

**ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000**

URBIS.COM.AU
Urbis Pty Ltd
ABN 50 105 256 228

2 June 2022

Mr Anthony Witherdin
Director - Key Sites
NSW Department of Planning and Environment

Dear Anthony,

SECTION 4.55(1A) MODIFICATION APPLICATION | SSD-10375 MOD 1 PITT STREET NORTH OVER STATION DEVELOPMENT

This updated section 4.55(1A) Modification Application has been prepared on behalf of Pitt Street Developer North Pty Ltd (**the Applicant**) to amend SSD-10375 which applies to the Pitt Street North Over Station Development (**PSN OSD**) Stage 2 SSD-10375 at 252 Pitt Street, Sydney.

The application seeks a number of minor modifications and materiality clarifications. These include clarification of and minor amendments to the podium and tower façades, deletion of the plant rooms previously located on level 37, widening of the podium door openings and miscellaneous drawing amendments.

The application has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) and *Environmental Planning and Assessment Regulations 2021* (the Regulations).

This updated modification letter details the proposed changes, being a refinement from those outlined in the original Modification Request dated 1 December 2021, and is accompanied by the following documentation:

- A formal request to amend the application under s37 of the EP&A Regulation 2021;
- Revised Architectural Plans (Attachment A);
- Architectural Design Statement (Attachment B);
- Design Intent Statement (Attachment C); and
- Satisfaction of Condition B5 and B6 (Attachment D).

SITE BACKGROUND

The site is centrally located within the Sydney Central Business District (CBD) within the Sydney Local Government Area. The site comprises the southern extent of the street block bounded by Pitt Street, Park Street and Castlereagh Street (**Figure 1**). It is identified as 252 Pitt Street, Sydney and legally identified as Lot 20 DP1255509.

The site is an L shaped allotment with street frontages of approximately 27.8m to Pitt Street, 81m to Park Street and 48.3m to Castlereagh Street. Internal facing boundaries consist of a split northern boundary with the north eastern boundary measuring approximately 41.3m, north western boundary 41.6m and the secondary recessed western facing boundary of 15.7m resulting a site area of 3150.1m².

Figure 1 Subject Site



Source: Nearmap/ Urbis

The site is located adjacent to two locally listed heritage items under the *Sydney Local Environmental Plan 2012* (SLEP) as illustrated at **Figure 2**, being:

- Item I1931 – ‘National Building including interior’ (known as Ashington Place), fronting Pitt Street; and
- Item I1699 – ‘Community building “Masonic Club” including interior’ fronting Castlereagh Street.
- Ashington Place abutting the site’s north western boundary is an early twentieth century 12-storey brick and concrete commercial building.
- The Masonic Club abutting the site’s north eastern boundary incorporates the NSW Masonic Club and Castlereagh Boutique Hotel within a 12-storey rendered brick building.

Figure 2 Heritage Items



Source: SLEP 2012

PROJECT CONSENT HISTORY

The following table provides the history of development for the relevant project at the site.

Table 1 Project history

| Application History | Development | Date Determined |
|---------------------|---|-----------------|
| SSI 15_7400 | <p>CSSI approval Sydney Metro City & Southwest</p> <p>On 9 January 2017, the minister for planning approved the Sydney Metro City & Southwest – Chatswood to Sydenham project as Critical State Significant Infrastructure (CSSI).</p> <p>The CSSI approval granted consent for construction and operation of the metro rail line including works required to construct the metro stations including earthworks, public domain works, station works and OSD structural / service provisions. Excluded from the CSSI approval were the OSD buildings and any OSD uses within the station boxes.</p> | 9 January 2017 |

| Application History | Development | Date Determined |
|------------------------------|--|------------------|
| SSD - 8875 | <p>Concept Proposal</p> <p>Consent was granted for the Pitt Street North OSD Concept SSD DA (SSD-8875) in June 2019. The Concept DA approved either a mixed use or commercial OSD (not both) above the northern entrance to the Sydney Metro Pitt Street station. In addition to the indicative use, the Concept DA approved a building envelope, including street wall heights and setbacks with a maximum building height of RL 188.74 metres, a maximum gross floor area (GFA) of 50,310m² (including station floor space) and podium level car parking (maximum 50 car spaces).</p> | 25 June 2019 |
| SSD – 8875 Modification 1 | <p>Modification to Concept SSD DA</p> <p>A modification application to the Concept SSD DA (SSD-8875) was lodged concurrently with the Detailed SSD DA (SSD-10375). The section 4.55(2) modification application modified:</p> <ul style="list-style-type: none"> - The approved building envelope, - The interrelationship of proposed OSD floor space with station floor space; - Condition A15 and A17 to permit protrusion beyond the building envelope for sun shading elements, planted elements and balustrades; - Increase total GFA to 55,743m² (including station floor space); and - Minor amendments to the design guidelines in respect of podium heights and tower setbacks. | 26 February 2021 |
| SSD 10375 | <p>Pitt Street North Over Station Development Stage 2</p> <p>A detailed SSD DA was approved on the 26 February 2021 for the detailed design, construction and operation of a 39-level commercial building above the northern entrance to the Pitt Street Metro Station.</p> <p>The SSD DA consent approved:</p> | 26 February 2021 |

| Application History | Development | Date Determined |
|---------------------|--|-----------------|
| | <ul style="list-style-type: none"> - A maximum building height of RL 176.80m; - A maximum GFA of 55,743m²; (including station GFA approved under SSI 15_7400) - Landscaped terraces on level 10 and level 11; - Integration with the approved CSSI proposal including use of spaces with the CSSI 'metro box'; <ul style="list-style-type: none"> • Commercial lobbies; • Retail tenancies; • 200 bicycle storage and end of trip facilities; • 40 car parking spaces; • Loading dock and associated facilities; and • Plant and circulation. - Fit-out of spaces within the podium for OSD purposes, with the exception of the future tenant spaces; - Provision of augmentation of utilities and services (including basement level 1); - Provision of signage zones; and - Stratum subdivision between metro and OSD uses. <p>It is proposed to make minor modifications to this SSD DA as outlined within this letter.</p> | |

A pre-modification Scoping Letter was provided to the Department of Planning and Environment (the Department) on 5 October 2021 outlining the scope of the proposed modification. The Department confirmed that a Scoping Meeting was not required and that the proposed modification could progress to lodgement.

On 25 October 2021 the Department confirmed that the proposed design changes do not require review by the Pitt Street North Over Station Development Design Review Panel (DRP) as they would not have an impact on the Design Excellence of the approved development. Accordingly, the provisions of Condition B5 under SSD - 10375 have been met and the proposed changes can proceed without prior review by the DRP under the provisions of Condition B6. A copy of this correspondence is attached as **Attachment D**.

PROPOSED MODIFICATION

This Section 4.55(1A) modification seeks a number of minor modifications and materiality clarifications to the approved PSN OSD SSDA (SSD-10375). These include clarification of and minor amendments to the podium and tower façades, deletion of the plant rooms previously located on level 37, widening of the podium door openings and miscellaneous drawing corrections and amendments.

Each of these are detailed in turn below.

FAÇADE MATERIALITY

A number of minor amendments and clarifications are proposed to the materiality of the façades. The proposed amendments include clarification of the materials proposed due to inconsistency in the approved plans as well as minor material changes to improve constructability. The materials proposed ensure integration with the materials approved for the same façades within the 'Metro Station Box' (approved via CSSI 15_7400).

