



# Pitt Street North Over Station Development

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State Significant Development Assessment

SSD 8875 MOD 1

SSD 10375

February 2021



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Cover image: *Photomontage of development looking northwest (Source: EIS)*

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# Glossary

Abbreviation	Definition
<b>CIV</b>	Capital Investment Value
<b>Council</b>	City of Sydney
<b>CPTED</b>	Crime Prevention Through Environmental Design
<b>Department</b>	Department of Planning, Industry and Environment
<b>EES</b>	Environment, Energy and Science Group
<b>EIS</b>	Environmental Impact Statement
<b>EPA</b>	Environment Protection Authority
<b>EP&amp;A Act</b>	Environmental Planning and Assessment Act 1979
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>FRNSW</b>	Fire and Rescue NSW
<b>Heritage NSW</b>	Heritage NSW, Department of Premier and Cabinet
<b>Minister</b>	Minister for Planning and Public Spaces
<b>NRAR</b>	Natural Resources Access Regulator, Department
<b>RMS</b>	Roads and Maritime Services, TfNSW
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>Planning Secretary</b>	Secretary of the Department of Planning, Industry and Environment
<b>SEPP</b>	State Environmental Planning Policy
<b>SLEP</b>	Sydney Local Environmental Plan 2012
<b>SRD SEPP</b>	State Environmental Planning Policy (State and Regional Development) 2011
<b>SSD</b>	State Significant Development
<b>SSI</b>	State Significant Infrastructure
<b>TfNSW</b>	Transport for NSW

# Executive Summary

This report provides a concurrent assessment of a modification application to the Pitt Street North over station development (OSD) Concept Approval (SSD 8875) and a State significant development (SSD) application for the design and construction of a commercial office tower above the northern entrance of the Pitt Street Metro station, Sydney.

The Pitt Street Metro station is one of seven new stations approved as part of the new Sydney Metro City and Southwest Metro lines. The proposed OSD will be delivered together with the station as an integrated station development, creating a new transport hub within the Sydney CBD.

The proposal seeks:

- modifications to the Concept Approval to increase the height of the podium, increase the maximum permitted gross floor area (GFA) from 50,310 m<sup>2</sup> to 55,743 m<sup>2</sup> and permit projections beyond the building envelope
- development consent for the detailed design, construction and operation of a 39-level commercial tower, comprising private landscaped terraces, retail tenancies, commercial lobby, commercial-use car spaces, end of trip facilities, loading and service access, pedestrian entries from Pitt Street and Castlereagh Street, utilities and services, signage zones and stratum subdivision.

The Applicant is Pitt Street Developer North Pty Ltd and the site is located within the City of Sydney local government area. The Capital Investment Value (CIV) for the development is \$326,435,760 and the development would generate up to approximately 620 construction jobs and 4,000 operational jobs.

## Engagement

The Department publicly exhibited the proposed concept modification and SSD application between 23 July and 19 August 2020 (28 days). Twelve submissions (two objecting, two supporting and eight providing comments) were received in response to the modification and 16 submissions (two objecting and 14 providing comments) were received in response to the SSD application.

Council did not object to either proposal, however it requested further consideration be given to the proposed vehicle access and loading dock arrangements, additional bicycle parking spaces, ecologically sustainable development (ESD) commitments, stormwater quality and flooding information.

The key issues raised in the public submissions included view loss, construction noise, overshadowing, privacy, ESD, biodiversity and interface with adjoining commercial buildings.

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

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

## Assessment

The Department has considered the merits of the proposal, the issues raised in submissions as well as the Applicant's response to those submissions. The Department considers the proposal is acceptable, subject to conditions, for the following reasons:

- the proposal is consistent with the strategic planning framework for the Sydney CBD as it would strengthen the national and international competitiveness of Sydney as an economic hub and it takes advantage of the Government's investment in public transport by locating commercial office space, accommodating up to 4,000 ongoing operational jobs, as well as retail tenancies immediately above the new Pitt Street Metro Station
- the proposal would achieve design excellence as:
  - it is supported by the Sydney Metro Design Review Panel
  - it incorporates high quality materials and finishes to integrate with the approved CSSI Metro Station and to reflect the fabric of nearby and adjacent heritage items
  - its height, bulk and scale are compatible with the neighbouring heritage items and the character of tower developments in Sydney CBD
- the proposal complies with maximum building height and sun access plane development standards for the site contained in the Sydney Local Environmental Plan 2012 (SLEP)
- while the proposal would depart from the floor space ratio development standard contained in the SLEP, the Department considers the proposal is acceptable as it would not result in any unreasonable impacts in terms of overshadowing, view loss or visual bulk and scale. Further, the Department is satisfied the proposal is ideally located to accommodate higher density, being located directly above a new metro station within the Sydney CBD
- the proposal generally complies with the building envelope set by the modified Concept Approval, with minor projections (up to 600 mm) to enable façade elements that articulate and improve the appearance of the building with minimal additional impacts in terms of perceptible bulk and scale
- the proposal would not result in any adverse transport or traffic impacts on the surrounding road or pedestrian network and it includes appropriate management measures to ensure that on-site servicing and operation of the car stacker do not adversely affect traffic along Castlereagh Street
- the proposal includes appropriate ESD initiatives and sustainability measures, targeting minimum environmental standards of 6 Star Green Star Design and As-Built, 3.5 star NABERS Water rating and 5.5 star NABERS Energy rating for the development.

## Conclusion

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

The Department is also satisfied that the additional information provided in the RtS with respect to built form, amenity impacts and parking arrangements, together with the recommended conditions of approval, appropriately address the remaining concerns raised in submissions.

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

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# 1 Introduction

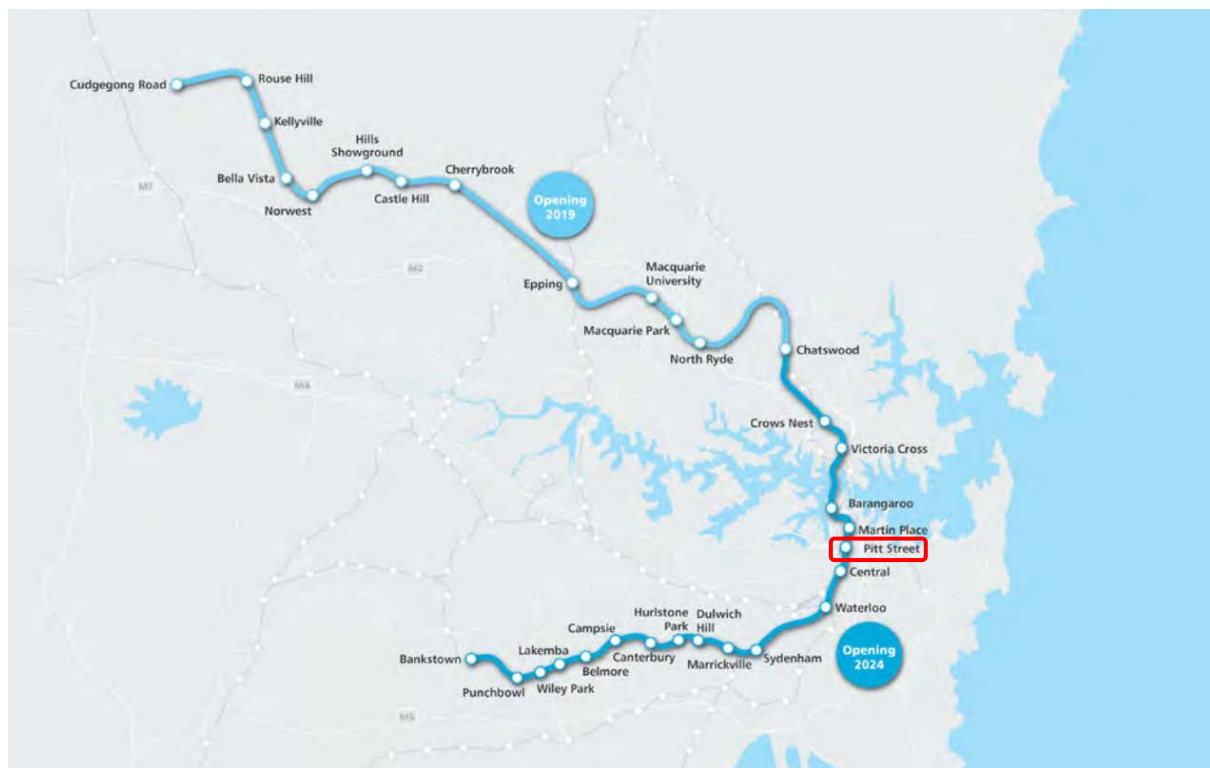
This report provides a concurrent assessment of a modification application to the Pitt Street North over station development (OSD) Concept Approval (SSD 8875) and a State significant development (SSD) application for the design and construction of a commercial office tower above the Pitt Street North above the northern entrance of the Pitt Street Metro station, Sydney.

The proposal seeks:

- modifications to the Concept Approval to increase the height of the podium, increase the maximum permitted gross floor area (GFA) from 50,310 m<sup>2</sup> to 55,743 m<sup>2</sup> and permit projections beyond the building envelope
- development consent for the detailed design, construction and operation of a 39-level commercial tower, comprising private landscaped terraces, retail tenancies, commercial lobby, commercial-use car spaces, end of trip facilities, loading and service access, pedestrian entries from Pitt Street and Castlereagh Street, utilities and services, signage zones and Stratum subdivision.

The Applicant is Pitt Street Developer North Pty Ltd and the proposal is located within the City of Sydney (Council) local government area (LGA). The Capital Investment Value (CIV) for the development is \$326,435,760 and would generate up to 620 construction jobs and 4,000 operational jobs.

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

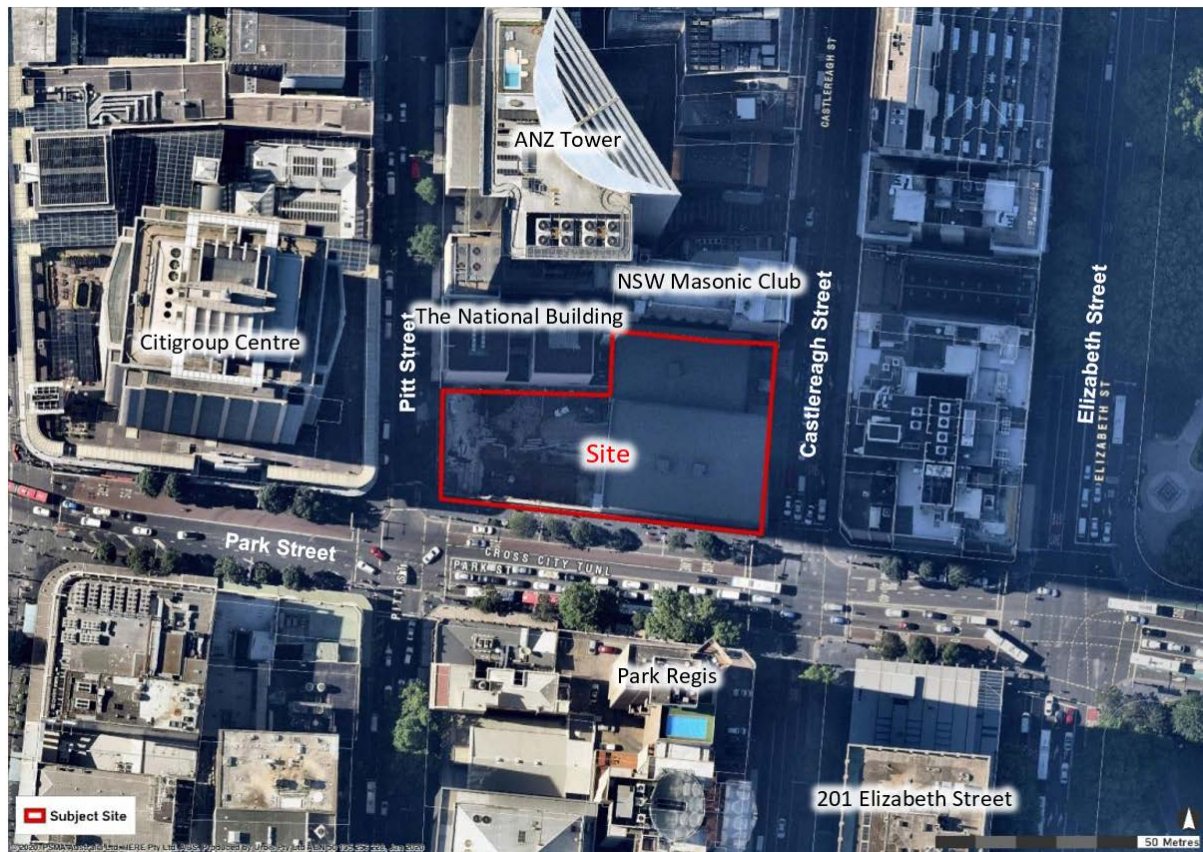


**Figure 1 |** Regional Context Map (Base source: EIS)



## 1.1 The Site and Surrounds

The site is located at the southern extent of a Sydney CBD block that is bound by Pitt Street to the west, Park Street to the south and Castlereagh Street to the east (see **Figure 2**). The site is an irregular L shaped allotment with street frontages of approximately 28 m to Pitt Street, 81 m to Park Street and 48 m to Castlereagh Street, resulting in an overall site area of approximately 3,150 m<sup>2</sup>.



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

The site is centrally located within the Sydney CBD, which is Sydney's largest commercial precinct. The site also forms part of the eastern economic corridor.

The area is characterised by a consolidated commercial core, contributing to global financial, professional, education and innovation sectors estimated to provide a skilled labour force of 500,000 jobs by the year 2036 and high-density residential development, public open spaces and mixed-use precincts.

The immediate context is predominantly characterised by medium to high-density commercial developments with high rise residential development to the south.

Immediately to the north of the site are the heritage listed 12-storey National Building (**Figure 3**) and 12-storey NSW Masonic Club (**Figure 4**). The National Building comprises of a 12-storey concrete Inter-War building in the Commercial Palazzo style (two buildings separated by a deep light well and joined by the lift and stair lobby). The building has historic significance as a reflection of the history of building societies and other investment institutions in the commercial life of Sydney.

The NSW Masonic Club comprises of a 12-storey sandstone building and is considered to be significant as a fine example of the Inter-war Commercial Palazzo style. Designed and built by the Masonic Lodge in 1925, it is socially and historically significant for its continued associations with this nationally influential social organisation.

To the south of the site, opposite Park Street, is a high-density mixed-use tower comprising hotel accommodation in the lower levels and residential above known as The Park Regis and 3 storey heritage-listed Criterion Hotel (**Figure 5**). Further to the south consists of more high-density commercial and residential development.

To the east of the site are medium density commercial buildings, the heritage-listed Australian Consolidated Press and Hyde Park (**Figure 6**).

To the north of the site, the ANZ Tower at 242 Pitt Street is approximately 245 m tall (RL 212.70) commercial tower with a podium.

Immediately to the west of the site is the Citigroup Centre building. A 243 m tall (RL 265.27) mixed-use development with commercial offices above The Galleries.

Other large-scale buildings in the vicinity of the site are illustrated in **Figure 7**.



**Figure 3 | The National Building (Ashington Place) (Source: EIS)**

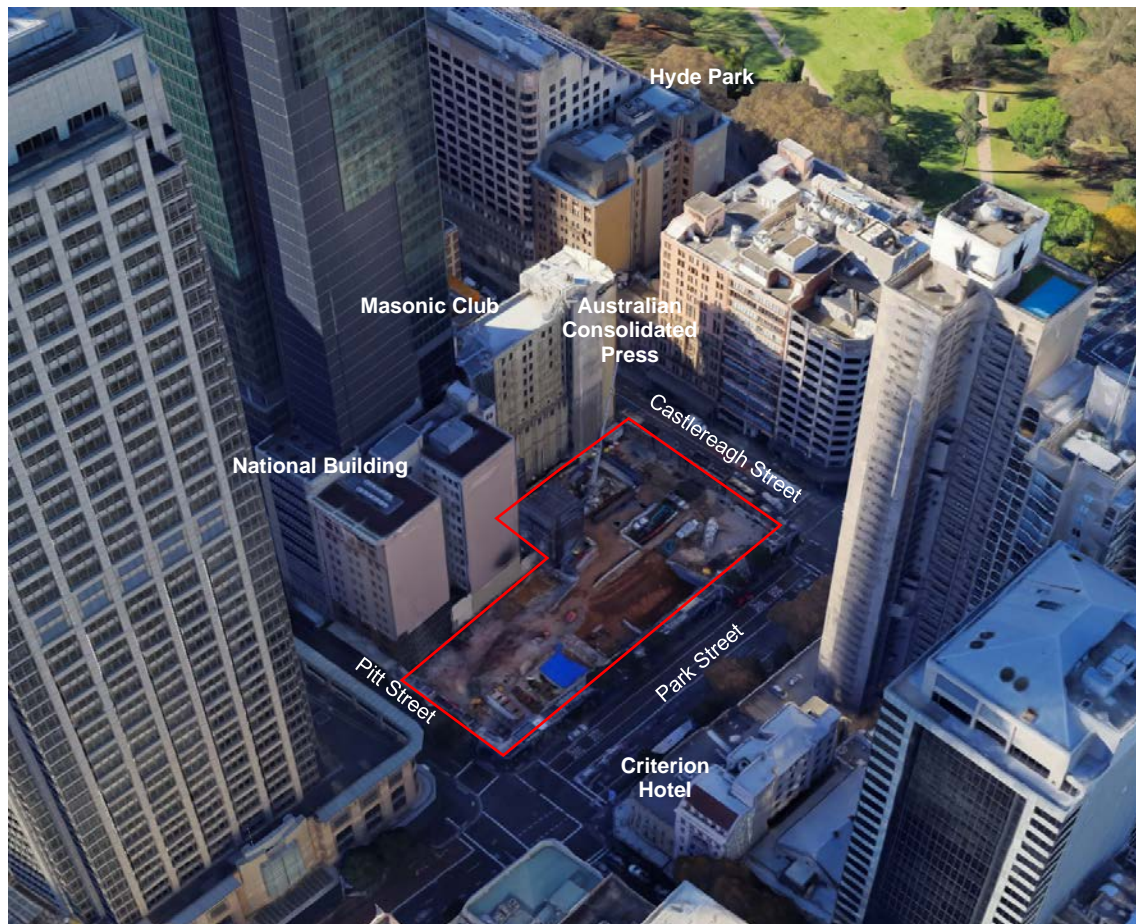


**Figure 4 | NSW Masonic Club (Source: EIS)**





**Figure 5 |** The Park Regis and Criterion Hotel looking east on Park Street (Source: Department photo)



**Figure 6 | Local Context** (Source: Google Maps with annotations)



**Figure 7 | Surrounding Context Development Height** (Source: EIS)



## 1.2 Approval History

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

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

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

- demolition of existing buildings on the site
- excavation of the rail tunnel, concourse and platforms
- the establishment of an aboveground 'metro box' to a height of RL58.75
- use of the box for rail related uses and establishment of parts of the box for OSD uses
- public domain works.

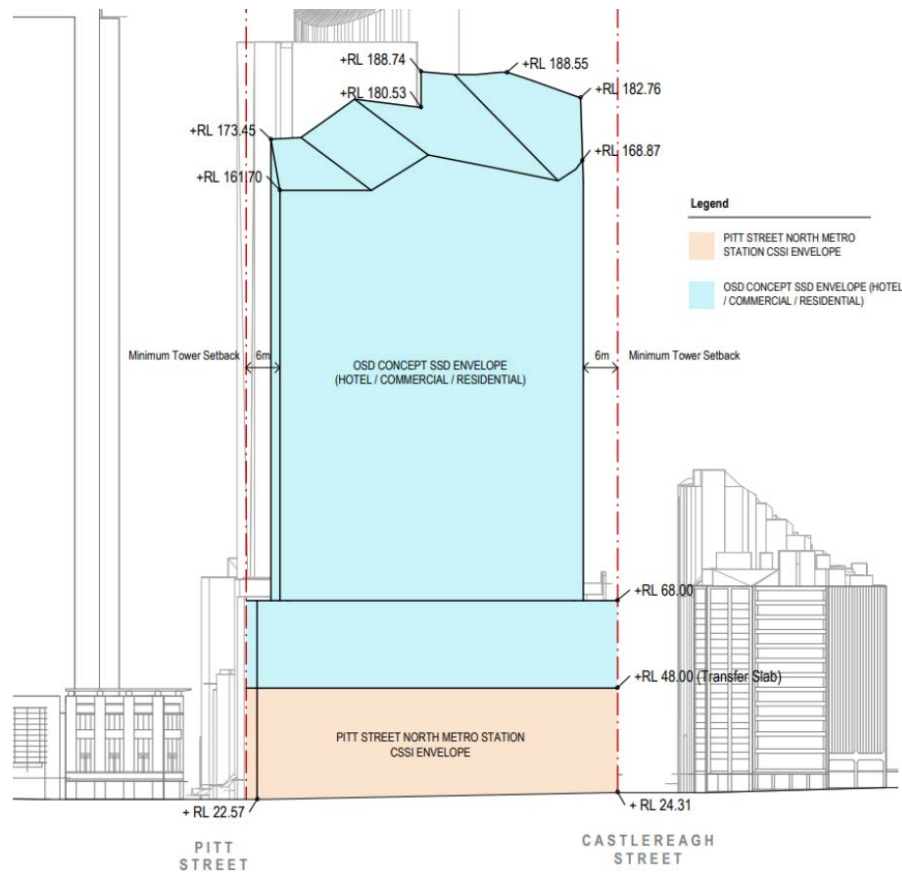
### 1.2.2 Pitt Street North over Station Development – Concept Approval (SSD 8875)

On 25 June 2019 the Minister for Planning and Public Spaces approved the Concept SSD Application for Pitt Street North OSD (SSD 8875). The approval includes:

- a maximum gross floor area 50,310 m<sup>2</sup> (including station floor space)
- a maximum building envelope, including street wall height and tower setbacks
- a maximum building height of RL 188.74
- podium level car parking for a maximum of 50 parking spaces
- conceptual land use for either a mixed-use or a commercial scheme (not both)
- a Design Excellence Strategy (DES) and Design Guidelines.

The building envelope established for the OSD relates to development above the approved metro station transfer slab (RL 48.00). It consists of podium levels above the metro station transfer slab to a height of RL 68.00 and a tower above, with a maximum height of RL 188.74.

The Concept Approval also allows for internal construction, fit out and use of parts of the approved station metro box for OSD related purposes. The approved delineation between SSD and CSSI works and the structure reservation zone is shown in **Figure 8**.



**Figure 8 |** Approved building envelope (south elevation) (Source: SSD 8875 Approved Plans)



## 2 Project

The proposal seeks to modify the Pitt Street North OSD Concept Approval and SSD approval for the detail design and construction of a 39-level commercial tower above the northern entrance to the Sydney Metro Pitt Street station.

The Pitt Street Metro station is being delivered under the CSSI Approval (CSSI 7400), which includes a shared podium (metro box). The proposal involves the design and construction of a commercial office tower above the metro box.

The proposed modifications to the Concept Approval seek to modify the podium envelope to facilitate better built form relationship with the scale of the adjacent buildings, permit protrusion beyond the building envelope and increase the maximum permitted GFA.

