

# Notice of Decision

## Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

<b>Application type</b>	State significant development
<b>Application number and project name</b>	SSD-10375 Pitt Street North Over Station Development Stage 2
<b>Applicant</b>	Pitt Street Developer North Pty Ltd
<b>Consent Authority</b>	Minister for Planning and Public Spaces

### Decision

The Executive Director under delegation from the Minister for Planning and Public Spaces has, under section 4.38 of the *Environmental Planning and Assessment Act 1979* (**the Act**) granted consent to the development application subject to the recommended conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning and Environment's Assessment Report is available [here](#).

### Date of decision

26 February 2021

### Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the objects of the Act;
- all information submitted to the Department during the assessment of the development application
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision. Additional reasons for making the decision are also recorded in the Department's Assessment Report.

The key reasons for granting consent to the development application are as follows:

- the proposal is consistent with the strategic planning framework for the Sydney CBD as it would strengthen national and international competitiveness of Sydney as an economic hub and 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 impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards.
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent.
- the proposal would achieve design excellence.
- the proposal complies with maximum building height and sun access plane development standards for the site.
- the proposal would not result in any adverse transport or traffic impacts on the surrounding road or pedestrian network.
- the project is in the public interest.

- **Attachment 1 – Consideration of Community Views**

The Department exhibited the Environmental Impact Statement for the project from 23 July until 19 August 2020 (28 days) and received four public submissions, including two objections and two providing comments.

The Department also undertook the following consultation activities:

- site visit

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include building separation, view loss, overshadowing, ESD targets and biodiversity. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Construction Impacts</i></p> <ul style="list-style-type: none"> <li>• noise</li> <li>• traffic</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• As required by <b>Conditions B15 and 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>
<p><i>Overshadowing</i></p> <ul style="list-style-type: none"> <li>• The proposal results in additional overshadowing impact on adjoining residential development</li> </ul>	<p><i>Assessment</i></p> <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> <li>• 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.</li> <li>• 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.</li> </ul>
<p><i>Privacy impacts</i></p> <ul style="list-style-type: none"> <li>• The proposal will result in adverse privacy impacts on adjoining residential developments</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• 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.</li> </ul>
<p><i>View loss</i></p> <ul style="list-style-type: none"> <li>• The proposal will result in a loss of views and outlook from adjoining buildings</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul>
<p><i>ESD</i></p> <ul style="list-style-type: none"> <li>• The proposed ESD targets fail to endeavour to achieve</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• Conditions B9 and B10 require demonstration of ESD principles consistent with the Concept Approval and also require</li> </ul>

<p>appropriate ESD for a project of this size</p>	<p>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.</p> <ul style="list-style-type: none"> <li>• The Department notes the RtS reviewed the ESD targets and proposed a NABERS Energy 5.5 rating in line with Council's submission.</li> <li>• 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&amp;A Act.</li> </ul>
<p><i>Biodiversity impact</i></p> <ul style="list-style-type: none"> <li>• The height of the proposal and the proximity to Hyde Park and Sydney Harbour will impact on biodiversity</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• The Department is satisfied the Applicant has appropriately responded to the concerns.</li> </ul>
<p><i>Impact on adjoining commercial development</i></p> <ul style="list-style-type: none"> <li>• The proposal will impact on daylight access and outlook from the adjoining commercial buildings</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul>