

To address submissions raised by the Princeton Apartment residents, the Level 06 courtyard has been re-purposed and redesigned as an in-accessible landscaped space. The space will provide a green breathing space between the Princeton Apartments and the OSD tower providing visual relief within the city and a pleasant outlook for residents both of the proposed development and of Princeton Apartments.

Planting will be located in raised elongated planter beds with light planting on top of the relocated plant room to the west of the courtyard. Plant species selection includes shade-tolerant perennials as a ground cover for the planter beds and above the plant room, as well as a copse of Water Gum providing visual screening between the two buildings. The plant room, at 1.5m high, will create a visual barrier between the internal wellbeing space and the Princeton Apartments northern windows.

Perimeter balustrade originally proposed along the southern side of the level 6 courtyard has been removed, further opening up the sense of separation and space when viewed from the Princeton Apartment northern windows.

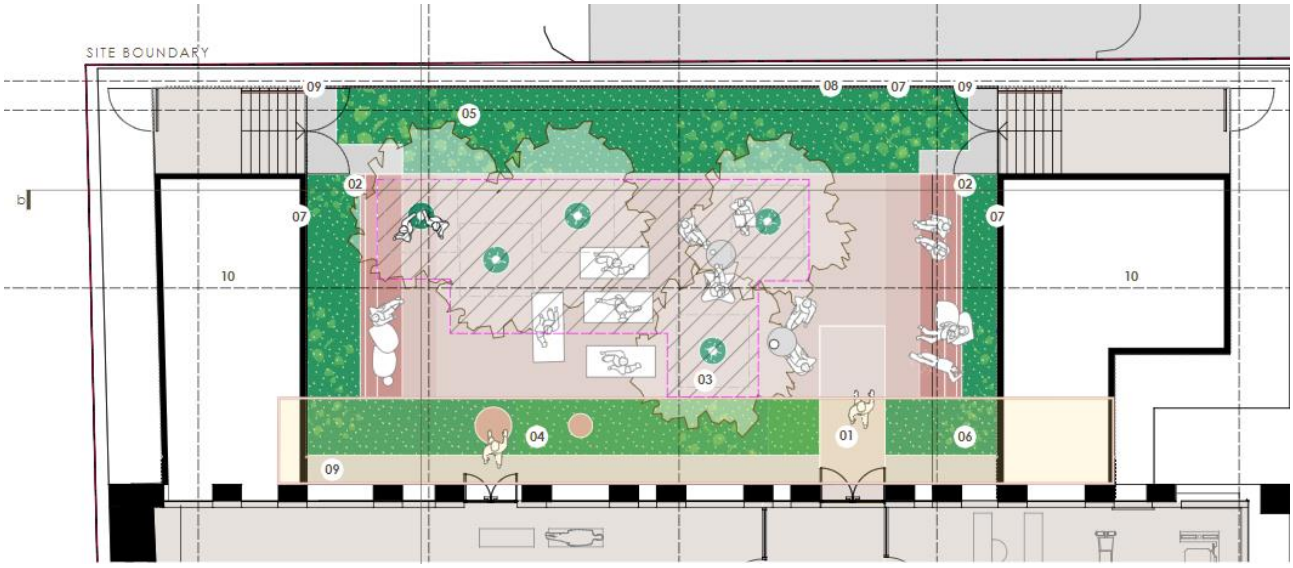
The planter beds maximise the extent of landscaping within this space whilst also providing clear paths for maintenance access as required. It is noted all built form has been removed from the structural reservation zone identified within concept approval.

Key Benefits of this change

- Provides privacy between the proposed development and northern windows of Princeton Apartments through conversion of the courtyard to a in-accessible space comprising landscape planting and a raised plant structure adjacent to the wellbeing space in the proposed OSD building.
- Creates a greened, landscape outlook within the CBD benefiting all surrounding sites.
- Maintains all structures within the approved concept envelope and outside the structural reservation zone

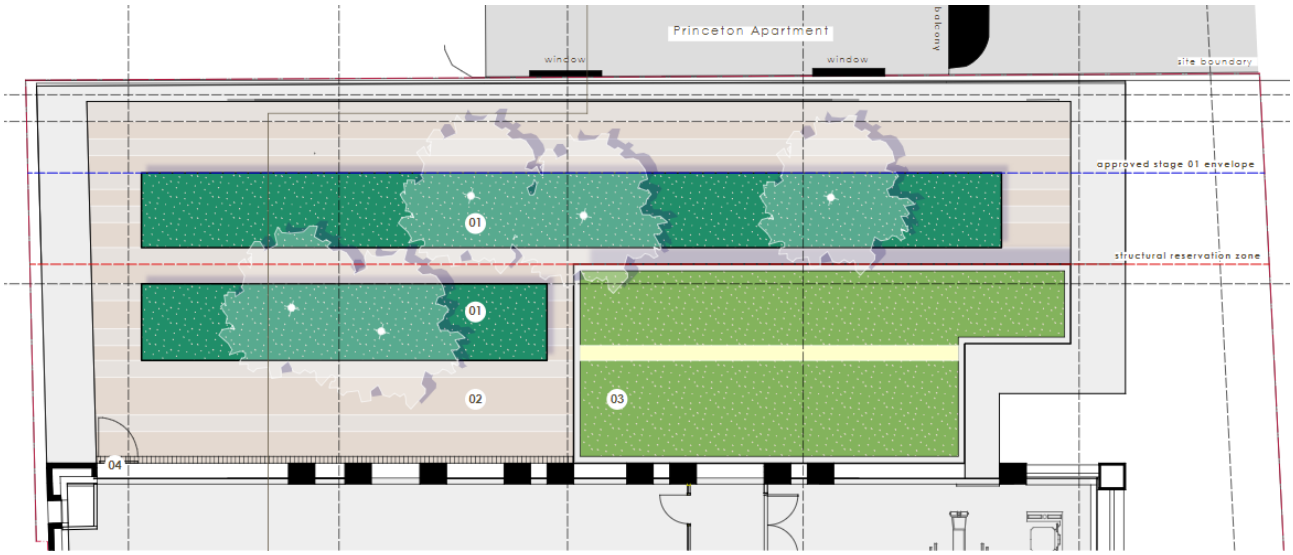
Figure 1 is a plan of the originally proposed accessible courtyard and Figure 2 shows the redesigned in-accessible landscape zone.

Figure 1 Level 06 Outdoor – Original accessible courtyard landscape design



Source: Sue Barnsley Design

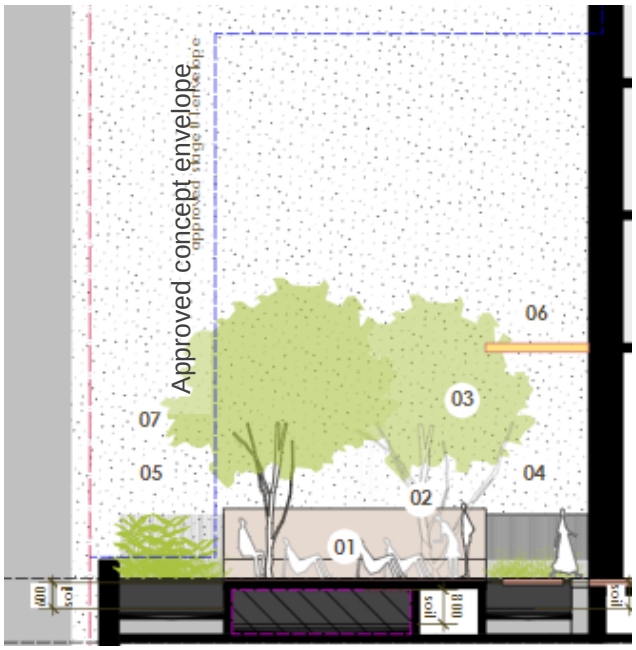
Figure 2 Level 06 Outdoor – Proposed in-accessible courtyard landscape design



Source: Sue Barnsley Design

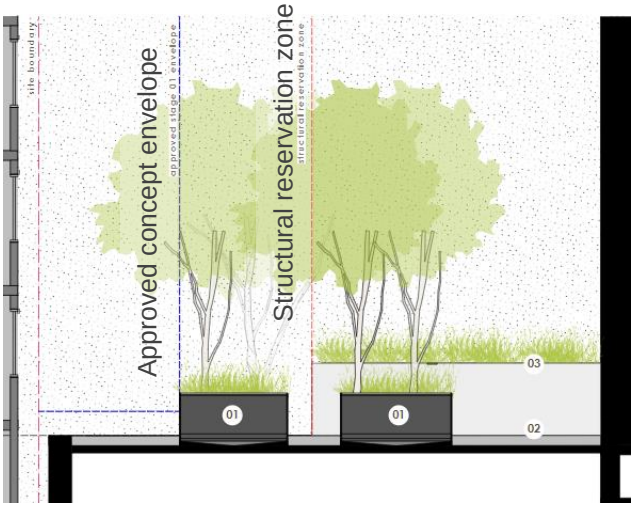
The location of the in-accessible landscaped courtyard compared to the approved concept building envelope and the structural reservation zone is shown in the following image.

Figure 3 Comparison of Level 06 landscaping in relation to the structural reservation zone and building envelope



Picture 1 Proposed Level 06 Landscaping (N-S Section)

Source: Sue Barnsley Design



Picture 2 Proposed Level 06 landscaping (in-accessible)

Source: Bates Smart

3.2. REALIGNMENT OF FLOOR PLATE AND REFINEMENT OF FAÇADE

In order to minimise projections beyond the approved concept envelope, an extensive review of the internal layouts and facade design was undertaken to ensure as much of the building form (including architectural embellishments) sits within the approved concept envelope as possible. This comprised of the following elements:

Realignment of Floorplate

The building floorplate was reduced and refined to the maximum extent possible, whist ensuring that there was no impact to the structural design of the Metro station beneath. The OSD building has been shifted northwards by 77mm and eastwards by 25mm.

The refined design has resulted in the slight reduction in NSA area of the proposed apartments, however all apartments within the building maintain compliance with ADG minimum internal areas.

Refinement of GRC Dimensions

A thorough review of the façade GRC vertical elements has been undertaken resulting with the following changes being proposed,

- Reduction in depth of the GRC from 400mm (with a 50mm gap to the facade) to 325mm (with no gap to the facade) on the northern, western and eastern facades
- Reduction in depth of the GRC from 400mm (with a 50mm gap to the facade) to 250mm (with no gap to the facade) on the southern façade
- Removal of 11 vertical GRC elements and slight re-positioning of six GRC elements to better align with window locations of the internal apartments.

Key Benefits of this change

These refinements have resulted in

- Reduced projections beyond the approved concept envelope of:
  - 0mm - 150mm to the south façade (reduced from 225mm); and
  - 75mm to the western façade south of Edinburgh Castle Hotel (reduced from 225mm)
- Improved solar access to west facing Princeton Apartments, by up to 3 minutes at midwinter
- Improved building separation to Princeton Apartments, with only minor incursions into the 12m setback requirement of between 30mm and 80mm where the Princeton Apartment building is built-to-boundary. The minimum point of building separation (to a façade column, not to glass line) is now 11,920mm as opposed to 11,645mm.
- Retention of all windows and GFA within the approved concept envelope.
- Improved streetscape appearance resulting from the GRC rationalisation.

3.3. AMENDMENTS TO APARTMENT DESIGN

The layout of the apartment on the south western corner of the building has been amended to maintain compliance with the ADG minimum internal area and minimum internal dimensions of the living space. As a result of this minor amendment, the balcony to this apartment has been reduced in size from 8sqm to 6sqm.

Key Benefits of this change

- Improved separation to Princeton Apartments through marginally increasing the building separation at the southern boundary.
- Maintenance of ADG compliance for internal areas and solar access to this apartment type.
- Regular layout of the balcony to ensure functionality for a one-bedroom apartment.
- The design delivers the following in order of priority – enhanced privacy to and views to the north east from Princeton Apartments, retained ADG internal amenity criteria for the apartment type – size and solar access, provision of usable private open space for this apartment type notwithstanding its slight shortfall from minimum ADG area.

The layout of the apartment on the south east corner of the building has also been amended to increase privacy to and reduce overlooking opportunities into Princeton Apartments. The review of this balcony from the southern building façade alignment was raised by Princeton Apartment residents as a key issue during targeted neighbour consultation.

The balcony was originally proposed along the entire width of the apartment's eastern elevation. To respond to the submissions raised by Princeton residents, the balcony has been repositioned to the northern half of the apartment and brought inboard to ensure a balance of privacy amelioration to Princeton Apartments and retention of solar access into this apartment.

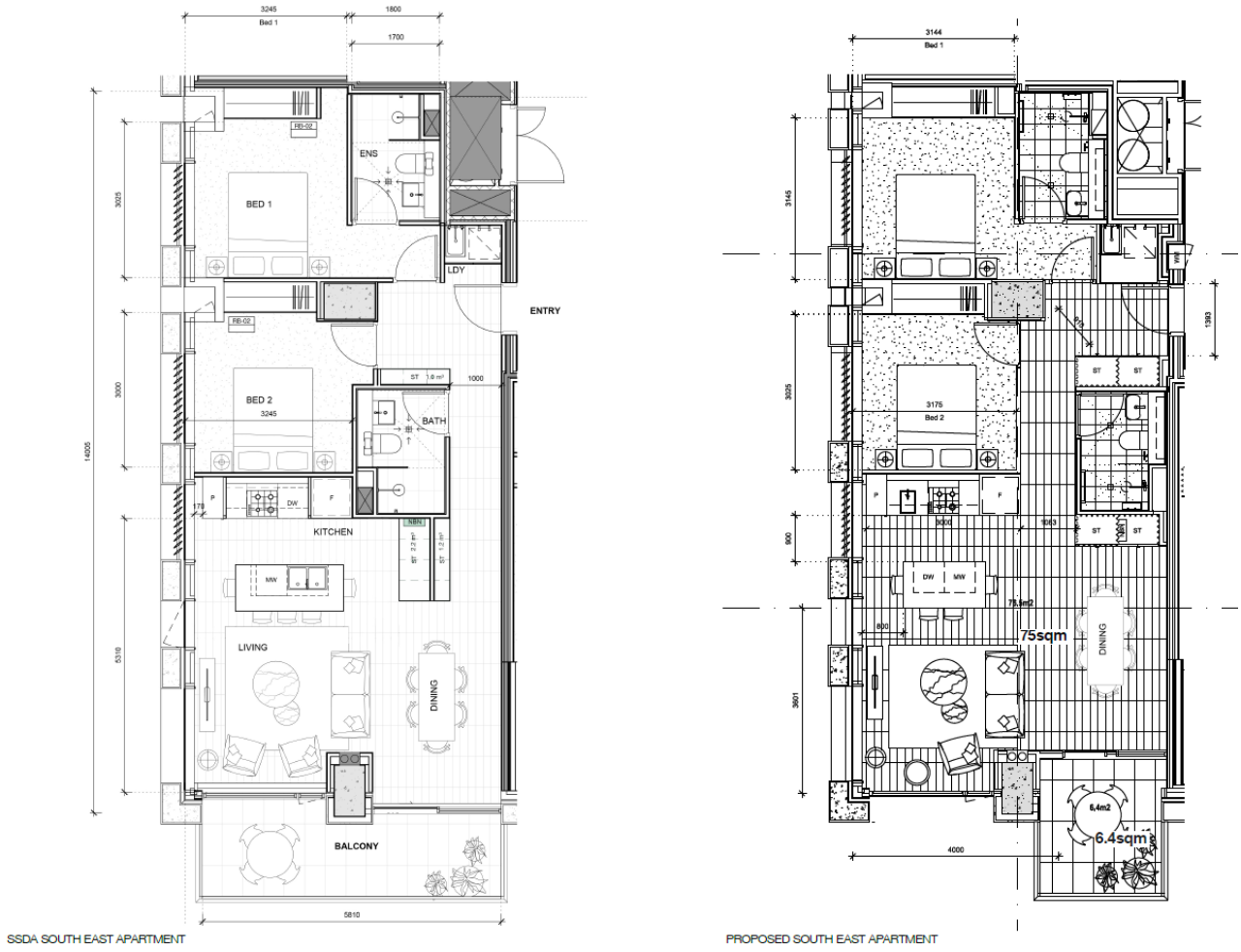
The internal design of the apartment itself has been slightly reconfigured however it still retains the minimum ADG internal area for a 2-bedroom 2-bathroom configuration.

In order to maintain the minimum internal area for this apartment type and remove overlooking opportunities from the balcony to Princeton Apartments, the balcony area itself falls slightly below the ADG minimum at 6.4m^2 (rather than 10 m^2). It is noted that the regular size and layout of the balcony ensures it remains useable by multiple residents as illustrated at Section 3 of the Bates Smart Architectural Design Report at **Appendix B**.

The Design Review Panel has supported this approach to maintaining internal area compliance whilst reducing the balcony area below the ADG minimum to balance internal apartment amenity with privacy protection to Princeton Apartments as outlined within the DRP Meeting minutes at **Appendix J**.

The design options considered and the design development of this apartment type is detailed in Section 3 of the Bates Smart Architectural Design Report at **Appendix B**.

Figure 4 Original and Revised South East Apartment Layout



Source: Bates Smart

Key Benefits of this change

- Improved privacy to Princeton Apartments through relocation of balcony from the building's southern façade to the northern half of this apartment type.
- Improved view outlook from northern and eastern windows of Princeton Apartments through increasing the view aperture at this south eastern corner of the building.
- Maintenance of ADG compliance for internal areas and solar access to this apartment type.
- The design delivers the following in order of priority – enhanced privacy to and views to the north east from Princeton Apartments, retained ADG internal amenity criteria for the apartment type – size and solar access, provision of usable private open space for this apartment type notwithstanding its slight shortfall from minimum ADG area.

3.4. REMOVAL OF BLADE TO THE SLOT WINDOWS IN THE SOUTHERN FAÇADE

Following discussions with the DRP the blade located within the recessed ledge that provides acoustic and visual privacy and supports cross ventilation was removed. The blade was shown within the design integrity report to validate the removal of it. The blade which was located in the slot windows on one drawing in the design integrity report serving the bedrooms on the southern façade has been removed on all documentation. The blade did not provide any improvement to privacy from these windows, however potential wind whistle was raised by Princeton Apartment residents as a concern.

Key Benefits of this change

- No deleterious impacts to privacy between bedrooms along the southern façade and the north facing windows of Princeton Apartments.
- Potential reduction in acoustic impacts that may result from wind whistle around the blade at the window location.

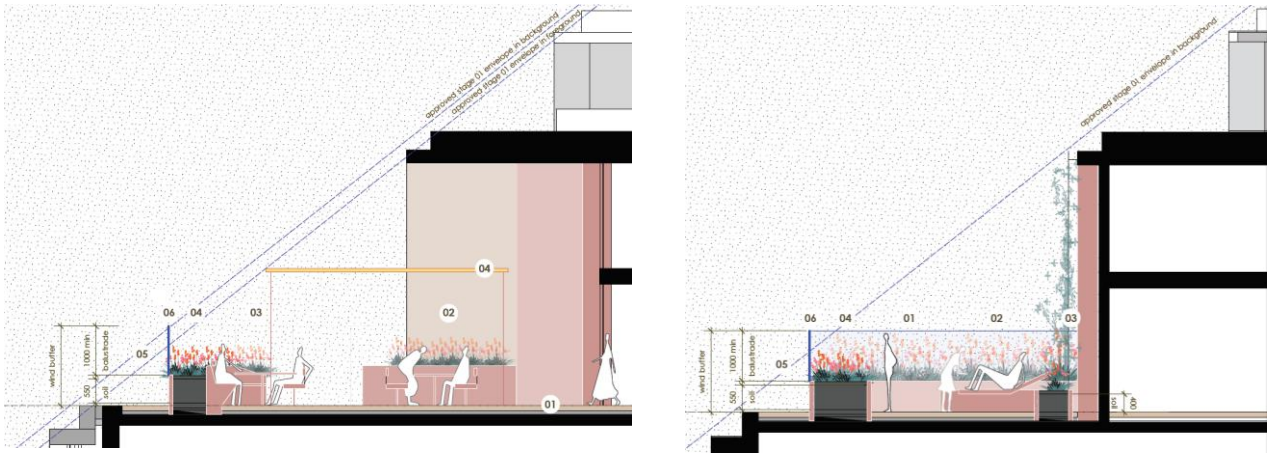
3.5. ADJUSTMENT TO BALUSTRADE AT LEVEL 35 OPEN SPACE

The design lodged on 19 May 2020 proposed glass balustrades on the outer edge of the planter boxes surrounding the Level 35 communal open space terrace. These balustrades projected above the building envelope which is also the Hyde Park Sun Access Plane.

To ensure compliance with the concept building envelope and sun access plane, the eastern edge of the planter boxes have been pulled in westward so that the balustrade sits up to but not beyond the building envelope and sun access plane.

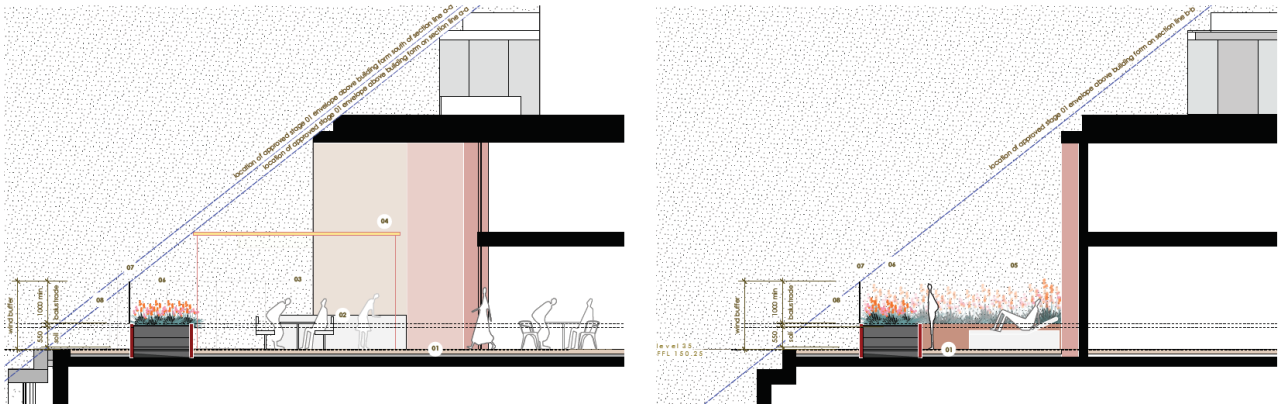
To ensure adequate planter bed width, the inner edge of part of the planter bed to the southern portion of the terrace has also shifted westward resulting in a minor reduction in the area of accessible open space at Level 35 by 11 m^2 from 237 m^2 to 226 m^2.

Figure 5 Level 35 Balustrade proposed location as originally lodged above Sun Access Plane



Source: Sue Barnsley Design

Figure 6 Level 35 Balustrade revised location below Sun Access Plane



Source: Sue Barnsley Design

Key Benefits of this change

- This minor redesign of the planter beds ensures that no built element projects above the sun access plane over the site which is prohibited under *Sydney Local Environmental Plan 2012* (**SLEP 2012**).

- Planter beds are maintained at usable depths and widths to ensure planting can be sustained for private amenity.

4. RESPONSE TO DPIE PRELIMINARY ASSESSMENT

The NSW DPIE wrote to the applicant on 8 July 2020 requesting a response to the submissions and matters raised during the public exhibition period for SSD 8876 MOD 2 and SSD 10376.

The comments provided by DPIE required further clarification of the built form and amenity impacts (both external and internal) of the modified building envelope and detailed OSD design.

The key matters raised by DPIE concerned:

- Built form
- Residential amenity
- Land use and gross floor area

A consolidated response to the matters raised by the DPIE for both applications SSD 8876 MOD 2 and SSD 10376 is provided in Table 3.

4.1. BUILT FORM

Demonstrate compliance with Condition B3 of the Concept Approval, and provide detailed illustrations showing how the proposed built form satisfies the following subclauses:

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

During the concept stage of the project, Bates Smart explored multiple variations to the building form that incorporated increased and varied setbacks to Pitt Street and the extent of the architectural embellishments, with the aim of further articulating the building form and improving solar access to Princeton Apartments. The testing of these two requirements influenced the resultant change to the Pitt Street setbacks. These were:

1. Reduction in the vertical GRC depth and the shifting of the building floorplate further within the approved concept envelope extent, and
2. Scenario testing of solar impacts resulting from the stepped setback of the south western apartment.

<u>GRC Depth and building floorplate relationship to approved concept envelope</u>

While the glazing line for the originally lodged scheme fully complied with the setback as defined in the approved concept envelope, 400mm (with a 50mm gap to the facade) deep external architectural shading elements projected outside of the concept envelope by 225mm on the Pitt Street frontage for the portion between Princeton Apartments and the Edinburgh Castle Hotel. The remainder of the western façade, including architectural shading elements, were contained wholly within the approved concept envelope.

To the south, fronting Princeton Apartments, a minimum 12m building separation was provided when measured from the boundary to the glass-line in compliance with the approved concept envelope, however non-habitable architectural shading and privacy screening elements projected south outside of the concept envelope by 277mm at the south west corner and up to a maximum of 426mm to the south east corner.

These architectural projections did not contain any floorspace and were provided only to assist with privacy and environmental factors of the proposed development. However, the point at which these minor projections fall outside of the envelope on the south west corner resulted in 9 apartments within Princeton Apartments losing an average of 3 minutes of solar access across the day on 21 June.

Following an extensive review and detailed design of these external elements, including amendments to the internal structure to the maximum extent possible without creating an impact to the metro station beneath, a reduction in façade projection depth has been achieved as follows:

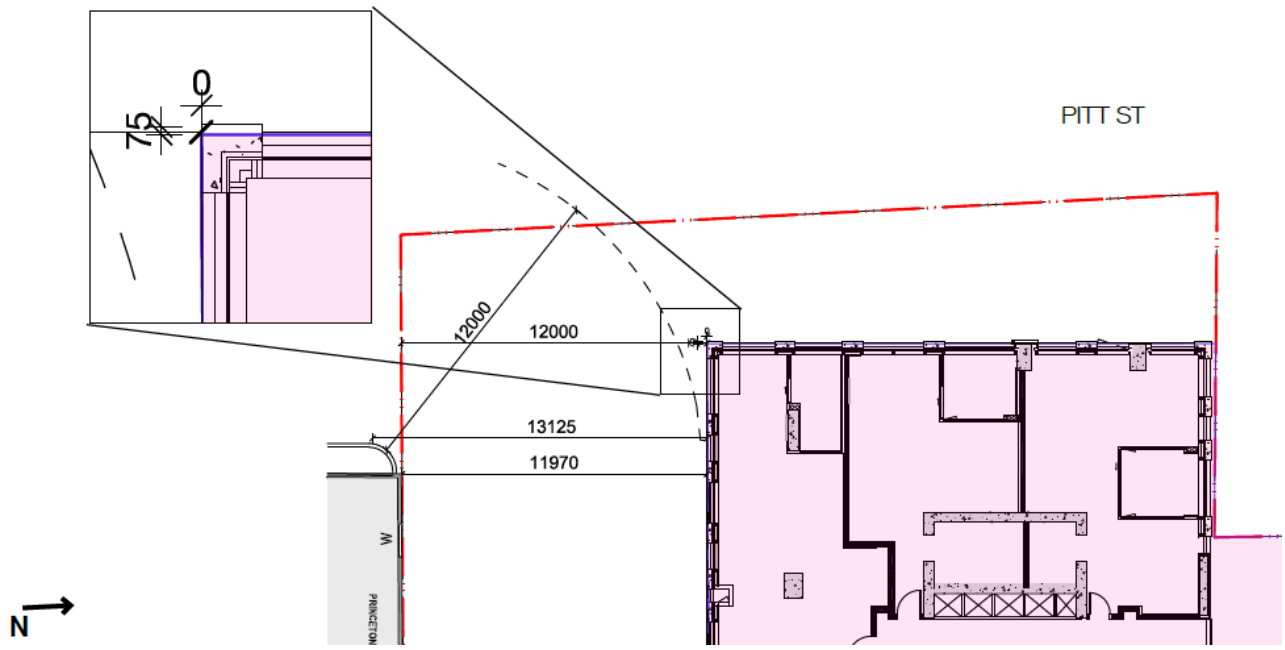
- from 400mm (with a 50mm gap to the facade) to 325mm deep on the west (no gap to façade), north and eastern faces of the building, and
- from 400mm (with a 50mm gap to the facade) deep to 250mm deep (no gap to façade) on the southern face of the building.

The western glazing line has been brought inboard by 150mm, and the southern glazing line inboard by up to 277mm.

The resultant projections beyond the approved concept envelope are:

- 75mm to the western façade, and
- 0mm to the southern envelope extent at the south western corner of the building (which is the most influential point for solar impact to Princeton Apartments) as shown in Figure 7.

Figure 7 Reduced GRC Extrusion to Western Envelope



Source: Bates Smart

These amendments:

- allow solar access for the proposed development to remain at 50%,
- result in a minor loss of apartment area to three typologies however ensuring they still remain above ADG minimums, and
- improves solar access to 9 Princeton Apartments by an average of 3 minutes a day on 21 June.

South Western Apartment Setback Solar Testing

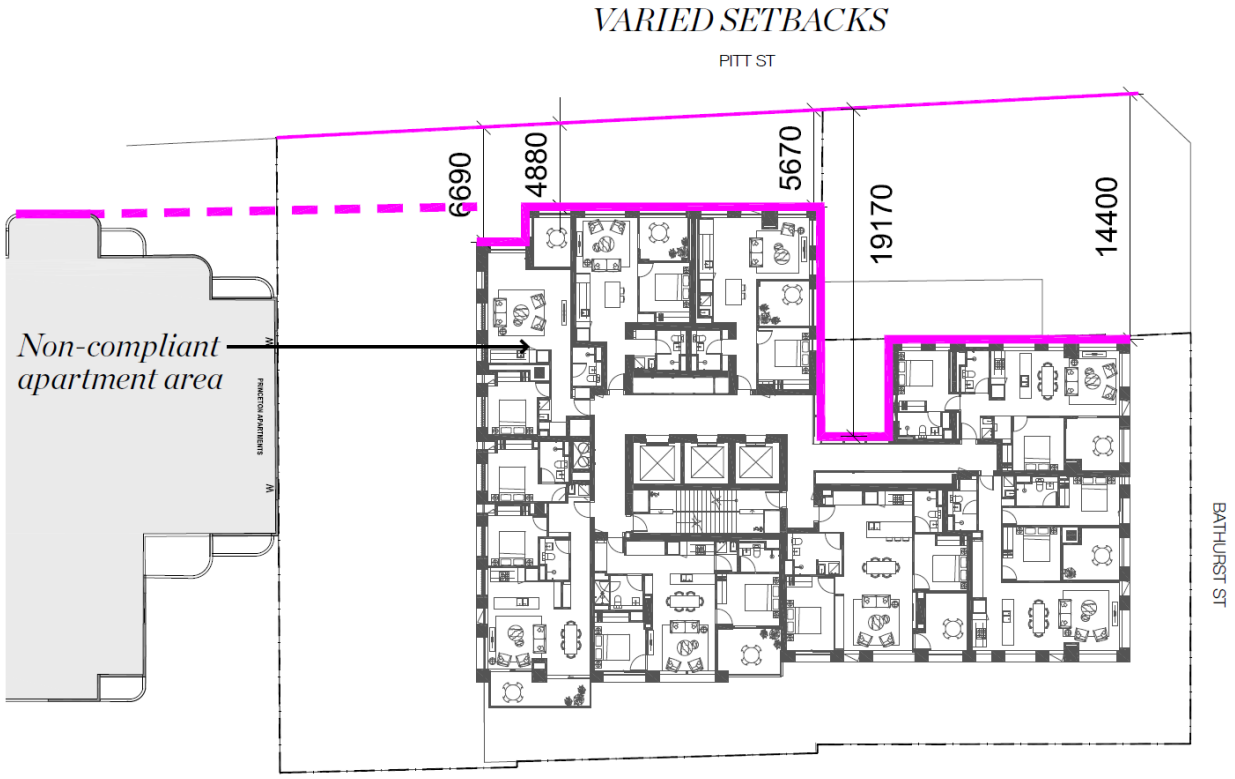
The results of the options testing showed that a varied setback ultimately significantly hindered solar access to the apartments within the proposed development.

Since the exhibition of the application and receipt of the submissions, different permutations of the layout and the balcony of the apartment at the south western corner of the building have been investigated. The architectural options analysis within the supplementary Architectural Design Report details these options (refer section 1 of the supplementary Architectural Design Report at **Appendix B**).

To support the architectural options analysis, additional solar analysis has been conducted by Walsh2Architects to investigate the effects of varying the setbacks to Pitt Street on solar access to Princeton Apartments and to the proposed building. This solar testing accounted for the reduced GRC protrusion extent beyond the western and southern envelope.

A sensitivity analysis was undertaken to assess the solar impacts to both the proposed development and Princeton Apartments of a setback variation to the south western apartment. This explored setting back the corner of the south western apartment by an additional 2m (approx.) inside the approved concept envelope, at the point where the proposed development begins to cast shadow on the adjacent development. Refer Figure 8.

Figure 8 Option Testing for South Western Apartment Setback



Source: Bates Smart

This analysis found that including an indent to the south west apartment would result in a maximum 7 minutes of additional solar access to one unit on each level from Level 9 - 25 within Princeton Apartments. This setback however is not beneficial to the living rooms of Princeton Apartments from level 26-41 as required by the relevant concept SSD DA condition of consent, as all units have their living rooms facing east and only bedrooms facing west.

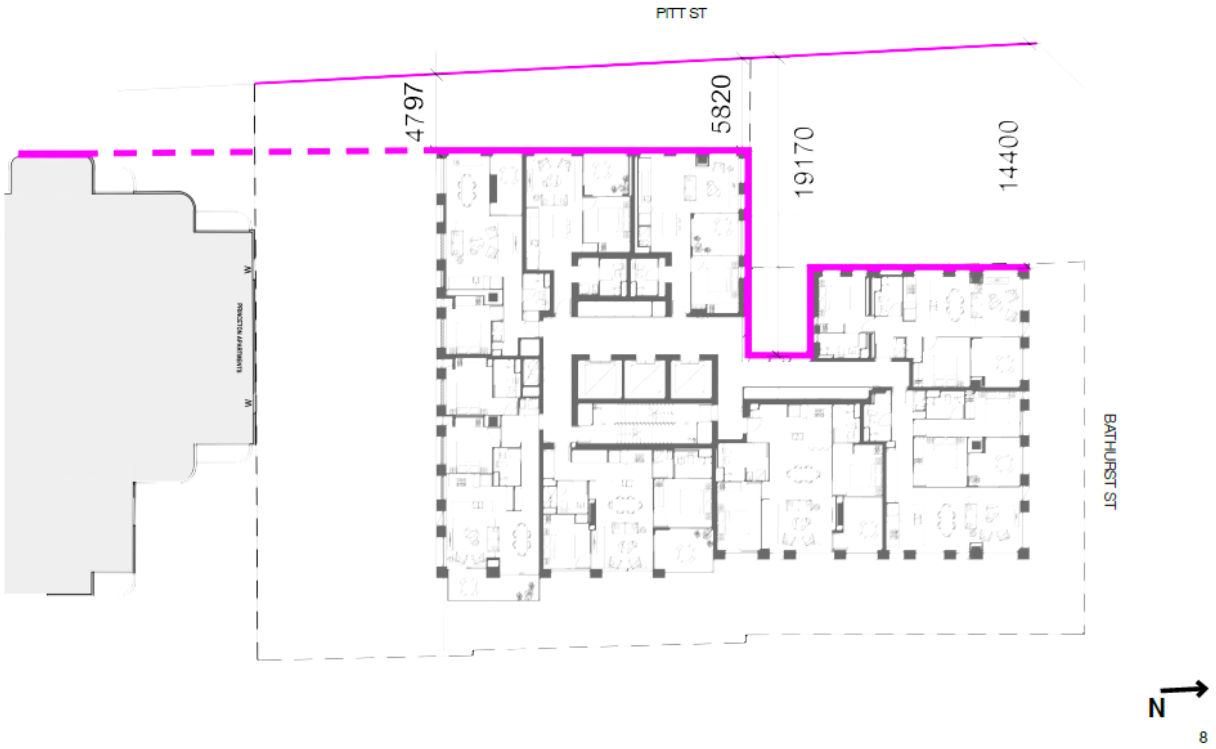
However, it also would result in the following detrimental impacts to the proposed apartments:

- 20 apartments currently achieving 2 hours of solar access within the proposed development will fall substantially short of achieving 2 hours of solar access to either their living room or private open space, or both, during mid winter. This would reduce solar compliance of the proposed development from 50% to 42%.
- Those same 20 apartments as well as another 10 on levels 7 to 16 would reduce in size below ADG minimum 50 m^2 internal area required for 1 bedroom apartments.

This demonstrates that whilst an increased setback offers some minor benefit to solar access to Princeton Apartments it results in a significant amenity reduction to 30 apartments within the proposed development by way of solar non-compliance or area non-compliance which is a more significant loss in amenity than that which would otherwise be gained by Princeton Apartments.

The resultant design retains a varied setback to Pitt Street, ranging in distance from 4.78m to 5.82m, south of the Edinburgh Castle Hotel as shown in the extract at Figure 9.

Figure 9 Revised Pitt Street Setback



Source: Bates Smart

The Walsh2Architects analysis demonstrates that under the amended design solar access to Princeton Apartments consequently improves from the originally lodged scheme by the following measure:

- The reduction in the façade articulation depth now means that all 9 units that lost 3 minutes of solar access have no reduction in solar access.
- The overall modification to the proposed development results in an approved solar access of 263 minutes to Princeton Apartments compared to the approved concept envelope (an increase of 42 minutes compared to the originally submitted scheme).

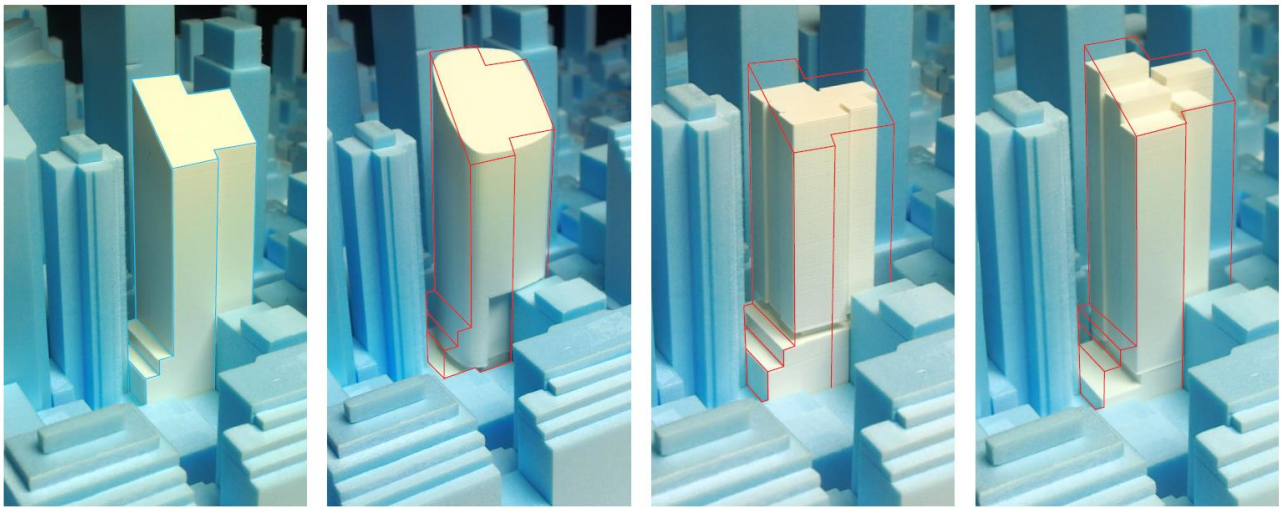
The amended design seeks to provide an equitable solar outcome for both OSD development and Princeton Apartment tower and importantly demonstrate compliance with Condition B3 of the concept approval.

(g) articulation of roof forms must consider opportunity to retain view to St Mary's Cathedral from Century Tower (343-357 Pitt Street, Sydney).

Various options were considered by Bates Smart Architects in relation to the roof form during design development prior to finalisation of the preferred scheme informing this SSD DA. Options considered included:

- A roof plane following the maximum height / sun access plane at the limit of the approved concept envelope (option 1),
- A soft curved tower with a sloped roof form, also fully contained within the approved concept envelope (option 2),
- A flat roof extending part-way through the approved concept envelope, resulting in an incursion to the sun access plane (option 3), and
- A stepped roof form fully contained within, but occupying significantly less volume than the approved concept envelope (option 4).

Figure 10 Design Development Phase Roof Form Options



Source: Bates Smart

To supplement the View Impact Analysis (VIA) prepared by Urbis undertaken as part of the original SSD DA, further view studies have been undertaken from St Marys Cathedral back towards Century Tower to demonstrate how this **option 4** maximises views from that apartment building to St Marys Cathedral.

This is fully detailed in Section 2 of the Supplementary Architectural Design Report prepared by Bates Smart at **Appendix B**.

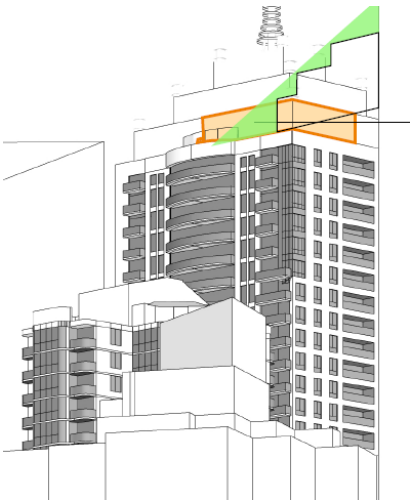
This analysis compares the view impact of the approved concept envelope with that generated by the proposed building's roof form from three locations being:

- The front door of St Mary's Cathedral
- The bottom of the western spire
- The top of the western spire.

Strata plans of the Century Tower building were obtained to identify the number of apartments and their primary outlook which can be seen from St Marys at each of these three viewpoints. This process has enabled the accurate quantification of view impacts. The view analysis demonstrates that:

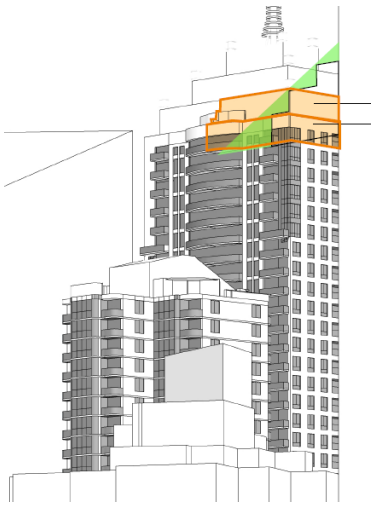
- From the front steps of St Mary's Cathedral:
  - On the top 2 floors 50% of the apartments facing east lost views of St Marys Cathedral under the concept envelope scenario
  - The proposed roof form increases extent of view by 38% for apartments facing east compared to the approved concept envelope
  - 1 apartment which had partially constrained easterly view under the concept envelope now has a non-constrained view
- From the bottom of the western spire
  - The proposed roof form increases the extent of views by 44% in comparison to the approved concept envelope.
  - 2 apartments that had views to this location are obstructed by the concept envelope but now have improved views of the bottom of the spire.
- From the top of the western spire
  - the proposed roof form improves visibility of the top of the spire for four 4 apartments that had a partial obstruction by the approved envelope, and also provides a view to the top of the spire to 2 other apartments where this view was not otherwise available due to the approved envelope.

Figure 11 Views from St Marys Cathedral to Century Tower



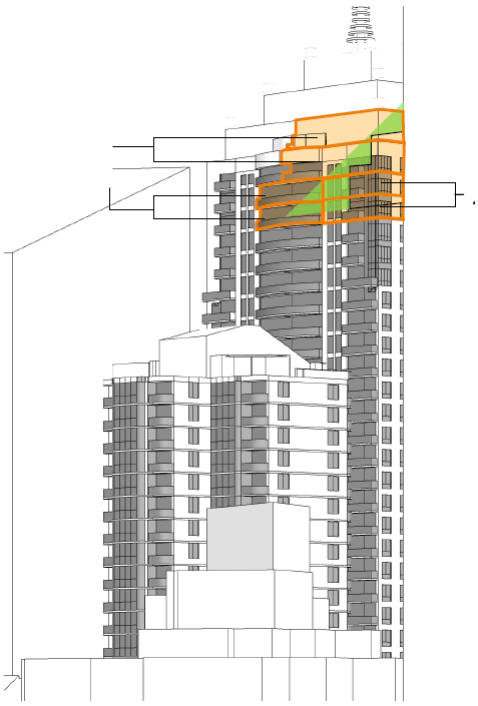
Picture 3 View from front steps of St Mary's Cathedral. One apartment gains view.

Source: Bates Smart



Picture 4 View from bottom of western spire. 2 apartments gain view.

Source: Bates Smart



Picture 5 View from top of western spire. 4 apartments have increased view, 2 apartments gain view.

Source: Bates Smart

Approved concept envelope

Strata subdivision layouts impacted

This analysis clearly demonstrates that views from apartments within the Century Tower to St Marys Cathedral have been maximised by the proposed design of the roof form.

Provide additional shadow analysis of the proposal's overshadowing impact on the Princeton Apartments. This must detail the amount of solar access (nil, 0-30 minutes, 30–60 minutes, 60-90

minutes, 90-120 minutes and >120 minutes) the dwellings within Princeton Apartments would receive between 9am and 3pm, 21 June (existing and proposed).

Any discrepancies between the number of dwellings maintaining solar access between the Concept Approval assessment and the proposal must be clarified.

The DPIE noted that there were significant discrepancies in the extent of solar access assessed to be achieved by Princeton Apartments as part of the concept application, as compared with the extent of solar access to Princeton Apartments provided under the detailed design.

Upon review of the solar studies, it was identified that the Detailed Building Solar Analysis, undertaken in 2020, took into consideration building approvals in the surrounding locality which were not approved (or therefore included) at the time of the Concept Solar Analysis that was undertaken in 2016.

To compare from the same base case, updated solar modelling of the approved concept envelope was undertaken which included the subsequently approved nearby buildings at 116 Bathurst Street, Sydney. This was compared with the detailed building design solar analysis as originally submitted, but calculated on a minute-by-minute basis to determine the exact differential in solar access to individual Princeton Apartments under the concept envelope and the proposed building form originally submitted.

The results are detailed in the Walsh2Architects Report at **Appendix D** and are summarised below:

- Compared to the original concept envelope, the original SSD DA achieved an increase of between 15 minutes and 30 minutes of solar access to 7 apartments on Level 10-16.
- Compared to the original concept envelope, the original SSD DA achieved on average 10-minute gain to solar access to 12 apartments on Level 30-41.
- In total 19 apartments receiving increased solar access by 8-30 minutes and on 9 apartments on the north western corner of Princeton Apartments received a minor decrease in solar access by an average duration of 3 minutes.
- Overall Princeton Apartments received a net gain of 211 minutes of solar access by the original SSD DA compared to the approved concept envelope.

Walsh2Architects has prepared additional analysis to assess the proposed design amendments (**Appendix D**) to Princeton Apartments. This analysis demonstrates that the proposed design amendments have resulted in:

- The solar increase to the 7 apartments on Level 10-16 is increased to between 15 minutes and 33 minutes.
- The reduction in the façade articulation depth now means that all 9 units that lost 3 minutes of solar access have no reduction in solar access.
- The overall modification to the proposed development results in an improved solar access of 263 minutes to Princeton Apartments compared to the approved concept envelope (an increase of 52 minutes compared to the originally submitted scheme).

This analysis found that:

- Relocation of the balcony from the south eastern apartment does not increase solar access to living rooms of Princeton Apartments as its shadow is cast on solid façade elements.
- Further stepping in of the south western apartment may increase solar access to Princeton Apartments however will result in a significant detrimental effect on the solar access to that apartment type, further reducing ADG solar compliance for the proposed building form.

Review the appropriateness of the proposed projections beyond the approved building envelope with respect to any additional impacts when compared to a complying development, including further consideration of any:

- ***overshadowing impacts to adjoining residential properties***
- ***privacy and visual impacts resulting from further encroachments on minimum building separations***
- ***streetscape impacts***
- ***ongoing maintenance of boundary conditions.***

In order to bring the building as far as possible within the approved concept envelope and minimise the extent of projections beyond the envelope, Bates Smart has explored a number of strategies. The initial response was to investigate reducing the depth of the GRC from 400mm (with a 50mm gap to the facade) to 250mm (with no gap to the facade) to bring the building within the envelope whilst reducing shading to the façade and maintaining design integrity.

This approach was finessed to minimise the projections while still achieving the design intent of this building element. The depth of the GRC has been reduced to:

- 325mm (no gap) on the northern, eastern and western facades, and to
- 250mm (no gap) on the southern facade.

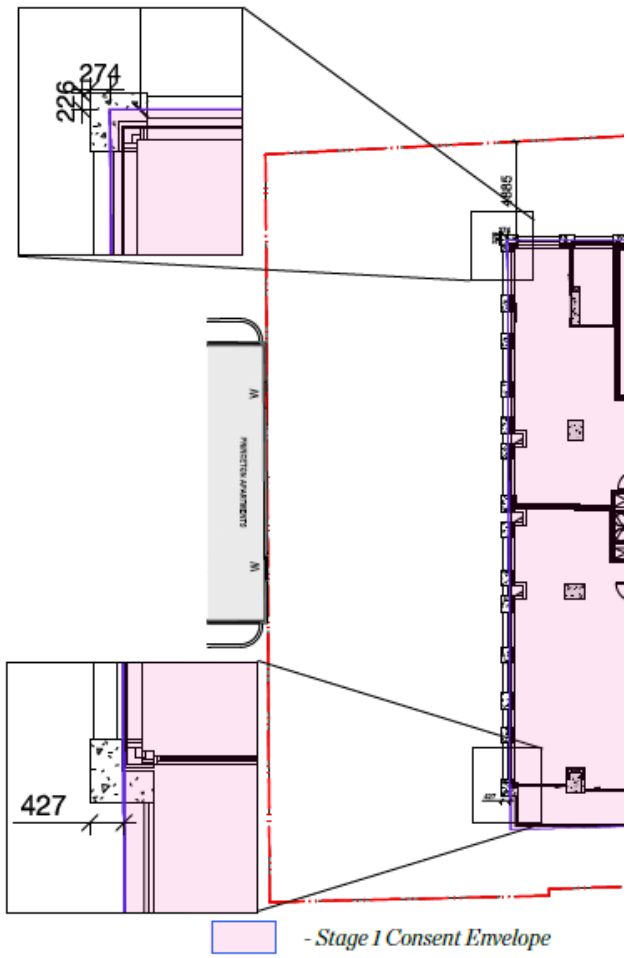
Additional minor shifts in the floor plate enabled the building to shift to the north and east to the furthest extent possible without generating structural implications for the station below.