The detailed SSD application involves the construction of a 39-level commercial office tower above the metro box, comprising landscaped terraces, retail tenancies, commercial lobby, commercial-use car spaces, end of trip facilities, loading and service access, pedestrian entries from Pitt Street and Castlereagh Street, utilities and services, signage zones and Stratum subdivision.

The key components of the proposal (as amended by the RtS) are summarised at **Table 1**. A link to the Applicant's modification application and SSD documents is provided at **Appendix A**.

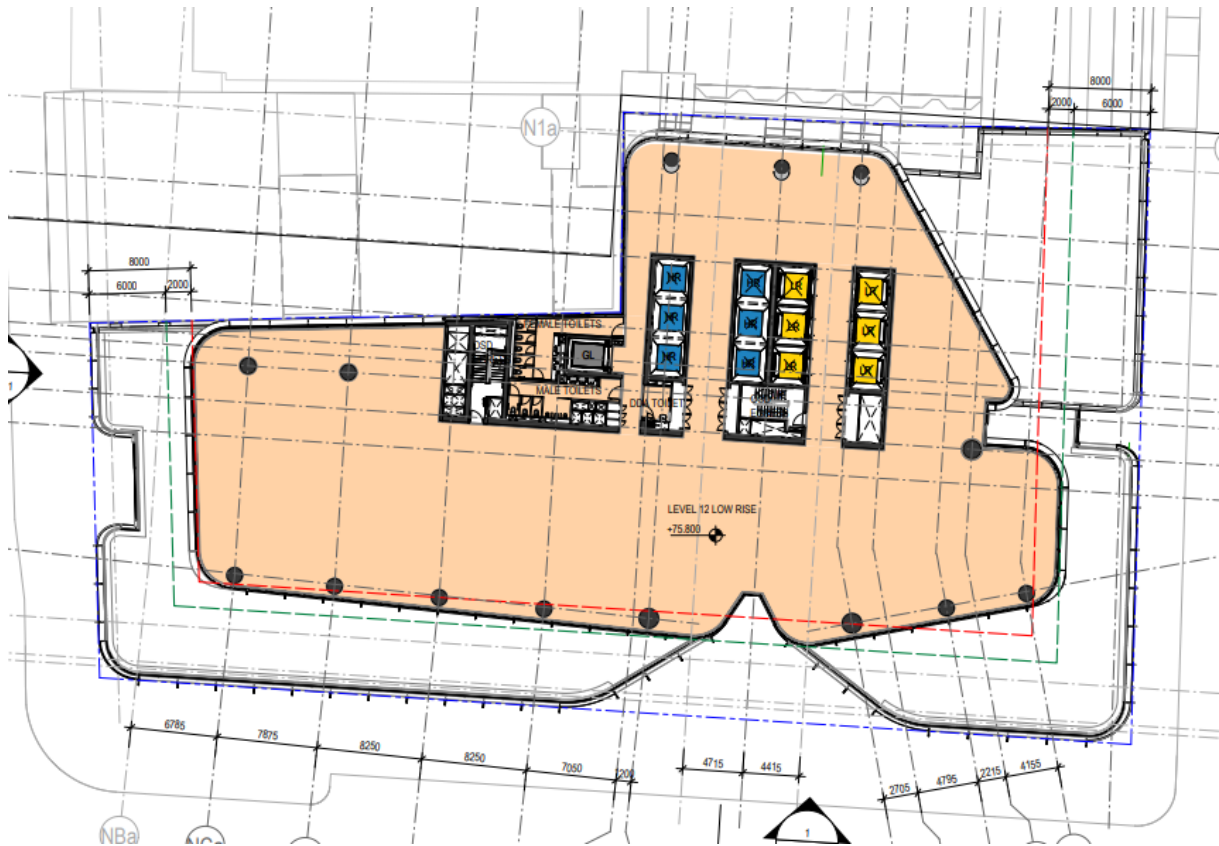
**Table 1 | Main Components of the Project**

Proposed Modification (SSD 8875 MOD 1)	
Aspect	Description
Built form	<ul style="list-style-type: none"><li>modify the podium envelope:<ul style="list-style-type: none"><li>increase podium height by 1.6 m along Pitt Street, Park Street and southern part of Castlereagh Street to RL 69.6</li><li>increase podium height by 5.41 m along Castlereagh Street to RL 73.41 adjacent to the NSW Masonic Club</li></ul></li><li>permit projections beyond the building envelope for the purpose of sun shading, planted elements and balustrades</li></ul>
GFA	<ul style="list-style-type: none"><li>increase total GFA permitted by 5,433 m<sup>2</sup> (from 50,310 m<sup>2</sup> to 55,743 m<sup>2</sup>)</li></ul>
SSD Application (SSD 10375)	
Aspect	Description
Built form	<ul style="list-style-type: none"><li>construction of a 39-level commercial office tower (maximum building height of RL 176.8) above the approved CSSI metro box</li><li>integration with the approved CSSI metro box including fit out and use of some spaces within the metro box</li></ul>
GFA	<ul style="list-style-type: none"><li>55,743 m<sup>2</sup> (including floor space constructed under CSSI Approval)</li></ul>
Land uses	<ul style="list-style-type: none"><li>office space within tower</li></ul>

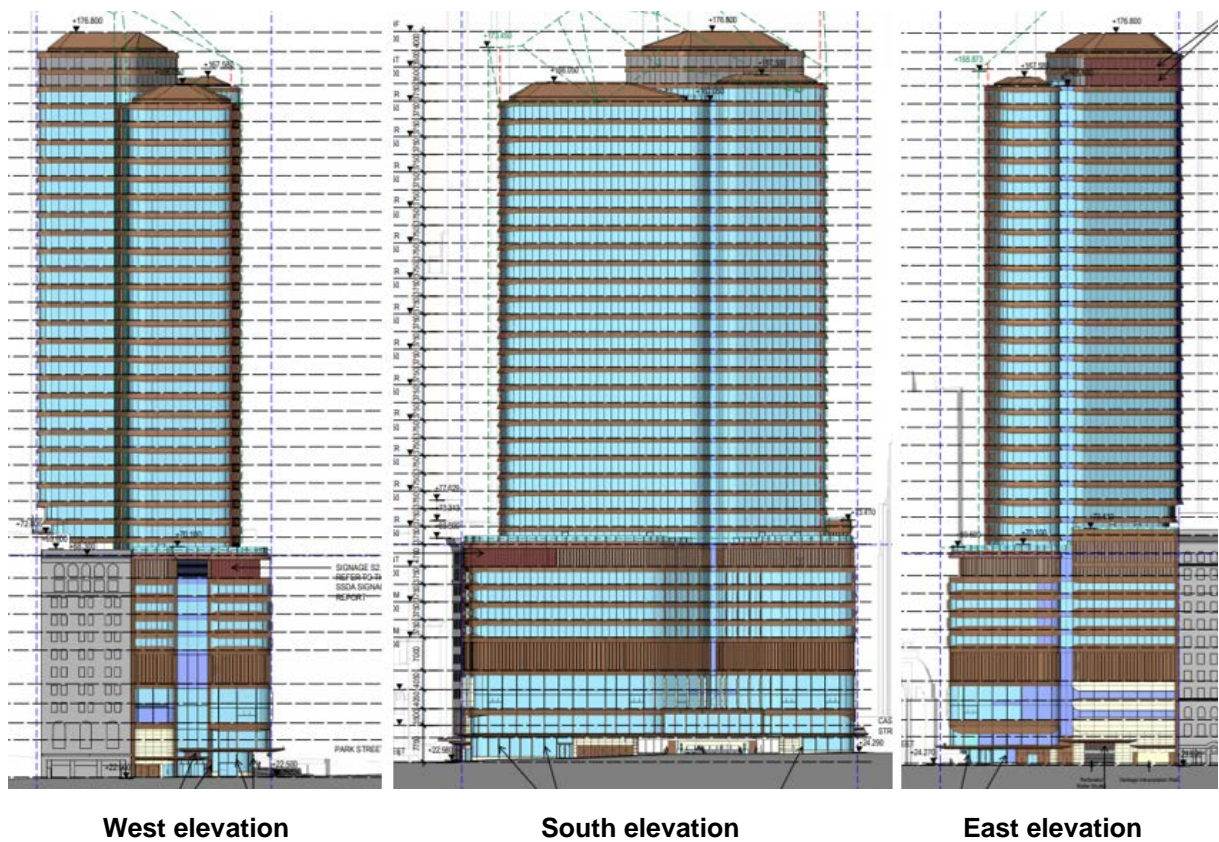
	<ul style="list-style-type: none"> <li>• fitout of spaces within the metro box associated with the office tower</li> <li>• use of retail / commercial spaces within metro box (<i>fitout of retail / commercial tenancies within the metro box will be subject to separate approvals</i>)</li> </ul>
<b>Vehicular access and parking</b>	<ul style="list-style-type: none"> <li>• car parking (40 spaces)</li> <li>• bike parking spaces and end of trip facilities (200 bike spaces)</li> <li>• shared loading dock and associated facilities</li> </ul>
<b>Employment</b>	<ul style="list-style-type: none"> <li>• 590 - 620 construction jobs</li> <li>• 3,500 - 4,000 operational jobs</li> </ul>
<b>CIV</b>	<ul style="list-style-type: none"> <li>• \$326,435,760</li> </ul>
<b>Subdivision</b>	<ul style="list-style-type: none"> <li>• Stratum Subdivision to create three lots: the station lot, the commercial OSD lot, and an airspace lot</li> </ul>
<b>Signage</b>	<ul style="list-style-type: none"> <li>• signage strategy establishing signage zones: <ul style="list-style-type: none"> <li>- top of building</li> <li>- top of podium</li> <li>- awning and ground level</li> </ul> </li> </ul>



**Figure 9 | Typical podium level (Source: RtS)**



**Figure 10 | Typical tower level (Source: RtS)**



**Figure 11 | Elevation drawings of detail SSD application (Source: RtS)**





**Corner of Castlereagh St and Park St looking northwest**



**Park St looking northeast**

**Figure 12 | Renders of proposed development (Source: RtS)**

## 3 Strategic context

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

The *Greater Sydney Region Plan: A Metropolis of Three Cities* (Regional Plan) superseded *A Plan for Growing Sydney* and sets out the NSW Government's vision, through the Greater Sydney Commission, for Sydney to be "...a metropolis of three cities where the people of Greater Sydney live within 30 minutes of their jobs, education and health facilities, services and great places." These cities are the Western Parkland City, the Central River City and the Eastern Harbour City.

Ten directions underpin the Regional Plan which focus on infrastructure and collaboration, liveability, productivity, sustainability and implementation. The overall direction of which is to manage population growth and support economic growth and environmental sustainability.

The site is located within a Metropolitan Centre and the Eastern Economic Corridor which extends from Macquarie Park through the North Sydney Centre to Sydney Airport. The proposal is consistent with the Directions and Actions of the Plan, including:

- the proposal increases the national and international competitiveness of Sydney by providing additional job opportunities in strategic employment centres (Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities)
- the proposal is in the Eastern Economic Corridor and provides for the economic use of land immediately above the future metro station (Objective 15: The Eastern, GOP and Western Economic Corridors are better connected and more competitive)
- the Sydney CBD is an important employment centre and the proposal will expand on the supply of employment space (Objective 18: Harbour CBD is stronger and more competitive)
- the proposed development supports the strategic goals, directions and actions of the Plan by providing commercial office space in a strategic transport corridor. The proposal underscores the concept of integrated land use and transport by linking public transport use and promoting employment opportunities in a highly accessible part of Sydney.

### 3.2 Eastern Harbour City

The Greater Sydney Commission has prepared District Plans to inform regional and local-level planning and assist the actions of State agencies. The aim of the District Plans is to connect local planning with longer-term metropolitan planning for Greater Sydney.

The Pitt Street North Metro station is located within the Eastern City District. The Eastern City District Plan contains key priorities for infrastructure that are relevant to the proposed development including:

- Planning Priority E1 – Planning for a city supported by infrastructure
- Planning Priority E5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport
- Planning Priority E10 – Delivering integrated land use and transport planning and a 30- minute city

The proposal is consistent with the above priorities as it would facilitate the construction of a high-quality commercial building in an area with strong public transport connections and integrated employment opportunities, contributing to the vision for a 30-minute city.

### **3.3 Future Transport Strategy 2056**

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

The proposal is consistent with the key outcomes of the Strategy as the proposal:

- would provide new jobs above and around a new Metro station
- will encourage the use of the new Metro station and other forms of public transport, walking and cycling
- is located within walking distance to other high frequency public transport services including bus services and existing rail station
- provides for active transport options by providing bicycle parking spaces and end-of-trip facilities for walkers, runners and cyclists.

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

Sydney Metro is Australia's largest public transport project and a city-shaping project. The Sydney Metro City to Southwest stage of the project has an investment value over \$11 billion. With this significant public investment in transport infrastructure comes benefits and opportunities for placemaking and transit-oriented development to provide jobs, homes, a new public domain and community infrastructure around new stations.

The proposal takes advantage of the Government's investment in public transport by locating commercial office space, accommodating up to 4,000 ongoing operational jobs, as well as retail tenancies immediately above the new Pitt Street Metro Station.



## 4 Statutory Context

### 4.1 State significance

The proposal is SSD under section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as the development is permissible with consent, has a CIV in excess of \$30 Million (\$326.4 Million) and is for the purpose of commercial development associated with railway infrastructure under clause 8 of State Environmental Planning Policy (State and Regional Development) 2011.

In accordance with section 4.5 of the EP&A Act and clause 8A of the State Environmental Planning Policy (State & Regional Development) 2011, the Minister of Planning and Open Spaces is the consent authority for both applications as Council did not object, no reportable political donation disclosure has been made and less than 50 public submissions by way of objection were received.

In accordance with the Minister's delegation the Executive Director, Key Sites and Regions may determine the application as:

- Council has not made an objection
- there are less than 50 public submissions by way of objection
- a political disclosure statement has not been made.

### 4.2 Permissibility

The site is located within the B8 - Metropolitan Centre zone under the Sydney Local Environmental Plan 2012 (SLEP). The proposed commercial tower is permissible with consent under the SLEP. See **Appendix C** for the Department's detailed assessment against the zone objectives.

### 4.3 Other approvals

Under sections 4.41 and 4.42 of the EP&A Act, a number of other approvals are either integrated into the SSD approval process and consequently are not required to be separately obtained for the proposal or are required, but must be substantially consistent with any development consent for the proposal (e.g. approvals for any works under the Roads Act 1993).

The Department has consulted with the relevant public authorities responsible for integrated and other approvals, considered their advice in its assessment of the proposal, and have included suitable conditions in the recommended conditions of consent (see **Appendix G**).

### 4.4 Mandatory Matters for Consideration

Section 4.15(1) of the EP&A Act outlines the matters that a consent authority must take into consideration when determining development applications. These matters are summarised as:

- the provisions of any environmental planning instruments (including draft instruments), development controls plans, planning agreements, the Environmental Planning and Assessment Regulation 2000
- the likely environmental, social and economic impacts of the development
- the suitability of the site for the development
- any submissions
- the public interest, including the objects in the EP&A Act and the encouragement of ecologically sustainable development (ESD).

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

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

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

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

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

On 21 May 2020, the Environment, Energy and Science Group (EESG) determined that the proposed development is not likely to have any significant impact on biodiversity values and that a BDAR is not required. The Department supported EESG's decision and on 22 May 2020 determined that the application is not required to be accompanied by a BDAR as the site is located within Sydney CBD and is approved for the construction of Sydney Metro rail and station with excavation and construction already underway.

## 5 Engagement

### 5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the proposed concept modification and SSD application between 23 July and 19 August 2020 (28 days):

- on the Department's website
- at NSW Service Centres
- at City of Sydney offices.

The Department placed a public notice in the Sydney Morning Herald and The Daily Telegraph on 22 July 2020 and notified adjoining landowners, previous submitters to the Concept Approval and relevant Government agencies in writing.

### 5.2 Summary of submissions

The concept modification application received 12 submissions (two objecting, two supporting and eight providing comments), including:

- eight from Government agencies
- support from Council
- three from the public.

The SSD application received 16 submissions (two objecting and 14 providing comments), including:

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

A summary of the submissions is provided in below and a link to the full copy of the submissions is provided in **Appendix A**.

### 5.3 Key Issues – Government agencies

A summary of the Government agencies submissions is provided in **Table 2**.

**Table 2 | Summary of Government agency submissions**

Environmental Protection Agency (EPA)	
EIS	EPA did not object to the proposal and provided the following comments: <ul style="list-style-type: none"><li>• the proposal does not constitute a Scheduled Activity under Schedule 1 of the Protection of the Environment Operations Act 1997</li><li>• the consent should include acceptable vibration and ground borne noise limits for spaces within the development drawn from the EPA's Rail Infrastructure Guidelines and Assessing Vibration: A Technical Guidelines.</li></ul>
Heritage NSW	
EIS	Heritage NSW did not object to the proposal and noted the recommendations and mitigation measures included in the EIS having regard to the State Heritage listed buildings located in the vicinity of the site are considered appropriate.

**RtS** Heritage NSW has reviewed the RtS and has no further comments.

### Environment, Energy and Science Group (ESS)

**EIS** EES did not object to the proposal in terms of biodiversity or flooding and noted a BDAR waiver was approved on 21 May 2020.

**RtS** EES reviewed the RtS and has no further comments.

### Transport for NSW (TfNSW)

**EIS** TfNSW did not object to the proposal, however provided the following comments:

- potential conflicts between pedestrians accessing the automatic car stacker and service vehicle movements within the loading dock area
- the location of two convex mirrors is beyond the property boundary and a separate application should be made for approval of TfNSW
- the queuing analysis for the loading dock vehicle movements needs to include queuing of vehicles that would be served by the automatic car stacker
- the development should not rely on on-street parking or loading zones, which can be changed at any time

In addition, TfNSW recommended conditions requiring:

- annual staff travel surveys and provision of 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
- an updated Green Travel Plan in consultation with the Sydney Coordination Office (SCO) within TfNSW
- preparation of a Transport Access Guide, Construction Pedestrian and Traffic Management Plan (CPTMP) and a Car Parking, Loading and Servicing Management Plan in consultation with the SCO

**RtS** TfNSW noted the Applicant's RtS and requested the imposition of conditions noted above.

### Sydney Water

**EIS** Sydney Water did not object to the proposal and provided the following comments:

- 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
- 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
- properties below approximately RL 19 cannot be served with conventional gravity wastewater connections, as they would be exposed to a wastewater surcharge risk under extreme wet weather conditions
- the proposed development will require an on-site detention system to offset stormwater run-off
- 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

- detailed servicing requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application.

#### Sydney Airport Corporation

**EIS** Sydney Airport Corporation did not object to the proposal and noted a controlled activity approval was issued on 20 September 2018 for a height of RL 189.

#### CASA

**EIS** CASA did not object to the proposal.

**RtS** CASA has reviewed the information provided and had no comments.

#### DPIE – Water and Natural Resources Access Regulator (NRAR)

**EIS** NRAR did not object to the proposal.

#### Ausgrid

**EIS** Ausgrid did not object to the proposal and encouraged the Applicant to continue to discuss their requirements directly with Ausgrid as needed.

#### Fire and Rescue NSW (FRNSW)

**EIS** FRNSW advised it would not provide comment at this time due to extensive consultation being undertaken on the project.

#### Sydney Metro

**RtS** Sydney Metro did not object to the proposal and had no comments.

### 5.4 Key Issues – Council

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

**Table 3 | Summary of Council's submission**

#### City of Sydney Council (Council)

**EIS** Council supports the proposal, however provided the following comments:

- a stormwater quality assessment for the proposed development must comply with the City's specific modelling parameters as adopted in MUSIC-link
- a revised flood assessment report with 1% AEP flood levels determined and shown on the plans must be submitted prior to consent approval
- 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
- the queuing analysis for the site should follow the Australian Standards, which requires 98% of the vehicles to queue within the site

- measures that reduce the amenity for pedestrians and the public space on Castlereagh Street, such as audible signalling and flashing lights, are not supported
- the proposal does not comply with the servicing and loading requirements of the Sydney DCP 2012 which would notionally require 21 servicing and loading bays (excluding the space for the Metro). It is unclear if all 6 loading bays can be used at the same time
- the proposed delivery exclusion period (between 7am and 9am) would potentially force delivery and service vehicles into on-street.
- the required bike parking spaces should be provided 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
- a progressive NABERS energy target of 5.5 stars would complement the positive design outcomes the rest of the development achieves
- a Demolition and Construction Waste Management Plan is required to be submitted for review
- the applicant should 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.

<b>RtS</b>	<p>Council made the following comments in response to the Applicant's RtS:</p> <ul style="list-style-type: none"> <li>• the submitted RtS has failed to adequately respond to the City's issues raised in previous correspondence regarding stormwater and flood impacts</li> <li>• there is still some concern regarding the vehicle access arrangements</li> <li>• on-site loading and servicing should be provided as per the Sydney DCP 2012</li> <li>• bike parking and end of trip facilities should be provided as per the Sydney DCP 2012 recommendations and the good design of end of trip facilities should not be underestimated</li> <li>• a condition should be imposed that requires the Applicant to enter into a formal Commitment Agreement with the Office of Environment and Heritage (OEH)</li> </ul>
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## 5.5 Key issues – Public submissions

The Department received a total of seven submissions from the public, comprising 4 objections, one in support and two providing comments.

The key issues raised in the public submissions include view loss, construction noise, overshadowing, privacy, ESD, biodiversity and interface with adjoining commercial buildings.

## 5.6 Response to submissions

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

On 16 November 2020, the Applicant submitted its Response to Submissions (RtS) which provided further justification and clarification for the proposed development. The RtS was accompanied by the following:

- supplementary Architectural Design Report
- supplementary ESD report
- updated Design Integrity Report
- supplementary transport and traffic impact statement
- modified architectural plans



- draft right of way easement
- draft Construction Waste Management Plan

The RtS was made publicly available on the Department's website and was referred to relevant Government agencies and Council. Submissions received in response to the RtS are summarised in **Sections 5.3 and 5.4.**

## 6 Assessment

The Department has undertaken a comprehensive assessment of the merits of the proposal. After reviewing the Applicant's EIS, the issues raised in submissions and the Applicant's RtS and additional information, the Department considers the key assessment issues associated with the proposal are:

- density
- built form
- heritage
- design excellence
- amenity impacts
- parking and traffic.

All other issues associated with the proposal have been considered in **Section 6.6**.

### 6.1 Density

The maximum permitted FSR for the proposed commercial development under the SLEP is 12.56:1. The Concept Approval permitted a maximum FSR of 15.97:1 for a commercial development (total GFA of 50,310 m<sup>2</sup> including station related floor space).

The proposal seeks to increase the GFA by 5,433 m<sup>2</sup> (from 50,310 m<sup>2</sup> to 55,743 m<sup>2</sup>) which would result in an FSR of 17.7:1.

The Applicant submitted a written request under clause 4.6 of SLEP justifying the proposed FSR variation. The Applicant contends the FSR variation is acceptable because the proposal:

- achieves the objectives of the development standard prescribed in clause 4.4 (FSR) of SLEP by providing a commercial floor space to support the growth of jobs in the Sydney CBD
- is uniquely positioned to benefit from and support the successful delivery of the Sydney Metro
- maximises the approved building envelope without resulting in any adverse amenity impacts
- is compatible with this desired future character for the Sydney CBD
- is acceptable from both a private view and visual impact perspective and also does not interrupt any key public view corridors across the Sydney CBD
- enhances a strong commercial precinct within the Sydney CBD
- achieves design excellence as established through the endorsed Design Excellence Process.

Council did not object to the proposed additional floor space.

#### Concept Approval

The Concept Approval provides for a maximum GFA of 50,310 m<sup>2</sup>, which represents departures from the FSR standard under the SLEP at 28.8%. The Department's assessment noted the numerical extent of departure was amplified due to the accommodation floor space control in the SLEP permitting additional floor space for residential uses more than commercial uses.

The Department supported the Concept despite the numerical departure, because of the high demand for commercial office space in Sydney CBD, identified by the Eastern District Plan. Further the Department noted the site is ideally located to support increased density given its location directly above a new metro station within the CBD.

The Department also noted necessary elements of the development such as storage and garbage areas are unable to be provided in a basement as a result of the Concept being integrated with the new Metro Station. This means that these areas must be counted towards the overall GFA as a result of the integrated metro use of the site, which inflates the overall FSR of the proposal. The proposal has also been subject to a competitive tender process and review by the Sydney Metro design review panel to ensure design integration with the Metro Station which means it is ineligible for a 10% design excellence FSR bonus under SLEP for developments subject to competitive design process (the equivalent to an additional 3,909 m<sup>2</sup> of GFA or 1.24:1) (see **Section 6.3**).

In supporting the Concept, the Department considered that despite the higher numerical non-compliance with the FSR standard, the maximum floor space for the Concept is not beyond the capacity of the site and the external impacts of the development would be limited by the approved building envelope. These considerations continue to be relevant in the Department's consideration of the Applicant's current request to vary from the FSR standard as outlined below.

### Consideration

The Department's detailed consideration of the Applicant's request is provided in **Appendix C**. From a strategic planning perspective, the Department supports the Applicant's request because:

- the FSR standards in the SLEP predates the Eastern District Plan 2018 and the Sydney Metro projects. The Eastern District Plan 2018 identified review of the Sydney CBD planning controls will be required to support development that provides floor space to accommodate 45,000 – 80,000 jobs forecast. The proposal would contribute to these job targets and provide approximately 4,000 jobs with the support of the additional transport capacity that will be delivered by Sydney Metro.
- the proposal is consistent with the objectives of the Draft Central City Planning Strategy which are to grow a stronger, more competitive Central Sydney by increasing the capacity for economic and employment growth in Central Sydney.
- the location of the site directly above a new metro station provides a unique opportunity to support significant employment generation with excellent transport connection and capacity.

The Department has also considered the potential impacts associated with the proposed floor space and is satisfied the variation is acceptable because:

- the proposal is contained within the approved building envelope with the exception of minor projection by sun shading devices (see **Section 6.14**)
- the massing of the proposed building is distributed and sculptured so to appear as three towers from key vantage points in the City Centre and would be compatible in bulk and scale with surrounding developments (see **Section 6.2.1**).
- the Applicant has adequately demonstrated the impacts associated with the additional 5,433 m<sup>2</sup> of GFA are similar to those of a development that complies with the Concept Approval in terms of views and overshadowing impacts to surrounding residential developments and public places (see **Section 6.1.2**).
- the proposal would provide less car spaces and generate less traffic than the previous developments, including a post service located on the site (see **Section 6.6.1**).

The Department therefore concludes the proposal floor space is acceptable, because the objectives of the FSR standard in SLEP would still be achieved by the proposal and the proposed additional GFA does not result in any additional impacts when compared to the Concept Approval.

## **6.2 Built form**

The Concept Approval established the maximum permitted building envelope and GFA for the proposed development.

The Department notes the proposal seeks to amend the Concept Approval to increase the maximum permitted GFA and allow projections beyond the building envelope.

The Department acknowledges the proposal complies with the maximum building heights established by the building envelope under the Concept Approval.

Having carefully considered the scale, height and form of the proposed building the Department considers the key issues of consideration are:

- bulk and scale
- tower setbacks
- building envelope projections

### **6.2.1 Bulk and scale**

The Concept Approval included Design Guidelines and conditions to ensure the distribution of density delivers building bulk and massing compatible with the site's context, particularly with respect to its presentation to the extensive Park Street frontage of the site.

The Department notes the key relevant Design Guidelines for controlling bulk and scale include:

- *dividing the podium into distinct forms along Park Street, with further articulation through the introduction of vertical relief along Pitt and Castlereagh Street*
- *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 articulation, building modulation 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.*

In addition, the Concept Approval includes conditions restricting any future commercial development to a maximum floor plate of 1,400 m<sup>2</sup> above 140 m and that no facade in a single plane has a length greater than 65 m.

The Applicant considers the massing and articulation of the tower and podium facades fully integrate with the surrounding urban context. The design uses the centreline of the station entrance to divide and articulate the tower and podium into two distinct volumes on Park Street, opening up views to Hyde Park and Town Hall, thereby responding to and reinforcing the urban character of the Town Hall precinct.

The Sydney Metro DRP noted the design and massing of the tower and vertical expression presents as three individual elements from the public domain and has been designed to respond to its context, including integration with the CSSI approved station development, adjacent heritage items and the character of the area.

The Department acknowledges the comments of the Sydney Metro DRP and agrees the articulation of the building elevations and modulation of the roof form results in the development appearing as multiple buildings, consistent with the intention of the Design Guidelines.

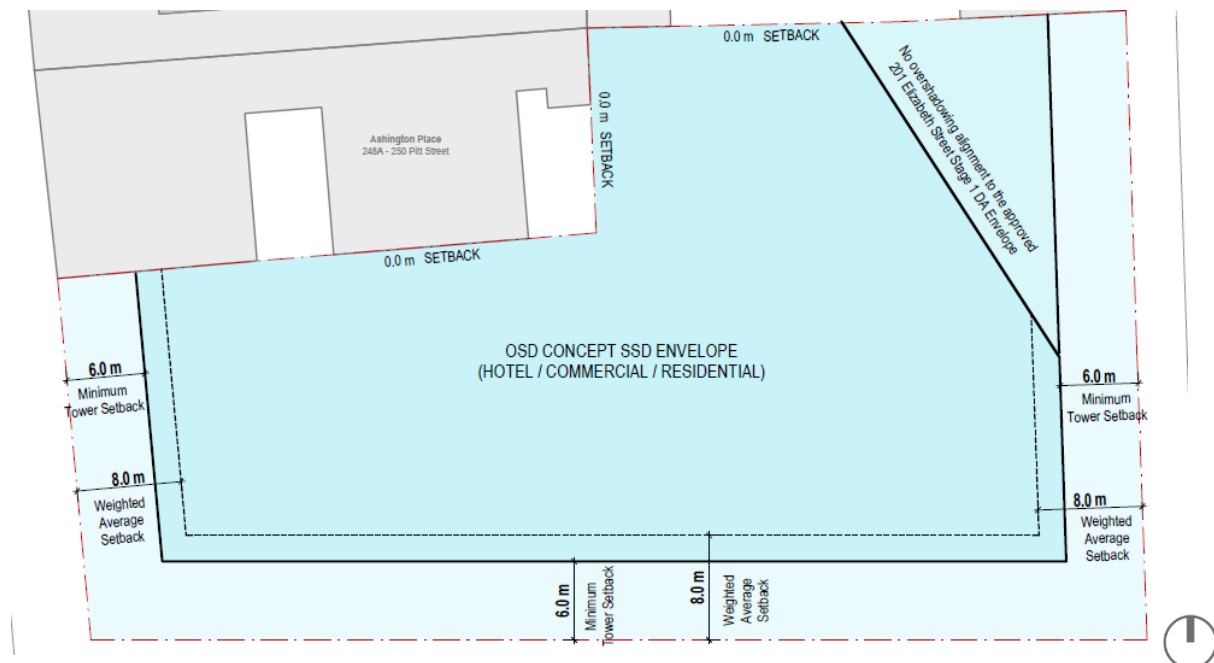
The Department also considers the bulk and scale of the proposed built form is acceptable because:

- the tower has been angled away from Park Street to reduce the visual width of the tower along the southern facade. This ensures that a single plane does not exceed 65 m, in accordance with the Concept Approval.
- the tower and podium massing have been softened by rounding the corners, further reducing impacts on views to the Hyde Park and the harbour compared to the Concept Approval.
- the proposed floor plates above a height of 140 m do not exceed 1,400 m<sup>2</sup>.
- there are clear indents and full height breaks in the built form to ensure the proposed building could be visually perceived as multiple tower form and be compatible with the scale of other towers in the area.

The Department is satisfied the proposal has been designed to minimise the visual bulk and scale of the building and responds appropriately to the surrounding development.

### 6.2.2 Tower setbacks

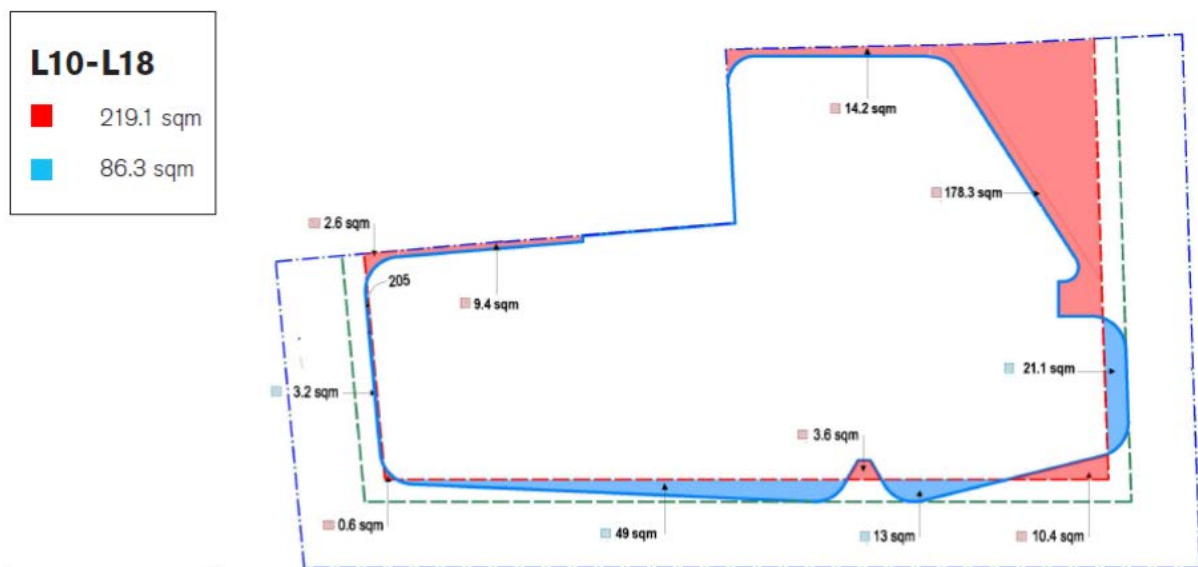
The Concept Approval provides a minimum tower setback (above RL 68.00) of 6 m and a weighted average setback of 8 m (see **Figure 13**). The proposed tower setbacks are illustrated in **Figure 14** below.



**Figure 13 |** Approved building envelope (Source: Major Project website)



**Figure 14 | Tower setbacks** (Source: EIS)



**Figure 15 | Weighted average setback calculation** (Source: RtS)

The Department notes the objective of the weighted average setback requirement is to provide design flexibility and support a built form with distinctive character above the podium that would respond to the character of the area. It also promotes a varied setback response to the different street frontages to break up the visual bulk of the proposed building as viewed from the street frontages.

The Department is satisfied the Applicant demonstrated the proposed building is consistent with the setbacks required by the Concept Approval by illustrating the building area forward of the 8 m setback line (blue area) (86.3 m<sup>2</sup>) is less than the void areas behind the 8 m setback (red area) (219.1 m<sup>2</sup>) (see **Figure 15**). The Department is also satisfied a minimum setback of 6m is achieved by the proposal.



The Department also considers the proposed varied tower setbacks are acceptable because:

- the proposed tower setbacks are compatible with surrounding developments
- they achieve the objective of the tower setback controls contained in the Council's DCP
- the proposed varied setbacks allow for a more sculptured built form that is visually interesting but also preserve sight lines from the public domain to Town Hall and Hyde Park.

The Department also agrees with the Sydney Metro Design Review Panel (DRP) which considers the overall massing and vertical expression of the tower is appropriate within the site's CBD context. The DRP also noted the proposal has been appropriately broken up to read as three towers from key vantage points around the city.

The Department therefore supports the proposed tower setbacks and considers the proposal achieves the desired objectives of the weighted average setback requirement and the Design Guidelines.

### 6.2.3 Building envelope projections

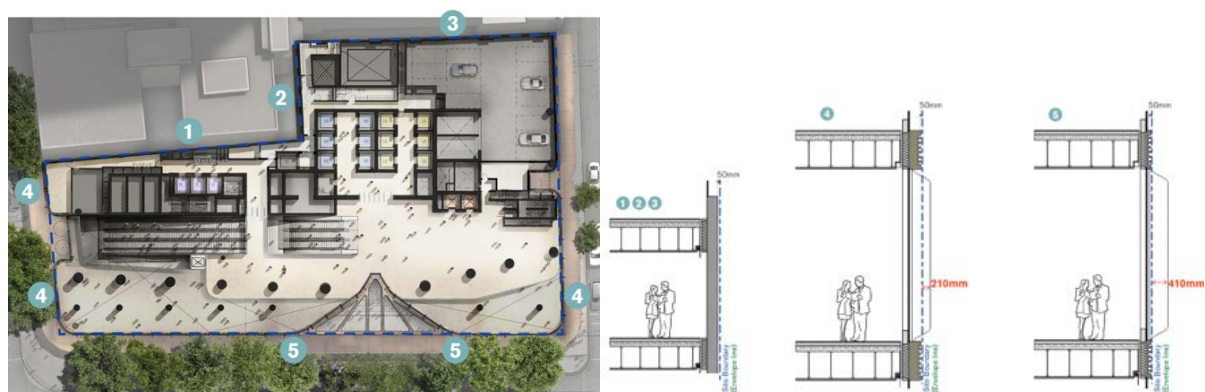
Conditions A15 and A17 of the Concept Approval require compliance with the approved building envelope. The Applicant proposes to modify these conditions to permit the sunshades and balustrades to project beyond the approved building envelope as follows:

#### *Podium*

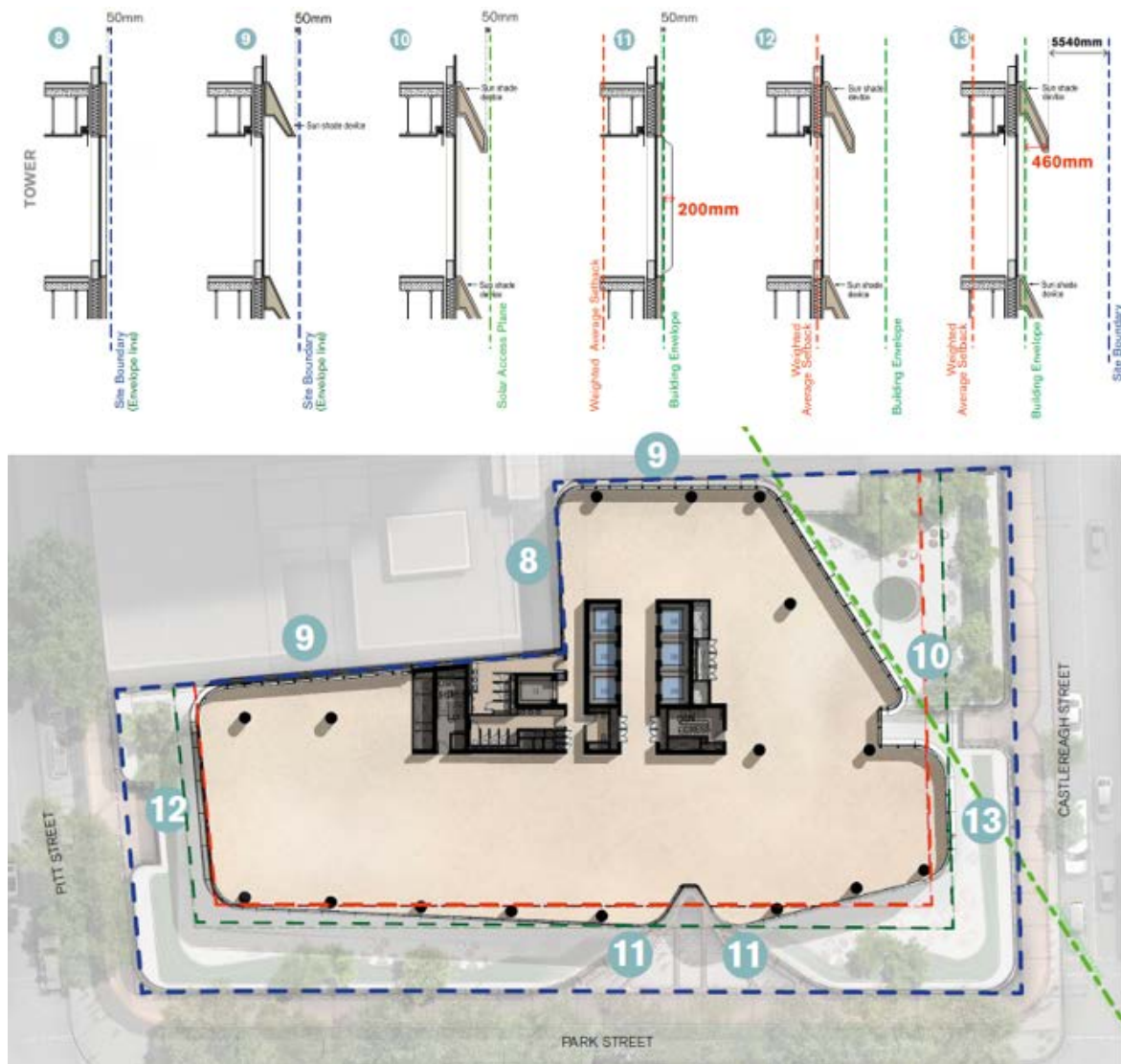
- a maximum 210 mm projection on the eastern and western elevations
- a maximum 410 mm projection on the southern elevation
- a maximum 600 mm projection above the podium height on level 10/11 terrace

#### *Tower*

- a maximum of 460 mm on the eastern elevation
- a maximum of 200 on the southern elevation
- These projections relate to the proposed sunshades (**Figure 16 & 17**) and balustrades on the podium terraces (**Figure 18**).



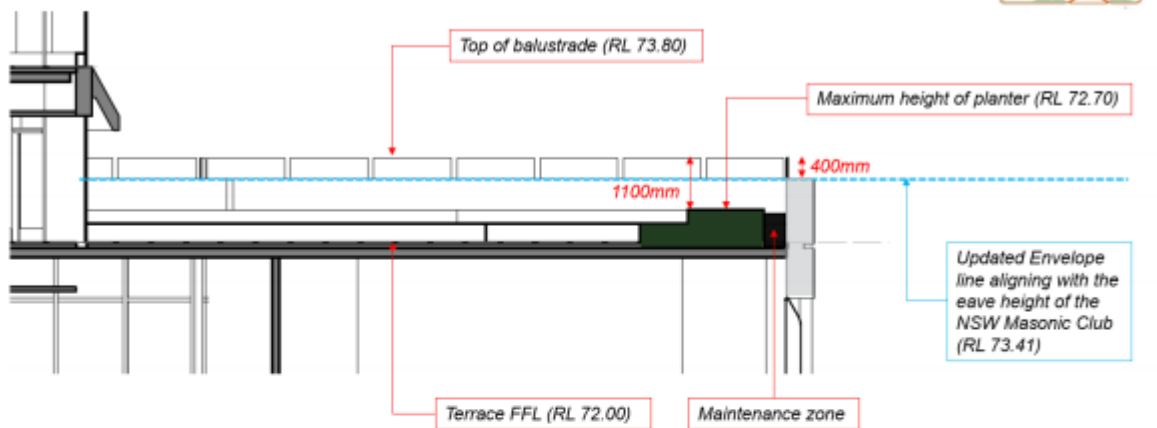
**Figure 16 | Podium projections beyond building envelope (Source: EIS)**



**Figure 17 |** Tower projections beyond building envelope (Source: RtS)

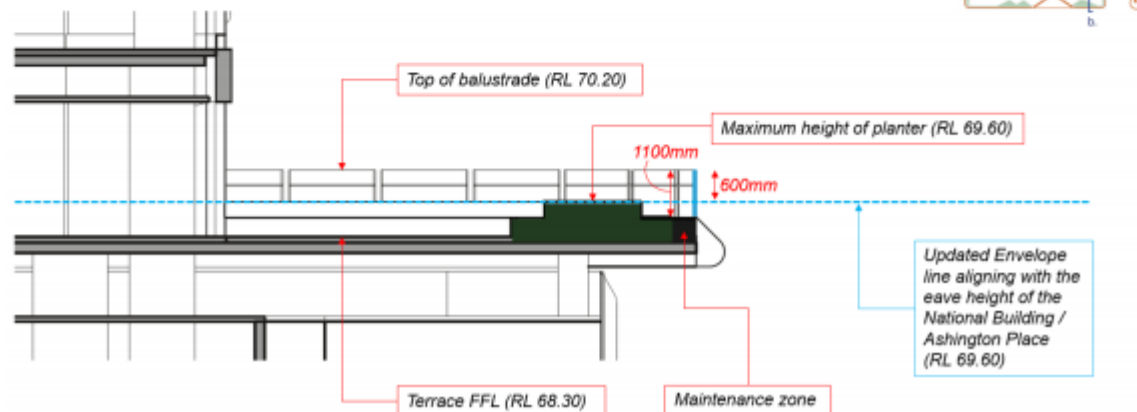
## L10/11 Balustrades

### Building Envelope



## L10/11 Balustrades

### Building Envelope



**Figure 18 |** Balustrade projections beyond proposed building envelope (blue dotted line) (Source: EIS)

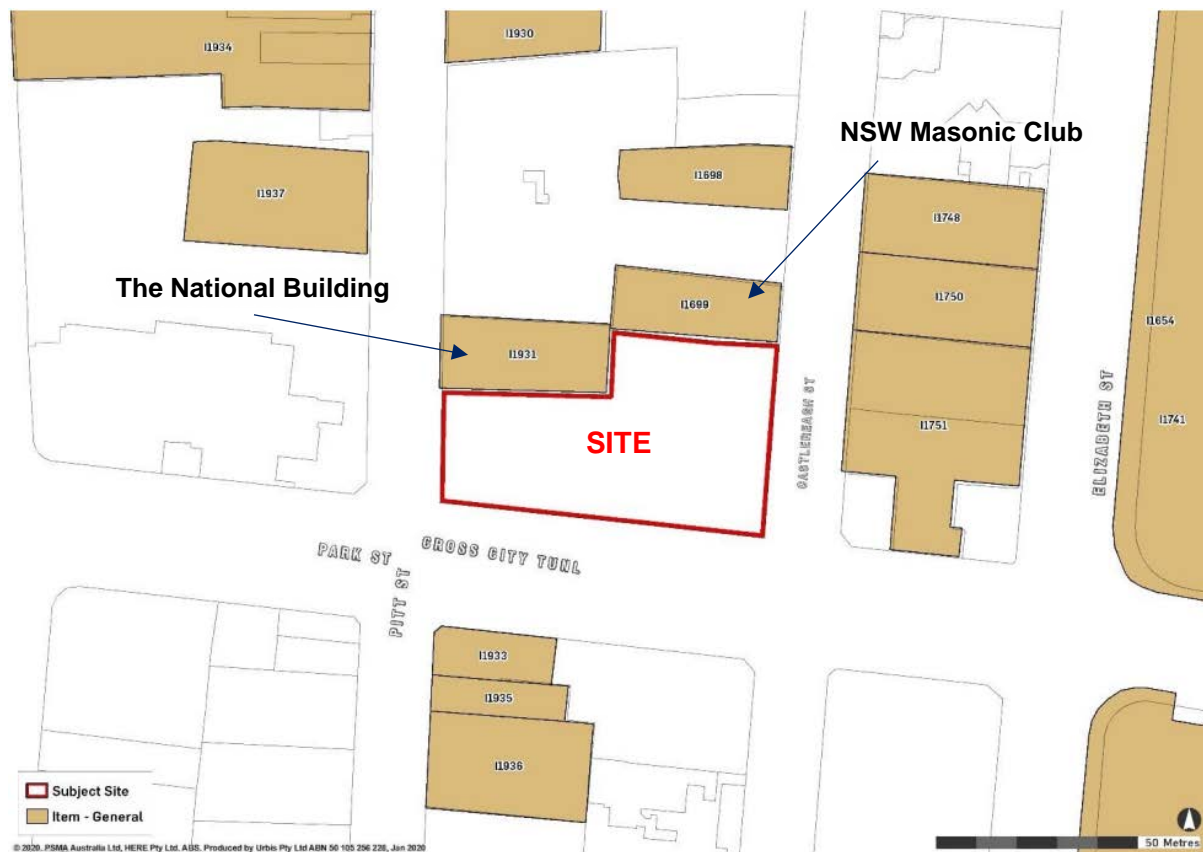
The Department accepts the proposed projections beyond the approved building envelope because:

- the sunshades are integral to the architectural design of the façade, providing visual interest, articulating, environmental performance and responding to the heritage character of the area (see **Section 6.2**)
- the balustrades are predominately transparent and will not be readily visible from the public domain
- the Sydney Metro DRP have reviewed the projections and was satisfied the design is capable of achieving design excellence
- the projections do not result in any amenity impacts on surrounding development or public open space (see **Section 6.4**) because they are limited in depth
- the projections result in no additional GFA.

