URBIS

SYDNEY METRO PITT STREET NORTH OVER STATION DEVELOPMENT

Response to Submissions
(SSD 10375 & SSD 8875-Mod-1)

Prepared for
PITT STREET DEVELOPER NORTH PTY LTD
13 November 2020

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1. INTRODUCTION

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

The Department of Planning, Industry and Environment (**DPIE**) issued a letter to the applicant on the 26 August 2020, requesting a response to the comments raised during the public exhibition period for both the Concept SSD DA Modification application (**SSD-8875-Mod-1**) and the Detailed SSD DA (**SSD-10375**).

This RtS provides a response to the comments raised in the submissions as they relate to both SSD-8875-Mod-1 and SSD-10375. 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 23 July 2020 to 19 August 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
- Department of Planning, Industry and Environment - Biodiversity and Conservation Division
- Civil Aviation Safety Authority
- Sydney Airport Corporation
- Heritage Council of NSW
- Department of Planning, Industry and Environment – Water and the Natural Resources Access Regulator
- Department of Transport (**TfNSW**)
- Ausgrid
- Sydney Water
- City of Sydney Council
- Fire and Rescue NSW (FRNSW).

In addition, submissions were received from the general public and adjoining property owners. The key matters raised in the agency and public submissions include:

- maximise solar access to Hyde Park,
- minimise overshadowing to surrounding residences,
- interface with adjacent heritage items, including the NSW Masonic Club,
- prevention of impacts on threatened and vulnerable bird species, and
- vehicular access, servicing and queuing arrangements.

This RtS provides an in-depth and holistic response to all matters raised by public authorities and community submissions. Revised specialist documentation has been provided in support of the RtS. This includes:

- Amended detailed SSD DA Architectural Plans (**Appendix A**),

- Supplementary Design Report prepared by Foster + Partners (**Appendix B**),
- Supplementary ESD and Sustainability Report prepared by Cundall (**Appendix C**),
- Draft Construction Waste Management Plan prepared by CPB (**Appendix D**),
- Supplementary Transport and Accessibility Impact Assessment prepared by Aurecon (**Appendix E**),
- Design Review Panel Presentation, Minutes and Design Excellence Letter (**Appendix F**),
- Updated Design Integrity Report prepared by Urbis, Foster + Partners and Oxford Properties (**Appendix G**),
- Draft Plan of Subdivision and Public Access Easement (**Appendix H**), and
- A MUSIC Model is provided via a separate file link.

1.2. CONCLUSION

This RtS and the EIS previously submitted demonstrate that both the concept modification and subsequent detailed proposal provide for a commercial tower appropriate for the site and its setting within the Sydney City CBD. The proposal capitalises on the approved Sydney Metro City and Southwest project, with the airspace created as part of the Pitt Street North site to be developed for the purposes of a commercial OSD.

This RtS report provides a thorough response to address the various issues raised by the DPIE, City of Sydney (CoS), government agencies, the public and adjoining properties. Design refinements to the Pitt Street North OSD (as submitted) include:

- addition of horizontal frits on the Level 10 and Level 11 balustrade glazing to prevent birdstrike,
- rationalisation of the upper roof form in response to plantroom design coordination,
- minor internal layout alterations, and
- correction of minor drafting errors relating to façade materiality.

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 23 July 2020 to 19 August 2020. During this period comments were received from 11 submitters for Concept SSD DA SSD-8875 MOD 1 and 15 submitters for the Detailed SSD DA SSD-10375.

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

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

Table 1 Concept SSD DA MOD Submissions Received by Respondent Type.

Submitter	**Position**	**Number of Submissions**
Public Authorities and NSW Government Agencies		
Environment Protection Authority	Comment	1
Department of Planning, Industry and Environment – Environment, Energy and Science Group (**EES**)	Comment	1
Civil Aviation Authority (**CASA**)	Comment	1
Heritage Council of NSW	Comment	1
Transport for NSW (**TfNSW**)	Comment	1
Department of Planning, Industry and Environment – Water and the Natural Resources Access Regulator (**NRAR**)	Comment	1
Roads and Maritime Services Division	Comment	0 (Duplicate Submission)
City of Sydney Council	Support	1
Sydney Water	Comment	1
SUBTOTAL		**8**
Community and Organisations		
General public	Support	1
General public	Object	2
SUBTOTAL		**3**

Table 2 Detailed SSD DA Submissions Received by Respondent Type

Submitter	Position	Number of Submissions
Public Authorities and NSW Government Agencies		
Environmental Protection Authority	Comment	1
Department of Planning, Industry and Environment - Environment, Energy and Science Group (**EES**)	Comment	1
Civil Aviation Authority (**CASA**)	Comment	1
Sydney Airport Corporation	Comment	1
Heritage Council of NSW	Comment	1
Department of Planning, Industry and Environment – Water and the Natural Resources Access Regulator (**NRAR**)	Comment	1
Transport for NSW (**TfNSW**)	Comment	1
Ausgrid	Comment	1
Sydney Water	Comment	1
City of Sydney Council	Comment	1
Roads and Maritime Services Division	Comment	0 (Duplicate Submission)
Fire and Rescue NSW	Comment	1
SUBTOTAL		**11**
Community and Organisations		
General public	Comment	1
General public	Object	2
Organisation	Comment	1
SUBTOTAL		**4**

3. AMENDMENTS TO THE PROPOSED DEVELOPMENT

In response to the submissions received, consultation with the DPIE and feedback from the DRP, only very minor design amendments are proposed to the development.

3.1. FAÇADE CHANGES RESULTING FROM 'POWERFUL OWL' MEASURES

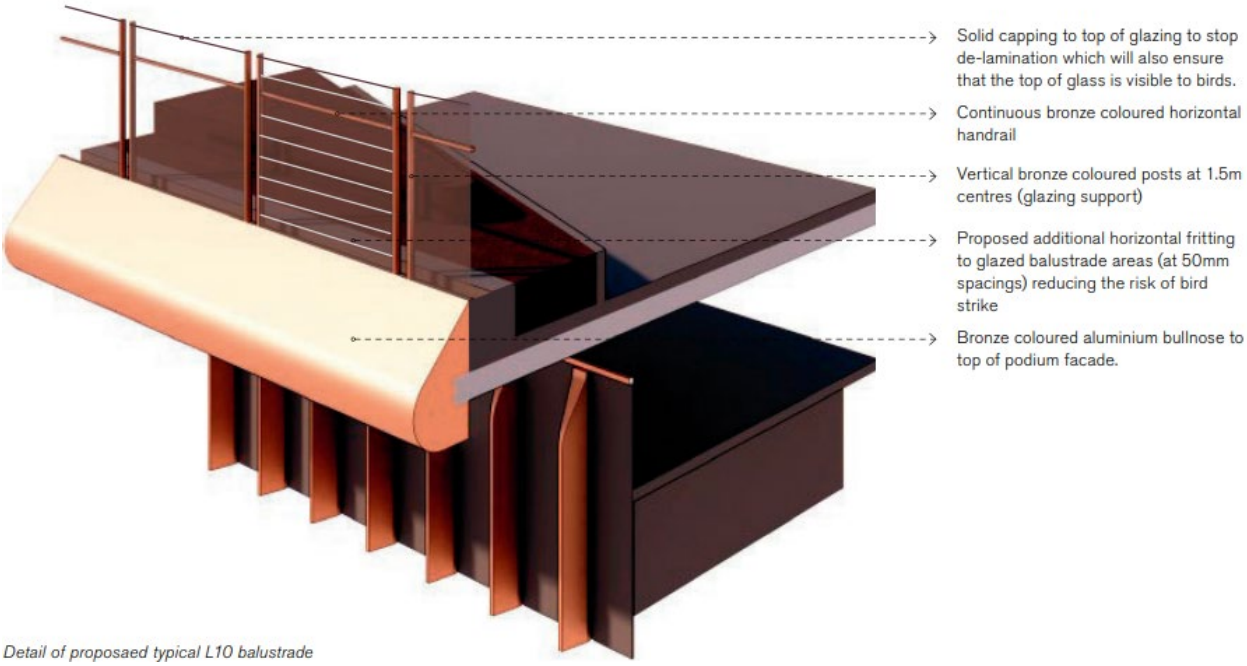
The Powerful Owl is Australia's largest owl with a wingspan of up to 1.4m. It occurs from eastern and south-eastern Australia (east of the Great Dividing Range), from south eastern Queensland to South Australia, mostly in large patches of forest. Despite being classified as threatened throughout its range, the Powerful Owl can and does, survive within cities. The Pitt Street North OSD incorporates design measures which reduce the risk of bird strikes including:

- solid spandrels on the south and expressed / angled sunhoods on the north, east and west facades, reducing the overall glass surface of the tower to less than 70%
- vertical fins on the southern facade, obstructing reflections along the east-west park street axis
- glazing with a very low reflectivity, approximately 8%, which results in only very subtle reflections of podium trees and sky
- no trees on the northern side of the building where the glazing at times has an incident sunlight angle of more than 80 degrees, thus reducing the risk of bird strike.

To further mitigate against the risk of birds striking the building a localised translucent treatment to the glazed balustrade surrounding the Level 10 and 11 roof terraces is proposed as illustrated in **Figure 1**. The glazing decal/ fritting will have 50mm horizontal spacings in line with Bird Safe USA guidelines.

Vertical bronze coloured posts at 1.5m intervals, a continuous bronze coloured horizontal handrail and solid capping to top of glazing will further ensure the glass is visible to birds.

Figure 1 Typical Level 10 Balustrade



Detail of proposaed typical L10 balustrade

Source: Foster + Partners

3.2. DESIGN REFINEMENTS

Supplementary to the submission-driven design refinement in relation to minimising the risk of bird strikes, further design development has also resulted in the following proposed design refinements:

- minor amendment to the roof design, BMU and cooling towers,
- ground floor egress and gas meter room,
- various podium design refinements,
- various tower design refinements, and
- various façade design refinements.

These are detailed in the following sections. The proposed design amendments have no impact on the overall building GFA or solar impact as established in **Section 4** of this report.

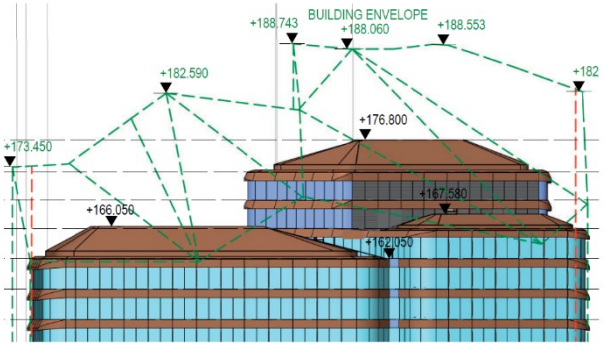
3.2.1. Roof, BMU and Cooling Towers

The three stepped roof volumes at the top of the Pitt Street North OSD are wholly contained within the approved building envelope which is governed by the Solar Access Plane as outlined in Sydney LEP Sun Access Protection Map15, with the Pitt Street project site governed specifically by the Hyde Park West 3 sun access plane.

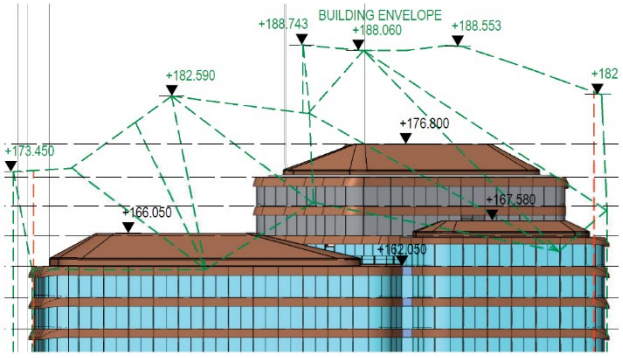
The lowest roof has an RL of 166.050, the intermediate roof has an RL of 167.580 and the highest roof of the built form has an RL of 176.800. All are located below the critical Solar Access Plane as illustrated on the diagram to the left in **Figure 2**.

The roof inclination has been altered to maximise the plantroom area while remaining within the approved Stage 1 Concept envelope and creating an elegant architectural solution to the fifth elevation.The three stepped roof volumes are still wholly contained within the approved building envelope, with the RLs of the original submission remaining unchanged. However the shape of the flat top surfaces of the roof have been amended to soften their appearance and bring them more in alignment with the design philosophy and organic nature of the rest of the building.

Figure 2 Comparison of SSDA and RtS Roof Design



Picture 1 Design as per EIS submission



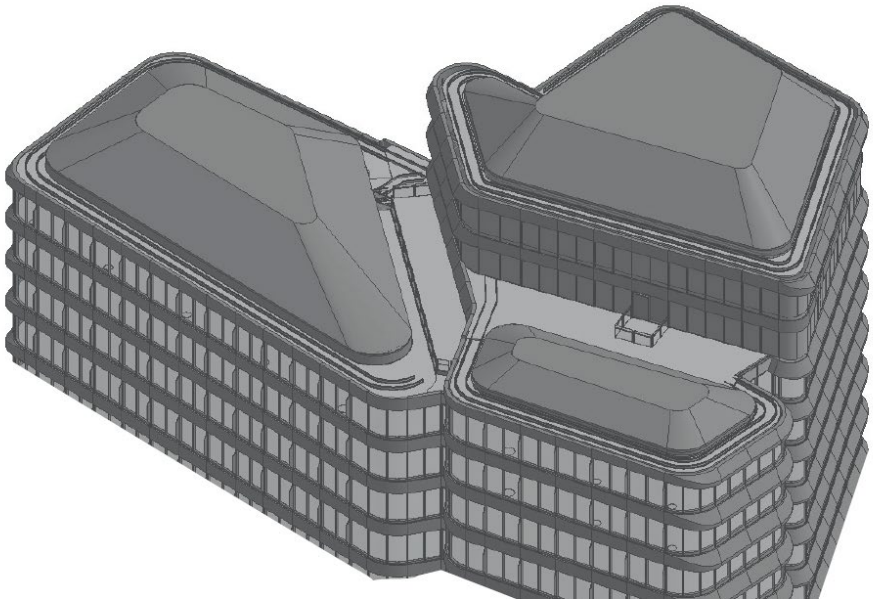
Picture 2 Revised design

Source: Foster + Partners

The materiality of the roof, follows the bronze colour finish of the tower awning to contain plantroom equipment within an enclosed geometry while also seamlessly integrating the Building Maintenance Unit (BMU) across the three roofs.

The BMU parking areas have been descretely integrated into the sides of the roof shape. Additional detail has been added in the form of the BMU tracks which sit within the recessed slot at the perimeter of each roof volume (see **Figure 3**). The BMUs can be hidden entirely within the main massing of the building (intermediate and highest roof volume) or hidden below the slope of the roof (lowest roof volume) when not in operation.

Figure 3 Updated design – Indicative 3D perspective illustrating integrated BMU track



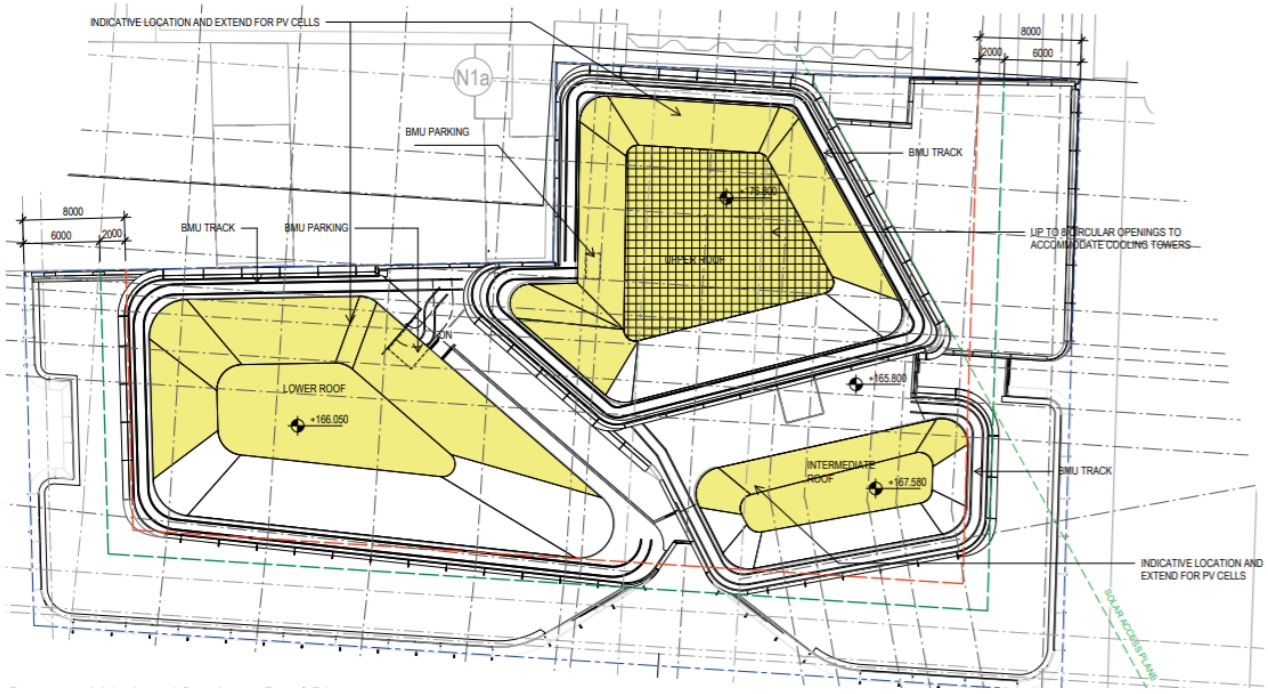
Source: Foster + Partners

The highest roof volume maintains the original design with a trafficable dark coloured mesh at the top surface to allow for free air to the cooling towers located below. Other louvre areas are discretely integrated in the vertical face between the BMU track along the perimeter and central roof volume.

An indicative zone for the location of Photovoltaics (PV) is indicated in yellow in **Figure 4** below. The exact specification and placement of these cells will be integrated into the roof design and is subject to ongoing design coordination.

Up to eight circular openings will be located in the trafficable mesh of the upper roof to accommodate the required cooling towers. The number and location of these openings is subject to final plant selection but will be contained wholly within the roof form.

Figure 4 Indicative location for PV Cells



Source: Foster + Partners

3.2.2. Castlereagh Street Podium Façade

Minor amendments to the Castlereagh Street façade are detailed below. The numbering corresponds with that shown on the image at **Figure 5** below.

1. End of trip glass entrance door has been set into a bronze clad portal to better integrate it into the overall façade. This element is subject to CSSI approval and is illustrated for coordination purposes only.
2. Station plantroom facade on Level 1 was incorrectly shown as glass curtain wall in the SSD DA plans and has now been revised to back painted glass. This element is subject to CSSI approval and is illustrated for coordination purposes only. *This was an error in the original lodgement.*
3. Bronze clad louvered facade within base of building slot has been converted to a spandrel panel with glass louvers to better integrate into the overall slot design and improve the building appearance. This element is subject to CSSI approval and is illustrated for coordination purposes only.
4. The height of the loading dock entrance has been slightly increased to cater for the increased height requirements given the station plant equipment replacement strategy required by Sydney Metro. This element is subject to CSSI approval and is illustrated for coordination purposes only.
5. The top of the slot between the two podium elements has been revised to be a glass spandrel panel to better accentuate the two podium volumes either side of the podium slot.
6. A glazed upstand / balustrade has been added to the top of the solid upstand on the north east corner of the development on Level 11. *This was an error in the original lodgement drawings, although it was noted in the Architectural Design report.*

Approval is not sought for works on the façade of the 'metro box' which comprises the lower portion of the podium up to the Level 4 transfer slab which is subject to the CSSI approval. Amendments 1, 2, 3 and 4 above are illustrated for the purposes of coordination only.

