

Notice of decision – Pitt Street North Over Station Development

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

Application type	State significant development
Application number and project name	SSD 8875
Project Name	Pitt Street North Over Station Development
Applicant	Sydney Metro
Consent Authority	Minister for Planning

Decision

The Minister for Planning 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 Department of Planning and Environment's Assessment Report, development consent and conditions are available [here](#).

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

25 June 2019

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 and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report;
- 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.

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

- *Consistent with NSW Government and Local Policies* – the project is consistent with NSW Government and City of Sydney Council policies including the Greater Sydney Region Plan, and the Eastern City District Plan. The proposal is permissible with consent and generally compliant with the key development standards that govern height and scale.
- *Benefits* – the project would provide a range of benefits for the region and the State as a whole, including significant employment generation (commercial scheme) or mix of housing choice (residential scheme) within the Sydney CBD within a site with excellent access to services and public transport.
- *Impacts can be managed* - 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
- *Community views considered* - the issues raised by the community during consultation and in submissions have been considered and adequately addressed within the Environmental Impact Statement, Response to Submissions and the recommended conditions of consent. Refer to Attachment 1 in this regard
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from 16 August 2018 until 12 September 2018 (28 days) and received 12 submissions, including 6 objections and 2 supporting and 4 commenting on the project.

The Department also undertook a site visit and inspected several apartments within the Victoria Tower to inform the view impact assessment within the Department's Assessment Report. The Department also met with representatives from Victoria Tower on 22 March 2019 to discuss their objections.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include loss of residential solar access, loss of residential views and heritage impacts. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
Residential solar access loss of solar access to residential flat buildings in the vicinity of the development particular to the Victoria Tower and Park Regis	Assessment The RtS included an analysis of solar impacts to residential properties at 27 Park Street (Park Regis) and 197-199 Castlereagh Street (Victoria Tower) as requested by the Department. The RtS concluded that solar access to 197-199 Castlereagh Street would remain unchanged by the proposal. Solar access for the residential part of 27 Park Street would be impacted by the proposal due to the relative location and orientation of the site to 27 Park Street. The Department accepts the extent of overshadowing impacts of the proposed building envelope to Park Regis is reasonable in the circumstances because the proposed building envelope complies with the height controls defined in the SLEP and provides setbacks above the podium referenced from setback controls in the SDCP. The impacts are strongly influenced by development density at the CBD location and the relative orientation with the site being directly north of Park Regis. Conditions The proposed building envelope represents the maximum extent of future built form. The Department recommend an additional Design Guideline requiring future built forms to minimise solar impacts to the residences of Park Regis.
Amenity impacts Loss of residential views	Assessment The Department assessed the impacts of the proposed building envelope to existing views from apartments in the vicinity of the proposed building envelope. Apartments that were considered in detail were: Victoria Tower (197-199 Castlereagh Street) and the Park Regis (27 Park Street). The Department's assessment concludes the proposed building envelope will have reasonable view impacts to surrounding buildings, because: - the proposal will not affect the primary views from Park Regis or Victoria Tower - retention of views to Sydney Tower would be unreasonable, noting the setback that would be required, the distance from Victoria Tower to Sydney Tower and considering redevelopment on other sites in accordance with SDCP controls will also obstruct the view. Conditions Conditions include endorsement of a Design Excellence Strategy and Design Guidelines, including a revision to the Design Guidelines requiring future built forms to incorporate articulation to reduce mass and scale so that a future building better responds to the scale of surrounding buildings.
Heritage impacts impacts of the bulk and scale of the building envelope on the heritage item known as	Assessment The Department acknowledges that the building envelope provides a 45m street wall podium height that references the existing building heights of National Building (248A-250 Pitt Street) and the NSW Masonic

the Masonic Club and surrounding heritage items • significant change in podium scale • loss of solar access to the Masonic Club	Club. The Department's assessment concludes the proposal has acceptable impacts to adjoining and surrounding heritage items subject to the submitted Design Guidelines (as supported by the Heritage Council). <i>Conditions</i> The Department endorses the recommendations of the Heritage Council who supported the proposal and the proposed mitigating measures to protect light access to the adjoining light wells, requiring future design to respond to the major design elements of the adjoining heritage buildings and interpret the historical subdivision pattern.
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