The Department therefore supports the proposed amendments to Conditions A15 and A17 of the Concept Approval and the proposed projections beyond the approved building envelope. The Department recommends a condition that limits the extent of the proposed projections to the vertical sunshades and balustrades as described in the Applicant's EIS and RtS.

### 6.3 Heritage

The site is not heritage listed, nor is it within a heritage conservation area. However, the site is located within the vicinity of a number of local and state listed heritage items, including the National Building and the NSW Masonic Club (see **Section 1.1** and **Figure 19**).



**Figure 19 |** Heritage items located in the vicinity of the site (Source: EIS)

The Applicant submitted a Heritage Impact Statement (HIS) and Heritage Interpretation Strategy in accordance with the requirements of the Concept Approval. The HIS concludes the proposal will have acceptable heritage impacts as it will have no physical impact on the adjoining heritage items and will not dominate or disempower these buildings.

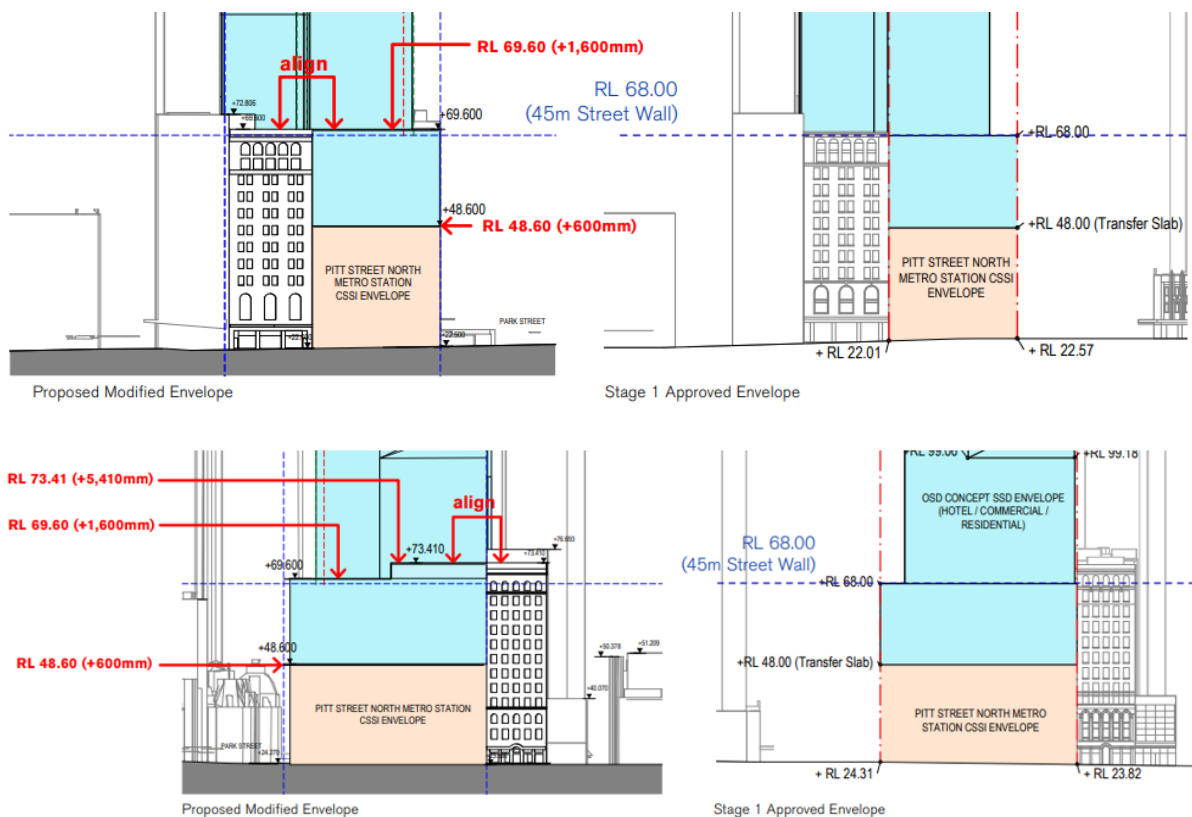
Heritage NSW reviewed the proposal and considered the recommendations and mitigation measures included in the proposal were appropriate.

The Department has assessed the key heritage considerations, being the increase to the podium height, form and the materials and finishes, below.

### 6.3.1 Podium height

The Concept Approval established a maximum podium height and Design Guidelines to inform the detail design of the proposal. The proposal seeks to modify the approved building envelope to increase the maximum permitted height of the podium to match the height of adjoining heritage buildings, the National Building along Pitt Street and the NSW Masonic Club along Castlereagh Street.

The proposal seeks to increase the height of the podium by 1.66 m to RL 69.6 to align with the parapet height of the heritage listed National Building on Pitt Street, which continues along Pitt Street, Park Street and the southern portion of the Castlereagh Street. The proposal also seeks to increase the height of the podium at the northeast corner by 3.81 m to RL 73.41 (5.41 m above Concept Approval) to match the height of the adjoining NSW Masonic Club building on Castlereagh Street (Figure 20).



**Figure 20 | Building envelope modifications - Pitt Street elevation (top) and Castlereagh Street elevation (bottom) (Source: EIS)**

The Department supports the proposed increase in podium height as:

- the Sydney Metro DRP has reviewed and supports the podium heights because they respond to the street wall conditions of Pitt Street, Park Street and Castlereagh Street, each adjusted to the scale and materiality neighbouring buildings
- the changes are consistent with the Design Guidelines, which includes a requirement for the proposed building to recognise the surrounding streetscape scale, including having a direct reference to the height and articulation of adjoining buildings.



The Department therefore considers the proposed podium heights are acceptable and would facilitate a better relationship with the scale of the adjoining development, consistent with the Design Guidelines and advice from the Sydney Metro DRP.

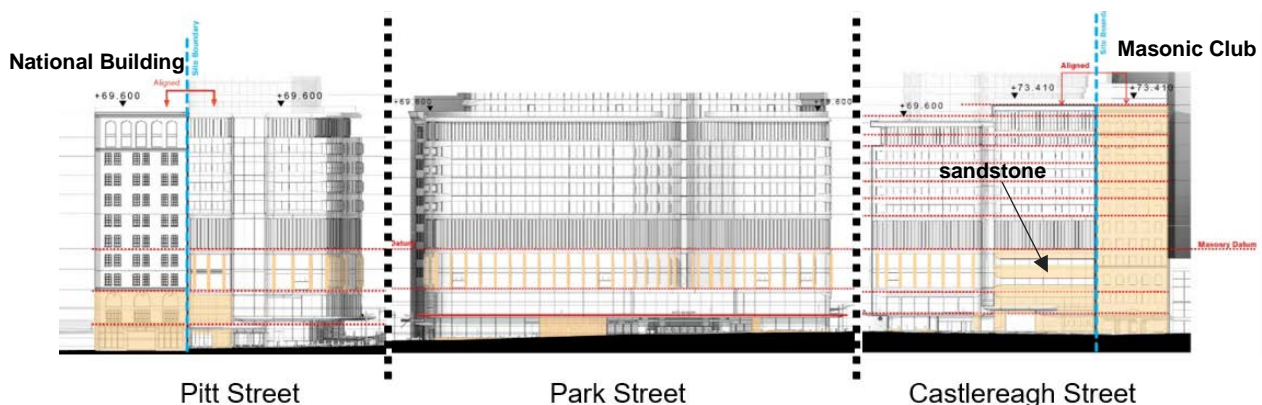
### 6.3.2 Materials and finishes

The Design Guidelines require the podium 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.

The Applicant however proposes an alternative façade treatment to the podium consisting of a composition of sandstone, glass and bronze (see **Figure 21**).

The Applicant noted more recent infill-developments that been erected in-between heritage-listed buildings have included more modern facades consisting of a good balance between solidity and permeability, activating the street facades while seamlessly integrating into the existing streetscape.

The Applicant considers the proposed gradual transition from the stone-clad heritage facades to the predominantly glass and bronze detailing of the proposed Park Street façade appropriately responds to the character of the area. In addition, the datum used to identify the height to which sandstone finishes has a direct relationship to dominant features within the heritage Queen Victoria Building (QVB) and Town Hall building facades.



**Figure 21 | Masonry components within the podium** (Base source: RtS)

The Sydney Metro DRP has reviewed and supports the podium design. The DRP considers the proposal responds well to the street wall conditions of Pitt Street, Park Street and Castlereagh Street by adjusting to the scale and materiality of neighbouring buildings and the use of bronze coloured metal and sandstone cladding is appropriate to the context.

The Department acknowledges the importance of sandstone to the streetscape and heritage significance of the area, which is reflected in the Design Guidelines. The Department considers the proposed façade treatment, using a composition of sandstone, glazing and bronze is acceptable because:

- the use of sandstone relates to the expression of the facades governed by the height and composition of the adjoining NSW Masonic Club on Castlereagh Street and the National Building (Ashington Place) on Pitt Street (**Figure 21**)
- the proposal has interrogated the composition and materiality of adjacent heritage and modern buildings in order to define the appropriate location of stone elements within the podium facades

- it provides a gradual transition from the stone clad heritage buildings to the predominantly glazed and bronze detailing of the proposed Park Street facade by introducing stone cladding to the lower podium levels adjacent to the heritage buildings, transitioning into stone upstands and vertical stone fins protruding in front of the glazed facade.

The Department therefore accepts the advice of the Sydney Metro DRP and is satisfied the application of sandstone and the transition to predominantly glazed and bronze detailing of the proposed Park Street facade appropriately responds to the context of the site. The Department recommends a condition that the detail and materiality of the facades, both bronze coloured metal cladding and sandstone cladding be developed through prototyping and samples be reviewed by the Sydney Metro DRP.

## Conclusion

The Department's assessment found the proposed changes to podium heights and facade treatments would improve the transition of building height between the proposal and the adjoining heritage buildings and would result in a better streetscape outcome. The Department considers the proposal appropriately responds to the heritage context of the site and concludes the proposal would have acceptable heritage impacts subject to recommended conditions.

## 6.4 Design excellence

Clause 6.21 of SLEP outlines the provisions for design excellence which aim to deliver the highest standard of architectural, urban and landscape design for new buildings. Conditions B4 and B5 of the Concept Approval also require the Applicant to prepare a Design Integrity Report, demonstrating how design excellence has been achieved having regard to the Concept Approval, the Design Guidelines and expert design panel advice.

The endorsed DES incorporates an independent DRP process in lieu of a competitive design process under SLEP to allow better design integration between the proposed building and the metro station below.

The GA NSW endorsed the Sydney Metro DRP as an alternative to the State DRP. The endorsement was subject to a revised set of Terms of Reference for the Sydney Metro DRP, which was updated to include an independent panel secretariat and a panellist nominated by Council. The Department notes the Sydney Metro DRP is also providing advice on the design of the Pitt Street Metro Station to assist with achieving an integrated design outcome.

The Sydney Metro DRP has met on 14 separate occasions since the Concept Approval. The Sydney Metro DRP has reviewed the proposal and advised it supports the proposal, noting the following elements contribute to the development being capable of achieving design excellence:

- 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 facade slightly rotated to reduce visual impact
- 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

- 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
- the station and OSD structures are efficient and designed to maximise spans around the entries. The services of the station are well integrated into the podium façade and are sympathetic to the streetscape
- the 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 floor plates have been efficiently designed and provide good amenity
- 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
- the Station and OSD entries are clearly defined and at an appropriate scale, each with their own separate address
- 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 of Park Street
- the connection of the OSD and station is enhanced by the quality and location of the striking station artwork.

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

The Department has carried out a detailed assessment of the proposal against the Design Excellence matters specified in Clause 6.21(4) of SLEP 2012 in **Appendix C**.

Overall, the Department's assessment concludes the proposal satisfies the Design Excellence requirements of the SLEP and the proposal would deliver a high standard of architectural and urban design outcome for the site as:

- the proposal has been through a competitive design process, including review by the Sydney Metro Design Review Panel
- the form and external appearance of the proposal is considered to improve the quality and amenity of the public domain and does not cause any detrimental impacts on existing view corridors
- the proposal is consistent with the relevant objectives and matters of consideration under clause 6.21(4) of SLEP.

The Department recommends a Design Integrity Review process be put in place requiring any future modifications involving design changes, particularly on the key aspects contributing to design excellence, be referred for further advice from the Sydney Metro DRP. The recommended conditions for Design Integrity Review is consistent with the endorsed Design Excellence Strategy.

## 6.5 Amenity impacts

Concerns were raised in public submissions about the potential amenity impacts of the proposal on the adjoining residential and commercial buildings.

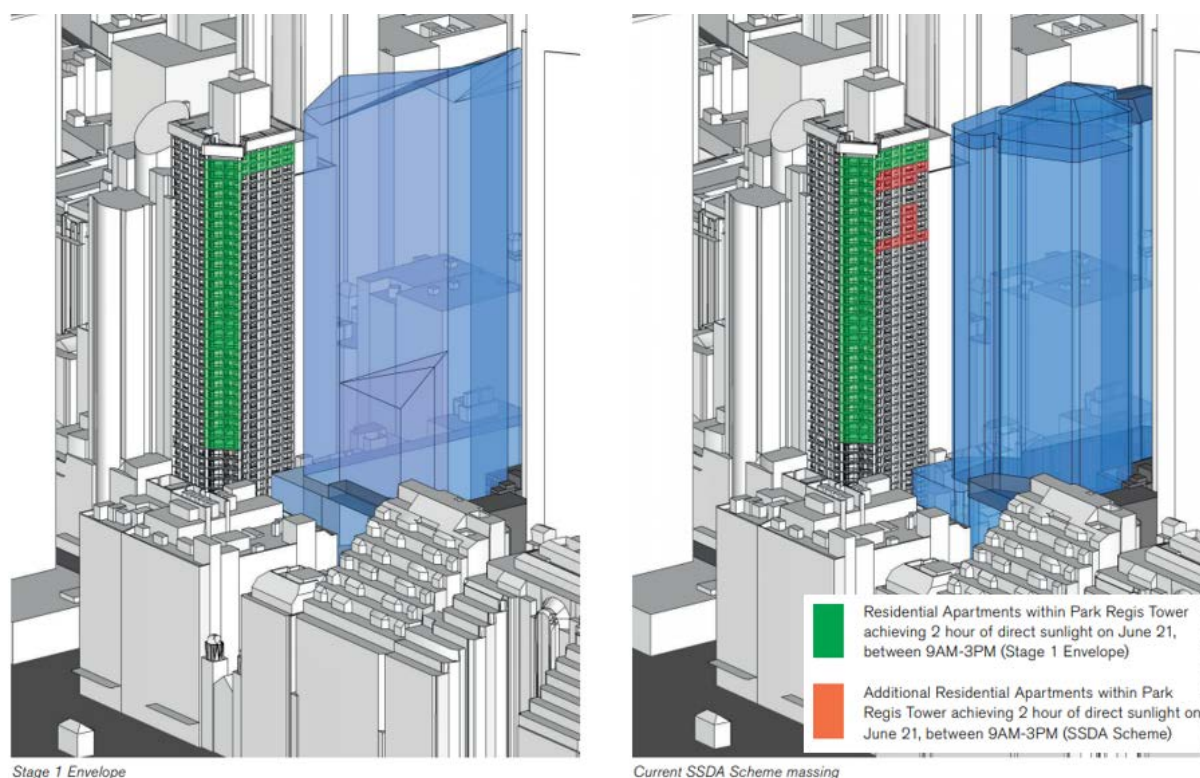
The Department has considered the potential amenity impacts of the proposal to nearby development in terms of overshadowing, privacy and outlook.

### 6.5.1 Overshadowing to Park Regis

One public submission raised concern that the proposal would result in overshadowing of residential apartments in the Park Regis building, located directly to the south of the site, on the opposite side of Park Street (**Figures 2 and 22**).

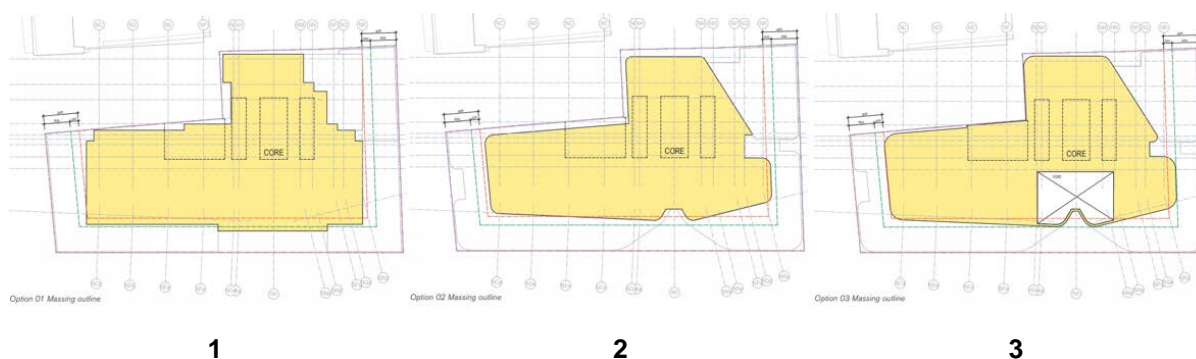
The 44-storey Park Regis building accommodates hotel rooms up to Level 15 with private residential apartments commencing at Level 16 and continuing to Level 44.

In response to concerns raised, the Applicant submitted additional solar analysis to identify the overshadowing impacts of the proposal, including comparison of impacts of the proposed building with the approved building envelope (see **Figure 22**).



**Figure 22 |** Park Regis solar access analysis (Source: EIS)

Further, the Applicant provided an analysis of three alternative design options to consider whether the proposed additional 5,433 m<sup>2</sup> of GFA resulted in any additional overshadowing of the Park Regis.



**Figure 23 | Massing analysis (Source: RtS)**

- Option 1:** Unrefined building mass with an equivalent GFA to the proposed development.
- Option 2:** Similar designed building to the proposal with a GFA consistent with the Concept Approval and greater Pitt Street, Park Street and Castlereagh Street setbacks.
- Option 3:** Similar designed building to the proposal with the additional of a central void to achieve a GFA consistent with the Concept Approval.

The Applicant contends the proposal results in improved solar access to Park Regis when compared to the Concept Approval, despite seeking an additional 5,433 m<sup>2</sup> of GFA.

The Apartment Design Guide (ADG) recommends a minimum of 70% of apartments' living rooms and private open spaces receive 2 hours of direct sunlight between 9 am and 3 pm in mid-winter. The ADG also provides that overshadowing of neighbouring properties should be minimised during mid-winter, and where an adjoining property does not currently receive the required hours of solar access, the proposed building should ensure solar access to neighbours is not reduced by more than 20%.

The Department has carefully considered overshadowing impacts of the approved building envelope in its assessment of the Concept Proposal. The Department acknowledged the building envelope will reduce solar access to Park Regis by more than 20% however, it supported the proposal as strict compliance with the solar access requirements in ADG in this instance would mean the site cannot be redeveloped with respect to the applicable planning controls. This is due to relative orientation of the buildings and the planning controls applicable to the site and the development density at this Central Sydney CBD location. The Department therefore accepted the level of overshadowing impacts in this case is acceptable subject to Design Guideline requiring the proposed building design to minimise solar impacts to the residences of Park Regis.

The Department has reviewed the submitted solar analysis and notes:

- 33.5% (61 out of 182) of Park Regis apartments would maintain two hours of solar access between 9 am to 3 pm mid-winter, which represents an improvement of seven apartments, compared to 29.7% of apartments (54) under the Concept Approval
- 84.6% (154 apartments) would receive two hours of solar access between 8 am – 4 pm during mid-winter. The higher level of solar access available earlier in the morning and later in the afternoon during mid-winter is due to the orientation and layout of the apartments in Park Regis being more conducive to receiving solar access during these times
- Alternative design Option 1 would achieve solar access to 32.4% (58/182) solar access, while Options 2 and 3 achieves 33.5%, demonstrating the additional GFA does not result in any additional overshadowing impacts on the adjoining residential development.



The Department is satisfied the Applicant has explored alternative design options to ensure proposed scheme minimises overshadowing to Park Regis, consistent with the Design Guidelines. The Department notes the proposed building design would increase the number of apartments receiving ADG compliant solar access when compared to the approved building envelope. The Department therefore accepts the overshadowing impacts of the proposal to Park Regis is reasonable in the circumstances of the site.

### 6.5.2 Privacy and outlook

One public submission raised concerns the proposal would impact on the privacy and views enjoyed by residential apartments in Park Regis.