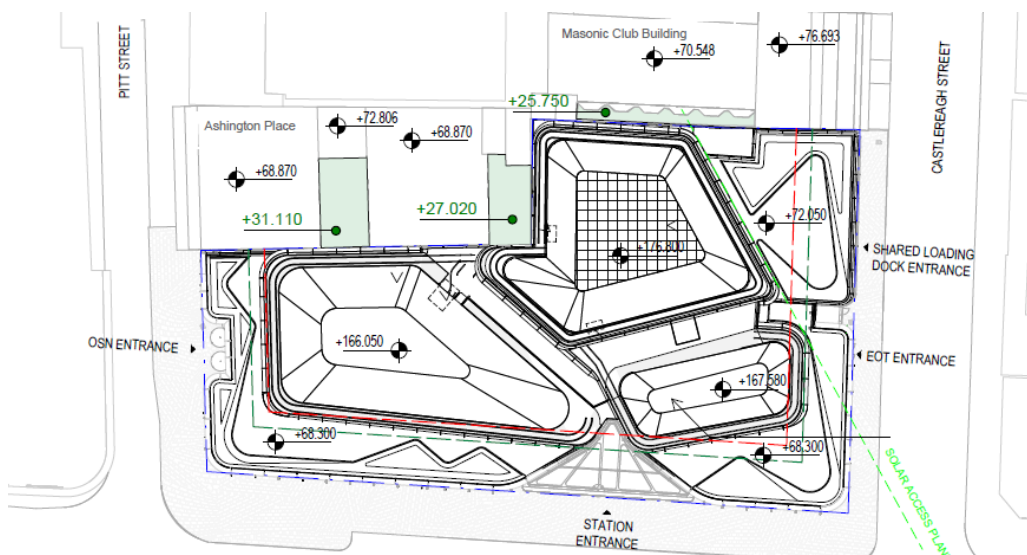
As per Condition B21 of the SSD -10375 consent, prior to the issue of the relevant Construction Certificate, details of the final materials and finishes will be lodged to the satisfaction of the Planning Secretary, including sample boards and computer-generated imagery of their application.

The proposed modifications are outlined in further detail in the following sections.

Northern Podium Façade

The northern façade of the podium abuts the Masonic Club Building and Ashington Place which both have lightwells adjacent to the shared boundary as illustrated in **Figure 3** below in green.

Figure 3 Location of lightwells



Source: CPB

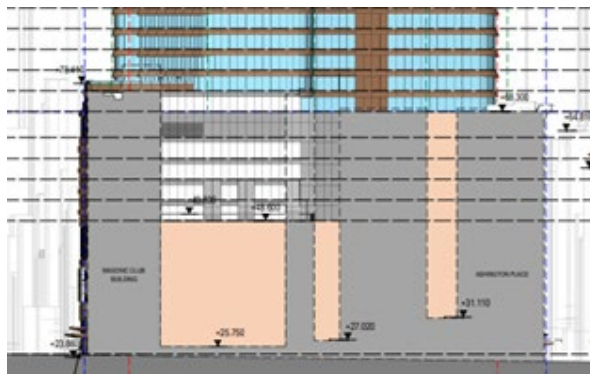
A clarification of the materials on the northern podium façade adjacent to the lightwells of the Masonic Building and Ashington Place is proposed. The white spandrel glazing on the columns has been clarified to be metal cladding and a correction has been made to the colouring on the SSD DA drawings differentiating between translucent curtain wall and white spandrel glazing.

The proposed modifications are illustrated in **Figure 4** and the computer generated image (CGI) at **Figure 5** and will result in the same visual appearance and reflective performance as those outlined in the SSD DA approval.

Additional minor modifications to this podium façade include:

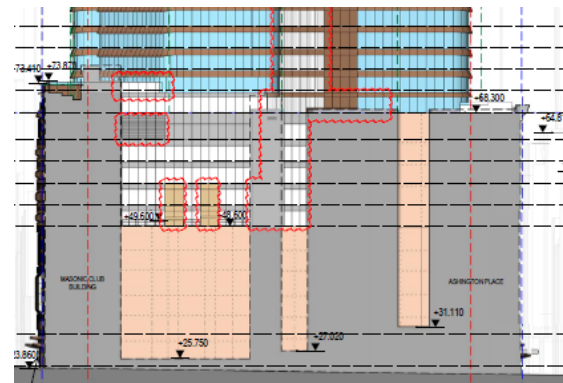
- an update to the level 11 terrace balustrade to a continuation of the translucent glazing below;
- a minor increase in the extent of the mechanical intake/ exhaust louvres; and
- clarification that the glazing adjacent to the amenities is fluted glazing as opposed to a glass curtain wall as noted on the SSD DA approval plans.

Figure 4 Proposed Modification to Northern Podium Façade



Picture 1 Approved Northern Façade [SMCSW SPS-FOS-OSN-AT-DWG-960004 Rev D]

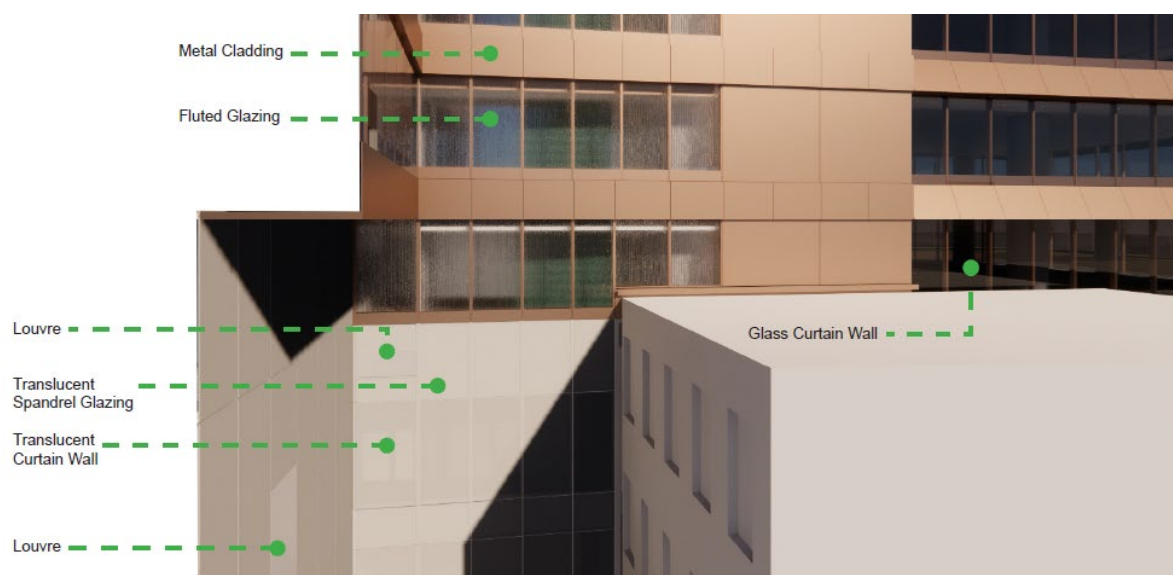
Source: Foster + Partners



Picture 2 Proposed Northern Façade [SMCSW SPS-COX-OSN-AT-DWG-960004 Rev F]

Source: Foster + Partners (modified by Cox Architects)

Figure 5 CGI of proposed Northern Podium Façade

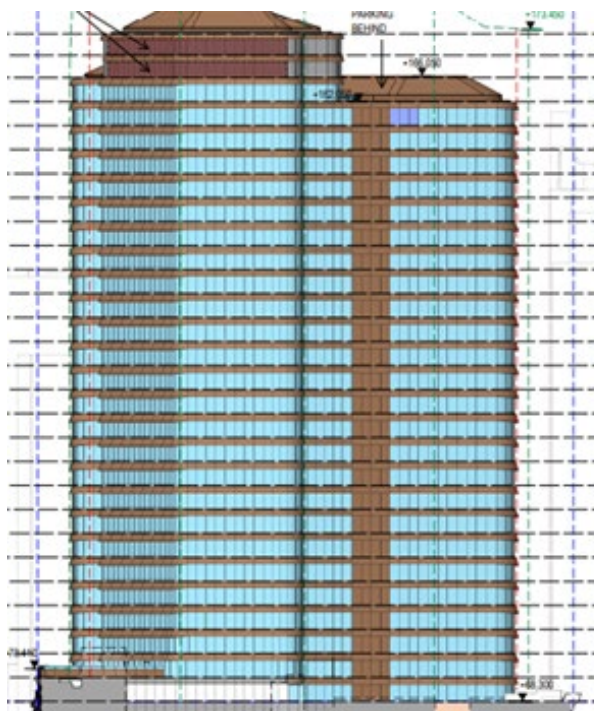


Source: Cox Architects

Northern Tower Façade

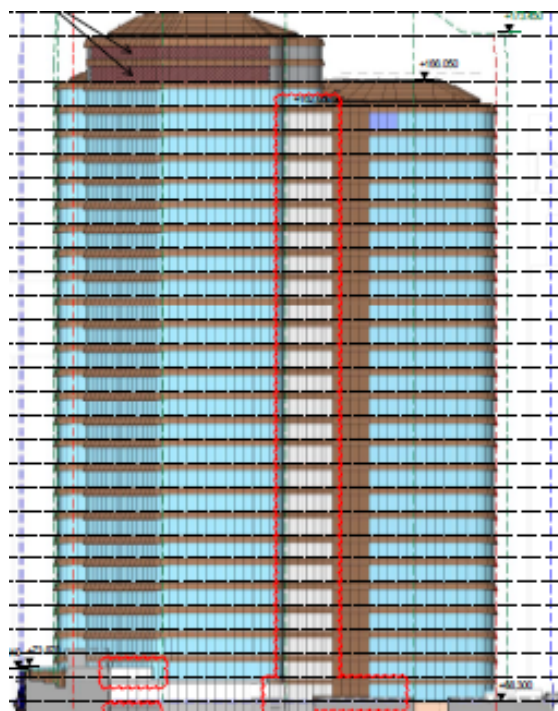
A correction has been made to the Northern Tower façade as illustrated in **Figure 6**. The approved plans show a glass curtain wall adjacent to the amenities and this has been corrected to fluted glass to provide required privacy. The materiality of this portion of the façade will have the same neutral colour and appearance as originally intended.

Figure 6 Proposed Modification to Northern Tower Façade



Picture 3 Approved Northern Façade [SMCSW SPS-FOS-OSN-AT-DWG-960004 Rev D]

Source: Foster + Partners



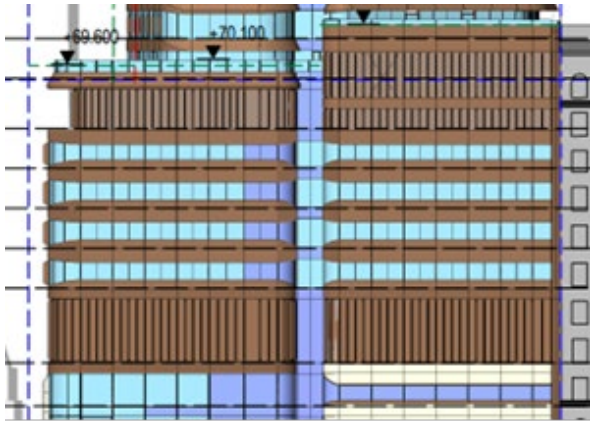
Picture 4 Proposed Northern Façade [SMCSW SPS-COX-OSN-AT-DWG-960004 Rev F]

Source: Foster + Partners (modified by Cox Architects)

Western and Eastern Podium Façades

A correction has been made to the podium façade (level 5 through to level 9) on the eastern and western elevations to accurately show the corrugation detailing. This change is a graphical fix as illustrated in **Figure 7** and **Figure 8**.

Figure 7 Correction to Eastern Podium Façades



Picture 5 Approved East Elevation [SMCSW SPS-FOS-OSN-AT-DWG-960003 Rev D]

Source: Foster + Partners



Picture 6 Proposed East Elevation [SMCSW SPS-COX-OSN-AT-DWG-960003 Rev F]

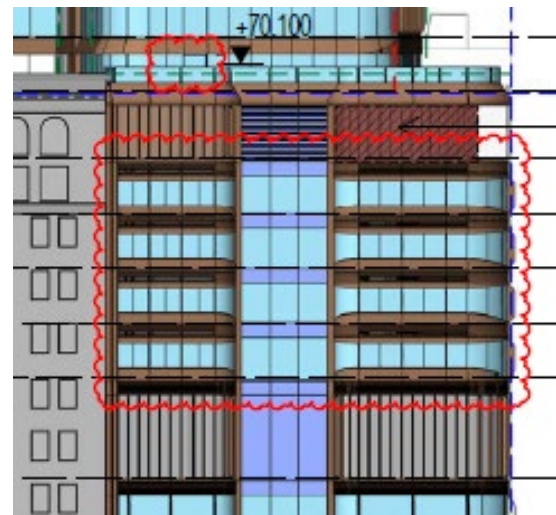
Source: Foster + Partners (modified by Cox Architects)

Figure 8 Correction to Western Podium Façade



Picture 7 Approved West Elevation [SMCSW SPS-FOS-OSN-AT-DWG-960001 Rev D]

Source: Foster + Partners



Picture 8 Proposed West Elevation [SMCSW SPS-COX-OSN-AT-DWG-960001 Rev F]

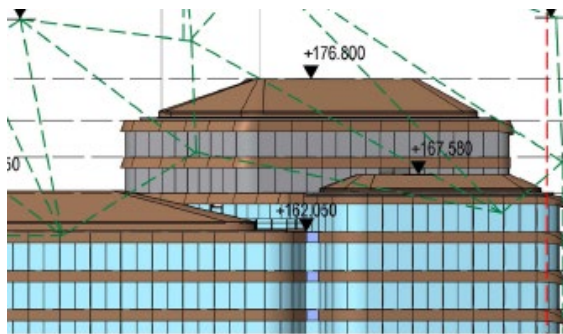
Source: Foster + Partners (modified by Cox Architects)

The elevations of these façades have also been revised to reflect the change in terrace door opening widths as discussed further in **Section 2.3**.

Southern tower façade

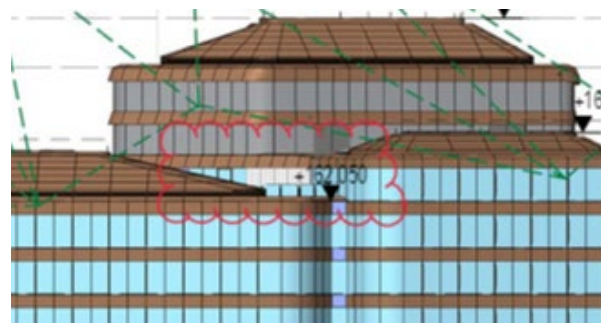
A correction has been made to the south western tower façade (level 35) to show fluted glazing adjacent to the amenities. A correction has also been made to the south western roof detailing, this change is a graphical fix as illustrated in **Figure 9**.

Figure 9 Correction to Southern Tower Façade



Picture 9 Approved South Elevation [SMCSW SPS-FOS-OSN-AT-DWG-960002 Rev D]

Source: Foster + Partners



Picture 10 Proposed South Elevation [SMCSW SPS-COX-OSN-AT-DWG-960002 Rev F]

Source: Foster + Partners (modified by Cox Architects)

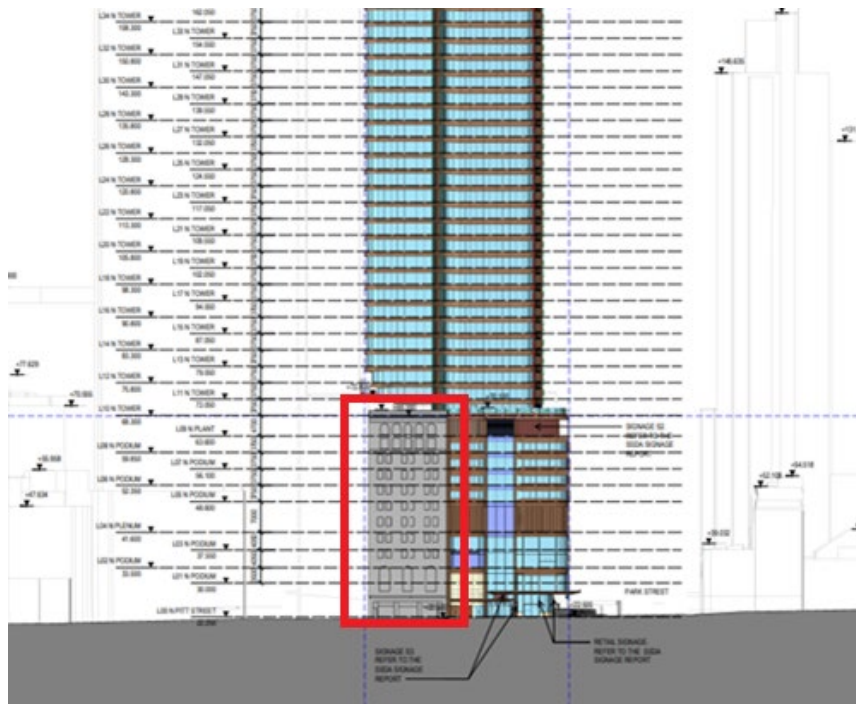
NORTH WESTERN FAÇADE (NORTH – SOUTH SECTION) CLARIFICATION

The north western façade of the OSD podium was obscured in the approved General Arrangement Elevation West Elevation - Pitt Street Plan (drawing SMCSWSPS-FOS-OSN-AT-DWG-960001) as illustrated in **Figure 10**.

As part of this modification application it is proposed to include an additional plan General Arrangement Elevation North Western Façade (North – South Section) (SMCSWSPS-COX-OSN-AT-DWG-960005) with details of the secondary western façade as illustrated in **Figure 11**.

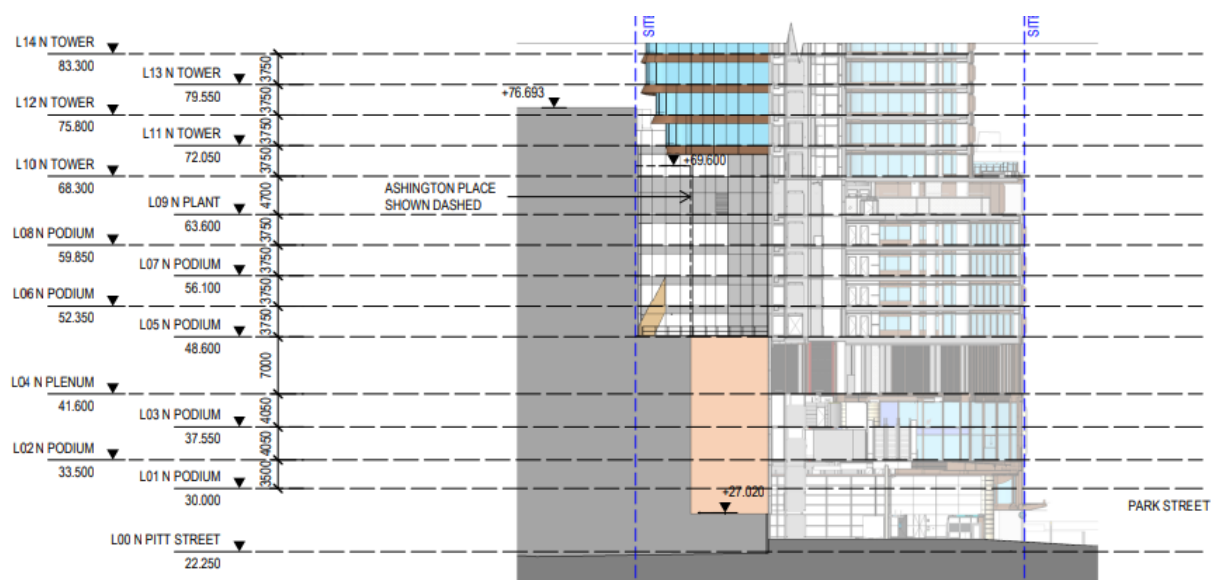
The façade materiality consisting of a translucent curtain wall and white spandrel glazing is consistent with the design intent as per the Pitt Street North Design Guidelines and as outlined in the Architectural Design Report prepared by Foster + Partners accompanying the SSD DA submission.

Figure 10 Approved General Arrangement Elevation West Elevation – Pitt Street (with missing north-south façade identified in red)



Source: Drawing No. SMCSWSPS-FOS-OSN-AT-DWG-960001 by Foster + Partners

Figure 11 Proposed General Arrangement Elevation North Western Façade (North – South Section)



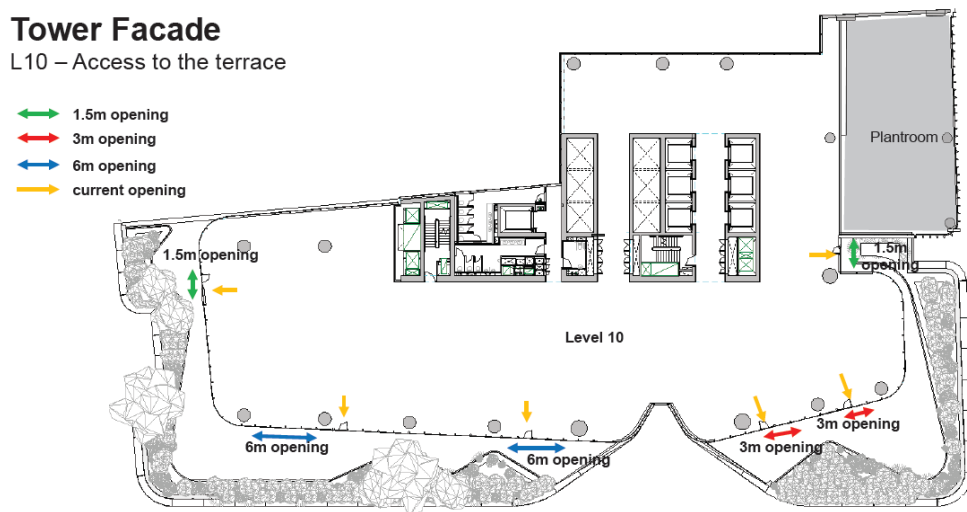
Source: Proposed Drawing No. SMCSWSPS-COX-OSN-AT-DWG-960005 Rev B drawn by Cox Architects

MODIFICATION TO TERRACE OPENINGS

It is proposed to modify the Level 10 and Level 11 terrace door openings from single width swing doors to sliding doors of various widths as illustrated in **Figure 12** and **Figure 13**.

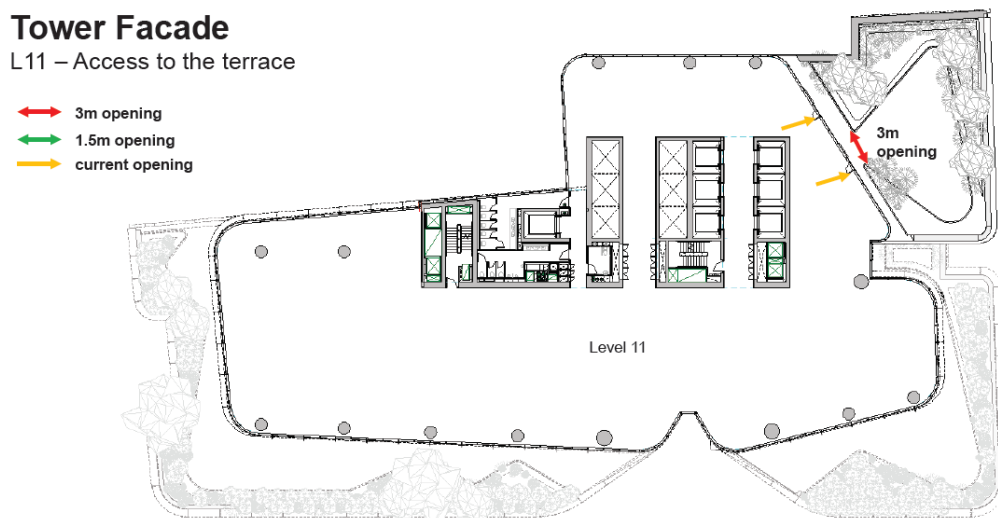
The modified door openings will improve the amenity of the tower including the usability of and access to the terrace areas. Both terraces have a 1.8m high glass balustrade around their perimeter to improve the usability of these spaces and the modified door openings will not be visible from the surrounding public domain.

Figure 12 Modification to Level 10 Terrace Openings



Source: CPB

Figure 13 Modification to Level 11 Terrace Openings

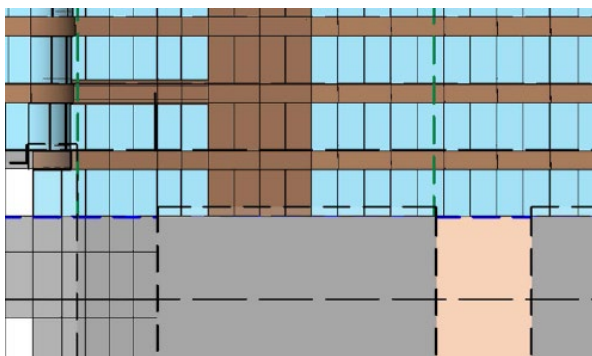


Source: CPB

MODIFICATION TO LEVEL 10 TRANSOM

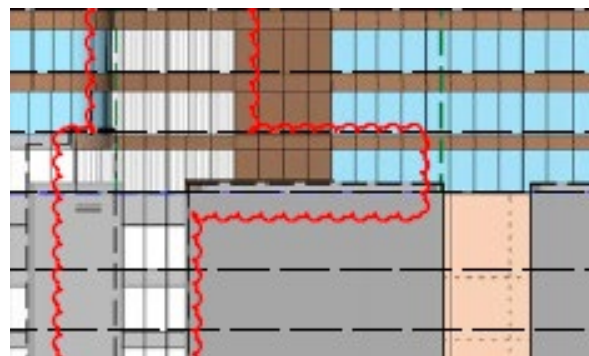
It is proposed to raise the Level 10 horizontal transom adjacent to Ashington Place to allow for adequate waterproofing structures between the two buildings. Currently the approved SSD DA plans show a full height curtain wall window in this location adjacent to the unfinished boundary wall of Ashington Place as illustrated in Picture 1 of **Figure 14**.

Figure 14 Proposed Modification to Northern Podium Façade



Picture 11 Approved Northern Façade [SMCSW SPS-FOS-OSN-AT-DWG-960004 Rev D]

Source: Foster + Partners

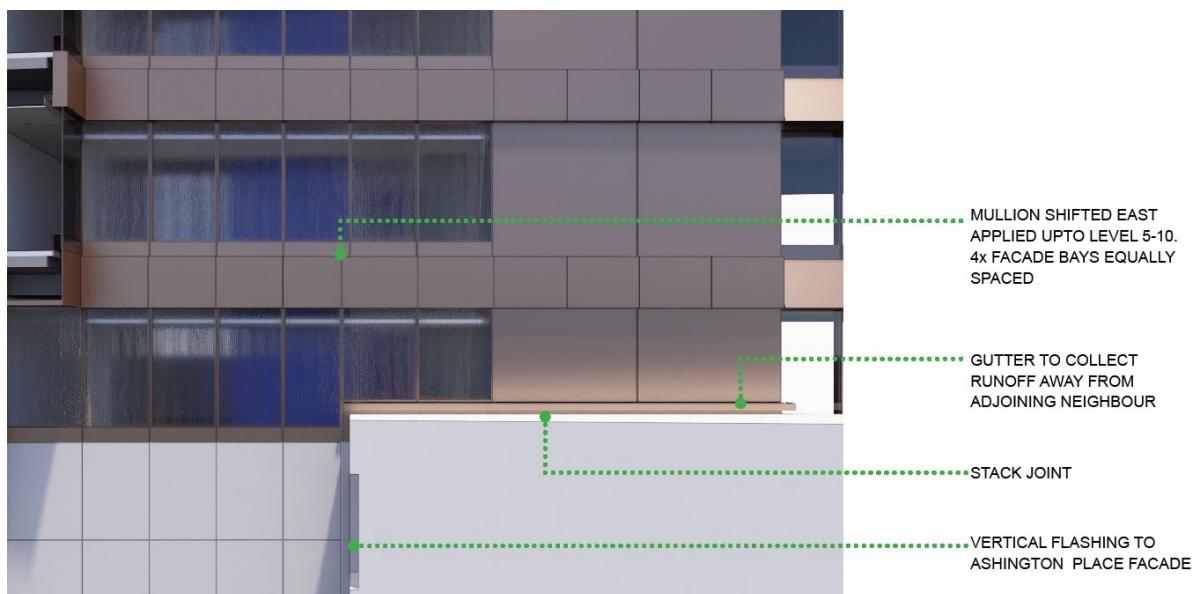


Picture 12 Proposed Northern Façade [SMCSW SPS-COX-OSN-AT-DWG-960004 Rev F]

Source: Foster + Partners (modified by Cox Architects)

As illustrated Picture 2 of **Figure 14** and in **Figure 15** the modification proposes a box gutter at the height of the adjacent building structure with curtain wall window above and block wall infill under the transom.