The outcome is that projections beyond the approved envelope have been reduced with the projection to the south partly eliminated. The reduced projections are now proposed at:

- 75mm to the Pitt Street envelope
- 325mm to the Bathurst Street envelope
- Between 0mm and 150mm to the southern envelope fronting Princeton Apartments. The varied protrusion extent to the southern is a result of that envelope alignment being slightly off 90degrees from the western envelope alignment, whilst the building is designed at 90 degrees from the south western corner. It is noted that:
  - The maximum incursion into the 12m setback arc between the northern façade of Princeton Apartments (on the boundary) and the proposed building facade is 108mm. This occurs at the eastern most interface of the Princeton Apartment's north façade. This non-compliance reduces to 0mm at the western most interface of the Princeton Apartment's north facade.

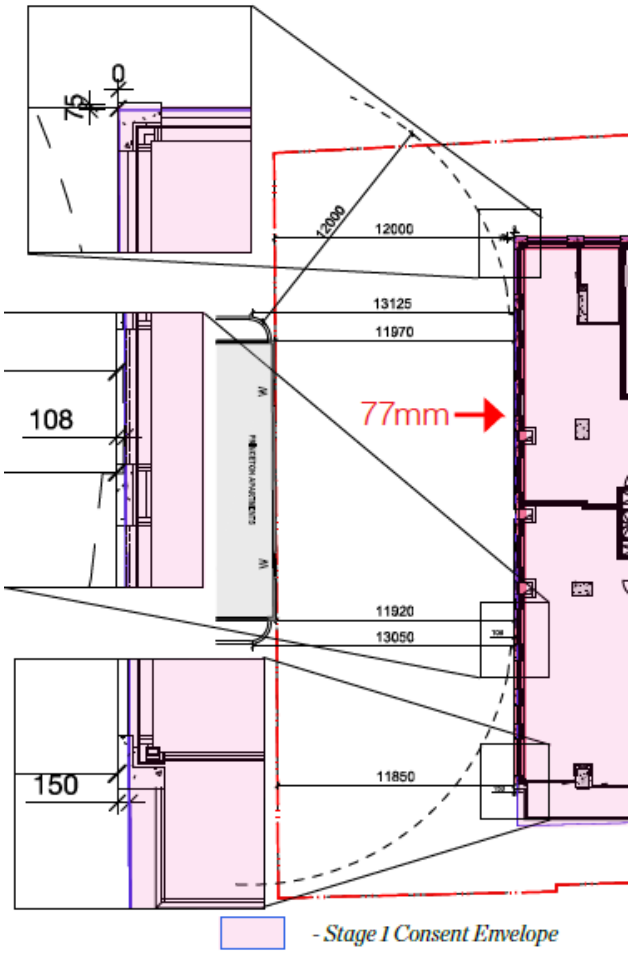
Figure 12 compares the extent of the projections beyond the building envelope from the application as lodged with the amended design.

Figure 12 Projections beyond building envelope (southern elevation)



Picture 6 Previously proposed

Source: Bates Smart



Picture 7 Amended Design

Source: Bates Smart

Shadow Impacts to surrounding buildings

The shadow impacts of the proposal to Princeton Apartments is detailed in the above section and in the Solar Analysis provided by Walsh2Architects. In summary, the proposal results in an increased solar access to Princeton Apartments compared with the originally lodged design. The 75mm GRC protrusion to the western envelope has a negligible impact on solar access to bedrooms and living rooms of Princeton Apartments.

Privacy and Visual Impacts from protrusions

The reduction in the projection to the south and changes to the GRC design on this elevation have improved amenity outcomes to Princeton Apartments with the majority of the southern face of the proposed building achieving the requisite 12m separation distance identified in the ADG.

At the closest interface with Princeton Apartments there is a maximum GRC projection beyond the 12m envelope of 108mm. This reduces to 0mm in a westerly direction along the southern façade. The irregularity results from the southern concept envelope alignment not being at 90 degrees to the western envelope alignment.

The glazing line is contained wholly within the approved envelope and the GRC protrusions to 108mm at the southern interface generate such little perceptible building encroachment impact so as not to have any detrimental impact on privacy or visual impacts.

Where the GRC protrudes further than 108mm (and up to 150mm at the south eastern corner), that location is beyond 12m from any habitable rooms or balconies on Princeton Apartments, ensuring that the 12m building separation required by the ADG is maintained.

The GRC elements have been increased in width, to increase the appearance of their solidity. Some GRC elements have been removed from this façade, with others shifted slightly as outlined in Section 4 of the Bates Smart Design Response at **Appendix B**.

The privacy louvres on the southern façade are retained and are located having regard to survey data of the location of Princeton Apartment windows to ensure that they are sited to maximise privacy between the apartments. The southern louvres are contained wholly within the approved concept envelope. The louvres are spaced at 300mm and fixed at 45 degrees to direct views from the proposed bedrooms away from the windows of Princeton Apartments.

Streetscape Impacts

Overall, the building floorplate has been slightly reduced and the GRC projections also reduced which commensurately results in an improved streetscape appearance. The GRC design approach has also been refined, resulting in the removal of a total of 11 GRC elements across the building and the slight widening of the retained GRC elements from 800mm to 900mm.

Bathurst Street

- The proposed development occupies significantly less floor space in the podium than the approved concept envelope permits along Bathurst Street.
- This reduction in massing has been informed by a design approach to transition building form and mediate the scale between adjacent development to the east and the 3-storey heritage Edinburgh Castle Hotel to the west.
- Above the height of the podium, the façade articulation and architectural embellishment has been marginally reduced in dimension, resulting in a 325mm projection beyond the building envelope at its maximum extent. It is noted that the Sydney Development Control Plan 2012 does have an allowance for architectural articulation up to 450m over a site boundary adjacent to a public place. It is noted that then 325mm projection from the approved concept envelope does not protrude above a public place or adjacent private property.
- As the building floorplate has been reduced the podium is entirely within the approved envelope and the tower projection has been reduced. From street level a 325mm projection would not be perceivable and is unlikely to impact the overall reading of the Bathurst Street streetscape.

Pitt Street

- The proposed development also occupies less floor space in the podium than the approved concept envelope permits along Pitt Street.
- This has resulted in an improved solar outcome for Princeton Apartments as outlined within this section of the RtS report and the supporting expert advice from Walsh2Architects as outlined at **Appendix D**.
- The refined GRC design also provides a more regularised appearance to the façade which aligns with the window locations in the various room typologies within individual apartments.

Figure 13 shows how the revised GRC detailing will appear from both the Pitt Street and Bathurst Street streetscapes. Despite the reduced depth of the GRC, the combined amount of visual solidity when viewed obliquely is consistent with the original design (1,225mm, being 325mm depth plus 900mm width). Therefore, the visual solidity to the public facing facades is retained in accordance with the recommendations of the DRP.

Figure 13 Streetscape views

Picture 8 Previously proposed

Source: Bates Smart

Picture 9 Amended Design

Legend: *Concept Envelope*

Ongoing Maintenance of Boundary Conditions

There is a 150mm gap between the blades of the fixed louvres on the southern façade to allow cleaning by a squeegee cleaning tool. This detail is illustrated in the Supplementary Architectural Design Report, refer **Appendix B**.

Demonstrate a reasonable level of privacy and amenity can be maintained between the proposed building and adjoining Princeton Apartments, including further consideration of:

- ***the appropriateness of the location and design of the proposed communal open space adjacent to the Princeton Apartments on Level 6***
- ***any potential maintenance and acoustic issues from the proposed ventilation slots for south facing units***
- ***measures to mitigate impacts to the outlook and amenity of the adjoining Princeton Apartments, particularly along the common boundary.***

Level 06 Open Space

The Level 06 communal open space courtyard has been made in-accessible and will not be accessible by residents only for maintenance. It is proposed to comprise of a greened landscape zone, providing a pleasant outlook from within the proposed development and from Princeton Apartments.

Planting in planter beds will comprise dense low-level greenery with 5 trees, providing some further screening between the lower level Princeton windows and the Level 06 internal amenity spaces.

The balustrade has also been removed, reducing the visual imposition of this space on the neighbours immediately to the south.

Ventilation Slots

The louvre has been removed from the ventilation slots to window on the southern façade, and the ventilation slots have been designed so that acoustic transfer between the proposed building and Princeton is limited due to its angle.

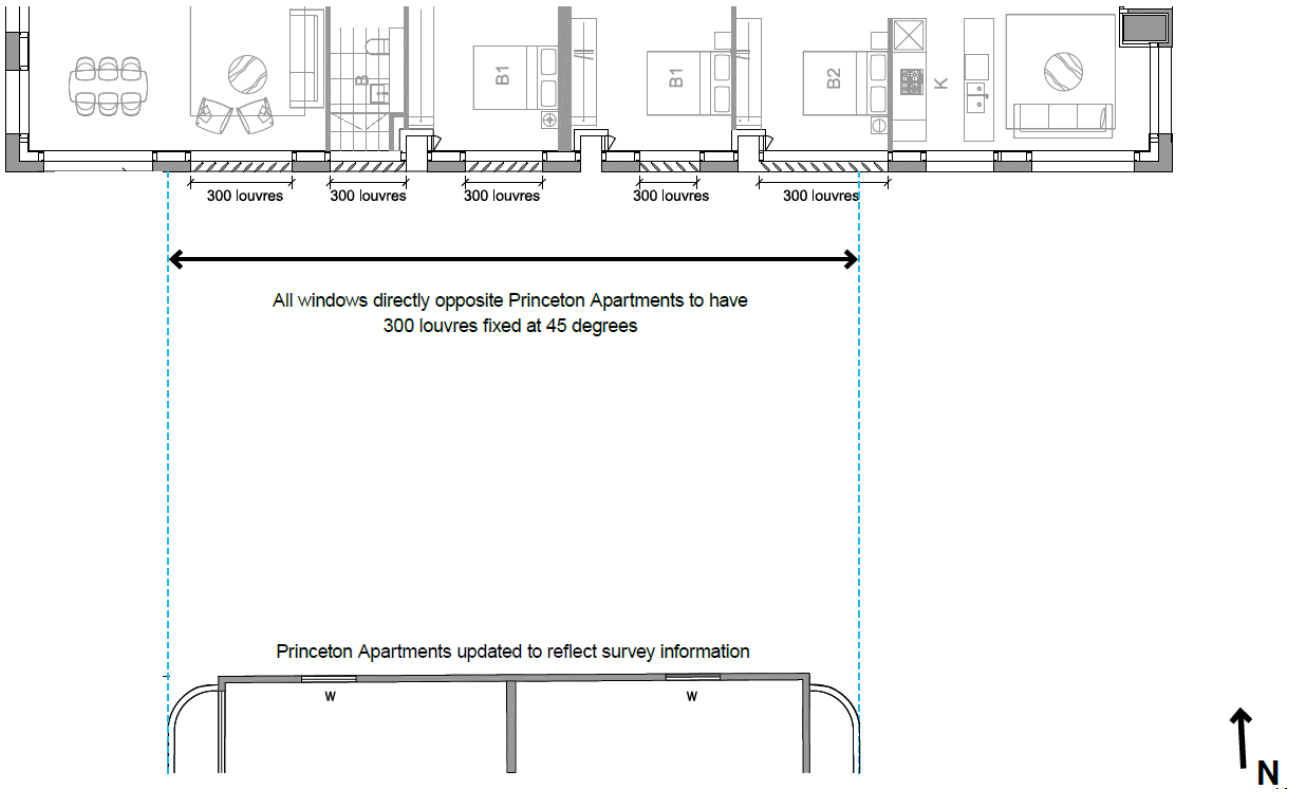
Mitigation of Outlook and Amenity Impacts

The planting proposed on the outdoor area at Level 06 courtyard will provide increased landscape screening and a privacy buffer between the windows of the Princeton Apartments windows and the internal amenity space.

The balcony to the south-east apartment has been moved north along the façade and inboarded within that apartment to remove the opportunity for overlooking between the balcony and Princeton Apartments.

Louvres to the proposed habitable rooms of the south facing apartments are retained where they interface with the north facing Princeton Apartment windows. Refer louvre diagrams within the supplementary Architectural Design Report and extract below showing the interface between the two buildings.

Figure 14 South facing louvres in relation to Princeton Apartments



Source: Bates Smart

Review and revise the Design Integrity Report and Urban Design Report to address the Design Guidelines approved on 8 August 2019. Detail how the proposal is consistent with the Design Guidelines.

A revised Design Integrity Report addressing all objectives and guidance within the Pitt Street Station Design Guidelines is included at **Appendix G**.

Demonstrate consistency with Design Guidelines (clause 4 (Built Form above the Podium)), which requires the proposal to minimise overshadowing impacts on adjoining residential development and Hyde Park. This shall include illustration of design options considered and their potential benefits and impacts.

Shadow diagrams of the proposed built form onto both Princeton Apartments and Hyde Park have been prepared by Bates Smart and analysed by Walsh2Architects.

The design changes proposed **improve solar access to Princeton Apartments** as follows:

- 19 apartments receive increased solar access of between 8 and 33 minutes between 9am and 3pm at mid-winter, compared to the approved concept envelope.
- This has resulted from the decreased GRC depth and northward movement of the building to sit within the approved concept envelope boundary.
- Consideration was given to further increase in solar access through redesign of the south western apartment type, however this resulted in only a minor increase to Princeton Apartments solar access but a significantly detrimental impact on the proposed building's solar compliance.

The proposal improves solar access to Hyde Park as follows

- The proposed built form does not cast any additional shadow onto Hyde Park between the hours of 9 and 2pm.
- A minor amount of additional shadowing is cast to Hyde Park after 2.30pm, and this area is wholly contained within the area anticipated by the approved concept envelope.
- The additional shadow area is at the very southern end of Hyde Park adjacent to the park boundary with Liverpool Street, falls on an area which is treed and is not grassed or highly used as a public space.
- This additional shadow is cast by the main tower element and not by the roof form, the shadow of which falls onto the roadway of Liverpool Street. Any reduction in height of the proposed building will not reduce the extent of shadowing over Hyde Park and would only benefit the roadway.

Refer to section 6 of the Supplementary Architectural Design Report prepared by Bates Smart at **Appendix B**.

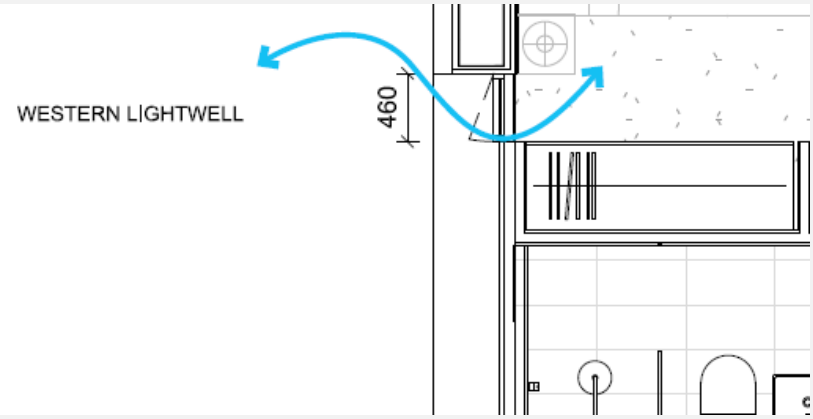
4.2. RESIDENTIAL AMENITY

The following table provides a response to the DPIE preliminary assessment comments that relate to the residential amenity achieved for the proposed build-to-rent units.

Table 3 Response to Residential Amenity items

DPIE Comment	**Response**
Review and revise the proposal with respect to compliance with SEPP 65 and the Apartment Design Guidelines (ADG) (as required by Condition B3(h) of the Concept Approval), including further consideration and illustration of:	Condition B3(h) of the concept approval SSD 8876 requires that the detailed SSD DA achieve compliance with the requirements of SEPP 65 and the ADG. The introduction to the ADG contains a section titled 'How to Use this Guide'. This section provides guidance on how to interpret and demonstrate achievement of the various ADG provisions. It states that: '*The key to working with Parts 3 and 4 is that a development needs to demonstrate how it meets the objective and design criteria. The design criteria set a clear measurable benchmark for how the objective can be practically achieved. If it is not possible to achieve the design criteria, applications must demonstrate what other design responses are used to achieve the objective and the design guidance can be used to assist in this*.' The design criteria provisions in the ADG are recommended numerical outcomes, to be achieved through consideration of the underlying objectives and following the design guidance provided. Demonstration of how the objective is achieved is the primary requirement of the ADG, rather than specifically meeting the design criteria. The DPIE in its assessment and approval of SSD 8876 acknowledged that the application could not achieve strict compliance with the ADG provisions due to the existing built form context around the site and the inner- city location. The Architectural approach to the proposed building has been to first and foremost consider the design guidance provided by the ADG to drive the building and the apartment design.

DPIE Comment	Response
▪ apartment design, size and density to meet solar access criteria	▪ The building and its floor layouts have been strategically planned to optimise the number of apartments that meet the solar access design criteria of the ADG. Bates Smart has considered and followed the design guidance provided in the ADG, which is further illustrated in the Supplementary Architectural Design Report at **Appendix B**. ▪ North facing apartments have been maximised. ▪ No sole aspect south facing apartments are provided. ▪ Single aspect apartments have an easterly aspect therefore 7/8 per floor comply with the design guidance. ▪ Multiple dual aspect apartments (5 corner apartments per floor of 8 apartments). ▪ Shallow apartment layouts -all apartments are less than 8m depth between the rear kitchen wall and a light source. ▪ As detailed in **Appendix D**, the proposed design amendments make marginal improvement to solar access to apartments, however does not extend to increase the number of apartments will receive 2 hours solar access between 9am-3pm at mid-winter. Notwithstanding the consistency of the design approach with the underlying ADG principles, ADG compliance has been prevented due to external factors including in-compliant building heights on other sites. ▪ The apartment mix has been informed by detailed market analysis for build to rent product in this area of Sydney. The size and location of apartments within the building has also been designed to maximise the solar access to the greatest number of units to improve overall amenity across the overall asset. ▪ A single apartment type, two bedroom 'Type 04' in the north western corner, achieves a minimum 74sqm, 1 sqm short of the 75sqm minimum required for a 2 Bed 2 Bath unit, and occurs on Level 8, and Levels 14-34. However, this apartment layout: i) is compensated in amenity by enjoying a triple aspect outlook, ii) is cross ventilated, iii) all internal room dimensions meet or exceed minimum ADG requirements, iv) is able to be planned in a highly efficient manner with almost no internal circulation, due to the triple aspect outlook. The apartment therefore enjoys greater, rather than lesser, amenity than a comparable single aspect apartment of 75sqm permissible under this guideline. All other 2 bedroom

DPIE Comment	Response
	apartments vary in size between 75-85sqm, the latter some 10sqm larger than required. ▪ Minor variation to two balcony sizes are proposed as outlined in Section 3.3 of this RTS, to enable the improved interface with Princeton Apartments and maintenance of ADG minimum apartment areas and internal dimensions.
▪ how the proposed light-well, window and balcony designs will achieve adequate ventilation and natural cross-ventilation	It is noted within the City of Sydney submission the Council provided comment that the window designs should be revised to provide the maximum natural ventilation possible whilst reducing external noise. The proposed development includes 5 out of 7 apartments on Levels 07-09 as achieving natural cross ventilation, achieving 71% of the total apartments at the relevant levels. One apartment per level within these relevant levels achieves natural cross ventilation through the western light well as illustrated below.  To clarify the operability of this window for achieving natural cross ventilation (and adequate ventilation in general it is noted that) the bedroom requires 5% of the room area to be an operable window. The proposed window in the western lightwell has a dimension of 460W x 2600H window, achieving a ventilation area of 1.2sqm as calculated in accordance with Figure 2a of the Extract from Australian Building Codes Board Advisory Note 2013-1 Protection of Openable Windows. With regards to the southern facing bedrooms, natural cross ventilation and ventilation in general is achieved through the window opening of proposed slot window with a dimension of 310mm x 2600mm, which meets the minimum requirements of affected bedrooms as per the definition of the BCA quoted above. It is noted that the Juliette balconies on the eastern façade have been counted as GFA. It is noted that there is no accepted performance-based method for answering this question of “adequate ventilation and natural cross-ventilation”. In this instance to balance the need to protect residential privacy and amenity and also balance the safety

DPIE Comment	Response
	requirements of windows on a proposed building of this height, compliance with the window opening criteria under the BCA for natural ventilation is considered appropriate. It is noted within the technical advice provided by CPP at **Appendix H**, that flow rates of outside air driven by wind have been calculated for representative windows and apartments in the proposed development at each half hour for the time between 2010 and 2018. Despite the increase in resistance caused by the south-facing casement windows, all tested apartments significantly exceed the criteria provided in the City of Sydney draft guideline for natural ventilation in noisy environments (City of Sydney, 2018). As such, it is considered that the proposed window design has been designed to achieve the maximum natural ventilation possible whilst mitigating other design and amenity considerations.
▪ how the proposed lift configuration and associated layout will meet common circulation requirements.	A supplementary Vertical transport analysis has been prepared by LCI and is included at **Appendix F**. The residential lifts servicing the OSD building have been designed in accordance with international CIBSE Guide D 2015 and *ISO 8100-32: Planning and selection of passenger lifts to be installed in office hotel and residential buildings.* These standards are internationally recognised and adopted for residential buildings. The residential lifts comprise of: ▪ 2 x 21 passenger 1600kg passenger lifts ▪ 1 x 21 passenger 1600kg min. for passengers and loading. Three comparable high-rise residential buildings in Sydney also use three residential lifts for passenger service. These include: ▪ Greenland Centre by Greenland, 115 Bathurst Street (30 floors, 180 apartments, approved and under construction), ▪ Castle Residences by Shanghai United, 116 Bathurst Street (40 floors, 131 apartments), and ▪ Boomerang Towers by Ecove, 3 Olympic Boulevard (39 floors, 230 apartments). The analysis provided by LCI demonstrates that ▪ the proposed lifting service meets or exceeds both the interval time and handling capacity required under the ‘luxury’ category. ▪ The lift scheme satisfies ISO 8100-32 performance. With regard to the ADG Objective 4F-1 Design, Criteria 2 is not clearly defined however it is to ensure that the minimum number of lifts serving no more than 40 apartments in a building of 10 storeys or more, will be one.

DPIE Comment	Response
	Having regard to industry standards, the proposed three lift system for passenger transport will provide satisfactory service to all residential levels. If one lift was provided for every 40 lifts in the building, this would be significant over-provision, as the three lift system ensures the 'luxury' lifting service level is achieved in this instance.

4.3. LAND USE AND GROSS FLOOR AREA

Justify how the proposed retail tenancy is substantially the same development and consistent with the residential use approved under the Concept consent.

The planning report included within the concept SSD DA modification outlines in detail how the proposed retail land use can meet the test of substantially the same development, however it is further noted that there is an integral relationship between the operation of the retail tenancy and the BTR communal facilities.

The inclusion of retail uses within the podium will support the residents of the building by providing an on-site restaurant and café offering. While also open to the public, the restaurant/ café space will be an integral part of the suite of communal offerings and services available to residents within the building. The retail use will complement the residential development and also provide services to station passengers and nearby employees in the vicinity of the station.

Specifically, the BTR Overview report submitted with the detailed SSD DA (Appendix DD) outlines that when researching potential occupants desire when choosing accommodation, key factors included:

- a desire to have access to lifestyle facilities and suburbs with a café culture;
- a greater level and opportunity for community engagement and curation of programs for tenants; and
- opportunity for friendship groups and social networking.

The provision of on-site retail that is located adjacent to communal facilities allows residents to 'work from home' within a café culture environment. The location of the retail tenancy provides an opportunity for tenant programs and events for tenants to be catered, lively, and supported through full amenities and food service, and also provides an active and welcoming space that encourages friendship groups to meet and mingle. The retail offering supports these objectives for a high-quality residential environment, encouraged by future tenant research.

The location and dimensions of the retail tenancy has also been specifically designed to integrate with the communal facilities of the BTR offering. The tenancy and the communal facilities share amenities, and a potential private dining area. The retail tenancy supports the functionality and use of the communal facilities at Level 02 by providing food service adjacent to working spaces, and a social lounge to encourage their use.

Finally, it is noted that the retail use is proposed wholly within the metro box envelope, and retail use at the lower levels considered through the CSSI approval and original concept SSD DA. While ultimately omitted from the concept approval, the use of this podium space for an active use that supports the primary use of the building and site for residential accommodation is substantially the same as the development originally assessed under SSD 8876-2.

Clarify discrepancies between the station floor area nominated in the EIS and the Urban Design Report.

It is not clear in the DPIE response where discrepancies existing in the nominated GFA areas within the EIS and the Urban Design Report, however we provide the following clarity on this matter:

- The proposed OSD includes 21,995sqm of GFA, excluding floor space approved in the CSSI approval.
- It is understood that the station floor space includes approximately 587.6sqm GFA which comprises the forecourt at ground level and the concourse at basement level B4 at the bottom of the escalators. This GFA is broken down per level as below.

Table 4 Station floor space breakdown per level

GFA Station South	
LEVEL	AREA (SQM)
5	0.0
4	0.0
3	0.0
2	0.0
1	0.0
GROUND	277.8
B1	0.0
B2	0.0
B3	0.0
B4	309.8
TOTAL	587.6
SITE AREA	1,710

As consent is not sought for the construction or use of these areas within the station box, this station GFA is not highlighted within the Bates Smart proposed development plans.