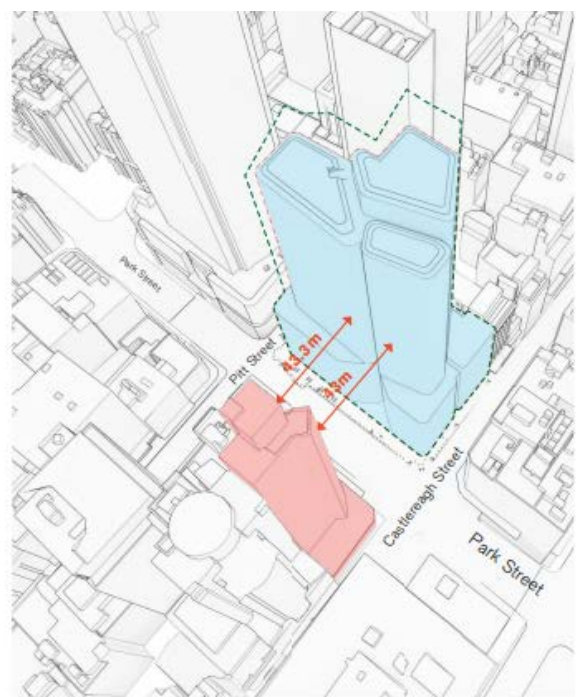
#### Privacy

The proposed office tower is setback over 43 m from the nearest residential development, being the Park Regis. The Department considers the proposal will not unreasonably impact on the visual or acoustic privacy of the Park Regis and other surrounding residential developments as:

- the site is located within a high density CBD environment
- the separation between the proposed tower and nearest residential development exceeds the minimum 24 m recommended by the ADG (see **Figure 23**)
- the building would generally be unoccupied outside of business hours as it will be used for commercial offices.



3D perspective showing relationship between Park Regis and Approved Stage 1



3D perspective showing relationship between Park Regis and Proposed massing

**Figure 24 | Park Regis building separation diagram (Source: EIS)**

#### Outlook

The Applicant submitted a Visual Impact Assessment, which provided analysis of the visual and view loss impacts of the proposal. The VIA concluded the overall visual impacts of the proposal were low and acceptable. Further, the proposal will result in improved views and outlook towards Hyde Park,

and architectural landmarks within and around Hyde Park, from the Park Regis Tower, compared to the Concept Approval (see **Figure 25**).



**Figure 25 | Park Regis view analysis (Source: RtS)**

The Department accepts the findings of the submitted VIA. The Department considers the view impact on adjoining development is reasonable given the CBD location, existing development and the form of development permitted under the relevant planning controls. Further, the Department acknowledges the proposal results in an improvement in views and outlook from Park Regis compared to the Concept Approval.

The Department is therefore satisfied the proposal would not result in any adverse visual or view loss impacts beyond those anticipated by the Concept Approval and appropriate consideration has been given to articulation and setbacks of the tower to minimise views impacts on surrounding residential development.

### 6.5.3 Overshadowing to Public Spaces

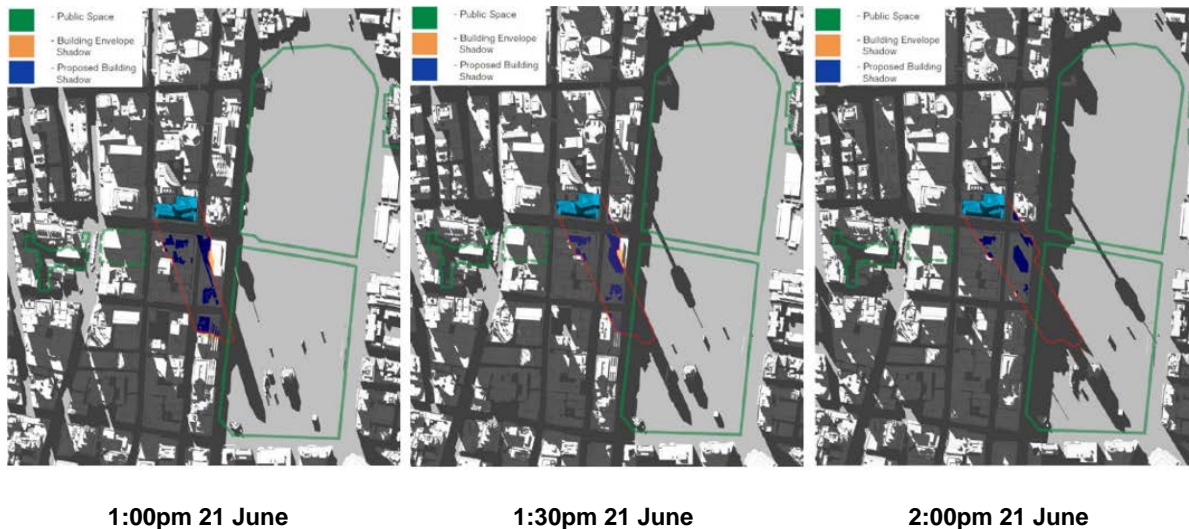
The approved building envelope was designed to comply with the height of buildings and overshadowing development standards (clauses 6.17, 6.18 & 6.19) contained in the SLEP, which seek to protect solar access to Hyde Park between 12:00 noon and 2:00 pm and Town Hall steps between 10:30 am and 4:00 pm. Further, the Design Guidelines require the proposal to respond to the reduced shadow cast by the redevelopment of 201 Elizabeth Street and create opportunities to increase solar access to the future Town Hall Square.





**Figure 26 | Context plan - Hyde Park and future Town Hall square (Source: EIS)**

The Applicant noted the proposal remains below the maximum building heights established under the Concept Approval and the sun access plane. The submitted shadow analysis confirmed the proposal will result in a reduction in overshadowing of Hyde Park when compared to the approved building envelope. The shadow analysis illustrated that for six months of the year the proposal will not overshadow Hyde Park between 12:00 noon and 2:00 pm, while for the remainder of the year any additional overshadowing would not occur until after 1:30 pm. The Applicant also demonstrated the overshadowing cast from the proposal will remain within the envisaged overshadowing caused by the redevelopment of 201 Elizabeth Street (see **Figure 27**).



**Figure 27 | 201 Elizabeth Street redevelopment Hyde Park overshadowing analysis (Source: RtS)**

Further, the Applicant noted that by angling the eastern most volume away from a parallel setback along Park Street, in addition to the curved northwest corner of the tower, additional sunlight access to the future Town Hall square will be achieved between approximately 8.00am and 11.00am throughout the year.

The Department is satisfied the proposal will result in acceptable impacts to Hyde Park and the future Town Hall Square as:

- it fully complies with the height of building and overshadowing development standards contained in SLEP, including the Hyde Park West sun access plane
- it complies with the relevant Design Guidelines which require that the building results in no additional overshadowing of Hyde Park between 12.00 noon and 2.00 pm, 21 June, and respond to the overshadowing of Hyde Park caused by the redevelopment of 201 Elizabeth Street between 12.00 noon and 2.00 pm, 21 June
- it would result in less overshadowing of the Park than the approved building envelope due to the shape of the tower and the articulation in the proposed roof form
- the proposal does not overshadow Town Hall steps between 10:30 am and 4:00 pm at any point during the year
- the proposed tower form incorporates curved edges which allows for additional daylight access to the future Town Hall Square, compared to the Concept Approval.

The Department is therefore satisfied the overshadowing impacts of the proposal on the park are very minor, fully in accordance with applicable controls, less than anticipated by the Concept approval, and would not materially affect the amenity of the park or future Town Hall Square.

#### 6.5.4 Adjoining commercial developments

Two public submissions raised concerns the proposal would significantly impact on the natural light and outlook from the respective light wells of the adjoining buildings, National Building (Ashington Place) and of the Masonic Building (see **Figure 28**).

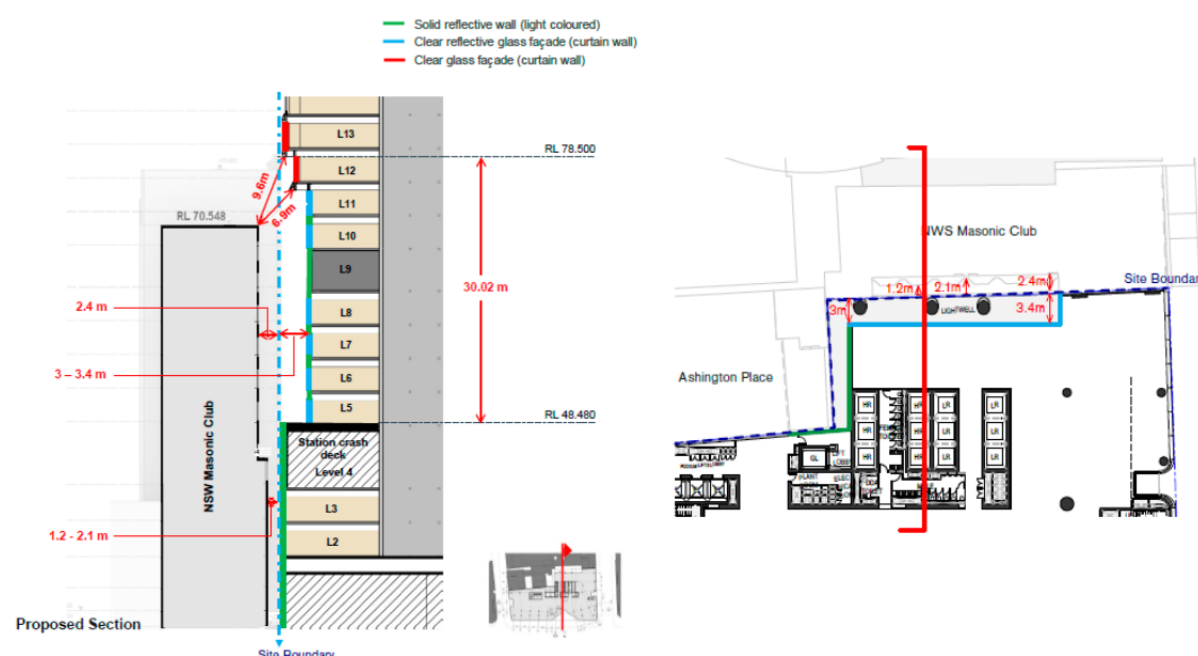
The approved building envelope has a nil setback from the northern / common boundary adjoining the National Building and the Masonic Building, which are also built to the common boundary. The Design Guidelines require appropriate consideration of setbacks to protect light access to adjoining the light

wells of Ashington Place and the NSW Masonic Club. In addition, the Design Guidelines recommend the use of reflective or light-coloured materials to encourage light penetration.



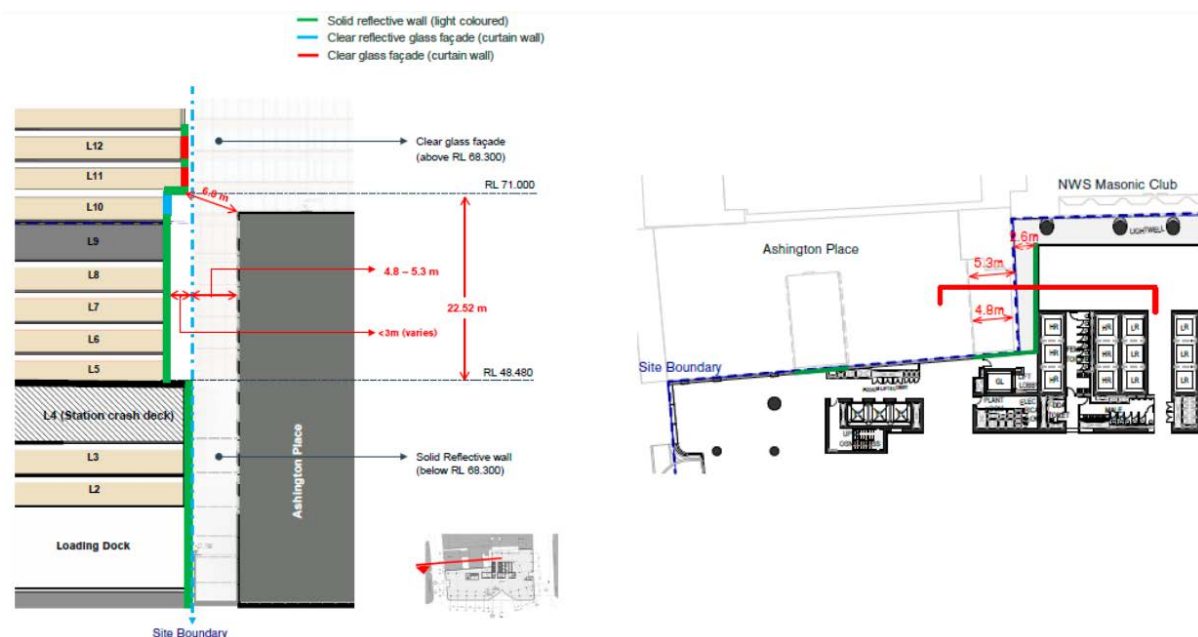
**Figure 28** | Adjoining heritage items, National Building and Masonic Club (Source: EIS)

In response to the Design Guidelines and concerns raised in submissions, the proposal incorporates various tower setbacks between Levels 5 and 12 to provide opportunities to reflect nature light into the adjoining light wells. The Applicant stated that materials and finishes were carefully selected to maximise daylight for these buildings.



**Figure 29** | Relationship between NSW Masonic Club building and proposal (Source: RtS)





**Figure 30 | Relationship between Ashington Place and proposal (Source: RtS)**

The Department notes the proposed podium comprises the approved station structure, which extends up to the height of the transfer level at RL 48.48 (approximately near the Grand Dining Room windows of the NSW Masonic Club (see **Figure 30**) and is subject to the separate infrastructure approval (CSSI 7400).

The Department considers proposed building above the station structure, has incorporated appropriate setbacks and light materials to maximise the opportunity for light penetration into the lightwells of the adjoining commercial buildings, noting:

- a 3 – 3.4 m setback is provided from the lightwell of NSW Masonic Club from Level 5 up to Level 13 (two levels above the height of the NSW Masonic Club) (Figure 29)
- a varied setback is provided from the lightwell of Ashington Place from Level 5 (level above station structure) up to Level 10 (one level above the height of the National Building) (Figure 30)
- a mix of reflective opaque glazing and light-coloured solid materials would be used to maximise daylight for the adjoining buildings.

The Department is therefore satisfied the proposal has provided appropriate setbacks and design measures, consistent with the objectives and requirements of the Design Guidelines to maximise light into the lightwells of adjoining properties.

## 6.6 Traffic and parking

### 6.6.1 Traffic generation

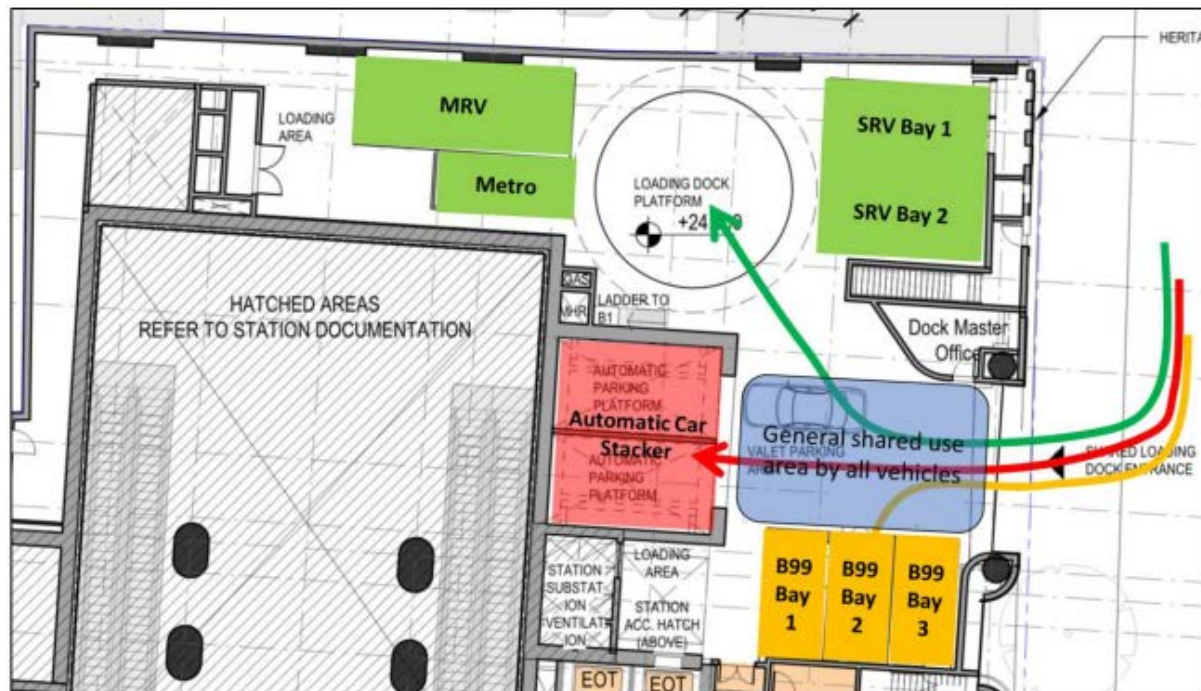
The Applicant's Traffic and Transport Assessment (TTA), prepared by Aurecon, noted the proposal would generate 26 and 20 peak hour vehicular trips during the AM and PM peak hours, which is a reduction from the previous developments 55 peak hour vehicular trips for both AM and PM peak hours.

The Department notes the proposal will have an overall reduction in traffic generation compared to the previous developments, including a reduction from 170 car spaces previously compared to the

proposed 40 car spaces. The Department therefore is satisfied the proposal would not have an adverse impact on the operation of the surrounding road network or performance of intersections.

### 6.6.2 Car parking

The proposal includes 40 car parking spaces (including three courier/servicing spaces) on level 2 of the podium, accessed via an automated car stacker. Vehicle access is provided via Castlereagh Street (**Figure 31**).



**Figure 31 | Car stacker and Loading dock layout (Source: RtS)**

Council did not object to the proposed car parking, however it raised concerns with the vehicle access arrangements and requested it be redesigned to reduce the potential for vehicles to queue into the street.

TfNSW did not raise any concerns with the arrangements, subject to conditions requiring the Applicant prepare various travel and management plans in consultation with the Sydney Coordination Office within TfNSW.

In response the Applicant provided additional information to demonstrate that the car stacker can operation without adverse queuing impacts onto Castlereagh Street. The Applicant notes:

- vehicles are likely to arrive every 4-5 minutes during the peak hour
- the estimated demand for the two automatic car stacker is assumed to be 46 vehicles per hour for the inbound AM peak
- the loading dock can accommodate up to four vehicles while the car stackers are use (six if counting the two vehicles using the car stacker)
- the probability of two or more vehicles queuing at the same time as both lifts in operation is 3%, compared to a 69% probability of a lift being available upon arrival
- the site will employ an on site loading dock manager to ensure the effective and efficient operation of the car stacker.

The Department has carefully considered Council's concerns and the additional information provided by the Applicant and satisfied the car stacker is appropriate as

- access to the 40 car parking bays will be restricted to the commercial tenants (with no public parking provided on site) and longer dwell time service vehicles only, limiting the number of movements and potential queuing
- prior to accessing the automatic car lift, future tenants will need to undertake an induction on how to use the automatic car lift, which will cover where the driver should stop their car, how to access lift, after hour restrictions and other condition imposed by the building operations. User familiarity with the car lift's operation will improve efficiency of use and minimise time delay in turnover.
- the Applicant has adequately demonstrated the likelihood that demand for the car stackers exceeds the on site queuing capacity if significantly low (3%).

The Department considers the measures outlined in the submitted TTA and supplementary report would ensure the car stacker can operate with minimal impacts on Castlereagh Street. The Department recommends a condition to ensure the mitigation measures, contained in the TTA particularly for the operation of the car lift would be implemented.

### **6.6.3 Loading and serving**

The proposal includes seven service vehicles bays within the ground floor loading dock and an additional three service bays within the podium car parking area, comprising:

- 1 x Sydney Metro operational bay
- 3 x light commercial vehicle bays
- 2 x small rigid vehicle bays
- 1 x medium rigid vehicle bay
- 3 x light commercial vehicle bays (via automatic car stacker)

Council raised concerns the loading and servicing rates were inconsistent with Council's DCP, which require the site to provide 21 spaces (excluding any Sydney Metro bays) and requested additional justification for the shortfall. Council also noted that access to the site for loading and servicing should be prioritised.

TfNSW did not object to the proposed number of loading and servicing bays subject to the Applicant being required to prepare a Car Parking, Loading and Servicing Management Plan in consultation with TfNSW.

The TTA notes that based on research including the Institute of Transport (ITE) trip generation handbook 1992, a local Sydney CBD research study presented at the AITPM National conference, alongside recent development applications in the Sydney CBD including the Sydney Metro Martin Place OSD, for a development of this size, between 14 and 17 peak hour service vehicle trips are estimated, with the daily maximum number of vehicles estimated as 101 vehicles per day.

The TTA notes the operation of the proposed loading dock can accommodate up to a maximum of 17 vehicles per hour. As such, the loading dock is estimated to have sufficient capacity to cater for a peak demand for deliveries, which reduces the risk of external on street loading facilities being used.

The TTA also notes that in accordance with the Roads and Maritime Services guidelines the forecast profiles for the proposal show an indicative total maximum of 13 bays are required without any

management or re-arrangement of loading bays. The TTA concludes the 10 service bays are appropriate as management measures are proposed as part of the loading dock operations strategy, including an on-site dock manager, converting three bays into courier spaces, and implementation of a delivery service plan.

The Department has considered Council's concerns, however, is satisfied the proposed loading is acceptable as:

- the proposal is consistent with RMS guidelines and management measures
- the proposal includes a booking system and on-site loading dock manager, which will manage the arrival and departure requirements of the loading dock.

The Department therefore supports the proposal loading and servicing arrangements, subject to the recommended conditions (see **Appendix G**).

#### **6.6.4 Bicycle parking**

The proposal includes 200 bicycle parking spaces and associated end of trip facilities within the podium at the initial stage of the development, with allowance for an additional 312 bicycle spaces to be built as demand increases to comply with Council's DCP requirements.

Council recommended the proposal should provide bicycle parking in accordance with its DCP at the initial stage of the development in lieu of converting car parking spaces to bicycle spaces at a later date.

TfNSW did not object to the proposed number of bicycle spaces and recommended the spaces be located in a secure, convenient, accessible area close to the main entrance. In addition, TfNSW recommended any future commercial tenant undertake annual staff travel surveys to determine the current demand for bicycle parking and provided additional spaces as needed.

The Applicant's RtS states the earliest the OSD will be operational is in 2024, with the opening of the Pitt Street Metro station. A linear interpolation of Council's Cycle Strategy and Action Plan 2018-2031 equates to a target bike mode share of 4.0% by 2024. The Applicant notes the proposed 200 bicycle spaces upon opening corresponds to a mode share of 4.1% for cycling based on the estimated number of employees with the development fully occupied.

The Department considers the proposed number of bicycle parking spaces with additional capacity to convert car spaces to bicycle parking spaces is acceptable because:

- the site is located directed above the Sydney Metro station, which is likely to be the predominate mode of transport to the site
- the proposal provides 40 car spaces which is well below the maximum 62 car spaces permitted for the site and would already encourage less use of private vehicles
- annual surveys would ensure the provision of bicycle facilities is reflecting actual demand, which is likely to change overtime as identified by Council's Cycle Strategy and Action Plan 2018-2031
- the conversion of car spaces to meet future increase in bicycle parking would concurrently reduce private car trips to the site.

The Department therefore supports the proposed initial provision of 200 bicycle spaces, with allowance for an addition 312 bicycle spaces, subject to recommended conditions, requiring annual

staff travel surveys and for additional bicycle parking and end of trip facilities to provided based on the results of the staff surveys.