Figure 5 Castlereagh Street Podium Façade amendments

Source: Foster + Partners

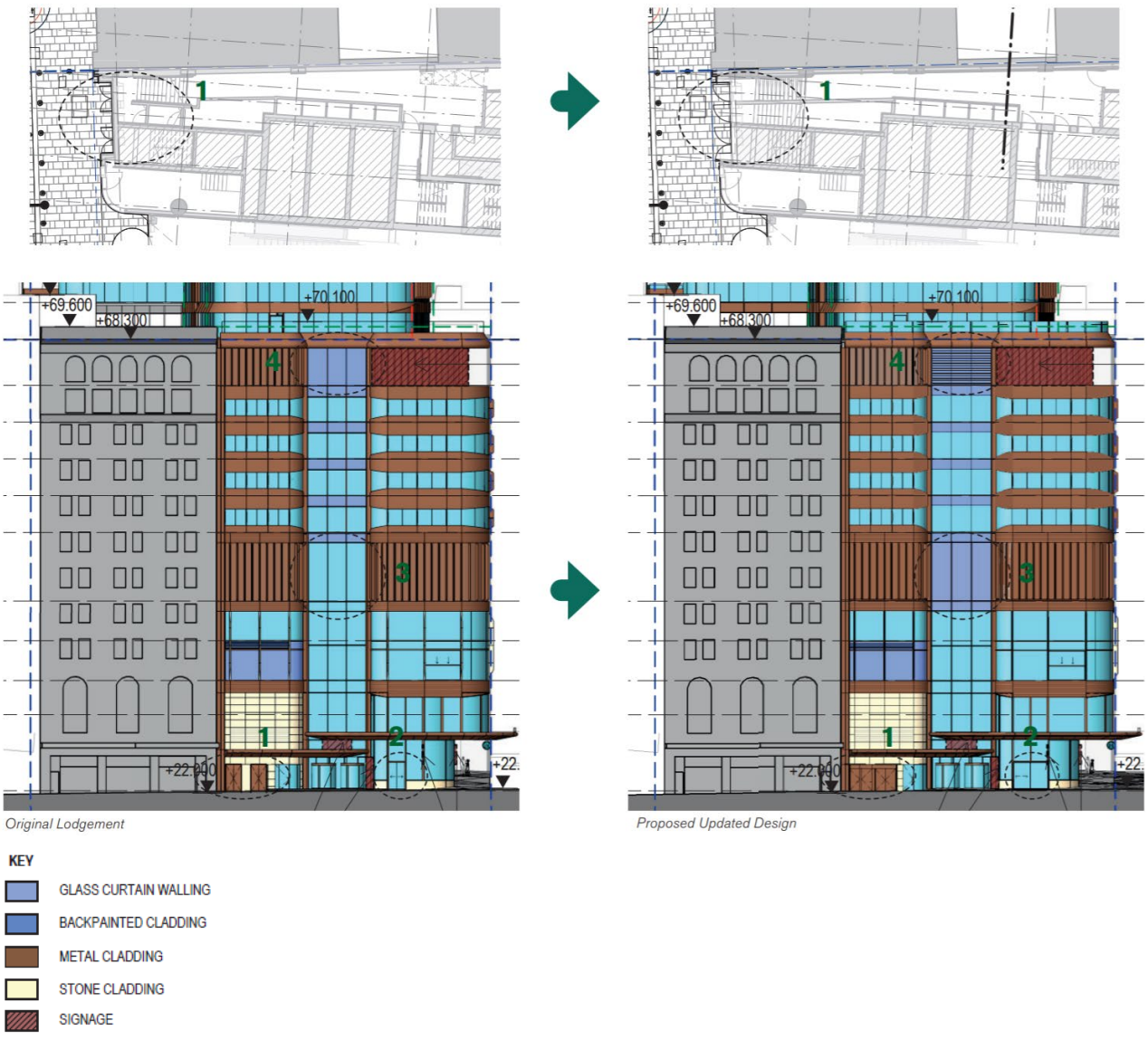
3.2.3. Pitt Street Podium Façade

Minor amendments to the Pitt Street façade are detailed below. The numbering corresponds with that shown on the image at **Figure 6** below.

1. The gas meter room on the ground floor now has a direct access point to Castlereagh Street. The fixed strip between the egress doors is now bronze clad rather than stone. This element is subject to CSSI approval and is illustrated for coordination purposes only.
2. Increased DDA entrance sliding door width. This element is subject to CSSI approval and is illustrated for coordination purposes only.
3. Plantroom facade on Level 4 was incorrectly shown as glass curtain wall in the SSDA plans and has now been revised to back painted glass. This element is subject to CSSI approval and is illustrated for coordination purposes only. *This was an error in the original lodgement.*
4. The plantroom facade on Level 9 now has glass louvers instead of a solid spandrel facade.

Approval is not sought for works on the façade of the 'metro box' which comprises the lower portion of the podium up to the Level 4 transfer slab which is subject to the CSSI approval. Amendments 1, 2 and 3 above are illustrated for the purposes of coordination only.

Figure 6 Pitt Street Podium Façade amendments



Original Lodgement

Proposed Updated Design

Source: Foster + Partners

3.2.4. Park Street Podium Façade

Along the Park Street façade the doors to the OSD Boosters, Station Booster, Station Fire Control and OSD fire control room have been revised from stone to bronze clad. This change is illustrated for coordination purposes only and is not subject to the SSDA Approval rather is subject to the CSSI approval.

Figure 7 Park Street Podium Façade amendments

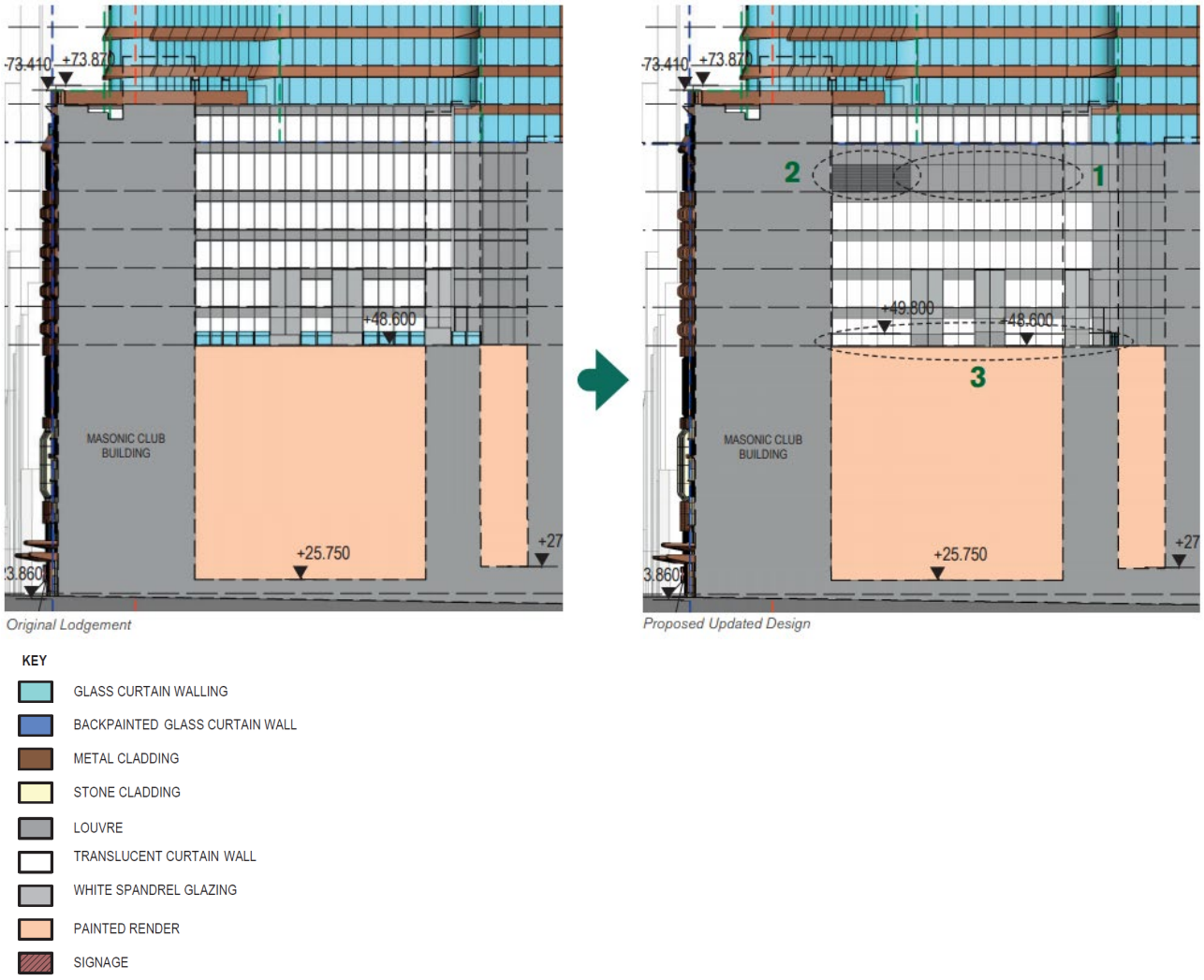
Source: Foster + Partners

3.2.5. Northern Façade

Minor amendments to the Northern façade are detailed below. The numbering corresponds with that shown on the image at **Figure 8** below.

1. Level 9 plantroom facade has been revised from translucent curtain walling into a reflective white back-painted glazing to match the spandrel panel above and below the plantroom.
2. White aluminium louvers have been introduced to the Level 9 plantroom façade to match the white background glazing adjacent to it.
3. The balustrade to the maintenance area to the north of Level 5 has been revised to be a minimal metal framing, thus ensuring minimal obstruction of the reflected daylight into the NSW Masonic Club lightwell below.

Figure 8 Northern façade amendments



Source: Foster + Partners

3.2.6. Internal General Arrangement

Minor refinements to the internal general arrangement of spaces include:

1. Back of House corridor realignments due to increased structural zones / boundary wall detailing or changes to services reticulation. (Subject to CSSI approval and illustrated for coordination purposes only).
2. Slight changes to Level 3 Staff male and female change room facilities layout. (Subject to CSSI approval and illustrated for coordination purposes only).
3. Minor internal partition wall location changes to Level 3 low rise/ high rise lift lobby and relocation of DDA toilet. (Subject to CSSI approval and illustrated for coordination purposes only).
4. Slight retail bathroom layout re-configuration on Level 2 and introduction of dedicated cleaners cupboard. (Subject to CSSI approval and illustrated for coordination purposes only).
5. Slight podium commercial (Levels 05-08) and commercial tower (Levels 10-35) bathroom layout re-configuration.
6. Changes in wall location between lobby plantroom and OSD BOH area on Level 3. (Subject to CSSI approval and illustrated for coordination purposes only).
7. Improvements to the commercial podium lift lobby.
8. Internal changes to Level 34 egress stair and plantroom wall abutting the facade.

9. Internal changes to Level 35 plantroom egress stair and egress ladder location.

10. Internal RL and plantroom partition wall changes to Level 36/37 plantroom levels.

Approval is not sought for elements allocated to station floorspace within the metro box which comprises the lower portion of the podium up to the Level 4 transfer slab which is subject to the CSSI approval. Amendments 1, 2, 3, 4 and 6 above are illustrated for the purposes of coordination only.

For further detail refer to the Architectural Plans (**Appendix A**) and Architectural Design Report (**Appendix B**) prepared by Foster + Partners.

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:

- Clarifications around the proposed Floor Space Ratio,
- Clarification as to the extent of shadowing to Hyde Park,
- Minimisation of the extent of shadowing to surrounding residential apartments,
- Clarification as to the process for Heritage Floor Space allocation and contribution,
- Requested changes to the wording of three specific Design Guidelines.

A consolidated response to the matters raised by the DPIE for both applications SSD 8875 MOD-1 and SSD 10375 is provided in the following sections.

4.1. FLOOR SPACE RATIO

4.1.1. FSR Calculation and Extent of Variation

The DPIE RtS letter requested the following:

Clarify the proposed Floor Space Ratio (FSR) with respect to the FSR standard in the Sydney Local Environmental Plan (SLEP) 2012. This shall include clarifications on:

i. floor space approved under separate infrastructure approval CSSI 7400,
ii. proposed floor space for the over station development,
iii. base floor space,
iv. accommodation floor space,
v. the applicability of any design excellence floor space which is subject to competitive design process,
vi. extent of variation above the development standard and Concept Approval SSD 8875.

The proposed Pitt Street North OSD includes 54,651m² of GFA, excluding floor space approved in the CSSI approval. It is understood that the station floor space includes 1,092m² of GFA which comprises back of house spaces and the forecourt at ground level, station management offices on Level 1 and the concourse at basement Levels B1 and B4 at the bottom of the escalators. This GFA is broken down per level in **Table 3**.

Table 3 Station floor space breakdown per level

GFA Station North	
Floor	**Area (m²)**
Level 1	150
Ground	365
B1	270
B2	0
B3	0
B4	307
Total	**1092**

Under *Sydney Local Environmental Plan 2012* (SLEP) the following FSR is applicable to the site:

Table 4 Permissible FSR Calculation

SLEP FSR Control	FSR Calculation	Resultant Permissible FSR
Base FSR Clause 4.4 - *Mapped as 8:1*	8:1	8:1
Accommodation floor space Clause 6.4 - *4.5:1 - Area 2 for the use of office premises, business premises or retail premises. Reduced proportionally if only part of a building is used for a purpose specified.*	4.5:1 98.04% of the proposed GFA is attributed to a Commercial Uses with the remaining 1.96% Station Uses. Therefore, the proposal is eligible for an additional FSR of 4.41:1	4.41:1
End of journey floor space Clause 6.13 - *Maximum 0.3:1 bonus for allocated end of journey floor space.*	There is 482m² of end of journey floor space provided within the building. The site has an area of 3,150m² and therefore the proposal is eligible for an additional 0.15:1 FSR, equivalent to the 482m² of end of journey floor space provided.	0.15:1
Total Permissible FSR		**12.56:1**

'the applicability of any design excellence floor space which is subject to competitive design process,'

The objective of SLEP clause 6.21 'Design excellence', is to deliver the highest standard of architectural, urban and landscape design. Whilst the proposal demonstrates design excellence through an alternative design excellence process outlined within the Endorsed Design Excellence Strategy (refer Appendix G of the EIS) it is not strictly capable of achieving compliance with clause 6.21 as a Competitive Design Process has not be carried out in accordance with 6.21(5).

Clause 6.21 provides that a building demonstrating design excellence is eligible for an amount of additional floor space, to be determined by the consent authority, of up to 10% of:

(i) the amount permitted as a result of the floor space ratio shown for the land on the Floor Space Ratio Map, and

(ii) any accommodation floor space or community infrastructure floor space for which the building is eligible under Division 1 or 2.

In this instance, if the 10% design excellence bonus were applied it would be calculated on the base 8:1 plus applicable accommodation bonus of 4.41:1 thereby being equivalent to an additional FSR of 1.24:1.

As part of the Concept SSD Approval, a Design Excellence Strategy was endorsed by the DPIE which established the rigorous process undertaken to ensure that the detailed design of the Pitt Street North OSD achieved design excellence.

The approved design excellence process, which has been applied to the Detailed SSD DA, involved:

- The establishment of a Design Excellence Evaluation Panel (DEEP) for the tender design stage, comprising members of the Sydney Metro DRP (including the chair) a member nominated by the NSW Government Architect, and a member nominated by the City of Sydney.

- The establishment of the Sydney Metro Design Review Panel (DRP) to define design quality expectations and benchmarks for the proposed development.
- Following contract award, the Sydney Metro DRP was reconvened for the design integrity process, whereby the DRP reviewed and provided advice on the detailed building design to ensure the achievement of design excellence, having regard to the Sydney Metro Pitt Street North Station Design Guidelines.
- The applicant was required to obtain Sydney Metro DRP advice and endorsement of the scheme prior to the lodgement of the Detailed Development Application (refer to the Updated Design Integrity Report at **Appendix G**) and throughout the assessment and post-approval stages.

The DRP was established in accordance with the terms of the Concept SSD DA, and included an independent local council nominee, a State DRP member and Sydney Metro DRP members as endorsed by the NSW Government Architect.

The applicant presented to the Sydney Metro DRP nine times prior to the lodgement of the Detailed SSD DA and one additional time during the Response to Submissions phase. No additional design refinement was requested by the DRP following this RtS phase session and the Sydney Metro DRP has given its endorsement that the proposal achieves design excellence as outlined within the Design Integrity Report (DIR) included at **Appendix G**.

Further, in satisfying Condition B4 of the Concept SSD DA, the proposed development for the Pitt Street North OSD must also be consistent with the approved Pitt Street North Station Design Quality Guidelines. A summary of the proposal's compliance with the Design Guidelines is provided at **Section 7.1**. The Sydney Metro DRP has also advised that the proposal is consistent with the Design Guidelines.

Given the extensive design excellence process undertaken to date it is deemed unreasonable and unnecessary for a statutory Competitive Design Excellence Process to be undertaken for the project to be entitled to the 10% Design Excellence FSR bonus.

In summary, whilst the proposal demonstrates design excellence in accordance with the Design Excellence Strategy as endorsed by the Secretary of the DPIE, as a Competitive Design Process was not undertaken in accordance with clause 6.21(5) of SLEP the Design Excellence bonus is technically not applicable.

'extent of variation above the development standard and Concept Approval SSD 8875.'

The proposed extent of the variation from SLEP permissible FSR and the FSR approved under the Concept SSD Approval is outlined in **Table 5** and **Table 6** below.

Table 5 Permissible, Approved and Proposed GFA

	Permissible under SLEP 2012	**Concept Approval SSD 8875** *(for a mixed-use building)*	**Proposed within Modification and Detailed SSD DA**
FSR	12.56:1	15.97:1	17.70:1
GFA	39,564sqm	50,310sqm *(including station GFA)*	55,743sqm *(including station GFA)*

Table 6 Extent of FSR variation

	Additional FSR	**Additional GFA**	**Percentage difference**
Permissible under SLEP	Proposed (17.7:1) – Permissible (12.56:1) = 5.14:1	Proposed (55,743) – Permissible (39,564) = 16,179sqm	40.89%

	Additional FSR	Additional GFA	Percentage difference
Concept Approval (for a mixed-use building)	Proposed (17.7:1) – Approved (15.97:1) = 1.73:1	Proposed (55,743) – Approved (50,310) = 5,433sqm	10.80%

4.1.2. Solar Access to Hyde Park

The DPIE RTS letter requested the following:

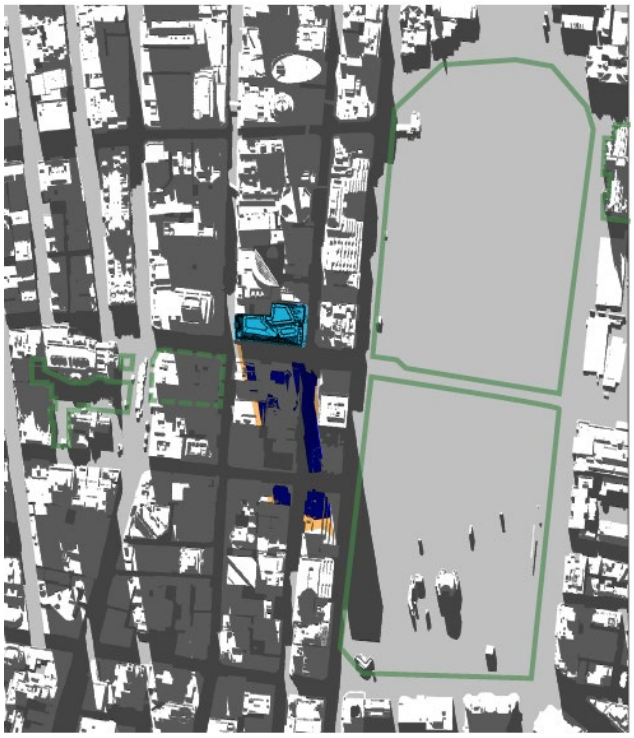
Review the distribution of floor space to minimise external impacts and satisfy the following Design Guidelines requirements:

(6.b) Maximise solar access to the public domain, through responding to the reduced shadow cast by the redevelopment of 201 Elizabeth Street on Hyde Park on June 21st, between 12pm and 2pm - Sydney Metro preliminary design work propose an angled offset of the north eastern corner of 4.1m to achieve this outcome.

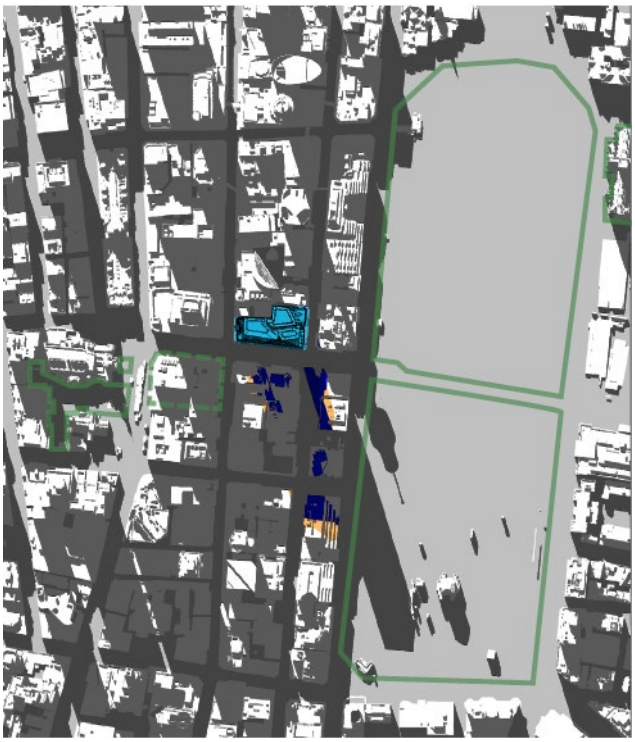
The building envelope overshadowing requirements are governed by the Hyde Park West 3 Sun Access Plane, subject to clause 6.17 of the SLEP, ensuring no additional shadowing to Hyde Park.

The SSD DA shadow studies had assessed the shadow impact of the proposed development onto Hyde Park having regard to the shadow cast by the existing building envelope at 201 Elizabeth Street. The resultant shadow impact is shown in **Figure 9** below.

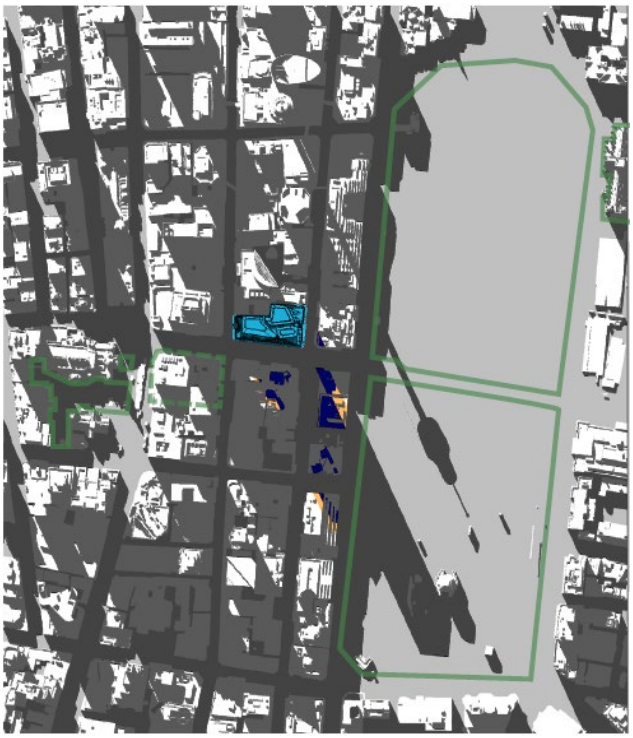
Figure 9 Original SSD DA Shadow Study



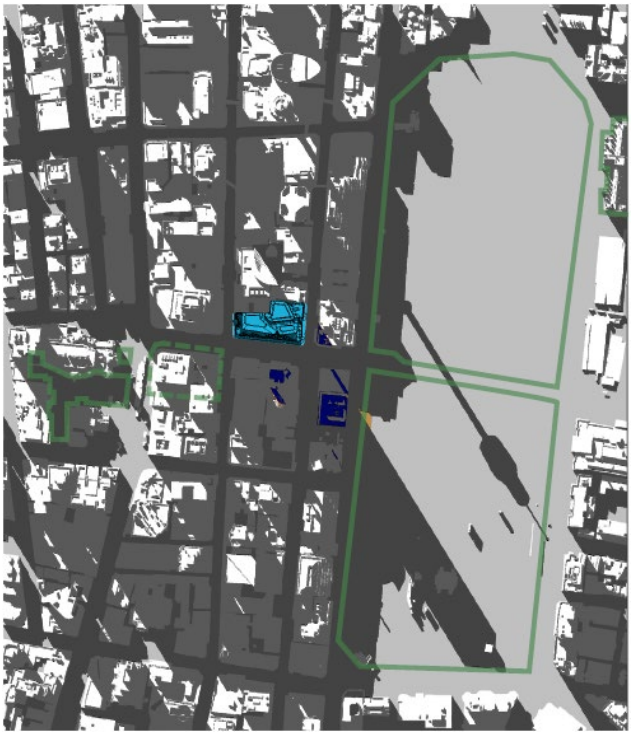
Picture 3 – 12:30pm 21 June



Picture 4 – 1:00pm 21 June



Picture 5 - 1:30pm 21 June

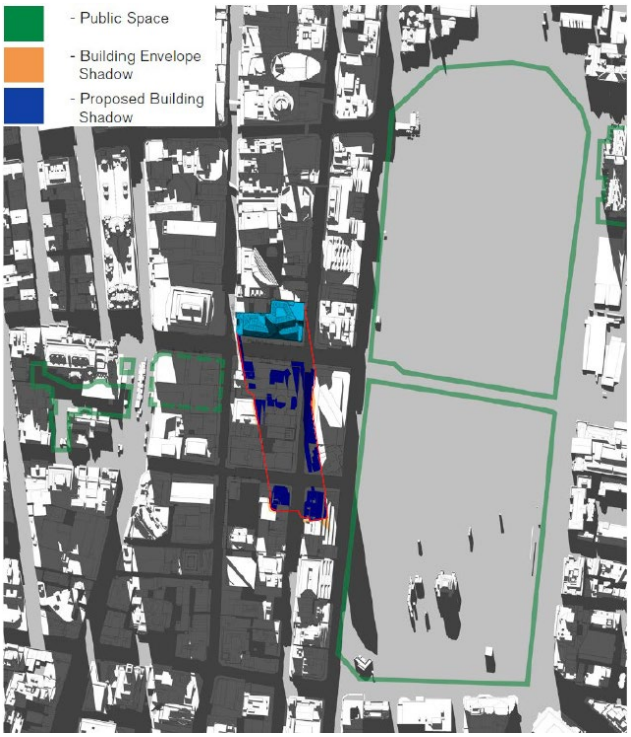


Picture 6 - 2:00pm 21 June

Source: Foster + Partners

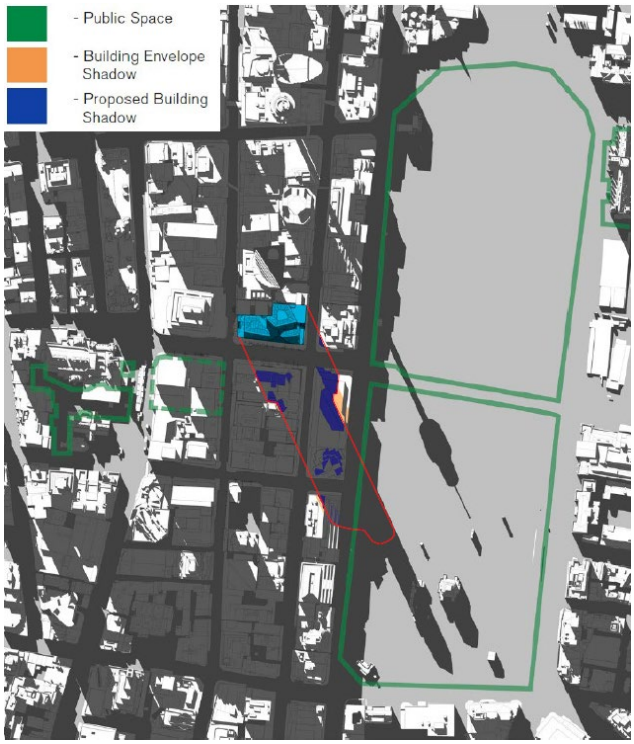
A further shadow analysis of the proposed building's impact onto Hyde Park has been undertaken, which includes the approved Concept Envelope for 201 Elizabeth Street, which is a slimmer building envelope than the current built form on that site. This analysis is shown at **Figure 10** below.

Figure 10 Hyde Park overshadowing analysis

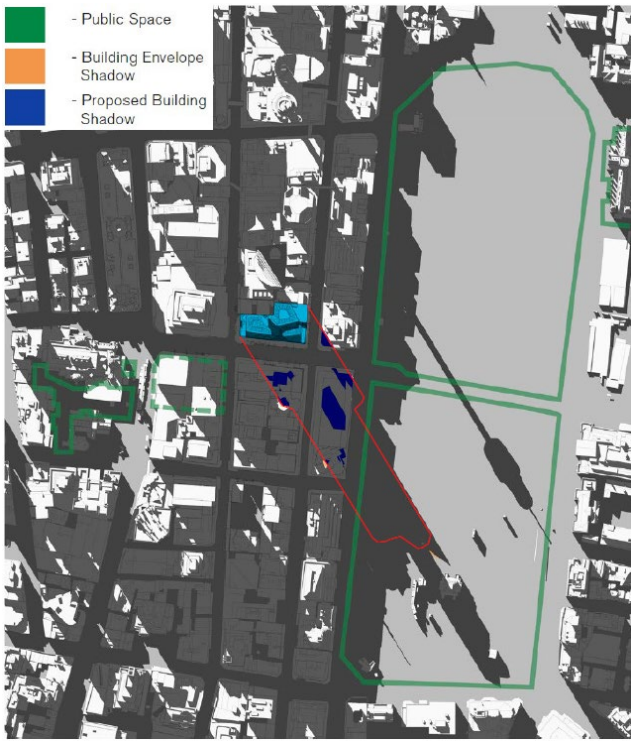


Picture 7 - 12:30pm 21 June

Picture 8 - 1:00pm 21 June



Picture 9 - 1:30pm 21 June



Picture 10 - 2:00pm 21 June

Source: Foster + Partners

This shadow study demonstrates that no additional shadowing will result from the proposed SSD DA building onto Hyde Park between 12:30 and 2pm on 21 June.

4.1.3. Overshadowing of Surrounding Residences

The DPIE RTS letter requested the following:

Review the distribution of floor space to minimise external impacts and satisfy the following Design Guidelines requirements:

Achievement of SEPP65 and ADG requirements and must;

(9.c) Minimise overshadowing impacts to surrounding residences, including private residences at 27 Park Street (Park Regis).

Current Massing Principles and Design Guidelines

The building massing has been guided by the Pitt Street North Design Guidelines including:

- Modulation of the design to minimise the overall scale of the development relative to ANZ/Liberty Place and CitiGroup, considering tower crowding as perceived particularly from Hyde Park and Town Hall.
- Avoiding the continuation of the diagonal north west plane façade alignment otherwise established by the proposed 201 Elizabeth Street and ANZ/Liberty Place.
- Maximise solar access to the public domain, through:
  - Design and articulation to ensure no additional overshadowing to Hyde Park on June 21st, between 12pm and 2pm.
  - Responding to the reduced shadow cast by the redevelopment of 201 Elizabeth Street on Hyde Park on June 21st, between 12pm and 2pm.
  - Creation of opportunities to increase solar access to the proposed Town Hall Square.
  - The design and articulation of roof forms to minimise additional shadow impacts to Hyde Park between 12 noon and 2pm throughout the year.

- Provide articulation of the tower to present as multiple forms, when viewed from both Town Hall and Hyde Park, with vertical expression along Park Street incorporating continuous elements of relief for the full height of the building above the podium to reduce the mass and scale of the future built form and ensure the built form better responds to the massing and scale of surrounding buildings.
- Incorporate building articulations, building modulations and facade treatments to provide distinctive visual breaks along the Park Street frontage of the site, respecting the surrounding subdivision and built forms patterns. The distinctive visual breaks shall be proportional to the overall building height and length of the street frontage.

Comparison overshadowing to Park Regis between approved Stage 1 envelope and current massing

The building is situated within the approved building envelope to minimise overshadowing of the residential dwellings within Park Regis Tower at 27 Park Street.

Whilst State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide (ADG) do not apply to commercial developments, in order to minimise overshadowing to adjoining residential developments a comparison has been made to the ADG requirement of 70% of apartments achieving a minimum of 2 hours of direct sun on June 21 to primary living areas.

The development is located in the Sydney City Centre in a closely built up urban context. It is common in such circumstances to extend the hours assessed to 8am to 4pm. This approach to quantifying effective solar access within highly built up urban areas has consistently had the support of the Land and Environment Court, most clearly set out by Brown, C. in Botany Development Pty Ltd v Council of the City of Botany Bay NSWLEC 10360 of 2013.

For the purpose of this RtS analysis, however, focus is given to solar access compliance of the Park Regis between the ADG hours of 9am and 3pm at midwinter.

Analysis by use of a full 3D digital model takes into account overshadowing by both the approved building envelope and the proposed building. The detailed analysis was performed primarily by using projections known as ‘View from the Sun’. A view from the sun shows all sunlit surfaces at a given time and date. It therefore allows a very precise count of sunlight hours on any glazing or horizontal surface (see **Figure 11**).

The number of apartments projected to receive over 2 hours of sun to their primary living areas between 9am and 3pm on June 21 is 61 units (33.5%) from a total of 182. Taking into account sun from 8am till 3pm an additional 93 apartments or 154 out of 182 (84.6%) receive at least two hours of effective sun on June 21.

The total number of apartments which will receive over two hours of effective direct sun on June 21 is 154 from a total of 182 (84.6%) which is compliant with the ADG Design criteria recommendation of 70%.

The detailed building design results in a 13% increase in residential apartments receiving greater than 2 hours of sunlight to living areas between 9am and 3pm when compared to the approved envelope and a 19.4% increase when considering sunlight between 8am and 4pm.

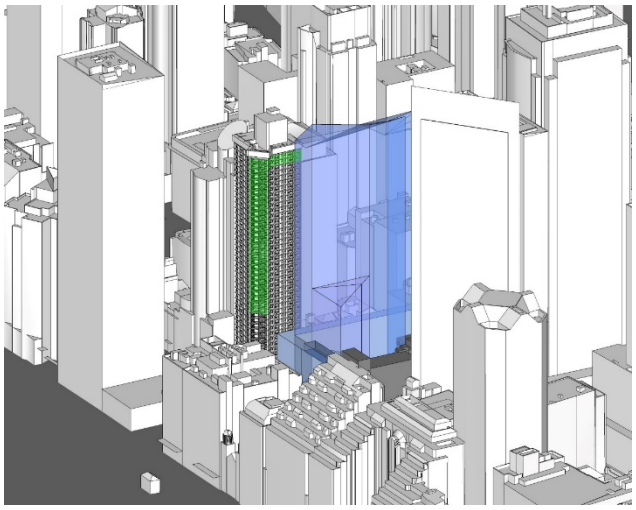
Table 7 Overshadowing of Park Regis envelope and building comparison

Living Areas	**Approved Envelope**	**Detailed Design**	**Unit compliance increase from envelope (%)**	**Unit compliance increase from envelope (number of units)**
> 2hrs 9am – 3pm	54 / 182 = 29.7%	61 / 182 = 33.5%	+ 13%	+ 7
> 2hrs 8am – 4pm	129 / 182 = 70.9%	154 / 182 = 84.6%	+ 19.4%	+ 25

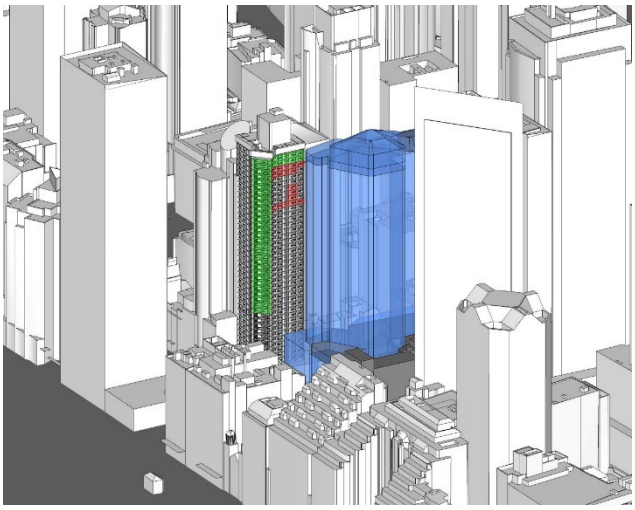
Figure 11 Sun eye diagrams overshadowing of Park Regis envelope and building comparison

Residential apartments within Park Regis Tower achieving 2 hours of direct sunlight on 21 June between 9AM-3PM (Stage 1)

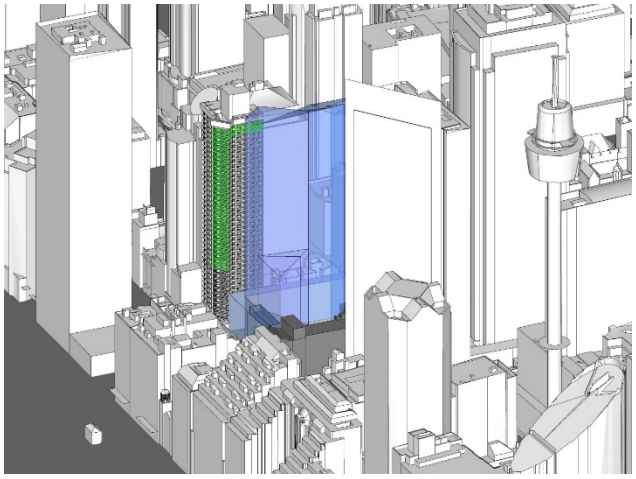
Additional Residential apartments within Park Regis Tower achieving 2 hours of direct sunlight on 21 June between 9AM-3PM (SSDA Scheme)



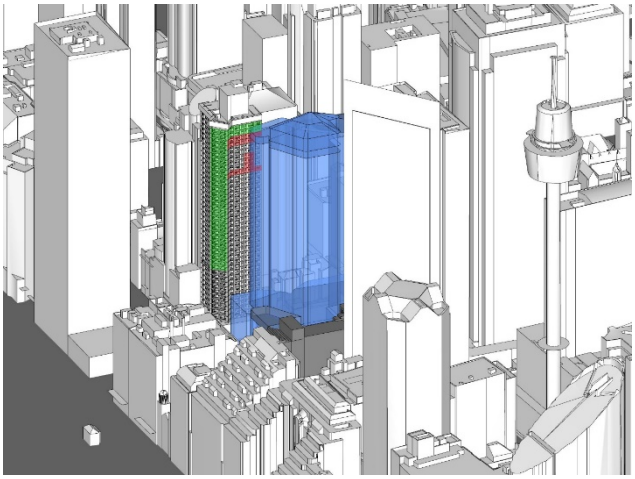
Picture 11 - Approved Envelope 9:30am 21 June



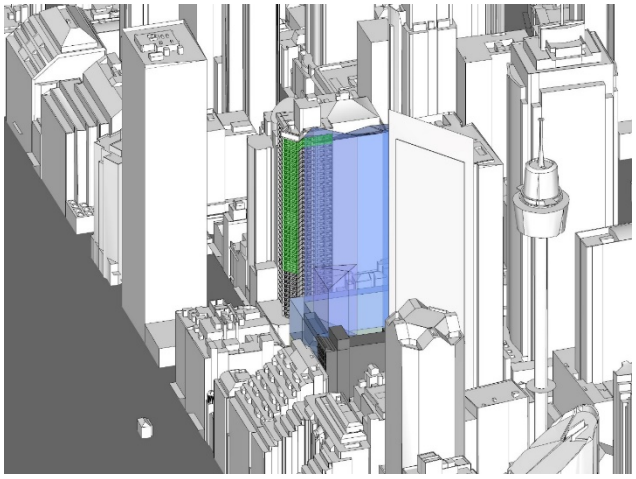
Picture 12 - Proposed Building 9:30am 21 June



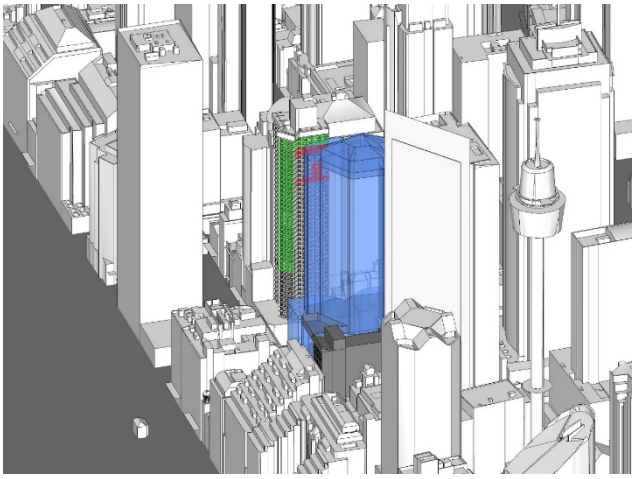
Picture 13 - Approved Envelope 10:00am 21 June



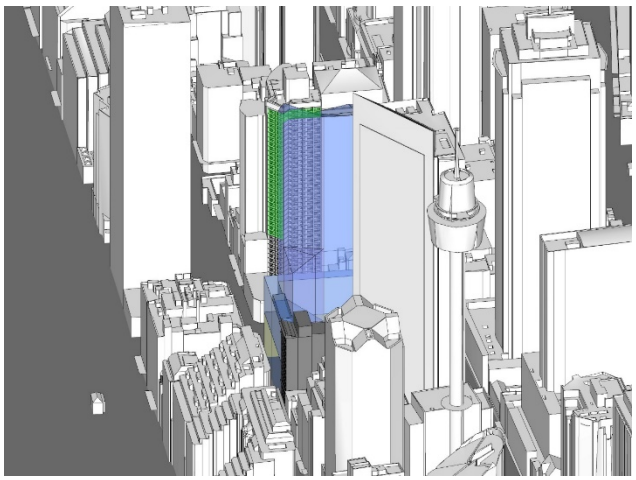
Picture 14 - Proposed Building 10:00am 21 June



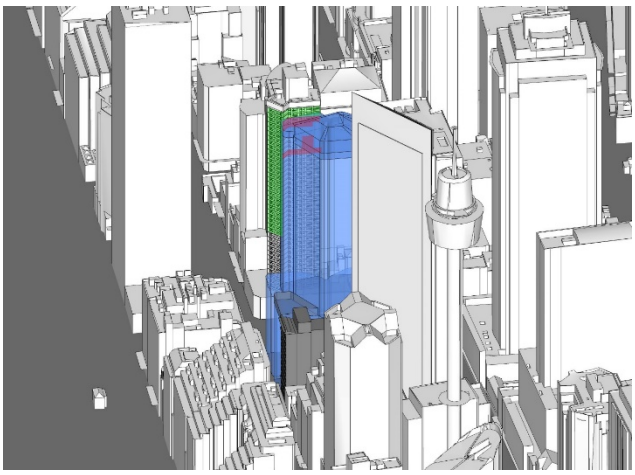
Picture 15 Approved Envelope 10:30am 21 June



Picture 16 Proposed Building 10:30am 21 June



Picture 17 Approved Envelope 11:00am 21 June



Picture 18 Approved Envelope 11:00am 21 June

Source: Foster + Partners and Walsh2Architects

Consideration of Alternate Massing options

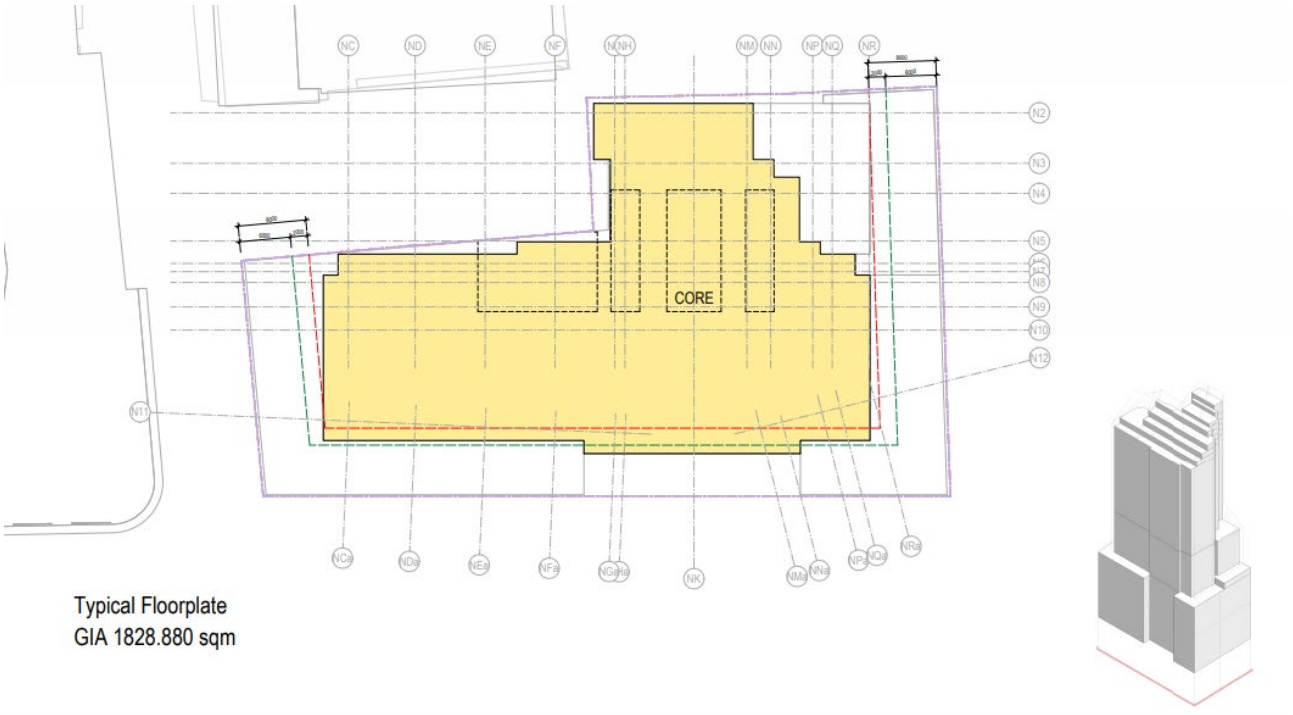
During the development of the design, alternate building massings were investigated to determine if a material increase in solar access to adjoining residences could be achieved. Three options are discussed below which reflect both a maintenance of the proposed GFA and a reduction to the GFA approved by the Concept consent.

Option 1 – Unrefined building massing with equivalent GFA

Option 1 illustrated in **Figure 12** consists of an equivalent GFA to the proposed design but an unrefined building massing which does not respond to the Design Guidelines or design parameters established by the DRP. This option was an early bid-phase scheme for the PSN OSD project. When compared to the proposed SSD DA scheme, this option results in a decrease in the number of St Regis apartments receiving greater than 2 hours of direct sunlight to their living spaces as illustrated in

Table 8.

Figure 12 Alternate Massing Option 1



Source: Foster + Partners

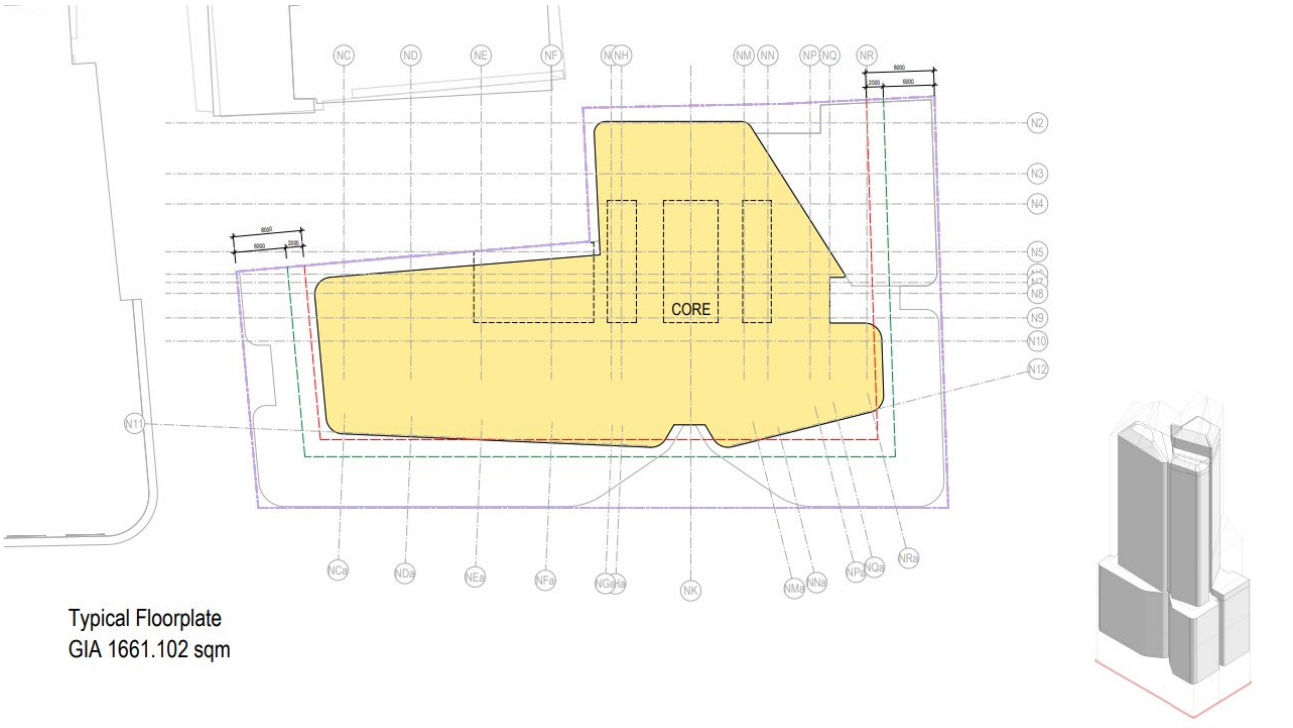
Table 8 Alternate Massing Option 1 solar access analysis

	Existing	Stage 1 Envelope	Proposed Detailed Design	Alternate Massing Option 1
>2 hrs 9am – 3pm Living	122 / 182 = 67.0%	54 / 182 = 29.7%	61 / 182 = 33.5%	58 / 182 = 32.4%

Option 2 – Reduction in GFA through reduction in building size

Option 2 illustrated in **Figure 13** consists of approximately a 5,000m² reduction in GFA equivalent to the additional GFA sought within the MOD and Detailed SSD DA. The reduction in GFA has been achieved through reducing the building massing by 1m on all sides. This option remains consistent with the design direction of the proposed SSD DA scheme and similarly responds to the Design Guidelines and design parameters established by the DRP. In this regard, it is considered to be a scheme that most closely reflects the significant design review rigour of the proposed SSD DA scheme, addressing all the various design and commerciality parameters, yet maintains a GFA consistent with the Concept Consent. Analysis find that this form does not result in an increase in solar access to the Park Regis residential apartments as illustrated in **Table 9**.

Figure 13 Alternate Massing Option 2



Source: Foster + Partners

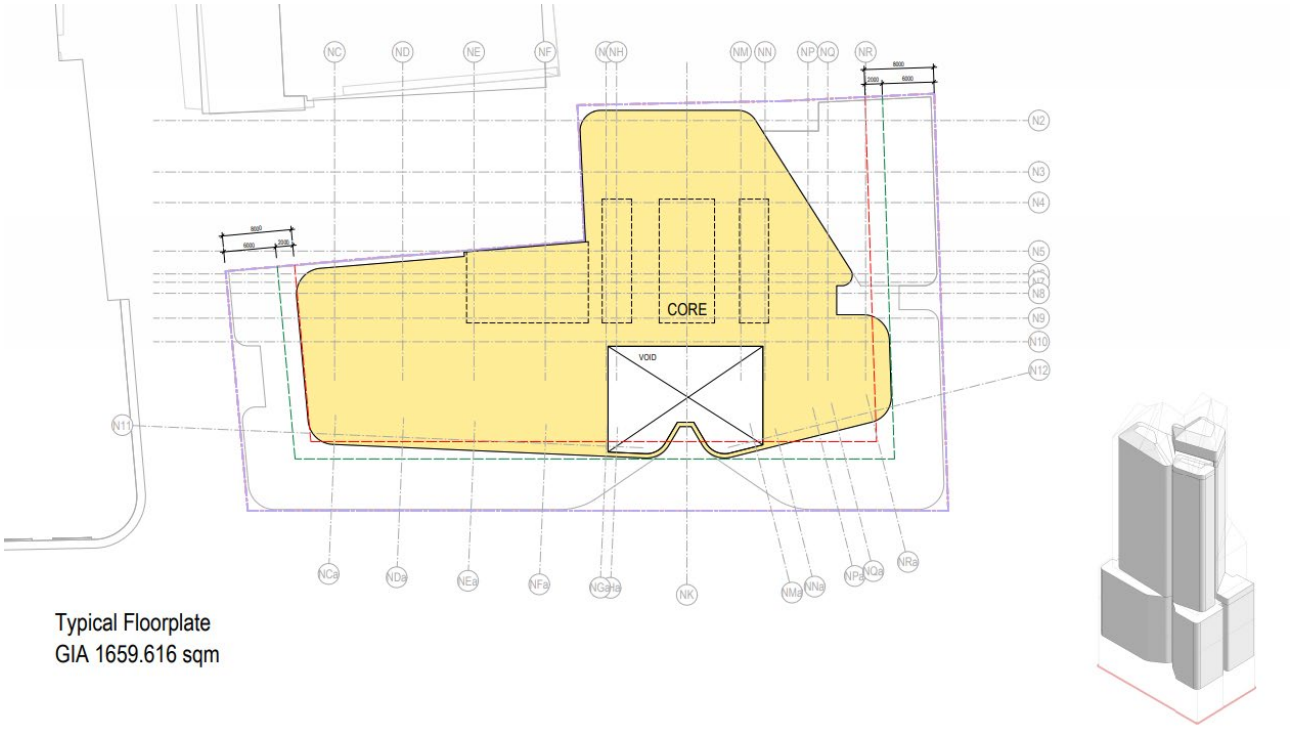
Table 9 Alternate Massing Option 2 solar access analysis

	Existing	Stage 1 Envelope	Proposed Detailed Design	Alternate Massing Option 1
>2 hrs 9am – 3pm Living	122 / 182 = 67.0%	54 / 182 = 29.7%	61 / 182 = 33.5%	61 / 182 = 33.5%

Option 3 – Reduction in GFA through introduction of a void

Option 3 illustrated in **Figure 14** consists of an approximately 5,000m² reduction in GFA achieved through the introduction of a void within the proposed building massing. This option responds to all the Design Guidelines and design parameters established by the DRP with the exception of the provision of 'large contiguous floor plates'. The floor plates within this option are disjointed and less fit for purpose than that of the SSD DA scheme. This option results in no change in solar access as illustrated in **Table 10**.

Figure 14 Alternate Massing Option 3



Source: Foster + Partners

Table 10 Alternate Massing Option 3 solar access analysis

	Existing	**Stage 1 Envelope**	**Proposed Detailed Design**	**Alternate Massing Option 1**
>2 hrs 9am – 3pm Living	122 / 182 = 67.0%	54 / 182 = 29.7%	61 / 182 = 33.5%	61 / 182 = 33.5%

These alternate massing options demonstrate a less desirable outcome than the SSD DA scheme, with a reduced expression and articulation of the three distinct tower volumes and a negative impact on the carefully considered moves to break the massing alignments between the ANZ Building and 201 Elizabeth Street approved envelope as required by the Design Guidelines and DRP process.

After careful consideration, the design as it currently stands was determined to satisfy most fully the site-specific design guidelines, result in no additional overshadowing of public spaces including Hyde Park and minimise overshadowing to adjoining residences.

Anecdotally, it is considered that the solar access provided by the proposed building to the Park Regis would be an improvement from any 'two-tower' scheme on the site that also fits within the building envelope. The extent of building located in the south eastern portion of the approved envelope has the greatest potential impact on solar access to the Park Regis during the morning hours between 9am and 11am. If a two-tower scheme was progressed on this site, building separation requirements between those two forms would likely

result in a maximisation of the eastern building envelope, pushing building form into that most sensitive area of the approved envelope.

By removing some built form from that south eastern area of the approved envelope, solar access to Park Regis has been maximised by this proposal, having regard to the range of other design considerations which have needed to be addressed. In this regard, the DRP has endorsed the proposed building design for Design Excellence.

4.1.4. Justification for Proposed Floor Space

The DPIE RtS letter requested the following:

*Provide further justification for the proposed floor space and outline the potential for additional public benefits that could be provided as part of the proposa*l.

Additional Floor Space

The proposed floor space variation is justified in the circumstances of this case as:

- The development is consistent with the objects of the Environmental Planning and Assessment Act 1979 by promoting the orderly and economic use and development of the land and promoting and delivering good design and amenity. This is achieved through the delivery of an A-grade office tower that will support significant new employment within Sydney CBD and leverage from the significant NSW Government investment into the Sydney Metro, specifically the new Pitt Street Station.
- The proposed development achieves the objectives of the development standard prescribed in clause 4.4 of the SLEP and achieves the objectives of the B8 Metropolitan Centre zone as described within the Clause 4.6 Request submitted with the EIS. The proposal seeks to provide for the pre-eminent role of business, office and retail premises in Australia's participation in the global economy. It will provide opportunities for an intensity of land use commensurate with Sydney's global status. The additional FSR being sought will increase the opportunity for these objectives to be met.
- The proposed variation to the floor space ratio control will have no adverse impacts upon the ability of the proposal to achieve design excellence as established through the endorsed Design Excellence Process.
- The Design Excellence Process has been established for development of the site to ensure a building form is developed which relates to the approved metro station and exhibits a high level of design excellence. The proposed development results in a design that is consistent with the established Pitt Street North Over Station Development Design Guidelines and has been subject to ongoing review by the Sydney Metro Design Review Panel.
- The proposed development contributes positively to the skyline with a stepped building form that reduces the scale of the development as viewed from south of the site and Hyde Park.
- There are a variety of unique circumstances at the site which warrant the provision of an increased FSR. The development incurs penalties as a result of GFA being counted towards the FSR calculation that would normally not be included. This happens in the following ways:
  - The metro station contributes to GFA in a way that is unique to the site and reduces the potential floorspace that could be attributed to the OSD development if no station was provided on the site.
  - Storage and garbage areas are required to be provided in the podium level which then need to be counted as GFA due to the station being located beneath the site.
  - The accommodation floor space bonus available in addition to the base FSR is reduced through the SLEP methodology as GFA for the station area must be included in the calculation, which does not accrue any accommodation floor space bonus. This is a unique situation and the additional FSR is considered warranted to optimise the land use transport integration benefits of the site.
  - The development whilst subject to a Design Excellence process was not the subject of a Competitive Design Process and as such is not eligible for a Design Excellence Bonus under clause 6.21 of SLEP. Notwithstanding, endorsement for Design Excellence has been provided by the Sydney Metro DRP.

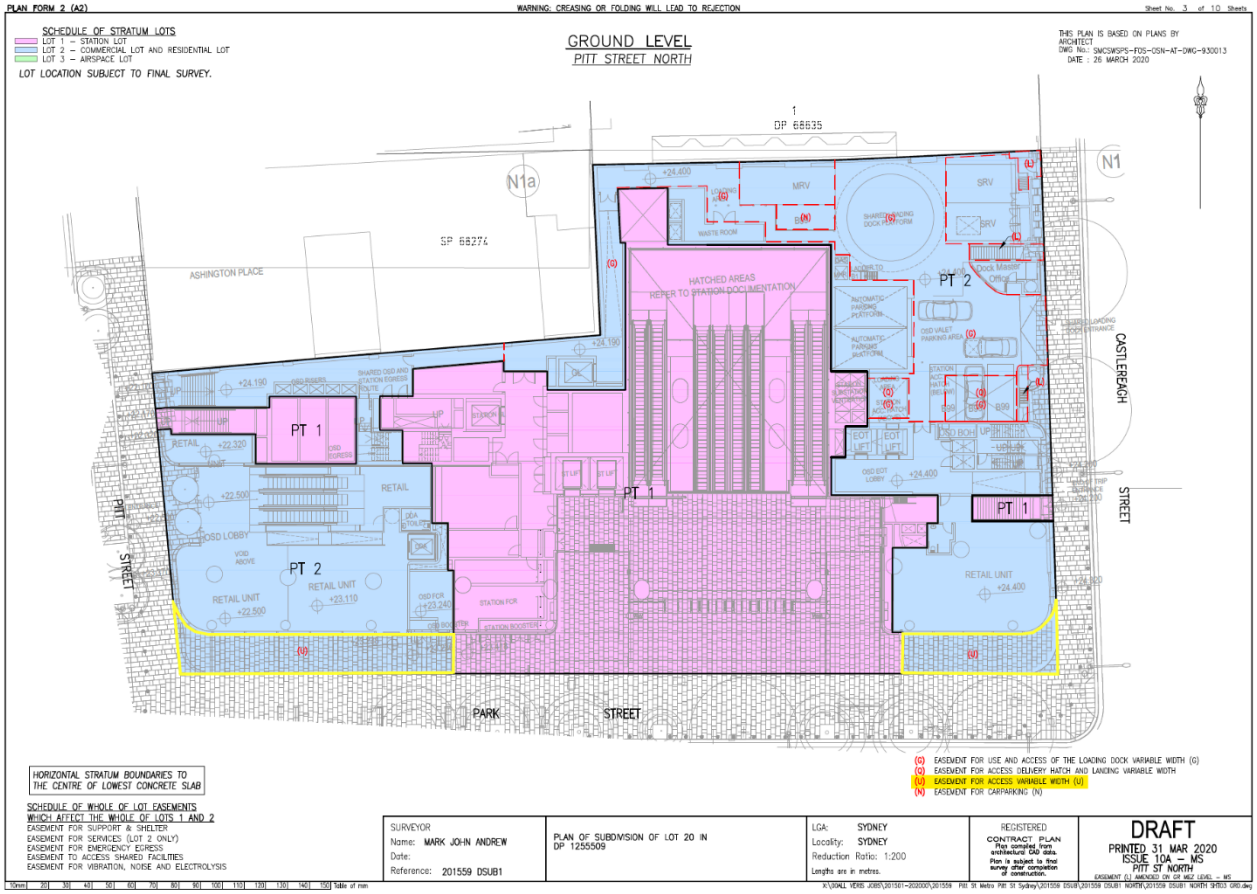
- The proposed additional floor space will have negligible material environmental impacts compared to a compliant scheme and when compared to the approved envelope on the site, in terms of built form, overshadowing, view or heritage impacts as:
  - All proposed GFA sits entirely within the approved Concept Envelope, which was approved with a maximum FSR of 15.97:1 including station floorspace or 15.59:1 excluding station floorspace.
  - The proposed building design results in an improved relationship with the neighbouring heritage items, being the NSW Masonic Club and National Buildings to the site's north.
  - The proposed development maintains solar access to Hyde Park, nearby residences, Town Hall steps and Sydney Square. The development would cause no net additional overshadowing to surrounding Special Areas, zone RE1 Public Recreation Land or any other sensitive area. Solar access to Hyde Park is improved from that deemed acceptable under the Concept Approval.
  - The proposed ground, podium level and tower setbacks preserve the integrity of the streetscape and have been designed to respond sensitively to the scale and form of buildings fronting Pitt, Park and Castlereagh Streets, both in terms of scale and materiality.
  - Within the overall envelope, only 84% has been taken up by the built form of the commercial development, which demonstrates that the proposal has been restrained in its design yet is efficient in its layout due to the commercial use of the building.
  - The floorplates have a very high level of efficiency (93% NLA/GFA compared to an average of around 90%) by keeping the core small through various measures such as coordination of services from very early on in the design process. In taking into account the columns coming up from the station below, the design has required careful planning of floorplates.
  - The proposed height of RL176.8 is well within the RL188.74 approved in the Concept DA.
  - The design has achieved a 'building in the round', addressing the three street frontages and expressing the building on all three sides through visually interesting façades.
  - The assessment of view impact concludes that there will be no material change in view impact resulting from the change in building envelope or extrusion of sun shading devices outside the approved building envelope. It is noted that these elements do not contain GFA and ensure that the building responds to and provides a transition from the scale of adjacent heritage items and can achieve the required ESD targets.
- In summary, the development will contribute to the legacy of the Sydney Metro project and will significantly benefit from the public transport synergies resulting from its location above the station. The proposed development will be one of the most visible landmark buildings of the Sydney Metro project due to its Central Sydney location at the northern entrance to Pitt Street Station. The development will provide additional commercial capacity in the centre of the CBD which will benefit greatly from the additional transport capacity provided by the Sydney Metro project.

Public Benefit

It is proposed to dedicate to the City of Sydney Council an easement for Right of Public Access for land below the podium under croft along the Park Street frontage of the site, shown in the Draft Plan of Subdivision at **Appendix H** and extracted below at **Figure 15**.

Dedication of the Right of Public Access will enable Oxford Property Group (owner of Pitt Street Developer North) to retain freehold ownership of the pathway land while granting Council a registered and enforceable interest which would bind successors in title. This Right of Public Access will ensure in perpetuity this land is usable as an extension to the public footpath around the site.

Figure 15 Draft Plan of Subdivision showing Proposed Right of Public Access



Source: M J Andrew

It is suggested that the easement terms would include the following:

- easement to be granted in favour of Council, its authorised users (eg employees, agents, contractors) and members of the public;
- easement to permit "full, free and unimpeded right to pass and repass across the Easement Site at all times";
- rights under this easement are subject to the terms of the Easement for Access designated [U];
- Pitt Street Developer North Pty Ltd or Oxford Nominee to be responsible for maintaining and repairing the easement site:
  - commensurate to its use as a pedestrian or shared access way, including keeping the easement site clean and free of rubbish and repairing vandalism; and
  - must use materials that are of equivalent or higher quality to the materials used on the land surrounding the easement site.
- Council and its authorised users may access the easement site, with vehicles and equipment, to undertake repair and maintenance works, provided that, at all times when exercising this right, Council or its authorised user (as applicable):
  - causes as little inconvenience as practicable to Pitt Street Developer North Pty Ltd or Oxford Nominee, and occupiers and invitees of the adjoining building/land;
  - minimizes interruption and interference to access to and use of the adjoining building/land;

- uses all reasonable endeavours not to damage the easement site or the land, and promptly makes good any damage caused;
- complies with all laws and the requirements of all authorities in relation to the works; and
- do not impede access to the retail units at any time.

- Council to release Pitt Street Developer North Pty Ltd or Oxford Nominee from claims, loss, cost etc. in connection with the easement site;
- Council to indemnity Pitt Street Developer North Pty Ltd or Oxford Nominee against claims, loss, cost etc. arising in connection with:
  - Council's breach of the easement terms;
  - Council's breach of the terms of the Easement for Access designated [U]; and
  - claims for personal injury or loss or damage to property occurring on/from the easement site; and
- on giving reasonable prior notice to Council, Pitt Street Developer North Pty Ltd or Oxford Nominee and its authorised users may occupy and use the easement site (or part) for outdoor dining and/or advertising purposes. At all times that Pitt Street Developer North Pty Ltd or Oxford Nominee exercises this right, Pitt Street Developer North Pty Ltd or Oxford Nominee would be responsible for the repair and maintenance of the easement site.

4.2. HERITAGE FLOOR SPACE

The DPIE has requested that

Clarification be provided as to how the Heritage Floor Space requirements under Clause 6.11 of the SLEP 2012 will be satisfied by the proposal. This must confirm if the Applicant is seeking any request for alternative heritage floor space arrangements under Clause 6.11A and if so, supporting evidence to demonstrate compliance with the relevant policy requirements.

The proposed development will be the subject of HFS requirements consistent with Clause 6.11 of SLEP and the Sydney DCP. As such, it is intended that a condition will be placed on any consent issued requiring that the requisite quantum of heritage floor space be purchased from the market to satisfy the HFS provisions of the SLEP.

4.3. DESIGN GUIDELINES

The DPIE RtS letter requested the following:

Clarify how the proposal addressed with the following Design Guidelines and any proposed modifications:

(a) *1.a) Treatment of the podium/street wall to incorporate a high proportion of masonry compared to window glazing, strong visual depth, a high degree of architectural modelling, articulation and detail, and high-quality materials that reflect the building composition of heritage items in the vicinity. Window glazing to be deeply recessed.*

(b) *2. Compliance with City of Sydney LEP [DCP] 2012 street setbacks of 8m to Pitt, Castlereagh and Park Street, with potential to provide an averaged setback along Park Street to align with the station structure.*

(c) *2.b) Providing space for customers in a busy pedestrian environment by recessing station entries to widen the pavement and provision of uncluttered movement corridors, including minimum footpath width requirements from the building line to the back of kerb line of 3.3m on Pitt Street and Castlereagh Street, and 10.5m on Park Street.*

It is not proposed to modify the wording of the Design Guidelines rather ensure retrospective compliance. The building has been designed in accordance with the Design Guideline requirements and has also been the subject of continuous review by the Design Review Panel. Decisions on design direction have been taken based on the building's relationship with its context and also having regard to its intended final use.

The DRP has endorsed the proposed design as achieving Design Excellence and also supports the proposal's response to the three design guidelines in question by DPIE. It is our view that the proposal has been designed to meet the intent of the design guidelines, in a manner set out below.

The DRP has provided its written endorsement that the design meets the Design Guidelines for the site. Refer **Appendix G** and extracts below.

The Panel confirms that the design meets the design quality benchmark outlined in the Stage 1 OSD Design Guidelines and builds on the recommendations of the Design Excellence Evaluation Panel's Report March 15 2019, reinforcing the positive aspects of the design and addressing the areas that required refinement.

The elements that contribute to the design being capable of achieving design excellence are summarised below:

- *Massing and expression of tower*

The overall massing of the tower and vertical expression as three individual elements with an appropriate contextual response to its neighbours and the city skyline. The wide block has been broken up to read as three towers from key views around the city. The tower façade slightly rotated to reduce visual impact.

- *Articulation of podium and response to context*

The podium design responds to the street wall conditions of Pitt Street, Park Street and Castlereagh Street, each adjusted to the scale and materiality of its neighbours. The massing has been articulated to emphasise the station and OSD entries. The podium design and tower are well integrated and parts of a unified whole.

- *Landscaped podium*

The landscape design to the podium is well considered and provides good amenity to occupants, provides visual connection to green spaces in the city for this in the building and looking on to it., and provides opportunities for biodiversity in the city.

- *Integration of structure and services*

The station and OSD structures are efficient and designed to maximise spans around the entries. The services of the station are well integrated into the podium façade and are sympathetic to the streetscape.

- *Materiality*

The use of bronze coloured metal cladding and sandstone cladding is appropriate to the context of Town Hall precinct. The application of sandstone at the ground plane and where people circulate is supported. The sandstone has been well detailed as a masonry element.

- *Commercial floor layouts*

The floor plates have been efficiently designed and provide good amenity.

- *Environmental performance*

The façade has been designed to balance integral shading and daylight. The podium setbacks, tower shape, rounded corners and horizontal articulation help reduce the impact of wind.

- *Entries*

The Station and OSD entries are clearly defined and at an appropriate scale, each with their own separate address.

- *Public Space*

The new public space created on Park Street and the setback to the boundary provides a significant contribution to the city and has been appropriately detailed to enable activation and amenity for pedestrians. The additional trees offer shade and reinforce the character or Park Street.

- *Views of public art*

The connection of the OSD and station is enhanced by the quality and location of the striking station art work.

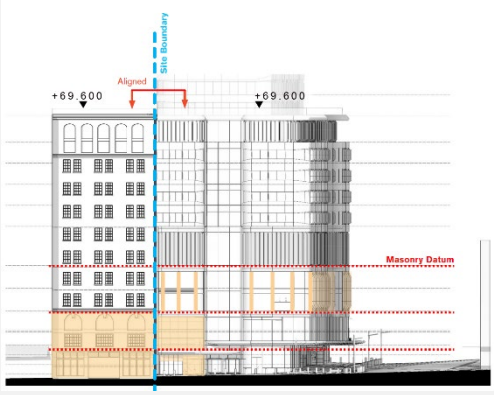
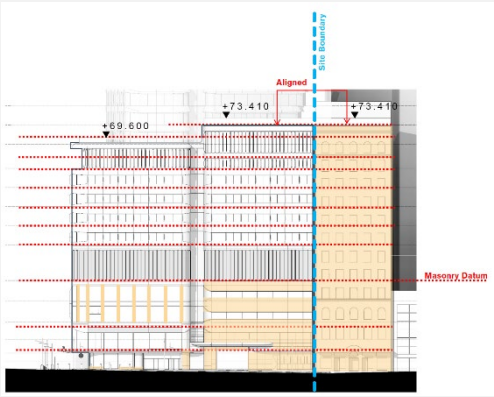
The elements of the design that need further work are listed as open comments in the Design Integrity Report and include the following:

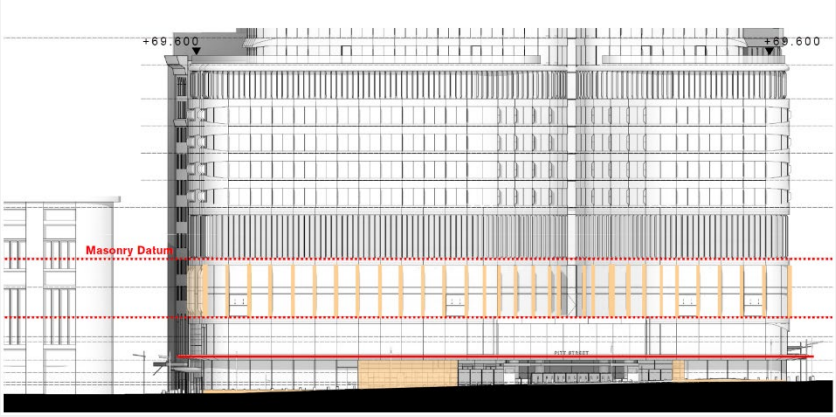
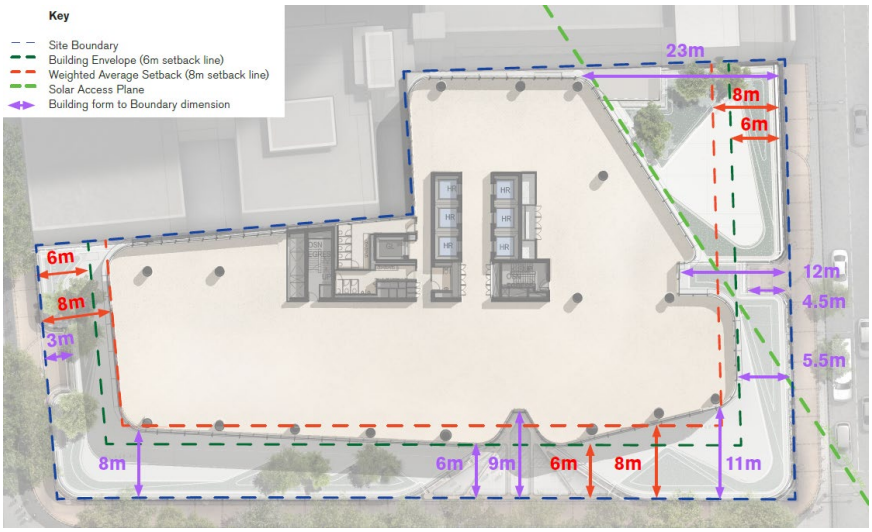
- *Façade prototyping and materiality*

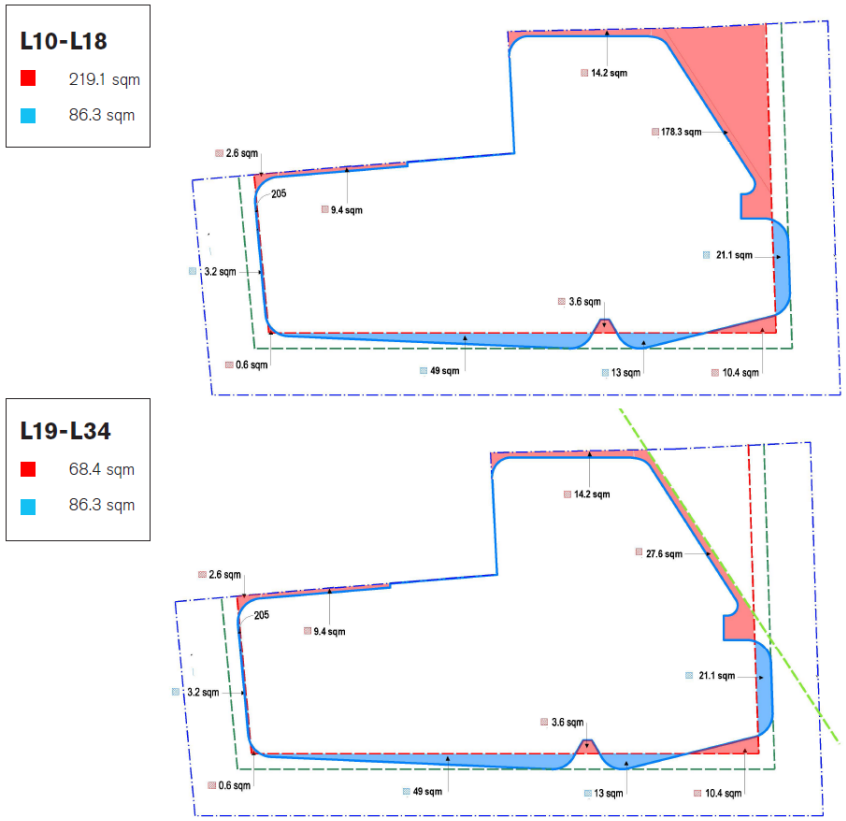
The detail and materiality of the facades, both bronze coloured metal cladding and sandstone cladding, needs to be developed through prototyping and further DRP review of samples.

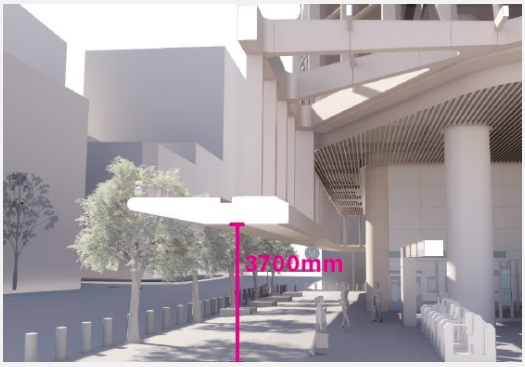
Table 11 sets out how the proposed design addresses and is consistent with the intent of the three subject Design Guidelines. This is also detailed in the Design Integrity Report at **Appendix G**.

Table 11 Response to DPIE Design Guideline items

Design Guideline	Design Response
1.a) Treatment of the podium/street wall to incorporate a high proportion of masonry compared to window glazing, strong visual depth, a high degree of architectural modelling, articulation and detail, and high-quality materials that reflect the building composition of heritage items in the vicinity. Window glazing to be deeply recessed.	The masonry datum used to identify the height to which sandstone finishes are implemented into the design of the podium facades, has a direct relationship to dominant features within the heritage Queen Victoria Building (QVB) and Town Hall building facades. The application of stone has been carefully considered with the expression of the facades governed by the height and composition of the adjoining NSW Masonic Club and the National Building (Ashington Place). The principle of gradual transition from the stone-clad heritage facade to the predominantly glass and bronze detailing of the proposed Park Street facade has been implemented by introducing a significant amount of stone cladding to the lower podium levels near the heritage buildings on Pitt and Castlereagh streets, which gradually feathers out in the form of stone upstands and deep vertical stone fins protruding in front of the glazed Park Street retail facades, giving the impression of recessed glass.  *Image above - Pitt Street façade.*  *Image above - Castlereagh Street façade.*

Design Guideline	Design Response
	Stone cladding has also been incorporated in and around the Pitt Street Station entrance on Park Street, framing its opening in a civic way, a gesture which is in keeping with the expression around the entrances of adjacent heritage listed buildings.  *Image above - Park Street façade.*
2. Compliance with City of Sydney LEP 2012 street setbacks of 8m to Pitt, Castlereagh and Park Street, with potential to provide an averaged setback along Park Street to align with the station structure.	The proposed built form for the Pitt Street North OSD is contained fully within the proposed modified Concept DA Envelope massing except for architectural features, landscaping elements, balustrades and embellishments provided these do not breach the solar access plane. A weighted average setback approach has been applied around the entirety of the tower's street frontage. No part of the building protrudes into the Hyde Park sun access plane or the 6m street setback line.  On Levels 10 – 18, 86.3m² of built form is located outside of the 8m setback with 219.1m² of envelope not utilised. On Levels 10 – 34, 86.3m² of built form is located outside of the 8m setback with 68.4m² of envelope not utilised. Overall, across the entire tower volume a total area of 2,157.5m² has been located outside of the weighted average setback line, and

Design Guideline	Design Response
	approximately 3,066.3m² of the allowable volume which has not been utilised by the proposed built form.  The proposed design approach to tower setbacks provides a balance in the tower's response to all three street frontages. The variations to the setbacks around the tower form respond to the site context and are integral to creating the appearance of three articulated building forms, with a focus drawn to the metro station entrance on Park Street. The articulated forms break the alignment of the ANZ and approved Stage 1 massing for 201 Elizabeth when viewed from the east. The facade of the south east tower volume coming forward to meet the envelope line on Castlereagh Street is critical in ensuring this can be achieved. A more regulated approach with strict compliance to an 8m setback along Pitt and Castlereagh streets would undermine the design response when the building is viewed in the round.
2.b) Providing space for customers in a busy pedestrian environment by recessing station entries to widen the pavement and provision of uncluttered movement corridors, including minimum footpath width requirements from the	Public domain works are subject to the terms of the CSSI approval. In accordance with condition E101 of the CSSI approval, the draft Pitt Street North Station Design and Precinct Plan (**SDPP**) has been developed to inform the design and delivery of public domain works surrounding the site. The ground plane of the building has enhanced the pedestrian environment through the removal of the previous colonnade and the creation of an expanded and unobstructed pedestrian accessible

Design Guideline	Design Response
building line to the back of kerb line of 3.3m on Pitt Street and Castlereagh Street, and 10.5m on Park Street.	undercroft beneath the podium to create an increased and enhanced publicly accessible space adjoining the metro entrance. Additional footpath width is provided under the CSSI approval with variable widths along Castlereagh Street and Pitt Street proposed with a minimum of 3.3m. Along Park Street the typical sidewalk is 12.8m wide, consisting of on average a 9.8m wide public pathway and 3m wide publicly accessible under croft.   Typical sidewalk  The Pitt Street North OSD has sought to further mitigate pedestrian volumes by locating the primary pedestrian entrance to the OSD on Pitt Street, away from the metro entrance on Park Street, ensuring OSD building entrances do not conflict with key Sydney Metro functions and services. In-depth pedestrian modelling simulations have been produced in order to assess the current and future crowd movement corridors around the

Design Guideline	Design Response
	site and establish the functionality of proposed seating and other street furniture elements along the footpath.

5. RESPONSE TO PUBLIC AUTHORITIES AND NSW GOVERNMENT AGENCIES

5.1. CONCEPT SSD DA MODIFICATION

Table 12 Response to Public Authority Submissions – Concept SSD DA MOD

Comment	Response
Environment Protection Authority	
Based on the information provided, the Pitt Street North OSD does not constitute a Scheduled Activity under Schedule 1 of the Protection of the Environment Operations Act 1997 (POEO Act). At this stage, the EPA does not consider that the proposal will require an Environment Protection Licence (EPL) under the POEO Act. The EPA understands that the proposal is not being undertaken on behalf of a NSW public authority. The EPA is therefore not the appropriate regulatory authority for the environmental performance of the project. Accordingly, the EPA has no comments regarding the proposal. **Note**: The future OSD will be located in close proximity to the operational rail network, for which EPA has a regulatory responsibility. Any future planning approvals permitting further development of the site should include acceptable vibration and ground-borne noise limits for spaces within the development drawn from the EPA's Rail Infrastructure Noise Guideline (EPA, 2013) and Assessing Vibration: a technical guideline (DEC, 2006).	Noted and accepted.
DPIE - Environment, Energy and Science Group	
EES have reviewed the Modification Report prepared by Urbis dated 25 June 2020 and it is considered that the modification will not have any additional impacts on natural hazards compared to the previous proposal.	Noted and accepted.
Civil Aviation Safety Authority	
CASA has no specific comments on the Modification Report.	Noted and accepted.
Transport for NSW (TfNSW)	
TfNSW has reviewed the modification proposal and has no further comment on the development application.	Noted and accepted.
City of Sydney Council	
The City supports the proposed changes detailed in the modification. The changes will facilitate an improved built form relationship with the scale of adjacent heritage buildings, achieve sustainability objectives, and improve the retail and commercial interface supporting the new station development and as such, no objection is raised.	Noted and accepted.
Heritage Council of NSW	

Comment	Response
It is considered that the amended proposal is substantially the same as the original application. We note that the modification would not alter the impacts of the proposal to State Heritage Register items in the vicinity. It is recommended that the detailed design is developed in line with the heritage recommendations noted within the EIS and Heritage Impact Assessment.	Noted and accepted.
Department of Planning, Industry and Environment – Water and the Natural Resources Access Regulator	
The modification report has been reviewed and there are no further comments.	Noted and accepted.
Sydney Water	
Water servicing – the development is under Centennial Park – Woollahra Water Supply Zone. The 300mm watermain on Park Street should have the capacity to service the proposed development. Wastewater servicing – the development is under Bondi Sewerage System. The 609mm x 406mm oviform sewer on Park Street should have the capacity to service the proposed development. This advice is not a 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.

5.2. DETAILED SSD DA

Table 13 Response to Public Authority Submissions – Detailed SSD DA

Comment	Response
Environment Protection Authority	
Based on the information provided, the OSD does not constitute a Scheduled Activity under Schedule 1 of the Protection of the Environment Operations Act 1997 (POEO Act). At this stage, the EPA does not consider that the proposal will require an Environment Protection Licence (EPL) under the POEO Act. The EPA understands that the proposal is not being undertaken on behalf of a NSW public authority. The EPA is therefore not the appropriate regulatory authority for the environmental performance of the project. Accordingly, the EPA has no comments regarding the proposal.	Noted and accepted.

Comment	Response
Note: The future OSD will be located in close proximity to the operational rail network, for which EPA has a regulatory responsibility. Any future planning approvals permitting further development of the site should include acceptable vibration and ground-borne noise limits for spaces within the development drawn from the EPA's Rail Infrastructure Noise Guideline (EPA, 2013) and Assessing Vibration: a technical guideline (DEC, 2006).	
DPIE - Environment, Energy and Science Group	
Biodiversity - A Biodiversity Development Assessment Report Waiver was approved on 21 May 2020. Flooding – EES makes no further flooding comments.	Noted and accepted.
Civil Aviation Safety Authority	
CASA has determined that the building will be shielded and will not be a hazardous object under the regulation 139.370(1) of the Civil Aviation Safety Regulations 1998. Therefore, no marking or lighting requirements are recommended for the development. Any future addition to the building's height will increase the penetration of the OLS (including the installation of additional antennas) and a separate assessment will be required. Any crane activity that exceeds a height of 156m AHD will require a separate assessment.	Noted and accepted.
Sydney Airport Corporation	
A variation approval was issued on 20/9/2018 for this development to a height of 189m AHD. As it does not seem this height has increased, the original decision still stands.	Noted and accepted.
Transport for NSW (TfNSW)	
Active Transport	
It is advised that the applicant should locate bicycle facilities in secure, convenient, accessible areas close to the main entries, incorporating adequate lighting and passive surveillance and in accordance with Austroads guidelines.	The Green Travel Plan (GTP) submitted with the SSD DA recommends a travel survey is carried out annually.

Comment	Response
Recommendation: It is requested that the applicant be conditioned to undertake annual staff travel surveys and provide adequate bicycle parking and End of Trip (EoT) facilities for staff and bicycle couriers based on the results of the staff surveys during the operation of the development.	
Green Travel Plan	
It is advised that the implementation of a Green Travel Plan could be an effective measure to reduce travel demand generated by private vehicle movements and reallocate, through encouragement and various other methods programs, these trips towards other modes of transportation. Recommendation: It is requested that: ▪ The applicant be conditioned to update the Green Travel Plan in consultation with the Sydney Coordination Office within TfNSW, 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.	A Green Travel Plan has been prepared and issued with the detailed SSD DA for Pitt Street North OSD. The Green Travel Plan implementation and any future updates will be managed by the building management team, who will be responsible for ensuring that the aspects that require operation and activities are carried out as currently recommended in the GTP. The GTP will be revised in consultation with the Sydney Coordination Office (SCO) prior to Occupation Certificate (OC).
Transport Access Guide	
It is advised that a Transport Access Guide would inform residents, employees and visitors of the travel choices available to them. Recommendation: 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	
Several construction projects are likely to occur at the same time as this development. The cumulative increase in construction vehicle movements from these projects could potentially impact general traffic, public transport operations, and pedestrian	Noted and accepted. It is requested that a condition to this effect be developed in conjunction with the Construction Pedestrian and Traffic Management Plan (**CPTMP**) for the CSSI (Station), noting that the CSSI

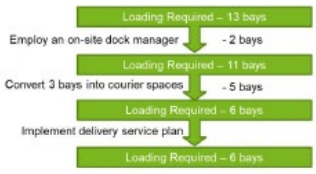
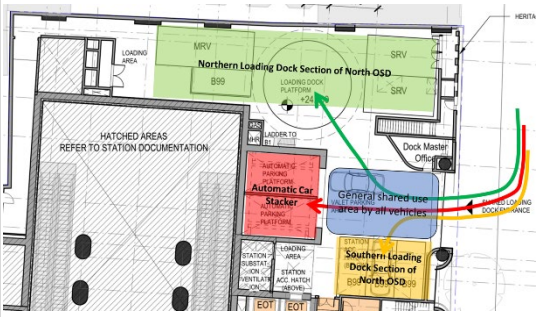
Comment	Response
and cyclist safety particularly during commuter peak periods. It is advised that construction vehicle access arrangements to the proposed development need to be coordinated through TfNSW, in addition to the standard Council construction related processes as the proposed access arrangements should not impact traffic in the vicinity. <u>Recommendation:</u> 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.	(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. 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.
Car Parking, Loading and Servicing Management	
It is advised that: ▪ Pedestrian movements for accessing the automatic car stacker within the loading dock would cause pedestrian safety issues due to the service vehicle movements in particular reversing manoeuvres of these vehicles within 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; ▪ Queuing analysis for the loading dock vehicle movements needs to include queuing of vehicles that would be served by the automatic car stacker; 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. <u>Recommendation:</u> It is requested that the applicant be conditioned to prepare a Car Parking, Loading and Servicing Management Plan in consultation with the Sydney Coordination Office within TfNSW by updating the	A Service Delivery Plan (SDP) has been prepared based on expected delivery and servicing requirements. The SDP is a live document and will be updated as tenants are finalised. 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. This will allow more accurate tenant data to be captured. The convex mirrors on street level are now proposed within the site boundary. Waste collection for the Pitt Street North OSD commercial and retail 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 SDP. The development will provide seven loading dock spaces (six of which are for Pitt Street North OSD use) and three courier spaces within the car stacker for longer dwell vehicles which will be

Comment	Response
Service Delivery Plan, prior to the issue of any Construction Certificate.	managed by a loading dock manager through a booking system. The capacity within the loading dock has been designed to accommodate the estimated service requirement of nine spaces as outlined within the supplementary Transport and Accessibility Impact Assessment letter. The Pitt Street North OSD Development is not relying on on-street parking or loading zones.
Ausgrid	
Ausgrid notes that Appendix Y2 of the EIS identifies that the proponent has made an Application for Connection (AFC) with Ausgrid and supply offer has been accepted. Design Information Package (DIP) was received on 31/12/2019 for the new development. We encourage the proponent to continue to discuss their requirements directly with Ausgrid as needed.	Noted and accepted.
Heritage Council of NSW	
It is considered that the documents comply with the Standard Secretary's Environmental Assessment Requirements (SEARs) for SSD 10375. The recommendations and mitigation measures included in the EIS are considered appropriate. As the site is in the vicinity of other local items, advice should also be sought from the relevant local council.	Noted and accepted.
Sydney Water	
Water and Wastewater Servicing	
Our servicing shows that the trunk potable and wastewater systems should have adequate capacity to service the proposed development. Amplifications or alterations to the potable water network may be required complying with the Water Services Association of Australia (WSAA) code – Sydney Water edition. **Note:** this does not include a fire fighting assessment and the applicant would need to follow the normal application process for a pressure inquiry and engage a hydraulic consultant to design their internal fire-fighting system.	Noted and accepted.

Comment	Response
Note: properties below approximately 19 metres RL cannot be served with conventional gravity wastewater connections, as they would be exposed to a wastewater surcharge risk under extreme wet weather conditions. These would require alternative servicing (for example, connection via a pump).	
Stormwater Servicing	
The proposed development will require an on-site detention system to offset stormwater run-off. To determine the required on-site detention and permissible site discharge (PSD), the following site-specific information is required to be submitted: ▪ Total site area (m2) ▪ Existing pre-development impervious area (m2) ▪ Proposed post-development impervious area (m2) If a percentage of the site area does not drain into the on-site detention system, the rate of discharge from the on-site detention storage must be restricted so that the total flow from the site (from the on-site detention storage and free runoff) does not exceed the specified PSD. On-site detention is to be designed according to the Sydney Water's values and the details of the on-site detention are to be submitted to Sydney Water for review and approval.	Noted and accepted.
Note: 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.
City of Sydney Council	
Public Domain	
<u>Stormwater Quality Assessment</u> The City 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	A MUSIC Model is provided for information to City of Sydney under separate cover. As outlined within the Flood Impact Assessment prepared by Aurecon (Appendix S of the EIS), the design addresses compliance with the City of Sydney's Interim Floodplain Management Policy and the level of the Pitt Street North Over Station Development ground floor entries including ground

Comment	Response
copy of the MUSIC model must be submitted for review and approval with the stormwater quality assessment report. Flood Planning Levels and Flood Impact Assessment The proposed level changes to the public domain footpath are not supported nor approved by the City. The City's *Interim Floodplain Management Policy* (the 'Policy') sets out flood planning level requirements for various types of developments. The flood planning level requirements for commercial development are set out in section 5 of the Policy and must be set at minimum 1% AEP Flood Level (merit-based approach). The submitted Flood Impact Assessment Report by Aurecon (dated 1 July 2020) has not determined the 1% AEP Flood Levels. It is also to be noted that the floor levels as approved by SSD 8875 have been raised. As advised above, the retail/commercial components of OSD must be set at minimum 1% AEP flood level. The requirements to achieve FPL must be carried out wholly within the development boundary and no portion of the public domain footpath will be allowed to raise as this will results in non-compliant footpath. A revised flood assessment report with 1% AEP flood levels determined and shown on the plans must be submitted prior to consent approval. This report must also remove reference to changes to footpath levels, as these are not supported.	floor retail have been designed as a minimum to sit above the 1% Annual Exceedance Probability (AEP) flood event. 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 Plans are to be submitted to the City and other agencies regarding the public domain levels and gradients as required by the CSSI Approval. Notwithstanding it is noted that indicative public domain gradient levels for Pitt Street, Park Street and Castlereagh 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.
Vehicle Access and Queuing Arrangements	
The vehicle access and queuing arrangements are unclear. Limited space is provided for vehicle waiting, queuing and manoeuvring. Vehicular access arrangements must be redesigned to reduce the need for vehicles to queue on the street to enter the site or by moving loading and servicing vehicles on street, which would impact on the busy footpath, street and bus lane. In addition, a cycleway along Castlereagh Street is planned adjacent to the site. The design assumes all vehicles will travel in the same direction, at the same time, which will be difficult to manage. The proposed usage of the lifts,	As outlined in the supplementary Transport and Accessibility Report (**Appendix D**) vehicle access to the Pitt Street North OSD loading dock is via Castlereagh Street with right-in and right-out movements. Access to the commercial parking is via the automatic car lift. There are two dedicated automatic car lifts available for a total of 40 car parking bays stacked over three levels. The 40 bays will be utilised by commercial tenant and longer dwell time service delivery vehicles only, no public parking has been allowed for at North OSD.

Comment	Response
in AM for inbound flow and PM for outbound flow, would not be guaranteed, and is dependent on tenancy types. If vehicles are exiting the lift, the proposed waiting arrangement will not work (see Figure 1 below).  Figure 2-4: North OSD automatic car stacker available queuing space for vehicles (B99) The queuing analysis for the site should follow the Australian Standards, which requires 98% of the vehicles to queue within the site. It does not appear that the 98% onsite queue requirement has been achieved in the current proposal. The vehicle queue calculations must take into account all of the mechanical installations – vehicle lift/s, turn table/s, and stacker system. ▪ If these mechanical parking installations are considered in the system, the specification data sheet (vehicle lift operation speed, vehicle retrieval time from the stacker, turntable operation time etc.) from the manufacturer / written confirmation must be supplied. ▪ A detailed and appropriate vehicle queue analysis must be submitted and the required number of waiting areas shown clearly on the plan. The required waiting areas should not impact on access to and from the site. The waiting area for vehicles using the car lift and automatic stacker limits use of both loading areas. The transport report proposes that no loading and servicing access be available during peak time/s, however, It is not clear how access arrangements will be managed during other times or if a loading vehicle enters the site during this time. The application proposes the use of a warning system and convex mirrors mounted onto street poles. Measures that reduce the amenity for pedestrians and the public space on Castlereagh Street, such as audible signalling and flashing lights, are not	Each lift has the capacity for 21 vehicles per hour with a total capacity for two lifts of 42 vehicles per hour. The operation of each car lift allows access every 3 minutes in consideration of the vehicle lift operation speed, retrieval time from the car stacker and turntable operational time. Trip generation based on the RMS Trip Generation Guidelines indicates that the peak hour demand may range from 13 – 26 vehicles per hour for a car park of 40 bays. There is a very low chance of there being more than 1 vehicle waiting in a queue to enter the lift. **Vehicles in Queue** | **0** | **1** | **2** | **More than 2** Probability | 69% | 21% | 7% | 3% The area within the Pitt Street North OSD loading dock on approach to the automatic car lift is estimated to hold up to four B99 vehicles without impacting the Castlereagh Street public domain. It should be noted that this does not include the two vehicles already using the automatic car lift. As such, the automatic car lift is not estimated to have an impact on the adjacent corridor or access to the loading dock via Castlereagh Street including the pedestrian footpath. This comment has been addressed and safety devices are now proposed to be included within the site boundary.

Comment	Response
supported. The site should be designed so that it is safe. Any safety devices should be onsite.	
Loading and Servicing	
The proposal does not comply with *Schedule 7, 7.8.1 Service Vehicles* of the Sydney DCP 2012. Notionally, 21 servicing and loading bays would be required (excluding the space for the Metro). It is unclear if all 6 loading bays can be used at the same time. As discussed above, the design of the access to the loading area, driveway, and waiting area for the lifts could potentially lead to conflicts between the vehicles accessing the car lifts, using the driveway, people leaving their vehicle (although this arrangement requires clarification) and the loading dock. A delivery exclusion period between 7am and 9am is proposed to mitigate this conflict, however, this is the time that deliveries are often at peak which would potentially force delivery and service vehicles into on-street. Justification for the shortfall as shown in Figure 2 below requires further explanation – for example, how have the deductions in spaces been determined? The SDCP 2012 rates include a mix of courier and other bays therefore it is not clear how converting 3 bays into 3 courier bays equates to a reduction of 5 loading and servicing bays.  **Figure 4-6: Loading bays required with management measures (source: Pitt Street North Dock Activity Assessment – Draft Version 2, 9 April 2018)** We also note that the 3 courier bays are accessed via vehicle lift and automatic stackers, which limits their use as they should not be used by visitors. And, the traffic report mentions different maximum use rates for the loading and servicing areas. These should be consistent. Additionally, the City further requests clarification on the comment in the Traffic Report 'the use of a vehicle in the southern segment of the loading dock	In line with the RMS guidelines the forecast profiles for the current North OSD design show an indicative total maximum of 13 bays are required for commercial and retail land uses without any management and re-arrangement of loading bays. As management measures, including an on-site dock manager, converting 3 bays into courier spaces, and implementing a delivery service plan, are included as part of the loading dock operations strategy, this reduces the loading spaces required, as it keeps the loading dock operating with a high utilisation. With the operational management measures in place, a lower provision of 6 bays was considered acceptable and in line with the previous measures recommended for a similar land use. A service vehicle (courier) accessing the automatic car stacker will undertake unloading of goods from the available B99 bays on ground level. Typical service vehicle unloading is not expected to exceed 5 minutes. Once goods are unloaded from the service vehicle, the driver will access the Car Stacker Lift (i.e. repark their vehicle). Access to the Car Stacker will be facilitated by the Dock Master. Once the Service Vehicle is in the Car Stacker Lift, the driver will exit the vehicle and the Dock Master will send the vehicle to the nominated bay within the car stacker.  The use of the northern section of the loading dock will not hinder the use of the southern section of the loading dock.