Figure 15 Modification to Level 10 window transom



Source: Cox Architects

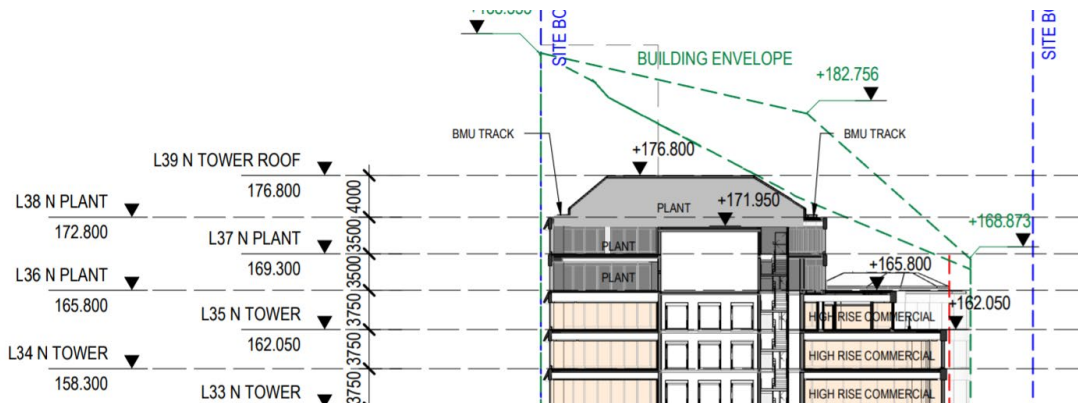
The proposed modification will not result in any fixture being secured to Ashington Place which protrudes into the PSN site. Sealant will be applied to prevent water seeping in between the PSN OSD and Ashington Place Structures.

In addition to aiding in constructability, the modification will result in an improved outlook from Level 10 of the OSD, prevent difficulties with maintaining windows in this location (cleaning etc) and will not be perceptible from the surrounding public domain.

DELETION OF LEVEL 37 PLANT ROOM

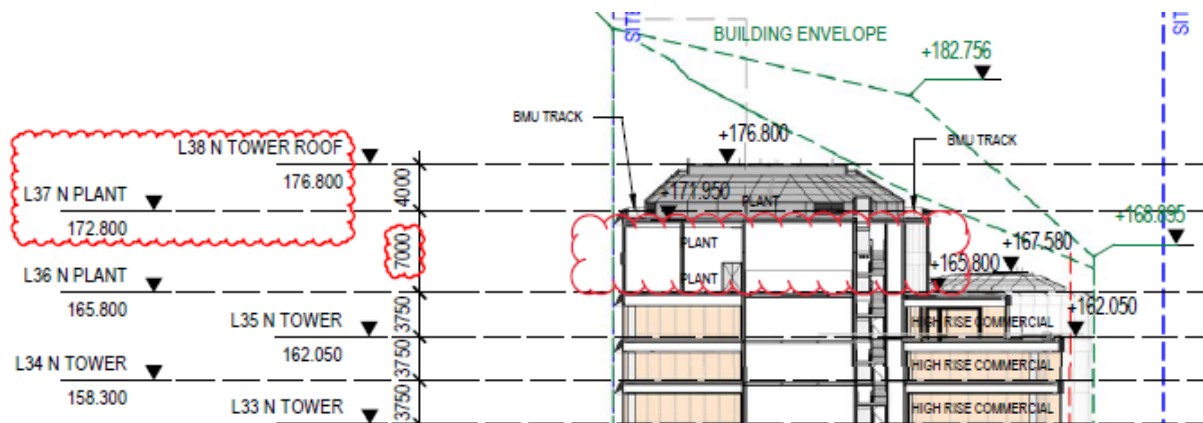
The Level 37 slab and plant rooms (detailed in SMCSWSPS-FOS-OSN-AT-DWG-933713) are proposed to be removed rendering this drawing sheet redundant. As illustrated in Section B-B in **Figure 16** this change results in a double level void but no external changes to the façade or height of the building.

Figure 16 Proposed Modification upper to tower levels



Picture 13 Approved Section B-B [SMCSWSPS-FOS-OSN-AT-DWG-950010]

Source: Foster + Partners



Picture 14 Proposed Section B-B [SMCSWSPS-COX-OSN-AT-DWG-950010 Rev F]

Source: Foster + Partners (modified by Cox Architects)

As a consequence of removing the previous level 37, the upper levels of the tower and roof are renamed.

SUMMARY OF DRAWING AMENDMENTS

In addition to the corrections and modifications previously described, a number of minor miscellaneous changes have been identified during the preparation of construction documentation and have been included in the revised plans. All amendments have been clouded on the Architectural Plans accompanying this Modification Application and in summary include:

Site Plan [SMCSWSPS-FOS-OSN-AT-DWG-910013]

- Graphical corrections

Level 05 [SMCSWSPS-FOS-OSN-AT-DWG-930513], **Level 06** [SMCSWSPS-FOS-OSN-AT-DWG-930613], **Level 07 and Level 08** [SMCSWSPS-FOS-OSN-AT-DWG-930713]

- North / South blockwork wall along gridline NG, north of elevator core removed. Now translucent glazing.
- Riser cupboard added along GL NE along northern boundary
- Riser cupboard added near GL intersection NL and N7
- Legend updated

Level 09 [SMCSWSPS-FOS-OSN-AT-DWG-930913]

- Graphical corrections
- Plant rooms added
- Legend updated

Level 10 [SMCSWSPS-FOS-OSN-AT-DWG-931013]

- North / South blockwork wall along gridline NG, north of elevator core removed. Now translucent glazing.
- Door size changed (as outlined in **Section 2.3**)

Level 11 [SMCSWSPS-FOS-OSN-AT-DWG-931113]

- Door size changed (as outlined in Section 2.3)
- Balustrade updated to translucent glazed balustrade between gridlines NN and NP along gridline N2

Level 36 [SMCSWSPS-FOS-OSN-AT-DWG-933613], **Level 37** [SMCSWSPS-FOS-OSN-AT-DWG-933713] and **Level 38** [SMCSWSPS-FOS-OSN-AT-DWG-933813]

- Graphical corrections
- SMCSWSPS-FOS-OSN-AT-DWG-933713 has been made redundant as level 37 on the approved plans has been deleted
- Sheet name change as level 38 becomes level 37
- Legend update

Roof Level [SMCSWSPS-FOS-OSN-AT-DWG-934013]