4.4. OTHER ISSUES

The following table outlines a response to the other matters raised by the DPIE in their preliminary assessment of the SSD DA and concept modification application.

Table 5 Response to other items raised

DPIE Comment	**Response**
Submit a statement by a qualified designer prepared in accordance with clause 50 of the Environmental Planning and Assessment Regulation 2000.	A statement prepared by a qualified designer is provided within the Supplementary Architectural Design Report at **Appendix B**.
Illustrate safety and efficiency of the proposed arrangements for loading access and cyclists in response to TfNSW's and Council's submissions.	A response to TfNSW comment is provided at **Section 5.2** below. The revised Transport and Accessibility Impact Statement – refer Section 4.2 and Section 5.9 of **Appendix E** that address safety matters.
Clarify the scope for which heritage and site suitability matters (such as flooding, contamination and stormwater) would be addressed by the proposed over station development and others that would address separately under	**Heritage Interpretation** Under the terms of the CSSI approval, a Heritage Interpretation Plan is required to be prepared under Condition E21 prior to the commencement of construction on the site. Further, this Heritage Interpretation Plan is to inform the Station Design and Precinct Plan (**SDPP**) required under Condition E101 of that approval.

DPIE Comment	Response
the infrastructure approval (CSSI 7400).	As such the Sydney Metro City and Southwest Heritage Interpretation Plan (2017) was prepared to fulfil the conditions of consent for the CSSI approval. This Plan provides recommendations for future heritage interpretation within the scope of the station works. In addition to the above, in response to condition B8 of the concept SSD DA and the SEARs issued for detailed SSD DA, an additional Heritage Interpretation Plan has been prepared by GBA Heritage to support the OSD. The recommendations of the Heritage Interpretation Plan prepared to support the OSD therefore are limited to interpretation opportunities within the footprint of the OSD floor space, including: - The residential lobby at ground level; and - Co-working and social lounge (level 2). While these locations are within the station box, it is noted that the fit-out of the station box for any OSD uses fall within the scope of the detailed SSD DA or subsequent applications. As such, the installation of any heritage interpretation elements to support the OSD are relevant to this application and is pursued separately to the existing Sydney Metro City and Southwest Heritage Interpretation Plan. It is noted that the heritage themes for the OSD have been developed in recognition of the intended themes for the station interpretation strategy and as such the two works will not be in conflict or compete with one another. **Archaeological Investigations** An Aboriginal Heritage – Archaeological Assessment and a Non-Aboriginal Heritage Impact Assessment (dated May 2016) undertaken by Artefact was prepared to support the CSSI project, which was approved in January 2017 by the Minister for Planning. The reports found that the Pitt Street station study area has low to moderate potential to contain archaeological evidence associated with pre-1850s to early 20th century commercial and residential development of the study area of local-state significance. It is noted that no recorded Aboriginal sites are located within 100m of the proposed location of Pitt Street Station. However, it is noted there is moderate-high archaeological potential for Aboriginal objects in sub-surface contexts where there have not been extensive sub-surface impacts. In light of the above, heritage excavation and salvage works, subject to addressing related requirements of the CSSI approval including Conditions E10- E27, and archaeological testing under the *Code of practice for archaeological investigation of Aboriginal objects in NSW* (DECCW, 2010) or archaeological monitoring form a part of the CSSI approval and construction scope of works.

DPIE Comment	Response
	As such any archaeological investigation, salvage, testing and monitoring have or will accordingly be addressed as part of this separate process. **Flooding** As outlined within the EIS submitted with the application, the design and construction of the station box up to the transfer slab level, including the station infrastructure including station access, concourse, platforms, and services, and the required public domain works fall within the scope of the CSSI approval. Flood protection to the station infrastructure is required under the terms of the CSSI approval and is conditioned within the relevant mitigation measures, including: *During detailed design, project infrastructure would be designed to meet the following criteria, where feasible and reasonable:* - *Locate station and service entrances to underground stations above the greater of the 100 year annual recurrence interval flood level plus 500mm or the probable maximum flood level* - *Provide site surface grading and drainage collection systems at the Chatswood and Marrickville dive structures to manage the risk of local catchment and overland flooding for events up to and including the probable maximum flood event* - *Locate aboveground rail system facilities (such as traction power supply sub stations) at least above the 100 year annual recurrence interval flood level plus 500mm* - *Protect facilities that are identified as being critical to emergency response operations from the probable maximum flood level.* As such, the station entrance on Bathurst Street, and the shared loading dock on Pitt Street are required to be appropriately protected from stormwater and flooding under the CSSI approval and as documented within the agreements between the City of Sydney, Sydney Metro, and the PS Contractor (CPB). Further it is noted that public domain works including though not limited to the raising of the pavement, widening of the footpath, and a new layback on Pitt Street is being undertaken under the CSSI approval. These works will impact flood mitigation and stormwater flows to and around the site. The flood mitigation works around the site that are relevant to the detailed SSD DA are therefore limited to the OSD building entrances at Bathurst Street (retail) and Pitt Street (residential). As outlined within the Flood Impact Assessment Report prepared by Aurecon and submitted with the detailed SSD DA minor pavement modification immediately at the Pitt Street OSD building entrance will

DPIE Comment	Response
	not impact local area flooding. Further, the level of the OSD ground floor entries on Pitt Street and Bathurst Street have been designed to be above the 1% Annual Exceedance Probability (AEP) flood event, which is suitable for retail and OSD entrances. As such, the OSD is appropriately protected from flooding constraints, and flood mitigation to the station infrastructure have or will accordingly be addressed as part of the separate CSSI process. **Contamination** A Phase 1 Contamination Investigation (dated May 2016) was undertaken by Jacobs to support the CSSI project, which was approved in January 2017 by the Minister for Planning. The Phase 1 Investigation considered the land the subject of the CSSI, which includes the full extent of the Pitt Street South site and it did not identify the site as an area of environmental interest (**AEI**). The report noted in particular that the Central Station, Pitt Street Station and the Martin Place Station sites have remained within a commercial context since the 1930s. While the site is not identified as an AEI, it is noted that the CSSI conditions of approval include the treatment of contaminated sites subject to the recommendations of a Site Contamination Report prepared in accordance with Condition E66 of the CSSI approval. As such any potential contamination issues have or will accordingly be addressed as part of this separate process. In summary, it is considered that the site is/can be made suitable for the proposed development and future uses, consistent with the requirements of SEPP 55 and no further assessment or remediation of land is required under the proposed detailed SSD DA.
Submit amended architectural drawings confirming BASIX commitments.	The proposed development is the subject of an alternative BASIX approval pathway concurrently being reviewed by the DPIE. As such, revised architectural plans stamped with the BASIX commitments will be provided to DPIE separately.
Include additional dimensions on the architectural drawings to confirm compliance with the required boundary setbacks.	Revised Architectural Plans including annotated setback dimensions are provided at **Appendix A**.

5. RESPONSE TO PUBLIC AUTHORITIES AND NSW GOVERNMENT AGENCIES

Submissions were received from NSW government agencies and other public authorities during the public exhibition period for both SSD-8876 MOD 2 and SSD-10376.

Agency submissions were received from the following public authorities:

- NSW Environment Protection Authority (EPA)
- Department of Planning, Industry, and Environment – Water Group
- Department of Planning, Industry, and Environment – Biodiversity and Conservation Division
- Sydney Airport Corporation
- Transport for NSW (TfNSW)
- Roads and Maritime Services
- Police NSW
- Civil Aviation Safety Authority (CASA)
- Sydney Water
- City of Sydney
- Sydney Metro
- Heritage Council of NSW

5.1. CONCEPT SSD DA MODIFICATION

A response to the maters raised by government agencies and other public authorities in relation to the Concept SSD DA Modification Application SSD-8876- MOD 2 is provided in Table 6 below.

Table 6 Response to Public Authority Submissions – Concept SSD DA Mod

Comment	Response
Environmental Protection Authority (NSW)	
The EPA has no comments in relation to this matter and no further need to be involved in the assessment of this project.	Noted.
Department of Planning Industry and Environment – Water Group	
No comments	Noted
Department of Planning Industry and Environment – Biodiversity and Conservation Group	
No comments	Noted
Transport for New South Wales	
No comments	Noted.

Comment	Response
Roads and Maritime Services	
Duplicate of TfNSW letter; no comments.	Noted.
Sydney Airport Corporation	
Sydney Airport Corporation approve the controlled activity for the intrusion of the proposal into the prescribed airspace for Sydney Airport to a maximum height of 171 metres AHD, subject to the following conditions: 1. The building must not exceed a maximum height of 171 metres AHD, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden planting plantings, exhaust flues etc. 2. The proponent must advise Air services Australia at least three business days prior to the controlled activity commencing by emailing <*ifp@airservicesaustralia.com*> and quoting SY-CA-563 P2. 3. Separate approval must be sought under the Regulations for any construction equipment (i.e. cranes) required to construct the building. Construction cranes may operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained prior to any commitment to construct. 4. On completion of construction of the building, the Proponent must provide the airfield design manager with a written report from a certified surveyor on the finished height of the building.	Noted and accepted.
Police NSW	
Regarding the Pitt Street South Over Station Development (SSD-8876-Mod-2), Sydney City Police would request that the builders / developers consult with a private security company for assessment and consider all relevant counter terrorism aspects for the building.	Noted and accepted. A private security company, Integral Group, was engaged by the applicant to prepare a Security Risk Assessment for the project, which has been provided to the DPIE separately with the detailed SSD DA. Refer to the detailed SSD DA for additional response.

Comment	Response
Civil Aviation Safety Authority	
CASA has reviewed information provided and has no objections to the proposed building development however notes that the Aeronautical Impact Statement refers to the Department of Infrastructure, Transport, Cities and Regional Development which has been renamed as the Department of Infrastructure, Transport, Regional Development and Communications (DITRDC).	Departmental name change is noted.
CASA will make recommendations for the tower crane under the Airspace Regulations 2007 on receipt of an Invitation to Comment from Sydney Airport.	Noted.
In 2017 CASA assessed a building at the site at a height of 261m above Australian Height Datum (AHD) and recommended that the building be obstacle lit by medium intensity steady red lighting during the hours of darkness at the highest point of the building. DITRDC accepted the recommendation and it became a condition on the approval issued on 1 August 2018. If CASA were to reassess the building at a height of 171.6m or 165.15m above AHD it is unlikely that obstacle lighting would be recommended.	The aviation consultant, Avlaw has reviewed the submission received from CASA. Avlaw notes that obstacle lighting in accordance with relevant aviation standards may still be required. The applicant accepts that any conditions which are imposed on any forthcoming approvals for structures at the site will be determined by the Civil Aviation Safety Authority (**CASA**) following the assessment of the application based on the proposed project RL of 165.15m.
CASA notes the report advises that the outer horizontal surface of the Obstacle Limitation Surface across the site is 171.6m AHD; the proposed maximum building height is consistent with the approved building height. The outer horizontal surface for Sydney Airport is 156m above AHD across the site and therefore CASA has no objections to the proposed building development.	Noted.
Heritage Council of NSW	
Our previous comments on the concept building envelope were in relation to the minimisation of overshadowing impacts to Hyde Park (which is listed on the State Heritage Register for its continuous use for public open space, recreation, remembrance, celebration and leisure). Whilst the extent of the proposed protrusions (maximum of 500mm) is considered negligible in the overall scheme, we reiterate our strong support for compliance with the Sydney Local Environmental	The proposed building sits below the Hyde Park South Sun Access Plane. The proposed building results in only minor additional overshadowing to the very southern portion of Hyde Park after 2.30pm. This shadow is cast on a treed portion of the park and not on a primary passive recreation area. This is shown in the Supplementary Architectural Design Report at **Appendix B**.

Comment	Response
Plan 2012 Sun Access Plane Controls in your assessment of the proposed modifications.	We note also that the extent of shadowing to Hyde Park is as anticipated by the concept envelope approval.

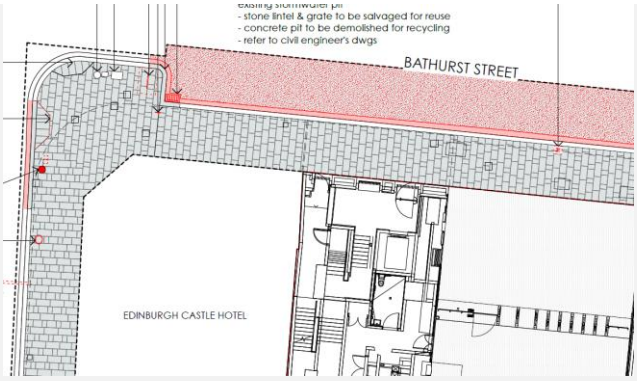
5.2. DETAILED SSD DA

A response to the matters raised by government agencies and other public authorities in relation to the Detailed SSD DA SSD-10376 is provided in Table 7 below.

Table 7 Response to Public Authority Submissions – (SSD-10376)

Comment	Response
Sydney Airport Corporation	
In accordance with regulation 14(1)(b), I impose the following conditions on my approval: 1. The building must not exceed a maximum height of 171 metres AHD, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightening rods, any roof top garden planting plantings, exhaust flues etc. 2. The proponent must advise Airservices Australia at least three business days prior to the controlled activity commencing by emailing <*ifp@airservicesaustralia.com*> and quoting SY-CA-563 P2. 3. Separate approval must be sought under the Regulations for any construction equipment (i.e. cranes) required to construct the building. Construction cranes may operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained prior to any commitment to construct. 4. On completion of construction of the building, the Proponent must provide the airfield design manager with a written report from a certified surveyor on the finished height of the building.	Noted and accepted.
Transport for New South Wales **(TfNSW)**	
Active Transport	

Comment	Response
It is advised that: ▪ Proposed bicycle parking access via loading dock would have the potential to cause safety incidents between cyclists and service vehicles; ▪ In relation to bicycle parking spaces on Bathurst Street, City of Sydney needs to approve the parking spaces and the applicant needs to consult with Edinburgh Castle as these parking spaces would be located adjacent to the Edinburgh Castle; ▪ No bicycle parking spaces are proposed for bicycle couriers for the above development; and ▪ No detailed information is provided in relation to end of trip facilities. Staff of the retail and restaurant areas making use of active transport will require end of trip facilities in a location convenient to their place of work. <u>Recommendation</u> It is recommended that the applicant: ▪ Locates resident and visitor bicycle facilities in secure, convenient, accessible areas close to the main entries, incorporating adequate lighting and passive surveillance and in accordance with Austroads guidelines; ▪ Considers to provide bicycle parking arrangements for bicycle couriers; ▪ Designs bicycle parking spaces to locate on Bathurst Street such that adequate footpath width is provided for pedestrian movements; and ▪ Provides adequate end of trip facilities for the development.	The shared loading dock is proposed to have one right-in, one right-out only vehicle access point, located on Pitt Street. Forward in and out access to the loading dock is therefore provided as part of the development. Parking into each loading dock bay is based on a reverse in, forward out movement once in the loading dock. Bike access will occur through the loading dock via a dedicated cycle access door on Pitt Street. Access to the southernmost loading bay within the loading dock does require the vehicle to reverse over a bicycle path. In order to minimise the risk, convex mirrors are proposed to provide visibility for vehicles (primarily loading vehicles) on exiting the loading dock. These can be installed within the building property boundary at the loading dock access to improve the drivers' visibility of the footpath prior to exiting the access point, and vice versa for pedestrians to have better visibility of exiting vehicles. An audible and flashing light warning system is also proposed to be installed to alert the surrounding pedestrians and cyclists of incoming and outgoing commercial vehicles from the loading dock. These measures are discussed in Section 5.9 – *Safety Assessment* of the revised Transport and Accessibility Impact Statement. The proposed location of the 10 bicycle parking spaces along Bathurst Street is being extended to provide additional width. At the proposed location of the 10 bicycle parking spaces along Bathurst Street, the pavement width is being extended to provide additional space for the bicycle racks. This increased pavement width is addressed under the Pitt Street Station CSSI Application. As demonstrated below: Existing Public Domain:

Comment	Response
	 Proposed Public Domain with widened pavement:  The available bike parking within the proposed development is designed to exceed the minimum Green Star requirements. The Stage 2 design proposes the residential OSD lobby glazing line to be inset approximately 2.5 m from the site boundary creating an area for bicycle couriers to wait off the public footpath. Courier cyclists will utilise small recessed area at the entrance of the residential OSD main lobby for pickup and delivery. This space is considered adequate to accommodate courier and food deliveries and separate them from the pedestrian footpath. When any deliveries arrive at the lobby entrance, they will be met by the concierge who will accept the parcel. The amended design provides EOT facilities for retail workers on Level 2 consisting of an accessible bathroom which will include a shower for retail employees.
Green Travel Plan	
It is requested that: ▪ The applicant be conditioned to update the Green Travel Plan in consultation with the Sydney Coordination Office within TfNSW,	Noted and accepted.

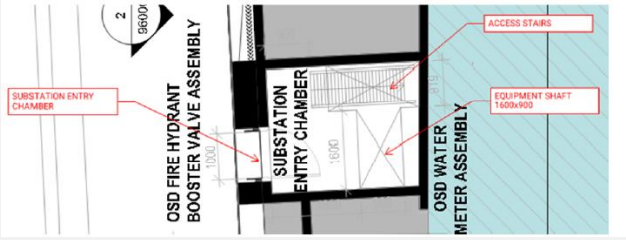
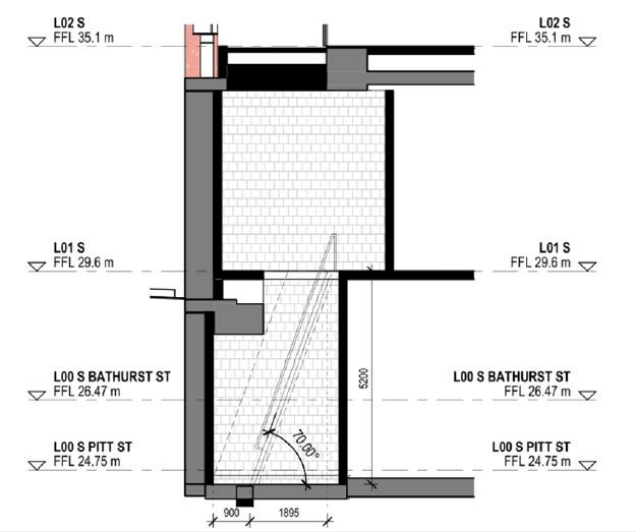
Comment	Response
prior to the issue of the Occupation Certificate; and ▪ The Green Travel Plan must be implemented accordingly and updated annually to ensure sustainable transport outcomes and achieve the overall strategic planning objectives in the Future Transport 2056.	
Transport Access Guide	
It is requested that the applicant be conditioned to prepare a Transport Access Guide, in consultation with Sydney Coordination Office within TfNSW, prior to the issue of the Occupation Certificate.	Noted and accepted.
Construction Pedestrian and Traffic Management	
It is requested that the applicant be conditioned to prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with the Sydney Coordination Office within TfNSW and submit a copy of the final CPTMP to the Coordinator General, Transport Coordination for endorsement, prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier.	Noted and accepted. It is requested that a condition to this effect be developed in conjunction with the CTMP for the CSSI (Station), noting that the CSSI (Station) CTMP has already been prepared in conjunction with the SCO, and it is to be approved by the Secretary to satisfy CSSI Conditions E81 and E82.
Loading and Servicing Management	
It is advised that ▪ Service vehicle movements (reverse into or out of loading bays) within the loading dock would cause safety issues for cyclists and pedestrians accessing the loading dock area; ▪ Given that the location of two convex mirrors is beyond the property boundary, a separate application should be made for approval of TfNSW for these mirrors; ▪ Any loading zone outside the station entrance on Bathurst Street is not supported; and ▪ All new developments should not rely on on-street parking or loading zones. Kerb side restrictions can be changed at any time and the development should not rely on current kerb side restrictions to service the site.	Due to the spatial constraints of the loading dock service vehicles will need to reverse into/out of loading bays. The swept paths in the Transport and Accessibility Impact Assessment (**Appendix D**) shows that the vehicles will not require more than three points turn to manoeuvre in and out from service bays. This does incur the risk of pedestrian vehicle interaction. To mitigate potential risks to cyclists and pedestrians an audible and flashing light warning system is proposed to be installed to alert the surrounding pedestrians and cyclists of incoming and outgoing commercial vehicles from the loading dock. The convex mirrors on street level are proposed to provide visibility for vehicles (primarily loading vehicles) on exiting the South OSD loading dock. These mirrors could be provided within the site

Comment	Response
Recommendation It is requested that the applicant be conditioned to prepare a Loading and Servicing Plan in consultation with the Sydney Coordination Office within TfNSW by updating the Service Delivery Plan, prior to the issue of any Construction Certificate.	boundary along the building frontage and this can be conditioned. Waste collection for the OSD residential and retail tenancy will be via a private waste contractor. Access to the loading dock by pedestrians and cyclists will be restricted during waste collection to minimise risk and this will be addressed in the Loading and Serving Plan. These measures are described in Section 5.9 – *Safety Assessment* of the revised Transport and Accessibility Impact Assessment prepared by Aurecon. The development will provide four loading dock spaces and these will be managed by a loading dock manager through a booking system. The capacity within the loading dock has been designed to accommodate the estimated peak demand of 8 vehicles during the peak hour. No loading zones are proposed for the OSD outside of the station entrance along Bathurst Street. The South OSD Development is not relying on on-street parking or loading zones. The South OSD development is proposing that on-street parking may be used for contingency purposes only, noting that the use of these on-street facilities is expected to be rare as the maximum number of bays required simultaneously is provided by the development. A condition for the preparation of a Loading and Servicing Plan in consultation with the Sydney Coordination Office should only be required prior to the occupation of the development, consistent with the conditions of approval for other Sydney Metro OSDs, such as the Martin Place OSD.
Police NSW	
Regarding the Pitt Street South Over Station Development Stage 2 (SSD-10376), Sydney City Police would request that the builders / developers consult with a private security company for assessment and consider all relevant counter terrorism aspects for the building.	Noted and accepted. A private security company, Integral Group, was engaged by the applicant to prepare a Security Risk Assessment for the project, which has been provided to the DPIE separately. In preparing the Security Risk Assessment, consultation occurred with TfNSW Critical Infrastructure Protection unit, NSW Police Counter Terrorism unit, NSW Police Transport unit, and Sydney Metro Security Representatives. Other

Comment	Response
	threat assessment information was also obtained through ASIO and ASIOs Business and Government Liaison Unit (BGLU) including regular security briefings. For security reasons this document has not been placed on public exhibition. Notwithstanding, it is noted that this report provides an assessment and considers the likelihood and consequences of a security event or incident occurring. The report includes recommendations to mitigate against agreed risks and to ensure an appropriate level of security is applied, through sound security principles and standards, for the operation of the Pitt Street South OSD.
Civil Aviation Safety Authority	
In 2017 CASA assessed a building at the site at a height of 261m above Australian Height Datum (AHD) and recommended that the building be obstacle lit by medium intensity steady red lighting during the hours of darkness at the highest point of the building. DITRDC accepted the recommendation and it became a condition on the approval issued on 1 August 2018. If CASA were to reassess the building at a height of 171.6m or 165.15m above AHD it is unlikely that obstacle lighting would be recommended.	The aviation consultant, Avlaw has reviewed the submission received from CASA. Avlaw notes that obstacle lighting in accordance with relevant aviation standards may still be required. The applicant accepts that any conditions which are imposed on any forthcoming approvals for structures at the site will be determined by the Civil Aviation Safety Authority (CASA) following the assessment of the application based on the proposed project RL of 165.15m.
City of Sydney	
1. Loading, Servicing and Access	
a) The site proposes residential uses and must accommodate a Council waste truck. However, the height restriction of the proposed driveway is 2.6m which prohibits council collection. The City requires clearance height for access by collection vehicle to be no less than 4m at any point if the vehicle is required to enter site to service bins.	The clearance height mentioned relates to the City of Sydney design vehicle for residential refuse collections. The design vehicle has an overall length of 9.25m. A vehicle of this length cannot manoeuvre on site and therefore the use of smaller collection vehicles with a max length 6.45m (SRV) have been utilised for design by both TTM and Aurecon (refer to the Transport and Accessibility Impact Assessment submitted with the detailed SSD application). The SRV collection vehicles are under 2.5m height clearance. It is recommended that a private contractor with an appropriately sized vehicle be used in lieu of City of Sydney's collection contractor.
b) 5 loading bays are required for the site, plus 1 for the servicing of the metro. The proposal only	Item b) i) – Subject to approval commercial collections would be undertaken by a preferred supplier and the same contractor would be utilised to service both the Metro (Station) and OSD South

Comment	Response
allows for a maximum of 2 bays being used at one time, due to the following: i. One loading bay is for exclusive use of Metro; ii. The Swept Path Analysis does not demonstrate clearly the ability for the site to accommodate two SRVs simultaneously – particularly if a garbage truck is using the site – then only one other bay is accessible.	refuse. An agreement for a single contractor for each refuse stream will reduce the number of vehicles required to enter the site and provide simultaneous use of both loading bays. Item b) ii) - The loading dock will be managed and refuse collection vehicles assigned a timeslot for attendance for each refuse stream. The timing of each refuse collection vehicle attendance will coincide with low traffic and pedestrian periods allowing for the entire loading bay area to be utilised including transfer and temporary placement of bins within the loading area from Level 1 (OSD South). It is noted that no refuse loading for the station will be from the OSD South OSD site. Furthermore, the loading dock will be managed through a booking system and an onsite loading dock manager will be present. Waste loading requirements will be managed to ensure there is no impact on the general operations of the loading dock.
c) A revised Waste Management Plan is required. The generation waste rates - residential waste storage room, and residential and commercial - are insufficient. Commercial collection on a daily basis is not supported and should be reduced to 3 x weekly as a maximum. The waste management plan must comply with the criteria in City of Sydney Guidelines for Waste Management in New Developments 2018. All loading and servicing should be provided for on-site.	**Waste Generation Rates** TTM has reviewed the feedback provided on the Waste Management plan (**WMP**) and provided a response at **Appendix I**. Council's waste generation rates as outlined in the Guidelines for Waste Management in New Developments have been used for calculations and this is stated in Table A.1 of the WMP. TTM acknowledges that there was an input error in Table A.2 showing the measure of calculation as "per m^2GFA" where it should have been shown as "per Unit". The supplementary Waste Management notice provides the correct updated waste calculations. The total volumes demonstrated, however, are correct based on Council's residential waste generation rates. This site will not produce garden organics and therefore the refuse generation rate for this refuse stream has not been applied. Note: Residential waste compaction is also factored in for bin numbers and storage design. **Collection frequency and subsequent impact on equipment, storage, and site entry by collection vehicles.** Subject to approval a private contractor would be utilised for all residential and commercial refuse. The use of a single contractor per waste stream will allow daily collections, where required, to accommodate

Comment	Response
	reduction in footprint for waste equipment and storage. Under this scenario the total number of refuse vehicle entries onto the site based on daily service is equivalent to, or less than, the number of entries arising from 3 times per week collection per refuse stream, per occupancy type (Residential, Station & Commercial). If Council recommends and would approve the latter, then the scenario of daily collections by single private contractor is recommended as acceptable. A reduction in service frequency would require more equipment and storage. Given the size of the shared loading area this would have an adverse effect on workplace and building safety.
2. Awnings and Signage	
a) To provide adequate weather protection, it is recommended that a downturned edge to the awning (rather than stepping the awning) would provide a continuous awning along Pitt Street as required by the provisions of the SDCP 2012.	As the construction of the ground level falls within the envelope of the station box, the design of the awnings is to be determined through the Station Design and Precinct Plan (SDPP) and associated conditions under the CSSI Approval. Notwithstanding, it is noted that the design of the awning has been presented to the Design Review Panel (refer **Appendix J**). The awning design includes overlapping panels (200mm overlap) to adequately protect from weather conditions without physically adjoining adjacent awnings. This ensures no physical connection to the awning of the adjacent heritage item, or the awning at the Sydney Metro entrance.
b) The OSD substation is located on Level 1. The drawings show doors opening outwards above the awning – is this to hoist a transformer over the awning? A sturdy material for the awning must be proposed as such.	The substation is located on Level 1. Major equipment within the substation includes transformers, high-voltage ring-main-units and low-voltage switchboards. Ausgrid has specific requirements for personnel and equipment access and egress. Primary personnel access will be via dedicated access stairs from Pitt Street. Secondary personnel access, small equipment access (up to 70kg) and heavy equipment (up to one tonne, including high and low-voltage switchgear) will be via access chamber and ladder from Pitt Street as illustrated below.