## 6.7 Other issues

The Department's consideration of other issues is provided below at **Table 4**.

**Table 4 | Other issues**

Issue	Findings	Recommendations
<b>Consistency with Concept Approval</b>	<p>The Concept Approval (SSD 8876) sets the parameters for future development on the site and conditions to be met in future applications.</p> <p>The Department is satisfied the application has adequately demonstrated the proposal is consistent with the Concept Approval.</p> <p>Consideration has been given to the requirements of SSD 8876 under each of the corresponding relevant headings throughout this report.</p> <p>The Department has also undertaken a detailed assessment of the proposal against the conditions of the Concept Approval at <b>Appendix E</b> of this report. The Department is satisfied the proposal is generally consistent with the terms of the Concept Approval (as proposed to be amended).</p>	No additional conditions required
<b>ESD</b>	<p>The proposal originally included ESD initiatives and sustainability measures, targeting minimum environmental standards of 6 Star Green Star Design and As-Built, NABERS 3.5 star water rating and NABERS 5 star energy rating for the development.</p> <p>Concerns were raised by Council and a member of the public that the proposed ESD targets failed to achieve appropriate targets for a project of this size. Council recommended the proposal should be capable of achieving a NABERS Energy 5.5 rating.</p> <p>In response, the Applicant revised the proposed targets to achieve a NABERS 5.5 star energy rating in line with Council's submission.</p> <p>The Department has considered ESD measures in detail at <b>Appendix C</b>. In summary, the Department is satisfied the development includes appropriate sustainability measures in accordance with the Concept Approval, including meeting</p>	A condition has been recommended that sets out the requirements to ensure the ESD targets are achieved.



the required environmental standards and BASIX targets.

<b>Flooding</b>	<p>As required by Condition B22 of the Concept Approval, a Flood Impact Assessment was submitted with the proposal and confirms the OSD entries would have floor levels at or above the 1 in 100 year (1% AEP) flood level.</p> <p>Council noted the assessment only summarised the flood planning level requirements and recommended that the assessment be updated to determine the actual 1% AEP flood planning levels in accordance with Council's Interim Floodplain Management Policy.</p> <p>The Applicant advised that any flood impacts and mitigation measures, including ground floor levels and changes to footpath levels form part of the CSSI Approval and are not affected by the proposed development.</p> <p>The Department is satisfied the proposal would not result in any unacceptable flooding risks and the finish floor levels will be consistent with the CSSI approval.</p>	<p>No additional conditions required</p>
<b>Stormwater Management</b>	<p>As required by Condition B22 of the Concept Approval, a stormwater management plan was also submitted with the application.</p> <p>To address concerns raised by Council, the Applicant provided MUSIC modelling to demonstrate water quality outcomes would be consistent with Council requirements.</p> <p>Council subsequently raised no further concerns with stormwater management.</p> <p>The Department is satisfied that the proposal can adequately manage stormwater, subject to conditions.</p>	<p>Standard conditions are recommended requiring a detailed stormwater management system plan prior to construction, works as executed plans following construction, and a stormwater quality management plan.</p>
<b>Wind Impacts</b>	<p>The proposal was accompanied by a wind impact assessment which modelled the wind impacts of the development against the relevant wind comfort criteria for the surrounding public domain and proposed open space areas within the site.</p> <p>The assessment demonstrated wind conditions within and around the subject development are expected to meet the criteria for Pedestrian Sitting or Pedestrian Standing with the exception of the southeast corner of the Level 10 terrace. The Wind Impact Assessment however noted features</p>	<p>A condition has been recommended that sets out the requirements for wind mitigation.</p>

such balustrade edges and raised planting areas along the terrace perimeter on Levels 10 are expected to reduce the wind speeds on the terrace and recommended that trees of similar height and crown span (as shown in landscaping plan) be considered along the east edge of the terrace.

The Department is satisfied the proposal would not result in unacceptable wind impacts subject to recommended mitigation measures contained in the wind impact assessment. The Department is also satisfied the proposal would not result in unacceptable wind impacts to surrounding developments and public domain and any impacts would be consistent with those expected by the approved building envelope.

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### **Urban Ecology**

Council identified increasing instances of birds striking buildings around the City, particularly owls. Given the site's proximity to Hyde Park, Council recommended a localised treatment to the glazed screen should be considered.

In response, the RtS outlined a number of proposed design features to help prevent instances of bird strikes, included solid spandrels, sunhoods and vertical fins. The RtS also included balustrade details incorporating solid capping, handrails and horizontal fritting to reduce the risk of bird strikes.

The Department is satisfied the Applicant has appropriately responded to Council's concerns and includes design measures to minimise the risk of bird strikes.

A public submission also raised concern the proposal would impact biodiversity in both Hyde Park and Sydney Harbour, such as altered wind patterns, light spillage and affect fly paths. However the Department considers the proposal would not result in any significant biodiversity impacts given its CBD context and separation distance from Hyde Park and the Harbour.

A condition has been recommended that sets out the requirements for the development to be constructed in accordance with the submitted information.

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### **Construction Impacts**

As required by the Concept Approval, the proposal was accompanied by a Construction Management Plan which has given consideration to the construction impacts associated with the proposal including noise, vibration and traffic.

Public submissions noted construction noise impacts and TfNSW recommended a

Standard conditions of consent are recommended requiring construction management plans and management of construction impacts.

condition in relation to construction traffic and pedestrian management.

The Department considers that subject to appropriate standard conditions in relation to construction management, construction impacts, including noise, traffic and emissions can be appropriately mitigated and managed to an acceptable level .

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**Contamination**

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

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

A condition has been recommended that sets of the requirements for a Site Audit Statement.

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**Heritage Interpretation**

The application was accompanied by a Heritage Interpretation Plan, which is designed to facilitate a creative approach to communicating the history of the site to future audiences and encourage the innovative expression of past narratives.

The Department notes the plan assessed several suitable locations for heritage interpretation devices, the type of content that would be suited and the target audience that the device would engage with.

The Department is satisfied that appropriate mitigation measures will be put in place and the proposal will not have any adverse heritage impacts, subject to a condition requiring the recommendation of the Heritage Interpretation Plan being implemented.

A condition has been recommended that sets out the requirements for the implementation of the Heritage Interpretation Plan.

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**Signage Zones**

The proposal was accompanied by a Signage Strategy, which included signage zones for building identification and business identification.

The Department notes the signage zones are loose fit to allow for greater design development and testing of future signage options.

A condition is recommended requiring future development applications to be submitted to Council for signage.

The Department has assessed the proposed signage zones against the requirements of SEPP 64 at Appendix C and considers the provision of signage on the building is acceptable, subject to future applications being made to Council for the detail design and installation of any signage.

<b>CPTED</b>	<p>The proposal was accompanied by a Crime Prevention through Environmental Design (CPTED) assessment as required by the Concept Approval.</p> <p>The Department is satisfied the proposal incorporates appropriate CPTED measures including active frontages, glazing and well-lit entries to the site (to enable passive surveillance and clear lines of sight), security-controlled access to the residential premises and CCTV to monitor building entries.</p>	No additional conditions required
<b>Developer contributions</b>	The OSD is subject to contributions under the Central Sydney Development Contributions Plan 2013, equivalent to 1% of the development CIV.	A condition has been recommended that sets out the requirements for contributions in accordance with the Central Sydney Development Contributions Plan 2013.
<b>Heritage floor space</b>	The OSD is subject to clause 6.11 of SLEP, which requires the allocation of heritage floor space equal to 23,125 m <sup>2</sup> .	A condition has been recommended that sets out the requirements for acquiring heritage floor space in accordance with clause 6.11 of SLEP.

## 7 Evaluation

The Department has assessed the merits of the proposal taking into consideration the issues raised in submissions, as well as the Applicant's response to the submissions, and is satisfied the impacts have been satisfactorily addressed by the proposal and through the Department's recommended conditions.

The Department considers the proposal is acceptable for the following reasons:

- the proposal is consistent with the strategic planning framework for the Sydney CBD as it would strengthen the national and international competitiveness of Sydney as an economic hub and it takes advantage of the Government's investment in public transport by locating commercial office space, accommodating up to 4,000 ongoing operational jobs, as well as retail tenancies immediately above the new Pitt Street Metro Station
- the proposal would achieve design excellence as:
  - it is supported by the Sydney Metro Design Review Panel
  - it incorporates high quality materials and finishes to integrate with the approved CSSI Metro Station and to reflect the fabric of nearby and adjacent heritage items
  - its height, bulk and scale are compatible with the neighbouring heritage items and the character of tower developments in Sydney CBD
- the proposal complies with maximum building height and sun access plane development standards for the site contained in the Sydney Local Environmental Plan 2012 (SLEP)
- while the proposal would depart from the floor space ratio development standard contained in the SLEP, the Department considers the proposal is acceptable as it would not result in any unreasonable impacts in terms of overshadowing, view loss or visual bulk and scale. Further, the Department is satisfied the proposal is ideally located to accommodate higher density, being located directly above a new metro station within the Sydney CBD
- the proposal generally complies with the building envelope set by the modified Concept Approval, with minor projections (up to 600 mm) to enable façade elements that articulate and improve the appearance of the building with minimal additional impacts in terms of perceptible bulk and scale
- the proposal would not result in any adverse transport or traffic impacts on the surrounding road or pedestrian network and it includes appropriate management measures to ensure that on-site servicing and operation of the car stacker do not adversely affect traffic along Castlereagh Street
- the proposal includes appropriate ESD initiatives and sustainability measures, targeting minimum environmental standards of 6 Star Green Star Design and As-Built, 3.5 star NABERS Water rating and 5.5 star NABERS Energy rating for the development.

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

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



## 8 Recommendation

It is recommended that the Executive Director, Key Sites and Regional Assessments:

- **considers** the findings and recommendations of this report
- **determines** SSD 8875 MOD 1 falls within the scope of section 4.55(2) of the EP&A Act
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to modify SSD 8875 and grant consent to SSD 10375
- **agrees** with the key reasons for approval listed in the Notice of Decision (**Appendix G**)
- **modify** the consent SSD 8875
- **grants consent** for the application in respect of SSD 10375, subject to the conditions in the attached development consent (**Appendix G**).
- **signs** the attached Modification of Development Consent (**Appendix G**)
- **signs** the attached Development Consent and recommended conditions of consent (**Appendix G**)

**Recommended by:**

**Recommended by:**

**Annie Leung**  
**Team Leader**  
**Key Sites Assessments**

**Anthony Witherdin**  
**Director**  
**Key Sites Assessments**

## 9 Determination

The recommendation is **Adopted / Not adopted** by:

**Anthea Sargeant**  
**Executive Director**  
**Regional and Key Sites Assessments**

# Appendices

## Appendix A – List of referenced documents

### SSD 8875 MOD 1 – Stage 1 modification application

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

<https://www.planningportal.nsw.gov.au/major-projects/project/35891>

### SSD 10375 – Stage 2 development application

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

<https://www.planningportal.nsw.gov.au/major-projects/project/25466>

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

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

Issue	Consideration
<b>Construction Impacts</b> <ul style="list-style-type: none"><li>- noise</li><li>- traffic</li></ul>	<i>Assessment</i> <ul style="list-style-type: none"><li>• As required by <b>Conditions B15</b> and <b>B16</b> of the Concept Approval, the application is accompanied by a Construction Management Plan which has given consideration to the construction impacts associated with the proposal including noise and traffic.</li><li>• The Department considers that subject to appropriate standard conditions, including traffic and noise, construction impacts can be appropriately mitigated and managed.</li></ul>
<b>Overshadowing</b> <p>The proposal results in additional overshadowing impact on adjoining residential development</p>	<i>Assessment</i> <ul style="list-style-type: none"><li>• The Department acknowledges the proposal results in overshadowing of apartments within the Park Regis between 9 am and 3 pm, mid winter.</li><li>• The extent of the impact is considered acceptable in the context of the sites CBD location, the relative location of the buildings (Park Regis located immediately to the south) and as the proposal complies with the applicable planning controls for building height and setbacks.</li><li>• Further, the extent of the impact is less than anticipated by the approved building envelope on the site, and the Department is satisfied the building has been appropriately designed to reduce bulk in key areas in order to minimise shadowing of the neighbouring premises.</li></ul>

- The Department is also satisfied the proposed additional 5,433 m<sup>2</sup> GFA does not result in any additional amenity impacts compared to a Concept Approved compliant scheme.
- In this regard, the Department is satisfied the Applicant has explored alternative design options to ensure the proposed scheme minimises overshadowing of the neighbouring dwellings, consistent with the Design Guidelines and complies with the conditions of the Concept Plan.

### Privacy impacts

The proposal will result in adverse privacy impacts on adjoining residential developments

### Assessment

- The Department notes the separation between the proposed office tower and the nearest residential property (Park Regis) is over 43 m, which exceeds the minimum 24 m recommended building separation under the ADG. The Department is satisfied the proposal will not unreasonably impact on the privacy of adjoining residential developments.

### View loss

The proposal will result in a loss of views and outlook from adjoining buildings

### Assessment

- View loss and outlook impacts are a function of the building envelope which has already been established through the Concept Approval. The previous assessment of the envelope concluded view impacts were acceptable as primary views from affected properties are orientated to the northwest, towards Hyde Park and water views beyond. Additionally, the redevelopment of other surrounding sites in accordance with Council's controls would obstruct similar views.
- The Department considers the proposal adequately demonstrates that view impacts on surrounding residential development have been minimised and outlook towards Hyde Park from the Park Regis apartments has been improved, compared to the Concept Approval.

### ESD

The proposed ESD targets fail to endeavour to achieve appropriate ESD for a project of this size

### Assessment

- **Conditions B9** and **B10** require demonstration of ESD principles consistent with the Concept Approval and also require a minimum 5 Star NABERS energy rating and 3.5 Star NABERS water rating, as well as 6 Star Green Star rating for the building.
- The Department notes the RtS reviewed the ESD targets and proposed a NABERS Energy 5.5 rating in line with Council's submission.
- Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act.

### Biodiversity impact

The height of the proposal and the proximity to Hyde Park and Sydney Harbour will impact on biodiversity

### Assessment

- Concern was raised the proposal has the potential to impact biodiversity in both Hyde Park and Sydney Harbour, such as altered wind patterns, light spillage and fly paths.
- The Department notes the proposal includes a number of design features to help prevent instances of bird strikes, included solid spandrels, sunhoods and vertical fins. The RtS also included balustrade details incorporating solid capping, handrails and horizontal fritting to reduce the risk of bird strikes.
- The Department is satisfied the Applicant has appropriately responded to the concerns.

**Impact on adjoining commercial development***Assessment*

- Concerns were raised the proposal would significantly impact on the natural light and outlook from the respective light wells of the adjoining buildings, National Building (Ashington Place) and of the Masonic Building.
- The Department notes appropriate tower setbacks are proposed between the NSW Masonic Club site boundary, in addition to a mix of reflective opaque glazing and reflective, light-coloured solid materials on the façade of the OSD to maximise daylight reflectivity through the light well to the adjacent NSW Masonic Club and would be a pleasant outlook to the OSD building.
- Further, Levels 1 to 9 of the facade interfacing the Ashington Place light well are proposed to be solid and painted in a light reflective colour to match the existing light well walls.
- The Department is satisfied the proposal demonstrates that suitable materials and setbacks have been proposed to maximise natural light access to and improve the outlook from the immediately adjoining buildings.

**Appendix C – Statutory Considerations**

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

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



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

### Ecologically sustainable development

The EP&A Act adopts the definition of ESD found in the Protection of the Environment Administration Act 1991. Section 6(2) of the Protection of the Environment Administration Act 1991 states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle;
- inter-generational equity;
- conservation of biological diversity and ecological integrity; and

- improved valuation, pricing and incentive mechanisms.

The proposed works have been designed to achieve a 6-Star Green Star rating, NABERS water 3.5 rating and NABERS energy 5.5 rating through a range of sustainability measures and ESD initiatives, including:

- efficient building services, systems, equipment and controls incorporating sub-metering for improved tracking of operational performance.
- passive design principles to improve thermal comfort and reduce air-conditioning energy through a high-performance facade with energy-efficient glazing, insulation and fixed shading.
- regenerative lifts with best-in-class energy efficiency performance.
- rainwater capture and reuse for toilet flushing and landscape irrigation.
- close proximity to public transport and amenities.
- more sustainable timber and concrete specification.
- Low-Volatile Organic compounds (VOC) paints, carpets, sealants and adhesives and low formaldehyde engineered wood products.
- diversion of construction waste from landfill and on-site operational waste management facilities
- a climate risk and adaptation assessment to identify practical actions to be taken to manage risks from climate impacts and make the building more resilient.

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

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

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

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

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

### Section 4.55(2) matters for consideration

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

Section 4.55(2) Evaluation	Consideration
a. satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all)	<ul style="list-style-type: none"> <li>The proposal seeks to permit projections beyond the approved building and increase the total permitted GFA by 5,433 m<sup>2</sup>.</li> <li>The Department is satisfied the proposed modification is substantially the same development as approved as the key components of the development remain, being a Concept Approval for a new commercial development.</li> </ul>
b. that it has consulted with the relevant Minister, public authority or approval body) in respect of a condition imposed by the Minister, public authority or approval body, and	<ul style="list-style-type: none"> <li>Not applicable.</li> </ul>
c. the application has been notified in accordance with the regulations, and	<ul style="list-style-type: none"> <li>The modification application has been notified in accordance with the EP&amp;A Regulations. Details of the notification are provided in <b>Section 5.1</b> of this report.</li> </ul>
d. any submission made concerning the proposed modification has been considered	<ul style="list-style-type: none"> <li>The issues raised in submissions have been considered in <b>Section 5</b> and <b>6</b> of this report.</li> </ul>

### Environmental Planning Instruments (EPIs)

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

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

- State Environmental Planning Policy (State & Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 – Remediation of Land
- Draft State Environmental Planning Policy (Remediation)
- State Environmental Planning Policy No. 64 – Advertising and Signage
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Draft State Environmental Planning Policy (Environment)
- Sydney Local Environmental Plan 2012
- Sydney Development Control Plan (DCP) 2012

### State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The development is SSD under clause 19 of Schedule 2 of the SRD SEPP. The Minister for Planning and Open Spaces is the consent authority for the application. The table below considers clauses of the SEPP relevant to this application.

Relevant Section	Department's Consideration
<b>3 Aims of the Policy</b> The aims of this policy are: <ul style="list-style-type: none"> <li>(a) to identify development that is State significant development,</li> <li>(b) to identify development that is State significant infrastructure and critical State significant infrastructure,</li> <li>(c) to identify development that is regionally significant development.</li> </ul>	The proposed development is identified as State significant development (See <b>Section 4.1</b> ).
<b>8 Declaration of State significant development: section 4.36</b> Development is declared to be State significant development for the purposes of the Act if – <ul style="list-style-type: none"> <li>(a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and</li> <li>(b) the development is specified in Schedule 1 or 2.</li> </ul>	The proposed development is permissible with development consent. The development is specified in Schedule 1 of the SRD SEPP.
<b>Schedule 1 State significant development – general (Clause 19 (2))</b> Development within a rail corridor or associated with railway infrastructure that has a capital investment value of more than \$30 million for any of the following purposes: <ul style="list-style-type: none"> <li>(a) commercial premises or residential accommodation</li> </ul>	The proposal is development for the purposes of commercial premises associated with railway infrastructure development with a CIV of more than \$30 million.

### State Environmental Planning Policy (Infrastructure) 2007

The State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The ISEPP is applicable as the proposal involves development in or adjacent to a rail corridor (Division 15 Railways), being the Sydney Metro City and Southwest corridor.

In accordance with clause 87 of the SEPP, an Acoustic Report was submitted with the EIS (**Appendix U** of the EIS) which demonstrated the proposed design is capable of compliance with the provisions of the Development Near Rail Corridors and Busy Roads - Interim Guideline and acoustic requirements of the SEPP. The Department has considered construction and operational noise at **Section 0** and concludes noise impacts can be managed and/or mitigated. Standard conditions of consent have been recommended to manage the impacts.

The project approval is 'traffic generating development' under Schedule 3 of the ISEPP. In addition, the proposal includes more than 2,500m<sup>2</sup> commercial GFA and therefore is a development to which the ISEPP applies. Traffic generation is considered in **Section 6.6**. The application was referred to TfNSW (RMS) in accordance with the ISEPP. TfNSW (RMS) comments on the proposal are summarised at **Section 5.3**.

The Department considers the proposed development to be consistent with the ISEPP given the consultation and consideration of transport, traffic and parking issues in **Section 6** and recommended conditions of consent in **Appendix D**.

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

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

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

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

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

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

A Signage Strategy Design Report was submitted with the EIS and proposes various signage zones. The detailed design and installation of signage will be subject to future applications.



Under Clause 8 of SEPP 64, consent must not be granted for any signage application unless the proposal is consistent with the objectives of the SEPP and with the assessment criteria contained in Schedule 1. The Department considers the proposed signage zones to be compatible with the desired amenity and visual character of the area, would provide effective activation, communication and would enable a high-quality design. The signage zones are therefore consistent with the objectives of SEPP 64. The Department's assessment of Schedule 1 of SEPP 64 is provided in table below.

Assessment Criteria	Comments	Compliance
<b>1 Character of the area</b>		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The signage zones are compatible with the desired character of Central Sydney as a global and economic centre.	Yes
Is the proposal consistent with a theme for outdoor advertising in the area or locality?	The proposal provides for building and business identification, consistent with the signage for the surrounding buildings and integrated with the established theme.	Yes
<b>2 Special areas</b>		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The signage zones would not detract from the amenity or visual quality of any environmentally sensitive, heritage, natural, conservation, open space, waterways or residential areas as the signage zones do not appear excessive and are integrated into the design of the building.	Yes
<b>3 Views and vistas</b>		
Does the proposal: obscure or compromise important views? dominate the skyline and reduce the quality of vistas? respect the viewing rights of other advertisers?	Signage zones are affixed and will be contained within the envelope of the building. As the signs do not project beyond the building envelope, the proposal would not compromise any important views, the skyline or interfere with other advertisers.	Yes
<b>4 Streetscape, setting or landscape</b>		
Does the proposal: provide an acceptable scale, proportion and form, appropriate for the streetscape, setting or landscape?	The proposed scale, proportion and form are appropriate and not considered excessive in size for the streetscape and surrounding landscape of the proposed development. The top of building signage zone is acceptable for its location within the CBD and is consistent with similar signage of surrounding buildings.	Yes
contribute to the visual interest of the streetscape, setting or landscape?	The signage will function as building/business identification and will be consistent with similar signage with the CBD setting.	Yes
reduce clutter by rationalising and simplifying existing advertising?	Not applicable.	N/A
screen unsightliness?	The proposed signage zones are integrated into a new development that exhibits design excellence, therefore there is no unsightliness.	Yes

protrude above buildings, structures or tree canopies in the area or locality?	The signage is contained within the building façade and does not protrude above the building.	Yes
require ongoing vegetation management?	The proposed signage zones would not impact upon any vegetation.	N/A
<b>5 Site and building</b>		
<p>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</p> <p>Does the proposal respect important features of the site or building, or both?</p> <p>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</p>	<p>The signage zones are compatible with the scale and context of the proposed building and have been designed to be integrated with the design and architecture of the building facade. It will not detract from the design features of the site and building.</p> <p>Details of the signage design will be included in future applications.</p>	Yes
<b>6 Associated devices and logos with advertisements and advertising structures</b>		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	These details have not been provided at this stage. However, it is expected that these details would be provided as part of future applications for signage, consistent with the requirements of SEPP 64.	Yes
<b>7 Illumination</b>		
<p>Would illumination:</p> <ul style="list-style-type: none"> <li>• result in unacceptable glare?</li> <li>• affect safety for pedestrians, vehicles or aircraft?</li> <li>• detract from the amenity of any residence or other form of accommodation?</li> </ul> <p>Can the intensity of the illumination be adjusted, if necessary and is the illumination subject to a curfew?</p>	Details regarding illumination have not been provided at this stage. However, it is expected that these details would be provided as part of any future applications for signage, consistent with the requirements of SEPP 64.	Yes
<b>8 Safety</b>		
<p>Would the proposal reduce safety for:</p> <ul style="list-style-type: none"> <li>• pedestrians, particularly children, by obscuring sightlines from public areas?</li> <li>• any public road?</li> </ul>	The signage zones are located at the top and podium levels of the proposed building and at ground floor, will be integrated with the building façade. Therefore, the future signage is not expected to reduce safety for road users, cyclists or pedestrians.	Yes

### Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The land is within the Sydney Harbour Catchment. However, the only relevant matters for consideration are scenic quality and views to and from the Harbour. In response to these matters, the

Department notes that the proposal is generally compliant with the envisaged scale, form and siting of the building envelope under the Concept Approval and has no adverse impact on views from the Harbour or views to the Harbour from publicly accessible vantage points.