- Sheet name change as roof becomes level 38

- Graphical corrections

Section AA [SMCSWSPS-FOS-OSN-AT-DWG-950001] and **Section BB** [SMCSWSPS-FOS-OSN-AT-DWG-950010]

- Graphical corrections
- Level 37 removed with flow on renaming of levels

West Elevation [SMCSWSPS-FOS-OSN-AT-DWG-960001]

- Graphical corrections
- Level 37 removed with flow on renaming of levels
- Updated door types shown on elevation (as outlined in **Section 2.3**)

South Elevation [SMCSWSPS-FOS-OSN-AT-DWG-960002]

- Graphical corrections
- Level 37 removed with flow on renaming of levels
- Bathroom glazing corrected to Fluted glazing
- Updated door types shown on elevation (as outlined in **Section 2.3**)

East Elevation [SMCSWSPS-FOS-OSN-AT-DWG-960003]

- Graphical corrections
- Level 37 removed with flow on renaming of levels
- Updated door types shown on elevation (as outlined in **Section 3.3**)

North Elevation [SMCSWSPS-FOS-OSN-AT-DWG-960004]

- Graphical corrections
- Level 37 removed with flow on renaming of levels
- Updated door types shown on elevation (as outlined in Section 2.3)
- Bathroom glazing changed to translucent curtain wall (as outlined in Section 2.1)
- Support column cladding changed to metal cladding
- L11 balustrade updated to translucent glazing
- Louvre extent updated to match mechanical intake/ exhaust layout

West Elevation - Ashington Place Lightwell [SMCSWSPS-FOS-OSN-AT-DWG-960005]

- Complete new elevation sheet to show façade that would otherwise not be visible due to Ashington Place building height (as outlined in **Section 2.2**)

PROPOSED MODIFICATIONS TO CONSENT

The conditions of SSD 10375 outlined below are required to be amended as part of this modification application. Text with a ~~strike through~~ is to be replaced with **red text**.

Amendments to condition A2. Architectural Drawings are outlined in the following table.

Table 2 Architectural Drawings by Foster + Partners and Cox Architects

| Drawing number | Rev | Name of Plan | Date |
|---|--------------------------|---------------------------------|--|
| SMCSWSPS-FOS-OSN-AT-DWG-910013 | D | SITE PLAN | 29.10.20 |
| SMCSWSPS-COX-OSN-AT-DWG-910013 | F | | 13.05.22 |
| SMCSWSPS-FOS-OSN-AT-DWG-910014 | D | PUBLIC DOMAIN | 29.10.20 |
| SMCSWSPS-FOS-OSN-AT-DWG-930013 | D | GROUND LEVEL | 29.10.20 |
| SMCSWSPS-FOS-OSN-AT-DWG-930014 | D | GROUND FLOOR MEZZANINE LEVEL | 29.10.20 |
| SMCSWSPS-FOS-OSN-AT-DWG-930113 | D | LEVEL 01 | 29.10.20 |
| SMCSWSPS-FOS-OSN-AT-DWG-930213 | D | LEVEL 02 | 29.10.20 |
| SMCSWSPS-FOS-OSN-AT-DWG-930313 | D | LEVEL 03 | 29.10.20 |
| SMCSWSPS-FOS-OSN-AT-DWG-930413 | D | LEVEL 04 | 29.10.20 |
| SMCSWSPS-FOS-OSN-AT-DWG-930513 | D F | LEVEL 05 | 29.10.20 13.05.22 |
| SMCSWSPS-FOS-OSN-AT-DWG-930613 | D F | LEVEL 06 | 29.10.20 13.05.22 |
| SMCSWSPS-FOS-OSN-AT-DWG-930713 | D F | LEVEL 07 – 08 | 29.10.20 13.05.22 |
| SMCSWSPS-FOS-OSN-AT-DWG-930913 | D F | LEVEL 09 | 29.10.20 13.05.22 |
| SMCSWSPS-FOS-OSN-AT-DWG-931013 | D F | LEVEL 10 | 29.10.20 13.05.22 |
| SMCSWSPS-FOS-OSN-AT-DWG-931113 | D | LEVEL 11 | 29.10.20 |

| Drawing number | Rev | Name of Plan | Date |
|---|--------------|------------------------------|---------------------|
| | F | | 13.05.22 |
| SMCSWSPS-FOS-OSN-AT-DWG-931213 | D | LEVEL 12 | 29.10.20 |
| SMCSWSPS-FOS-OSN-AT-DWG-931313 | D | LEVEL 13-20 | 29.10.20 |
| SMCSWSPS-FOS-OSN-AT-DWG-932113 | D | LEVEL 21 | 29.10.20 |
| SMCSWSPS-FOS-OSN-AT-DWG-932213 | D | LEVEL 22 | 29.10.20 |
| SMCSWSPS-FOS-OSN-AT-DWG-932313 | D | LEVEL 23-33 | 29.10.20 |
| SMCSWSPS-FOS-OSN-AT-DWG-933413 | D | LEVEL 34 | 29.10.20 |
| SMCSWSPS-FOS-OSN-AT-DWG-933513 | D | LEVEL 35 | 29.10.20 |
| SMCSWSPS-COX-OSN-AT-DWG-933513 | F | | 13.05.22 |
| SMCSWSPS-FOS-OSN-AT-DWG-933613 | D | LEVEL 36 | 29.10.20 |
| SMCSWSPS-COX-OSN-AT-DWG-933613 | F | | 13.05.22 |
| SMCSWSPS-FOS-OSN-AT-DWG-933713 | D | LEVEL 37 | 29.10.20 |
| DRAWING DELETED | | | |
| SMCSWSPS-FOS-OSN-AT-DWG-933813 | D | LEVEL 38 | 29.10.20 |
| SMCSWSPS-COX-OSN-AT-DWG-933813 | F | Level 37 | 13.05.22 |
| SMCSWSPS-FOS-OSN-AT-DWG-934013 | D | ROOF LEVEL – Level 38 | 29.10.20 |
| SMCSWSPS-COX-OSN-AT-DWG-934013 | F | | 13.05.22 |
| SMCSWSPS-FOS-OSN-AT-DWG-939513 | D | BASEMENT 01 LEVEL | 29.10.20 |
| SMCSWSPS-FOS-OSN-AT-DWG-950001 | D | SECTION A-A | 29.10.20 |
| SMCSWSPS-COX-OSN-AT-DWG-950001 | F | | 13.05.22 |
| SMCSWSPS-FOS-OSN-AT-DWG-950010 | D | SECTION B-B | 29.10.20 |
| SMCSWSPS-COX-OSN-AT-DWG-950010 | F | | 13.05.22 |
| SMCSWSPS-FOS-OSN-AT-DWG-960001 | D | WEST ELEVATION – PITT STREET | 29.10.20 |
| SMCSWSPS-COX-OSN-AT-DWG-960001 | F | | 13.05.22 |

| Drawing number | Rev | Name of Plan | Date |
|---|-----|--|---------------------|
| SMCSWSPS-FOS-OSN-AT-DWG-960002 | D | SOUTH ELEVATION – PARK STREET | 29.10.20 |
| SMCSWSPS-COX-OSN-AT-DWG-960002 | F | | 13.05.22 |
| SMCSWSPS-FOS-OSN-AT-DWG-960003 | D | EAST ELEVATION – CASTLEREAGH STREET | 29.10.20 |
| SMCSWSPS-COX-OSN-AT-DWG-960003 | F | | 13.05.22 |
| SMCSWSPS-FOS-OSN-AT-DWG-960004 | D | NORTH ELEVATION | 29.10.20 |
| SMCSWSPS-COX-OSN-AT-DWG-960004 | F | | 13.05.22 |
| SMCSWSPS-COX-OSN-AT-DWG-960005 | B | WEST ELEVATION - ASHINGTON PLACE LIGHTWELL | 13.05.22 |

SECTION 4.55(1A) ASSESSMENT

The proposed modifications have been assessed in accordance with section 4.55(1A) of the EP&A Act in the following sections of this letter.