Comment	Response
	 *Source: LCI, 2020* The equipment shaft will have a permanent lifting beam for loads up to 1200kg. A gantry crane mechanism will be stored elsewhere in the building and fitted by the building owner when required for use by Ausgrid. Transformers and major plant will be moved into the substation using “Preston Hire – Superdeck 2.2” temporary platforms. These will extend over the building awning as shown in the substation layout drawing below. Louvred doors opening in the façade will provide access for the platforms. Once inside the substation, final manoeuvring of the transformers will be accomplished using heavy load skates.  *Source: LCI, 2020* Note the proposed access arrangements are subject to Ausgrid review upon submission of the final design.
c) The proposed signage above Bathurst St facade is not consistent with the SDCP 2012. This should not be approved and instead a Signage Strategy for the site for the City’s approval should be required as a condition of consent.	We understand this comment is made in relation to the signage zone for the retail tenancy above the Bathurst Street entrance. All Sydney Metro signage is determined through the CSSI approval and is documented within the SDPP. The site is not located within a signage precinct within the CBD. As such, the proposed flat mounted

Comment	Response
	sign zone has been designed to sit within a panel within the façade design immediately above the tenancy entrance. As such, the signage is to be positioned in a location on panels in between any architectural elements (such as awnings, windows, doors and parapet lines), consistent with the SDCP 2012 provisions. It is noted that the proposed signage zone is located above the awning height, inconsistent with the SDCP 2012 detailed provisions. Given the tenancy is located above ground level, it is considered appropriate to align the signage zone with the tenancy, especially for visibility from a distance. A signage strategy is not required by the SDCP 2012 as the site does not contain more than four business premises. A signage strategy application for one sign is considered unnecessary.
3. Natural Ventilation and Maintenance of Windows	
a) The proposed full height casement (operable) windows to the residential living rooms do not provide adequate natural ventilation, as the opening is only 125mm and is obstructed by the deep reveal within 2m of the opening. The window design should be revised to provide the maximum natural ventilation possible whilst reducing external noise.	As outlined in Section 4.2, the proposed development includes 5 out of 7 apartments on Levels 07-09 as achieving natural cross ventilation, achieving 71% of the total apartments at the relevant levels. The proposed window in the western lightwell has a dimension of 460W x 2600H window, achieving a ventilation area of 1.2sqm as calculated in accordance with Figure 2a of the Extract from Australian Building Codes Board Advisory Note 2013-1 Protection of Openable Windows. With regards to the southern facing bedrooms, natural ventilation in general is achieved through the window opening of proposed slot window with a dimension of 310mm x 2600mm, which meets the minimum requirements of affected bedrooms as per the definition of the BCA quoted above. It is noted that there is no accepted performance-based method for answering this question of “adequate ventilation”. In this instance to balance the need to protect residential privacy and amenity and also balance the safety requirements of windows on a proposed building of this height, compliance with the window opening criteria under the BCA for natural ventilation is considered appropriate. As such, it is considered that the proposed window design has been designed to achieve the maximum

Comment	Response
	natural ventilation possible whilst mitigating other design and amenity considerations.
b) Does the plenum opening allow access from the inside for maintenance?	The plenum is accessible from inside the building for maintenance and cleaning purposes.
4. BASIX and NatHERS	
a) The architectural drawings do not reference BASIX commitments as required. They must include a dedicated plan sheet 'BASIX Commitments', reflecting BASIX commitments and NatHERS modelling inputs.	The proposed development is the subject of an alternative BASIX approval pathway concurrently being reviewed by the DPIE. As such, revised architectural plans stamped with the BASIX commitments will be provided to DPIE separately.
b) The commitments of the PV areas on the rooftop must be marked numerically in kWp. It is unclear whether the architects have signed off on the specific design elements (e.g. additional insulation, glazing) marked on the NatHERS stamped plans, which are not the formally submitted DA drawings.	The proposed development is the subject of an alternative BASIX approval pathway concurrently being reviewed by the DPIE. As such, revised architectural plans stamped with the BASIX commitments will be provided to DPIE separately
c) Any stamped set of drawings must be the NatHERS stamped plans.	As detailed above, revised architectural plans stamped with the BASIX commitments will be provided to DPIE separately. These will also show the NatHERS commitments.
5. Bike Parking	
a) There is a shortfall in the required bike parking provision both for residents and for visitors. 234 residential, 23 visitor, 3 staff and 8 customer bike parking is required in accordance with Section 3.11.3 of the SDCP 2012. The bike parking must be separate to the 10 bike spaces in Bathurst Street for Metro customers.	We acknowledge the shortfall in parking provision against Sydney DCP 2012 requirements however as an SSD DA the provisions of a DCP are not applicable to the application. The bike parking provision has been designed to comply with Greenstar requirements. The amended proposal includes parking for 203 bicycles, comprising: ▪ 135 bike/ resident storage lockers, ▪ 44 bicycle lockers and ▪ 12 visitor bike racks ▪ 12 spaces on the retail level
b) The warning system and convex mirror proposed for the bike access to the parking area is not supported. The use of flashing lights, audible signals or other measures that reduce the pedestrian amenity should be avoided and an alternative safety measure explored.	Alternative safety measures have been explored including pivoting gates that stop pedestrians, alongside speed humps. The preferred solution was convex mirrors and the use of flashing / audible lights.

Comment	Response
6. Heritage	
a) The Heritage Interpretation Plan (HIP) should clearly state its relationship with the heritage interpretation plan for the Metro Station Project CSSI. It is unclear how the two heritage interpretation plans will coordinate.	GBA Heritage have prepared one HIP for the OSD and another HIP for the Metro Station component. The interpretation themes are therefore coordinated between the two plans. Notwithstanding, as outlined in Section 4.4 the location of the interpretation elements are separated between the OSD (ground level lobby on Pitt Street and the residents lounge on level 2) and the metro station.
b) It is unclear whether an archaeological study and excavation has been carried out on the development site and whether any archaeological finds have been incorporated into the Metro Station project. If there is no HIP for the Metro Station Project, the City recommends that a display or interpretation of the archaeological finds (if they have been discovered by archaeological work on site) be considered in current interpretation plan.	An Archaeological study and excavation has been carried out by Sydney Metro in accordance with the Sydney Metro City & Southwest, Environmental Impact Statement. An Archaeological Assessment was prepared by Artefact as part of the CSSI Approval which confirmed that no recorded Aboriginal sites are located within 100 metres of the proposed location of Pitt Street Station based on AHIMS. It was determined that no identified Aboriginal sites would be impacted by the proposed works at Pitt Street Station. The archaeological study completed by Casey & Lowe Archaeological Heritage during the excavation of the southern station box found no archaeological finds that can be considered in the current interpretation plan.
7. Water Quality	
The City of Sydney has adopted MUSIC-link for assessing Water Sensitive Urban Design (WSUD) compliance for developments. A stormwater quality assessment for the proposed development must comply with the City's specific modelling parameters as adopted in MUSIC-link. A certificate and/or report from MUSIC-link and the electronic copy of the MUSIC model must be submitted for review and approval with the stormwater quality assessment report.	A MUSIC Model is provided for information to City of Sydney separately.
8. Flood Impact Assessment	
The Flood Impact Assessment report must be amended to determine the flood planning levels (1% AEP & PMF) compliant to City's Interim Floodplain Management Policy requirements and accordingly set the finished floor levels	As outlined within the Flood Impact Assessment Report prepared by Aurecon (Appendix S of the EIS), the design addresses compliance with the City's Interim Floodplain Management Policy and specifically notes that the 1% AEP is the appropriate

Comment	Response
	flood planning level for OSD entrances, which is achieved by the proposal. This is consistent with flood planning levels for retail tenancies within the CBD which balances flood protection with activating street level and providing DDA access from the existing street level.
9. Levels & Gradients	
Plans are to be submitted to the City to ensure that ground floor levels and entrances are designed to achieve required flood levels and that any DDA compliant entrances can be achieved. It is to be noted that level changes required to achieve DDA compliance at entrances for retail, residential and commercial are to be achieved within the boundary, not within the public domain.	Notwithstanding it is noted that indicative public domain gradient levels for Pitt Street and Bathurst Street are provided within the Flood Impact Assessment prepared by Aurecon (Appendix S of the EIS). All DDA entrances are to be compliant with the relevant building codes.
Other matters/recommended conditions	
▪ A condition requiring detailed landscape designs to ensure the quality and intent of the concept report is carried through should be included on any consent;	Noted and accepted.
▪ Construction Traffic Management Plans for the City's review and approval must be submitted;	Noted and accepted.
▪ The public domain plans as presented are not approved or endorsed as they form part of a separate approvals process. A detailed public domain plan and all relevant documentation must be submitted to and approved by the City's Public Domain Unit prior to the construction of any public domain works. A recommended condition is provided as Attachment A.	Consent for the indicative public domain works are not sought within this application. Any documentation just demonstrates consistency with the Station Design Precinct Plan (SDPP) required by Condition E101 of CSSI 15_7400 for the station works. It is noted that there is no requirement in the CSSI approval for the City of Sydney to approve public domain documentation, rather the City of Sydney will be consulted on the station stage 3 public domain drawings (civil and landscape) under the CSSI approval. As such the recommendation proposed by the City of Sydney is not applicable or suitable within the SSD DA.
▪ Hostile Vehicle Mitigation should occur within the property boundary//building line, not within the public domain. ▪ Bollards within the public domain should be consistent with the City's streets code. This allows them to perform the anti-vehicular	A private security company, Integral Group, was engaged by the applicant to prepare a Security Risk Assessment for the project. As noted above, for security reasons this document has not been placed on public exhibition. The report includes recommendations to mitigate against agreed risks and to ensure an appropriate level of security is applied, through sound security principles and

Comment	Response
function whilst minimising obstruction to pedestrian movement.	standards, for the operation of the Pitt Street South OSD. Detailed design will include measures to prevent hostile vehicle penetration. It is noted that works within the public domain are addressed within the Sydney Metro Urban Works Interface Agreement with the City of Sydney which defines the location of these components. Therefore this is not a matter for consideration in the detailed SSD DA as it falls squarely within he scope of the station approval (CSSI approval).
Sydney Water	
Water and Wastewater Servicing ▪ Sydney Water's servicing requirements for this proposed development are to be delivered under the Notice of Requirements for the S73 application that the proponent has already lodged with us – CN 165998. Or any future Notice of Requirements. This advice is not formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application.	Noted and accepted.

6. RESPONSE TO COMMUNITY SUBMISSIONS

6.1. RESPONSE TO ORGANISATION SUBMISSION

The following table provides a detailed response to the submission received from the Princeton Apartments, prepared by DFP Planning.

Table 8 Response to Organisation Submissions

Comment	Response
DFP PLANNING ON BEHALF OF PRINCETON APARTMENTS BUILDING	
Conditions of Consent SSD-8876	
The proposed development has not been designed to minimise solar access impacts to the living rooms of Princeton Apartments and therefore is contrary to Condition B3(e) of SSD-8876.	Refer discussion on this issue at **Section 4.1**. The proposed building form maximises solar access to Princeton Apartments, whilst also balancing the need to achieve internal ADG compliance within the approved Concept Envelope. Detailed solar analysis has confirmed that: ▪ The proposed building presents an increased level of solar access to Princeton Apartments than that otherwise resulting from the Concept Envelope. Increased solar access is provided to 19 apartments for a range of 8 to 33 minutes at midwinter. ▪ Reduction of the building extent through pulling the GRC back within the concept envelope along the southern and western boundaries further improves solar access to Princeton Apartments in comparison to the original scheme, ensuring that solar access to the Princeton Apartment's north west apartments is not less than that resulting from the concept envelope. ▪ Solar access cannot be further increased to Princeton Apartments without significantly impacting the solar access to the proposed apartments, affecting the ADG compliance of the proposed development.
In relation to Condition B3, we note that the Stage 2 SSDA relates to a residential development for the over station development (OSD) and therefore Condition B3(h) is a relevant consideration with respect to SSD-10376. The issues associated with the proposed development and compliance with the conditions of	Noted. Refer to assessment of the proposal against Condition B3 (h) at **Section 4.2.**

Comment	Response
the approval issued in relation to SSD-8876 are discussed below.	
Insufficient information has been provided in the SSDA documentation to confirm if the development satisfies condition B3(d) in relation to the structure reservation zone.	Condition B3(d) states: *The structure reservation zone is only to be used for in gross floor area (including structural supports and plants/services relating to the integration of the approved station), alternative options should be considered before built form is proposed in the zone. Any structure or built forms in the structure reservation zone must be designed to minimise its impacts to the outlook and amenity of Princeton Apartments.* The proposed development within the structural reservation zone consists of the landscaped terrace on Level 06. The landscaped terrace does not comprise GFA. Under the amended design, the terrace will not be accessible by residents. Refer **Section 3.1** for a description of the proposed design changes and measures included in the landscaping of the terrace to preserve the privacy of the occupants of the Princeton Apartments.
Building Separation	
In this regard, the statement in the Architectural Design Statement (Appendix E to the EIS) that *"The SSDA envelope proposes a 12m setback to Princeton Apartments to the south, measured to the glazing line, which is complying with minimums required under the ADG and consistent with the approved building envelope"* is incorrect as a minimum setback of 24m is required to be provided to the southern site boundary in order to achieve a compliant building separation between the proposed OSD and Princeton Apartments. In its current form, the proposed development is inconsistent with the ADG and therefore, is in-compliant with Condition B3(h). Therefore SSD-10376 cannot be approved in its current form.	The design criteria provisions in the ADG are recommended numerical outcomes, to be achieved through consideration of the underlying objectives and following the design guidance provided. The Bates Smart approach to the proposed building has been to first and foremost consider the design guidance provided by the ADG to drive the building and the apartment design. This has been a principle driven rather than outcome-based design process. The concept approval requires a 12m setback from the site's southern boundary. This 12m reflects the ADG Objective 3F-1 which states that '*Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual amenity*'. This is further re-iterated by diagrams within the ADG (Figure 3F-3) which show new developments need to provide their 'half' 'of the building separation even where adjacent development does not provide their full half of the building separation.

Comment	Response
	Princeton Apartments does not provide its half of the 24m separation as it is built to the boundary. The 12m setback contained in the concept approval was assessed by the DPIE as being reasonable given the development potential of the site and the primary outlook of the Princeton Apartments being to the east and west away from the building. The 12m setback reflected in the approved concept envelope has been previously assessed to meet the ADG requirement and is therefore reasonable. To further increase building separation, the refined design has been further pulled inside the building envelope, including the GRC façade elements. Where the building interfaces with the Princeton Apartments building's 'build to boundary' condition, the proposed building is set back min. 11.92m from the site boundary, and projects between 0mm and 150mm outside the building envelope. This results from the concept envelope not being square to the southern boundary alignment. The points where separation of the building is less than 12m from the site boundary are at points on the building façade that are further than 12m from any habitable window or balcony on the Princeton Apartments' eastern or western façade which are themselves stepped back from the common boundary. The GRC depths at the southern boundary have been minimised as far as possible whilst still maintaining the architectural integrity of the façade design as endorsed by the DRP. The minor extent of the extrusion will have no perceptible impact on visual amenity to Princeton Apartments residents. Refer Section 4 of supplementary Architectural Design Report prepared by Bates Smart at **Appendix B.**
Pursuant to section 4.24(2), SSDA -10376 cannot be inconsistent with the concept approval, including the conditions of the consent issued in relation to the concept. Given the proposed development does not comply with conditions B3(e) and B3(h) of the concept approval, DPIE is not able to determine the current application.	Condition B3(e) and (h) states that '*The detailed development application **shall address** the following built form **considerations**…* *(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.*

Comment	Response
	(h) for a residential scheme, achieve compliance with the requirements of State Environmental Planning Policy No65 – Design Quality of Residential Apartment Development and the accompanying Apartment Design Guide.' The words emphasised above provide some flexibility in how this can be achieved. <u>Condition B3(e) – Solar Impacts</u> Section 3 of the Supplementary Architectural Design Report prepared by Bates Smart sets out the approach to this condition requirement. A varied setback is provided to Pitt Street, ranging in distance from 4.78m to 5.82m south of the Edinburgh Castle Hotel. Solar testing was undertaken to demonstrate that the revised built form, located within the concept envelope at the site's south western corner, will minimise solar impacts to the living rooms of Princeton Apartments within the bounds of also ensuring solar access to the proposed apartments is also achieved. Refer to **Section 4.1** for further detail and analysis on this matter. <u>B3(h) – Compliance with SEPP 65 and ADG</u> The introduction to the ADG contains a section titled 'How to Use this Guide'. This section provides guidance on how to interpret and demonstrate achievement of the various ADG provisions. It states that '*The key to working with Parts 3 and 4 is that a development needs to demonstrate how it meets the objective and design criteria. The design criteria set a clear measurable benchmark for how the objective can be practically achieved. If it is not possible to achieve the design criteria, applications must demonstrate what other design responses are used to achieve the objective and the design guidance can be used to assist in this*.' Therefore, demonstration of how the objective is achieved is the primary requirement of the ADG, rather than specifically meeting the design criteria.

Comment	Response
	Refer to assessment of the proposal against Condition B3 (h) at **Section 4.2.** The supplementary Architectural Design Report prepared by Bates Smart at **Appendix B** demonstrates that the amended design meets the objectives of the ADG, even if it is not strictly in accordance with the prescriptive design criteria.
Loss of Solar Access – Princeton Apartments	
Therefore, in relation to solar access, the proposed OSD is contrary to Condition B3(h) as the percentage of Princeton Apartments that will receive the required amount of solar access does not comply with the design guidance criteria as set out in Objective 3B – 2 of the ADG.	Objective 3B-2 requires that '*overshadowing of neighbouring properties is minimised during mid winter*'. The proposed building design achieves this objective as follows: ▪ The building form casts less of a shadow over Princeton Apartments at midwinter than that generated by the approved concept envelope, thereby minimising overshadowing. ▪ The building form increases the amount of solar access to 9 apartments by 3 minutes, when compared to the approved envelope and overall increase by 42 minutes to Princeton Apartment. ▪ Princeton Apartments contain windows on the common boundary, relying on light and air from an adjoining property, without a requisite easement for such access. The building separation provided by the proposed development ensures that these windows retain the benefit of light and air, as a result of providing a 12m building separation. Whilst it is acknowledged that these windows are an extant condition, they would not be approved in the current planning environment and would therefore present a blank wall to the north fronting the subject site. ▪ Further, if Princeton Apartments was itself compliant with ADG setbacks (being 20m from the common boundary) the extent of shadow impact would be further reduced.
W2A [Walsh^2 Analysis]*: The proposed building envelope is a relatively slim tower form.* <u>Comment:</u>	This phrase was contained in the Walsh2Archievects solar analysis report, and referred to the subject building being more slimline than previous concept building designs contemplated to inform the Concept Application.

Comment	Response
The slimness of the tower form is a matter of opinion and the proponent has not identified the benchmark against which its relative 'slimness' has been measured.	
W2A: We observe that the ADG is a guidance document, not a statutory standard, and is to be applied with discretion. Comment: Condition B3(h) of the consent issued in relation to SSD-8876 requires compliance with State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) and the accompanying Apartment Design Guide (ADG) for a residential scheme.	Refer response above regarding guidance within the ADG as to how to demonstrate compliance with the objectives. The proposed design demonstrates how it achieves the objectives of the ADG with regard to solar access, which include: ▪ 4A-1 – Optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space. ▪ 4A-2 – Daylight access is maximised where sunlight is limited. ▪ 4A-3 – Design incorporates shading and glare control, particularly for warmer months. The Supplementary Architectural Design Report prepared by Bates Smart at **Appendix B** demonstrates that the amended design meets the objectives of the ADG, even if it is not strictly in accordance with the prescriptive design criteria.
W2A: The overshadowing impact on Princeton Apartments is effectively insensitive to the height of the proposal. Comment: It is not possible to confirm if this statement is correct as a scheme for the OSD with reduced height (that would maintain a minimum of 48% of Princeton Apartments receiving the required 2 hours of solar access between 9am and 3om in mid-winter) has not been provided.	The site is relatively insensitive to the height of the building compared to setback provisions as outlined in detailed in the concept SSD DA response to submissions. A scheme for such significant height reduction on the building compared to the approved concept envelope and the development controls contained within the SLEP 2012 is not feasible nor appropriate for the CBD context of the site.
W2A: It was determined that Princeton Apartments compliance is only marginally sensitive to the size of the setback on the eastern boundary, and insensitive to the setback on the western boundary. Comment: There has been no sensitivity testing to ascertain whether there would be any improvement in terms of solar access to Princeton Apartments if the building separation was increased to 24m and	The proposed design meets its requirement to provide a 12m setback on its side of the common boundary, contributing to 50% of the 24m total building separation. This sharing principle is clearly articulated in the ADG and has been addressed earlier in this response. Detailed solar modelling has shown that the proposal will increase solar access to apartments within Princeton Apartments at midwinter as

Comment	Response
whether the increased separation combined with some modulation to the south eastern corner of the proposed building would result in a further increase in apartments receiving solar access.	compared with the shadow generated by the concept envelope. Testing has demonstrated that there is a negligible benefit to Princeton Apartments by increasing the proposed building setback at the south western corner, however this will also further reduce solar access to the subject building. On balance, retaining the building within the concept envelope has been determined to be the most equitable outcome between the two sites. Refer to detailed discussion on this matter at **Section 4.1**, The supplementary Architectural Design Report prepared by Bates Smart at **Appendix B** and the Solar Analysis report by Walsh2Architects at **Appendix D.**
W2A: If we are to include habitable rooms in the figures, Princeton Apartments would drop from 48.3% compliance from 8am – 4pm down to 33.6% which in only a change of 14.7%. Comment: The solar access provisions of the ADG (Part 4A) explicitly require solar access to be assessed based on apartments in a building receiving a minimum of 2 hours of direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area. Therefore, assessing the amount of solar access from 8am to 4pm is irrelevant. Furthermore, Objective 4A-1 of the ADG requires the solar access to be to the living rooms and private open spaces not 'habitable rooms' (which could include rooms other than living rooms).	Sunlight into habitable rooms can contribute significantly to solar amenity of an apartment. At part 4.3.3 of the original SSD DA Solar Analysis Report Walsh2Architects highlights this point and references the Land and Environment Court Planning Principles. The report outlines that this development does NOT rely on habitable rooms; however, those figures were included to demonstrate that the apartments in Princeton Apartments still do receive good solar amenity given their dense urban setting. It is acknowledged that solar access to 'habitable rooms' is not a technical contributor to compliance but it does go to demonstrate the overall solar amenity of apartments. The extent of solar compliance within Princeton Apartments is influenced by the internal design and layout of those particular apartments, which orients bedrooms to the north and living areas to the east and west which does itself not maximise solar gain. Further to that, the discussion on timing from 8am-4pm or 9am-3pm has been used in many court cases over time. Early morning sun penetrates deep into an apartment and can be extremely useful to these apartments. Many LEC cases have looked at 8am-4pm including the one referenced at 4.3.2 of the Walsh2Architects report of Botany Developments vs. Botany Council. Notwithstanding, an assessment has been undertaken of the solar access to living spaces within the 9am-3pm timeframe.