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

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

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

### **Sydney Local Environmental Plan 2012 (SLEP)**

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

<b>SLEP Clause</b>	<b>Relevant controls / criteria</b>	<b>Department's Assessment</b>
1.2 – Aims of the Plan	<p>The Plan aims to:</p> <ul style="list-style-type: none"> <li>reinforce the role of the City of Sydney as the primary centre for Metropolitan Sydney</li> <li>support the City of Sydney as an important location for business, educational and cultural activities and tourism</li> <li>promote ecologically sustainable development</li> <li>provide for development densities that permit employment to increase</li> <li>retain and enhance land used for employment purposes that are significant for the Sydney region</li> <li>enable a range of services and infrastructure that meets the needs of residents, workers and visitors</li> <li>ensure that the pattern of land use and density in the City of Sydney reflects the existing and future capacity of the transport network and facilitates walking, cycling and the use of public transport</li> <li>provide for a range of existing and future mixed-use centres and to promote the economic strength of those centres</li> <li>achieve a high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities</li> <li>conserve the environmental heritage of the City of Sydney</li> </ul>	<p>The proposal is in keeping with the aims of the SLEP in that the use is compatible with the desire to reinforce the role of the City as the primary centre for Metropolitan Sydney, support the City as an important location for business and promote economic growth of the CBD.</p> <p>The proposal promotes ESD with a number of sustainability measures to meet environmental standards.</p> <p>The proposal benefits from being above the new Metro station, providing access between homes and jobs, reflecting currents and future transport capacity within the City and benefiting from existing walking and cycling tracks.</p> <p>The proposal fits within the desired character of the area. Heritage impacts are considered acceptable, whilst achieving compliance with design excellence standards.</p>

2.3 – Land use zoning	<p>The site is within the B8 Metropolitan Centre Zone. The objectives of the B8 Zone include the following relevant objectives:</p> <ul style="list-style-type: none"> <li>• To recognise and provide for the pre-eminent role of business, office, retail, entertainment and tourist premises in Australia's participation in the global economy.</li> <li>• To provide opportunities for an intensity of land uses commensurate with Sydney's global status.</li> <li>• To permit a diversity of compatible land uses characteristic of Sydney's global status and that serve the workforce, visitors and wider community.</li> <li>• To encourage the use of alternatives to private motor vehicles, such as public transport, walking or cycling.</li> <li>• To promote uses with active street frontages on main streets and on streets in which buildings are used primarily (at street level) for the purposes of retail premises.</li> </ul>	The proposal is permissible with consent and consistent with the objectives of the zone.
4.3 – Height of buildings	The height of a building is not to exceed the maximum height shown on the <i>Height of Buildings Map</i> .	The Height of Buildings Map identifies the site as within 'Special Area 3 and subject to clause 6.17.
4.4 – Floor Space Ratio	The subject site is subject to a maximum FSR of 8:1 under the clause	Refer to Section 6. X and <b>Appendix D</b> for further details.
5.6 – Architectural roof features	Development consent can be granted to development that includes an architectural roof feature that exceeds the maximum height control.	The proposal does not include any architectural roof features which project above the height of building standard.
5.10 – Heritage conservation	<p>The consent authority must consider the effect of the proposed development on the heritage significance of a heritage item or conservation area.</p> <p>The consent authority may require a heritage assessment before granting consent to any development on land that is within the vicinity of a heritage item or conservation area.</p>	<p>The Department consulted with the Heritage Council on the application. The Heritage Council considered the Heritage Impact Statement (HIS) and Heritage Interpretation Strategy were satisfactory.</p> <p>The Department conclude that the proposal has acceptable impacts to the adjacent and surrounding heritage items (<b>Section 6.3</b>).</p>

6.4 – Floor Space in Central Sydney – Accommodation floor space	In addition to the base 8:1 FSR permitted under clause 4.4, the proposal is eligible for additional floor space up to 4.5:1 for commercial premises, adjusted according to the proportion of the land use on the site.	The commercial premises represents 98% of the total building GFA, therefore the proposal is eligible for an additional FSR 4.41:1 above the base 8:1 FSR or the equivalent of an additional 13,892 m <sup>2</sup> . Refer to Section 6.X and <b>Appendix D</b> for further details.
6.6 – Floor Space in Central Sydney – End of journey floor space	In addition to the base 8:1 FSR permitted under clause 4.4, the proposal is eligible for up to 0.3:1 additional floor space for the purposes of end of journey facilities including showers, change rooms, lockers and bicycle storage areas. The additional floor space ( <i>end of journey floor space</i> ) is equal to the floor space occupied by the facilities.	The proposal includes 473 m <sup>2</sup> (0.15:1) for the purposes of end of journey facilities. Refer to Section 6. X and <b>Appendix D</b> for further details.
6.16 – Erection of tall Buildings in Central Sydney	This clause sets out matters for consideration for buildings greater than 55m in height on sites smaller than 800m <sup>2</sup> . The objectives of the clause are to ensure tower development: <ul style="list-style-type: none"> <li>• provides amenity for occupants of the tower and neighbouring buildings,</li> <li>• does not adversely affect the amenity of public places,</li> <li>• is compatible with its context,</li> <li>• provides for sunlight to reach the sides and rear of the tower,</li> <li>• promotes the ventilation by allowing the free movement of air around towers,</li> <li>• encourages uses with active street frontages.</li> </ul>	The site is greater than 800m <sup>2</sup> so the matters for consideration do not apply.  Nevertheless, the proposal is consistent with the objectives of the clause as the development provides appropriate amenity for occupants and neighbours including sunlight (refer to <b>Section 6.4</b> ), does not result in unacceptable impacts to the amenity of public places and is compatible with its context ( <b>Section 6.1</b> ).
6.17 – Sun Access Planes	The consent authority must not grant development consent to development on land if the development will result in any building on the land projecting higher than any part of a sun access plane taken to extend over the land under this clause.	The building envelope will not project higher than the Hyde Park West sun access plane.
6.21 – Design Excellence	Consent must not be granted unless the proposal exhibits design excellence. Matters for consideration: (a) design, materials and detailing appropriate to building type and location, (b) external appearance and impact on public domain, (c) impacts on view corridors, (d) the following matters: (i) the suitability of the land for development, (ii) the existing and proposed uses and use mix,	The proposal demonstrates design excellence, as discussed in <b>Section 6.4</b> , the proposal is supported by the Sydney Metro Design Review Panel, incorporates high quality materials and finishes to integrate with the approved CSSI Metro Station and to reflect the fabric of nearby and adjacent heritage items and its height, bulk and scale are compatible with the character of tower developments in Sydney CBD.



	<p>(iii) heritage issues and streetscape constraints,</p> <p>(iv) location of any tower and relationship with other towers</p> <p>(v) bulk, massing, modulation of buildings,</p> <p>(vi) street frontage heights,</p> <p>(vii) impacts, including solar access, shadowing, sustainable design, privacy, noise, wind and reflectivity,</p> <p>(viii) ecologically sustainable development,</p> <p>(ix) access, circulation, pedestrian network</p> <p>(x) impact on /improvements to public domain</p> <p>(xi) special character areas</p> <p>(xii) ground level interface between the building and the public domain,</p> <p>(xiii) excellence and integration of landscape design.</p> <p>A competitive design process is required the development unless the consent authority is satisfied that such a process would be unreasonable or unnecessary in the circumstances</p>	
7.15 – Flood Planning	<p>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:</p> <ul style="list-style-type: none"> <li>• is compatible with the flood hazard of the land, and</li> <li>• is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</li> <li>• incorporates appropriate measures to manage risk to life from flood, and</li> <li>• is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses, and</li> <li>• is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</li> </ul>	<p>Flood impacts and mitigation, including ground level floor levels and changes to footpath design, were determined as part of the SSI approval.</p> <p>A Flood Impact Assessment Report and Stormwater Management Plan were submitted as part of this application and includes consideration of ventilation openings, ground floor pavement levels at the entrances to the OSD components. The Department has considered the flooding in <b>Section 6.6</b> and is satisfied the proposal is compatible with the flood hazard and would not result in unacceptable flooding risk.</p>

7.16 – Air Space Operations	The consent authority must not grant development consent for the development, if the relevant Commonwealth body advises that the development will penetrate the Limitation or Operations Surface and should not be constructed.	The proposal penetrates the OLS for Sydney Airport. Approval has been granted by the Commonwealth Department of Infrastructure, Regional Development and Cities. Relevant conditions of the approval have been included in the recommended conditions.
7.20 – Development requiring or authorising preparation of a development control plan	Development consent must not be granted to development in Central Sydney for a site of more than 1,500m <sup>2</sup> or height greater than 55 metres unless a development control plan has been prepared for the land. A CP is not required if the consent authority is satisfied that such a plan would be unnecessary.	Section 83C of the EP&A Act provides that this obligation is satisfied by a staged development application. The approval of the Concept Plan for the site which sets the building envelope and the matters to be considered as part of the detailed application, therefore satisfies this requirement.  The Design Quality Guidelines (considered below) also serve the same function as a DCP.

### Sydney Development Control Plan (DCP) 2012

In accordance with clause 11 of the SRD SEPP, development control plans do not apply to SSD. Notwithstanding this, the objectives of relevant controls under the Sydney Development Control Plan 2012, where relevant, have been considered in **Section 6** of this report.

### Appendix D – Consideration of clause 4.6 submission

The proposal seeks a variation to the maximum floor space ratio (FSR) permitted under the Sydney Local Environmental Plan 2012 (SLEP).

The following table sets out the maximum FSR / GFA under SLEP:

SLEP	FSR	GFA
<b>Clause 4.4 – Floor space ratio</b>	8:1	25,200 m <sup>2</sup>
<b>Clause 6.4 – Accommodation floor space</b>	4.41:1	13,892 m <sup>2</sup>
<b>Clause 6.6 – End of journey floor space</b>	0.15:1	473 m <sup>2</sup>
<b>Total</b>	<b>12.56:1</b>	<b>39,564 m<sup>2</sup></b>

The proposal seeks an FSR of 17.7:1 (GFA of 55,743 m<sup>2</sup>), therefore exceeding the maximum FSR under SLEP by 5.14:1 (16,179 m<sup>2</sup> or 41%).

Clause 4.6(2) of SLEP permits the consent authority to consider a variation to a development standard. The aims of clause 4.6 are to provide an appropriate degree of flexibility in applying certain

development standards and to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

When considering a proposed variation, clause 4.6 requires the following:

*Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

*Development consent must not be granted for development that contravenes a development standard unless:*

- (a) the consent authority is satisfied that:*
  - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3) (above), and*
  - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Secretary has been obtained (although this is not required for SSD).*

The following provides an assessment of the proposed exception to the development standard under clauses 4.3 of the SLEP, applying the tests summarised by *Preston CJ in Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* and *Wehbe v Pittwater Council (2007) 156 LGERA 446; [2007] NSWLEC 827*.

#### **1. Has the consent authority considered a written request demonstrating compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?**

The Applicant's has submitted a written request (**Appendix GG** of the EIS), seeking a variation to the FSR standard that applies to the site under the SLEP.

In summary, the Applicant's clause 4.6 request demonstrates that compliance with the FSR standard is unreasonable and unnecessary in the circumstance of the case as the development is consistent with the objectives of the standard, in keeping with the first test of the five part tests in *Wehbe v Pittwater Council [2007] NSWLEC 827*.

More specifically, the Applicant's written request provides the following reasons to demonstrate that the development is consistent with the objectives of the FSR standard:

- the proposal provides for new employment capacity within the Sydney CBD, which has been identified through the Greater Sydney Region Plan, the Eastern City District Plan and local planning policies as the focal point for Metropolitan Sydney's growth within the Eastern City
- the delivery of high-density employment-generating development on this uniquely well-serviced site is entirely compatible with this desired future character for the Sydney CBD

- 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
- 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 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
- future users of the development will benefit from an unprecedented level of accessibility and as such vehicular trip generation is expected to be low and substantially reduced over the former vehicle generation at the site, resulting in minimal impacts on the operation of the local road network
- by providing for additional new commercial office space above the future Sydney Metro station, the OSD will deliver increased environmental, social and economic benefits to the community
- 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.

For the reasons provided above, the Department accepts that compliance with the FSR standard is unreasonable or unnecessary given the circumstances of the case.

## **2. Has the consent authority considered a written request that demonstrates there are sufficient environmental planning grounds to justify contravening the development standard?**

The Department considers there are sufficient environmental planning grounds to justify the development's contravention of the development standard in the circumstances of the case as provided in the Applicant's written request and as summarised below:

- the development is consistent with the objects of the EP&A Act by promoting the orderly and economic use and development of the land, and promoting and delivering good design and amenity of the built environment through the delivery of an A-grade office tower that will support significant new employment within Sydney CBD
- the proposal achieves the objectives of the FSR development standard
- 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 proposal only occupies 84% of the approved building envelope, 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 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 Department considers the Applicant's arguments above to be well founded. In supporting the above environmental planning grounds to vary the development standard, the Department considers that the development will deliver a better planning outcome for the site. The Department also considers the proposed additional floor space is acceptable because:

- the proposal is contained within the approved building envelope, as sought to be amended
- the proposal is an opportunity to maximise employment generating floor space above transport infrastructure
- as a result of the integrated metro use of the site, necessary elements of the development such as storage and garbage areas are unable to be provided in a basement, meaning that these areas must be counted towards the overall GFA
- despite undertaking a competitive tender process and subject to design review panel, the proposal does not qualify for the 10% design excellence FSR bonus under SLEP (equivalent to an additional 3,909 m<sup>2</sup> of GFA or 1.24:1)
- the Applicant has adequately demonstrated the impacts associated with the additional 5,433 m<sup>2</sup> compared to Concept Approval are similar to those of a development that complies with the Concept Approval in terms of bulk and scale, view loss and overshadowing.

**3. Is the consent authority satisfied that the proposed development will be consistent with the objectives of the standard?**

The objectives of the FSR standard under the SLEP are:

- *to provide sufficient floor space to meet anticipated development needs for the foreseeable future,*
- *to regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic,*
- *to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure,*
- *to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality.*

The Department considers the proposal is consistent with the relevant objectives of the FSR standard in the SLEP, as:

- the proposed FSR is reflective of the anticipated demand for commercial floor space within the Sydney CBD
- the site is ideally situated above a Metro station to provide capacity to support the increase in public transport services within the CBD
- the GFA is contained wholly within the approved building envelope and results in equal or less impacts in terms of bulk and scale, view loss and overshadowing compared to the Concept Approval building envelope.

**4. Is the consent authority satisfied that the proposed development will be consistent with the objectives of the zone?**

The objectives of the B8 Metropolitan Centre zone of the SLEP are:



- *to recognise and provide for the pre-eminent role of business, office, retail, entertainment and tourist premises in Australia's participation in the global economy.*
- *to provide opportunities for an intensity of land uses commensurate with Sydney's global status.*
- *to permit a diversity of compatible land uses characteristic of Sydney's global status and that serve the workforce, visitors and wider community.*
- *to encourage the use of alternatives to private motor vehicles, such as public transport, walking or cycling.*
- *to promote uses with active street frontages on main streets and on streets in which buildings are used primarily (at street level) for the purposes of retail premises.*

The Department considers the proposed development is consistent with the objectives of the B8 Metropolitan Centre zone within the SLEP, as the proposed development:

- will provide opportunities for an intensity of land use commensurate with Sydney's global status.
- delivers 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
- is consistent with the planning priorities of the Eastern City District Plan in that it significantly contributes towards providing office floor area with a large floor plate in the Sydney CBD
- is consistent with the Draft Central Sydney Planning Scheme which identifies demand for office space within the CBD
- encourages the use of alternative modes of transports, taking advantage of the unique opportunity of being directly above the entrance of a Metro station
- will provide areas of active frontages for the purposes of retail premises.

## Conclusion

Having considered the Applicant's written request, the Department considers the Applicant has provided sufficient environmental planning grounds to justify the contravention of the FSR development standard and the matters required to be demonstrated have been adequately addressed.

The Department concludes the Applicant's written request adequately addresses the matters required to be demonstrated under clause 4.6 of the SLEP and the proposed development is in the public interest because it is consistent with the objectives of the FSR standard and the objectives for development within the zone. Further, the proposal would not result in any unreasonable impacts on the surrounding area and the site is ideally located to accommodate higher densities, being located directly above a new metro station within the Sydney CBD.

## Appendix E – Consistency with Concept Approval

Concept Approval	Department's Assessment
<b>Building Envelopes</b>	

A15.	Future development application(s) for the development must demonstrate that the building is contained wholly within the approved building envelopes consistent with the plans listed in Condition A2 and as modified by this consent.	The SSD application was accompanied by a section 4.55(2) modification application seeking to permit projections beyond the approved building envelope and increase the maximum permitted GFA from 50,310 m <sup>2</sup> to 55,743 m <sup>2</sup> .
A16.	Building height and Gross Floor Area are to be measured in accordance with definitions under Sydney Local Environmental Plan 2012.	The SSD application is wholly within the building envelopes, as concurrently recommended to be modified.
A17.	<p>The maximum achievable gross floor area for the site must not exceed 50,310 m<sup>2</sup> and this amount will only be achieved subject to:</p> <ul style="list-style-type: none"> <li>(a) be wholly located within the approved building envelope</li> <li>(b) compliance with the conditions of this Concept Approval</li> <li>(c) demonstration of design excellence</li> <li>(d) consistency with the design guidelines (as amended by Condition A23)</li> <li>(e) built forms above the podium for a mixed-use scheme, must have floor plates with GFA no greater than 1,000 m<sup>2</sup> and the maximum horizontal dimension of the building façade (measured parallel to street frontages) is 40 m</li> <li>(f) built forms above the podium for a commercial scheme must: <ul style="list-style-type: none"> <li>(i) articulate 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 above the podium</li> <li>(ii) each tower form having its own unique roof</li> <li>(iii) have floor plates with GFA not greater than 1,400 m<sup>2</sup> at a building height above 140 m (measured at corner of Castlereagh and Park Streets)</li> <li>(iv) built forms above the podium must have maximum horizontal dimension of building façade parallel to street frontages of 65 m in a single plane.</li> </ul> </li> </ul>	<p>The tower has been designed to appear as three different elements, each with its own unique roof form.</p> <p>The proposal is for a commercial scheme and floor plates above a building height of 140 m are less than 1,400 m<sup>2</sup>. Further, all horizontal building façades parallel to street frontages that is less than 65 m in a single plane.</p>

### Maximum Car Parking

A18.	The maximum number of car parking spaces for the Over Station Development is 50 spaces	The SSD application proposes 40 car parking spaces, which complies with the maximum number of car parking spaces established under the Concept Approval.
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### Built Form and Urban Design

B1.	<p>The detailed development application(s) shall address compliance with:</p> <ul style="list-style-type: none"> <li>(a) the Design Guidelines as endorsed by the Planning Secretary pursuant to conditions A23 and A24</li> </ul>	The SSD application was accompanied by a Design Integrity Report and Urban Design Report, which addressed the Design Guidelines and advice provided by the Sydney Metro Design Review Panel.
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(b) the Design Excellence Strategy as endorsed by the Planning Secretary pursuant to condition A25, including the advice of the Sydney Metro Design Review Panel, the Pitt Street North Design Excellence Evaluation Panel as contained within the Design Excellence Report and State Design Review Panel (or approved alternative under Condition A25).	
<p>B2. The detailed development application shall address the following built form considerations:</p> <ul style="list-style-type: none"> <li>(a) for a mixed-use scheme, built forms above the podium must have floor plates no greater than 1000 m<sup>2</sup> GFA and maximum horizontal dimension of building façade parallel to street frontages is 40 m</li> <li>(b) for a commercial scheme, must have floor plates no greater than 1,400m<sup>2</sup> GFA at a building height above 140 m and built forms above the podium must have maximum horizontal dimension of building façade parallel to street frontages of 65 m in a single plane</li> <li>(c) integration with the approved Metro station</li> <li>(d) the selection of materials is to be complementary to the existing development context and respectful of heritage items in the site's vicinity</li> <li>(e) for a mixed-use scheme, achieve compliance with the requirements of State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development and the accompanying Apartment Design Guide</li> <li>(f) wind mitigation measures arising from compliance with Condition B11 below.</li> </ul>	<p>The SSD application is a commercial scheme. The proposed floor plates are less than 1,400 m<sup>2</sup> above a building height of 140 m with a horizontal building façade parallel to street frontages that is less than 65 m in a single plane. The Department is therefore satisfied that the intention of Condition B2(b) has been achieved and is acceptable (see Section 6.1).</p> <p>The SSD application was accompanied by an Urban Design Report, which illustrated how the proposed OSD integrates with the approved Mero box.</p> <p>The Department considers the use of materials and finishes complement the surrounding heritage items and are appropriate for context of the site.</p> <p>The SSD application is not a mixed-use scheme, therefore compliance with SEPP 65 is not required.</p> <p>The SSD application was accompanied by a Wind Assessment, prepared by RWDI Anemos, which concluded the proposal would not have any unreasonable impacts on the amenity of the surrounding public domain, adjoining development or proposed dwellings subject to appropriate mitigation measures.</p>

### Design Review Panel

<p>B3. Prior to the lodgement of any Detailed Development Application, the Applicant is to submit a Design Integrity Report (DIR), to the satisfaction of the Planning Secretary, that demonstrates how design excellence and design integrity will be achieved in accordance with:</p> <ul style="list-style-type: none"> <li>(a) the design objectives of the Concept Development Application;</li> <li>(b) consistency with the approved Design Guidelines as amended by Condition A23;</li> <li>(c) the DEEP's Design Excellence Report;</li> <li>(d) the advice of State Design Review Panel (or approved alternative under Condition A25); and</li> <li>(e) the conditions of this consent.</li> </ul>	<p>The SSD application was accompanied by a section 4.55(2) modification application seeking to permit projections beyond the approved building envelope for the purposes of architectural embellishments and balustrades. A Design Integrity Report was submitted, which was subsequently updated in the RtS and adequately addressed the matters for consideration under Condition B3.</p>
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B4.	The Design Integrity Report (DIR) as required by Condition B4 must include a summary of feedback provided by SDRP (or alternative approved in accordance with Condition A25) and responses by the Applicant to this advice. The DIR shall also include how the process will be implemented through to completion of the approved development.
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## Land Use

B5.	Futured detailed development application(s) for the over station development must identify the proposed land use scheme being either a mixed-use development or a commercial development (one or the other, not both).	<p>The SSD application seeks approval for a commercial scheme.</p> <p>The application was also accompanied by a section 4.55(2) modification application seeking to increase the total permitted GFA, modify the podium envelope and to permit projections beyond the building envelope for the commercial development.</p>
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## Heritage Impact Assessment

B6.	<p>Future detailed development applications must consider:</p> <ul style="list-style-type: none"> <li>(a) the frontages of the podium should incorporate a high proportion of masonry compared to window glazing and a high degree of architectural modelling and articulation</li> <li>(b) the Pitt Street and Castlereagh Street frontages of the podium should respond to the major horizontal and vertical elements of the heritage buildings along those respective street frontages</li> <li>(c) the podium should interpret the subdivision pattern established during the late nineteenth and twentieth century, characterised by lot widths of the National Building and Masonic Club.</li> </ul>	<p>The SSD application was accompanied by an Urban Design Report which illustrated the interface with the National Building and the NSW Masonic Club. In addition, the Design Integrity Report outlined the design process which informed the proposed interface with the heritage buildings on the northern boundary and the heritage response on Castlereagh Street.</p> <p>Further, the SSD application was accompanied by Heritage Impact Statement and Heritage Interpretation Strategy, consistent with the requirements of Condition B7.</p> <p>Refer to <b>Section 6.3</b> for further detailed discussion.</p>
B7.	Future detailed development application(s) shall include a detailed Heritage Impact Assessment and a Heritage Interpretation Strategy for the proposed works, prepared in consultation with the Heritage Council of NSW and City of Sydney Council. The Heritage Impact Assessment must address the recommendations of the concept stage Heritage Impact Statement dated August 2018 prepared by GML Heritage.	