MINIMAL ENVIRONMENTAL IMPACT

In accordance with Section 4.55(1A)(a), the proposed modifications are of minimal environmental impact as follows:

- The northern podium façade materiality modifications proposed (adjacent to the adjoining light wells) will have the same visual appearance and reflective performance as those approved within the SSD DA.
- The adoption of fluted glass on the northern and southern tower façades adjacent to the amenities is consistent with the intent of the development as approved and will ensure appropriate privacy for occupants.
- Increasing the width of the terrace door openings improves the amenity and usability of the terraces with no detriment to surrounding properties.
- The modifications to the transom on the northern elevation will improve constructability and provide required waterproofing between the building and the adjoining structure.
- Deletion of the level 37 slab and plant rooms will not result in any external changes to the building.

In summary, the proposed minor modifications will not alter the environmental impacts that were assessed and approved via SSD-10375.

SUBSTANTIALLY THE SAME DEVELOPMENT

The development as modified will remain substantially the same as the approved development as outlined below:

- The proposed modifications do not change the approved land use, maximum building height, gross floor area or number of vehicular parking spaces.
- The façade materiality clarifications are simply a result of administrative/ drawing documentation error. This includes documentation of the north western façade obscured by Ashington Place in the approved SSD DA plans. The materiality changes proposed will result in the same visual appearance and architectural intent as that approved (see **Attachment C** Statement of Design Intent) by Foster + Partners.

Accordingly, the proposed modifications can be assessed as a modification to the original development in accordance with section 4.55 of the EP&A Act.

PUBLIC NOTIFICATION AND SUBMISSIONS

In accordance with Section 4.55(1A) of the EP&A Act the Department can undertake any relevant notification of the proposed modification in accordance with the Regulation.

It is acknowledged that any submissions arising from the public notification of this application will need to be assessed by the Department.

SECTION 4.15 ASSESSMENT

The application has been assessed in accordance with the relevant matters for consideration of Section 4.15 of the EP&A Act.

ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed modifications have been assessed in accordance with the relevant State and local environmental planning instruments and are detailed in this section.

Sydney Local Environmental Plan 2012 (SLEP 2012)

SLEP 2012 is the primary environmental planning instrument that applies to the site. The development as modified will continue to comply with the relevant provisions of SLEP 2012 as summarised below:

- No change is proposed to the maximum height of the building (clause 4.3)
- No change is proposed to the approved gross floor area or resulting floor space ratio (clause 4.4)
- The proposed modifications will not have any impact on the number of car parking spaces (clause 7.3)
- The site is subject to a Concept DA in lieu of a site specific DCP. The minor modifications proposed in this application will not amend the proposal beyond the controls set out in SSD 8875. Condition B1 of the Concept DA (SSD 8875) requires that the detailed DA (SSD 10375) address compliance with the Pitt Street North OSD Design Guidelines. Compliance with these Guidelines is detailed in **Section 4.3** below.

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

The Central Sydney Planning Strategy Planning Proposal amended the SLEP 2012 as it applies to the area of Central Sydney on 26 November 2021. The site is located within Central Sydney, however the amendments included no additional considerations related to this proposed modification, beyond that considered in the assessment of SSD 10375.

PITT STREET NORTH OSD DESIGN GUIDELINES

In accordance with clause 11 of *State Environmental Planning Policy (State and Regional Development) 2011*, the Sydney Development Control Plan 2012 (SDCP 2012) does not apply to the SSDA. However, as required by Condition B1 of the Concept DA (SSD 8875) the detailed DA must address compliance with the Pitt Street North OSD Design Guidelines.

The development as modified will continue to comply with the relevant Design Guidelines as summarised below:

- The proposed modifications do not impact the approved podium form or articulation of the podium as viewed from the public domain. The location of the widened terrace doors on level 10 and level 11 are setback from the street and will have negligible visibility from the public domain and surrounding buildings.
- The proposed internal modifications have negligible impact on the approved built form. Specifically, the internal changes do not impact privacy or interface considerations between the site and adjacent properties.
- The proposed modifications do not impact the public domain at the Pitt Street metro station (northern entrance) including pedestrian movement and interchange function at Park Street.
- The proposed modifications do not amend the consistency of the approved development with the Pitt Street North OSD Design Guidelines as outlined in SSD 10375.

PLANNING AGREEMENT

There is no relevant planning agreement for this proposal.

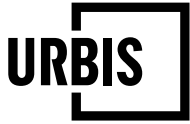
EP&A REGULATION 2000

The application has been prepared in accordance with the relevant provisions of the Regulations.

LIKELY IMPACTS OF THE PROPOSAL

The proposed modifications have been assessed considering the potential environmental, economic and social impacts as outlined below:

- The proposed modifications will not impact the natural environment of the site compared to the assessment completed for SSD 10375.
- The proposed modifications will result in minimal impact to the built environment as outlined in Section 3.1 of this report.
- The proposed modifications will not result in any social impacts compared to that assessment completed for SSD 10375, notably there is no change in building height, FSR or use proposed.
- The proposed modifications result in the efficient development of the site in general accordance with the approved development under SSD 10375.



SUITABILITY OF THE SITE

The proposed modifications do not change the suitability of the approved development for the site. The site remains suitable for the approved use, inclusive of the modifications sought by this application.

SUBMISSIONS

It is understood that any submissions received from the public notification period of this application will need to be assessed by the Department.

PUBLIC INTEREST

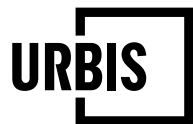
The proposed modifications are considered in the public interest for the following reasons:

- The proposed modifications are consistent with relevant State and local strategic plans and complies with the relevant State and local planning controls.
- No adverse environmental, social or economic impacts will result from the proposal.
- The proposed modifications will enhance the functionality and buildability of the approved development under SSD 10375.

CONCLUSION

The proposed modifications have been assessed in accordance with section 4.55(1A) and section 4.15 of the EP&A Act and are considered appropriate as summarised below:

- The proposal is of minimal environmental impact;
- The proposal is substantially the same development as that approved;
- The proposal satisfies the applicable planning controls and policies;
- There are negligible social and economic impacts resulting from the modifications;
- The proposal remains suitable for the site; and
- The proposal is in the public interest.



Having considered all relevant matters, we conclude that the proposed modifications are appropriate for the site and approval is recommended, subject to appropriate conditions of consent.

Please do not hesitate to contact the undersigned should you require any additional information regarding this modification application.

Yours sincerely,

A handwritten signature in black ink, appearing to read "JParker", written in a cursive style.

Jacqueline Parker
Director
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