Comment	Response
	The Solar Analysis report prepared by Walsh2Architects at **Appendix D** considers solar access to the living rooms and private open spaces of Princeton Apartments between 9am-3pm at mid winter as required under the ADG.
Based on the fact that the number of apartments within Princeton Apartments that currently receive a minimum of 2 hours of solar access in mid-winter does not meet the 70% benchmark as required by the ADG, any development on the adjoining property that reduces the number of apartments in the Princeton that receive at least 2 hours of solar access is not compliant with the ADG and should not (and cannot) proceed.	The proposed building addresses the ADG objective 3B-2 which requires that '*overshadowing of neighbouring properties is minimised during mid-winter'*. The proposed design increases the solar access to Princeton Apartments at mid winter from that resulting from the approved building envelope, and whilst also proposing a building which meets its own obligations under the ADG. Any further changes to the eastern or western elevations would not materially increase solar access to Princeton Apartments and certainly would not improve the number of apartments achieving 2 hours.
The architectural design statement (Appendix E1 to the EIS) identifies that northern facing windows in Princeton Apartments are typically secondary windows. This statement is incorrect as a number of north facing apartments in the Princeton Apartment building have north facing windows in the main living areas and bedrooms, and therefore solar access to these windows is a critical consideration.	These north facing windows would, presently, receive more sun than east or west facing windows. Whilst an extant condition, it is noted that this benefit of solar access (and air flow) to these windows is not protected by an easement over the northern adjoining property and such windows would not be approved under current planning regime. The proposed development meets its obligation to provide a 12m building separation, and solar access to the east and west facing windows is optimised and improved from the concept envelope.
As it is currently designed the proposed development is inconsistent with Condition B3(e) of the consent issued in relation to SSD-8876 as it has not been designed to minimise solar impacts to the living rooms of Princeton Apartments. It must also be emphasised that changing the development from a residential development to a commercial development would still fail to achieve compliance with Condition B3(e), due to the significant impacts on the solar access to Princeton Apartments.	SSD-8876 approved a building envelope, within which a building form is intended to be designed. Solar testing has shown that solar access to Princeton Apartment balconies and adjacent living rooms have been optimised within the constraints of ensuring ADG compliance is met for the proposed scheme. Refer in detailed response outlined in **Section 4.2** and **Appendix D**.
Solar Access – Proposed Development	

Comment	Response
According to the Walsh2 Analysis report, only 50.9% of the dwellings within the proposed development will achieve the required 2 hours of solar access between 9am and 3pm in midwinter. And even if the time for calculating solar access is extended from 8am – 4pm (notwithstanding that this is contrary to the ADG), the proposed development still fails to comply with the ADG benchmark of 70% of apartments receiving a minimum of 2 hours of solar access in mid-winter.	The primary requirement of the ADG is demonstrating how the objective is achieved, rather than specifically meeting the design criteria. The proposed building design optimises the amenity of the apartments within the building in its context. Refer to assessment of the proposal against Condition B3 (h) at **Section 4.2.**
Privacy Impacts	
Due to in-compliant building separation, dwellings in Princeton Apartments will suffer from a loss of both visual and acoustic privacy.	The following additional privacy measures have been adopted in the refined design ▪ The Level 06 outdoor courtyard has been re-purposed to a lightly planted landscaped area but will not be accessible to residents. This removes acoustic and visual privacy concerns raised about this space. ▪ The balcony of the south eastern apartment has been relocated to the northern half of that apartment and has been in-boarded within the apartment footprint to remove opportunities for overlooking back into Princeton Apartments. In addition, the following privacy measures are retained in the building design ▪ There are no south facing operable windows on southern façade. ▪ Ventilation windows have been treated for acoustic privacy and are oriented so not to facilitate direct path of sound travel between the window and Princeton Apartments. ▪ Bedroom windows adjacent the northern facade of Princeton Apartments are treated with fixed louvres to prevent overlooking and to direct views from these rooms to the east and west. The building meets its required 12m setback to the boundary with Princeton Apartments, consistent with Objective 3F-1 of the ADG and the concept approval SSD-8876.
A series of louvres are proposed to be installed along parts of the southern elevation of the proposed development. However it is noted that it	The position of the privacy louvres has been designed having regard to survey data of Princeton Apartments to reduce the opportunity for

Comment	Response
is not proposed to provide louvres to the windows of the living rooms/dining rooms or the balconies that have an interface with the southern elevation and therefore there will be a significant loss of privacy for residents of Princeton Apartments.	overlooking between the two buildings. All windows directly opposite Princeton Apartments have louvres spaced at 300mm and fixed at 45 degrees. All other windows to habitable rooms are located within the approved envelope and beyond 12m from any habitable window of Princeton Apartments, ensuring the proposed development's obligation for building separation to ensure privacy under the ADG is achieved.
Any architectural embellishments to address the built form outcomes of the building (and the conditions of the concept approval) should be wholly contained within the approved envelope. When considered in isolation, the individual embellishments are reasonably small but when combined with the overall height of the building, they will make a significant contribution towards the overall gross floor area of the development. For these reasons, we submit that no modification to increase the approved building envelope should be permitted. There is also the potential for envelope 'creep' to occur if the concept approval is modified to allow for a larger building envelope.	A detailed assessment of the projections and their impact has been provided at **Section 4.1**. All projections have been reduced, in particular those along the building's southern façade. The building elements that protrude beyond the approved envelope do not constitute GFA and do not generate privacy impacts to neighbouring buildings.
The proposal provides for operable window openings along the southern elevation (presumably to achieve the cross-ventilation requirements of the ADG). The provision of these windows will, as a result of the reduced building separation, impact on the acoustic amenity of residents of Princeton Apartments.	As outlined within **Section 3**, the proposed amendments to the development marginally increases the building separation between the southern windows and Princeton Apartments. As documented within the supplementary Architectural Design Report, the southern operable windows are via a ventilation slot, partially obstructing noise transmission. It is noted that only bedrooms have operable windows to the southern boundary and further that balconies and accessible terraces have been removed from the southern boundary to protect the residential amenity of Princeton Apartments. As the 12m setback on the site is consistent with the ADG, the proposed development as sought to be amended by this Response to Submissions Report has adequately considered the acoustic amenity of residents of Princeton Apartments and provides an appropriate interface between these two buildings within a CBD context.
The reduced separation between the proposed OSD and Princeton Apartments is a major contributor to the potential loss of privacy. The	The points where separation of the building is less than 12m from the site boundary are at points on the building façade that are further than 12m from

Comment	Response
reduced separation will also result in a sense of oppression which is associated with a sensation of reduced privacy for residents of Princeton Apartments.	any habitable window or balcony on the Princeton Apartments' eastern or western façade which are themselves stepped back from the common boundary. Refer to assessment of building separation at **Section 4.2.**
Level 6 Communal Open Space Area	
The proposal includes a communal open space area on Level 6. This is proposed to be setback less than 1m from the southern boundary of the site (i.e. – the common boundary between the site and Princeton Apartments). This communal open space area contributes approximately 200sqm to the minimum 427sqm of communal open space required to be provided on the site. Not only is the proposed setback contrary to the building setback/separation criteria in the ADG, the provision of a communal open space area immediately adjacent to the Princeton Apartments building will result in significant acoustic impacts on Princeton Apartment residents.	Level 06 courtyard is proposed to be re-purposed as an in- accessible space with landscape planters to optimise privacy and outlook between the two buildings.
Sustainability	
The proposed development will result in a significant reduction in solar access and daylight lux levels to dwellings in Princeton Apartments to the extent that residents will likely be required to rely on artificial lighting and heating. This outcome is not only poor from a sustainability perspective, it is also contrary to the intent of the solar access provisions of the ADG.	The amended design minimises solar impacts to Princeton Apartments compared to the approved concept envelope as detailed in **Section 4.1**.
In our previous submission (in relation to SSD-8876) we advised that Princeton Apartments was investigating options for alternative, renewable power sources, including solar panels. If the OSD proceeds in its current form, it will negate the opportunity for the Princeton to install solar panels as an alternative source of power generation, further impacting on sustainability.	This proposal is only required to respond to the existing neighbouring context not speculation about what might be developed on the site in the future.
Ventilation	

Comment	Response
The reduced separation between the proposed OSD and Princeton Apartments will reduce opportunities for Princeton Apartments to access north-easterly breezes. This will result in greater reliance on artificial cooling, resulting in reduced sustainability.	CPP have considered wind conditions and likely impacts to the development and Princeton Apartments. The existing prevailing wind conditions to the north-east balconies of Princeton Apartments are expected to be from the east, and to a lesser extent from the south-south-east. For the north-west balconies on Princeton Apartments wind conditions are likely be dominated by winds from the west quadrant. The introduction of the Greenland and Pitt Street South (PSS) towers would be expected to affect the wind conditions both in the vicinity of Princeton Apartments as well as over the tower itself. For the north-east balconies, winds from the east quadrant will approach unimpeded over Hyde Park. The combined building mass of the proposed building, Princeton Apartments and Telstra Plaza will cause some of this flow to pass around this block of towers. However, some flow will be forced between the gaps in the adjacent towers. North easterly breezes to Princeton Apartments will therefore be retained. Additionally, some shielding is provided to the north-west balconies from winds from the west, thereby slightly improving wind conditions.
Shadow Impacts on Hyde Park	
A review of the overshadowing plans included with the architectural plan set at Appendix D to the EIS submitted with the DA indicates that there will be additional overshadowing of Hyde Park at 2.30pm until 3pm in mid-winter. Given that the building envelope will result in additional overshadowing within Hyde Park, it is not consistent with the outcomes envisaged in Clause 6.17.	The amount of shadow cast to Hyde Park is less than the shadow extent anticipated by the Concept envelope. The additional shadowing is cast to a treed area of Hyde Park after 2.30pm, refer to **Section 4.1** above.
View loss	
The positioning of the tower of the proposed OSD results in a significant narrowing of the view corridor from dwellings in Princeton Apartments to the north east and a complete loss of view from north facing apartments. The built form of the proposed OSD is significantly larger than the	The Supplementary Architectural Design Report at **Appendix B** demonstrates the massing options and different roof forms explored in the design process within the approved envelope. It is noted that in the city centre context and given the

Comment	Response
maximum 18m depth recommended in Part 2E of the ADG. Views from Princeton Apartments could be less affected if the footprint of the tower was modified and the position of the tower was amended to comply with the ADG minimum building separation requirements.	permissible development potential of the site, preservation of existing views cannot be expected. The proposed amendments to the floor plate and reductions in the depth of the GRC have consequently improved building separation compared to the design as lodged. The proposed in-boarding of the balcony on the south east corner will also provide increased opportunity for north westerly views from Princeton Apartments compared to the lodged scheme.
Wind Impacts	
The wind assessment (Appendix O to the EIS) does not appear to have assessed the impacts of the proposed development on the Princeton Apartments, including the impacts on the useability of balconies and the impacts resulting from the reduced building separation.	CPP have considered wind conditions and likely impacts to Princeton Apartments. The introduction of the Greenland and Pitt Street South (PSS) towers would be expected to affect the wind conditions both in the vicinity of Princeton Apartments as well as over the tower itself. For some wind directions this effect could result in wind speed increases for some balcony locations, while for other wind directions an improvement in wind conditions is likely due to the increase in shielding provided by these neighbouring developments. The balconies of the Princeton Apartments tower most likely to be affected are considered to be the north-east and north-west most balconies. The existing prevailing wind conditions to the north-east balconies of Princeton Apartments are expected to be from the east, and to a lesser extent from the south-south-east. For the north-west balconies on Princeton Apartments, wind conditions are likely be dominated by winds from the west quadrant. Some shielding is provided to the north-west balconies of Princeton Apartments from westerly winds, thereby slightly improving wind conditions. For the north-east balconies, winds from the east quadrant will approach unimpeded over Hyde Park, the combined building mass of the proposed building, Princeton Apartments and Telstra Plaza will cause some of this flow to pass around this block of towers. However, some flow will be forced between the gaps in the adjacent towers. North easterly breezes to Princeton Apartments are therefore expected to be retained.

6.2. CONCEPT SSD DA MODIFICATION

The following table provides a detailed response to the submissions made specifically on the concept SSD DA modification application. Further responses on comments that relates to the detailed design of the development are provided at Section 6.3.

Table 9 Response to Public Submissions – Concept SSD DA MOD

Comment	Response
Views, solar access and privacy	
Concerns surrounding privacy: ▪ Concerns surrounding reduction of privacy to the Princeton Apartments building (8 responses) ▪ The privacy louvers do not extend across the living room windows on the southern elevation of the building which will have significant impacts in terms of amenity and loss of privacy for Princeton Apartments residents. (1 response) ▪ All rooms in Princeton Apartment building will lose views to the north and will instead look directly into all rooms of new development, impact on the privacy of the new building (2 responses)	The external communal open space courtyard on Level 06 will not be publicly accessible, removing the potential privacy impacts arising from the use of this space. This area will be landscaped to provide a green buffer between the internal communal space within the proposed building and the Princeton Apartments. The in-boarding of the balcony on the south eastern corner apartment will also reduce the opportunity for overlooking south towards Princeton Apartments. The position of the privacy louvres has been designed having regard to survey data of Princeton Apartments to reduce the opportunity for overlooking between the two buildings. All windows directly opposite Princeton Apartments have louvres spaced at 300mm and fixed at 45 degrees. All other windows are located beyond 12m from habitable rooms and balconies of Princeton Apartments therefore fulfilling this site's privacy obligation under ADG.
Concerns surrounding overshadowing/ solar access: ▪ Concerns that the proposal will restrict solar access to adjoining buildings (11 responses) Particularly to Princeton Apartments building (10 responses) ▪ Solar access to the Princeton Apartments building is non-compliant with the minimum requirements of the ADG (7 responses) ▪ Loss of solar access and daylight will impact upon sustainability due to increased reliance of artificial lighting and heating (4 responses)	The amended design minimises solar impacts to Princeton Apartments compared to the approved concept envelope, as detailed in **Section 4.1**. Demonstration of how the objective is achieved is the primary requirement of the ADG, rather than specifically meeting the design criteria. Under the amended scheme solar access to Princeton Apartments improves from that

Comment	Response
▪ Loss of solar access will negatively impact the mental health of residents of the Princeton Apartment building (4 responses) ▪ Development will overshadow Hyde Park (5 responses)	provided by the approved concept envelope. The scale of the proposed development Is consistent with planning controls and retention of pre- development levels of solar access to Princeton Apartments is not a reasonable expectation given the development potential of the site and the inner-city context. The beneficial effects of sunlight on mental health and wellbeing are acknowledged. The design refinements process has sought to maximise the amenity of the Princeton Apartments and the solar access outcome is an improvement when compared to the approved concept envelope. The amount of shadow cast to Hyde Park is less than the shadow extent anticipated by the approved concept envelope. The additional shadowing is cast to a treed area of Hyde Park after 2.30pm, refer to **Section 4.1** above.
Concerns surrounding view loss: ▪ Princeton Apartment building will lose views to the north (2 responses)	Retention of the previously unhindered views to the north from Princeton Apartments is not realistic or reasonable given the development potential of the site and inner- city context. The proposed in-boarding of the balcony on the south east corner will provide increased opportunity for north westerly views from Princeton Apartments compared to the originally lodged scheme.
Built environment	
Concerns surrounding building envelope: ▪ The building is only separated 12m when the minimum is 24m between habitable rooms for developments over 25m in height (10 responses) ▪ Departure from Concept DA conditions adversely affects residents and units of adjoining buildings (6 responses)	The proposed design meets its requirement to provide a 12m setback on its side of the common boundary, contributing to 50% of the 24m total building separation. This sharing principle is clearly articulated

Comment	Response
Specifically, conditions A24(c)(i)(c) and B3(d)(e)(h) (3 responses) ▪ The proposal is outside the approved building envelope (4 responses) ▪ Want building redesigned to reduce impacts upon Princeton Apartment Building (3 responses)	in the ADG and has been addressed earlier in this response. The amended design has reduced encroachments outside the approved building envelope. The explanation of and justification for the remaining projections is described at **Section 4.1**. The proposed design amendments described in **Section 3** of this report have improved amenity impacts to Princeton Apartments in terms of building separation, solar access and privacy as detailed previously in this report.
Concerns surrounding building elements: ▪ Does not support building design (1 response) ▪ Communal space/ facilities of Princeton Apartment building on level 7 will be negatively impacted by mechanical plant level of new building which will be immediately adjacent (1 response) ▪ Do not want plant rooms located close to living rooms or bedrooms of Princeton building (1 response)	Noted. The building has been subject to an independent design excellence process led by the Sydney Metro Design Excellence Evaluation Panel (**DEEP**) and Sydney Metro Design Review Panel (**DRP**) requirements. The plant room has been relocated to the western edge of level 6 and is set back towards the southern façade of the proposed tower element. The plant room will have a green roof and, at 1.5m high, will create a visual barrier between the internal gym space and the Princeton Apartment northern windows.
Concerns surrounding ventilation: ▪ Access of Princeton Apartments to NE breezes will be reduced decreasing natural ventilation (2 responses)	CPP have considered wind conditions and likely impacts to the development and Princeton Apartments. The existing prevailing wind conditions to the north-east balconies of Princeton Apartments are expected to be from the east, and to a lesser extent from the south-south-east. For the north-west balconies on Princeton Apartments wind conditions are likely be dominated by winds from the west quadrant. The introduction of the Greenland and Pitt Street South (PSS) towers

Comment	Response
	would be expected to affect the wind conditions both in the vicinity of Princeton Apartments as well as over the tower itself. For the north-east balconies, winds from the east quadrant will approach unimpeded over Hyde Park. The combined building mass of the proposed building, Princeton Apartments and Telstra Plaza will cause some of this flow to pass around this block of towers. However, some flow will be forced between the gaps in the adjacent towers. North easterly breezes to Princeton Apartments will therefore be retained. Additionally, some shielding is provided to the north-west balconies from winds from the west, thereby slightly improving wind conditions.
Concerns surrounding acoustic impacts: ▪ Location of the terrace communal open space immediately adjacent to Princeton building will result in acoustic impacts (1 response) ▪ Lack of adequate separation will negatively impact acoustic privacy (1 response)	In response to privacy concerns, the Level 06 courtyard will not be accessible by residents under the amended design. Refer to the design amendments to the development outlined within **Section 3**. The design amendments marginally increase the building separation between the southern windows and Princeton Apartments. The only operable windows to the southern boundary are bedrooms reducing the likelihood of acoustic transmission between the buildings.
Other	
▪ Request the decision process be delegated to an independent panel (2 responses) ▪ Negatively impacts property values (2 responses) ▪ Does not support supplying international student housing should be supplying local housing first (1 response)	The consent authority for this application will be determined by planning legislation. Property values and the future intended population of the building are not part of the planning approval process.

6.3. DETAILED SSD DA

The following table provides a detailed response to the submissions made specifically on the detailed SSD DA.

Table 10 Response to Public Submissions

Comment	Response
Privacy, solar access and views	
▪ Concerns surrounding privacy: ▪ Proposed development will result in a loss of privacy (8 responses) ▪ Specifically, to the Princeton Apartments building (45 responses) ▪ Proposed louvres along the southern facade of the building create privacy concerns for residents of Princeton Apartments (7 responses) ▪ Louvers should extend across the living room windows on the southern elevation to improve amenity and privacy for the Princeton building (18 responses)	In response to privacy concerns, the Level 06 courtyard will be not be accessible by residents under the amended design. The south eastern apartment balcony has been inboarded to reduce opportunities for overlooking to Princeton Apartments. Refer to the design amendments to the development outlined within **Section 3**. The position of the privacy louvres has been designed having regard to survey data of Princeton Apartments to reduce the opportunity for overlooking between the two buildings. All windows directly opposite Princeton Apartments have louvres spaced at 300mm and fixed at 45 degrees.
Concerns surrounding solar access and overshadowing: ▪ Proposed development will result in loss of solar access (10 responses) • Specifically, to the Princeton Apartments Building (61 responses) • Specifically, to the Greenland building (2 responses) • Specifically, the rooftop pool of the heritage Sydney Water Building (1 response) ▪ Solar Analysis Report does not assess impacts to loss of solar access to the Greenland building (1 response) ▪ Development will result in overshadowing of adjoining residential buildings (1 response) ▪ Development will overshadow Hyde Park (47 responses) • Requests additional information about the extent of additional overshadowing into the Park (1 response) ▪ Development is non-compliant with the solar access requirements of the ADG (19 responses)	**Solar Access** The amended design minimises solar impacts to Princeton Apartments compared to the approved concept envelope as detailed in **Section 4.1.** Greenland tower is located immediately west and north of the proposed building and so the proposed building will not shadow Greenland tower between 9am and 3pm. The proposal does not create any additional overshadowing to the pool area in mid-winter as demonstrated by the shadow diagrams submitted with the EIS. **Hyde Park** The amount of shadow cast to Hyde Park is less than the shadow extent anticipated by the Concept

Comment	Response
• Specifically, that it exceeds the 20% reduction in solar access to the Princeton building (19 responses) • Specifically, proportion of apartments receiving no solar access exceeds the maximum 15% (8 responses) ▪ Object to expansion of solar access hours from 9am-3pm to 8am-4pm in order to appear more positive (5 responses) ▪ The apartments of the development do not comply with solar access controls (7 responses) ▪ A light easement on the Princeton Apartments has been lost on the title, but reasonable people at the time Princeton Apartments was built, understood the necessary importance of adequate light and ventilation (1 response)	envelope. The additional shadowing is cast to a treed area of Hyde Park after 2.30pm, refer to Section 4.1 above. **ADG** Refer response to ADG requirements at Section 4.2. The Supplementary Solar Analysis report prepared by Walsh2Architects at **Appendix D** considers solar access to the living rooms and private open spaces of Princeton Apartments between 9am-3pm at mid winter as required under the ADG. There is no easement benefiting Princeton Apartments over the subject site.
Concerns surrounding views: ▪ Proposed development will result in loss of views (5 responses) • Specifically, from the Princeton building (30 responses) • Specifically, from the Greenland building (7 responses) • Specifically, from the Century Tower (15 responses) ▪ Development will block views towards St Mary's Cathedral (13 responses) ▪ Development will block views towards Sydney Harbour Bridge (2 responses) ▪ The proposed development will completely block views for the Princeton building and Century Tower which is in conflict with the findings of the Tenacity test (3 responses)	The impacts of the proposed building on views from Century Tower towards St Mary's Cathedral are discussed at **Section 4.1**. A view loss assessment was undertaken as part of the original lodgement documentation which addressed Tenacity Principles. The extent of view sharing was considered acceptable given the site context and CBD location. It is highly unlikely that this building will block views to Sydney Harbour Bridge from residences to the south due to the height and density of intermediary buildings between Bathurst Street and Circular Quay.
Built Environment	
Concerns surrounding building separation: ▪ The building is only separated 12m when the minimum is 24m between habitable rooms for developments over 25m in height (53 responses) ▪ Building setback at the lower levels is in-compliant with the ADG minimums (10 responses)	Building separation is provided in accordance with the sharing principle contained within the ADG. Princeton Apartments is built to the boundary and does not provide its half of the 24m building separation.

Comment	Response
▪ Inadequate setbacks will result in detrimental impacts to the Princeton building (13 response) ▪ Lack of building separation will result in negative amenity impacts to adjoining buildings and the city as a whole (19 responses) ▪ Proposal will breach the building envelope as approved under the Concept SSDA (17 responses) ▪ Lack of building separation will increase risk of fire (4 responses)	Privacy impacts are addressed in the table above and at **Section 4.1**. The amended design minimises solar, privacy and acoustic impacts to Princeton Apartments compared to the approved concept envelope as detailed in **Section 4.1.** The amended design has reduced encroachments outside the approved building envelope. The explanation of and justification for the remaining projections is described at **Section 4.1**. Fire safety provisions for the building will be will be developed as part of the ongoing design and development process. The building separation does not raise concerns from a fire safety perspective.
Concerns surrounding building design: ▪ Building should be redesigned to reduce the impacts to the Princeton Apartment building and other adjoining buildings (10 responses) ▪ Building does not comply with the ADG (16 responses) ▪ The proposal does not enhance the qualities and identity of adjacent sites, streetscape and neighbourhood (7 responses) ▪ Height of proposal will reduce solar access (3 responses) ▪ Proposed development will detract from the architectural merit of the Princeton Apartment building (4 responses) ▪ Proposed development will create wind channels along the streets (3 responses) ▪ Design is reminiscent of a prison block (13 responses) ▪ Departure from Concept DA conditions adversely affects residents and units of adjoining buildings (11 responses) • Specifically, conditions A24(c)(i)(c) and B3(d)(e)(h) (20 responses)	The amended design minimises solar, privacy and acoustic impacts to Princeton Apartments compared to the approved concept envelope as detailed in **Section 4.1**. Refer to **Section 4.2** for discussion of the ADG in relation to the proposal. The proposal has been endorsed for design excellence having regard to its appearance in the urban context and its relationship to surrounding buildings. The design carefully responds to neighbouring buildings including those of heritage significance. The GRC elements on the façade have been revised to reduce the overall number of vertical elements and to better relate them to the uses of the internal residential spaces. This approach has been endorsed by the DRP.