Comment	Response
does hinder the use of the northern segment of the loading dock'.	
Car Parking	
Confirmation should be sought if the driver vacates the vehicle at the car lift or at the car parking area/stacker. Also confirmation as to whether the automatic parking stacker includes the ability for the vehicle to enter and exit the site in a forward motion (i.e. does it include a turntable?). If so, this must be included in the queue analysis.	Vehicles are driven into the car lift, the driver then vacates within the car lift and the loading dock master sends the vehicle to the nominated bay within the car stacker. Vehicles will enter and exit the site in a forward motion through use of a turntable inside stacker. Refer to the Supplementary Transport and Accessibility Assessment (**Appendix E**) for further details on the operation of the car stacker.
Bike Parking	
The total required bike parking should be provided at the initial stage of the development. Figure 4-17 of the Transport Report shows that the automatic car parking stackers will need to be converted to accommodate bike parking to achieve compliance with the SDCP 2012. The provision of the required bike parking spaces should be included in the initial stage of the development to establish and promote the use of cycling, towards the City of Sydney's 10 per cent mode share target. Further, it is queried how this would not trigger a Section 4.55 modification to be lodged, to convert car spaces to bike parking bays.	A total of 200 bicycle spaces are provided as part of Pitt Street North OSD which is considered appropriate for the development. The Pitt Street North OSD is a Transport Orientated Development (TOD) associated with the future Sydney Metro. Typically, at TOD locations, the walking and cycling (active transport) mode share is higher than average, with walking and cycling as first/last mile options for people using public transport. Given the location of North OSD adjacent to multiple public transport options, for people living near and working at the site, it is likely that these traditionally active transport mode trips could be replaced by public transport (including short trips). This trend can be seen from the 1.4% of those who work in the Sydney SA2 area travel by bicycle to work, whereas a total of 77% use public transport. The earliest the Pitt Street North OSD will be operational is in 2024, with the opening of the Sydney Metro City and Southwest Linear interpolation of the City of Sydney Cycle Strategy and Action Plan 2018-2031 using a baseline 2016 value of 1.4% (which is based on the 2016 Census mode share statistics for the Sydney, Haymarket and The Rocks) equates to a target bike mode share of 4.0% in 2024. The provision of 200 bicycle spaces upon opening corresponds to a mode share of 4.1% for cycling

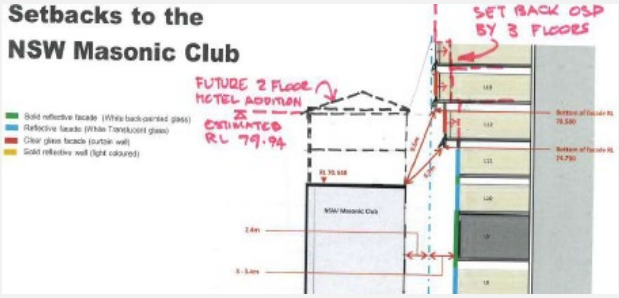
Comment	Response
	based on the estimated number of staff with the development fully occupied which represents an approximate 300% increase from the travel mode share as measured in 2016. In line with the above, the development is targeting a significant shift in mode share for cycling, with the provision of sufficient bicycle parking to effect this change.
Environmentally Sustainable Design (**ESD**)	
The development proposes a NABERS Office energy Base Building target of 5 stars. In correspondence to DPIE on the concept DA SSD 8875 the City noted that anything less than NABERS Energy 5.5, as the City's mandatory target (for all commercial development over 1000sqm), does not align with a demonstrable government focus on carbon abatement. The submitted ESD and Sustainability Report by Cundall appears silent on inclusion of renewables. However the Urban Design Report (pg 111) notes 'on-site renewables to reduce the carbon footprint of the building's operation are proposed'. The City requests confirmation about the intentions for 'onsite renewables' as it is not clear in the submitted documentation and the proposed Building Integrated photovoltaics must be marked up on the Architectural Drawings.	A Supplementary ESD and Sustainability Letter has been prepared by Cundall which includes measures to ensure the North OSD development achieves a NABERS Energy 5.5 rating. An indicative zone for the location of Photovoltaics (PV) is shown in yellow in the Updated Architectural Plans. The exact specification and placement of these cells is subject to ongoing design development.
Waste Management	
As part of Sustainable Sydney 2030, the City is limiting truck movements to ease road congestion. As such, an increase in collection frequency is not recommended. Truck movements such as waste collections should be ideally weekly but as a maximum 3 x weekly. A Demolition and Construction Waste Management Plan is required to be submitted for review.	A Demolition and Construction Waste Management Plan has been prepared and can be found at **Appendix D**.
Urban Ecology	
It should be noted that the City's Ecologist has identified the increasing instance of birds striking buildings around the City, particularly owls. Additionally, knowledge of the vulnerable Powerful Owls occupying and breeding at the Royal Botanic Gardens and Centennial Parks, and therefore in	Horizontal fritting has been added to the translucent glazing of the podium balustrade to ensure the glazed screen is visible to birds. See **Section 3.1** of this report for further discussion.

Comment	Response
close proximity to this site, raises concerns regarding the glazing of the building. On this basis, a localised treatment to the glazed screen should be considered. The City requests the applicant provide details of a localised translucent glazing treatment that will ensure the glazed screen is visible to birds, particularly any threatened or vulnerable species and species of local conservation significance (refer to the City's Urban Ecology Strategic Action Plan).	
Department of Planning, Industry and Environment – Water and the Natural Resources Access Regulator	
Have reviewed the EIS and have no further comments.	Noted and accepted.
Fire and Rescue NSW	
No review or comment will be provided at this time due to extensive consultation being undertaken on the project. Monthly meetings are being held, for review of the FEB and FER, in regard to the development of the Metro Station and OSD between FRNSW, Fire Engineers, Contractors and TfNSW.	Noted and accepted.

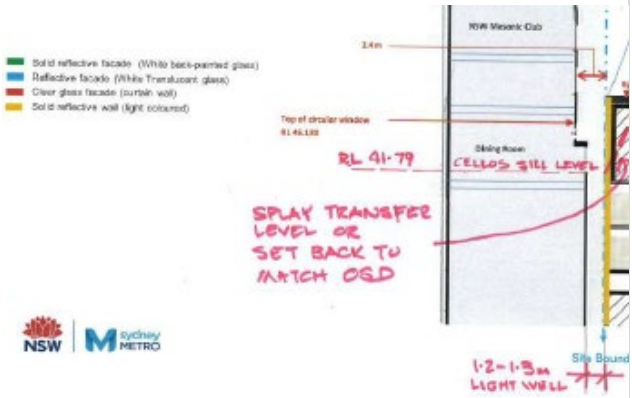
6. RESPONSE TO COMMUNITY SUBMISSIONS

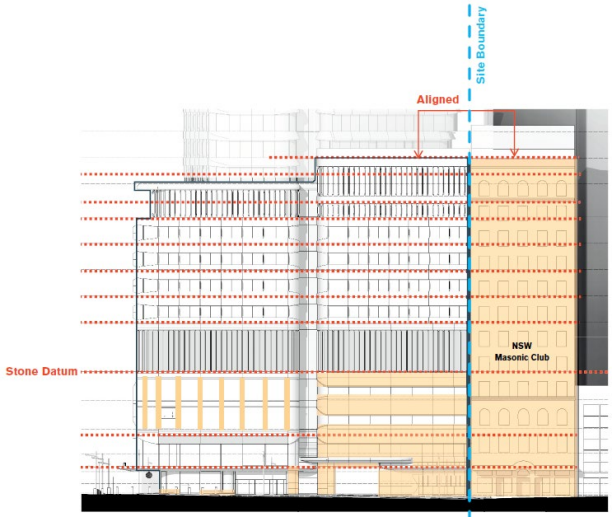
6.1. RESPONSE TO ORGANISATION SUBMISSION

Table 14 Response to Organisation Submission

Comment	Response
CITY PLAN STRATEGY AND DEVELOPMENT ON BEHALF OF NSW MASONIC CLUB	
Development Assumptions	
D/1999/1034/A has been commenced and in part permits a "two storey roof top extension to provide six additional hotel rooms" (Appendix 1). The Club intends to complete the approval by constructing the two-storey roof top extension. The proposed building's setbacks to the lightwell have been prepared based on the Club being two storeys lower in height. This is significant because the size of the opening to the lightwell is significantly reduced, when the Clubs approved additional storeys are taken into account (Figure 8). It is important to note also that the opaque windows which are referenced in the EIS are approved for removal and replacement with clear glass windows. A key objective of the Club in replacing the windows is to improve the amenity of the rooms by increasing access to natural light.  Figure 8: Requested amendments to proposed setbacks on (Source: Plans by Foster + Partners et al with annotations by NSW Masonic Club)	The northern facade of the OSD tower is set-back between 3m and 3.4m from the site boundary for the length of the NSW Masonic Club light well (above the Station transfer level on Level 4), which complies with the Design Parameters set for the Pitt Street North site. The lower podium up to the Level 4 transfer slab is subject to CSSI Approval and not this SSD DA. The proposed podium facade from Level 5 to Level 11 will be of a high-quality utilising a mix of reflective opaque glazing and reflective light-coloured solid materials to maximise reflected daylight access into the NSW Masonic Club. The proposed finish will maintain the privacy of the NSW Masonic Club guests whilst increasing access to natural light. While development consent 99/0134 may have been physically commenced, the only works undertaken to commence the consent relate to the replacement of an air conditioning system in the board room. It is a material consideration in weighing up the merits of the impacts of the Pitt St North Over Station development on the NSW Masonic Club that more than 20 years has passed since the grant of that consent and none of the other authorised works pursuant to that consent have been undertaken during that time. This is particularly important given that development consent 99/0134 was conditioned to only operate for 2 years unless physically commenced. In the ordinary course, development consents generally run for 5 years. The shortened lapsing period under the Masonic Club consent was specified on the front page of the consent as being because "*Unrestricted consent may affect the environmental amenity of the area and would not be in the public interest*". The reason for this

Comment	Response
	condition on the consent is highly material to the assessment of the Pitt St North Over Station development as the Masonic Club consent, being a consent that has **not been materially commenced in over 20 years**, is now being relied upon at a belated stage in the assessment of this project to request an amendment to the building envelope. It would not be in the public interest to continue to allow a consent relating to extension works that have not been undertaken in over 20 years to stymie surrounding development. Moreover, the appropriate time to have raised this was during the assessment of the Concept DA and it was not raised at that time.
Consistency with Concept Approval	
Condition B2 of the Concept Approval for the Over Station Development at Pitt Street North Station (17_8875) requires all future detailed development to address compliance with the design guidelines submitted with the application. The approved design guidelines include the following requirement: "Appropriate setbacks to protect light access to adjoining light wells of Ashington Place (National Building) (284A-250 Pitt Street) and NSW Masonic Club (169-173 Castlereagh Street) and use of reflective or light-coloured materials to encourage light penetration". The proposed setbacks are not sufficient to protect light access to the lightwell when the approved development capacity of the Club is taken into account. It is important to note that the proposed lightwell also includes three transfer columns which land adjacent to a number of windows and are likely to affect light penetration into the lightwell and adjacent rooms. The proposed development is therefore inconsistent with Condition B2 of the Concept Approval and cannot be approved in its current form. We request therefore that proposed Levels 12 - 14 are setback to achieve the intended opening to the lightwell as is shown in Figure 8.	The proposed design has been endorsed by the DRP as being consistent with the Design Guidelines. While Condition B2 does require appropriate setbacks to protect light access to the NSW Masonic Club, it does not require that setback to also have regard to a development consent that has not been materially acted on in over 20 years. If so, it would have expressly stated this. Rather, it is clear from the face of the condition that it requires the building to be appropriately set back from the current built form of the NSW Masonic Club. This is only fair and reasonable, particularly given there is no certainty that the Masonic Club consent will in fact ever be acted on, despite representations now being made in this respect, and in light of the reason given for the original 2 year consent period outlined above.
The Club notes the use of light and reflective cladding materials to the walls of the proposed	The proposal is compliant with the Pitt Street North Guidelines providing a high quality finish light

Comment	Response
building which face into the lightwell. Instead of the proposed translucent glass of light-coloured material currently proposed, the Club would support an attractive, decorative mural to provide a better outlook for hotel guests.	coloured facade that will reflect light into the lightwell. The façade will be regularly maintained and provide a neat clean outlook to guest of the NSW Masonic Club should the opaque hotel room windows be replaced with clear glazing.
Impacts of Station Box	
The proposed station box is built to the side boundary. Cellos has high ceilings, with the lower portion of the walls having bay windows, with circular highlight windows located in the upper section as shown in the Figures 2-4. A reduction in light to those windows will significantly affect the amenity of the room. We therefore request that the Department make representations to Sydney Metro about splaying the setback of the Station transfer level to achieve the built form outcome intended by the Minister's approvals, that being reasonable light access to the lightwell and the historic rooms it serves.  We also request that further details be sought and provided on the proposed location and output of plant and equipment relative to the Club, so that the noise and vibration impacts can be appropriately assessed.	The lower podium up to the Level 4 transfer slab is subject to CSSI Approval and not the subject of this SSD DA. Final specifications for plant and equipment associated with the OSD i.e. above the Level 4 transfer slab has not been determined yet but will comply with relevant Australian standards and consent conditions.
Interface with Club	
The Club's skilfully designed sandstone façade is an important contributor to the Castlereagh streetscape. We are concerned about the design of the Castlereagh St façade and how it will relate to the Club's façade. We therefore ask that the Department seeks specialised heritage advise to ensure that the proposed building sympathetically relates to the Club's façade. A heritage assessment	The design and expression of the Castlereagh Street facades are governed by the height and composition of the adjoining NSW Masonic Club, taking cues from both its materiality, as well as the horizontal composition of its heritage listed facade, determining clear datum lines within the Pitt Street North Castlereagh Street facade.

Comment	Response
prepared by Weir - Phillips is attached (Appendix 2) to assist in your analysis.	The principle of gradual transition from the beautiful and intricately detailed Masonic stone-clad heritage facade to the predominantly glass and bronze materiality and corresponding permeability of the proposed Park Street facade has been established by introducing stone cladding to the lower podium levels near the Masonic building, which gradually feathers out towards the top, attempting not to upstage the Masonic facade while still ensuring high quality materials are introduced directly adjacent to it. This story line has been completed by introducing a small stone upstand which runs along the ground floor facades , while vertical stone fins in front of the semi-public Level 2 and the Level 3 commercial sky lobby complete the gradual transition from the full stone clad Masonic facade to the permeable Pitt Street North facade on Park Street. 
The proposed loading and parking facilities are located in the north-eastern corner of the building, adjoining the Club. We therefore ask that the Department gives specific consideration to the operation of those spaces and the plant therein, and how they will impact on the acoustic privacy and amenity of the Club, the Hotel rooms and the ground floor café.	The loading dock and access to parking facilities is located within the centre of the site frontage and not directly adjacent to the NSW Masonic Club. A Service Delivery Plan (SDP) has been prepared to manage the use of the loading dock. An Acoustic Assessment was submitted as Appendix U of the EIS outlining recommended noise control measures for mechanical plant
The Club recognises the importance of providing connections between the surface and the Metro below and would be open to discussions on providing a connection point between the two	The CSSI Approval does not have scope for the provision of a connection between the metro box and the adjoining NSW Masonic Club.

Comment	Response
buildings to improve permeability and the public realm.	
Construction Impacts	
Construction of the proposed building will significantly impact on the operations of the Club and Hotel. Impacts include: ▪ Noise, dust and vibration; ▪ Structural integrity, including to the brittle lime mortar used in the sandstone façade; and ▪ Loss of trade. All efforts must be made to minimise those impacts. It is critical to note that the Hotel is the Club's financial foundation providing 96% of its operating revenue. Loss of its operations will therefore significantly impact on the Club's financial stability.	A Construction Management Plan has been prepared to mitigate against any amenity impacts to adjoining properties and users of the area. A Place Manager will stay in constant contact with the NSW Masonic Club. A 24/7 info line will be in place for any enquiries or concerns. The CMP will be revised prior to Construction Certificate.

6.2. CONCEPT SSD DA

Table 15 Response to Public Submissions – Concept SSD DA MOD

Comment	Response
Building Bulk and Setback	
▪ Objects to the bulk of the project as seen from Castlereagh Street. ▪ The building should be set back much further from the Castlereagh Street frontage. ▪ As currently designed, it blocks the view of the cityscape and Centrepoint tower in particular. ▪ Most existing high-rise buildings are set back from the Castlereagh Street frontage which opens up a city view.	Within the immediate vicinity of the site along Castlereagh Street there are only a very limited number of high-rise developments including: The North OSD has two very distinct volumes on Castlereagh, one has been set back 6m from the site boundary and the other tower volume varies in setback between 10m and 21m. The other towers apart from the Park Regis Tower are set back less than 6m from the Castlereagh Street boundary. Centrepoint Tower can still be seen from the corner of Park Street and Castlereagh Street at grade. The North OSD falls entirely within the approved Stage 1 envelope, with the development not maxing out the entire available height at the top of the envelope. It is likely that additional levels within the Park Regis Tower and other buildings will maintain (partial) views to Centrepoint Tower and other

Comment	Response
	cityscape elements over and above what was allowed for within the approved Stage 1 envelope.
Park Regis Impact (Duplicate objection in SSDA section)	
▪ Views from the Park Regis would be blocked as a result of this development, specifically concerned about Hyde Park view. ▪ Concerned about: – Construction noise – Shadowing – Loss of privacy because of new development	The proposed SSD DA Scheme for the Pitt Street North development is not fully utilising the approved Stage 1 envelope massing on the south eastern corner of the site, thus providing additional view to Hyde Park that would have otherwise been blocked. The Supplementary Architectural Design Report illustrates the additional views to Hyde Park and architectural landmarks within and around Hyde Park that will be visible from the Park Regis Tower, when comparing the current SSD DA massing with the approved Stage 1 envelope. A detailed Demolition, Excavation and Construction Noise Management Plan is to be prepared for the site prior to the issue of Construction Certificate. Construction noise is to comply with the City of Sydney Council's Code of Practice 1992 "Construction Hours/ Noise within the Central Business District" including the 1997 Erratum and the EPA's Interim Construction Noise Guideline (ICNG) 2009. Acoustic grade seals should be installed on office windows and perimeter doors exposed to road traffic noise.

6.3. DETAILED SSD DA

Table 16 Response to Public Submissions – Detailed SSD DA

Comment	Response
ESD, Biodiversity, and Quality of the report	
▪ Concerns about the application of ESD principles in the development. Targets for ESD being 'too low and uncompromising' with no tangible and reportable targets being set. ▪ The development's proximity to Hyde Park may impact biodiversity in both Hyde Park and Sydney Harbour. Specifically:	A comprehensive framework for how the proposed development will reflect national best practice sustainable building principles to improve environmental performance, including energy and water efficient design and technology, use of renewable energy and best practice in waste management has been developed by Cundall.

Comment	Response
– Alteration of wind patterns affecting flight paths indigenous species of birds and bats; and – Use of artificial light affecting biological patterns of local bird and mammals. ▪ Submission states that the report appears to limit ESD outcomes to 'ticking the box' compliance, stating that the development could set innovative precedence for future development.	A revised ESD and Sustainability Report has been prepared by Cundall which includes measures to ensure the North OSD development achieves a NABERS Energy 5.5 rating. To minimise the likelihood of bird strikes the Level 10 and Level 11 balustrades have been modified as discussed in **Section 3.1**.
Podium Height, Reduced Natural Light, and Views	
▪ Raises issue with podium height and sunlight access to the National Building. Increasing podium height to the top of the National Building will block all existing light access to suites on Level 1 and 2. Offices on top of podium will further impact sunlight access. ▪ Sculptural artwork commissioned by the Owners Corporation of 250 Pitt St, positioned in the light well of 250 Pitt St will no longer be visible to occupants within the National Building.	As the building is wholly captured within the existing Approved Stage 1 envelope, there is no additional loss in privacy between the Park Regis Tower and the new Pitt Street North development. The dimension between the northern facade of the Park Regis tower and the most southerly point of the Pitt Street North tower façade is always more than 43m, when the approved Stage 1 envelope was achieving only 41.1m in some locations. As both Pitt Street southern tower volume facades are angling away from Park Street it can be expected that additional privacy can be expected in comparison with the approved Stage 1 envelope which runs parallel with Park Street. For further information on overshadowing of Park Regis residential apartments, please refer to Chapter 1.2 of Supplementary Architectural Design Report.