## Environmental Performance / ESD

B8.	Future detailed development application(s) must demonstrate how the principles of ecologically sustainable development (ESD) have been incorporated into the design, construction and ongoing operation of the proposal. The ESD credentials of the detailed development application shall be in accordance with the framework, targets and visions of the	The SSD application was accompanied by an ESD report, and subsequently updated in the RtS, prepared by Cundall, demonstrating the proposal would achieve a 6 Star Green Star rating, 3.5 Star NABERS waster rating and a 5.5 start NABERS energy
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	ESD Report lodged with the EIS prepared by Sydney Metro (August 2018).	rating, consistent with the requirements of Condition B9.
B9.	For future detailed development application(s) the proposed minimum performance targets for environmental performance are: <ul style="list-style-type: none"> <li>(a) for a commercial / office use:               <ul style="list-style-type: none"> <li>(i) 5 Star NABERS Energy; and,</li> <li>(ii) 3.5 Star NABERS Water.</li> </ul> </li> <li>(b) for residential use:               <ul style="list-style-type: none"> <li>(i) BASIX 40 Energy</li> <li>(ii) Exceed minimum compliance with BASIX Water.</li> </ul> </li> <li>(c) for the hotel use:               <ul style="list-style-type: none"> <li>(i) 4 Star NABERS Energy; and,</li> <li>(ii) 3 Star NABERS Water</li> </ul> </li> <li>(d) Green Star ratings:               <ul style="list-style-type: none"> <li>(i) for residential use, then 5 Star Green Star; or,</li> <li>(ii) for office / commercial use, then 6 Star Green Star; or,</li> <li>(iii) for hotel use, then 5 Star Green Star.</li> </ul> </li> </ul>	

#### Wind Impacts

B10.	The detailed development application shall be accompanied by a Wind Impact Assessment including computer modelling of the detailed building form. Compliance shall be demonstrated with the <i>Lawson wind comfort criteria</i> through the incorporation of mitigation measures within the detailed design.	The SSD application was accompanied by a Wind Assessment, prepared by RWDI, which concluded the proposal would not have any unreasonable impacts on the amenity of the public domain at ground level on, and immediately around the site. Recommended mitigation measures are discussed in <b>Section 6.7</b> , consistent with the requirements of Condition B10.
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#### Security and Crime Assessment

B11.	Future detailed development application(s) shall be accompanied by a Security and Crime Risk Assessment prepared in consultation with NSW Police having regard to NSW Police publication " <i>Safe Places</i> " <i>Vehicle Management: A comprehensive guide for owners, operators and designers</i> " and Crime Prevention Through Environmental Design (CPTED) principles.	The SSD application was accompanied by a CPTED reports, prepared by Integral, consistent with the requirements of Condition B11.
B12.	Future detailed development application(s) shall include a detailed Crime Prevention Through Environmental Design (CPTED) Report for the proposed works. The CPTED Report must address the conclusions and recommendations of the concept stage CPTED Report dated August 2018 prepared by Ethos Urban.	

#### Fire and Rescue Assessment

B13.	Future detailed development application(s) shall be accompanied by a draft Fire and Rescue Assessment / Engineering Brief for the OSD prepared in consultation with Fire and Rescue NSW providing relevant details of:	The SSD application was accompanied by a Fire Engineering Review, prepared by Warrington Fire, which proposes fire safety measures and performance solutions to meet
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<ul style="list-style-type: none"> <li>(a) The various sectors within the Pitt Street North Metro site served by independent fire systems (such as the OSD, the underground and aboveground metro sector, etc)</li> <li>(b) Fire engineering analysis of the pedestrian connection interfaces between the sectors and the sectors themselves, having regard to emergency occupant egress, fire and smoke compartmentation, smoke hazard management and firefighting intervention</li> <li>(c) Adequacy of fire and life safety systems within the Pitt Street North Metro site in relation to the fire hazards of the Sydney Metro</li> <li>(d) Design of fire hydrant systems for OSD elements that exceed 135m</li> <li>(e) Future consultation to be undertaken with Fire and Rescue NSW in respect of the final design and construction of the OSD and operational compatibility of the Pitt Street North Metro site's proposed fire and life safety systems.</li> </ul>	<p>the requirements of the National Construction Code.</p> <p>Subject to future detailed design, the proposal will be able to meet the relevant requirements.</p> <p>The application was referred to Fire and Rescue NSW who did not raise concern with the proposal and note Sydney Metro and the Applicant has extensively consulted with Fire and Rescue NSW and will continued to do so during construction.</p>
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## Construction Impact Assessment

<p>B14. Future detailed development application(s) shall provide analysis and assessment of the impacts of construction and include:</p> <ul style="list-style-type: none"> <li>(a) Construction Traffic Management Plan as per condition B17(b)</li> <li>(b) Cumulative Construction Impact Assessment (i.e. arising from concurrent construction activity)</li> <li>(c) Noise and Vibration Impact Assessment</li> <li>(d) Community Consultation and Engagement Plans</li> <li>(e) Construction Waste Management Plan</li> <li>(f) Air Quality Management Plan</li> </ul> <p>The plans referred to above may be prepared as part of a Construction Environmental Management Plan prepared and implemented under the conditions of any consent granted by future development applications, having regard to the Construction Environmental Management Framework and Construction Noise and Vibration Strategy prepared for the City Metro City and Southwest (CSSI 7400).</p>	<p>The SSD application was accompanied by a Construction Management Plan, prepared by CPB Contractors, which considers the proposal's construction methodology, impacts on traffic, pedestrians, noise, vibration and management of stakeholder consultation, construction waste and air quality. The Department is satisfied construction impacts have been appropriately assessed and will be mitigated and managed subject to standard conditions.</p>
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## Noise and Vibration

<p>B15. Future detailed development application(s) must demonstrate the following noise and vibration requirements consistent with the construction works at the site approved under CSSI 7400 can be met:</p> <ul style="list-style-type: none"> <li>(a) vibration from construction activities does not exceed the vibration limits set out in</li> </ul>	<p>The SSD application was accompanied by an Acoustic Report, prepared by Renzo Tonin and Associates, which satisfactorily addressed the requirements of the condition.</p>
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the British Standard BS 7385-2:1993 Evaluation and measurement for vibration in buildings. Guide to damage levels from ground borne vibration.

- (b) vibration testing has been conducted before and during vibration generating activities that have the potential to impact on heritage items to identify minimum working distances to prevent cosmetic damage. In the event that the vibration testing and monitoring shows that the preferred values for vibration are likely to be exceeded, the Applicant must review the construction methodology and, if necessary, propose additional mitigation measures.
  - (c) advice of a heritage specialist on methods and locations for installing equipment used for vibration, movement and noise monitoring of heritage-listed structures.
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### Traffic, Access and Car Parking

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

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| B19. Future detailed development application(s) shall address the existing capacity and any augmentation requirements of the development for the provision of utilities, including staging of infrastructure through the preparation of an infrastructure / utility management plan in consultation with relevant agencies and service providers. | The SSD application was accompanied by a Hydraulic Infrastructure Report, prepared by CJ Arms and an Electrical and Communications Infrastructure Report, prepared by LCI Consultants, which addressed the existing capacity and requirements of the development for the provision of utilities. |
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## Noise and Vibration

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| B20. Future detailed development application(s) shall be accompanied by a Noise and Vibration Impact Assessment that identifies and provides a quantitative assessment of the main noise generating sources and activities during operation including consideration of noise and vibration impacts associated with commercial development above a train station. Details are to be included outlining any mitigation measures necessary to ensure the amenity of future sensitive land uses on the neighbouring sites is protected during the operation of the development. The Noise and Vibration Impact Assessment must address the conclusions and recommendations of the concept stage Report dated August 2018 prepared by Pulse Acoustic Consultancy. | The SSD application was accompanied by an Acoustic Report, prepared by Renzo Tonin and Associates, which identified and assessed the main noise generating sources and activities during operation, including consideration of noise and vibration impacts associated with development above the Metro station. Mention outcome |
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## Flooding and Stormwater

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| B21. Future detailed development application(s) shall be accompanied by a Flood Impact Assessment. The Flood Impact Assessment must address the conclusions and recommendations of the concept stage Flooding and Stormwater Management Plan dated August 2018 prepared by Cardno and provide the following:<br>(a) Compliance with the City of Sydney's Interim Floodplain Management Policy including detailed reasoning for any non-compliances.<br>(b) Detailed stormwater and drainage design documentation including overland flow assessment and maintenance. | The SSD application was accompanied by a Stormwater Management Plan, prepared by CJ Arms, which addressed stormwater and flooding impacts associated with the development of the site. |
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## Reflectivity

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| B22. Future Development Application(s) shall include a Reflectivity Analysis demonstrating that the external treatments, materials and finishes of the development do not cause adverse or excessive glare. | The SSD application was accompanied by an External Reflectivity Report, prepared by Inhabit, which demonstrated the external façade materials of the development can achieve compliance with a specular reflectance of 16% to the whole façade (100%) without causing adverse discomfort. |
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## Justifications for Land Uses

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B23. Future Development Application(s) shall include detailed description and analysis for either a commercial or a mixed-use concept (not both) and justifications that the selected option is based on careful consideration of the benefits and potential impacts.	The Applicant undertook an analysis of feasible alternative developments for the site. The commercial option was considered appropriate as the proposal aligns with the zoning objectives and adheres to the strategic vision for the site and surroundings.
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## Appendix F – Consistency with Design Guidelines

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

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

Relevant Design Quality Guideline	Department's Assessment
Recognising the surrounding streetscape scale and providing an enhanced interface with adjacent heritage buildings, with direct reference to the height and articulation of these buildings	The proposal has been designed to respond to its context, including integration with the CSSI approved station development, adjacent heritage items and the character of the area.
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 Department acknowledges the importance of sandstone to the streetscape and heritage significance of the area and supports the application of sandstone and the transition to predominantly glazed and bronze detailing of the proposed Park Street façade.
The Park Street frontage of the podium responding to the scale of Sydney Town Hall, ensuring that the out of scale podium of the Galleries Victoria is not used as a direct scale reference.	The massing and articulation of the tower and podium facades are designed to integrate with the surrounding urban context of midtown Sydney.  The design approach creates a podium that responds directly to the street context and the heritage buildings north of the site, while closely following the Stage 1 defined envelope.
The Pitt Street frontage of the podium responding to major horizontal and vertical elements of the National Building and the Criterion Hotel, including the second-floor and upper cornices of the National Building.	The masonry datum, used to identify the height to which sandstone finishes are implemented into the design of the podium facades, also has a direct relationship to dominant features within these heritage facades.
The Castlereagh Street frontage of the podium responding to major horizontal and vertical elements of the Masonic Club, including the second and third floor cornices of the former Masonic Club as well as upper cornices.	The 45 m high podium aligns with the adjacent National Buildings along Pitt Street and steps up along Castlereagh Street to align with the height of the façade of the NSW Masonic Club, creating a continuous street wall. The materials and finishes of the proposed podium contribute to the transition from the adjoining heritage facades with the inclusion of
The form of the podium interpreting the subdivision pattern established during the late-nineteenth and early twentieth century through the modulation and articulation of	

the street frontages, noting the particular significance of the National Building and the Masonic Club.	vertical stone elements, as discussed in <b>Section Error!</b> Reference source not found..
A 45 m street wall podium height, referencing Ashington Place (National Building) (284A-250 Pitt Street) and NSW Masonic Club (169-173 Castlereagh Street).	
Dividing the podium into distinct forms along Park Street, with further articulation through the introduction of vertical reliefs along Pitt and Castlereagh Street.	<p>The division of the Park Street façade correlates directly to the location of the station entrance at the ground floor of the development.</p> <p>The proposal incorporates a continuous and full height vertical slot within the southern façade. This design decision has also resulted in further breaking up the visual presence of this southern facade along Park Street.</p>
0 m setbacks to the rear boundary in response to the adjoining sites heritage significance and inability to develop any higher.	The proposal provides appropriate setbacks, having regard to the amenity and heritage significance of the adjoining heritage items.
Alignment of over station development with established building alignments at lower levels, with lobbies provided from secondary street frontages.	The proposal incorporates the main entrance along Pitt Street and a secondary entrance on Castlereagh Street, to ensure the OSD does not conflict with the main station entrance on Park Street.
Provision of landscaping throughout the podium design, laying spaces of relief & activation and referencing landscaping carried through from Hyde Park.	The proposal includes appropriate landscaping within the podium terraces.
Recognition of the contextual relationship with the surrounding heritage listed items.	The proposal has been designed to respond to its context, including integration with the CSSI approved station development, adjacent heritage items and the character of the area.
Compliance with City of Sydney LEP 2012 street setbacks of 8 m to Pitt, Castlereagh and Park Street, with potential to provide an averaged setback along Park Street to align with the station structure.	<p>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.</p> <p>The articulated forms break the alignment of the ANZ and approved Stage 1 massing for 201 Elizabeth Street, 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.</p> <p>A more regulated approach with strict compliance to an 8 m setback along Pitt and Castlereagh streets would undermine the design response when the building is viewed in the round.</p>
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	Setbacks to the lightwells and the suggested materials of facades interfacing the light wells are considered acceptable as the reflectivity of natural light in the light wells of Ashington Place (National Building) and NSW



light coloured materials to encourage light penetration	Masonic Club are encouraged as discussed in <b>Section 6.4.</b>
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.	The proposal has been designed to present as three separate building elements, when viewed from various vantage points around the CBD.  The tower elevations have been angled back away from Park Street to reduce the apparent width of the tower's southern facade.  The alignment of the tower face on the north side has been angled away from the adjacent towers to avoid a further reinforcing of the Hyde Park solar access plane while still securing unobstructed views to the east.
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.	The tower and podium massing have been softened by rounding the corners, further enhancing the unobstructed views to the park and harbour beyond.
Modulation of the design to minimise the overall scale of the development relative to ANZ/Liberty Place & Citi Group, considering tower crowding as perceived particularly from Hyde Park & Town Hall.	
Avoiding the continuation of the diagonal NW plane façade alignment otherwise established by the proposed 201 Elizabeth Street & ANZ/ Liberty Place.	
<p>Maximising solar access to the public domain, through:</p> <ul style="list-style-type: none"> <li>a) design and articulation of the built form above the podium to ensure no additional overshadowing to Hyde Park on June 21st, between 12pm and 2pm</li> <li>b) 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.</li> <li>c) creation of opportunities to protect solar access to proposed Town Hall Square.</li> <li>d) the design and articulation of roof forms to minimise additional shadow impacts to Hyde Park between 12 noon and 2pm throughout the year.</li> </ul>	<p>The proposal does not additionally overshadow Hyde Park on June 21<sup>st</sup> between 12 pm and 2 pm and a reduction in the amount of overshadowing to Hyde Park when compared to the approved Stage 1 building envelope. Further, the design of the tower provides opportunities between 8 am and 11 am to increase solar access to the future Town Hall Square compared to the Concept Approval.</p> <p>The reduction in overshadowing from the approved Stage 1 building envelope extends to other times of the year, maximising solar access.</p>
Use of materials that reflect the function of the over station development, distinguishing them from the surrounding context and providing a simpler design resolution within the city skyline.	The use of bronze, glazing and sandstone will create a distinct and unique tower design within the Town Hall precinct and wider Sydney skyline.

Provision of landscaping throughout the design, laying spaces of relief and referencing landscaping carried through from Hyde Park.	The proposal incorporates an landscaped roof terraces on level 10 and level 11.
Provide appropriate building separation to maintain a reasonable level of residential privacy	The design exceeds the minimum requirements for privacy implications to neighbours, as discussed in <b>Section</b> Error! Reference source not found..
Minimise overshadowing impacts to surrounding residences, including private residences at 27 Park Street (Park Regis)	Sunlight Access and view impact to neighbouring premises are considered acceptable. Appropriate measures have been taken to ensure adjacent properties receive light and additional views have been improved compared to the Concept Approval, as discussed in <b>Section</b> Error! Reference source not found..
Enhancing the quality of the public domain, including provision of widened footpaths, new street trees, paving upgrades and public art.	<p>The new station plaza on Park Street has dimensions of 30 m x 23 m overall.</p> <p>The expanded pavements and bus shelter define the bus stops for east-bound buses, and increase circulation and waiting areas, while reducing street crossing distances.</p> <p>New lights and bollards improve security, making this feel like a place for people rather than vehicular traffic.</p>
<p>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:</p> <p>a) 3.3m on Pitt Street and Castlereagh Street</p> <p>b) 10.5m on Park Street</p>	<p>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.</p> <p>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 undercroft beneath the podium to create an increased and enhanced publicly accessible space adjoining the metro entrance.</p>
Reinforcing the importance of Park Street as a primary City avenue and east-west connection by locating the main entry points to Sydney Metro stations on this street	The main entrance of the metro is located on Park Street.
Providing a strong, well demarcated street address to each building through strong form modulation and well activated ground floors.	The metro has a strong entrance to Park Street whilst the OSD has a defined entrance on Pitt Street. Both entrances are further defined by the distinct full height slot, running through the podium above each.
Innovative design solutions to maximise activation within a constrained street frontage, including capturing opportunities along Castlereagh and Pitt Street. Activation opportunities should investigate a range of offerings that attract users to the place and includes a mix of building entrances and retail uses.	The Castlereagh Street façade will include heritage interpretation spaces adjacent to the adjoining National Building. Retail tenancies potentially for food and beverage use have been incorporated into the street frontages facing Pitt Street, Park Street and the corner of Park and Castlereagh Streets

Promoting a safe & user-friendly environment including weather protection, security measures & wayfinding etc.	<p>The proposal demonstrates good Crime Prevention Through Environmental Design (CPTED) including maximising natural surveillance opportunities, contributing to an active urban domain and providing well defined pedestrian routes and sightlines. The proposal demonstrates high-quality urban design and exterior finishes which are likely to enhance territorial reinforcement and ownership of the site. Key directions have been provided to help the proposal further implement CPTED principles and contribute to a safe environment.</p> <p>Proposed awnings are to be in line with surrounding buildings.</p> <p>Signage zones are indicated for the proposed development. The exact location, size and detailed design intent of the signs will be subject to a separate signage DA. Signage will be integrated with the architectural character of the development and surrounding context, and with metro and City of Sydney signage through careful placement of signs, and integration with the design, materials, finishes and colours of the proposed building.</p>
Reinforcing the east west connection between Hyde Park and the Town Hall Civic precinct, including maintaining existing views.	The east west connections will be retained between Hyde Park and the Town Hall Civic precinct, both physically and visually.
Considering the future evolution of the broader precinct, including pedestrian and visual connections with the proposed Town Hall Square.	The pedestrian and visual connections with the proposed Town Hall Square have been considered in the design of the Station and OSDs.
Provision of public art, integrated and cohesive with the design of the built form which potentially recognises former uses and is coordinated with nearby public art, including the future 'Cloud Arch' and Metro public art	A Public Art Strategy has been prepared (Appendix DD of EIS) which is considered to meet these requirements of cohesion with built form and coordination with nearby public art.
The design and location of fire stairs, services, plants and other similar building elements must minimise their visual impacts at street level.	These building elements have been carefully considered in the overall design of the development to ensure their visual impacts are minimised when viewed from street level.
The design and dimensions of any colonnade and awning along the street frontages of the site must integrate and support capacity for pedestrian access and connection to and from the station entrance and the over station development.	The proposal seeks to provide a continuous awning along Park Street, in lieu of a colonnade. This design change clears the public domain of all vertical obstructions, providing clarity on the ground plane and station entry configuration.
Acknowledge the important movement and interchange function of Park Street and integrate the sites role as an entry point into the precinct. Prioritise pedestrian access, permeability and amenity within the development and across the precinct and facilitate legible, safe and convenient interchange opportunities across transport modes.	The urban and public domain design has been developed with reference to the existing urban context and infrastructure as well as planned initiatives in the locality. Pitt Street Station connects customers using Sydney's retail core and the expanding commercial and mixed use areas of the southern CBD. The metro station completes a multi-modal transport choice in this walkable precinct. It also provides a new marker on an important east-west movement corridor through the CBD between inner western and eastern suburbs.

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Provide an OSD that seamlessly integrates all components of the development and is a positive legacy for future generations.

The design intent has been to visually integrate the station with the OSD. The centreline of the station entrance was used to articulate the tower above. The centreline divides the tower and podium into two distinct volumes on Park Street – one inclined to open a view to Hyde Park and one inclined to open a view to Town Hall thereby responding to and seeking to reinforce the urban character of the Town Hall precinct.

There is a clear separation between the commercial OSD functions and station areas and services reticulation, though there are a few shared facilities between both uses; such as the building's loading dock, maintenance access hatch areas, some above ground back of house egress stairs and ground floor fire isolated passages.

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## **Appendix G – Recommended Instrument of Consent and Notice of Decision**

### **SSD 8875 MOD 1 – Stage 1 modification application**

<https://www.planningportal.nsw.gov.au/major-projects/project/35891>

### **SSD 10375 – Stage 2 development application**

<https://www.planningportal.nsw.gov.au/major-projects/project/25466>

### **SSD 10375 – Stage 2 development application Notice of Decision**

<https://www.planningportal.nsw.gov.au/major-projects/project/25466>