Comment	Response
	The impact of the proposed building on surrounding wind flows is discussed at **Section 6.1**.
Concerns surrounding plant rooms and machinery areas: ▪ Princeton communal areas will be negatively affected by being immediately adjacent to plant and equipment floors of development and should be relocated (11 responses) ▪ Plant rooms a directly adjacent apartments in the Princeton building and should be re-located away from or a level below the living areas of residents (15 responses) ▪ Request additional details about location of plant rooms and ventilation specifications and the acoustic, dust and vibration impacts they will have upon the adjoining residential apartments (3 responses)	The plant room has been relocated to the west and is set back towards the southern façade of the proposed tower element. The plant room will have a green roof and, at 1.5m high, will create a visual barrier between the internal gym space and the Princeton Apartments' northern windows.
Acoustic	
Concerns surrounding acoustic impacts: ▪ Lack of building separation to the Princeton building will have negative acoustic impacts (8 responses) ▪ Location of the terrace communal open space immediately adjacent to Princeton will result in acoustic impacts (3 responses) ▪ Concerned about increased noise from Metro Station to lower level apartments of the Princeton building (2 responses)	The Level 06 outdoor courtyard has been re-purposed to a landscaped area but will not be accessible to residents. This removes acoustic concerns raised about this space. The Level 06 terrace is to become a landscaped space which is not accessible to residents. The metro operations are not directly opposite the Princeton Apartments and with no openings to the southern façade.
Sustainability	
Concerns surrounding sustainability impacts: ▪ Decrease in solar access will increase reliance on artificial lighting and air conditioning/ heating (28 responses) ▪ The proposed development fails to achieve requirements to demonstrate ecological sustainable development or achieve national best practice sustainable building principles for improving environmental performance including energy efficient design (7 responses) ▪ Proposed development will prevent the Princeton building from installing solar panels (5 responses)	The sustainability framework for the project implements both the Green Star rating scheme and the BASIX. The proposal is only required to respond to the existing neighbouring context not speculate about what might be developed on the site in the future, this includes solar panels.

Comment	Response
Ventilation	
▪ Access of Princeton Apartments to NE breezes will be reduced which we lead to increased use of air conditioning (6 response) ▪ Proposal will result in a loss of ventilation for adjacent residential buildings (6 responses)	The impact of the proposed building on surrounding wind flows is discussed at **Section 6.1**.
Heritage	
Concerns surrounding heritage impacts: ▪ The impacts on the heritage significance of the surrounding buildings will be adverse and entirely unnecessary (11 responses) ▪ The development dwarfs the 3-storey Edinburgh Castle Hotel, which will remove any visual historical impact the hotel currently offers (11 responses)	▪ The proposed development has been designed to respect the heritage significance of the Edinburgh Castle Hotel. The difference in scale between the two buildings will always be apparent, however potential impacts have been minimised by: ▪ Setting the tower back from the street boundaries, which makes it appear visually separate from the primary eastern facades of the Edinburgh Castle Hotel; ▪ Matching the podium height of the Pitt Street frontage of the proposal to the Edinburgh Castle Hotel parapet; ▪ Separating the podium from the Edinburgh Castle Hotel by a recessed entrance to expose the Hotel's south wall; ▪ Proposing a colour scheme that is sympathetic to the brick colours of nearby Inter-War facades. ▪ The Edinburgh Castle Hotel has previously been surrounded taller buildings and other CBD buildings have formed a backdrop of significant scale to the building. In this context the proposed building will not overwhelm the Edinburgh Castle Hotel.

Comment	Response
Traffic	
Concerns surrounding traffic impacts: ▪ Proposal will result in increased traffic problems and congestion (1 response) • Specifically, on the next block turning left from Pitt St into Park St, and along Bathurst St (1 response) ▪ The proposed parking and use of the building for proposed development will add to existing traffic congestion problems (1 response)	There is no car parking provided in the development. Traffic generation will be minimal, limited to service vehicle, taxis and car share vehicles. The updated Transport and Accessibility Report – refer **Appendix E** identifies that the proposed development is estimated to generate only approximately 16-24 vehicle trips during the road network peak periods which is highly unlikely to have any substantial impact on the surrounding road network.
Other	
▪ Commercial use of the site would be better to limit overcrowding of the city (1 response) ▪ Flow on economic impacts are not considered – amenity should not be at the expense of profits, a smaller building would result in a better outcome (7 responses) ▪ Object to the 'for-rental' only use of the building as it will result in overcrowding, illegal tenants and breaches to fire safety (6 responses) ▪ Should be assessed by an independent panel/ independent study should be undertaken (12 responses) • Specially request independent review of the Solar Analysis Report (6 responses) ▪ Will reduce the property values (2 responses) ▪ Does not support supplying international student housing should be supplying local housing first (1 response) ▪ Reduction in natural light will negatively impact mental health of residents (21 responses) ▪ EIS has not adequately addressed all the requirements as set out in the SEARs, Concept DA conditions, OSD Design Guidelines and SEPP 65/ ADG (18 responses)	▪ The concept consent for the site provides that residential or commercial uses are permissible on the site. The size of the site means that a viable commercial floorplate could not be achieved. ▪ Build to rent is a model whereby ownership of all apartments is retained by the developer and leased out. 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. ▪ The consent authority for this application will be determined by planning legislation. ▪ Property values and the future intended population of the building are not planning matters. ▪ The beneficial effects of sunlight on mental health and wellbeing are acknowledged. The design refinements process has sought to preserve the amenity of the Princeton Apartments and the

Comment	Response
	solar access outcome is an improvement when compared to the approved Concept. ▪ Table 1 in the EIS submitted with the application identifies where the SEARs requirements have been addressed. Similarly, Table 2 in the EIS identifies the Concept DA conditions and Table 20 the OSD design guidelines. ▪ Refer to **Section 4.2** for discussion of the ADG in relation to the proposal.
Seeks clarification on the following issues: ▪ *"The reference to the Pitt Street boundary, in relevant parts of Condition A24 of the concept DA consent, makes no sense. The issue of solar access relates to the southern boundary."* (1 response) ▪ *"Some parts* [of the EIS] *state that "the proposed development sits within the approved concept envelope" while others refer to "minor exceedances… outside the approved envelope"."* (2 responses)	The error in relation to Condition A24 was corrected in Modification Application SSD-8876- MOD 1. The detailed SSD DA was lodged together with a concept modification to amend the approved envelope. At different points the proposed building is within the envelope and at others there were minor projections. These projections been reduced as part of the design amendments. The outstanding projections beyond the approved envelope are detailed in **Section 4.1**.

7. REVISED PLANNING ASSESSMENT

7.1. ASSESSMENT OF PROPOSED MODIFICATIONS

This section provides an assessment of the amended design proposal against the relevant statutory planning framework including relevant Acts, environmental planning instruments, draft environmental planning instruments, and development control plans under section 4.15 of the EP&A Act.

Table 11 Assessment of amended proposal against relent statutory planning framework

Consideration	**Response**
Strategic Planning Context	The OSD will deliver a high quality, high density residential accommodation in the a highly accessible CBD location. The development will help to accommodate a new development opportunity for the Pitt Street South metro station, improving home and work connections and support the 30-minute city. The proposed modification to the proposed development does not impact the ability of the proposal to be consistent with the strategic planning context of the site.
Acts	
Environmental Planning and Assessment Act 1979	The proposed development (as amended) is consistent with the objects and general terms of the EP&A Act as it will: (a) Promote the social and economic welfare of the community and a better environment through the delivery of an integrated transport-oriented development above the Sydney Metro Pitt Street South station site. (b) Meet the high standards of ecologically sustainable development envisioned for the site. (c) Promote the orderly and economic use and development of land and the amended design responds to matters raised during the public exhibition process. (d) Have no impact on threatened species or their habitats. (e) Suitably address the matters raised in the submissions relating to the built and cultural heritage including (Aboriginal cultural heritage). Accordingly, the responses provided in this RtS demonstrate through conditions of the CSSI Approval and measures implemented as part of the OSD that ongoing management and integration of heritage will be ensured. (f) Maintain the construction staging and management as discussed in the EIS. (g) Responds to the matters raised by the relevant Government agencies consulted during the exhibition period, as the amended design is the result of the feedback received. (h) Responds to the public and community group comments received during the exhibition period as the amended proposal includes design refinements in response to those submissions. Overall, the proposed development maintains consistency with the objects and general terms of the EP&A Act.

Consideration	Response
Biodiversity Conservation Act 2016	The amended proposal will not have any likely impact on the surrounding natural environment and abundance of species, habitat connectivity, threatened species movement and flight paths of protected animals, nor will it impact upon water quality surrounding the site (sustainability) and the site does not contain abundant vegetation. Accordingly, the BDAR waiver included in the EIS issued by the NSW DPIE and OEH will continue to apply.
SEPPs	
State Environmental Planning Policy (State and Regional Development)	The proposed development (as amended) is for the purposes of *'residential accommodation'* associated with railway infrastructure and will continue to have a capital investment value of more than $30 million, and is classified as SSD for the purposes of the EP&A Act.
State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)	The proposal was referred to Ausgrid as part of public exhibition and no comments were received. The proposal was referred to TfNSW and the Roads and Maritime Services Division of TfNSW during the public exhibition period comments were received from both. Accordingly, the proposal has been amended to respond to the comments made and is addressed in **Section 5** of this RtS report.
State Environmental Planning Policy (Building Sustainability Index: Basix) 2004	The proposed development is the subject of an alternative BASIX approval pathway concurrently being reviewed by the DPIE. As such, revised architectural plans stamped with the BASIX commitments will be provided to DPIE separately.
State Environmental Planning Policy (Urban Renewal) 2010	The Urban Renewal SEPP currently only applies to two potential precincts, the Redfern-Waterloo Potential Precinct and the Granville Potential Precinct Map. As discussed in the EIS, notwithstanding being referenced in the SEARs for the project, the Sydney CBD and Pitt Street South OSD are not within an identified potential precinct and are not subject to the provisions of the Urban Renewal SEPP.
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	As discussed in the EIS, the Pitt Street South OSD site is within an established urban area and has been cleared of all vegetation, buildings and structures under a separate CSSI approval. As such, the proposal (as amended) requires no further consideration of the Vegetation SEPP.
State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55)	As discussed in the EIS, all demolition and excavation will be completed as part of the Sydney Metro Pitt Street station works. SEPP 55 and potential site contaminants will be addressed in accordance with the relevant conditions of the CSSI approval. Therefore, the provisions of SEPP 55 have been wholly addressed through that approval and are not relevant to the SSD DA and the proposed amendments which have been informed through the public exhibition process.

<table>
<tr><th>Consideration</th><th>Response</th></tr>
<tr><td>State Environmental Planning Policy No. 64 (Advertising and Signage) (SEPP 64)</td><td>The subject proposal does not seek approval for any signage. It is noted that the City of Sydney did raise objection to the proposed signage above the Bathurst Street façade. The sign is associated with the retail premises on Bathurst Street and will be a business identification sign. The sign will only contain the name of the business and will be integrated into the design of the development as shown on the Bathurst Street elevation plans Under the provisions of SEPP 64 the signage is not considered to have any negligible impacts on the surrounding area.</td></tr>
<tr><td>State Environmental Planning Policy No. 65 (Design Quality Residential Apartment and Apartment Design Guide. (SEPP 55)</td><td>Following a received a number of design refinements have been made and reflected in the amended design. The following provides an assessment against the relevant sections of the ADG.

4A Solar and daylight access

Objective 4A-1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.

A review of the solar access for proposed development has been undertaken and the analysis has revealed that the development to the north east of the site at 201 Elizabeth Street, a 32 storey commercial has been built at twice the permitted height limit and as such on June 21 casts 80% of shadows on east facing apartments of the OSD, thereby preventing most of these units from achieving the minimum 2 hours of solar access to living rooms and balconies as required by Design Criteria 1 of the ADG. This is clearly modelled and reflected in the Bates Smart Architectural Design Report at Appendix B. As a result, a total of 50% of apartments will achieve the minimum two hours of solar access between 9 am and 3pm at mid-winter, which is ultimately lower than the prescribed 70%. Despite this in-compliance the development has relied on alternative design approaches of the ADG to satisfy the solar access criteria as follows:
<table>
<tr><th>Design Guidance</th><th>Response</th></tr>
<tr><td>The design maximises north aspect and the number of single aspect south facing apartments is minimised</td><td>The north aspect has been maximised to allow 3 out of the 8 north facing apartments to be configured within the envelope and achieve full compliance.

No south facing apartments are proposed rather units have been designed to be orientated either east and west facing.</td></tr>
<tr><td>Single aspect, single storey apartments should have a northerly or easterly aspect</td><td>The proposal design amendments will result in 2 out of the 3 single aspect apartments to have east facing aspect in accordance with the ADG guidelines, however are limited of the 2 hours of solar access due to the overshadowing resulting from the 201 Elizabeth Street development.</td></tr>
</table>
</td></tr>
</table>

Consideration	Response	
		The remaining apartment will have a western aspect, which under the guidelines is less favourable than north and east, but due to the constraints is more favourable than a southern aspect and will achieve the minimum 2 hours of solar access within most levels of the tower.
	To optimise the direct sunlight to habitable rooms and balconies a number of the following design features are used: dual aspect apartments shallow apartment layouts	It has been demonstrated in the modelling by Bates Smart that at least 5 apartments per floorplate (62%) of apartments will enjoy the dual aspect cross flow ventilation in accordance with the guidelines. The modelling by Bates Smart clearly illustrates that 7 of the 8 apartments per floor will achieve compliance with the shallow apartment criteria and the back of the kitchen no greater than 8m from a source of daylight.
	Overall, the analysis and modelling have demonstrated that the development has been design to maximise the solar access levels for the development and this has been endorsed by the Scott Walsh refer to **Appendix D**. Therefore, as required by the objective of 4A-1 the proposed development has sought to *"optimise (maximise) the number of apartments receiving sunlight to habitable rooms, primary windows and private open space".* **4B Natural Ventilation** *Objective 4B-1 All habitable rooms are naturally ventilated* The area of unobstructed window openings should be equal to at least 5% of the floor area served The blade which was located in the slot windows serving the bedrooms on the southern façade has been removed. The analysis undertaken by Bates Smart seeks to assess the natural ventilation against the provisions of the BCA and the ADG. The ventilation strategy that has been proposed seeks to install one vertical rebated 500mm wide 'slot' within each of the 3 bedrooms on the southern facade. Recessed within the 'slot' is a full height operable casement window, 350mm wide, which opens a maximum of 125mm (to comply with maximum operable window opening limits permissible under BCA). These windows open into the rebated 'slot', rather than directly towards the adjacent building, thus eliminating directly opening opposing windows and paths for direct acoustic transmission.	

Consideration	Response
	It has been found that the full window opening of the proposed slot windows at 310mmx2600mm (806mm^2) for windows 1 -3 along the southern façade will achieve the BCA ventilation requirements and each room will meet the 5% requirements of ventilation to the floor area served. It is noted that the unobstructed opening of the proposed slot windows measuring 125mm x 2600mm (325mm^2) will not be satisfied under the ADG provisions. Despite this the proposed ventilation approach for these bedrooms are compliant with the BCA natural ventilation requirements. Accordingly, this approach has been presented to the DRP several times and has been endorsed meeting the ventilation and acoustic requirements. Furthermore, it is noted within the technical advice provided by CPP at **Appendix H**, that flow rates of outside air driven by wind have been calculated for representative windows and apartments in the proposed development at each half hour for the time between 2010 and 2018. Despite the increase in resistance caused by the south-facing casement windows, all tested apartments significantly exceed the criteria provided in the City of Sydney draft guideline for natural ventilation in noisy environments (City of Sydney, 2018). As such the natural ventilation achieved for the development is considered appropriate. **4D Apartment size and layout** In order to address the requirement for the development to minimise amenity impacts on the adjoining properties, the layout of the apartment on the south east corner of the building has been amended to increase privacy to and reduce overlooking into Princeton Apartments. The internal design of the apartment itself has been slightly reconfigured however it still retains the minimum ADG internal area for a 2-bedroom 2-bathroom configuration. **4E Private open space and balconies** The proposed design sees a reduction in external balcony area to the South west apartment from 8sqm to 6sqm, and the south east apartment from SSD DA proposed 10sqm to the amended design of 6.4sqm. The latter balcony was originally proposed along the entire width of the apartment's eastern elevation. However, in response to the concerns raised by Princeton Apartments residents, the balcony has been repositioned to the northern half of the apartment and brought inboard to ensure a balance of privacy amelioration to Princeton Apartments and retention of solar access into this apartment. During the RTS DRP meeting the proposal to reduce the internal area of the apartment to increase the balcony was presented. After careful consideration, the DRP requested that the balcony size be reduced and remain non-compliant in order to retain the internal amenity of the apartment and achieve compliance with the ADG. The reduction and relocation of the balcony of the south east unit has satisfactorily responded to the solar access and privacy impacts raised by residents of the Princeton Apartments.

Consideration	Response
	3D Communal and public open space In response to concerns about privacy impacts arising from the Level 06 communal open space courtyard, this area has been changed to an in-accessible landscaped open space. Under the SSD DA, the Level 6 communal open space courtyard area was included in the calculation of communal open space, however in order to address the amenity impacts of the Princeton Apartments this space will be no longer be accessible by the residents of the development and will not qualify as 'communal open space' under the ADG. Despite this, the development continues to offer a range of communal spaces and facilities which provide opportunities for group and individual recreation and activity, social interaction and amenity and outlook for residents as required under the ADG including: ▪ Level 2 landscaped balcony: in the form of a breakout space or outdoor workspace for most times of the year. ▪ Level 2 social lounge and co-working space ▪ Level 6 indoor pool and outdoor sundeck ▪ Level 6 group fitness area ▪ Level 6 gym facilities ▪ Level 35 pergola and terrace area is embellished with an outdoor lounge and outdoor dining and entertaining space. Accordingly, the generous lap pool on Level 6 (385sqm) conjunction with the Level 2 landscaped balcony (93sqm) and Level 35 outdoor terrace area (226sqm) will meet the communal open space required for the site under the ADG.
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	The site is located within the Sydney Harbour Catchment area but not within the Foreshores and Waterways area. Therefore, clause 26 of the SREP is relevant to the consideration of the proposed development with regards to the maintenance, protection, and enhancement of views. Matters to be taken into consideration in relation to clause 26 include: *a) Development should maintain, protect and enhance views (including night views) to and from Sydney Harbour;* *b) Development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items; and* *c) The cumulative impact of development on views should be minimised.* A number of submissions were received by DPIE relating to the loss of views of the St Mary's Cathedral and the harbour views enjoyed from Century Tower. A supplementary view impact analysis has been undertaken from different viewpoints at St Mary's Cathedral looking back towards apartments in Century Tower. This analysis has been undertaken for both the approved concept envelope and the proposed building design and demonstrates that the roof form design maximises views to St Marys Cathedral from Century Tower.

<table>
<tr><th>Consideration</th><th colspan="2">Response</th></tr>
<tr><td></td><td colspan="2">Another design refinement undertaken to increase view lines is the relocation of the balcony of the south eastern apartment to maximise views to the north east from Princeton Apartments.

Overall, the proposed design enables some limited or obstructed views resulting from the approved concept envelope to be increased for a number of Century Tower apartments or the impact of the views to be reduced.</td></tr>
<tr><td>Draft State Environmental Planning Policy (Environment)</td><td colspan="2">The proposal as amended following the public exhibition period will maintain consistency with the objectives contained within the Draft Environment SEPP pertaining to the Sydney Harbour catchment area. Specifically, the proposal continues to reinforce the significance of Sydney Harbour by providing a vantage points which enhances the residential amenity of the development without impacting upon key existing vistas. It is noted that the site is not located within the Foreshores and Waterways Area.</td></tr>
<tr><td>Sydney Local Environmental Plan 2012</td><td colspan="2">Zoning and Permissibility

The amended design for the SSD DA and concept modification application remains consistent with the zone objectives the development will continue to:

▪ Provide retail (employment opportunities) land uses in a single tower form which serves the local and wider community, including residential development;

▪ Encourage retail and residential accommodation opportunities within proximity of public transport being located above the future Sydney Metro Pitt Street station and an intensity of land use suitable for the site;

▪ Respond to the active ground plane along Bathurst Street comprising the entrance to the Pitt Street metro station and provides additional active uses through retail and residential entries to Bathurst and Pitt Streets; and

▪ The proposal appropriately responds and addresses the amenity impacts on existing and future developments as established under the concept SSD DA.

The proposed amended development has been assessed against the relevant development standards contained within the SLEP 2012 and is discussed in the Table below.</td></tr>
<tr><td></td><td>Clause</td><td>Proposal / Compliance</td></tr>
<tr><td></td><td>2.3 Zone objectives and Land Use Table</td><td>The proposed development (as amended) in response to the submissions continues to meet the definition of ‘residential accommodation’ under the SLEP 2012 and the inclusion of ‘retail premises’ within the podium as defined under the SLEP 2012 are permissible uses under the B8 Metropolitan Centre zone.

It is further noted that the NSW DPIE has since released a draft Housing Diversity SEPP which proposes to recognise build-to-rent as a</td></tr>
</table>

Consideration	Response	
		desirable dwelling type within the B8 Metropolitan Centre zone and other business precincts.
	4.3 Height of Buildings	The proposal design amendments do not seek to change the proposed maximum building height of the development at 141m or 39 storeys and still complies with the development standard.
	4.4 Floor Space Ratio (FSR)	The overall GFA proposed remains unchanged from the originally submitted plans. As such the proposed development remains compliant with the maximum FSR control applying to the site.
	5.6 Architectural roof features	No change proposed.
	5.10 Heritage Conservation	The proposed design amendments will not have any adverse impacts on the surrounding heritage items.
	6.4 Accommodation floor space	No change.
	6.6 End of journey floor space	The proposed OSD (as amended) is not used exclusively for the purposes of commercial premises and is therefore not eligible for the additional floor space under clause 6.6 of the SLEP 2012.
	6.11 Heritage Floor Space	The proposed development (as amended) will be the subject of heritage floor space requirements.
	6.16 Erection of tall buildings in Central Sydney	The proposed OSD (as amended) meets the requirements of clause 6.16 of the SLEP 2012 as: ▪ The site area exceeds 800m. ▪ The building will be a freestanding tower and can be seen from a public place. ▪ The development will provide adequate amenity and privacy for occupants of the building and will not significantly adversely affect the amenity and privacy of occupants of neighbouring buildings. ▪ The ground floor of the building facing Pitt and Bathurst Street contains active uses.
	6.17 Sun access planes	The site is affected by the Hyde Park West Sun Access Plane. A detailed assessment of the shadow diagrams reveals that on 21June the proposed development casts no shadow on Hyde

Consideration	Response	
		Park between 8.30am and 2pm and is therefore in full compliance with the control.
	6.19 Overshadowing of certain public places	Refer to comments in 6.17 above. Shadowing only occurs at 2.30pm, outside of the protected timeframe, at a small location adjacent to the site boundary where the park is currently shaded by trees, and to an extent smaller than, and wholly contained within, the area anticipated by the approved concept envelope.
	6.21 Design excellence	The amended design has been reviewed by the DRP and has been endorsed.
	7.3 Car parking spaces not to exceed maximum set out in this Division	The amended proposal does not seek to provide car parking spaces for the OSD. The proposal only allows for two spaces for small rigid vehicles and two spaces for light commercial vehicles and therefore meets the intent of clause 7.3 of the SLEP 2012.
	7.5 Residential flat buildings, dual occupancies and multi dwelling housing	The amended proposal does not seek to provide car parking spaces for the residential accommodation proposed as part of the OSD.
	7.14 Acid Sulfate Soils	No change
	7.15 Flood planning	No change
	7.16 Airspace Operations	Conditions have been provided by Sydney Airport Corporation and CASA.
	7.17 Development in areas subject to aircraft noise	Conditions have been provided by Sydney Airport Corporation and CASA.
	7.20 Development requiring or authorising preparation of a development control plan.	No change
	7.27 Active street frontages	The development (as amended) will continue to maintain an active street frontage to Pitt Street and Bathurst Street, and will also provide lobby and entrance spaces for the residential accommodation component of the OSD.
	7.28 Serviced apartments	As per clause 7.28, serviced apartments must also meet the design principles of the ADG and the design quality principles set out in Schedule 1 of SEPP 65. In the instance that an alternative position was taken that the proposed build-to-rent apartments are better characterised as serviced apartments,

Consideration	Response	
		it is noted that the development (as amended) has nonetheless been designed in accordance with the provisions of SEPP 65 and the ADG.
	Overall, the proposed development (as development) will generally satisfy the relevant development controls of the SLEP 2012.	
Design Guidelines / DCP	Clause 11 of the SEPP (State and Regional Development) states that development control plans do not apply to State Significant Development. Notwithstanding, the Sydney Development Control Plan 2012 (SDCP 2012) has been considered as a reference point for the detailed design including local design considerations such as local character, waste management, access, loading and parking and transport considerations. These have been considered in the development of the amended design proposal of the OSD. A summary of key SDCP 2012 provisions relevant to the proposed design amendments are discussed as follows: **Section 3.2.1.2 Public Views** The detailed shadow analysis in the Bates Smart Architectural Design Report clarify that the shadow diagrams on 21June demonstrate that the proposed development casts no shadow on Hyde Park between 8.30am and 2pm and is fully compliance with the control. **Section 3.3 Design Excellence and Competitive design process** The proposed amendments which have resulted from the response to submissions have been informed by the completion of a design Excellence Process and reviewed by the DRP. **Section 3.6 Ecologically Sustainable design** An updated assessment of BASIX, NatHERS and Green Star ratings of the amended design will be submitted to DPIE for review separately. **Section 3.9.1 Heritage Impact Statement** Under Section 5 of this RtS responses to the Heritage Impact Statement have been provided to respond to the submission requesting further information on Aboriginal, non-Aboriginal and archaeological sites. **Section 3.11 Transport and Parking** The proposed design seeks to continue to deliver an active transport development which will encourage residents to be more transport orientated relying on the metro and alternative transport options to travel, with the view to reducing car dependency. The development will allow for a limited number of parking for service vehicles and metro station parking only. **Section 3.14 Waste** A detailed response to waste minimisation and management has been provided in Section 5 of this RtS which includes the recommendation to introduce a Loading	

Consideration	Response
	Dock management plan to schedule delivery vehicles which must access the site to address the concerns raised by the City of Sydney. **Section 4.2.3 Amenity** The amended design is largely focussed on improving the amenity of the development for the adjoining properties with respect to privacy and views in an aim to maintain or reduce impacts and the amenity of the residents of these developments, mainly Princeton Apartments and Century Tower Apartments. Refer to **Section 3** of this RtS which discusses the modifications proposed and their benefits. As discussed in the EIS, the BtR apartments have been designed with a focus on achieving a high level of amenity by providing unique offerings for use by the residents of the development which are internal and external spaces within the tower, including: ▪ Resident lounge and co-working space ▪ Meeting rooms ▪ Gym ▪ Group fitness ▪ Pool with associated outdoor lounging areas ▪ Spa ▪ Private/communal open space areas ▪ Rooftop lounge ▪ Bicycle storage areas ▪ Bicycle lockers ▪ Bicycle repair room **Section 4.2.3.8 Common Open Space** The amended proposal will result in the loss of the common open space on Level 6 of the proposed development to address the visual and acoustic privacy concerns of the Princeton Apartments. Despite this the development will continue to meet the requirements of the SDCP 2012 and ADG common open space areas with the provision of the Level 2 landscaped balcony, lap pool and sun deck area on Level 6 and a roof top lounge and dining area on level 35. **Section 4.2.6 Waste Minimisation** A response to waste management is provided in **Appendix I** of this RtS. **Section 5.1.5 Building Bulk** The development envelope has been brought into site within the approved concept envelope to address issues of privacy and view loss for the Princeton Apartments and Century Tower Apartments.