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 17 Assessment of revised proposal against relevant statutory planning framework

Consideration	Response
Strategic Planning Context	The OSD will deliver a high quality, commercial office space in a highly accessible CBD location. The development will help to accommodate a new development opportunity for the Pitt Street North 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 revised) 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 North 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 revised 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. 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 revised 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. 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 is for the purposes of commercial premises associated with railway infrastructure and will continue to have a capital investment value of more than $30 million, there it remains 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 a response was received acknowledging that an Application for Connection and supply offer had been received and accepted. The proposal was referred to TfNSW and the Roads and Maritime Services during the public exhibition period. A combined response was received and is addressed in **Section 5** of this RtS report.
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 North 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 North 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.
State Environmental Planning Policy No. 64 (Advertising and Signage) (SEPP 64)	No changes are proposed to the signage zones.

Consideration	Response
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. No changes to the assessment within the EIS.
Draft State Environmental Planning Policy (Environment)	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 vantage points which enhance the 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.
Sydney Local Environmental Plan 2012	**Zoning and Permissibility** The amended design for the SSD DA and concept modification application remains consistent with the B8 Metropolitan Centre zone objectives the development will continue to: ▪ Serves the needs of the local and wider community by providing an increase in commercial floor space including retail premises and office premises within the commercial core of the Sydney CBD. ▪ Encourages employment in a highly accessible location immediately above the approved metro station and within proximity to Town Hall Station, bus routes, taxis and active transport networks for walking and cycling. ▪ Promotes public transport use and encourages active transport use through minimising private car parking provision on site and enabling users of the OSD to efficiently access the new metro station and surrounding public transport and active transport options. ▪ Makes efficient use of the site to contribute to Sydney's role as a global city through a high-density building envelope, commensurate with a Central Sydney location, benefiting from excellent access to transit, goods, services and open space. ▪ Contributes to the overall diversity of land uses in Sydney, providing for additional out of hours activation at the site including active frontages along Pitt Street, Park Street and Castlereagh Street. The proposed amended development has been assessed against the relevant development standards contained within the SLEP 2012 and is discussed in the Table below.

Consideration	Response	
	Clause	**Proposal/ Compliance**
	2.3 Zone objectives and Land Use Table	The proposed development (as amended) in response to the submissions continues to meet the definition of 'commercial development' which is a permissible use within the B8 Metropolitan Centre zone under the SLEP 2012.
	4.3 Height of Buildings *(and associated clauses)*	The site is located entirely within 'Area 3' on the Height of Buildings Map. On this basis, the maximum height at the site is determined in accordance with the relevant sun access plane provided for in clause 6.17 of the SLEP 2012, and the relevant exceptions provided for at clause 6.18.
	4.4 Floor Space Ratio (FSR) *(and associated clauses)*	As discussed in **Section 4.1.1** and outlined below the development has a permissible FSR of 12.56:1 which equates to 39,564sqm of GFA. **Mapped FSR** The site has a mapped FSR of 8:1. **Accommodation Floor Space** The development is eligible for an additional quantum of floor space in line with the accommodation floor space provisions contained at clause 6.4 of the SLEP 2012. Located in 'Area 2', the site is eligible for the following additional floor space: *a) Area 2, office premises, business premises or retail premises—4.5:1,* Where development is proposed for a mix of uses, the accommodation floor space bonus is applied proportionately pending the percentage of development used for that incentivised land use. 98.04% of the proposed GFA is eligible for the accommodation floor space bonus equating to a bonus 4.41:1 FSR. **End of Journey Floor Space** A bonus of up to 0.3:1 FSR is available to the site to offset above ground End of Trip (EOT) floor space (up to the equivalent within the development). On the basis of the above, with a site area of 3,150m² and EOT facilities with a GFA of 482m², the site is entitled to a 0.15:1 end of journey floor space bonus. **Permissible FSR** ▪ Base FSR = 8:1 ▪ Accommodation Floor Space = 4.41:1

Consideration	Response	
		▪ End of Journey = 0.15:1 Total = 12.56:1 The Concept DA (SSD 17_8875) approved a maximum GFA of 50,310m² (including station floor space) which equates to an FSR of 15.97:1. The Detailed DA proposes a GFA of 55,743m² (including station floor space) and an FSR of 17.70:1 which exceeds the maximum FSR for the site as set by SLEP 2012 and also the approved GFA under SSD 17_8875. A Clause 4.6 Variation Request accompanies the EIS at Appendix GG of the original SSD DA package seeking a variation to the maximum FSR development standard. A modification to the Concept DA has been concurrently lodged with the original SSD DA which, amongst other things seeks to vary the approved maximum GFA.
	Clause 4.6 Variation to Development Standards	A Clause 4.6 Variation Request (Appendix GG of the EIS) was submitted with the SSD DA seeking a variation to the maximum FSR development standard. As discussed above the proposed FSR of 17.70:1 exceeds the permissible FSR of 12.56:1. A variety of factors have contributed to the FSR exceedance. Design Excellence provisions within Clause 6.21 of SLEP do not apply to the development as a statutory competitive design process was not undertaken. Notwithstanding this, Design Excellence has been achieved via the Sydney Metro Design Review Panel process. If the design excellence bonus was applicable a 10% bonus (of the Mapped FSR and Accommodation Floor Space) which would result in an additional 1.24:1 FSR would be applicable. All GFA included in the maximum site calculation for the proposed development must also include station floor space approved or allocated for delivery under CSSI (SSI 15_7400). Station GFA equating to 1,092m² is contained within the podium / basement of the development. The proposed GFA of the OSD component, excluding station floor space, is 54,651m². The necessity of including station floor space in the total FSR calculation reduces the maximum amount of floor space which can be provided as part of the OSD. This is despite the station floor space being for a public use of

Consideration	Response	
		substantial benefit to the wider public. It is also noted that the station floor space was approved via a CSSI pathway where consideration of LEP controls, including FSR provisions, is not required. Additionally, as a result of the integrated metro use of the site, necessary elements of the development such as retail storage and garbage areas are unable to be provided in a basement, meaning that these storage and garbage areas must be counted towards the overall GFA figures at the site. Elements of the OSD which would not be included in GFA, if the station was not located within the basement, include: ▪ Above ground storage: 127sqm ▪ Garbage areas: 104sqm These areas total 231sqm. These elements constitute 0.4% of the proposed 54,651sqm commercial GFA on the site. In summary, the development will contribute to the legacy of the Sydney Metro project and will significantly benefit from the public transport synergies resulting from its location above the station. The proposed development will be one of the most visible landmark buildings of the Sydney Metro project due to its Central Sydney location at the northern entrance to Pitt Street Station. The development will provide additional commercial capacity in the centre of the CBD which will benefit greatly from the additional transport capacity provided by the Sydney Metro project.
	Clause 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	No change.
	6.10 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.

Consideration	Response	
		▪ 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, Park and Castlereagh Streets contains active uses.
	6.17 Sun access planes	The site is affected by the Hyde Park West Sun Access Plane, which in most cases would reduce the height limit at the site to approximately 156 metres AHD. However, in this case the site is subject to the provisions of clause 6.18 'Exceptions to sun access planes' such that the proposed development may exceed the sun access plane provided by this clause in certain circumstances. The proposal does not contribute to additional shadowing over Hyde Park between midday and 2pm at midwinter.
	6.18 Exceptions to sun access planes	Clause 6.18 of the SLEP 2012 enables the provision of a building envelope which protrudes above the Sun Access Plane, so long as it matches the height of the existing development at 201 Elizabeth Street (approximately RL 198 or 175 metres). The Pitt Street North approved envelope and building form have a maximum height of RL189, which is shorter than 201 Elizabeth Street. On this basis, the proposal complies with the relevant provisions. Site areas outside of the category B land are compliant with the Hyde Park West Sun Access Plane.
	6.19 Overshadowing of certain public spaces	The proposal does not overshadow any of the nominated public spaces during any of the specified time periods.
	6.21 Design excellence	Whilst this clause does not strictly apply to the proposal as a Competitive Design Process has not been undertaken the design has been reviewed by a site-specific Design Review Panel (DRP) and has been endorsed as achieving Design Excellence.
	7.3 Car parking not to exceed maximum set out in this division	A maximum of 50 car parking spaces for OSD uses, was approved within the Concept DA. The proposed development includes 40 car parking spaces, this provision is less than the 75 maximum allowable car parking spaces under the SLEP 2012.

Consideration	Response	
	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 revised) will continue to maintain an active street frontage to Pitt Street, Park Street and Castlereagh Street, and will also provide lobby and entrance spaces for the Commercial OSD.
	Overall, the proposed development (as revised) will generally satisfy the relevant development controls of the SLEP 2012.	
Sydney Development Control Plan	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 Sunlight to Publicly Accessible Spaces** The detailed shadow analysis by Foster + Partners clarify that the shadow diagrams on 21 June demonstrate that the proposed development casts no shadow on Hyde Park between 8.30am and 2pm and is fully compliant with the control. **Section 3.2.1.2 Public Views** No change **Section 3.3 Design Excellence and Competitive design process**	

Consideration	Response
	The proposed amendments which have resulted from the response to submissions have been informed by the completion of a Design Excellence Process and have been endorsed by the DRP. **Section 3.6 Ecologically Sustainable design** A Supplementary ESD and Sustainability Letter has been prepared by Cundall which includes a NABERS energy 5.5-star commitment. An indicative zone for the location of Photovoltaics (PV) is indicated in yellow in the Architectural Plans. The extent and location of PVs are subject to ongoing design coordination. **Section 3.11 Transport and Parking** No change. **Section 3.14 Waste** No change. **Section 3.16 Signs and Advertisements** No change is proposed to the signage strategy within the RTS which indicates signage zones for the following anticipated signage: ▪ Building identification signage at rooftop ▪ Flat mounted podium wall sign – building identification or business identification sign ▪ Business identification signage at building entrance ▪ Tower entrance building address signage ▪ Loading dock signage ▪ Ground Level retail signage The exact location, size and detailed design intent of the signs will be subject to a separate signage DA. **Section 4.2.3 Amenity** The proposal has been designed to ensure adequate solar access is maintained to the existing lightwell of the NSW Masonic Club building and National Building. Design features to manage solar impacts within the OSD include fixed fins and sun shading elements. Landscaping of the proposed Level 10 and 11 terraces will provide comfortable usable space for tenants. **Section 5.1.2 Building Setbacks** The tower has a weighted average setback of 8m with no part of the building setback less than 6m.

Consideration	Response
	A 3m setback has been provided between the adjoining development to the north. **Section 5.1.5 Building Bulk** The development sits within the approved concept envelope to address issues of overshadowing to Hyde Park and adjoining residences. **Section 5.1.6 Building Exteriors** The design amendments seek to modify a small number of façade elements as outline in **Section 3**. These changes are considered minor and the architectural design and expression will continue to be visually appealing and respond appropriately to adjoining heritage items. **Section 5.1.9 Award and Allocation of Heritage Floor Space** The site does not contain any existing heritage items but is subject to the Heritage Floor Space provisions of the SLEP and the DCP. **Section 5.1.10 Sun Access Planes** The proposal complies with the Hyde Park West Sun Access Plane provisions.
Design Guidelines	**Pitt Street North Station Design Guidelines** A full assessment of the proposal against the Design Guidelines has been undertaken in the original SSD DA package and is also addressed in the updated Design Integrity Report at Appendix H. This demonstrates that the proposal is consistent with the Design Guidelines. Further, endorsement of the scheme's consistency with the Design Guidelines has been issued by the Sydney Metro DRP at **Appendix F**.
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. Reiterating that the proposed commercial land use is appropriate for the site. The proposal will contribute significant employment generating uses on within the CBD, including 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. **Tower Clusters** The site is not located within a tower cluster and as such will not benefit from these draft provisions. **Height**

Consideration	Response
	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 19** below. The assessment reveals that the amended design and approach undertaken appropriately addresses the risks identified and provides a suitable response to limit potential impacts associated with the proposal.
Public Interest	The proposal is in the public interest as it provides for employment floor space which is compatible with the delivery of the future Sydney Metro station and with Sydney's global status as a major economic and employment centre.
Site Suitability	The proposal is considered suitable for the site as it delivers a world-class integrated public transport and commercial development 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 revised 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 18 Revised Mitigation Measures.

Item	Potential Impact	Mitigation Measure
Design excellence	The development does not achieve design excellence	The process outlined in the endorsed Design Excellence Strategy will be implemented, including maintenance of 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.
	Increase in shadowing to surrounding residential properties	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.
Heritage	Impact on heritage items in the vicinity	Implementation of recommendations in the HIS and Heritage Interpretation Plan.
Traffic and Transport	Increased traffic on local roads (Operational)	The provision of less than the maximum allowable car parking spaces on the site. Implementing a Loading Dock Management Plan to schedule services and deliveries to mitigate traffic movements from and to the site. Implementation of initiatives detailed in the Green Travel Plan to encourage travel mode shift to active and public transport.

Item	Potential Impact	Mitigation Measure
		Conversion of on-site car parking spaces to bicycle parking spaces as bicycle space demand increases with time.
	Increased traffic on local roads (Construction)	The provision of zero parking spaces on site during construction for workers. Implementation of a Green Travel Plan.
	Vehicular and Traffic conflict (Construction)	Use of control and mitigation measures include traffic controllers, warning lights and pedestrian boom gates at all site access/egress and construction zones.
	Additional demand for on-street car parking spaces (Operational and Construction)	Implementation of a Green Travel Plan. It is further noted that the City of Sydney restricts on-street car parking to limited times, to discourage long-term parking.
Pedestrian Management	Conflict with pedestrian and cycle/vehicle operations (Operational)	The provision of less than the maximum allowable car parking spaces on the site. Implementing a Loading Dock Management Plan to schedule services and deliveries to mitigate traffic movements from and to the site. Inclusion of warning system, signage and mirrors adjacent the loading dock crossover to increase visibility of cyclists and pedestrians to vehicles in this location.
	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 must address the requirements of the wind assessment.
	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 North Metro entrance.
Wind	Adverse impact on the safety of building tenants	Management measures will be agreed between building management and the tenant for times when wind conditions on part of the Level 10 terrace potentially exceed safety thresholds.
Structural	Structural failures	Compliance with all relevant Australian Standards and NCC 2019.

Item	Potential Impact	Mitigation Measure
Reflectivity	Adverse impact on reflectivity of the proposed buildings on public domain, pedestrians and motorists	Exterior façade elements used throughout the development are to limit light reflectivity to 20% or less.
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. Implementation of camera surveillance, public domain furniture design, anti-graffiti façade protections and the location of a high visibility security office.
Acoustic Impacts	Adverse noise conditions within the OSD	Inclusion of the recommended window glazing specifications.
	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. Compliance with Standard Conditions of Development Consent from the City of Sydney Council. Adherence to 'Project specific noise trigger levels' as determined in accordance with the NSW EPA Noise Policy for Industry (NPfI). Supervision of the construction/ installation of mechanical plant and equipment acoustic treatment by an acoustic engineer. Compliance testing by an acoustic engineer following the installation of the plan. Noise associated with the operation of a licensed premises (restaurants, wine bars or the like) to be assessed in accordance with the requirements of the Liquor and Gaming NSW (L&GNSW) standard noise condition. A detailed Demolition, Excavation and Construction Noise Management Plan is to be prepared for the site prior to the issue of Construction Certificate. Construction noise is to comply with the City of Sydney Council's Code of Practice 1992 "Construction Hours/ Noise within the Central Business District" including the 1997 Erratum and the EPA's Interim Construction Noise Guideline (ICNG) 2009. Acoustic grade seals should be installed on office windows and perimeter doors exposed to road traffic noise.
ESD	Irreversible increase in energy usage	Achievement of a 6 Star Green Star Design and 5.5 Star NABERS Energy Rating.

Item	Potential Impact	Mitigation Measure
		Performance against all the relevant requirements will be tracked and implemented throughout construction and delivery of the development.
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. As part of the site's WSUD strategy, regular maintenance will need to be undertaken to ensure the system's continued operations.
	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)	Adoption of a Sediment and Erosion Management Plan as part of the Construction Certificate requirements. It is noted that the ground level of the construction of the development is subject to the terms of the CSSI approval.
Flood	Potential flooding and stormwater impacts	Preliminary assessment indicates the pavement modifications associated with the OSD will not have any impact on local area flooding.
Fire Safety	Risks to occupants and assets from fire threat	Ongoing consultation with Fire and Rescue NSW and to be incorporated as part of the construction issue documentation. Compliance with 2018 NCC and all relevant Australian Standards. The zoning and cascading of the station and OSD North emergency warning intercom system (EWIS) will be developed in consultation with Sydney Metro.
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. Proposed new public domain landscaping is to be provided within the terms of the CSSI approval.
Waste	Waste production (Operation)	Implementation of the Operational Waste Management Plan. Refinement of the Construction Waste Management Plan during the detailed design phase to reflect proposed construction staging and operations.

Item	Potential Impact	Mitigation Measure
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 site linkages, building access, common area access and sanitary facilities.
Construction management	Adverse impacts from construction activities	Use of control and mitigation measures including traffic controllers, warning lights and pedestrian boom gates at all site access/egress and construction zones. Monitoring of noise generation during construction works. Pre-emptive planning for vibration inducing works and mitigation measures such as screening or enclosures and consultation with affected residents. Installation of temporary construction-phase site screens and hoardings at the site perimeter including adjacent to the National Building and NSW Masonic Club. Ongoing stakeholder engagement throughout the construction phase to ensure clear communication and complaints registration / action.
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*. SACL Controlled Activity approval required for construction crane and permanent infringement of the OLS by the building.
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.
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 Construction and Site Management Plan (CSMP).

8. CONCLUSION

This 'Response to Submissions' Report has been prepared by Urbis on behalf of Pitt Street Developer North 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 North OSD SSD for both the concept modification application (SSD-8875-Mod-1) and detailed development application (SSD-10375). Both applications were publicly exhibited between 23 July 2020 to 19 August 2020. A total of 11 submissions were received for the concept modification application (SSD-8875 MOD 1) and 15 submissions for the detailed SSD DA (SSD-10375).

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 for review, comment and endorsement. The design studies prepared by Foster + Partners 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, 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 NSW Minister for Planning and Public Spaces, the Hon Robert Stokes MP, for the following reasons:

- The proposal contributes to the achievement of the objectives for development within the Central Sydney CBD as outlined within the relevant strategic plans and policies.
- The proposal 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 proposal is consistent with the Concept SSD DA 17_8875, as proposed to be modified, and addresses the relevant conditions of that consent.
- The proposed supports 54,651m^2 of new **commercial** GFA which is capable of contributing to an estimated 3,500-4,000 FTE jobs which will contribute to the jobs targets of the Eastern City District Plan.
- The proposal achieves design excellence, having been subject to detailed design review processes, and addresses the project specific Design Guidelines as endorsed by the Sydney Metro Design Review Panel.
- The proposed design amendments provide a suitable response to address the issues raised by DPIE, governmental agencies, the public and community groups including the NSW Masonic Club which have resulted in the following design refinements to the OSD (as submitted). This is limited to treatment of the balustrade glazing on the Level 10 and 11 terraces by means of horizontal 'frit' lines which will act to deter bird strike.
- Further minor design development amendments proposed do not create any additional amenity impacts to surrounding neighbours or to the public domain. The majority of these changes are internal to the building.
- 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 North metro station and provides a commercial development appropriate to the site and its setting. The design has been endorsed as achieving design excellence by the Sydney Metro DRP, complies with the site-specific design guidelines, addresses the strategic and statutory planning framework and will provide for a preeminent commercial tower in the Sydney CBD. Overall, the proposal is in the public interest and should be approved by the NSW DPIE, subject to conditions of consent.

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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 REVISED ARCHITECTURAL PLANS

APPENDIX B SUPPLEMENTARY ARCHITECTURAL DESIGN REPORT

APPENDIX C SUPPLEMENTARY ESD AND SUSTAINABILITY LETTER

APPENDIX D DRAFT CONSTRUCTION WASTE MANAGEMENT PLAN

APPENDIX E SUPPLEMENTARY TRANSPORT AND ACCESSIBILITY ASSESSMENT

APPENDIX F DRP PRESENTATION, MINUTES AND DESIGN EXCELLENCE LETTER

APPENDIX G AMENDED DESIGN INTEGRITY REPORT

APPENDIX H DRAFT PLAN OF SUBDIVISION AND PUBLIC ACCESS EASEMENT

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