<table>
<tr><th>Consideration</th><th>Response</th></tr>
<tr><td></td><td>
Section 5.1.6 Building Exteriors

The design amendments seek to modify the size, location and number of GRC elements proposed. This change is considered minor as the architectural design and expression will continue to be visually appealing.

Section 5.1.10 Sun Access Planes

The proposal complies with the Hyde Park West Sun Access Plane provisions.

Pitt Street South Station Design Guidelines

An assessment of how the amended design of the development is consistent with the Pitt Street South station design guidelines is set out in the following table.
<table>
<tr><th>Design Guideline</th><th>Response</th></tr>
<tr><td>Recognition of the contextual relationship with the surrounding heritage-listed items.</td><td>The amended design will continue to be is sympathetic to the surrounding heritage-listed buildings. The projections and embellishments have been reduced and the building envelope is mainly within the approved envelope at the street frontage and podium levels.</td></tr>
<tr><td>Integration of the over station design to enhance podium articulation and improve legibility of the station entrance (See Figures 9 to 11: Indicative OSD design Response).</td><td>The building extent has been marginally reduced to mitigate amenity impacts. This has seen the projections along podium levels reduce to comply with the concept envelope. This design improvement has not impacted on the open design of the metro station entrance and will continue to provide a prominent entrance which is legible and accessible from Bathurst Street.</td></tr>
<tr><td>Creating a built form transition between Greenland Tower and other adjacent developments, particularly Telstra Building (320 Pitt Street) and 116 Bathurst Street</td><td>The proposed design amendments do not see a change in the building height. As discussed in the EIS the stepped form of the upper building elements of the building will continue to create the required building scale transition.</td></tr>
<tr><td>Maximising solar access to the public domain, through:

▪ design and articulation of the built form above the podium to ensure no additional overshadowing to Hyde Park on June 21st, between 12 pm and 2 pm (required by</td><td>Section 6 of the Bates Smart Architectural Design Report shows that shadow diagrams undertaken on 21st June demonstrate that the proposed development casts no shadow on Hyde Park between 8.30am and 2pm and therefore is in full compliance with the control.</td></tr>
</table>
</td></tr>
</table>

Consideration	Response	
	SLEP2012 Sun Access Plane controls). ▪ Creation of opportunities to protect solar access to surrounding pedestrian environments. ▪ Maximise solar access between 12 noon -2pm throughout other times of the year.	Accordingly it has been noted from the analysis that shadowing only occurs at 2.30pm, outside of the protected timeframe, at a small location adjacent to the site boundary where the park is currently shaded by trees, and to an extent smaller than, and wholly contained within, the area anticipated by the approved concept envelope. The shadow studies also demonstrate that any reduction in tower height would not create additional solar access to Hyde Park, even outside of the hours of the protected timeframe. Rather, they would allow a small amount of additional sun to fall on the road reserve, and not the park itself, at 2.30 and 3.30pm.
	Optimising views from the development to Hyde Park and Sydney Harbour.	The design amendments have seen changes to the building envelope with reduction of the floor size plate of each level of the development and redesign of the GRC elements of the building to preserve and limit impacts on views from Century Towers to Hyde Park. The analysis within the Bates Smart Architectural Design Report shows that the amended design improvements will allow some apartments to retain or increase existing views, whilst for others reduce the potential loss of the views.
	Consideration of privacy implications to surrounding residential buildings, including the Princeton Apartments and 135-137 Bathurst Street.	The privacy implications to the adjoining properties have been taken into consideration and the following design improvements have been made to address these concerns: Reduction in floor level size of the development to increase setbacks Change of the Level 6 communal open space area formerly accessible and available for passive and active recreation, has been changed under the amended scheme to be in-accessible by the residents and will only be used for landscaping to increase limit potential overlooking into

Consideration	Response	
		the Princeton Apartments and in response improve the visual outlook of this space from the Princeton Apartments and internal space of the subject OSD by residents. Increased setbacks allow for a greater compliance with the prescribed 12m setback where possible between the subject site and the Princeton Apartments.
		The analysis undertaken in the Scott Walsh report and the Bates Smart Architectural Design Report concludes that the development has been modified to ensure the maximum potential social access to the apartments of the development.
	Street setbacks above the podium (RL 71) of: ▪ a minimum 4 metres to Bathurst Street. ▪ a varied setback be provided from Pitt Street to align with setbacks for the Princeton Apartments. ▪ 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 9 am-3 pm at winter solstice.	No changes are proposed to Bathurst as set out in the SSD DA The setbacks for Pitt Street as proposed in the SSD DA in April 2020 have been reconsidered. It is held that the proposed setback is both varied and highly articulated, ranging from between 4.6m at the south western corner, 14.4m at the north western corner, and 19.1m in the glazed light and ventilation slot in the centre of the floorplate above the Edinburgh Castle Hotel. The setback is complying with the intent of the approved concept envelope, established to create an consistent alignment of tower massing between Princeton Apartments, set back only 3m, to the south, and further developments along Pitt Street to the north.
	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.	The materials proposed as part of the SSD DA for the development will remain the same, however to address the impacts to views from Century Tower Apartments the size, number and location of the GRC elements have been amended to allow for reduced impacts. Despite this minor change the selected materials and finishes allow

Consideration	Response	
		for differentiation between the proposed residential tower with a unique materiality within the city skyline.
	Provision of landscaping throughout the design, laying spaces of relief and referencing landscaping of the precinct.	Due to the change in the Level 6 open space from accessible to inaccessible a revised landscape strategy has been prepared and is included as **Appendix C**. As illustrated in the amended design the revised landscape strategy continues to maintain high quality landscaping, over three levels of the build-to-rent development to be enjoyed by the residents and their neighbours and to further complement the midtown precinct.
	Achievement of SEPP 65 & ADG requirements.	A detailed assessment of the proposed amendments and the achievement of SEPP 65 and ADG compliance has been provided in this Table under the relevant consideration.
	Design and articulation of roof forms must consider retention of view to St Mary's Cathedral from Century Tower (343 - 357 Pitt Street, Sydney).	As illustrated in the bates Smart Architectural Design Report a total of 4 different roof design concepts were examined to retain the views to St Marys Cathedral from the Century Tower Apartments. Based on the options the current roof design was found to cause less impact to views and therefore the roof design has been maintained in the amended design seeking changes only the envelope to further address view loss issues raised in the submissions.
	Side and rear setback above the podium of: ▪ a minimum 3m continuous setback to the eastern boundary ▪ a minimum 12 metres above the podium with the permitted reduction to minimum 3 metres within the structure reservation zone in accordance with condition A17 for essential structural support	The eastern boundary remains unchanged in the amended design. The Level 6 communal open space area has now been redesigned and will no longer be accessible to the residents of the OSD, this will increase the amenity of the Princeton Apartments with no impacts of views from the OSD into the neighbouring apartments and a highly landscaped space which the residents of the

Consideration	Response	
	and service to integrate the OSD 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 (304 - 308 Pitt Street, Sydney).	Princeton Apartments can enjoy from their gym and yoga studio.
Draft EPIs		
Draft Sydney Local Environmental Plan 2020 (Central Sydney Planning Strategy)	**Zoning** The Planning Proposal includes an amendment to the B8 Metropolitan Zone objectives to reinforce the important role that employment floor space plays in the city. The proposed residential land use is appropriate for the site. The slightly reduced residential floor plates as amended following the public exhibition, will continue to provide an efficient and high amenity residential floor plate, design slight changes to layouts and reduction in balcony sizes. The proposed use will not undermine the ability for additional employment generating uses on appropriate sites elsewhere in the CBD, and accordingly seeks to continue to provide a retail premises which will achieve the overarching objective of creating additional employment opportunities. **Land use and FSR** The amended proposal seeks to maintain the proposed land uses as sought in the SSD DA and concept modification. As discussed in the EIS, the proposal does rely upon residential floor space incentives as outlined and established appropriate within the concept SSD DA. **Tower Clusters** The site is not located within a tower cluster and as such will not benefit from these draft provisions. **Height** The proposed amendment to the design will not result in any change in the building height approved as part of the concept SSD DA.	
Environmental impacts	A revised assessment of the environmental risk and mitigation measures have been provided in Table 12 below. The assessment reveals that the amended design and approach undertaken appropriately addresses the risks identified and	

Consideration	Response
	provides a suitable response to limit potential impacts associated with the proposal.
Social and Economic	The proposed development (as amended) will continue to contribute to the ongoing economic activity of the NSW workforce and during the construction of the development create jobs and increased employment opportunities consistent with the objectives of the Sydney Region Plan and the Eastern District Plan.
Public Interest	The proposal is in the public interest as it provides for high quality accommodation in Sydney CBD for long term rental tenants. The development will see a new form of housing in Sydney and will diversify housing stock and choice for residents. The proposal supports the concept of the '30-minute city' as envisioned in the State and regional Strategic plans and will provide housing and retail uses within proximity of significant public infrastructure. The development seeks to create a high quality amenity for residents with a range of different services and facilities available on site for passive and active recreational uses and work spaces to allow for working from home and other co-working environments reflective of an agile society. The provision of end of use facilities and ample bike storage spaces supports the move towards residents taking up active and public transport use.
Site Suitability	The proposal is considered suitable for the site as it delivers a world-class integrated public transport and residential development that is not proposed to be strata-subdivided which aligns with relevant strategic and statutory planning policies and significant NSW Government investment in public infrastructure.

7.2. SUMMARY OF MITIGATION MEASURES (AS AMENDED)

The following section provides update mitigation measures that have resulted from the amended design response to the submissions. For clarification purposes, any new additions are marked as '**bold**' and any changes no longer relevant have been struck through.

Table 12 Updated Mitigation Measures

Item	Potential Impact	Mitigation Measure
Design excellence	The development does not achieve design excellence.	Comply with the requirements of the design Excellence Strategy. **Deliver on the requirements of the Design Review Panel through design documentation and construction.** Maintain engagement with the 'design Architect' through the detailed design of the proposed development.
Overshadowing	Increase in shadowing to surrounding public domain, including Hyde Park	Compliance with the sun access plane control for Hyde Park and compliance with Pitt Street tower setbacks as per the concept SSD DA.

Item	Potential Impact	Mitigation Measure
	Increase in shadowing to surrounding residential properties including to Princeton Apartments and Century Apartments	Compliance with the approved concept SSD DA building envelope, and the assessment of the proposed façade features and embellishments to ensure no further adverse impacts result.
Privacy	Adverse impact on visual and acoustic privacy of surrounding residential properties	Inclusion of louvres on the southern façade.
Traffic and Transport	Increased traffic on local roads (Operational).	The provision of zero resident car parking spaces on the site. Implementation of a Loading Dock management plan to schedule services and deliveries to mitigate traffic movements from and to the site.
	Increased traffic on local roads (Construction).	The provision of zero parking spaces on site during construction for workers. Implementation of a Green Travel Plan.
	Additional demand for on street car parking spaces (Operational and Construction).	Implementation of a Green Travel Plan. We further note that the City of Sydney restrict on-street car parking to limited times, to discourage long-term parking. **A Loading Dock management plan to schedule delivery vehicles which must access the site.**
Pedestrian Management	Conflict with pedestrian and cycle/vehicle operations (Operational)	The provision of zero resident car parking spaces on the site. Implementation of a loading dock management plan to schedule services and deliveries to mitigate traffic movements from and to the site. **Implement convex mirrors and warning systems to alert pedestrians and cyclists when trucks are leaving the site.**
	Conflict with pedestrian and cycle/vehicle operations (Construction)	Consistency with the Construction Traffic and Pedestrian Management Plan.
Pedestrian Amenity	Adverse impact on the pedestrian wind environment of surrounding streets.	Proposed development has been designed to ensure built form can comply with the relevant standards for the intended use of each tested area. Landscaping and podium awning design to be delivered in the CSSI approval address the requirements of the wind assessment.

Item	Potential Impact	Mitigation Measure
	Pedestrian volumes and footpath/public domain capacity.	Additional footpath width is proposed as part of the CSSI approval. The OSD has sought to further mitigate pedestrian volumes by proposing the primary pedestrian entrance to the development on Pitt Street, away from the ~~Pitt Street South~~ **metro** entrance **on Bathurst Street.**
Reflectivity	Adverse impact on reflectivity of the proposed buildings on public domain, pedestrians and motorists.	Inclusion of mullions and architectural features and embellishments on the building façade to mitigate reflectivity. Compliance with the glazing recommendations of the Reflectivity Assessment.
Safety and Security	Adverse impact on the safety and security of local community	Detailed design to include additional surveillance devices, mechanised access controls, and clear way-finding signage. Design consideration should be given to preventing hostile vehicle penetration. Implementation of camera surveillance, public domain furniture design, anti-graffiti façade protections and the location of a high visibility security room.
Acoustic Impacts	Adverse noise conditions within the OSD	Inclusion of the recommended window glazing specifications for the residential apartments depending on the characteristics of each room (sleeping or living). Reasonable separation of the retail tenancy from the residential dwellings.
	Adverse external noise impacts to surrounding development (Construction)	Compliance with maximum construction hours, noise monitoring, complaints management, mitigation measures including where required screening and rest periods.
ESD	Irreversible increase in energy usage.	Achievement of a 5 Star Green Star design and As-Built v1.3 rating and project specific BASIX ratings that a greater than standard residential projects.
Aboriginal Heritage	Potential impacts on Aboriginal places of significance (Construction)	Excavation is approved **and Aboriginal Heritage impacts to be managed** as per the terms of the CSSI approval.
Non-Indigenous Heritage	Impact on the significance of heritage items in the vicinity	Design of the proposed OSD **has** ~~to~~ respond**ed** to and complement**s** the scale and materiality of surrounding heritage items including notably the Edinburgh Castle Hotel.

Item	Potential Impact	Mitigation Measure
Infrastructure Provision	Adequate connection to infrastructure and utilities and adequate infrastructure capacity	The applicant will undertake detailed enquiries and arrange for final connections and any associated approvals based on the final design where these final connections cannot reasonably be provided as part of the station works under the CSSI approval.
Water, Drainage, Stormwater and Groundwater	Potential flooding of the OSD.	The proposed OSD is positioned higher than the relevant flood planning levels. It is noted that the primary pedestrian and vehicle entrance to the site is from Pitt Street, which at the location of the site is not flood affected.
	Adverse impact on the quality of stormwater runoff (Operation)	Compliance with the recommendations of the Stormwater Management Plan, including new connections to existing stormwater assets.
	Adverse impact on the quality of stormwater runoff (Construction)	It is noted that the ground level of the construction of the development is subject to the terms of the CSSI approval.
Contamination	Exposure of contamination or hazardous materials during construction	Excavation and demolition are approved as per the terms of the CSSI approval.
Air Quality	Dust associated and emissions associated with construction vehicles (Construction)	Dust suppressions and air monitoring shall be implemented at various stages of the project.
Biodiversity	Impacts on street trees	Demolition is approved as per the terms of the CSSI approval. **Building is set away from interference zone of adjacent trees.** **Design of awnings forms part of the CSSI approval.** ~~Proposed new public domain landscaping illustrated at **Appendix I** is to be provided within the terms of the CSSI approval.~~
Waste	Waste production (Operation)	Implementation of the Operational Waste Management Plan.
Building Standards	Adequate access for people with a disability	Complying with the applicable accessibility requirements of the DDA Access to Premises Standards 2010, relevant Australian Standards and requirements of the BCA pertaining to external

Item	Potential Impact	Mitigation Measure
		site linkages, building access, common area access and sanitary facilities.
Airspace	Impact on prescribed and protected airspace	Maintaining proposed maximum building height and crane operation below PANS-OPS surfaces level for instrument flight procedures and receipt of approval under the *Airports (Protection of Airspace) Regulations*.
Social Impact	General disruption to community associated with large scale construction	Consistency with the recommendations of the Construction Management Plan including notably ongoing engagement and consultation with the surrounding landowners and occupants during the construction period, including a complaints register.
	Potential anti-social behaviour associated with ground plane or residential tenants	Adoption of the recommendations of the CPTED assessment, including location of a generous lobby space on Pitt Street for residents to wait internally for deliveries, and guests where relevant.
Cumulative Impacts	Cumulative impacts (traffic, noise, dust, etc.) associated with concurrent construction and operation of the station OSD, and other development in the area.	Implementation and finalisation of the Draft Construction Pedestrian and Traffic Management Plan (CPTMP) and the Construction Management Plan (CMP).

8. CONCLUSION

This 'Response to Submissions' Report has been prepared by Urbis on behalf of Pitt Street Developer South Pty Ltd to address the matters raised by government agencies, the public and community organisation groups during the public exhibition of the proposed Sydney Metro Pitt Street South OSD SSD for both the concept modification application (SSD-8876-Mod-2). Both applications were publicly exhibited between 4 June 2020 and 1 July 2020. A total of 25 submissions were received for the concept modification application (SSD-8876 MOD 2) and 99 submissions for the detailed SSD DA (SSD-10376).

To address the matters raised during the public exhibition period, the proposal has been subject to design refinements, testing, and ongoing reviews. Furthermore, the application has been referred to the Sydney Metro DRP once for review and comment. The design studies prepared by Bates Smart to address each of the matters raised in the submissions have been presented to the Panel, allowing for additional feedback and design approach to be provided in response particular matters.

Overall, the responses within this RtS and the EIS submitted with the detailed SSD DA and concept modification application demonstrate that the proposed OSD development is considered appropriate for the site and warrants approval by the Minister of Planning for the following reasons:

- The proposed development (as amended) is consistent with the NSW Government and City of Sydney Council policies for the site and surrounding area including the Greater Sydney Region Plan, the East District Plan and local development controls for the height of buildings and density (FSR controls).
- The proposal (as amended) results in an orderly and economic use of the land that leverages significant NSW Government investment in public transport to the site, specifically Sydney metro.
- The proposed development (as amended) will continue to provide a unique opportunity for residential housing within Sydney City taking advantage of the approved Sydney metro project, with the airspace created as part of the Pitt Street South site to be developed for the purposes of OSD.
- The proposal and the amendments sought to the design are permissible in the B8 Metropolitan Centre zone pursuant to the SLEP 2012. The amended OSD design will continue to deliver new build-to-rent accommodation within the Sydney CBD to encourage activation of the southern CBD outside of business hours and to maximise the use of future transport infrastructure.
- The proposed design amendments provide a suitable response to address the amenity issues raised by DPIE, governmental agencies, the public and community groups including Century Tower and Princeton Apartments which have resulted in the following design refinements to the OSD (as submitted) including:
  - **Reduced building envelope with smaller floor plates:** to maximise building separation to the Princeton apartment building.
  - **Redesign and re-purposing of Level 6 communal open space:** to address privacy concerns raised by Princeton Apartments residents resulting in an area which is not accessible to residents. It will provide a landscaped green space that provides a pleasant outlook and increased visual amenity for occupants of both the Princeton Apartments and the proposed residential building.
  - **Amendments to the layout of apartments on the south eastern corner of the building:** to reduce potential overlooking into Princeton Apartments and to accommodate a balcony relocation to its northern side to maximise solar access and address privacy impacts for occupants of these units. Whilst the reduced balcony does not meet the minimum ADG area, this is a preferred outcome whereby the internal apartment area meets the ADG provisions, whilst the balcony relocation provides for increased privacy to and views from Princeton Apartments. The DRP has supported this approach as noted in **Appendix J** of this RtS.
  - **Changes to the GRC on the building façade:** mainly relating to the number of elements proposed, the size and location. These amendments will allow for better alignment of the GRC with window locations and will notably increase the amount of solar access into the residential apartments. Accordingly, this modification to the design will also enable the requested 12m building setback to Princeton Apartments to be facilitated without comprising the architectural design integrity of the building.
- The design analysis has concluded that the proposed development includes 5 out of 7 apartments on Levels 07-09 as achieving natural cross ventilation, achieving 71% of the total apartments at the relevant levels.

- The proposed natural ventilation achieved via the opening of the slot window of the south-facing bedrooms when measured against the need to balance the amenity and design considerations is deemed satisfactory under the BCA in this instance.
- The design response has confirmed that the proposed development will cast no shadow on Hyde Park between 8.30am and 2pm on 21 June and full compliant with the solar access controls as set out in the Design Guidelines for the Pitt Street South OSD, SLEP 2012 and SDCP 2014.
- The assessment and modelling undertaken as part of the RtS has confirmed that 50% of apartments achieve a minimum of 2 hours solar access during mid-winter between 9am and 3pm, 19.1% less than the 70% requested by the ADG.
- The RtS and amended package demonstrate that the amended design meets the objectives of the ADG, even if it is not strictly in accordance with the prescriptive design criteria.
- The responses from the governmental agencies have been suitably addressed with revisions to the design address their concerns or providing additional clarification to ameliorate any inconsistencies raised.
- Other issues relating to waste and loading dock management have been adequately addressed with appropriate mitigation measures.
- The draft general terms of agreement and conditions provided by the agencies have been reviewed by the applicant with comments provided in the RtS for any conditions not agreed with.
- The proposed amended design of the OSD will maintain its integration with the detailed design of the Sydney Metro Pitt Street South station and its related works including the construction of the development up to the transfer slab and the public domain.

Overall, the proposal integrates with the Pitt Street South metro station and provides a residential development appropriate to the site and its setting. The revised design results in an improved amenity outcome for both the subject building and residents of the neighbouring Princeton Apartment building. The design has been endorsed as achieving design excellence by the Sydney Metro DRP, meets the objectives of the ADG, addresses the strategic and statutory planning framework and will provide for the Sydney CBD's first build to rent accommodation building. Overall, the proposal is in the public interest and should be approved by the NSW DPIE, subject to conditions of consent.

9. DISCLAIMER

This report is dated 23 September 2020 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd **(Urbis)** opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of PITT STREET DEVELOPER SOUTH PTY LTD **(Instructing Party)** for the purpose of Response to Submissions **(Purpose)** and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A AMENDED ARCHITECTURAL PLANS

APPENDIX B SUPPLEMENTARY ARCHITECTURAL DESIGN REPORT

APPENDIX C SUPPLEMENTARY LANDSCAPE DESIGN REPORT

APPENDIX D SUPPLEMENTARY SOLAR ACCESS AND OVERSHADOWING ANALYSIS

APPENDIX E REVISED TRANSPORT AND ACCESSIBILITY IMPACT ASSESSMENT

APPENDIX F VERTICAL TRANSPORTATION ADDITIONAL DETAIL

APPENDIX G AMENDED DESIGN INTEGRITY REPORT

APPENDIX H NATURAL VENTILATION TECHNICAL DETAILS

APPENDIX I RESPONSE TO WASTE MANAGEMENT FEEDBACK

APPENDIX J PRESENTATION AND MINUTES OF MEETING HELD WITH SYDNEY METRO DESIGN REVIEW PANEL

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